

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

FIFTH MEETING

April 24, 2012

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

MINUTES TAKEN BY:

DIANA FLESHER AND ALISON MAHONEY, COURT STENOGRAPHERS

(THE MEETING WAS CALLED TO ORDER AT 9:33 AM)

D.P.O. HORSLEY:

All Legislators, please, come to the horseshoe.

Mr. Clerk, would you please call the roll?

MR. LAUBE:

Will do. Good morning.

(ROLL CALL BY MR. LAUBE, CLERK)

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

Here.

LEG. MURATORE:

Here.

LEG. HAHN:

Present.

LEG. ANKER:

Here.

LEG. CALARCO:

Present.

LEG. MONTANO:

Here.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Here.

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:
(Absent)

MR. LAUBE:
Sixteen.

LEG. GREGORY:
Here, Mr. Clerk.

MR. LAUBE:
Seventeen.

D.P.O. HORSLEY:
Alrighty. Good morning everybody and welcome to the General Meeting of April 24th, 2012 in the beautiful Town of Riverhead.

May I ask Legislator Schneiderman to please lead us -- to the salute of the flag.

SALUTATION

D.P.O. HORSLEY:
All right. The invocation will be given by Reverend Bernadette Sullivan, Rector of the St. Mary's Episcopal Church in Hampton Bays, guest of Legislator Jay Schneiderman.

LEG. SCHNEIDERMAN:
Please remain standing. Mother Bernadette Sullivan, a Long Island native, is the Rector of St. Mary's Episcopal Church in Hampton Bays, New York, where she has ministered since 2000.

In 2001, Mother Bernadette volunteered St. Mary's as the first church of the South Fork to participate in the Maureen's Haven Ministry to the homeless. Together with ten other churches on the North and South Forks, the program today offers a place to stay and a home-cooked meal as well as a safe haven for the homeless.

Mother Bernadette has a long history of service to her parishioners and to the community at large. Her work with the American Legion or Hampton Bays Public Library, Peconic Community Council, and the homeless population is well known. Mother Bernadette has made St. Mary's Church synonymous with healing, spirituality and giving.

This Sunday will mark the centennial, the founding of St. Mary's Episcopal Church. I'm happy to introduce Mother Bernadette to lead us in this morning's invocation.

REV. SULLIVAN:
Thank you. Thank you, Legislator Schneiderman for that very gracious invitation. I am known for having a rather large voice, so I think I will use it now with or without the microphone.

Let us bow our heads in prayer. Good and gracious God, we are thankful that you have brought us to the morning of a new day. We learn from your Holy Scriptures in the book of Psalms that your mercies fail not as we are indeed the work of your hands. And it is the work of your hands that we lift to you today as we thank you for the divine and public trust you have placed in your public servants, the Legislators of Suffolk County. They have the daunting task of holding the welfare of more than 1.4 million Suffolk residents in their hands.

They deserve our respect and our prayers. And we pray now for the good work to be done here. We pray for the Legislators of the Suffolk County Legislature in this their General Meeting. Deliver them from the distraction and anxieties of their lives, that they may enter into their work today with focused attention, clear purpose and renewed vigor. Lead them in the path of righteousness, justice, freedom and peace. Open their minds and spirits to your life giving truth that they may make wise decisions, painful decisions often times on behalf of the people they represent. Fill them with your holy and life giving spirit that they may act with courage and integrity as they serve the people of Suffolk County.

Keep them united as a Legislative body, that they may do their work well without bitterness or rancor. Make them devoted to the noble and difficult work you have called them to do. Keep them ever mindful of the suffering and needs of others, that justice and mercy may prevail and the common good be preserved.

When their work in this place is done, send them out with refreshment of spirit and give them a safe journey home. We ask you to grant these our prayers, Oh God, our Creator, Redeemer and Sanctifier. And as a minister of the Church of God, it is my privilege and my pleasure to offer this blessing, may God sustain and keep you in your good work, may God's mercy fail not and may God's love and peace of righteousness be upon you this day and always, amen.

AUDIENCE: Amen

D.P.O. HORSLEY:

Thank you very much, Mother. I would like us all, please, to continue standing for a moment of silence for the FDNY Lieutenant Richard Nappi of Farmingville who died while on duty battling a warehouse fire in Brooklyn. Lieutenant Nappi was also a volunteer fireman for the Farmingville Fire Department and an instructor at the Suffolk County Fire Academy in Yaphank.

Let us all remember all those men and women in the military who put themselves in harm's way every day to protect our country and our freedoms.

MOMENT OF SILENCE OBSERVED

Thank you very much. Alrighty. Again, good morning and welcome to our General Meeting in the beautiful Town of Riverhead. We have some proclamations to start off the day. And the first proclamation goes to our Legislator from the East End, Legislator Romaine.

LEG. ROMAINE:

Thank you very much, Legislator Horsley. This has been a banner year for girls' basketball and girls sports on the East End. And, first, I'd like to call up the Girls Varsity Basketball Team from Southold, the Southold Settlers. These young ladies won the League A Championship. They then won the Suffolk County Class C Championship. And then they went on to capture the Long Island Class C Title Championship.

They are champions. They are a great team. And they have brought great distinction to Southold School. Are they here? Come on up.

(APPLAUSE)

We have for them a proclamation in which we declare this day, the 24th of April, as Southold Settlers Day in honor of their championship. And for each of the ladies that serve, we have a Certificate of Merit for their service to their school. And I'm going to ask both the coach and the assistant coach to come up and say just a few brief words about their team.

(APPLAUSE)

MS. HENNES:

I just want to say that this is my first year as the Varsity Coach here at Southold High School. And my name is Katie Hennes. And these girls have shown tremendous effort throughout the entire year. You know, we came back from a tough, tough game in League C Championship -- the Long Island Championship. We won in overtime. And it was a great game and it's just a testament for every kid on this team. And these girls work hard every day and we look forward to having that opportunity next year. So, thank you very much for the recognition. Thank you.

(APPLAUSE)

LEG. ROMAINE:

And their Athletic Director, if you'd like to say a few words, sir?

MR. BRAICO:

I'd like to echo a lot of the same things that Coach Hennes said about the girls. The girls did -- were fantastic throughout the course of the year. They played with character and class and truly represented it -- represented our student body at Southold. And it's a pleasure to have them so associated with our school. Thank you.

(APPLAUSE)

LEG. ROMAINE:

I'll put this in my office. If you ever visit, it will be there. (Referring to a basketball given to Leg. Romaine)

Now, from Southold I'd like to move to Riverhead. And before we get to the team, I want to mention a number of young ladies there. First, Melodee Riley. Melodee is a gifted athlete on the basketball court. She shines on the track and in field and she was named the Track Athlete of the Year by the United States Track and Field. It's a National award. She earned All Conference in 2012 and was named Second Team All Long Island and received a full track school scholarship to UConn. Melanie?

(APPLAUSE)

LEG. ROMAINE:

Just stay right there. Okay.

We also have two other young ladies who served on the basketball team, although Melanie won her awards in track, the other two scored over a thousand points in their career. And the first one is Shanice Allen, who earned an All County Athlete in 2010 and 2011, and this year was named Second Team All Long Island. Miss Allen, come on up.

(APPLAUSE)

Janylyn Brown also scored over a thousand points in her career, earned All County Athlete in 2010, 2011 and 2012. And this year earned First Team All Long Island and a scholarship to CW Post. Miss Brown, come on up.

(APPLAUSE)

Ladies, we're going to make sure you each get a copy of this photo.

(APPLAUSE)

Now, to the Girls Varsity Basketball Team from Riverhead, the Blue Waves. This year they captured the Suffolk County Class AA Tournament Title which hasn't been done since 1984 by defeating the undefeated Hauppauge High School girls. Next they went on and took on the Class B Champion Southampton High School for the section -- I guess it's Section 11 Title and prevailed. And next they won against Baldwin High School and earned the Long Island Championship Title. This placed them in the final four. A tremendous effort. The entire Town of Riverhead followed their efforts, followed their games, cheered them on. And we are very proud of what they have accomplished and we're very proud also of their Coach, Dave Spinella, who was named the Suffolk County Coach Of The Year and also reached a milestone by recording his 100th win as the Varsity Head Girls Basketball Coach for the Riverhead Blue Waves. So, I'm going to ask the Coach and the ladies to come up. We have certificates for them as well as a proclamation naming this day in their honor for their accomplishments. Ladies, Coach.

(APPLAUSE - PHOTO TAKEN)

D.P.O. HORSLEY:

All right. Thank you very much to all and congratulations. I would like to now call on Legislator Schneiderman who will present proclamations to three basketball teams who were crowned County champs in their own individual classes. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Thank you. Thank you, Mr. Deputy Presiding Officer. I guess it was a good year for sports on the East End. We just saw a bunch of East End kids that Legislator Romaine highlighted. And I'm also going to highlight a few teams myself, starting with the Lady Mariners from Southampton. And I think we're going to try to bring them. I'm joined today by Athletic Director Darwin Philips, Head Coach Richard Julie Winkfield as well as Assistant Coach Diane Guida.

And I have to say, you know, I've been following the Nicks a little bit. And it's getting close to playoff time. And it looks like they're going to make it. But I can't tell you the excitement that the Lady Mariners were getting within Southampton High School. Just as they were getting closer and closer to the finals, and everybody was talking about this team, you could hear it, my kids go to that school, and anywhere in the school you could hear the cheers coming from the auditorium every time they played. What an exciting team.

They did terrific. You know, as you know, they are different classes. And with smaller schools you have -- you have your Class C and D. You also have teams divided by gender male and female. So, for their Class, which is -- give me one second here, as they come in, this is a Class B. So, the Lady Mariners were the Suffolk County Class B County Champions first time since 1998. Their big win a 35/31 win over another East End team, Hampton Bays. Tremendous coordination by this team, tremendous playing. Really exciting final game.

And I have to hand it to all the players, Judy who is very involved in the community as well, great effort by everybody and certainly to be commended by the County. So, Judy is here. Darin Philips -- is Darin here? Darin is not here. And Diane Guida, Coach Diane Guida, congratulations. I have a proclamation for you guys as well.

(APPLAUSE)

And I just want to take a quick picture. And then I have another team I'd like to highlight. You guys stay right there.

(PHOTO TAKEN)

LEG. SCHNEIDERMAN:

All right. Next we have -- we have another team here. You may have heard of the Bridgehampton Killer Bees. They've earned a reputation over the years of having just an extraordinary boys basketball team. Year after year, these guys have ended up in the finals or close to it. Once again, at the direction of Head Coach Carl Johnson, as well as Athletic Director MaryAnn Jules, the Bridgehampton High School Basketball team Killer Bees won the County Class B Championship. Let's see if I have a score for you. What was it? 73 to 50, so it was a blow out. Really, that's great. So, congratulations guys. You've done it again.

(APPLAUSE)

This is a pretty young team. Of you guys, how many are graduating? A couple? All right. So, you guys are going to be on the team again next year so we're going to see you guys again hopefully. Keep up the great work, great team effort. Congratulations to all of you and your coaches. You've done the school well and you've made us all proud. Thank you.

(APPLAUSE)

D.P.O. HORSLEY:

Thank you. All right. Congratulations to all. And thank you, Legislator Schneiderman.

All right. We now have for proclamation -- Legislator Cilmi and Legislator Browning will present a proclamation to Senior Probation Officer Jeffrey Nichols, who is responsible for putting out a brush fire in the Third Legislative District while on duty. Miss Browning, Mr. Cilmi.

LEG. CILMI:

Thank you, Mr. Presiding Officer -- Deputy Presiding Officer. Did you call Legislator Kennedy as well? I'm not --

D.P.O. HORSLEY:

No, I didn't but I didn't -- he wasn't on my script.

LEG. CILMI:

I believe our honoree today is a constituent of Legislator Kennedy's. I think he wanted -- oh, here he comes.

So, thank you again for the opportunity. And I certainly welcome Legislators Kennedy and Browning to join me in honoring yet another outstanding County employee. Month after month, meeting after meeting, when we do these things, it's become apparent to me that we really have a bunch of super heroes in our Probation Department.

(APPLAUSE)

LEG. CILMI:

Yeah, absolutely.

(APPLAUSE)

From jumping into moving cars to pulling over to put out fires, I mean, it's just -- the stories are outstanding, and these men and women are engaging with criminals -- many criminals day in and day out putting themselves constantly into dangerous situations. And, you know, although I enjoy doing this and I know my colleagues join me in praising our Probation Officers, they truly don't get enough credit.

Now, in this situation we have Senior Probation Officer Jeff Nichols, who earlier this year in March happened to be with his partner driving back to the office smelt some smoke; didn't really know where the smoke was coming from, but smelt some smoke and decided to, sort of, pursue an instinct that he had.

He ended up pulling over and finding a -- virtually a brush fire in someone's backyard. So, he called 911, did all the appropriate things, but he didn't stop there. And this is what amazes me about our Probation Officers. This has nothing to do with his job. He doesn't stop with 911. He doesn't stop with alerting all of the neighbors that there's a fire in this person's backyard and was telling the homeowner, who didn't -- wasn't aware that there's a fire in the backyard, he picks up a garden hose and he proceeds to contain the fire, which had now spread into a neighboring resident's property with a garden hose. I mean, this is just a truly, truly remarkable story. I am forever grateful for the work of our Probation Officers and, especially today, for the work of Senior Probation Officer Jeff Nichols. He deserves a great round of applause from all of us.

(APPLAUSE)

And I'll let Legislator Browning say a few words also.

LEG. BROWNING:

I have to say in light of the recent fires, we know how the weather was. And this is a neighborhood in my District. It's very populated, many homes. I just want to say thank you. You saved many lives possibly in my District and prevented -- a lot more damage that could have happened. So, I appreciate it. And I have to say Peter and Jeff both work in my District and in the Shirley area, Shirley/Mastic's area. And I can tell you that they're very dedicated, very hardworking Probation Officers. And I know that they're serving my District very well. And I thank you for everything you do.

(APPLAUSE)

LEG. CILMI:

So, Officer Nichols, on behalf of all of us in the Legislature and all of the residents of Suffolk County, we'd like to present you with this proclamation. Please, keep up the good work, be safe, God bless and thank you.

(APPLAUSE)

D.P.O. HORSLEY:

Congratulations, Officer Nichols. Okay. Next up is Legislator Anker who will present certificates to the Rocky Point Cheerleaders for their second National Title Win.

LEG. ANKER:

Come on up and get your certificate of congratulations. Here we have the Rocky Point Cheerleading Squad. Okay, we're going to let you go ahead and get set up for your photo. I am very proud to present you a certificate of the congratulations. And also notable recognition for the accomplishments that you've made. And, you know, you talk about cheerleading. I have to say I'm a former cheerleader, yeah, yes, I'm a former cheerleader. Yep. And I got a lot out of it. I mean, not only is it a wonderful sport, because it is a sport. Because I want to know how many people that can do the physical activity that, you know, again, the gymnastics and everything that is required.

And I think even more important, again, is elevating the idea of a cheerleader. What you do is you bring that type of energy and that type of excitement to the entire school. You get the kids going. You get them proud to be a student in that school and celebrating the sport. So, again thank you so much. I just wanted to mention Coach Ana {Spolina}, thank you so much for your hard work. Where are you? Thank you, thank you as well the entire Cheerleading Squad. So, girls, thank you so much. I appreciate all your hard work.

(APPLAUSE)

And, again, there's 23 members. And we have the Rocky Point Athletic Director Amy {Agnisi} -- excuse me, say it again, {Agasini}. Okay, there were go. And, again, thank you so much. I just can't tell you how proud I am for the accomplishments you have made. And, again, keep up the spirit, keep up the excitement and -- throughout your entire life because this will -- this is just a starting point for what you can accomplish. So, nationally, this is wonderful. So, again, thank you so much. I'll be right back.

(APPLAUSE - PHOTO TAKEN)

D.P.O. HORSLEY:

All right. Legislator, you're still on with your certificate to the Applebee's of Miller Place.

LEG. ANKER:

Okay, we have Applebee's. Can Applebee's from Miller Place Managers and the Directors please come up. I'd like to give this award in recognition for what Applebee's in Miller Place has done for the community. I just want to say -- mention a few of the community service projects they've worked on. Operation Veronica, the VFW 6249, a pancake breakfast where I actually got to participate in, I was a server. And, again, you're probably learning a lot about me today than you really want to know. But that's one of the rare times you see me in a kitchen with an apron. (Laughter) But it was a pleasure to serve the veterans. And, again, Joe Cognitore, please come up. I know you're making your way out, you're trying to get away. But no, no, I recognize Joe Cognitore who, by the way, was Person Of The Year for our local paper. And for -- you're amazing what you do in helping the community, especially our Veterans. And as a daughter of a disabled Veteran, I am very, very much appreciative.

Other organizations, American Red Cross, you helped with the Walk For Disaster Relief and provided them with food and beverages. You helped with the participants and raised donations, again, for the Walk For Disaster Relief. 911 Veterans Association, you gave our Veterans free meals on Veteran's Day. Thank you so much. That's wonderful. The ALS walk, you donated food; numerous school activities for field day, donated food. And, again, this was something that -- this is a corporation and a business and you're helping so much the community. So, again, thank you so much. So, we have Marc Prince, Director of Operations and Dean Polycranos and Joe Cognitore from VFW 6249. Thank you so much. Would you like to say a word or two about how your company helps in the community?

MR. PRINCE:

Well, it's an honor to accept this award. We do a lot with the communities. For the Veteran's Association, we've done a couple of flapjack fundraisers where they've made almost \$5,000 between two events we hosted. As the Legislator mentioned, we worked with so many organizations and so many schools throughout all of Long Island, and especially in Suffolk County where we have many locations. So, again we're really appreciative of this recognition. And thank you very much, Legislator.

(APPLAUSE)

LEG. ANKER:

And I just want to say I hope this inspires the other corporations and food services to do what you have done, because I hope you will -- you're setting an example, a wonderful thing for our community. Again, shop local, eat local and help support our local economy. Again, thanks so much.

(APPLAUSE)

PUBLIC PORTION

D.P.O. HORSLEY:

All right. Thank you very much, Legislator Anker. And congratulations to Applebee's.

Let me -- we're now going to be moving to the Public Portion of the agenda. Just to remind everybody that you have three minutes to speak and we'll have a timer on and we'll keep you advised if your time is running long. But I wanted to mention that after the Public Portion, the CN's on the budget mitigation will be taken out of order; and just wanted to let our Legislators know that as well. That's all, of course, time permitting.

But let us start with Public Portion. The first speaker that we have today is Mona Ramjas. Come on up.

MS. RAMJAS:

Good morning everyone.

D.P.O. HORSLEY:

Yes, right there. Barbara, would you maybe give her a hand?

MS. RAMJAS:

Good morning everyone. My name is Mona Ramjas. I come to you respectfully and humbly to present my case and to speak not only for the Bureau of Public Health Nursing, but for all people, all residents of Suffolk County.

Like I said, my name is Mona Ramjas and I'm a naturalized citizen of the United States. I have been living in Suffolk County for the past 25 years. It is my home. I have been in the nursing profession for over 40 years. I have been employed by the Suffolk County Bureau of Public Health Nursing, Department of Health, for the past ten years. I am currently the Director of the Bureau of Public Health Nursing. This position I've held for 20 months. I myself have been a Public Health Nurse for five years.

I know that you've already heard from Dr. Tomarken and Professor Doctor Breen and Miss Ann Kellert about the virtues of the Bureau of Public Health Nursing, the unique role that Public Health Nurses play in Suffolk County. We're probably one of the only counties that have this unique Bureau

of Public Health Nursing. They describe the duties of the Public Health Nurse.

And today I come before you to bring you a few important facts before you make your decision. Because that is what I base my Bureau on, the facts and the truth. Did you know that communicable disease is on the rise? Did you know that we still cope with TB cases and leprosy? We have people coming from all over the world into the United States of America. And some of them find their way here in Suffolk County. It is our duty to preserve and protect the health and wellbeing of our people.

I also want to point out to you that in 2004 the County invested over \$250,000 in an electronic medical system for the purpose of billing and to be HIPAA compliant. We are able to bill because of the -- because of the charts, we're able to bill Medicare and Medicaid to bring in revenue. We are a fully electronic system and eight years in the system. Ten of our nurses, and I myself, have used this program since the inception of the system. We are one of its kind. We are not the only chart in Suffolk County, but we're the only one that's already on board with what CMS rules -- CMS Blue Center, Medicare, will be that in 2014 all medical records and systems have to be electronic.

Today we have spent over \$500,000 in obtaining and maintaining our system. It is rated as one of the best. So, I ask you this question today: Why would you want to get rid of it? That would be like building a million dollar mansion and then allow it to rot by neglecting it. Our nurses are experts at finding patients. They're expert carrying a nursing bag, a scale and a laptop on their home visits as they climb the stairways to the attic or the basement. I know this because I used to be one of them.

Our clerical and nurses are knowledgeable on the use of this unique tool, our Bureau's electronic system. If you change our staff, you will destabilize the Bureau and --

(TIMER SOUNDED)

D.P.O. HORSLEY:

Miss Ramjas, would you please wrap it.

MS. RAMJAS:

All services come to an abrupt halt. That would be like sending a man with a heart problem to see a gynecologist. I'm sorry, just two more minutes.

D.P.O. HORSLEY:

No, no, we're sorry. We have rules, Mrs. Ramjas.

MS. RAMJAS:

Okay. I prepared a package for you.

D.P.O. HORSLEY:

That'll be fine. And we'll distribute that.

MS. RAMJAS:

And in it they have all my other points that I wanted to bring home today.

D.P.O. HORSLEY:

Thank you very much. I'm sure the Legislators will read them.

MS. RAMJAS:

I hope and pray and may God bless you all, and that you hear the voice of the people.

D.P.O. HORSLEY:

Thank you.

(APPLAUSE)

D.P.O. HORSLEY:

The next speaker will be Anne Kellett.

MS. KELLETT:

My name is Ann Kellett. I'm a professional nurse, member of the Professional Advisory Committee. Excuse me? Okay. Yikes. Okay. I'm a member of the Professional Advisory Committee to the Bureau of Public Health Nurses.

What I have given up is a packet which contains three attachments. One is a brief description of the very programs offered by the Bureau, which are rather unique. And others are programs which are integral to other service departments within County government.

The second attachment is prepared by the Director, Miss Ramjas, to contain examples of the complex and demanding cases typically referred to the Bureau. The description of several referred cases is evident of the clinical burden and the time requirement to accomplish the full independence of patients and families.

The outcomes of these demonstrate that the Public Health Nurses know exactly what they're doing. In addition, these nurses are culturally competent and are able to accommodate treatment decisions to meet the acceptance of families and in collaboration with multiple agencies and professional groups. Private agencies continue to refer some of these complex and time demanding cases to the Bureau. A review of the private market makes evident the fact that some agencies, they not accept certain cases due to a lack of special skills needed as well as other factors, such as an unwillingness to go into unattractive areas, infested areas, homeless shelters, substance abuse homes as well as a reluctance to be locked into extensively time-demanding cases.

We all know that time is money. Private means profit and public necessarily means subsidy. But let me be clear that the private agencies and the public agencies work well together. In fact, two private agency representatives serve on the Professional Advisory Committee. It seems, then, excuse me, that any shift in services will create holes in the system. And so it must be asked, how can any cancellation or limitation of services be justified?

Ask what becomes easy to recognize. And that -- excuse me -- and what becomes easy to recognize, then, is that there exists a necessary relationship between the government and the community, most especially the poor, the uninsured and the underserved. The burden here is to provide for health and general welfare of the population in each of your districts. Is that it?

D.P.O. HORSLEY:

Yes.

MS. KELLETT:

I have a question.

D.P.O. HORSLEY:

No, Miss Kellett.

MS. KELLETT:

No question?

D.P.O. HORSLEY:

No, there's no questions. We don't permit questions.

MS. KELLETT:

Oh, my. Okay. Excuse me?

LEG. SCHNEIDERMAN:

We have the rest of your statement.

MS. KELLETT:

Yeah, but I wanted to ask a question.

D.P.O. HORSLEY:

Thank you, Miss Kellet.

(APPLAUSE)

D.P.O. HORSLEY:

Okay, Diana Cherryholmes.

MS. CHERRYHOLMES:

Good morning. My name is Diana Cherryholmes. And I'm here to tell you my story this morning. Since the age of 13, I smoked cigarettes. I am one of thousands of Suffolk County residents that are addicted, in my case, to cigarettes. I've tried by quitting cold turkey, through the American Lung Association, hypnotism and other methods. None have worked. I've been ostracized and criticized for my addiction.

Through the Suffolk County Learn To Be Tobacco Free Program, I have found success. The staff and program participants have supported me unconditionally throughout my journey as a non-smoker. It isn't easy to learn to be free of cigarettes but with this program, classes, medications and the support groups, today I am at 573 days into this journey of nonsmoking.

(APPLAUSE)

People fighting this addiction have chronic relapses and to my surprise I did as well. Now I'm back to the weekly programs and without strict attention I could relapse again. And in this moment and, frankly, earlier this morning I wanted a cigarette. Did I need it? No. Do I really want it? No. I'm living without thinking constantly of having a cigarette.

Learn To Be Tobacco Free has given me the tools for behavioral change and to understand the psychological triggers that put me in that place of wanting to have a cigarette. I go there now when I am extremely stressed, because for most of my adult life, that's how I dealt with stress. I go and I have a cigarette. But now my health and pocketbook have improved. I'm a better employee. I have significantly fewer sick days of illness due to -- illness related to smoking. I have more money to spend translating to more tax dollars spent in Suffolk County.

You all have great challenges with the deficit and I very much appreciate the service that you provide to the citizens of Suffolk County. Today I urge you to support and retain the health education in Suffolk County not just for myself, but for all the citizens. Smoking cessation is a critical education program and should be continued until we can abolish this addiction. Supporting this program reduces health care costs and creates a healthy community. Thank you very much for your time this morning.

(APPLAUSE)

D.P.O. HORSLEY:

Thank you very much, Miss Cherrholmes. And congratulations. Next speaker is Richard Pecchio. Becchio or Pecchio?

MR. PECCHIO:

Pecchio.

D.P.O. HORSLEY:

Pecchio, I'm sorry.

MR. PECCHIO:

Good morning. My name is Richard Pecchio. I am 68-years-old, a resident of Miller Place for 40 years, a life member of the Miller Place Volunteer Fire Benevolent Association and a veteran.

For the past 25 years I have safely tested backflow devices in both Suffolk and Nassau County. In 25 years I have never seen a negative or dangerously low water pressure problem caused by turning off and restoring the water for a backflow test. If I had, I would have advised the customer to call his plumber. That is what a tester is supposed to do.

We are not claiming to be plumbers. We are testers. The certification is for the testing of backflow devices only. Suffolk Law 37 2011 says that the State only provides a basic overview of plumbing and building codes. That is because the tester is just that: A tester, not a plumber. His job is to test back flow devices and report whether or not the device passes or fails. If more training were necessary, it would have been included; or the State Health Department would have been guilty of incompetence. Are you intending to label the New York State Department of Health as incompetent?

The new law states that only a Master Plumber has the requisite knowledge and skill to ensure a system access to water is turned on and off safely. When you attend the testing training course, you learn that the very end of the public water supply is the faucet in your kitchen and the toilet flush valve in your bathroom. With that knowledge, under 37 2011 you would need a Master Plumber in order to safely get you a glass of water or flush your toilet.

This law does nothing but deny me and many others the right to earn a living. With a stroke of the pen, we can no longer perform a service that many of us have been doing for more than 20 years. I say to you after 25 years, I am no longer qualified. I cannot understand that. Last week in his State of the County address, the County Executive said "we want people to know Suffolk County is open for business." So, why then are you closing mine and countless others? Our County Executive said he was forming an executive -- an Economic Development Committee. Economic development starts at the bottom with consumers, who purchase goods with the money they earn by having a job.

Please, do not take ours. Our County Executive says leadership starts at the top. I ask you to provide leadership now. The clock is running. Tests must be done. Clients count on us and we rely on their business to earn our livelihood. In a time of economic strife, we need to maintain our employment more than ever. Please, don't turn your backs on us.

The legislation -- this legislation was done almost completely in secret. I and many others did not find out about it until long after the fact. I would not have known except for I received mail from the Suffolk County Water Authority Cross Connection Control. The law only serves the interest of a few. It makes them my unwanted and unneeded partner, one who can easily dismiss me after he has taken my business.

Our County Executive said he has dismissed 12 attorneys to save money. Why then would the Legislature want to involve the County in a class action suit instigated by this legislation? Let's not waste time or money. Let's make the necessary corrections to 37 2011 now.

I respectfully request that either 37 2011 be thrown out or all persons holding a valid certificate of competence be grandfathered into the law so that we may continue to live and earn a living in Suffolk County. Thank you for your time.

(APPLAUSE)

D.P.O. HORSLEY:

Thank you very much Mr. Pecchio. The next speaker is Victoria McGrath.

MS. McGRATH:

Hello. Good morning. My name is Victoria McGrath. I'd like to thank you for allowing me to stand before you and speak today. Let me introduce my daughter. Her name is Sarah {Shultzites}. She's eight-months-old. I have been before the Suffolk County Legislature before under the threat of layoffs. And now I'm here again for the same promise, that I'm threatened with a layoff. And even if I'm not going to be threatened with a layoff, I'm being threatened with possibly a reduction in pay as a result of somebody else being threatened with a layoff. And I have to look the person next to me in the eyes knowing that that person may lose their job.

My daughter comes here with me today because I'd like her to see how our government works. This is our Suffolk County Legislature. And I'd like to let her see all of you in the eye as I did today. And one of you knowing that you may vote to let me and about approximately 400 to 500 other people go, because you need to balance a budget. And you feel that the county workers are responsible for balancing that budget. It is not.

(APPLAUSE)

We are not responsible for that. We come here. We work. We pay our taxes. We pay our taxes. Obviously she's here because I can't afford to pay her child care through the day so I can be here and plead my case and the case of every other Suffolk County employee standing in this room, sitting in this room or standing outside protesting. And unfortunately there are many more that actually have to go to work today because we don't want to shut down the County. We want it to function for every citizen of this County. And we do our part to the best of our ability. I was willing to give up a pay check the last time the County faced a budget crunch, and lag pay. I'm doing my part as best I can. I'm asking Sarah to help me out here to help protest so that she wear a sign which apparently is barred from this room. Do you know what the sign says? "Please don't lay mommy off." And that's the reality we're facing.

(APPLAUSE)

You know about eight years ago, the price of gas was around two bucks. Today it's around four. And that's because the price increased. And it would be unreasonable to think that your taxes won't increase also. And unfortunately we want to be and say to the local taxpayer, guess what, you know that County fund that you pay? Instead of increasing you by \$10 on your property tax, we're going to keep it at the same rate and look like heroes that we're not raising taxes. Well, guess what? Now we're going to be laying everyone off.

(APPLAUSE)

At what? We're going to be laying people off for that. These people are going to be collecting unemployment or be on welfare or food stamps or whatever other every social assistance is offered by the County. And how much with that cost everyone then? And how much will it cost when you don't have services because they've shut down? That's all I have to say. Thank you.

(APPLAUSE)

D.P.O. HORSLEY:

Thank you very much, Miss McGrath. Thomas Buttaro. Thomas Buttaro.
Thomas Buttaro.

MR. BUTTARO:

Good morning. I'm here today to speak on resolution IR 1362, a local law to expand the County's traffic control monitoring system. First and foremost, I support the system as long as it's run properly. No program is perfect. Every system has glitches, which must get ironed out. The program is run by Suffolk County on state roadways. The State controls the lights and the timing at those intersections. The County doesn't. Every week Suffolk County does a maintenance test to report on the cameras. The State is not held to the same standard. The States tests their lights -- the timing of lights as they see fit.

In order for this program to be successful, traffic lights must be properly timed. This is probably the most integral part of the program. The driving public is being held accountable so first timing must be achievable. Improperly timed lights leads to more lights being run. This program must be initiated by safety, nothing else. I got some information from the Department of Motor Vehicles. Stopping distance is broken up by perception distance, reaction distance, braking distance, that includes your total stopping distance.

The average perception time for an alert driver is one and three quarter seconds. The average driver has reaction time of three quarter to one second. With air brakes, commercial trucks, there's added delay, brake lag. With air brakes, it takes a little time, one half a second more for the air to flow through the lines to the brakes. Thus, the total stopping distances for vehicles with air brake systems is made up of four different factors: Perception distance, reaction distance, brake lag distance and braking distance. That will equal your total stopping distance.

I did a FOIL request to the State on the timing yellow intervals. As of March 16, 2011, they set a new policy of yellow intervals. In a 55-mile-an-hour -- mile per hour zone, the yellow interval is supposed to be set at 5.4 miles an hour. I also included in the packet violation summonses. The yellow interval time for this intersection interaction which was six weeks later was still only 3.9 seconds. That's a full second and a half difference than prescribed by the State.

I also enclosed three weeks after the summons was issued, the State -- after the policy was in place, the State finally adjusted the light to the new policy as a matter of fact. The State is doing things with their lights. The County has no knowledge what's going on with their program. The public is being held accountable for almost near impossible times to stop vehicles.

(TIMER SOUNDED)

D.P.O. HORSLEY:

Are you finished?

MR. BUTTARO:

One second, sir --

D.P.O. HORSLEY:

Okay, wrap it up.

MR. BUTTARO:

The County and the State are not coinciding with the times and with that's applicable by law -- what's acceptable by law. Cars aren't getting proper amount of time to stop. Anticipation by DMV, cars are given less than point 9 or point 65 seconds to stop from 55 miles an hour to zero.

D.P.O. HORSLEY:

Thank you very much. Thank you very much for coming down here today.

(APPLAUSE)

All right. The next speaker is Thomas Buttaro.

MR. QUINN:

(Speaking from back of auditorium - inaudible) two speakers at a time.

D.P.O. HORSLEY:

Thank you very much, Mr. Quinn. Thank you very much. I'd like to -- that's not a bad suggestion. We'll take Mr. Buttaro, though.

LEG. ROMAINE:

Who's on deck?

D.P.O. HORSLEY:

Let me just figure this out first. Mr. McCaffrey's on deck. Thank you. Legislator Romaine, for all of your assistance. Mr. Buttaro? Mr. Buttaro? Let's move on. Mr. McCaffrey?

LEG. SCHNEIDERMAN:

Who's on deck? It allows them to get ready so we don't have to wait.

MR. McCAFFREY:

Hi, good morning. I'm Roger McCaffrey. What brings me today here was the concern I felt after learning the Learn To Be Tobacco Free Program was running a risk of being cancelled.

I smoked for 30 years. If you'd asked me 30 years ago if I planned on smoking for 30 years, I probably would have said no. But I did. I mistakenly was under the impression that I could probably quit smoking whenever I wanted. And I was a pretty smart guy, considered myself capable when I was ready, when I wanted to, I would quit smoking. I was wrong.

I found out about the Learning To Be Free Program in 2009 in the spring. The woman -- the Public Health Nurses in the office are absolutely amazing. I'm sorry? Better? Okay. The Public Health Nurses Laura {Jadino} and Janice {Hurley} who I learned of the spring of 2009. And I entered my journey into the non-smoking. I didn't do as well as I thought I would do. I was in the program. I did what they required me to do. And somewhere around six or seven months later I picked up cigarettes again. Absolutely devastated me that I couldn't do what I thought I could do.

Spring of 2010 I went back to them. I crawled back to them, asking for help and they were there wanting to help me once again. In the spring of 2010 I get a little more, maybe seven months smoke-free. And then whatever -- life happens. (Inaudible) Last Spring I crawled back to them again and they were there and they were willing to help me. And they offered their support. And since April 22nd of last year I've been smoke-free.

(APPLAUSE)

You know, I wanted to begin with a quote from Mark Twain, "quitting smoking is easy; I've done it a hundred times." And it's funny. It's a quote, unless you're the one trying to quit smoking. These people do amazing work over there. They knew more about me than I knew about myself. When I thought it would be easy and I could do this, they knew it would be difficult and I might not. And when I came back the third time I was convinced this is never going to happen. They knew it was. Don't end this program. It changes lives. My granddaughter's fourth birthday was on Sunday and I'm here for her. This is the best thing I've ever done for myself in my life, quitting smoking. Thank you.

(APPLAUSE)

D.P.O. HORSLEY:

Thank you very much, Mr. McCaffrey. Terry Wilson. And on deck Cheryl Felice. Let me guess, you're Mr. Buttaro? Terry Wilson, Thank you. Please.

MR. WILSON:

Members of the Legislature, My name is Terry Wilson. I'm here to speak on behalf of the same -- Mr. McCaffrey spoke of, smoking cessation Learning To Be Tobacco Free. I want to state first I'm a man of faith. I believe in the Lord. The reason I'm stating that is, I was a smoker about the same, about 30 years. I smoked three packs a day and sometimes --

D.P.O. HORSLEY:

Mr. Wilson, can you please speak into the microphone.

MR. WILSON:

I was a smoker for about 30 years. I smoked three packs a day or more at times. And through the Lord above and getting into this class, the Learn To Be Tobacco Free Program, an education that transformed me and enabled me to be able to give up smoking and be free from this addiction.

And if anybody's ever struggled with any addiction before, you know that without help, it's almost impossible to do. And if you struggled with it, and tried and failed and tried and failed and got back up, you know you that you come to the place where there's no hope. In this program I received hope. And I received more than that. I received an education that was literally -- enabled me to be able to give the cigarettes up. It's been a little over four years now --

(APPLAUSE)

-- and verbatim, if I hadn't had quit when I had given it up, I would have smoked about 90,000 cigarettes in that time. And that just blows my mind when I think about. And I thank God above. I thank these people who are dedicated, they're full of compassion.

When I first sat in that class, I saw that teacher, within 15 minutes I knew that I was going to be able to get the help that I needed to be able to give this thing up; because I saw compassion in this person. As a matter of fact, they are former smokers themselves so they understand the struggle, they understand the process that you go through. And just to mention what that process is and a part of the education I received in that program, when I went there, it was a decision to quit smoking. I knew that the Lord wanted me to quit for a long time because of my health. And I didn't believe I could.

But when I made that decision to quit, when my doctor told me about the program, I literally thought it was just a wise thing to do. But literally I still didn't want to give it up. But through the education I got and the Lord above, that transformed me to the person that wanted to give it up. As

soon as I wanted to give it up, through that education, and I got the education, I learned what smoking does to you, what the nicotine does to you, the three different aspects, the physical addiction, the psychological addiction, the behavioral addiction, and how to be able to deal and combat those things, then I became glad when I gave it up. And I'm still glad today. It's been a little over four years. I'm going to always continue. I will never go back to smoking. I thank God above. I thank these people that are in this program. And I just hope that you make a decision, you keep this testimony in your mind, there's many more just like me and there's many out there that need the same thing that I received through this program. Thank you.

(APPLAUSE)

D.P.O. HORSLEY:

Thank you very much, Mr. Wilson. Cheryl Felice. And on deck is Richard Murdocco.

MS. FELICE:

Thank you, Deputy Presiding Officer. I'd like to start with a quote and then add to it, I may. And that quote is by Legislator Romaine when he humbly accepted defeat in 2003 in the County Executive race when he said that politicians and political parties have a shelf life. So too do union presidents. And I come before you to say that this union election here in AME probably couldn't have come at a worse time with a budget deficit looming, with eight years of this union coming before this body to talk about the structural imbalance that this County budget was seeing year after year after year.

Our three minutes that we have here today does not give us enough time to highlight all the wonderful work that our members provide. You will hear some of it from the members who will speak to you today, but there are not enough hours in a day to convey to you the work they do. So, in the effort of holding a line on taxes, on holding the line on property taxes on the smallest portion of the property tax bill, I ask you to ask yourselves at what expense? At what expense are we at?

I'm coming to the end of my term and this union is welcoming in a new board. And I stand here before you and before this membership to say we will never give up. We know you have to vote today.

(APPLAUSE)

We know you have to vote today on one of the toughest votes you will ever take. But we will not -- we will not give up. After today, I will ask every member, every executive board member past, present and future to join together to save the jobs of every single one of our members.

(APPLAUSE)

D.P.O. HORSLEY:

Thank you very much, Cheryl. And thank you for your service.

Mr. Murdocco. And on deck is Michael Finland.

MR. MURDOCCO:

Hello, I'm Richard Murdocco. I'm speaking on behalf of -- I have very terrible handwriting.

D.P.O. HORSLEY:

I have trouble reading your writing. That is what it was.

MR. MURDOCCO:

It's been bad. I'm working on it. I'm speaking on behalf of Richard Amper, Executive Director of the Pine Barrens Society. And this is a little bit of a shift in gears.

The EPA Committee has approved the planning steps for the acquisition of the Schmeltzer property in Riverhead, the Introductory Resolution sponsored by Legislator Browning, for the purposes of relocating the Suffolk County Trap and Skeet Range from Yaphank to this location. County Legislator Browning has been previously informed that the Schmeltzer property lies in the core preservation area of the Pine Barrens. And the relocation of Trap & Skeet Range for this location is prohibited by New York State Pine Barrens Protection Act of 1993, Environmental Conservation Law number 57.

What's more, this property contains an illegal landfill, which is currently the subject of the New York State DEC Enforcement Action. It is presently in the hands of the New York State Attorney General. It would thus be improper for the Suffolk County Legislature to authorize expenditure for review of this parcel for acquisition and the obtaining of an appraisal. We, thus, ask this Legislature to decline to approve the Introductory Resolution for this parcel under any circumstances. Thank you.

D.P.O. HORSLEY:

Thank you very much. Appreciate you coming down here today. Mr. Finland and then Mr. Dan Farrell.

MR. FINLAND:

Good morning everyone. My name is Michael Finland. I'm a County worker and I'm an AME member. I thank you for your time and your attentiveness to the needs of Suffolk County employees who were faced with daunting prospects in late December 2011 regarding the February layoffs. And thanks to your help, the list of names was dramatically reduced.

The workers of Suffolk County provide valuable, irreplaceable services to the taxpayers of Suffolk County. As we all know, we live in onerous economic times. And if we proceed with the projected layoffs, it will have a deleterious effect. And, in fact, have a crippling effect on the long-term functionality of County Government.

My request today is that you consider referring the layoff proposal to committee. County Executive Bellone and his staff are earnestly working toward resolving the County's fiscal bills. We should not rush to judgement in an attempt to rectify a longstanding problem; rather it would be everyone's best interest to reassess any viable remedies to bring resolution to our financial issues and not to exacerbate them. My heart aches when I heard the testimony of the AME worker who spoke earlier while holding her daughter. I wonder what will the future hold for her and other County workers facing layoffs?

In my travels throughout Suffolk County Government, I recently had the opportunity to meet a County worker who is struggling so much financially that she lost her home. She sought out solace, support and encourage from me. I shudder to think that if we proceed with the layoffs, more people will lose their homes or perhaps be facing bankruptcy. These economic times rival 1929's Great Depression. What enabled people to overcome the adversity of that time was two things: Unity and optimism.

My request to the County Legislature and County management is to consider any and all alternative measures. We must at all costs strive to save jobs and to effectively maintain governmental operations. We live in a remarkable County. I'm thinking now of the Phoenix that rises from the ashes. We must rise above adversity and rebuild this County step by step working in tandem. Please consider any and all viable options to save jobs.

And in closing --

(TIMER SOUNDED)

D.P.O. HORSLEY:

Perfect time.

MR. FINLAND:

In closing I would just like to acknowledge and thank the many years of service of President Cheryl Felice. Thank you for your time.

(APPLAUSE)

D.P.O. HORSLEY:

Thank you, Mr. Finland. Dan Farrell then John Palasek.

Mr. FARRELL:

Good morning. I'd like to introduce myself. My name is Dan Farrell. I'm a 28-year County employee and a taxpayer as well. I was recently elected as the new President of Suffolk County's largest labor union AME. It's effective July 1st.

We are the crossing guards who make sure we get your kids to school safely. We are the employees of the Parks and Public Works Departments that clean and fix our parks and roads. We are the employees who help the elderly and families in need through the Department of Social Service and Health. We are the backbone of the County workforce.

We are the lowest paid employees of Suffolk County. One of the major issues facing this Legislature is the County's growing budget deficit. Numbers have reached as high as \$530 million.

Today this Legislature will be asked to approve a CN authorizing the County Executive to terminate 315 County employees, most of which are AME. These terminations are being done because last year these positions were only funded for six months by the County Legislature.

The time has come for the Legislature to re-fund them once again for the remainder of the year and to allow our union to work with the County Executive and the Legislature to come up with some real -- recurring savings that will help this County back on its financial feet.

(APPLAUSE)

To use layoffs as the first tool is wrong. It is a mistake.

(APPLAUSE)

Layoffs should be our last resort, not the first choice we make. And in regard to the layoffs, we still don't have a layoff list. I don't know when you would have gotten one, but I still haven't gotten one. I think that's ridiculous.

And why weren't we afforded as AME members an early retirement incentive to save jobs like some other unions were. That's my question to you.

(APPLAUSE)

I understand the figure that is currently being issue regarding the termination of these employees is \$24 million. If these jobs are restored until the end of the year, I will commit to work with the

County Executive and the Legislature to come up with \$24 million in re-occurring savings.

I will also be willing to work with County officials to come up with other cost cutting measures that can help the County during difficult financial times.

I urge the Legislature to not approve these layoffs. We must do better. We must do more. We must fund these positions until the end of the year by using funds from the County reserve. We must work together as a team to do the things that are right for the citizens of Suffolk County.

So let's -- I'm wrapping up. Let's stop this layoff madness and come up with some real solutions. Because as my predecessor said, we will never give up the fight. Thank you.

D.P.O. HORSLEY:

Thank you very much, Mr. Farrell. On deck is John Palaser.

(APPLAUSE)

D.P.O. HORSLEY:

John Palaser. John Palaser. And on deck is Richard {Pratsa}

MR. PALASER:

Good morning. That's a tough act to follow. I'm here on an unrelated issued. I'm here in support of Kate Browning's bill 1049. The gentleman earlier who spoke on behalf of Richard Amper in regard to -- his reasons not to relocate the shooting range to somewhere else is in my opinion wrong. He quotes the site, the core preservation as being an issue, the range already exists in the core preservation area. The range is also costing money, lots of money and the bonds that it took to put it there.

And the fines that you're now going to be paying for operating it, the 90 citations that are sitting in the court right now, which each of is worth potentially \$250, citations now are coming at a rate of about ten a week. Right now you're over \$20,000 in fines.

The loss of value to 178 homes in my neighborhood to the tune of 6% of average value, is about a \$3 million loss in equity, which is a loss in tax dollars. This range should never have been reopened where it was. The argument now, of course, is going to be that it can't be put somewhere because of its proximity to homes. Unless the homes you're looking at are less than 33 feet away, I don't think you'll have any problem.

There are at least several dozens of homes in my neighborhood which exist within a couple hundred feet of this facility. This facility shouldn't be where it is. Whether it should exist in the Schmeltzer property is debatable. It needs to be examined. But it certainly can't exist where it is right now. This thing has cost far too much money, far too much in the way of a loss of quality of life and something needs to be done. But to just stall any efforts to look elsewhere to address this problem in some other way in my opinion is foolish. And the money that you're go to be spending on that is just more taxpayer dollars that have to go out the window for something that shouldn't be in place in the first place.

That's basically all I have to say. And I just want to say something on an unrelated issue, don't lay these people off.

(APPLAUSE)

D.P.O. HORSLEY:

Thank you very much, Mr. Palaser. Richard {Pratsa}? Richard {Pratsa} and Diane Brewer on deck. Richard {Pratsa}? No. Okay, then Diane Brewer, with Theodore Calafates on deck.

MS. BREWER:

Hello. I'm Diane Brewer. I am a substance abuse specialist in the State of New York, I work two jobs, one job as a substance abuse specialist with (inaudible) out in West Babylon. I am a resident of Shirley. I am here to advocate for -- like all these jobs, and especially for the Learn To Be Tobacco Free. I personally after numerous times of attempting to quit, I had stopped about ten years ago for about a year. I went back to smoking. I made a few attempts to quit again after three months, six months. I kept going back. As of today I have been a little over two-and-a-half years off cigarettes.

(APPLAUSE)

After relapsing on the cigarettes, the Learn To Be Tobacco Free Program was there for me again. And they afforded me the opportunity to again relearn about this disease called addiction, which as a substance abuse specialist, I am quite familiar with. They also offered a program, a training so that I can learn how to provide the same services they provide for my clients. I am certified also in their program.

Recently I had Laura and Janice come into my building where I work. I work with the mentally ill. And those persons with mental illness are greater -- have a 50% chance greater of using substances, especially cigarettes. And even those that don't drink or drug use usually smoke cigarettes.

We have successfully ran the program. We have one member of my organization that has about two months off of cigarettes. And we have numerous others that have been provided with information, education. And they also have nicotine replacement therapies that they're going to utilize to stop smoking cigarettes.

I believe that this program needs to continue, because I don't know where I would go if I was to continue smoking cigarettes. And that is something that as other people have mentioned, I don't ever want to do again.

So, on behalf of everybody here, I advocate to please reconsider your vote, reconsider the cuts and thank you.

D.P.O. HORSLEY:

I'd like to make a motion at this time to extend the public portion, second by Legislator Barraga. All those in favor? Opposed? So moved.

MR. LAUBE:

Sixteen.

D.P.O. HORSLEY:

Theodore Calafates. And on deck is Kevin Beyer.

MR. CALAFATES:

Hi, everyone. Ted Calafates. Nothing planned. I just been working for Suffolk County Social Services in Medicaid for almost a year now. And that means I would definitely be one of the people affected by the upcoming possible layoffs. I just -- I just felt like I had to come up here and have a say because of that. Before that -- I mean I'm 27 years old. I was trying to do things with my college degrees, making some money, but it's New York State. It's tough. So many people come up

to you, tell you how great it is working for the County. I took a test. About a year later I got a call back and I got a job. I find out there's so many people in my position taking the job because they've heard great things. They're starting families.

In my unit alone in Smithtown there's maybe four people that just had babies and talking about how they're building a family. I started with two people. Just got married. I'm hoping myself, now that I have a steady job and growth to start a family. And now I'm finding out that that is on the table. I'm finding out that there's talks of taking away pension, taking away benefit options. It's -- just looking at things in Medicaid, I know I was hired because there's a lawsuit against us. And if you're going to take away people that are working in our Division, I don't know how that's not going to cost you. I don't know how --

(APPLAUSE)

Even with this proposed rollback, where there might be people that worked in Public Assistance that will maybe take my position, I don't know how that transition is going to go and how that's going to affect. I get cases where there's people that we know they have homes that are costing over a million dollars, but they know how to work the system. And we have to give them Medicaid.

(APPLAUSE)

We get a list of all the things that aren't on the table, that there's positions like myself that are federally funded, that are on the table, that our union can't sit down with our Executive. And how can I sit here and possibly lose a job when I know these things are being absent or -- excuse my language -- a little stress here.

Basically, if I do lose my job and there's plenty of people in my position, like mid-twenty's, early thirty's, yes, we have family here and we love the community, but I have other friends. I have people -- they moved to Florida, they moved to Carolina. They're buying houses already. They even have jobs and now they're buying houses. And I'm trying to make it in New York State because I love it here. But if I lose this job that I heard just great things about, and I do like it, I like the job and I like the possibility of growth -- I mean, I don't know -- I don't what's going to keep me here. Then there's the possibility, yes, you can make it in New York, you can make it anywhere, maybe I'll just try to make it anywhere.

(APPLAUSE)

D.P.O. HORSLEY:

Thank you very much, Mr. Calafates. Kevin Beyer. On deck is Jim Ryan.
Jim Ryan.

MR. BEYER:

Good morning. My name is Kevin Beyer. I'm the President of Long Island Gas and Retail Association. I'm representing about 500 plus members, plus I also own a service station myself in Smithtown.

I'm here to implore you to please vote on IR 1055, let's get this passed. This has been going on for about eight months now. With the prior administration we came to an agreement because originally it started with meter fees, \$20 a meter, and we've always had a license in place. And we worked out a deal to please keep this license in place and just raise the fee to match what the plumbers are doing, the electricians and the carpenters. It was all in place. Everything was okay. It was agreed upon by the past administration and then the new administration came in, we did the same thing over again. And it was agreed upon.

But since then, Weights and Measures has been out trying to do the meters and collect on the meter fees. And the difference in price is incredible. Originally you were paying \$50 a year, \$100 every two years, but it's collected every two years. We agreed to go to \$200 a year, which would bring it up to \$400, County bringing in a lot more revenue from us, which is -- this isn't the only thing we pay. The Health Department and everybody else, with other type of fees.

This was all said -- and, you know, we thought this was all done. That was the -- the new administration. Thought this was all done. But now Consumer Affairs was out, Weights and Measures is out, they're doing it with a \$20 fee. My station was one of the ones that they came to. They didn't think it was going to be such a great impact on us. Well, as an industry, it's a tremendous impact. My one location, which is considered a small location with the three pumps, but since it's not on the pumps, but it's on the meters, it's \$20 per meter. My one location came out to \$360 from \$50 a year, from \$50 to 360.

And the County wouldn't be able to collect on that this year. They went out and they tried to collect on other stations and the other stations have paid. But my license doesn't expire until 2013. You cannot collect a meter fee and have a license in place at the same time. It's illegal.

So, the County wouldn't be seeing the money that they're think they're going to see as far as collecting on the meters. It's totally unfair to my members. And I've had other members that reached out to me and told me that they had their meters checked this year, even though their license was in effect and they can come out and check the meters, they were left bills, some of them have paid. One bill went from the \$50, like we said per year, to \$860 for his one location. It's incredible. It's a tremendous burden on us. We cannot afford to do this. It will put guys out because we can't afford all these different incremental -- incremental increases all the time.

We felt this was a fair way to do it, by keeping it as -- keeping it as a license. Not only did we go for the increase on the license fee, but also the one- time fee of the registration. And the registration was also increased to \$200 -- I think it's \$200 also. So, thank you. I implore you to please pass 1055.

D.P.O. HORSLEY:

Thank you very much, Kevin. I appreciate you being here today. All right.

(APPLAUSE)

Jim Ryan. And then on deck is Elaine Kahl.

MR. RYAN:

I want to thank you. My Jim is Jim Ryan. I'm with Response Marine.

D.P.O. HORSLEY:

Jim, could you speak into the mic? Thanks.

MR. RYAN:

My name is Jim Ryan with Response Marine. I'm here to request or -- for the petition for the creation of Peconic Bay Water Jitney, which would be a public transportation service company that will based out at the East End of Long Island. And the purpose of this corporation is to provide passenger ferry service between the Villages of Greenport and Sag Harbor.

We've also partnered with Hampton Jitney to provide necessary shuttle bus services throughout the Villages to enhance the public transportation within the communities that we will serve. Based on the findings that we have researched within -- that are established within the Seed Study. With regards to today's meeting, I was just hoping to answer any questions you may have. And I'm

passing out some information with specifics as to the locations of the docks, the rates and just an overview of the project itself. And that's it. Thank you.

D.P.O. HORSLEY:

Thank you very much, Mr. Ryan.

(APPLAUSE)

Elaine Kahl. And and Tim Mooney on deck.

MS. KAHL:

Well, well, good morning. My name is Elaine Kahl. I'm from the East End and I'm here to talk about a different subject today, which is called Sustainable Development in Suffolk County, better known as Agenda 21. I have had many people from out east ask me what this was all about. I thought I would share with you today some of the findings that we've found out.

As recently as Friday evening, I had over a hundred people attend a meeting by a speaker regarding false choices with sustainable development. I believe right now we should take a look at this. I know maybe some of you are looking at that in the building trades, we're going to create jobs and whatever. But you know what? This Agenda 21 is a UN based program, which I'm sure you all know about. That's an agreement. It's not mandatory. Each new municipality will have to decide whether or not they're going to impose these environmental requirements on individual property owners, because ultimately it ends up to be -- property rights are going to be litigated, mitigated and challenged if this program goes forward.

I would like you to consider the comments from the findings that I have. I will certainly share them with you, but there are many, many States, Counties that have opted out of Agenda 21 or Sustainable Development, because it's all encompassing. And certainly we're for the environment, but not when somebody has the right to take over your home and to dictate policy to you.

I really think that you should look into this. I would definitely recommend that all of you review it. I will provide what information you need. I will share it with you. There has to be an agreement made here at this level locally because it's going to affect every homeowner. And I don't think that's what you want to do. So, in short, I will tell you, your neighbors in New Jersey opted out. Idaho just opted out. Many states -- Virginia Opted out. South Carolina opted out. It's a choice factor. It's not a mandate. I look forward to your cooperation. Thank you very much.

D.P.O. HORSLEY:

Thank you very much, Miss Kahl. Tim Mooney. And on deck Stephanie Vaccaro.

MR. MOONEY:

Good morning. My name is Tim Mooney. I'm president and owner of Fire Island Ferries in Bay Shore, New York. I'm here to talk about the resolution or proposed resolution that I've heard coming from the County Exec's Office regarding a 25 cent surcharge per passenger that utilizes ferry services to Fire Island. And we were kind of surprised when the first we heard about that was in a Newsday article coming about.

Now, I'll feel like being punished for operating in Suffolk County here because we were the only ones singled out or one of the few singled out to have this surcharge put in place. We've done some research on our end. We don't see anything in the license that's issued by Suffolk County that authorizes the County Legislature or the County Exec to implement such a surcharge and we're taking actions for that at this point in time.

We are a completely private organization. There's no subsidies coming from the local, State, County, Federal. We operate out of our fare box. And what you're asking us to do will have a significant impact on the way we operate our business. We have to make significant changes in everything from our websites to our mobile phone applications to -- all of our brochures will have to be reprinted, all of our pricing schedules will have to be reprinted. And there's nothing accompanying this that says, you know, thank you very much for doing this.

And, you know, quite frankly we don't want to be the tax collector for the Suffolk County Legislature. So that burden -- we're going to be the tax henchmen.

(APPLAUSE)

And it's kind of frustrating to hear about it and not working together to come up with some alternatives. It's ill-conceived at this point. We have no idea how to collect this money, because we have books of tickets that we sell that are outstanding already. And so, those -- those customers are already paid for their tickets. Are we going to require each one of those people on the boat to pay a quarter as we go and collect their tickets both to and from?

So, it offers over a significant operational challenge for us along the way, not to mention banking and finance fees that we'll need to deal with in dealing with the quarters and the deposits and all the banking record reconciliations. So we become -- I didn't know -- you know, at this point I felt like the County Exec hired me to work for him, you know, to implement the surcharge. And I never even put in an application. (Laughter)

So, we're not sure how it's going to be implemented, whether it's written up as a surcharge. It's not really a surcharge, a fee, a tax, you know, how is this being implemented. And this is -- this has been tried in the past by the County. And it was -- and it didn't move forward as a result of some legal implications associated with ferry operators specifically at the State level.

So, you know, we're -- we would like -- I don't know -- I don't know if there's a resolution that this is going to be included in yet, but I just wanted to pass this along, we're in -- we're in concert with the other ferry operators here in Suffolk County. So, please, you know, reconsider this notion of putting in a surcharge for the passengers of Fire Island. Thank you.

D.P.O. HORSLEY:

Thank you very much, Mr. Mooney. Mr. Mooney, by the way, there's -- there's no resolution in front of us, so, at this point.

MR. MOONEY:

Good.

D.P.O. HORSLEY:

Stephanie Vaccaro. And on deck is Sal Russo.

MS. VACCARO:

Hello everybody. My name is Stephanie Vaccaro. I am an AME member. AME members are currently now doing more with less. Ask yourselves this: If you're protecting the taxpayers, then why are you willing to lay taxpayers off? Please send -- thank you.

(APPLAUSE)

Please send the layoff list to the Committee. Let us find different solutions instead of laying off. Layoffs should not be our first solution. Thank you.

D.P.O. HORSLEY:

Sal Russo; then Nancy Mullan.

MR. RUSSO:

I thank you for your time. My name is Sal Russo. I'm 28 years with AME. You know, the person you're laying off, he's a taxpayer or she's a taxpayer. All right? It don't make no sense to put them on welfare. That's eventually where they're going to go. Then they're going to get what? Free health care, free home, free transportation, free food? Let them work. Let them do what they got to do.

(APPLAUSE)

If you want to save money, cut back to the contracting. Everywhere I go there's contractors. Cut back on them. Our employees can do the work. I know they can. I've seen them do it. Okay? Listen, if you're going to layoff one person, nobody else should be brought back on this payroll until that person is brought back here first. I thank you for your time.

(APPLAUSE)

D.P.O. HORSLEY:

Thank you, Mr. Russo. Nancy Mullan; and on deck Peter Quinn.

MS. MULLAN:

Good morning. My name is Nancy Mullen. I live in Quogue and I'm speaking on behalf of the Smoking Cessation Program. I have been a smoker for 50 years. I say I have been rather than had been because like alcoholism, nicotine addiction is a disease. I will always will be a smoker. It's just that I'm a recovering smoker.

I was very impressed by the County program. First of all, because unlike most of the country, Suffolk County Legislature had the wisdom, the foresight and the good sense to use the tobacco settlement to establish a smoking cessation program.

(APPLAUSE)

Second, because the Suffolk County Legislature had the wisdom, the foresight and the good sense to establish a truly excellent and effective program well organized and carefully thought through. They hired a gifted facilitator. They broke the program into six distinct classes, each with its own agenda and specific goals. They scheduled the classes at times and locations that worked for the target audience. In other words, making the program very user friendly. And also user friendly was offering free meds under the supervision of a nurse practitioner and with the approval of the individual's own doctor.

Such as, I use patches, gum and lozenges. Other people used Chantix, puffers and other aides. And that's a very important -- that can be an obstacle to some people seeking help.

They also provide followup a six-week reunion and monthly support groups. I came here today and waited here today because the smoke-free program is an important and effective resource for the people of Suffolk County. And I feel it would be a great loss to the County if the program were to terminated. Thank you.

(APPLAUSE)

D.P.O. HORSLEY:

Thank you very much, Miss Mullen. Peter Quinn. And on deck -- hang on one second, Peter. On deck is Linda Ogno. By the way, your point of order was out of order, but it was a good suggestion. Thank you.

MR. QUINN:

It wasn't a point of order. It was a point of personal privilege.

D.P.O. HORSLEY:

Absolutely. All right. I got it.

MR. QUINN:

I'm entitled --

D.P.O. HORSLEY:

I got it, I got it, I got it.

MR. QUINN:

Okay. So, you stand corrected. Good morning, members of the Legislature. Wayne. My name is Peter Quinn, West Islip. I'm retired for many years, but I came again to fight on behalf of Town, County workers because I made a proposal -- I made a proposal a couple of months ago at this Legislature that there was a remedy. And I didn't hear any members of the Legislature saying anything about it since. The proposal was to have a three-year moratorium on Suffolk County Industrial Development Agency funding, where the private sector gets money at the expense of the public sector, which gets shortchanged.

(APPLAUSE)

What hasn't been publicized is that some of these companies aren't creating jobs, only maintaining them. And yet they are getting up to, this year, fifteen years of property tax abatements, sales tax eliminations, mortgage transfer eliminations; some are getting equipment for their properties, computers, desks -- (mic fell off lectern) sorry, Channel Seven, I get a little excited when I speak.

But the point is, they are doing -- we have to remember there are two kinds of workers. Public sector workers and private sector workers. And I used to think they were kind of equal. But now we're shortchanging the public sector workers while continuing the practice of giving hundreds of millions of dollars a year. What I'm calling upon you to do, to speak up, is get these Suffolk County Industrial Development Agency to provide you with the money expenditures. And maybe Newsday will result -- that will result in Newsday writing a feature story.

(APPLAUSE)

And they are to do it as well to include teachers who have been laid off. They are public sector workers as well. And when we see the data showing up, where the companies aren't creating jobs but the public sector is losing jobs, maybe then the public will become aroused and do something about it. I want to see you, one of you even, just one get the information out to the public about what the private sector is getting and how the losses are occurring in the public sector. List all the school districts for example and we'll begin to see that we're being shortchanged as far as public workers versus private sector workers. Thank you very much.

(APPLAUSE)

D.P.O. HORSLEY:

Thank you, Mr. Quinn. Linda Ogno. And on deck is Philip Gouldstone, it looks like. Philip Gouldstone.

MS. OGNO:

Hi, my name is Linda Ogno. I've been coming before this Legislature about five years now fighting for Foley. I think it's -- first off, I'd like to say I'd like to see this legislation on TV. I'm going to say

that every single time come up here, because you can't really hear it on the radio and I'd like you to be televised at least like Brookhaven Town so we can see what's going on when we cannot be here.

Second of all, laying off people in this time is really not a good thing to do. We're here to build these people up in this economy. People are going to be decimated, areas, like Kate Browning's area. I can tell you how many workers live in her area, that will lose their homes if these people are laid off.

(APPLAUSE)

When I came to work for this County 24 years ago, my father told me, go work for the County. It's a great job. It's a great retirement. And I'm not being laid off because it's not the job I did; I'm being laid off for the job that wasn't done. Thank you.

(APPLAUSE)

D.P.O. HORSLEY:

Philip Gouldstone. Thank you very much, by the way. On deck, Nanci Dallaire.

MR. GOULDSTONE:

Can you hear me now? Okay. Good morning, ladies and gentlemen. My name is Philip Gouldstone. As you can probably tell from the accent, I'm not from this country. I came here 30 years ago as a heavy smoker, two packs a day, at least. I smoked since I was sixteen. I'm here to talk about the Tobacco Cessation Program run by this County Health Department. I've done this before, several years ago. And I would remind you that -- I will get to that in a moment. But in the meantime let me talk about what I want to speak about.

The addiction of nicotine, we call it smoking. We don't call a cocaine user a cocaine-er. We call them a drug addict. We don't call somebody who uses sleeping pills a sleeping pill-er. They're an addict. But we call a nicotine addict a smoker. We always have done. But what we know now and known for a longtime is that nicotine addiction is as powerful as any of those other addictions and will continue to be. It's worse than alcoholism and so on.

I was fortunate. I had the support to quit smoking. I won't go into the details. It wasn't provided by the County. It was provided by another organization that I soon realized that the County was holding these classes and I volunteered with many others to talk to these people that were to quit and help them come to terms with this addiction and help them move on from where they were. Most of them didn't even realize they were addicted to them. They were told like I was as a child, I was a teenager that it was a bad habit.

Gentlemen, and ladies, you have the opportunity to use the settlement agreement, the Master Settlement Agreement. And I said this time -- last time I talked to the Legislature, you used that money not for smoking cessation -- or rather you did set up the Smoking Cessation Program with it, but now the money's being used somewhere else. Is that good for public health? Is that good for the long-term of our children growing up now who won't have that education that this program provided?

Federal government launched a major offensive against teenage smoking. And it's in all the news, all over the media. What are we doing? We are sending the funds that we should be using -- we should be using to stop this terrible addiction, and we're sending them to Wall Street. I hope they end up learning their lessons because we'll never see them again. The money is there to fund this program. It was won, a great deal of effort in the tobacco settlement and should be used the way it was supposed to be used as part of that agreement.

(APPLAUSE)

D.P.O. HORSLEY:

Mr. Gouldstone, please wrap it up.

MR. GOULDSTONE:

Okay, I said my peace.

D.P.O. HORSLEY:

Thank you very much. We appreciate you being here.

MR. GOULDSTONE:

I hope you hear what I have to say. Thank you.

D.P.O. HORSLEY:

Thank you. We did. Nanci Dallaire. And on deck is Jean Marvin.

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

MS. DALLAIRE:

Good morning. Of course I am concerned by the economic hardship our County is experiencing, but I am more alarmed by the lack of ethics that has been reported.

I know that Suffolk County will recover from our poor bond rating, but how will we recover from the serious decline in values that seems to be acceptable? We have certainly lost our way when our Ethics Commission, which was designed to detect and investigate improprieties, has itself been investigated and detected of improprieties?

Applause

The citizens of this County should feel protected by the Constitution. We should be confident that the laws of the Suffolk County Charter will protect us, but I have not felt protected. Suffolk -- I am discouraged that the County, with a budget of \$2.7 billion, can no longer assure the citizens of continuing vital services that are necessary for our safety, but can budget more for that jail in Yaphank; I know, State mandates.

I believe that the County Executive and his administration has recognized that mistakes were made and does not want those past mistakes to hinder our progress forward, but I believe that it is past mistakes that have hurt the John J. Foley Skilled Nursing Facility. And I would like to understand why the previous County Executive was so intent on destroying the good name of this County facility. That administration's wasteful and unnecessary actions cost this County facility plenty of revenue, but it has also cost us the valuable trust of residents who are relying on our care. How are we to restore that trust? I pray that past mistakes will not be repeated, but even with downsizing John J. Foley, one of original problems persist; where are the people to go? We must remember, these are residents who endure so much already on a daily basis. It is cruel to subject them to the added anxiety of searching for another facility to care for them. I hope the previous tactic of scaring residents into leaving, forcing them from their home with threats of closure, or shipping them up to Massachusetts will not be repeated, because these solutions were not answers. And just because some actions are not criminal does not make them right. As this County --

Applause

As this County health facility is forced to downsize, the correctional facility next door continues to upgrade, improve and expand. The residents at John J. Foley have suffered enough. Despite the dark years at Foley, this County facility continues to perform its mission. We cannot discount what

this institution has done for our community for the past one hundred years. We cannot be so quick to forget the services rendered during Hurricane Irene, and we know how lucky we were with that storm, but for the hundreds who were provided with the emergency services when they were needed most. This is a valuable asset for this County to take pride in. It is more than our financial stability that must be restored. Even when our economic stability fluctuates, these are services that must remain secure, and we are granted rights that should not waiver. Massive layoffs may seem to be the answer to balancing the budget, but we cannot allow it to cripple our County.

Applause

D.P.O. HORSLEY:

Thank you very much, Ms. Dallaire.

D.P.O. HORSLEY:

Jean Marvin. Jean Marvin; no? Jean Marvin. All righty. John Sweeney? John Sweeney? No, no John Sweeney. Lori Benincasa? And on deck is Don Dailey.

MS. BENINCASA:

Good morning. I'm the Director of Health Education for the Suffolk County Department of Health Services. And I'm really not sure today if our jobs are in jeopardy or not, the Office of Health Education, because I understand the list that you'll be voting on very shortly has not been finalized yet. But I did read in Newsday that the County Executive plans on cutting the Office of Health Education. By the way, that's the only information I have. My staff wakes up in the morning and reads Newsday to find out if their programs are being cut and their jobs are on the line.

Prevention 101 -- health -- Public Health 101 says that prevention programs should not be cut. There is a huge return on investment. Besides saving lives and pain and suffering, perhaps more important for you to hear today is that prevention saves a lot of money. For every dollar put into prevention you get a huge return.

The newspaper says that the Tobacco Cessation and Health Smart Programs are being cut. The Budget Review Office has said it's the entire Office of Health Education. While Tobacco Cessation and the Health Smart Programs are very important components of our program, the Office of Health Education provides comprehensive health education to the residents of this County. We address the topics of tobacco, other drugs and alcohol, injuries, poor nutrition and lack of physical activity which are fueling the obesity epidemic, and the prevention of HIV and sexually transmitted infections. One out of four teenagers in this country, according to the CDC, has a sexually transmitted infection.

In addition, we look for newly emerging public health problems. And we have addressed issues such as bullying prevention; all you have to do is open a newspaper or put on the news to see that our children are actually being bullied to death. We look at new tobacco products that are being marketed to our children. We look at synthetic cannabinoids, energy drinks and sugar-sweetened beverages just to name a few of the topics that we address. We educate and empower the residents of this County to make healthy choices, to change unhealthy behaviors to healthy ones, and I say that there is no price tag that you can put on that.

Our programs have a ripple effect. We reached -- we have helped over 15,000 people in this County quit smoking. Every year our school-based programs reach over 50,000 children. When we save one person because they quit smoking, that has a ripple effect. We've saved a family, we've helped their children to have their parents with them.

Applause

When the 50,000 kids that get our lessons every year go home and educate their children parents and their siblings about healthy choices, we're reaching way more than the people that we just see in classrooms and in our tobacco cessation programs.

I find it ironic, sad, that the people that have devoted their careers to helping others now find themselves wondering, will their children have health insurance? Will they be able to pay their mortgages and their taxes? We are taxpayers, too. And I say that putting hard-working taxpayers out of work does not help the economy.

Applause

D.P.O. HORSLEY:

Thank you very much, Ms. Benincasa. Don Dailey. And on deck is Lisa Kraut.

MR. DAILEY:

Good morning. My name is Don Dailey and I'm a County worker. If the cameras could zoom in on the logo on this hat, you'll see it's the Suffolk County Association of Municipal Employees, Long Island's finest workforce.

Applause

The last time I was up at this microphone, I spoke to save -- to try to save the jobs of the people we referred to back then as the 88. Some of those members' jobs were saved, but a lot of them, including my friends and colleagues, were lost. After I spoke at that meeting, I was reminded by the Presiding Officer that the one thing that I failed to do was to thank this body for the work that they have done in paring that list down and approving the six month budget, so I would like to do that now; I would like to thank all of you and thank you also for the tireless work that you do on behalf of this County and the County residents. But we're here again, and now we're talking about 300 plus jobs that are on the chopping block. And when I use the term chopping block, that's not exactly correct; the chopping block would be a merciful end. This is not a merciful end, this is a slow death of the American dream in Suffolk County.

Applause

The people that lose their jobs, a great many of them will suffer greatly; they will lose homes. People will be forced to leave the Island. And this summer, when gas goes up to \$5 an gallon and Mommy and Daddy have no job, there's going to be no gas in the car to take the kids to little league. The people that lose their jobs will not be able to pay taxes, they will not be able to pay their mortgage, they will not be able to support local businesses, they will not be able to improve the influx of money into Suffolk County.

I applaud the people that came up before me and spoke against these layoffs. And I urge this body to please send this issue to committee, in order to give us some time to see if we can work out some alternatives or to pare this number down even further. The woman that came up early this morning with her child said it all, "Don't layoff Mommy." To all the Legislators that I spoke to, I appreciate you getting back to me. The ones that didn't return my calls, shame on you. This body is here to protect --

Applause

-- the members of Suffolk County; I urge you to do that. I urge you to do what's in your heart and send this bill to committee, and do the job that you're elected to do. Thank you.

Applause

D.P.O. HORSLEY:

Thank you very much, Mr. Dailey. Lisa Kraut. And on deck is Steve Held. Steve Held.

MS. KRAUT:

My name is Lisa Kraut, I am the Senior Clerk in the Department of Health Education Program. As you know, the mission of Department of Health is prevention, education and enforcement. We are there to protect the future of the children. And by you cutting the entire program and the people who work in that program, you're gravely endangering not only the children but the future of the County of Suffolk. Did you really listen to the introduction that was given this morning? What happened to protecting and keeping safe the people of Suffolk County? The Office of Health Education educates over 50,000 students in regard to being drug-free, smoke-free, HIV and awareness, nutrition and much more. I know Lori Benincasa has told you all about the other programs that are involved.

If you cut all these programs and the education of your children, is our heroin highway going to get busier so that more of our children fall into those bad habits? Can we expect more teen pregnancies or these children end up on Medicaid and their children being supported by us? You have to consider all the steps that go in if you fire a lot of the people here.

Our Learn-to-be-Tobacco-Free has also helped thousands of residents. Not only did they save lives, but helps to keep our own health care costs lower. Isn't it worth -- is it worth cancelling these great programs? Could your own children, your family members be affected by drugs, cancer, health issues and more, but without the Department of Health there to help them, what would they do? What would you do if your children come home, "Daddy, I'm pregnant. Daddy, I'm on drugs"? Think about us as if it were your own children and our own programs that help your children and the people of Suffolk. I implore you not to cut the Department of Health, not to cut our jobs, not to cut the family that I have found inside the Department of Health Education Program.

Basically I just -- I am the only worker there, you know, the only Clerk in the office. The people are phenomenal, they couldn't do a better job. They're dedicated, a lot of them go above and beyond what they do. So I implore you not to cut my job as well as layoff the entire Department of Health.

D.P.O. HORSLEY:

Thank you very much, Ms. Kraut.

Applause

All right. Next up is Steve Held, and on deck is Greg Layman.

MR. HELD:

Hi. I have hope that with your need to make very difficult decisions, you might consider a very important but small part of your challenge to balance our needs in Suffolk County. Early intervention for families of babies from birth to two born with severe disabilities is and has been a mandate on municipalities since 1975. In 1989, laws entitling these services changed with the new mandate that municipalities have a single voice in what babies are eligible; this was to ensure only eligible children receive this help.

The positions are funded substantially by New York State and implemented by the Suffolk County Department of Health under the hard work of your staff. I would like to offer the local Early Intervention Coordinating Council who might help to clarify current jobs which are funded by or in large part by New York State. Your right to ensure the integrity of this program is very important. Thank you.

Applause

D.P.O. HORSLEY:

Thank you very much, Mr. Held. Mr. Layman, and then Rachel Jones on deck.

MR. LAYMAN:

Good morning. I come before here because I took this job at Suffolk County after being laid off two other times in the past six years; this will be three times in six years I've been laid off, through no fault of my own.

What's changed in that time? The first layoff I was making almost \$60,000 a year. Now at this job, I work more hours and I didn't even make 40. All right? Our job with Suffolk County Vector Control is to treat mosquitoes and to keep the waters flowing so they don't breed. We only have, what, 15 of us in the department. I hear you want to lay four of us off? That's 11 of us to do all of Suffolk County. How many people have to die from EEE, from West Nile? Remember when that happened last time, we had a lot of people die? That's not a good thing, at least I don't think it is.

Applause

My life here, I like my job at the County. It's a good job, it's hard work. My life has changed a lot recently. Saturday morning my wife's mother's caregiver, long-term boyfriend of 25 years, laid down on the living room floor and died. All right? He took care of her; she's in a wheelchair. She's now moving in with us. We have to redo our whole house for handicapped accessibility. How do I pay for any of this? Where does my wife's mother go if I get laid off and my wife is the only one working? Where does she go, to the Foley home? That's going to be gone soon, too. I mean, you can't keep taking from the workers. I mean, we didn't cause this problem, and you're not going to solve it on our backs.

Applause

And if this layoffs -- if this layoff was actually going to solve the problem, I might even be willing to give up my job to solve this problem. But everybody across the board has said that this isn't even going to come close, a drop in the bucket. You know what? It's going to make it worse, because we're not going to be able to be out there to spend our money, take care of our family, pay our taxes. It just gets worse, it does not solve this problem. I don't quite have a solution. You guys have to work together and find -- find a solution other than this, because this is just making the problem bigger. Executive Bellone talks about passing the buck? This is just passing the buck, all right? This is not a solution.

Applause

Where does my wife's mother go? Where do we go? Where do all the people who are going to lose their jobs? The lady with her kid, we're all the same. We each have these problems. And laying us off is not a solution; you've already said it's not going to work. There's not enough money in the layoffs that's going to solve anything. We have to come up with constructive ways to bring money, in to save money, not lay people off. It just doesn't do any good. That's all I got. Just don't lay us off.

Applause

We are the life blood of this County. I don't know what to tell you.

Applause & Standing Ovation

D.P.O. HORSLEY:

Thank you very much, Mr. Layman. Rachel Jones. And then on deck is Owen Durney.

MS. JONES:

Good morning. My name is Rachel Jones and I'm coming on behalf of the AME members for Suffolk County Department of Social Services. I work in the Medicaid Division. Suffolk County will not only hurt the employees, but you will be hurting the people of Suffolk County.

It's one thing to send our jobs to someone with an automated system. We work Medicaid, these are people with life-threatening illnesses who need to speak with people on the other end. They need to know where their medicine is, what's going on with their case. You're going to have a big problem on your hand. We already have a lawsuit right now, and that is the very reason why we were hired. We're not going to save any money by eliminating our jobs, on the other hand, because we're going to be the very ones on the other end. We're going to be collecting food stamps, we're going to be on Medicaid, we're going to be on unemployment.

Applause

You have to look these people in the eyes. It's not just pen and paper, people, these are families. And it could be you, it could be your very jobs that are on the line next time.

Applause

Suffolk County needs to recoup money, this is very true. One way you can do this is try expanding your investigation unit so that you can see all the people that are really taking advantage of the system.

Applause

I get cases that come across my desk on a daily basis, and I can tell you where some of these people are. Because you cannot tell me that I'm working for the County and I'm having a problem with the paycheck that I have. I work two jobs, I work a part-time job when I leave here. So I leave my house at seven in the morning and I don't get back until 9:30 at night, because I have a daughter who's trying to attend college.

Applause

And you cannot tell me that someone with a family of five who makes \$200 a week and pays \$400 in rent. If you know someplace, please let me know, because if our jobs are on the block, we're going to need to know where those places are. But this is what comes across my desk and these are the people that we're giving Medicaid to. Expand your investigation unit and recoup some money. Thank you.

Applause

D.P.O. HORSLEY:

Thank you very much, Ms. Jones. Owen Durney.

MR. DURNEY:

Good after -- good morning; it's still morning, almost, right? I actually wasn't going to speak today so -- sorry about that. Can you hear me now? I wasn't planning on speaking today, but sitting in the audience, I became somewhat inspired. I live in East Patchogue. I serve on my local school board in South Country. I'm also a Professor of Public Administration at CW Post, so my wife would say I can't resist talking. In addition, I also work in the Health Department for the Division of Preventive Medicine, and two of the programs that are in that division are before you today to be eliminated, the Office of Health Education and the Bureau of Public Health Nursing. So somehow I got lucky by being assigned to that division and it's one of the greatest jobs I think I've ever had in my entire life. And I've worked for Lori Benincasa and Mona Ramjas and that entire staff and they

are some of the most dedicated people you will ever meet. It's Public Health.

Being a school board member, the public health and public health education, which is what both those units do, is very important to me. And I know, being a school board member, that you face some very difficult decisions, much larger scale than the ones that I do. But I also know that you can be deliberative in your decisions and you're faced with a last minute -- in fact, the list I don't even think is still finalized, which is why nobody has seen it -- decision in what you need to do. When I teach, one of the -- when I teach my students in health care administration at Post, one of the topics we talk about is legacy. My father worked in the Health Department. In fact, he was a two-pack a day smoker who went through that program and, thanks to Lori's program, no longer smokes, and I want to thank those people for his health.

Applause

Some of you know him in this room and have worked with him. And when he worked here, he worked in both DSS and the Health Department. The Health Department was the shining star of New York State. We were at the cutting edge of tobacco enforcement, tobacco cessation and other public health initiatives. And when I speak to my students, one of the things we talk about is legacy; what will your legacy be where you work? I take my -- that thought very seriously and the things that I do, in my civic activism as well as my professional life. And so my question to you is what is the legacy going to be of Suffolk County? What is your legacy going to be in this County and what are you going to leave my children when they want to grow up here and live here? Thank you.

Applause

D.P.O. HORSLEY:

Thank you very much, Mr. Durney. I had three folks that I passed over because they weren't here when I called their names; Richard Protosol? Richard? Last call. Jean Marvin? Jean Marvin? And John Sweeney. John Sweeney? Okay. Is there anyone else that would like to be heard today?

MR. STRAUSS:

Good morning. My name is Alex Strauss. I live at 184 Radio Avenue in Miller Place. I come to these meetings because I think they're very informative. A couple of things I'd like to speak about.

Number one, is there any reason at all why they make people stand outside when they have a big lobby here that people could sit in and wait for the doors to open? It is absolutely ridiculous to have people line up outside in the rain and the snow or whatever. This just started three weeks ago, it's stupid. Maybe somebody can look into that, maybe we can get them to open the doors and let the people that pay the taxes here to come in, you know.

Applause

We have big problems. You want to layoff a bunch of people. For ten years now, if I'm not mistaken, we haven't raised the Suffolk County taxes yet for ten years. I don't understand. Has anybody here have a bill that they have at home that hasn't gone up in ten years?

Applause

I don't, and I don't think anybody else has. Nobody, nobody hires people just to fill spots in a spot. The people that are here that you've been hired is for a reason, they do a job. If we didn't need them before, what the hell did we hire them for?

*(*Laughter*)*

Now all of a sudden we're going to lay them off and everything is going to be the same. It doesn't work. How does that work? I know you guys -- you people are all in a bad position, it's hard. Because to raise taxes, it's like saying, "Oh, let me just give the guy that's going to run against me in three years or two years something to do."

UNKNOWN AUDIENCE MEMBER:

It's called campaigning.

MR. STRAUSS:

It's not campaigning, these people are good people. It's just a bad position to be in that you shouldn't have to be in. There has to be a point in time where you have to raise revenue. You can't raise revenue by laying off people, that doesn't make any sense.

Applause

There has to be a point in time we have to raise revenue. I'm a retired electrician, my income is fixed. I'm willing to pay more money, everybody is willing to pay more money. It's just to a point that you can't just keep cutting. You've cut everything, there's nothing left. There's nothing left to cut. Thank you very much for your time, I appreciate it.

Applause

D.P.O. HORSLEY:

Thank you very much. All right, that is the last speaker that I have listed. Would anyone else like to be heard? Would anyone else like to be heard? Would anyone else like to be heard? All right, we have two more. Okay, thank you.

MS. ALFARO:

I can't really say much that hasn't already --

D.P.O. HORSLEY:

Whoa, whoa, name and address.

MS. ALFARO:

Oh, sorry.

D.P.O. HORSLEY:

That's okay.

MS. ALFARO:

My name is Bonnie. I don't know why I have to give you my address.

D.P.O. HORSLEY:

Well, do you want to speak?

MS. ALFARO:

But anyway, I'm a County worker.

D.P.O. HORSLEY:

Bonnie, give us your last name, please.

MS. ALFARO:

My name is Bonnie Alfaro.

D.P.O. HORSLEY:

Thank you.

MS. ALFARO:

I'm a County worker. I don't think I can say much that hasn't been said already, but I think the point of all of this is I think all of you are aware of the unemployment rates, what's going on outside of our County here. And I think, as politicians and as public representatives, that you have to look at this as the whole picture. How do you send workers out into the economy that's existing out there; how do you do that? Everybody knows the unemployment rates, everybody knows that there's people without health insurance. Everybody knows these Federal issues. This is not responsible politics. You call yourselves politicians, you need to start being responsible politicians. You have to look at it as a whole, not as a department, as a whole. I think everybody had something valuable here to say. And I'm glad that finally I have almost everybody's attention, because the little conversations that were going on and the little laughing that was going on, I found it very unprofessional on your part. I don't get that.

Applause

I don't get that. But I do thank you, this time I do see that I have everybody's attention and nobody's jeering and nobody's sneering; I appreciate that.

D.P.O. HORSLEY:

Thank you, Bonnie. Ma'am? Name and address for the record? Thank you.

MS. GIARDINO:

Laura Giardino, I live at 79 Eagle Lane in Hauppauge and I would like to say thank you so much for listening to all of us this morning. I would like to say thank you to those people that spoke on behalf of not only our program, which I work as a nurse practitioner in the Suffolk County Learn-to-be-Tobacco-Free Program. It's been my privilege to work for Suffolk County since 1986. Prior to this, I worked in women's health, and I came to the County because I thought that our mission was to help those who can't help themselves. And when I worked in early -- in the Health Department earlier on, I worked with women and children and pregnant teens who really needed a lot of help. And for the last 12 years I've been working in the Suffolk County Department of Health working with people who really can't help themselves either because they're addicted to nicotine.

And I'm sure many of you have probably smoked in the past and many of you have friends and family members who have tried and, as we've heard here, it is an addiction. And one woman spoke from the Office of Mental Health, she works with people with mental illness. People with mental illness die 25 years earlier than those people who are not with mental illness. They don't die from mental illness, they die from smoking, and those are the people that we're working with now. We really worked with 50,000 people, and originally those people were probably the ones that needed the help and did really well. But now we're working with those people who really need professional services, services that are guided by the CDC where it's a comprehensive program, and we provide not only behavior, educational and pharmaceutical help. In addition to which our school-based program, we want to stop youth from initiating this disease, because once they get addicted it's really, really hard. The tobacco industry has really made it so easy to become addicted and we have that battle to fight.

So again, thank you so much for listening to us. I know the decisions are tough, but I really believe prevention and treatment saves dollars and they save lives. Thank you.

Applause

D.P.O. HORSLEY:

All right, thank you very much. And we appreciate everyone coming down today and speaking your minds. It's very important. It's important for all of us.

At this point in time, I'll make a motion to close the public portion.

LEG. BARRAGA:

Second.

D.P.O. HORSLEY:

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

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

What we're going to do at this point in time, the minority caucus has requested a five minute recess, which I will grant. And we'll be back to you within five minutes.

LEG. KENNEDY:

Thank you, Mr. Chair.

*(*Brief Recess: 11:58 AM - 12:10 PM*)*

D.P.O. HORSLEY:

Mr. Clerk, would you please call the roll.

*(*Roll Called by Mr. Laube - Clerk of the Legislature*)*

LEG. ROMAINE:

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:

Here.

LEG. BARRAGA:
Here.

LEG. KENNEDY:
Here.

LEG. NOWICK:
(Not present).

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:
Sixteen.

D.P.O. HORSLEY:
Okay. What I'd like to do now is we have in front of us the Certificates of Necessity from the County Executive, and I'd like to take out of order at this point in time 1471. I'll make the motion.

P.O. LINDSAY:
Second.

D.P.O. HORSLEY:
Second by Legislator and Presiding Officer Lindsay. All those in favor?

LEG. MONTANO:
Mark me present.

D.P.O. HORSLEY:
All those in favor? Opposed? Abstain?

MR. LAUBE:
Eighteen.

D.P.O. HORSLEY:
So moved.

Okay, now the *Certificate of Necessity, 1471-12 - Amending the 2012 Operating Budget to restore certain County positions (County Executive)*. And I'd like to -- I'll make a motion to approve.

And may I have a second on that? Presiding Officer Lindsay.

LEG. KENNEDY:

I'll make a motion to commit to committee, Mr. Vice-Chair.

LEG. NOWICK:

I'll second that.

D.P.O. HORSLEY:

There is a motion by Legislator Kennedy, seconded by Legislator Nowick, to commit to committee. On the motion? Ready to go, guys? On the motion, anyone want to speak?

LEG. MONTANO:

Discussion.

LEG. KENNEDY:

On the motion to commit to committee. We have heard from the membership today. We've also heard, quite frankly, a tremendous amount of economic news that are before us. But I will speak specifically to something that I requested from the County Executive yesterday and which unfortunately he declined to entertain.

Through the courtesy of the Chair, and I thank you, you will see that today there is a Late Starter that is going on that would extend the hold-harmless provision for contribution for health care for our AME membership. To his credit, the County Executive embraced our collective concern when we were faced with the actuality of layoffs for our law enforcement members, despite the fact that in our Budget Working Group last October we had collectively established that as a threshold plank that there would be no law enforcement layoff. Nevertheless, in the process, some of the language, I guess, did not emerge and the positions that were created were created as interims, along with the rest of the 449.

To his credit, the County Executive reached out, brokered a consensus with various law enforcement unions and we now know that 73, I believe it was 74, sworn law enforcement officials here in Suffolk County elected to separate from the payroll. Several of them are gone already, the balance will be gone by this weekend, I believe. Critical to that incentive were various accruals they were afforded. But also, there was an absolute, rock-solid hold-harmless from contribution into health care which seems to be vast upon us as we speak right now, and I believe we may even be looking at a resolution in this folder as a CN.

The purpose of filing this resolution for the civilian membership, our AME membership, is to afford those members who today have the age and the years of service to be able to retire should they choose. And with the added assurance that they would not be asked to contribute to health care, I believe, based on calls I've had to my office, we would see a significant number of members elect that provision. Today there are 208 age-eligible and year-eligible AME members who could elect to retire.

By taking this vote today on the CN before us to restore some positions but to allow other layoffs to go through, we are going to obviate any opportunity to realize additional savings to save jobs. Last Fall we struggled mightily in order to be able to save jobs, and today we're now confronted with this absolute, line-in-the-sand that we must act or we will somehow revert to the prior administration's layoffs. Interim positions were created through the actions of the Presiding Officer and the County

Executive, I think an element of time could be addressed. I also believe that there is a need to hear from our committees about what the impact of these layoffs would be, and so I make the motion to commit to committee. Thank you.

Applause

D.P.O. HORSLEY:

Legislator Montano?

LEG. MONTANO:

Yes, I have some questions. Ben, I see you standing there. Do you want to address questions on behalf of the County Executive's Office?

MR. ZWIRN:

I will address the ones that I can answer.

LEG. MONTANO:

Understandable.

MR. ZWIRN:

And the Deputy County Executive for Finance, Fred Pollert, is here and Deputy County Executive Jon Schneider is here also to back me up if we need some more information.

LEG. MONTANO:

Okay. What we have before us, and I just want to be clear on 1471, is a resolution to restore certain positions; is that correct?

MR. ZWIRN:

That's correct.

LEG. MONTANO:

All right. And the choice that I understand that we're faced with is that if we do not approve this C of N in its form, in its current form, on this date, then it is the position of the County Executive's Office that they will simply either withdraw the bill and allow the prior existing list of employees that were scheduled to be laid off on July 1st to go into effect; is that a fact? Is that the position of the County Executive's Office?

MR. ZWIRN:

That is absolutely correct. The only reason we are here today -- if we do nothing, if we withdraw this bill or it does not get 12 votes after a vote, we will withdraw this bill and the budget that was adopted will go into effect with over a hundred more layoffs. This is a restoration bill. So a vote today to commit, a vote on abstention, a vote no is a vote for the original Levy list with over a hundred more names. Nobody walks out of here today with the thought that somewhere down the road we're going to address this again.

The only thing we're going to address again are more cuts and trying to raise more revenue. It is not over today. What the employees said today was absolutely true, we cannot balance this budget on the backs of the employees of Suffolk County. There aren't enough of them, there's not enough money there. It's going to have to come from a lot of areas. But this we're dealing with today is the 2012 budget. It's not the \$500 million deficit we have going forward, this is going from 2012. The Legislature had a gun to its head the last time when they addressed the 2012 budget. Everybody on this group, every one of these elected officials here said that the list that the former County Executive prepared and submitted to you was insane; undoable, unworkable. So what you did was something -- it was unorthodox, it had never been done before, you funded another six

months and you asked the current County Executive, Steve Bellone, to rework this list, talk to the elected officials, talk to the department heads and talk to you.

LEG. MONTANO:

Let me ask you this.

MR. ZWIRN:

And he did do that.

LEG. MONTANO:

And he did, and I understand that. And I understand what you are saying is that a final decision must be made today. There will be no subsequent opportunity to either revise this list or revise the other list; am I correct?

MR. ZWIRN:

That's correct.

LEG. MONTANO:

Okay. Now, this comes to us in the form of a C of N. So the only question I have -- and I understand the first part of it and I understand that you have put on the record very clearly that there are no options other than column A and column B. But why is this before us on a C of N? I mean, I know that we have had discussions over the weekend to try and revise this list and, you know, it's been a work in progress. But quite frankly, the list that was developed and passed by the operating Budget Committee was done in November. The County Executive was elected in November, he's been in office over a hundred days, and now we are faced with a choice on a C of N to vote up or down on a very critical issue without any opportunity to really debate, discuss or have this thing go to committee, as the Legislature would require. So what -- what I -- what I question is why it came in on a C of N; why wait so long?

MR. ZWIRN:

We have a time constraint with respect to notices to employees who are terminated; they need a 60-day notice. It has to go out by the end of April. If County Executive Bellone had chosen not to move forward, let the original budget go into play, he could have chosen to do absolutely nothing and I wouldn't be standing here today and we wouldn't have this debate.

LEG. MONTANO:

But the question --

MR. ZWIRN:

I'm going to get to that.

LEG. MONTANO:

Oh, okay, You're going to get to the question?

MR. ZWIRN:

Department heads had to go into it. This is a mammoth process; it should be and it is. Civil Service had to go back and do bump and retreat analysis not only once, not only twice. There was input from the District Attorney as late as today, one of the elected officials, there was input from Legislators who had heard from department heads, who had heard from somebody that they wanted some changes made. So if we had started this process the day after the election, we still would have been making changes up until the last minute. There is no time. If we do nothing and if we don't get 12 votes, we're done, the original list goes into effect. The County Executive has done everything he can to try to make this awful process better, so that when it's all said and done, the departments will be able to run in some semblance.

As I said, everything the employees said today is true. This will have an impact not only on them, it will impact everything. We're going to have to rework government; and it's not over, we're still going to have to do more. But today this is the vote that's before you. There is an up or down vote; if you don't get 12 votes, we're done.

LEG. MONTANO:

Okay, then I'll just end with a brief comment. While I regret that we have to layoff anyone, given what you have said, that we have one of two choices -- either pass this or you will implement the list that was developed in the budget -- then I have no option but to support it.

Boos From Audience

UNKNOWN AUDIENCE MEMBER:

Raise the taxes.

P.O. LINDSAY:

Quiet down.

D.P.O. HORSLEY:

Legislator Gregory.

LEG. GREGORY:

Thank you, Mr. Deputy Presiding Officer. I think it's appropriate and it should be stated that none of us, from the 1st Legislative District to the 18th Legislative District, wants to layoff one person. We are in the unenviable position where we have to make a choice. We were given a horrible choice with the presentation of the budget last year by the former County Executive, the Working Group made lemonade from lemons, we were able to save 600 plus jobs. Come July 1st, there's just no funds available to address the remaining positions. And so no one -- I know it's been -- I heard, it was put out in the universe, that the majority is relishing laying off people; that is absolutely not true at all. I have members of my family that have been laid off, I understand the pain and the anguish that occurs and I am -- and my colleagues understand that and feel that and I would -- and I state the whole body understands and feels that. This is not an easy process. No one wants one person to be laid off. But we are -- we were able to accomplish, with the Administration, with some Legislators, department heads something that I think no one here thought we would be able to do, and that's restore sanity to this insane list that was given to us.

Last year, in this auditorium, budget officials from the prior administration sat at that table and I had asked one of them, "How did you compile this list? What analysis, what mechanism did you do -- go through to compile this list?" That person's response was -- "It was myself and the County Executive that put the list together." I said, "What about the department heads?" He said, "Well, we didn't consult the department heads because they would give us their dead wood and they wouldn't give us a list that made sense by function."

Now, what the Administration -- and again, we were able to -- we were able to make this list make more sense. I don't think if you gave us four more months, I don't think anyone would be a hundred percent satisfied with this list, but there is a deadline that we have to face. So we restored sane or sanity, I would say, to this list, it makes more sense. If we're going to reduce jobs, in essence. But one thing that we're doing -- and I think that also we weren't expecting to do is we're actually restoring jobs. You know, come July 1st you will have 150 people that would be laid off.

So, you know, tell the Detective Investigators that were restored in the District Attorney's Office that they're losing their job; no, their jobs are being restored, and all the other people in jobs that are being restored that this is not a good thing. No one wants to see one person let go. That's no consolation to the 300 or so that are losing their jobs, but you're saving 150 jobs.

UNKNOWN AUDIENCE MEMBER:

You're losing 315.

LEG. GREGORY:

I understand that.

D.P.O. HORSLEY:

Please. No comments from the audience, please.

LEG. GREGORY:

And more importantly, and I think this has been lost in the translation, these jobs don't address the \$530 million deficit. So adding one -- adding one day of delay would cause our \$530 million projected deficit to go up. Raising taxes, which is something that's been mentioned over and over, and I'll end with this, is not a solution. We can't raise taxes in the middle of the year. The soonest that we can raise taxes is January of next year; it's not a solution. And again, that doesn't address the \$530 million deficit that we face. We have rating agencies that are waiting for us to make a decision to see if we're ready to make the tough decisions to address the issues that we face, that could possibly very well put us in a further fiscal constraints when our bond ratings will be downgraded if we don't make those tough decisions, and possibly a fiscal control board. What hasn't been mentioned is there's a likelihood, without some of the measures that we're taking today, we may not make payroll May 3rd. That hasn't been put out there, but that's the reality. These are tough decisions. This is not a walk in the park, these are tough decisions that we're going to have to make to preserve the remaining, the remaining jobs and employees of the Suffolk County workforce. Thank you.

D.P.O. HORSLEY:

Thank you very much, Legislator. Legislator Nowick.

LEG. NOWICK:

My second to the motion to commit to committee doesn't mean I believe that these layoffs will not go through, whether it's some of them or more of them or half of them. But what I did hear in this morning's public hearing was the future President of AME talking about and giving his word that he could come up with \$24 million in concessions. Now, here's the thing; that's 14 days. These people that are losing their jobs, isn't it worth giving them 14 days if maybe we could save a few jobs?

Applause

That's ten working days. I'm aware it might cost a little money, but if there could be concessions and if it is his word, and I believe his word would be his bond, is it not worth it? They're going to go into foreclosure on their homes. I know we're not going to save all the jobs, I understand that, they're asking for 14 days. And it's not asking a question, I just don't think that we can overlook that.

D.P.O. HORSLEY:

Thank you very much, Legislator. Legislator Barraga.

LEG. BARRAGA:

Thank you. I just want to make it very clear, I will not support any layoffs, period.

Applause

I know this is a very difficult time from an economic perspective, but I have to take a look at this piece of legislation as one of the more dramatic ones I've had to deal with in my 35 years in elective office. And it's always a question, when it comes right down to it, what is fair? What is fair?

Now, I've been in this office for six years, and I've sat here year after year, when the previous County Executive has rendered his budget to us, and witnessed people coming forward, representing the unions, indicating how he has not filled hundreds of positions. And the numbers over the years increased dramatically; 500, a thousand, fifteen hundred; those positions were never filled. Those people were gone, those positions were gone. Then a couple of years ago I sat here and someone came up with the idea, which was a good idea, of an early retirement incentive program. And then at the end, for every ten individuals who participated in the program, if you all recall, only -- we only backfilled two of those positions. So if you take a look at the last six or seven years, the public employees have paid the price. You have --

Applause

In the last four or five years, in the last four or five years, with the recession, the demands on the remaining numbers of people working for the County have increased dramatically, especially in Social Services and in Health. More people, because of the economic circumstances that we all see in our district offices, need this help. We have a population in Suffolk County that exceeds the total population in 12 states. When things go bad, it's the public sector that has to provide the services. We are down to the bone. There is no doubt, and I am conservative, that we don't have an adequate number of people to deal with all the issues that we're asked to deal with in Suffolk County. Cutting another 315 doesn't make any sense.

Now, we are -- we are given a bill here that says, "Well, either you go along with this or this will happen." Now, I was sitting here with most of the members when that committee came in and said, you know, over a three-year period, we have a \$539 million deficit. And one of the members astutely asked, well, does that include the potential number of people who might lose their jobs, and the answer was no, that could be another 20 to 25 million.

After that meeting was over, then it's a question of how one in power couches the major premise, and what maybe should have been said is, "Look, if we have roughly a \$560 million deficit because of the Comptroller coming in and making the adjustment, how do we close the deficit?" And you're asking this of the fiscal experts that have been brought in in the Administration, outside the Administration, how do we close this fiscal deficit? What's your plan, but with no layoffs? That was never asked. It was never asked. The assumption was these people would always be going. We can't afford to let them go.

Fiscally, to keep them on the payroll between now and the end of the year, to give everybody another six months to deal with this issue, it would cost us \$11.4 million. Peanuts. Peanuts. And someone said, "Well, you know, where are you going to get the money?" Well, let me tell you where you get the money. You float a bond. You float a bond for \$11.4 million and you keep them on the payroll.

Nassau County. Nassau County, with all of their problems, they got their NIFA Board, the control board, to sign-off on a \$450 million bond issue that they will be issuing over the next several years to mainly close operating expenses. Now, if someone says to me, "Well, maybe we can't do that for wages," then pick something out else out in the Operating Budget that you can do it with and save the 12 million and apply it to keep these people on board.

Applause

I had a conversation yesterday with someone and I brought this up, and this person said to me, it was one of these face-to-face deals, "Well, I don't think we should do that, float a bond issue to pay wages." I said, "Really? Really? Would you feel differently if your name was one of the 315?"

Cheers & Applause

Remember, this -- and I have deep respect for this Legislature, you know that. And it's a difficult decision. But, you know, it's not a risk decision for you and me. When those people walk off on Friday, whatever it is in July and they're out of work, everybody here comes back in on Monday. The question is if all of our names, if the names of the people making these recommendations were also on this list, I have a feeling we wouldn't be dealing with this issue the way we are.

Cheers & Applause

People in any entity, any entity, any company, public/private, they're your most important asset. When attrition was taking place, I sat here and I said, "Well, they're going to have to do more with less." But the saving grace, we never fired anybody until the original proposal came up about four or five months ago and I debated against it, because I felt we had crossed the line based on our circumstances and our personnel and the needs. If you went out there right now and you stopped people on the street and said, "You know, we're going to lay off 315 people. What do you think", I think most people would say, "I don't think you should do that." In fact, I was looking at News 12 and they asked four or five people; out of the five they asked, four said, "No, I don't think you should do that." How does that help the economy? How does that stimulate economic growth? It doesn't. These people are going to go from the Suffolk County payroll where they're performing a vital function for our citizens and they're going to go on the unemployment rolls at the Federal level, and this County is going to have to supplement some of that money. So they'll sit home making one-quarter of what they make here, no health benefits, no nothing and doing nothing and collecting unemployment for 99 weeks. How does that help, when there's a real need for them right here? So under no circumstances will I support this.

Now, I think I've discussed this on the merits. Now, just a personal observation. My father was an Irish, democratic union tradesman. He was an iron worker at a Local 40. He lived and believed in the union. When I was 19 years-old, I had served some time in active duty. I came home, I was going to St. John's University, and in those days, believe it or not, either your parents had enough money to send you to school, or you actually worked to pay your tuition. And I was in a situation where I came home, after being away for about a month and a half on active duty, and I knew I was in trouble because I wasn't sure I could go back to St. John's University because I didn't have any money. So my father says to me, and he was a tough guy, he says, "You come with me."

So 5:30 in the morning we get on, you know, the railroad in Babylon, we go right in, we go to Manhattan. And here I'm standing in front of this construction site and it's the Pan Am Building, now known as MetLife, and they were putting it up; they were running steel on it beginning like on the second or third floor. So he introduces me to the shop steward, and this guy -- you know, most of these guys were Irish, Italian, tough guys, hard workers, a lot of them hard drinkers, but never finer people you'd ever want to meet in your life. Most of them said, you know, if their sons went into the business, fine, but they'd rather have their sons become doctors and lawyers because they didn't want them walking the steel and everything else that went through it. So I get introduced to this shop steward, foreman, Irish brogue, and he has me fill out a form and he says, "You're an apprentice." So, okay, I kept my mouth shut. He takes me up to the second floor where they're running the steel and he says, "Here's your job. You fill these baskets with bolts and you take them out on the steel to those guys out there and they'll bolt up." So I'm looking at him and my father says to me, I'll never forget it, he says, "Now, look, don't fall off the steel because then I'd have to" --

(*Laughter*)

-- "go home and tell your mother that the boy," that's how he always referred to me, "is dead and we have to have a wake."

(*Laughter*)

So for seven, eight weeks, that's what I did, I took the Pan Am Building from the third floor I think up to the twentieth floor, made my tuition. And as the years went by, the old man always reminded me that no matter what happened to me, what degrees I got, where I went to work, elected office, it was the union that gave me the opportunity, because if it wasn't for the union, you would have never been able to go back to school.

Applause

Now, as I said, these iron workers were tough. They were pro-union men. If they ever saw this list, they would tear it in half and tell you where to stick it.

Cheers & Applause

Someday I'm going to meet the old man again, and if I ever voted for this, if I ever voted for this, as soon as I'd see him -- if I met him in Purgatory, he'd kick me out and throw me in Hell.

(*Laughter*)

Because, you know, when you're a union man, you never screw over another union man; that's the way it is. Thank you.

Cheers & Applause

D.P.O. HORSLEY:

All right. Thank you very much, Legislator. And I'm glad you didn't fall off either. Legislator Kennedy, I understand you have a quick question or something short.

LEG. KENNEDY:

You know, just being a son of a union man, I guess I'm going to say ditto. I was going to try to explain with the Public Health Nurses and everything else. You know, I think Legislator Barraga summed it up pretty well.

I guess the last point that I would leave here is, Mr. Zwirn, you indicated that it's the County Executive's position that it's this list today or we revert back to the Levy list.

MR. ZWIRN:

There's no money in the budget to pay these positions beyond July 1st. If Legislators, Republican Legislators wanted to raise taxes last year to pay these people through the entire year, to float a bond, when I hear Republican Legislators quoting Nassau County's fiscal impact as a model to borrow \$450 million for operating expenses --

LEG. KENNEDY:

Nobody asked for that, Ben. And as a matter of fact, I didn't ask you to give us a soliloquy.

MR. ZWIRN:

I'm sure that Legislator Barraga --

D.P.O. HORSLEY:

Guys, guys, come on.

LEG. KENNEDY:

As a matter of fact, this Legislature did raise taxes in a budget that came in 2012.

MR. ZWIRN:

Not enough. Not enough to cover these positions.

LEG. KENNEDY:

We raised it enough to go ahead and to provide for an additional 12 million that went into the special district. And when it came time to making tough decisions, we're now faced, and my colleague on the other side, were he able to speak on this, since the Administration chose to bundle this, would have spoken about the fact that we did not consider sale leaseback, we did not consider tax liens, we did not consider termination of leases, and here we are now looking at throwing 350 people over the bow.

MR. ZWIRN:

You don't have to -- listen. Legislator Kennedy?

Applause

D.P.O. HORSLEY:

All right.

MR. ZWIRN:

Legislator Kennedy?

D.P.O. HORSLEY:

Ben?

MR. ZWIRN:

But let me just --

D.P.O. HORSLEY:

His comment was made.

LEG. KENNEDY:

Let's vote.

MR. ZWIRN:

You don't have to vote for this. If you don't get 12 votes --

D.P.O. HORSLEY:

We understand.

LEG. ROMAINE:

Call the question.

D.P.O. HORSLEY:

Ben, Ben, please. Ben, please.

MR. ZWIRN:

I'm just saying.

D.P.O. HORSLEY:

Okay. Yes, Legislator Montano.

LEG. MONTANO:

Ben, I have to tell you, I said that I would support this because you made it a choice between A and B, but I resent your comments trying to make this a partisan issue.

Applause

UNKNOWN AUDIENCE MEMBER:

Thank you.

LEG. MONTANO:

We worked together as a Legislature last year. So as I said earlier, I'm only considering this because I have two options, but if you try and turn this into a political circus, you will lose my vote. So don't go there.

Now, what I want to ask you very clearly, because I'm very unhappy with this situation, is that we've heard Legislator Nowick make an offer by the union to sit down and to negotiate some other kind of solution, with concessions, etcetera. You've heard Legislator Barraga. And my question to you is has that moved the Administration in any fashion, or are you still maintaining that this is either one list or the other?

MR. ZWIRN:

This is one list or the other, and those conversations with additional givebacks and concessions are coming. All the things that Legislator Kennedy has talked about will be considered going forward.

LEG. MONTANO:

So you want us to layoff people now and then you want further concessions.

UNKNOWN AUDIENCE MEMBER:

More layoffs.

MR. ZWIRN:

The Administration doesn't want to layoff anybody. We were asked to see if we could --

UNKNOWN AUDIENCE MEMBER:

Work with us.

MR. ZWIRN:

To restore --

LEG. MONTANO:

Hold on. Please, please, we have a speaker and we want him to be heard.

MR. ZWIRN:

We were asked by both Democrats and Republicans and all the parties that are represented up here to do a better job with the list, everybody, and everybody had input into that situation, into that process, and that's what we came up with. We went to department heads, we went to elected officials, we went to members of the Legislature to try to come up with a list that would make more sense to run this County. If we don't vote on this today, then the original list that was adopted by this Legislature in the 2012 budget will go into effect.

D.P.O. HORSLEY:

Okay. Thank you very much, Legislator Montano. Legislator --

LEG. ROMAINE:

Call the question.

D.P.O. HORSLEY:

Presiding Officer, did you want to have a say?

P.O. LINDSAY:

Legislator Schneiderman wants to talk.

D.P.O. HORSLEY:

Oh, I'm sorry. Legislator Schneiderman?

LEG. SCHNEIDERMAN:

Ben, I want some clarification on that last issue. So if this vote is taken today, there's a 60-day period before these actual individuals would leave their service to the County.

MR. ZWIRN:

Yes.

LEG. SCHNEIDERMAN:

We have to wait for Ed's phone.

MR. ZWIRN:

If you're notified by the end of --

LEG. SCHNEIDERMAN:

If union leadership is able to come to the table within that period with a \$24 million package, would the County Executive stop this process and allow these people to stay with the County? Are you considering only additional layoffs beyond the 300 plus in terms of concessions with organized labor?

MR. ZWIRN:

This is the 2012 budget that we're talking about. Going forward, we're going to have to talk to everybody to try to find --

LEG. SCHNEIDERMAN:

Really, it's kind of a simple question. If the union were to come in -- if we support this --

MR. ZWIRN:

No, the answer is --

UNKNOWN AUDIENCE MEMBER:

Answer the question.

LEG. SCHNEIDERMAN:

If we support this.

P.O. LINDSAY:

Quiet down.

LEG. SCHNEIDERMAN:

If we support this and union leadership comes forth with an amount of money that will allow these people to stay and keep the budget whole, will you reverse this process, support reversing this process so that these people can stay with the County?

MR. SCHNEIDER:

What I could say is that our -- look, the County Executive has made it very clear that our door remains open. What the Legislature will be doing today will be reducing the size of this list. Tomorrow is another day. Our door remains open to speaking with the unions and to working with this Legislature in order to put this County fundamentally on the right fiscal path. What we're doing today is to carry out the 2012 Operating Budget with significantly fewer layoffs than would otherwise be the case.

LEG. SCHNEIDERMAN:

Jon --

MR. SCHNEIDER:

Tomorrow -- the very simple answer to your question; our door is always open. It will be open tomorrow.

Applause

P.O. LINDSAY:

Quiet down. Quiet down.

LEG. SCHNEIDERMAN:

It's important to understand --

P.O. LINDSAY:

Jay, let me answer it, all right? A number of Legislators came to me and asked that the Levy list be thrown out, from both sides of the aisle. I instituted a meeting with the County Executive and he heard our request and revised the list, to the better.

In that process -- you know, last Fall when we were in the budget talks, I personally met with every union leader and said, "Gang, this is for real. We don't have the money to make payroll. We need help." Only one union came forward, the PBA; they came forward with a buyout program that worked. So I invite all the other union leadership to do the same thing, and they have two months to do it before the layoffs go into effect. No, that's it. Come on.

LEG. ROMAINE:

Let's just vote.

LEG. SCHNEIDERMAN:

Jon, do you concur with that?

LEG. KENNEDY:

The CO's were there.

LEG. SCHNEIDERMAN:

I support what the Presiding Officer just said.

MR. SCHNEIDER:

I --

LEG. SCHNEIDERMAN:

You have to understand -- if I may. When we -- one second, Jon.

MR. SCHNEIDER:

Just to be clear, I concur with the Presiding Officer .

LEG. SCHNEIDERMAN:

Okay, good. Thank you. Let me just say this. When we did -- I was part of the Working Group that did the budget and we had the County Executive's list and he said in his budget memo that this was basically to try to pressure labor towards certain concessions on health care. There was no time to even negotiate, so we moved the list to raise taxes roughly \$12 million, that covered six months with the hope that in those six months there would be some concessions. Here we are today and there hasn't been any concessions and we're moving forward with not that list but a smaller list, granted, and I applaud the County Executive's effort to look at the list, to trim the list, to make it so that he'll be able to have a functional County.

I don't want to layoff anybody. This is a terrible situation. I understand that we don't have the money to pay our employees, but we also need them. So if the union is able to come up with real savings in the next 60 days, I want to know that this can be reversed, and that's -- what you're saying is yes.

MR. SCHNEIDER:

What I -- yeah. What I am saying to you is that our door is and will be --

P.O. LINDSAY:

Okay, we heard you, Jon. Cut it off. Cut it off.

D.P.O. HORSLEY:

Okay. Thank you very much. Legislator Cilmi, you have a quick question?

LEG. CILMI:

Yeah, I just have a question. When we did the budget, when we did the budget last year for this year, as I recall, the County Executive had in his budget that he was closing the nursing home and -- at some point, and my understanding is that the positions for those folks who work in the nursing home would, at some point, be eliminated. My question, either to Counsel or to Budget Review, is is my memory correct? I've heard no discussion about the 200 plus employees that work at the nursing home, and some of them are sitting in the room today, I think they probably want to know what their fate is. So if Budget Review can answer that question; what happens to those employees, as of this moment, as of at the end of June?

MS. VIZZINI:

The nursing home is funded until December 31st. All the positions are interim, they will expire. So that is another major policy direction and decision that the County Executive and the Legislature will have to make; what happens to the nursing home in 2013.

LEG. CILMI:

So they expire -- all those positions are interim and expire at the end of this year.

MS. VIZZINI:

Correct.

LEG. CILMI:

Okay. Thank you.

D.P.O. HORSLEY:

Alrighty. We are all -- I think we've all spoken out.

LEG. MONTANO:

I have another question.

D.P.O. HORSLEY:
Legislator Montano.

LEG. MONTANO:

No, no, this debate's going to go on. Jon, I want to go back to your earlier answer to Legislator Schneiderman's question. Either I misunderstood your answer or you didn't quite answer it, so -- you know, and I don't mean that disrespectfully.

What I heard Ben say -- I just want to be very clear on this before I vote. What I heard Ben Zwirn say was that under no circumstances would the Administration reconsider these layoffs if this bill -- in other words, if this bill doesn't pass, then the 449 or 464 people that were scheduled to be laid off would be laid off, and he went so far as to say that this bill would be withdrawn and that would be the end of it. You have said that your door is always open.

UNKNOWN AUDIENCE MEMBER:
Good catch.

LEG. MONTANO:

So I'm trying to understand what we're doing here and I want to be clear. So if your door is open --

MR. SCHNEIDER:
Yes.

LEG. MONTANO:

Then what you're saying is that there is a possibility that the people on this list can be saved?

MR. SCHNEIDER:

Let me be -- let me be very clear with you.

LEG. MONTANO:

Please, please. Clarity will help me in my decision.

MR. SCHNEIDER:

Absolutely. Today, the only decision that stands before this Legislature is to go with the list proposed by the prior Administration or this reduced list. By implementing this reduced list, we will provide sanity -- we will create sanity in the process and we will put -- and we will essentially be able to guar-- to save jobs for over a hundred Suffolk County families.

Now -- so then that list is in effect. What we -- as the Presiding Officer said, then there are 60-days from the time notices go out on Friday until the end of June. If during that process -- and by the way, the County Executive needs to know, because of the need to meet payroll, I know we've spoken about the dire situation our County faces, that way we have absolute assurance that we can meet the needs within the 2012 Operating Budget, that we can do the Revenue Anticipation Note and continue to make payroll for this County.

Now, once we have -- so if the Legislature -- the Legislature takes this action today to reduce the number of people impacted. Now, what I said -- now, again, so now that is the list going forward. Tomorrow and in the days ahead, our door will be open to work with any parties to see how we can improve government operations, to talk about how labor and the Administration can work together to make sure that we can deal with the fiscal crisis facing Suffolk County.

LEG. MONTANO:

Are you saying that -- I'm sorry, Jon. Are you saying that there's -- even if we pass this bill, that there is a possibility that the layoffs will not be implemented if the union comes forward with a

proposal that saves money?

MR. SCHNEIDER:

I can tell you that the door will -- we will never close the door to labor.

Boos From Audience

D.P.O. HORSLEY:

(Banged gavel).

MR. SCHNEIDER:

But this is the only vote before you today, Legislator.

LEG. MONTANO:

No, I understand the vote. But that's not -- and I don't want to belabor this, but that's not what I heard from Mr. Zwirn, so I'm getting mixed signals here.

P.O. LINDSAY:

(Inaudible).

LEG. MONTANO:

Well, you know what? Go ahead.

LEG. ROMAINE:

Call the question.

D.P.O. HORSLEY:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you, Mr. Deputy. I just want to make one point here, and I know this has been a very long debate.

When I voted for the budget back in November, it was a very difficult vote; in fact, that was the beginning of a process of trying to save jobs. The original budget, as proposed from the County Executive, had had even more layoffs beginning at the beginning of the year, January 1 of this year. This Legislature started on the road to restore those jobs by, one, funding those jobs for six months to give us time to review the list, which we did. This vote today is a further step in the direction of trying to save jobs in a very difficult situation, in a very difficult economy.

I would never rip up this list. I wouldn't rip up this list because it has less people on it than the alternative. So the way I see this vote today is now we've taken another step in solidarity with the County employees to try and save more of those jobs and then the negotiations will continue; is that correct.

MR. SCHNEIDER:

Yes, Sir.

UNKNOWN AUDIENCE MEMBER:

You think this is going to be the only layoff?

MR. SCHNEIDER:

Yes, Sir.

LEG. D'AMARO:

Thank you.

D.P.O. HORSLEY:

All right. Would anyone else like to be heard? We're all good? Okay, the --

LEG. MONTANO:

No, no. Legislator Schneiderman has a question.

LEG. SCHNEIDERMAN:

I just want to clarify something, the question that's really not answered. Jon, I know -- you keep saying the door is always open. Really it's a simple question; I want to know in that 60-day period, if labor or another group were able to come up with another way to close the hole, and I understand there's a lot of holes coming and the idea of the health concessions, the 20 million we'll save there, potentially, that will avert further layoffs. But if they're able to come up with a package that would make the County whole and continue to reduce, you know, the deficit, the projected deficit, why wouldn't we be able to reverse this? And I guess the word I'm looking for is yes; that if they're able to do that, yes, you would support changing this.

Applause

I don't understand why we wouldn't if there's another way to do it. Right now there's no other way to do it.

MR. SCHNEIDER:

Correct. You're asking me a hypothetical situation and I would agree with you; yes.

Applause

P.O. LINDSAY:

He said yes; that's what he said.

LEG. SCHNEIDERMAN:

Okay, that's what I was looking for.

P.O. LINDSAY:

Okay.

D.P.O. HORSLEY:

All right.

P.O. LINDSAY:

Before you take the vote, I just want to clarify something. I've had a number of private discussions with a number of unions, and I think there's a willingness to try and work together to save jobs. And Minority Leader Kennedy pointed out before, the CO's have always been in the front line with this. They have come to me and said they have some ideas that just pertain to the jail, which is a -- so I don't mean to exclude anybody. The PBA did step up and that plan I guess absolutely works, and that's what we're looking for.

LEG. KENNEDY:

But Mr. Chair, this is the point I think that many of us are trying to get from, you know, Mr. Schneider on behalf of the County Executive.

A number of us I think have tried to put forward some other different things, not the things that I spoke about at the State-of-the-County or even that I talked about before, this resolution that I thank you for allowing to go on as a Late Starter. As I said, I know for a fact, I have heard from members that given the promise that they would not have to pay into health insurance, that they will put in for their retirement and go tomorrow. And as municipal employees, they can separate in as little as 15 days.

Applause

P.O. LINDSAY:

John, in all due respect, you know, there was a lot of talk about being union men and whatever, and I'm a union man, too.

LEG. KENNEDY:

Yes, you are, I know that.

P.O. LINDSAY:

But, you know, it starts with the unions sitting down. It starts with the collective bargaining process, we can't circumvent it. It has to be -- the deal has to be at the bargaining table, we can't do it for them.

LEG. KENNEDY:

And I don't -- and you are correct. And I have not tried to insert myself into that at all, AME specifically, because I don't belong there, any more so than you do.

P.O. LINDSAY:

No, you don't.

LEG. KENNEDY:

But I have been told when AME members have attempted to reach out to the Administration, as recently as Friday, that they were are rebuffed. So, you know --

Applause

P.O. LINDSAY:

I'll tell you what.

LEG. KENNEDY:

What?

P.O. LINDSAY:

Six months ago I sat down with the President of AME personally and explained the situation, like I did with every other union leader.

LEG. KENNEDY:

And, you know, look, you and I can talk about a whole lot of things.

P.O. LINDSAY:

All right. So let's move on.

LEG. KENNEDY:

Lifetimes have elapsed in six months.

D.P.O. HORSLEY:

I think we've talked ourselves out at this point. We have two motions on the table, one takes precedence, the motion to commit; I'll take a roll call on that.

*(*Roll Called by Mr. Laube - Clerk of the Legislature*)*

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. SPENCER:

No.

LEG. D'AMARO:

No.

LEG. STERN:

No.

LEG. GREGORY:

No.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

No.

LEG. CALARCO:

No.

LEG. ANKER:

No.

LEG. HAHN:

No.

LEG. MURATORE:

Yes.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

No.

LEG. ROMAINE:

Yes.

D.P.O. HORSLEY:

No.

P.O. LINDSAY:

Yes.

LEG. NOWICK:

Yes?

P.O. LINDSAY:

No, no.

*(*Laughter*)*

MR. LAUBE:

Six.

D.P.O. HORSLEY:

Okay. Now that being the case, the vote fails. Motion to approve.

*(*Roll Called by Mr. Laube - Clerk of the Legislature*)*

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

No.

LEG. KENNEDY:

No.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MONTANO:

Yes.

LEG. CALARCO:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

No.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

I have to recuse myself. I have a relative on this list and, therefore, vote in the negative.

MR. NOLAN:

Recuse.

LEG. ROMAINE:

Recuse.

MR. LAUBE:

Twelve.

D.P.O. HORSLEY:

The motion is approved. We now break for lunch.

*(*The meeting was recessed at 1:03 PM & was reconvened at 2:31 PM*)*

D.P.O. HORSLEY:

All right, we're going to make a command decision here. Mr. Clerk, would you please call the roll.

MR. LAUBE:

Will do.

*(*Roll Called by Mr. Laube - Clerk of the Legislature*)*

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

(Not present).

LEG. MURATORE:

(Not present).

LEG. BROWNING:

Browning's here.

LEG. HAHN:

(Not Present).

LEG. ANKER:

(Not present).

LEG. CALARCO:

Present.

LEG. MONTANO:

(Not present).

LEG. CILMI:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

(Not present).

LEG. NOWICK:

Here.

LEG. GREGORY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

(Not present).

LEG. SPENCER:

Here.

LEG. MONTANO:

Montano, present.

LEG. HAHN:

Here.

D.P.O. HORSLEY:

Here.

P.O. LINDSAY:

(Not present).

MR. LAUBE:

Thirteen (Not Present: Legislators Muratore, Anker, Kennedy, D'Amaro & Presiding Officer Lindsay).

D.P.O. HORSLEY:

All righty. We're going to move right away to the Public Hearings, and the first *Public Hearing* is the *2013-2015 Capital Budget & Program*. Is anybody here to speak on the Capital Budget? We're good? Okay, this has to remain open, so I'll make a motion to recess.

LEG. CILMI:

Second.

D.P.O. HORSLEY:

Seconded by Legislator Cilmi. All those in favor? Opposed? So moved.

MR. LAUBE:

Thirteen.

D.P.O. HORSLEY:

Procedural Motion No. 7-2012 - To set a public hearing regarding the authorization of a license and the setting of rates for Hampton Jitney, Inc. (Presiding Officer Lindsay).

LEG. CALARCO:

Any cards?

D.P.O. HORSLEY:

Yes, we do. We have a card from Pierce Hance.

MR. HANCE:

Here.

D.P.O. HORSLEY:

Come up to the microphone, Mr. Hance.

MR. HANCE:

Good afternoon. I am here to speak, if you will, against this resolution.

D.P.O. HORSLEY:

Excuse me?

LEG. MONTANO:

Speak louder, please, or into the mic.

MR. HANCE:

How's that?

LEG. MONTANO:

Better.

MR. HANCE:

Good. I'm here to speak on behalf of myself and some other members of the Sag Harbor community against this resolution, against this program. I want to make it clear that the problem we have is not with ferries in general. A regional ferry system could be very productive. What we do not support, and have not supported for a number of years, is a point-to-point ferry system where Sag Harbor becomes a concentration point for vehicular traffic coming from other parts of the south fork. As envisioned, this proposal would allow for concentration traffic in Sag Harbor. We already have an extreme congestion and parking problem in the summer months when this is designed to be active. So I want to be clear, there's a distinction here between this, which is a

point-to-point proposal, and a general regional ferry system.

I'd also like to remind you that this, at the present time, is not allowed by the Zoning Code of Sag Harbor. You could not have a ferry terminal in the village, it is in the Zoning Code. And two, we have a Local Waterfront Revitalization Plan which requires a project such as this to be reviewed for consistency; that has not been done. And I do believe that the LWRP's are a burden for you people as well as the State and Federal government and our own local government. So until all of those things are settled, I think this thing is on rather shaky grounds. If you have no questions for me, then --

D.P.O. HORSLEY:

Yeah, I might -- Mr. Hance, I know you have -- you, like myself, have been around a couple of years, involved in different activities throughout your community. Are you speaking as a representative of Sag Harbor at this point, or is this something --

MR. HANCE:

No, I'm -- I have no official capacity in Sag Harbor. I'm an individual. I do feel I represent others who cannot be here today because of work or family problems or whatever.

D.P.O. HORSLEY:

Sure. Okay.

MR. HANCE:

I was able to get here and I am certainly representing myself and my own history on this issue. And you're right, yeah, I've been involved a while. I was in the seeds meetings back in the 90's.

D.P.O. HORSLEY:

I meant that in a nice way (*laughter*).

MR. HANCE:

Yeah. No, that's fine. But anyway, the seeds meetings back in the 90's. And at that time and now, I mean, I have a good regional ferry service. Point-to-point, where we have a concentration of traffic in the Village of Sag Harbor, is not acceptable, and that's why it's in the Local Law. That's why it's in the code. The code was established in 2008. This is not some old law that's just been sitting on the books and hasn't been acted on. It was deliberately put in the code in 2008.

D.P.O. HORSLEY:

Thank you. Legislator Hahn?

LEG. HAHN:

Can you just explain what you mean by regional ferry system?

MR. HANCE:

Regional was -- as discussed over the past 20 years, at least to my knowledge, meant you would have ferries that would, say, originate in Sag Harbor that would go to Greenport, that might go to Orient, they might go around to East Hampton, the ferry from East Hampton could go out to Montauk. The best example I know of, and it might be presumptuous on my part, but if you're familiar with Bermuda, they have a ferry system there that is just like a bus route, the ferry just goes from landing to landing.

LEG. HAHN:

But from point to point to point.

MR. HANCE:

No, no. Point-to-point is back and forth, a route carries people.

LEG. HAHN:

Multiple times.

MR. HANCE:

In other words, right now if you put a terminal in East Hampton, one would hope you'd get on the ferry in East Hampton rather than driving all the way to Sag Harbor to get on the ferry. Under this proposal, someone in East Hampton has to transport themselves to Sag Harbor to avail themselves of this ferry service. What we object to is the transit portion to Sag Harbor and the resulting traffic congestion and parking. Because in Sag Harbor, the majority of the parking that is immediately accessible to the proposed landing site is two-hour parking. So where will these people park? They'll park on the side streets, residential streets. That is a problem and not an attractive alternative to the community.

D.P.O. HORSLEY:

Okay? Thank you very much. Legislator Gregory.

LEG. GREGORY:

Thank you. How long has this -- I mean, this is the first I've heard of this proposal. Has the village been a part of this discussion for this ferry, to your knowledge? Are you aware of any discussion with the village?

MR. HANCE:

I first became aware that there was a possibility of a proposal through a newspaper article in the local press back in January. I was not aware that it was a formal proposal and one which the village was contemplating changing the Local Law until just over a month ago. So no, this has not been a long developing, well-discussed and vetted, if you will, proposal, and that's one of the issues we're dealing with in the village. We just had our first public hearing on the Local Law change that would enable the ferry terminal. And quite frankly, at that meeting, the board seemed to have very little knowledge to support any decision they would make.

LEG. GREGORY:

Okay, that was my next question. Was there a public hearing and if any traffic studies from the village have been done to look at, you know, possible --

MR. HANCE:

No, I have not seen any traffic study. And there has been one hearing. A lot of questions were asked along those lines, there were not responses to them at that time. There will be another hearing on May 8th and we'll see whether there are answers at that point.

LEG. GREGORY:

So if I understand you, you're opposed to the point-to-point specifically because it would draw a concentration of traffic to the village. But if it were, I guess, a regional system where it's just one point in a route, you would suggest, I guess, less traffic --

MR. HANCE:

I would personally. And here I can't necessarily speak for everyone, but I would personally have to see if there was a way to do it in Sag Harbor. Because if there was a system where people in East Hampton went to a landing in East Hampton, Southampton and so forth, then they might want to come to Sag Harbor, so there should be a landing there, or Sag Harbor people to leave. You follow me? In that case, yes, we should be part of that system. We shouldn't be the system.

LEG. GREGORY:

Okay. All right, thank you.

D.P.O. HORSLEY:

Mr. Hance, I just have one quick question that comes to mind. We've heard a lot about the Long Wharf in Sag Harbor, the County's wharf that's in the village. Where is this, the location of this terminal supposed to be; is it near there?

MR. HANCE:

Actually, I was going to ask you a question along those lines. Because the petition supposedly says that it will include who are the adjacent property owners, and at the moment you're it.

D.P.O. HORSLEY:

I see.

MR. HANCE:

And I was curious whether the petition indicates that.

D.P.O. HORSLEY:

Could I defer this to Mr. Schneiderman?

LEG. SCHNEIDERMAN:

Yeah, I can answer an awful lot of these questions.

D.P.O. HORSLEY:

Okay.

LEG. SCHNEIDERMAN:

First of all, there may be a regional plan here. This is a pilot program to test one leg between Sag Harbor and Greenport. There are public hearings in both communities. The Village Board in Sag Harbor hasn't made a decision on it. They've changed the location, first it was at the wharf, they're not at the wharf now, they are looking back at the Long Wharf as a possible location for this, that would involve permitting from the County in terms of a work permit to allow access from the wharf onto this. I may -- I think Response Marine was here earlier and they passed out some pictures of what the little shuttle, the water taxi might look like. What other question did you ask, Wayne, I'm sorry? Was there another question?

D.P.O. HORSLEY:

That was basically, we didn't know where this -- the terminal was going to be. I mean, that's -- we know from you all the conversations we've had about the Long Wharf, so we're just wondering, you know, is it there or nearby?

LEG. SCHNEIDERMAN:

There are also -- and I think there's a representative from the Hampton Jitney that would be running the shuttle to it. The idea is that people wouldn't have to park in Sag Harbor, they could park in East Hampton or Bridgehampton and still be able to access this shuttle, this water shuttle.

D.P.O. HORSLEY:

Great. Thank you very much.

MR. HANCE:

May I comment on that?

D.P.O. HORSLEY:

You may.

MR. HANCE:

I'll presume that all of you have some familiarity with the East End, and perhaps have made the mistake of trying to get around out there on an August weekend. And for many of us in Sag Harbor, it is implausible to assume that someone will get in their car in East Hampton, drive to a parking lot in East Hampton, wait for a shuttle bus, get on that bus, ride up 27 or 114, sit in traffic jam waiting to get to the ferry landing rather than getting in their car in their driveway and driving straight to Sag Harbor.

Yes, they do propose a shuttle bus. The bus will not have enough seats on it, initially, to accommodate all the potential passengers for the ferry. There is no requirement that you ride the bus to get to the ferry. So for those of us who look at this and are familiar with the area, it is highly presumptuous to assume that anyone is going to go through the motions of driving to a bus when they can drive straight to Sag Harbor.

LEG. SCHNEIDERMAN:

Admittedly, they could also drive right on to the ferry station in Northaven and go through Shelter Island and get to Greenport that way, too.

MR. HANCE:

Absolutely. Absolutely. But then they're not parked on the side streets of Sag Harbor. I mean, frankly, looking at the local press, both Shelter Island and Northaven probably are sitting there having cocktails over this one, because it would take -- the only place it would take vehicles off the road --

LEG. ROMAINE:

Is Shelter Island.

MR. HANCE:

-- potentially is Shelter Island, really, and Northaven, but they'll park them in Sag Harbor.

LEG. SCHNEIDERMAN:

Those individuals could just drive through, which they might. I don't think it's much cheaper, if anything, to park your car and then get on as passenger on this water taxi over to Greenport. So I'm not sure they would do that.

But the idea certainly is to promote people coming to the region without bringing their cars, and so the water taxi will take bicycles and things like that. So the idea is to reduce the number of cars, not to increase it. It's a valid point, I mean, it's worth looking at. And I know that the Jitney has worked out an arrangement, or at least tentatively, with the schools so that they can have a parking area there which they can shuttle people to the water taxi so that they wouldn't put cars out onto the streets and the village. So these things -- they're trying to address it and I appreciate --

MR. HANCE:

Look, I don't question the sincerity of Jeffrey Lynch, you know, the Hampton Jitney crew or Jim Ryan; I mean, that is not the issue. The issue is the service itself.

D.P.O. HORSLEY:

Okay, I think we're getting into the realm of debating the bill.

MR. HANCE:

I will point out one thing. The people in the neighborhood surrounding that school parking lot have not been heard from yet about how they feel it being turned into a parking lot and having buses sitting on their street waiting to pick people up.

D.P.O. HORSLEY:

I have a feeling, Mr. Hance, you're going to make them aware so that they will reach out.

MR. HANCE:

They already are.

D.P.O. HORSLEY:

There you go. Thank you very much.

MR. HANCE:

Thank you.

D.P.O. HORSLEY:

We appreciate it. Would anyone else like to be heard on this, on Procedural Motion No. 7? We're good?

MR. NOLAN:

Motion to recess.

D.P.O. HORSLEY:

Okay, we have to recess this public hearing.

LEG. SCHNEIDERMAN:

Wait, wait, there are -- there is somebody that wants to be heard, two of them.

D.P.O. HORSLEY:

Oh, I'm sorry. I didn't mean to --

MR. RYAN:

No, I'm Jim Ryan with Response Marine, and this is Jeffrey Lynch from Hampton Jitney. And we just want to answer any questions that you might have specifically with regard to the project that we're putting together to enhance public transportation on the East End. The ultimate effort is to use the seed study as a model, as a footprint, as a strategy to reduce car traffic and enhance public transportation, where there's more foot traffic in the local retail villages that the East End can enjoy. Both the north fork and the south fork are basically two separate entities in the summertime, and it's very difficult for one to share the other's resources based on the traffic constraints that we have. This is just being looked at as a pilot program, as an alternative for public transportation and to enhance the village retail markets as well. And Jeff, would you like to say something?

MR. LYNCH:

Thanks, Jim. Jeff Lynch, President of Hampton Jitney. Just to go back to what was being discussed about the upland support, the ground transportation. We are -- we do have a tentative lease with the Sag Harbor Village School District to utilize one of their lots. It already is an existing parking lot, it already has cars parking in it now during the school year as well as school buses on it. We would use that in June, July and August while the school is out on recess as a long-term parking facility for ferry customers.

And we are also working with Suffolk County transit in a proposal that would utilize one of the transit buses to run between Sag Harbor, Bridgehampton and East Hampton, to help move ferry passengers from those hamlets into Sag Harbor. And Hampton Jitney, who is funding this pilot program, it is incumbent upon us to market these alternative transportation solutions so we don't have everybody driving to Sag Harbor. We understand the concerns and, frankly, we're concerned, too.

And to keep it in perspective, it is a pilot program to gauge the feasibility of ferry transportation on the Peconic Bay. And the ultimate solution or the ultimate goal is the possibility of a regional ferry system. But being that Greenport and Sag Harbor are the two most populated hamlets on Peconic Bay, that is the first leg where we're starting. This is a privately funded endeavor and that's as far as the budget will go this summer. And hopefully going forward, if it is -- if it does have potential and it is successful, then it will become a regional ferry system. Thank you.

D.P.O. HORSLEY:

Thank you very much. Any questions? Would anyone else like to be heard on this Procedural Motion?

LEG. SCHNEIDERMAN:

Can I just say, because I think I have to move to recess it.

D.P.O. HORSLEY:

You do.

LEG. SCHNEIDERMAN:

BRO, I don't think, finished their report.

D.P.O. HORSLEY:

That's correct.

LEG. SCHNEIDERMAN:

Okay. So we have to recess.

D.P.O. HORSLEY:

That's correct.

LEG. SCHNEIDERMAN:

So I make a motion to recess.

D.P.O. HORSLEY:

And I'll second the motion. All those in favor? Opposed? So moved, it has been recessed.

MR. LAUBE:

Sixteen (Not Present? ????)

D.P.O. HORSLEY:

Sixteen, thank you.

Public Hearing on IR 1288-12 - Adopting Local Law No. -2012, A Local Law to ensure secure storage of controlled medications at pharmacies located in Suffolk County (Spencer). I don't have any cards on this. Would anyone like to be heard on 1288? Would anyone like to be heard?

LEG. SPENCER:

Motion to close.

D.P.O. HORSLEY:

Motion to close by Doc Spencer. I'll second the motion. All those in favor? Opposed? So moved, it has been closed.

MR. LAUBE:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Public Hearing on IR 1312-12 - Adopting Local Law No. -2012, A Local Law to make a technical change to Tax Map Verification fees (Presiding Officer Lindsay). Yes, I do -- no, I don't. I don't have any cards. Would anyone like to be heard on this app -- this IR? Would anyone like to be heard? That being the case, this is the Presiding Officer's. I'll make a motion to close.

LEG. CILMI:

Second.

D.P.O. HORSLEY:

Second by Legislator Cilmi.

LEG. ROMAINE:

On the motion.

D.P.O. HORSLEY:

On the motion?

LEG. ROMAINE:

Yes. What is the nature of the technical change?

D.P.O. HORSLEY:

I will defer to Counsel.

MR. NOLAN:

The schedule now has reference to temporary or dummy numbers. The Real Property Tax Service Agency has advised us there is no such thing anymore, they don't use that.

LEG. ROMAINE:

Dummy numbers in terms of what?

MR. NOLAN:

I'd have to defer to them. You know, that's what --

LEG. ROMAINE:

No, dummy numbers in terms of appropriation, personnel?

MR. NOLAN:

Tax map verifications, in terms of issuing those. There was a fee connected with dummy numbers. This is what -- that's what needs to be corrected. That's the nature of the correction.

LEG. ROMAINE:

Okay. Thank you.

D.P.O. HORSLEY:

Okay? Everyone okay with this? All right, we have a motion to close. We do have the motion, right?

MR. LAUBE:

Yes.

D.P.O. HORSLEY:

All those in favor? Opposed? Abstain? It is closed.

MR. LAUBE:

Fifteen (Not Present: Legislators Kennedy, Spencer & Presiding Officer Lindsay).

D.P.O. HORSLEY:

IR 1342, a Local Law to amend advertising --

MR. NOLAN:

Forty-one.

D.P.O. HORSLEY:

Forty-one, I'm sorry.

Public Hearing on IR 1341-12 - Adopting Local Law No. -2012, A Local Law to amend the prompt payment policy for all not-for-profit contract agencies (County Executive). I have two cards on this IR.

Kathy Liguori?

MS. LIGUORI:

Good afternoon. My name is Kathy Liguori. Many of you know me from my volunteer work as the Vice-Chair of the Suffolk County Welfare-to-Work Commission, but today I am here to represent myself as the owner of two Tutor Time Child Care Learning Centers and as a child care provider and advocate.

Back in 2006 and '07, I was that child care provider who was the lead advocate in the establishment and the passage of the Prompt Payment Law for child care providers. And I am that child care provider who, in 2008, stood apart from the rest and challenged Albany who restored our child care funding to adequate levels for Suffolk County when the State declared its fiscal emergency. That restoration of funding worked because of the collaborative efforts between the Department of Social Services and the child care providers. But here we are, once again, regarding the Prompt Payment Law. And way back when, when it was first established, it was the child care providers alone that towed the line. They fought for the law and, despite the many hurdles and black eyes, they prevailed and here's why.

The business for child care providers is very different than any other type of business, non-profit or otherwise. We cannot build expenses into our contract budgets. The State mandates the number of employees we must have based on the number of children in our care. The State mandates the square footage we can have and limits the number of children in our care. We have health and safety codes and much more, for good reasons, period. And these factors bring payroll costs well above 65% of our gross revenue. Society is eager to litigate over the simplest reason, and the State is unwavering when it comes to compliance for two reasons; it's about the children and the media lurks in the background seeking pray for any opportunity.

I tell you all of this because being on top of your game when it comes to providing child care is necessary and you better plan and you better plan appropriately, otherwise you will easily become a victim of circumstance. And for the child care providers, without certitude of a timely payment, the ripple effect is profound for us.

I do not envy your position. And as a steward myself of the County, I understand the position that the Legislature and our County Executive is in, and I want to thank you and the County Executive for sparing the layoffs in the Department of Social Services. And I'd like to say, great job to Commissioner Blass for his due diligence presenting the facts of why the layoffs were not a sensible decision for this department and for this County, and the same is true metaphorically for child care providers. I understand the fiscal crisis that we're in and I believe that the word of the year for us will be concession and that no one is immune. It's important to you for -- for you to know that I don't think anyone --

*(*Timer Sounded*)*

I don't think anyone minds conceding, but I must know what I'm conceding to. How can I plan, how can I pay my payroll, my bills and my taxes when I'm in the dark about my cash flow? And here we are, once again, if I flip my hat off to wear my advocacy hat, we're fighting to save eighteen hundred children from being dropped from child care. How did we get there as a County? Why is this happening?

D.P.O. HORSLEY:

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

MS. LIGUORI:

Okay, I will.

MR. NOLAN:

Maybe there will be questions.

MS. LIGUORI:

The Prompt Payment Law has kept and keeps child care providers fiscally secure. I already do the work for the department. I can't run any faster or pull my partners along in this three-legged race that I run with the Commissioner. And I ask that you go ahead and push this bill further along, please amend it to remove child providers from it and let's sit at the table and get the clear facts at the table to see really what is at stake here and knowing what we're being asked to concede to.

D.P.O. HORSLEY:

Okay, I think you could add some of these -- you're going to be asked some questions, so you can throw in some of --

MS. LIGUORI:

Okay.

D.P.O. HORSLEY:

-- your finishes into the questions. Legislator Browning.

LEG. BROWNING:

Hi, Kathy. You mentioned the word concessions, and I spoke with the County Executive's Office and I know we've spoken about the fact that we do have some financial problems. And the Commissioner has said it would -- he's looking at 45 days over 30, which is what's required under the Prompt Payment. I did speak with the County Executive's Office about rather than do this, to look at a possible Memorandum of Agreement because of our fiscal problems. I think what I'd like is to put as many of the contract agencies together with the County Executive's Office to come up with an agreement, because of our problems, that we would be able to forego having to pay all the fines, you know, because of what's going on.

MS. LIGUORI:

Uh-huh.

LEG. BROWNING:

Are you still willing to make that concession?

MS. LIGUORI:

My sleeves are up, I'm ready.

LEG. BROWNING:

I knew you would be.

D.P.O. HORSLEY:

The door is open.

LEG. BROWNING:

The door is open.

*(*Laughter*)*

And I know the County Executive's door is open. So that's just what I want to know. You know, I don't know that I want to close this at this time. I know we have to come back in two weeks. I think we should give them an opportunity to come back. They're saying that they're willing to make concessions. So I think we should recess this and come back in a couple of weeks and hopefully we'll have something remedied.

MS. LIGUORI:

Thank you.

D.P.O. HORSLEY:

Thank you very much, Legislator Browning. Legislator Gregory.

LEG. GREGORY:

Thank you. So that I understand, Kathy, your position is that you would like the child care agencies exempted from this bill.

MS. LIGUORI:

Yes.

LEG. GREGORY:

Okay. And that is because of the narrow profit margins? What's the reasoning behind that?

MS. LIGUORI:

The narrow profit margins and the whole reason why we came to the Prompt Payment Law was because the majority, or a good majority of the providers, their credit ratings were destroyed of the taxes, the payroll taxes that they couldn't afford to pay in a timely basis. They had to take out loans, give up some of their retirement savings. You know, there are many of them that are struggling still month-to-month, but knowing when they're going get their payment certainly makes it easier.

LEG. GREGORY:

Okay. As you may know, I authored the sponsor of the bill to address all contract agencies. So I don't support this bill as written. I think it's general in the sense that, you know, it would exempt the County from any penalties whenever there's, you know, a declaration we're in a fiscal

emergency, which we've seen for the past ten years. It was like a joke. You know, the former County Executive every February, we're in fiscal emergency, and it was projected. I think the bill as drafted said when there is a definite shortage of funds, the County would be held harmless as far as penalties. But when he just watered that down to a simple declaration, that's a different context and it's not as real as State aid not coming in or Federal aid or even County funds that are just not available at that point. So I have some concerns with this bill, but I appreciate you coming forward today.

MS. LIGUORI:

Thank you.

D.P.O. HORSLEY:

Thank you very much, Legislator Gregory. Legislator Romaine, did you raise your hand? I saw something over on my side. No?

LEG. ROMAINE:

No, we're going to probably -- are we going to close this?

D.P.O. HORSLEY:

Well, I'm not sure at this point. It sounded like Ms. Browning is looking for a recess.

LEG. ROMAINE:

Well, then I'll -- if she makes that motion, I'll definitely second it.

D.P.O. HORSLEY:

Let me just -- yeah, we have another witness, first of all.

LEG. ROMAINE:

Okay.

D.P.O. HORSLEY:

And we'll make up our minds at that point in time. But no one else wants to be -- ask any more questions?

MS. LIGUORI:

Thank you.

D.P.O. HORSLEY:

Thank you very much, Ms. Liguori.

MS. LIGUORI:

Thank you.

D.P.O. HORSLEY:

All right. We have one more card, Judy Sturtz.

MS. STURTZ:

Good afternoon. My name is Judy Sturtz, I'm the Director of the Tutor Time in Islandia. I'm sorry, the owner couldn't be here, he had family emergency, but I just wanted to be another voice to be heard. I'm also responding about that amendment.

Our customers -- we come from the community, my customers, so they're from Central Islip and Islandia. So I depend, between 90 and 95%, on the contract. So any time you make a change, it really does affect my school, it really does; not mine, my owner's, I'm sorry. We're a very small

business and this does affect us.

In order to provide the quality child care, the quality of the teachers, the safety, nutritional needs of the children, we really do depend on this income. We've tried to do the web system, we did everything, all the new systems, to try to help and take some of the workload away and add to it. We took a reduction in the absentees for the quarters. We've been trying -- we know it's hard, we know the money is tight, but we just want you to know that we want to still continue our service. So please think of us when you change this amendment.

D.P.O. HORSLEY:

Thank you very much, Ms. Sturtz.

MS. STURTZ:

Thank you.

P.O. LINDSAY:

Were there any questions of Ms. Sturtz? We're good? Thank you very much for coming down.

Okay. That concludes all the cards. Would anyone else like to be heard on this IR? Mr. Schneider?

MR. SCHNEIDER:

Hi. Thank you. The one point I'd like to raise, why we would be seeking to move this forward, is where we stand right now, recently I had spoken with our Commissioner of Social Services. You know, obviously this body is well aware of the genuine fiscal emergency facing Suffolk County; I don't think, after the morning, anyone would dispute that fact.

Speaking with Commissioner Blass, we believe that we can make all payments within 45 days without any need for overtime. But the 30 -- but 30 days is going to cost this County money, either through penalties or through use of overtime. So we believe that -- you know, we will -- you know, we believe that this is necessary to do at this time to give us a little bit of relief. You know, we have no intention of dragging -- you know, we understand the burden on these providers and we will -- you know, the goal of this Administration would be to do this as promptly as possible while not incurring additional costs and we believe we can do that within 45 days. Thank you.

D.P.O. HORSLEY:

Thank you very much, Mr. Schneider. Do we have -- I'll entertain any motions. Ms. Browning?

LEG. BROWNING:

I'd like to make a motion to recess.

LEG. ROMAINE:

Second.

LEG. BROWNING:

We're coming back in two weeks.

D.P.O. HORSLEY:

And seconded by Legislator Romaine. Are there any further motions? That being the case, we have a motion to recess. All those in favor? Opposed? Abstained? It is recessed.

MR. LAUBE:

Fifteen (Not Present: Legislators Kennedy, Montano & Presiding Officer Lindsay).

Public Hearing on IR 1342-12 - Adopting Local Law No. -2012, A Local Law to amend advertising in the County Tax Map Album and set advertising rates (County Executive). I don't have any cards.

Would anyone like to be heard on this? Would anyone like to be heard on this? All righty. This comes from the County Executive. Mr. Schneider, how say you?

LEG. ROMAINE:

Motion to close.

MR. SCHNEIDER:

That's fine.

D.P.O. HORSLEY:

Motion to close by Legislator Romaine. I'll second the motion. All those in favor? Opposed? Abstain? So moved.

MR. LAUBE:

Fifteen (Not Present: Legislators Kennedy, Montano & Presiding Officer Lindsay).

D.P.O. HORSLEY:

Public Hearing on IR 1355-12 - Adopting Local Law No. -2012, A Charter Law to implement one-year Rolling Debt Policy under 5-25-5 Law to mitigate budgetary shortfall (County Executive). This comes from the County Executive. Would anyone like to be heard on this?

MR. SCHNEIDER:

Not at this time.

D.P.O. HORSLEY:

Not at this point.

MR. NOLAN:

Close this.

D.P.O. HORSLEY:

We might as well. Okay. I'll make a motion to close. Can I have a second on the motion?

LEG. D'AMARO:

(Raised hand).

D.P.O. HORSLEY:

Second by Legislator D'Amaro.

LEG. ROMAINE:

On the motion.

D.P.O. HORSLEY:

On the motion.

LEG. ROMAINE:

Could I have a brief explanation of what this entails?

D.P.O. HORSLEY:

You want to do that, George, or should we throw that to the Executive?

LEG. ROMAINE:

I'm looking for the Executive to respond since it's his bill.

D.P.O. HORSLEY:

Okay, that's always fair.

LEG. ROMAINE:

Right.

D.P.O. HORSLEY:

Mr. Schneider, you want to tell us about this?

MR. SCHNEIDER:

We're going to have -- I'm sorry.

D.P.O. HORSLEY:

Come on up.

MR. SCHNEIDER:

If you'd like to delay this, we'll have Deputy County Executive Fred Pollert here in a few minutes to discuss this.

D.P.O. HORSLEY:

All right.

LEG. HAHN:

Pass over it?

D.P.O. HORSLEY:

Yeah, we can pass over it. You don't want to debate the bill.

LEG. ROMAINE:

I don't want to debate the bill. It's a public hearing. Is it the Executive's desire to have this closed?

D.P.O. HORSLEY:

Why don't we do this? Why don't we -- maybe how we can answer this is have George just tell us what it's about?

LEG. ROMAINE:

Okay.

D.P.O. HORSLEY:

How's that?

LEG. ROMAINE:

That's fine.

MR. NOLAN:

Yeah, this has come up, you know, annually where the 5-25-5 law is suspended. This would suspend it for this year, the following Local Law would suspend it for this year and next year, so. We've done it before, but I don't think we did it last year, though.

LEG. ROMAINE:

No, we didn't. And as you know, I was a -- for the short tenure that I've been here, I've been a persistent critic of the suspension of that. But I don't want to debate the bill now, I'll discuss the bill later. And obviously our economic circumstances now may change my point of view on this bill, but one of the reasons it didn't pass last year is because of my vociferous opposition to suspending this policy.

D.P.O. HORSLEY:

Always a danger to any bill, I may add.

LEG. ROMAINE:

Well --

D.P.O. HORSLEY:

Is when you vociferously fight it. Let me -- I'll make a motion to close. Do I have second on the motion? Seconded by Legislator Gregory? All those in favor? Opposed? Abstentions? It is closed.

MR. LAUBE:

Sixteen (Not Present: Presiding Officer Lindsay & Legislator Montano).

D.P.O. HORSLEY:

Public Hearing on IR 1356-12 - Adopting Local Law No. -2012, A Charter Law to implement two-year Rolling Debt Policy under 5-25-5 Law to mitigate budgetary shortfall (County Executive). That's for two years, I see. All right. I have no cards on this. Would anyone like to be heard on this IR? That being the case --

LEG. ROMAINE:

Motion to close.

D.P.O. HORSLEY:

Motion to close.

LEG. ROMAINE:

We'll debate the bill next time.

D.P.O. HORSLEY:

And we'll debate it next time, we have another shot at the apple. I'll second the motion. All those in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen (Not Present: Presiding Officer Lindsay & Legislator Montano).

D.P.O. HORSLEY:

It is closed.

Public Hearing on IR 1357-12 - Adopting Local Law No. -2012, A Local Law to strengthen the Affordable Housing Transfer Program for homeowners displaced by a natural disaster (Romaine). Would anyone like to be heard on this? Would anyone like to be heard on this? I have no cards. Mr. Romaine, what do you want to do?

LEG. ROMAINE:

Motion to close.

D.P.O. HORSLEY:

Motion to close. Seconded by Mr. Cilmi. All those in favor? Opposed? So -- abstentions? So moved, it's been closed.

MR. LAUBE:

Sixteen (Not Present: Presiding Officer Lindsay & Legislator Montano).

D.P.O. HORSLEY:

All righty. We are setting the date for the following Public Hearings, May --

MR. NOLAN:

Make a motion to set the date.

D.P.O. HORSLEY:

Okay. I'd like to make a motion to set the date of May 8th, 2012, at 2:30, Rose Caracappa Auditorium, Hauppauge, for the following Public Hearings; I'll make the motion. Seconded by Legislator Kennedy. All those in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen(Not Present: Presiding Officer Lindsay & Legislator Montano).

D.P.O. HORSLEY:

Sixteen, the date has been set. 2013 -- the first Public Hearing will be on the *2013-2015 Capital Budget & Program*; the 2012-2013 Suffolk County Community College Budget; *IR 1362, a Local Law to expand the County's Traffic Control Monitoring System*; *IR 1378, A Local Law to strengthen safeguards for residents planned retirement communities*; *IR 1387, a Local Law to protect public health at hookah bars, that should be fun*; *IR 1395, a Local Law to clarify cold tar sealer prohibition*; and *IR 1446, a Charter Law to protect the County Legislature's deliberative law-making process*. We have a motion and second. All those in favor? Opposed? Abstentions? The Public Hearings have been set.

MR. LAUBE:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Thank you. I would need a motion to accept the [Consent Calendar](#).

LEG. ROMAINE:

Motion.

LEG. BARRAGA:

Second.

D.P.O. HORSLEY:

Motion by Legislator Romaine. Seconded by Legislator Barraga. All those in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: Presiding Officer Lindsay)

LEG. KENNEDY:

Mr. Chair, can I make a motion to take 1055 out of order, please? We have representatives here from Long Island Gasoline Retailers Association. They've been here with us since actually early this morning.

LEG. ROMAINE:

Second.

LEG. KENNEDY:

Thank you.

D.P.O. HORSLEY:

Well, there we go. And I would not like to keep Mr. Beyer here any more than you would. Okay, we have a motion by Mr. Kennedy and seconded by Mr. Romaine to take -- what's the number of it? 1055 out of order.

LEG. KENNEDY:

Page seven, it's in Government Ops; the only bill actually in Government Ops. Got it.

D.P.O. HORSLEY:

All those in favor? Opposed? Abstentions? It is now taken out of order. **(Adopting Local Law No. -2012, A Local Law to increase licensing fees for motor fuel facilities operating in Suffolk County) (Kennedy)**

MR. LAUBE:

Eighteen.

LEG. KENNEDY:

Okay, I'm going to make a motion to approve.

LEG. ROMAINE:

Second.

D.P.O. HORSLEY:

We have a motion to the floor by Mr. Kennedy, second by Mr. Romaine to approve. Anyone on the motion? We're good? You guys all ready to vote? I thought there'd be somebody. Okay, Legislator Calarco.

LEG. CALARCO:

There was quite a bit of debate on this resolution during the Government Operations Committee. And I think the County Executive's Office was --

D.P.O. HORSLEY:

No, they don't have an answer for us?

LEG. CALARCO:

They were to have some answers about having worked up the numbers on this. We were off by only \$20,000 between this version and what's in the budget, was my understanding.

D.P.O. HORSLEY:

Does BRO have any answers to this? Maybe that might be the way to go.

MR. LIPP:

Yes. For this year, this is a partial year, we were -- our estimate was just a little under 20,000. We would be off -- it'll be a shortfall in the budget. Full year would be almost 39,000

LEG. KENNEDY:

Mr. Vice Chair, if I can, though, and Legislator Calarco actually was very adept at actually having discussion that came on in front of the Committee.

D.P.O. HORSLEY:

I would expect nothing less.

LEG. KENNEDY:

And I appreciate that, as a matter of fact, as to the members of the Long Island Gasoline Retailers Association. But to my point, what was included in the 2012 Recommended Budget visa vie this metering fee, like so many other things that we saw in that document that was purported to be a budget, was really something that was essentially unattainable, unrealistic, and quite frankly, even with members of the Gasoline Retailers Association, if I can, through the Chair, I'm going to ask one of them to please step forward so that they can relate to us what, in fact, actually had transpired and the practicality of the metering fee and the actuality of what their membership will sustain as a 200 percent increase.

D.P.O. HORSLEY:

Okay. I guess -- I haven't forgotten you guys. I'll get back to you. Okay. So, yes, I think we heard from Mr. Beyer before so why don't you restate what you said earlier?

MR. BEYER:

Okay, how about that? There you go. (Adjusting mic) all right. What transpired with this was, first of all, you can't have a meter fee and a licensing fee in place at the same time and collect on both. So, what has happened was Consumer Affairs has gone around to try to collect on a meter fee and has gone around to a lot of our members. I have one member's bill here with me. It's \$800, going up from \$50 to \$860, which is totally unfair and uncalled for; but meanwhile his license is in effect until 2014.

So, he shouldn't have been charged. And he can't be charged. So, you're not going to collect or see the revenue that you think you're going to see this year, because even at my own location, which is owing as -- a smaller amount of meters, my fee went up to \$360 compared to \$50 a year. And can't collect at my location either because my -- my license is in effect until April 2012.

You have things in place. We came to an agreement to keep a licensing fee, instead of going through this meter fee because there is a lot of confusion with this. It's -- it's detrimental to the members. They can't afford to pay these types of fees going up from \$50 to \$800. It's just unfair. It's un-businesslike. And the County Exec says we're open for business. Well, show us you're open for business. Pass this bill the way it's presented. If it's presented in a fair way, it bring us up to par with the electricians, with the plumbers, with the contractors. It's on, you know, it's onboard that way. And at least you know you're going to start collecting the money immediately. You'll start getting the money, which we're going up from \$50 a year to \$200 a year. That's a major increase that we're bringing to the industry.

And I had to go fight for that for all my members and bring this to the members instead of the meters. And this is the way we want to go. And we'd like to keep it in effect that way. It makes it easier for the Department. They don't have to go all over the place trying to figure out what meters they're doing, what meters they're not doing. And, by the way, if they don't get to a gas station that particular year, you don't get to get the fee. So, the only way you get that money is by going out to that service station and doing those meters.

There's been years that that hasn't happened. Even in my own location, they haven't shown up. So, if they don't show up, you're not going to get that money. At least with the licensing fee, you know it's every year, you know it's a major increase. It's going from the \$50 to \$200. And we also agreed on the registration fee also to be increased from the 50 to the 200.

So, it's, you know, it's a win/win. I think the County wins. They're getting a major increase. You have everything in place now to collect the money the way you always have. You don't have to implement something else. You have -- you've charged people this year that should have not been charged and they've collected on some of those people. So, now you're talking about refunding money that the County doesn't have. So, if you can just pass this the way it was presented, we went through both County Execs and it's the way to go. So, if you have questions, you can --

D.P.O. HORSLEY:

Thank you very much, Mr. Beyer. I know that I got several other Legislators. Are you completed, Mr. Kennedy?

LEG. KENNEDY:

It's fine.

D.P.O. HORSLEY:

Okay, thank you very much, Mr. Beyer. Miss Anker.

LEG. ANKER:

Okay, my concern is where are we going to find this \$20,000 in our budget? Can you answer that for me?

MR. LIPP:

It's not part of the resolution. So, there is no \$20,000 unless the resolution had an offset, which it doesn't.

LEG. ANKER:

Offsets.

MR. LIPP:

There is no offset in the resolution. So, there's -- by definition the resolution does not find the \$20,000.

LEG. ANKER:

Mr. Kennedy, what's your response?

LEG. KENNEDY:

Sure, I'd be happy to address that, Legislator Anker. What prompted me to file this bill was an opportunity to have interaction with the Long Island Gasoline Retailers Association. They represent over 500 stations throughout our area. All of us have some of their members in our Legislative Districts.

This bill gives us an opportunity to -- in a rational manner raise what had been a \$50 annual charge and now give it parity with the other licensing activities that Consumer Affairs conducts, primarily for our license trades: Electricians, plumbers, home improvements. There's now parity.

The meter fee that's referenced here was something that was identified by the former administration as an action that they believe was in the powers of the Direction of Consumer Affairs to impose unilaterally and without consideration or approval by the Legislature. So, the alternative that we're looking at at this point is a bill that represents a dramatic increase, a 300% increase in the registration fee that they pay on a biannual basis. But, nevertheless one that they've come to in a spirit of paying their fair share.

The alternative is something that is prohibitive, somewhat erratic and based on the number of individuals we have in Consumer Affairs at this point, highly suspect that we're going to be able to

actually collect. So, when you ask about did do we have an offset, my response is: There's no offset to something that heretofore we never had. We're proposing an increase with this bill. It's a slightly lesser increase than what was contemplated by the former administration.

LEG. ANKER:

Was it in the budget? Was the meter fee, was it in the budget?

LEG. KENNEDY:

There were meter fees that were put in there, in the Recommended and actually, again, I would have to turn to BRO because I know we did quite a bit of work with Mr. Lipp and BRO.

MR. LIPP:

Right. Implicit in the budget the dollars were related to the meter fee. The Department did a projection. And we thought that was a reasonable projection. That being said, there are assumptions in any projection. But based upon the best information we have, we think there's like \$19,000 shortfall this year if we do the switch based upon the resolution.

LEG. ANKER:

Again, my concern is we don't have enough money to make the switch. And I don't know if this is an appropriate time to do that. I think it's great that you facilitate a process and you created an easier process, but, again, I will motion to table this and maybe we can find some money to accommodate that extra \$20,000.

D.P.O. HORSLEY:

You're making a motion to table? Is there a second on the tabling? Is there a second on the tabling?

LEG. NOWICK:

Who made the motion to second?

D.P.O. HORSLEY:

Legislator Anker. All right, for purposes of discussion, I'll table -- I'll second the motion to table.

LEG. KENNEDY:

Come on.

D.P.O. HORSLEY:

We still have several other people that would like to be heard on this. Legislator Hahn.

LEG. HAHN:

All right, I might go back to basics. We always had a \$50 license fee.

MR. BEYER:

Correct.

LEG. HAHN:

You guys already paid a \$50 --

MR. BEYER:

It's collected biannually.

LEG. HAHN:

Every other year?

MR. BEYER:

Correct.

LEG. HAHN:

And then in the budget, we added a metering fee?

MR. BEYER:

They wanted to switch from -- you can't do both. So, they wanted to implement a metering fee, \$20 per meter.

LEG. HAHN:

So, why can't you do a -- why can't you do both? I just want to understand. Is that a --

MR. BEYER:

It's a law.

LEG. HAHN:

It's a law.

MR. BEYER:

It's real.

LEG. HAHN:

Okay. But you're trying to create parity with other -- we -- our Department of Consumer Affairs actually has to go around and check the meters, which I understand they don't always get done annually like they're supposed to, but that's something that we have to do every year. And you're trying to create parity with other industries that get licensed. Does every industry that gets licensed have that kind of -- Consumer Affairs has to go to them and check something?

MR. BEYER:

I don't know about the other industries. I know about ours. We've always had a license with you. We have a license fee.

LEG. HAHN:

Right.

MR. BEYER:

And with that being said, we figured we would bring it up -- bring it up to whatever everybody else is paying on their licenses. And that's what we're doing. And actually went over and above, because every time you sell a location, there's another registration fee on top of that. So, that was included, too. And I don't know if those are in the BRO's numbers or not, because there's also a turnover of about, I think, six or eight percent of stations. So, I think it's 50 or 60 stations that you also get money from every year, because that was also increased. And I don't know if that was also put in the budget with the numbers of the meters. And truthfully, this has been going on for eight months. And I really hope you vote on it today and you pass it today, not that it gets tabled. Because this is money you can collect right away.

Right now you can't collect -- like I said, I have four bills in my pockets, one for \$860, one for 300 and something, and another one for, I think, \$500 that you're not going to get paid on this year. Because they illegally went around and left a bill where they couldn't leave a bill. And they admitted to this. I spoke to Consumer Affairs and they admitted that they made this mistake and that they've been going around to the stations this year when the licenses are in place.

So, this way if you pass this now, you're going to immediately start seeing revenue and an increase in revenue and you're going to have the money. As compared to being held up by not the getting money, for all these licenses that are good until 2013, 2014 or 2015, depending on when the new licenses went into effect. And also in place is -- you already have it in place the way the licenses go out, the way money's collected and what's done with it. When you change it to this whole meter, you don't have enough -- you really don't have enough staff. And you're about cutting back on everything else. So, if you're going to put everybody in to just -- going around to the stations, what are you going to pull them away from? You can't -- you can't do everything.

LEG. HAHN:

Wait, wait. But we go around regardless of whether we have this fee.

MR. BEYER:

As they have the time.

LEG. HAHN:

Right. But we're going around no matter what because we have to make sure that you're giving two gallons when it says two gallons and we have to go around to every station annually.

MR. BEYER:

You don't make it to every station annually.

LEG. HAHN:

That's unfortunate.

MR. BEYER:

It is unfortunate, but the way the pumps are these days and the way the meters are, you don't usually have a problem. And what should happen is, somebody said earlier today, it's about investigations. And Consumer Affairs does a lot of undercover investigation. So now you're going to pull those investigators, the guys that come around and check the meters, you're pulling them out of investigations where they can make money, where there are people that are cheating the system, where there's people putting regular gasoline into super tanks. And it's handed to the Department, but now they can't investigate, which they did do this last year and they did investigate. But you're going to pull them away from things like that when you can really get the money and you can make up that \$20,000 in one hit.

LEG. HAHN:

Thank you.

D.P.O. HORSLEY:

Thank you very much. Legislator Montano.

LEG. MONTANO:

Yeah, I have a procedural question or a technical question, maybe directed at Counsel. And I understand, sir, what you're saying. And it is very logical and make sense. But from the perspective of our own procedures, if, in fact, this creates a deficit, are we required by our rules to identify an offset? Counsel or County Attorney?

MR. NOLAN:

Yes. If you're passing a resolution, a local law, it has the effect of decreasing revenue that's included in the Operating Budget. You need to find an offset either through increasing another revenue or decreasing an appropriation somewhere else in the budget. So, Budget Review is stating that this will have the effect of reducing revenue coming into the County below what we've budgeted. I think there needs to be an offset.

LEG. MONTANO:

Okay. Wait. I'm looking at the Fiscal Impact Statement. When you say you think it needs an offset, you need to be --

MR. NOLAN:

I know it needs an offset.

LEG. MONTANO:

Okay, what's what I want to hear. It needs an offset. Do you understand what the impact of the question that I asked is, sir?

MR. BEYER:

I understand -- I understand what you're asking. But also these numbers that are in your budget, these are projected numbers. You're projected you're going to collect this money. This license isn't in place. You cannot collect the money --

LEG. MONTANO:

Oh, we know that. I understand that. But on paper, in theory, it's balanced. But the net effect or the practical effect is that it's going to be unbalanced at the end of the year; however, in order for us to -- what I'm hearing is, in order for us to change what we did in the budget, we need to identify an offset. So, in light of that, Gail, is there an offset that can be found to put this bill in its proper form so that we can improve it?

MR. LIPP:

There aren't any offsets for anything. We've already stated that to Legislators in general when they ask for offsets for a variety of things. That being said --

LEG. MONTANO:

Oh, we can always find an offset.

MR. LIPP:

Not something that we would support.

LEG. MONTANO:

Okay, I didn't ask you if you'd support it. I just said could you find it?

MR. LIPP:

No, we can't. If you want to give us one, we can. But that being said, in all fairness to LIPA, we did not include in our Fiscal Impact any negative associated with the possibility that legally the meter fee wouldn't be allowed to be collected who are not the legal people so we're not sure if that's the case or not. This is up to you.

LEG. MONTANO:

Well, the County Attorney's here. Why doesn't he -- maybe you can step aside, sir, and let the County Attorney address that if you don't mind. I'm trying to help you. I'm not sure I'm helping you.

MR. BEYER:

No, no. I appreciate one other thing. One of the offsets is gasoline is going way up and you're collecting a lot more sales tax on gasoline.

LEG. MONTANO:

Thank you. Sounds like an offset. Go ahead, Dennis.

MR. BROWN:

I'm sorry, Legislator Montano, you need to repeat your question.

LEG. MONTANO:

Here's the problem and I'll let you go, you know, fly whichever you want. Counsel is telling us that in order for this bill to be in proper form, we need an offset.

MR. BROWN:

I agree with George with respect to the fact that it might have an adverse impact on the revenue.

LEG. MONTANO:

And then the other issue was, the way it's written, collectability is going to -- or the lack of collectability is going to bring us to a point where we don't meet our projection in the first instance. Am I correct with that, Robert?

MR. BROWN:

As to --

LEG. MONTANO:

That's for Rob.

MR. BROWN:

Okay.

LEG. MONTANO:

That's a budget question.

MR. LIPP:

Right. Basically --

LEG. MONTANO:

Either way -- either way we're out of whack financially when it comes to the end of year on this.

MR. LIPP:

Well, if it was determined, though, that legally we couldn't collect from stations that already have paid their registration fee and they have another year, then we would admittedly --

LEG. MONTANO:

That's the question, Dennis. Did you get that?

MR. BROWN:

Actually, I really didn't want -- I haven't spoken to the sponsor about this bill. I don't believe that anybody from the Law Department has -- really didn't want to go down this Pandora's Box with this bill, but there is --

LEG. MONTANO:

None of us want to go down there but --

MR. BROWN:

I think that first we're dealing with the issue of preemption, because the bill seeks to regulate what the Commissioner of Consumer Affairs can and cannot do. And right off the bat we believe -- and that's one of the subparagraphs of this bill. And so right off the bat we believe that that area is preempted as far as this bill is concerned.

LEG. MONTANO:

Preempted by whom?

MR. BROWN:

The Agriculture and Markets Law. Because the Agriculture and Markets Law gives the power to the Commissioner, the Director of Weights and Measures, to set fees that he can collect under the Agriculture and Markets Law.

LEG. KENNEDY:

Wow, wow, wow, wait a minute.

LEG. MONTANO:

Yeah, I agree. That's out of left field but --

MR. BROWN:

I said I haven't spoken to the sponsor; I didn't want to go down this route.

LEG. MONTANO:

Maybe you guys should get together. Getting back to the -- do you have an opinion as to whether or not what the gentleman is saying is accurate? And that is, as I understand it, if the registration fee was already paid for a certain period of time that we are not legally able to collect an additional fee? Is that -- sir, is that what you were saying?

MR. BROWN:

(Nodding in the affirmative)

LEG. MONTANO:

Do you have an opinion as to that, Dennis?

MR. BROWN:

Yes. The code allows the Commissioner to either charge the fee --

LEG. MONTANO:

Our Commissioner?

MR. BROWN:

Our Commissioner; to either charge the registration fee or collect the fee for the per pump meter charge. If the fee's collected for the per pump meter charge, that registration fee is -- there's an exemption from that fee.

LEG. MONTANO:

Okay. So, then you can't -- if you collected the fee, then you can't impose the pump fee; is that correct? If you collected the licensing fee --

MR. BROWN:

That would be correct, yes.

LEG. MONTANO:

All right, so he's correct?

MR. BROWN:

The fees that are collected, though, are the -- it's correct, but the inverse is what is done, to the best of my knowledge. The pump fees are what's being collected. And if the pump fees are collected, there's an exemption from the registration fee, so.

LEG. MONTANO:

Well, let me ask you a question. What would happen if we simply passed this bill today? What would happen?

MR. BROWN:

The County Executive's Office would hold a hearing. It would come -- it would go to the County Executive's Office for signature, the County Executive would either veto it or signature it -- or not sign it.

LEG. MONTANO:

Well, let's say he vetoed it and it came back here and we over-rode it, then what would happen?

MR. BROWN:

The Commissioner would have to make a decision about what type of fees he's going to collect, what prerogatives he has under the State Law, which triggered the area of preemption.

LEG. MONTANO:

Mr. Sponsor --

LEG. KENNEDY:

Dennis, let me just --

LEG. MONTANO:

I'm going to yield the floor.

LEG. KENNEDY:

Let me just jump in here for a second. Am I mistaken or have we not licensed and regulated locally gasoline stations here in the County of Suffolk for the better part of 25 years?

MR. BROWN:

You're correct; absolutely.

LEG. KENNEDY:

Okay. So the point that I made to you is, is since you did articulate that the statute points to an authority on the part of the Director of Weights and Measures or the locality to go ahead and irregulate. Our predecessors exercised that choice two-and-a-half decades ago.

MR. BROWN:

In charging the pump fees?

LEG. KENNEDY:

The registration; the registration and licensing fee. There's never been a metering fee. My point continues to go to Legislator Stern's legislation is good, solid and cogent legislation. But how can you find an offset for something you've never had? Because we've always had a local licensing and registration function in which the merchants, who are basically the good guys and asked to be properly regulated, willfully participate so that the few bad guys out there get found out and our constituents get protected. When did we abandon that?

MR. BROWN:

I'm not sure if that's a question. Is that a question?

LEG. KENNEDY:

Because it seems that's what you're articulating.

D.P.O. HORSLEY:

All right. Well, thank you very much. Legislator Gregory.

LEG. GREGORY:

Thank you, Mr. Chair.

D.P.O. HORSLEY:

Keep it quiet, John. (Laughter)

LEG. GREGORY:

I think much of what my concern was has been addressed. And that's a deficit in the budget. I think it's irrelevant whether this has been done -- has never been done in the past. The budget is a year-to-year document. We don't budget in two-year or three-year cycles like Nassau does. This year budget has certain amount of revenues associated with the registration fee or metering fee or whatever it is. This bill would create a deficit in the budget, which kicks in Legislator Stern's legislation, an offset has to be made. I think it's that simple. It's irrelevant whether we've done this in the past or not. And that applies to -- I mean, you know, the budget is a projected document.

We budget 49 to \$50 million in property taxes every year. Do we get 50 million? No, we don't. We project a certain amount in fees to parks and other fees. Do we -- some we get right on target; some we don't. We get above, we get below but they're all projections. This, we know, is creating a deficit, whether we -- you know, the point of stating that this -- you know, we made or someone made unreasonable projections, that should have been addressed during the budget process if we felt that. But the fact of the matter is now we are creating a deficit based on the projections that were adopted in the budget. And we have to find an offset for it.

D.P.O. HORSLEY:

Alrighty. Thank you very much, Mr. Legislator Gregory. Legislator Cilmi.

LEG. CILMI:

Just two quick things. Thank you, Mr. Chairman. As far as -- as far as the projections go, as has been articulated by a number of our colleagues here, the projections are projections. Right? I mean, we can go down a list, sales tax, red light camera revenue, IGT, other licensing fees. I mean, I wonder what other licensing fees we budget for, plan for, that don't come in exactly as we plan? Because it's simply a plan. The fact that this projection that was made in the budget may or may not come true is really irrelevant.

Now, we can spend a better part of this morning talking about how dire our fiscal situation is. We've talked about or we've touched on, at least, the fact that cash flow is a significant problem in the County. And the fact that at some point, possibly very soon, we will default on our payroll obligations. This is a solution and is a solution whereby we can immediately help our cash flow situation, whereby a segment of industry has agreed to pay more, not less, significantly more than what they have been paying in the past.

This is a solution where we will save on costs because we don't have to rush to get all these inspections done in a prescribed period of time. They can be done. I mean, it accomplishes so much. To throw this out because we're concerned about the projection not quite being accurate when there are a myriad of projections in the budget that we know full well are not going to be accurate, seems to be irresponsible given our cash flow situation. We have -- they will send us the checks within a week if we send out the notices. So -- (inaudible - someone asking an off-the-mic question) -- no, that's quite all right. Let's vote.

D.P.O. HORSLEY:

Okay, bird in the hand type of thing. Jay, I think you're on the list.

LEG. SCHNEIDERMAN:

Thanks. You know, originally when we talked about the pump fee, it seemed like the fair way to go because the bigger stations are going to be paying more and the smaller stations are going to be paying less. And it seemed like the right thing to do. Now I understand there are technical problems as well as -- the industry is saying they prefer not to do it this way. And they, of course, obviously represent the little guys as well as the big guys.

The offset issue -- it seems to me that we ought to be able to figure out how many -- how many meters are in each place. And once we've established that, it should be easy to collect those fees on a yearly basis. We don't have to go back and count meters each time and send somebody there. Though, I do -- I certainly understand that Consumer Affairs is short on staff and there might be some labor involved with that.

So, if we're -- if we are going to consider this new approach, which I'm willing to accept the increased licensing fee, the offset issue, if we are, indeed \$19,000 short, I guess my first question would be setting aside the issue that it might have been fictional revenue, we might have mis-projected to begin with, Robert, what would we have to actually charge on a licensing fee to close that hole, if that were our offset? If we wanted to make the budget whole?

MR. LIPP:

A little over \$500. That being said, yes, it's a projection. But I think the only parameter here that we're saying that we would deviate on is if it was determined, which is not clear to me, that we could not collect the per pump or -- the per meter fee from stations that already had registration fees in place. That was not part of our projections. We're not aware of that.

LEG. SCHNEIDERMAN:

Can you have two tiers, let's say --

MR. LIPP:

No. My understanding is --

LEG. SCHNEIDERMAN:

You couldn't have a licensing fee, so a small gas station, let's say four pumps or less, would pay, I don't know, \$300 and five pumps or more would pay \$600. Can you do that so that it would average -- you know, it would add up to the right amount of money, but it might not hurt the little guys as much?

MR. LIPP:

What I remember, but I'm not sure, is that we cannot have a differential.

LEG. SCHNEIDERMAN:

It's one set licensing fee per gas station?

MR. LIPP:

I believe so.

LEG. SCHNEIDERMAN:

It has to be \$500?

MR. LIPP:

Our calculation to the dollar was \$512. But since it is an estimate, let's say for talking purposes, 500 even. And understand, also, one of the other assumptions is the number of gas stations and meters. And that has gone down in the last few years as witnessed by the sagging economy.

LEG. SCHNEIDERMAN:

Okay, thanks.

D.P.O. HORSLEY:

Alrighty. Legislator Cilmi, one short statement.

LEG. CILMI:

Just very quickly. On this issue of the budget and the projections and, you know, we sat here and we listened to the Task Force tell us that we have a \$530 million deficit. Prior to that we had the County Executive's Budget Office and our Budget Review Office tell us we had a \$400 million deficit. That's \$130 million difference. We had the Budget Review Office, the Budget Office and the Task Force tell us that our deficit from 2011 was going to be \$33 million. The Comptroller came out and said it's going to be \$60 million. We're arguing over \$19,000 or \$20,000. That doesn't make any sense? Let's vote. Please, let these business people be on their way and make some money.

D.P.O. HORSLEY:

Okay. Legislator Anker.

LEG. ANKER:

Again, I admire your resolution here to try to help the industry, because that's why we're here, we're here to help the economy. And you're trying to facilitate this and, you know, get this thing to work better. I admire Kevin, that was here, discussing this. I'm concerned about \$19,000; a dollar's a dollar, you know, yeah, we've got half a billion dollars we got to deal with, but I'm hoping that, you know, if I do withdraw my tabling resolution, that we -- that BRO, you can look in to see if there's an offset within the time that this resolution goes to the County Exec. An it will come back to us. And I don't know if you can include the fact that maybe this will reduce staffing time. Is that an option?

MR. LIPP:

Our understanding from the Department is they will get all the fees, all of the gas stations, to do inspections, as Kara Hahn was saying before, that they have to any how. And their mantra is they're going to get to all the stations. And were taking them at their word. So, we're assuming that'll happen.

LEG. ANKER:

Again, but will this facilitate the staff of Suffolk County? Will it reduce their hours in going to the stations?

MR. LIPP:

No, in the sense that what the Department's saying is they're going to get all the stations any how and they have to -- regardless of whether it's a per meter fee or registration fee.

LEG. ANKER:

Okay. Thank you.

D.P.O. HORSLEY:

Okay. I think we're good. Let's move right into this vote. We have both a tabling motion as well as a motion to approve. Legislator Anker is withdrawing the tabling motion. So we have on the floor the approval.

LEG. STERN:

Mr. Chairman, and I don't if I'll get a second, but I'll make the motion to table strictly on those procedural grounds. As to Legislator Cilmi's concern, I mean you take a look at the merits, and I want to be supportive of Legislator Kennedy's hard work and the industry. And I agree, that our

business people should get back to running their companies and doing their business. But ultimately our process is our process. And whether it's \$19,000 or \$19 million a year or it's 19 positions, in our County government, our process is our process. So, I'm going to support the tabling motion on the issue of process alone.

D.P.O. HORSLEY:

All right. For purposes of a vote, I'll second the tabling motion. Doesn't mean I'm voting that way. So, we now have the tabling motion on the -- we have a tabling motion, takes precedence. Why don't we do a roll call since we've gotten this far?

MS. ORTIZ:

Okay.

(ROLL CALL BY MS. ORTIZ, CHIEF DEPUTY CLERK)

LEG. STERN:

Yes.

D.P.O. HORSLEY:

No.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

No.

LEG. GREGORY:

Yes, to table.

LEG. NOWICK:

No.

LEG. KENNEDY:

No.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MONTANO:

No.

LEG. CALARCO:

No, to table.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

No.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

No, to table.

LEG. ROMAINE:

No, to table.

P.O. LINDSAY:

(Absent)

MS. ORTIZ:

Five.

D.P.O. HORSLEY:

The motion is tabled -- not tabled. The motion is defeated. Motion to approve. All those in favor? Raise your hands.

MS. ORTIZ:

Seventeen. (Presiding Officer Lindsay absent)

D.P.O. HORSLEY:

There you go.

Yes, I'd like to -- while we're out taking -- and I see in the audience, and they've been very generous with their time, and I'd like to -- we've got two appointments to also make -- I'll take them not out of -- who is more prominent or who is more important, but by their order. 13 -- I'd like to make a motion to take out of order **1352, Confirming appointment of County Commissioner of Information Technology (Donald C. Rodgers) (Co. Exec)**, second by Legislator Anker. All those in favor? Opposed? So moved. It is taken out of order.

We will now entertain 1352, which is the Commissioner of Information Technology Donald Rodgers. Donald, why don't you come on up? Miss Anker, would you like to lead this conversation?

LEG. ANKER:

Okay. We have here Donald Rogers. We're looking to appoint him as Commissioner of Information Technology. And, you know, we have your resume in front of us. I don't know if the rest of the Legislators, it's in your -- part of your packet. Do you have his resume? If not, we will get it. It's in the backup, okay.

So, again, welcome Donald. Can you give us a little bit about your background in technology?

MR. RODGERS:

Thank you for having me here this afternoon. I am Donald Rogers. I have spent approximately the last 30 years working in information technology; significant part of that time was spent as a private contractor with Nassau County, later on as an employee, ultimately the Chief Information Officer of Health and Human Services in Nassau County. Most recently I have been a private contractor working for New York State through the Office of Children and Family Services on a State Interoperability project.

LEG. ANKER:

I think, also, you had mentioned that you worked with Nassau County in helping them to facilitate some of their, you know, technology and networking. I know we have a problem with -- a lot of our departments have their own information technology specialists; half of them. The other half relies on one group or one department. Can you explain how you can see us creating a more sustainable, a more -- a better network within our County?

MR. RODGERS:

I think -- I think what needs to be noted when you take a look at the Suffolk County environment, is the individual silos, if you like, individual IT areas that have developed over a period of years. And generally speaking these are the result of need more than anything else. Departments need to develop and utilize technology and they don't -- aren't able to get the resources. So, they start to do it on their own.

Now, from a department standpoint, that frequently makes sense. Because they understand their environment, they understand what they need to do and they feel frequently, correctly, that they are more capable of doing it. From a fiscal standpoint, that doesn't always make the most sense.

Now, when I combined the eight departments in Nassau County, that constituted Health and Human Services. The intention was to leverage to the benefit of all of them those abilities that were most beneficial. In the case of Suffolk County, the Police Department has its own IT. Social Services has its own IT. I believe Labor, Health and -- not Parks, but -- there is one other major one, escapes me for the moment. Excuse me? Police, I said. But regardless, these areas have developed and frequently have developed applications that are very useful to them. It's not my intention to run the Police Department IT. I can't do that with the staff that I have.

But what I need to do is collaborate with the Police Department IT. There are funds available through grants, State funding, Federal funding that we need to leverage in Suffolk County to the benefit of everybody. There are grants and funds available through Social Services. As everyone in this Legislature is aware, Social Services receives a significant reimbursement level. We need to make sure that we're maximizing that in IT as well. It's my responsibility to make sure that there is an infrastructure that is well served and provides the benefit to all the agencies in the County.

Additionally, it is my intention to meet with all the program areas, identify who their staff are, look at how we can best utilize that staff. And if we can build applications that we can see revenue reimbursement for and then leverage those applications across other areas, we will do that.

LEG. ANKER:

Okay. Just one quick point I want to make. It was great that we were able to facilitate this -- help the permit process. And what was a really important component of that was working with the other municipalities, the Towns. So, do you feel comfortable that we have the ability to work cohesively with the Towns and in many areas across the board with information technology? And also not even just the Towns, but other businesses so we can continue with public/private partnerships?

MR. RODGERS:

I think it's essential that we do that. So, whether we have those working relationships today or not, we need to establish them.

LEG. ANKER:

Okay. Thank you.

MR. RODGERS:

You're welcome.

D.P.O. HORSLEY:

Thank you very much, Legislator. Legislator Calarco.

LEG. CALARCO:

Hi, Mr. Rogers.

MR. RODGERS:

Good afternoon.

LEG. CALARCO:

I have two quick questions for you. The first, over the last few years in an effort to try to save money, this body has eliminated much of their print media communications availability. We've eliminated our newsletters, we've reduced the amount of money that we have in our mailing accounts. And the thought process was that we wanted to move towards electronic communications. It's something that is obviously what most of our constituents are starting to use to get their information. However, we are very severely limited in our capacities right now to utilize social networking, Facebook, Twitter, those kind of accounts. They're prohibited through the County IT infrastructure, it is my understanding at this present time, as well as the ability to do bulk e-mails. When we want to send out our newsletters electronically to our constituents, we're currently restricted to sending, you know, maybe batches of 50 at a time, which is very time consuming for my staff to be able to do that.

Are these areas that you're open to reviewing and making sure that we have the ability to communicate with our constituencies? Obviously it's one of the most important roles of a Legislator is to be able to communicate to our constituencies what's going on in County government.

MR. RODGERS:

Obviously, social media is one of the biggest issues that we're faced with today. From a security standpoint, it represents a major potential area of concern. That being said, just yesterday, I was going over with my staff, there is a policy in place today in the County for the use of social media: Facebook, YouTube, Twitter. And we are currently reviewing that policy to see how it can best suit everyone's needs. I especially understand your concerns with the need to be able to go out to the public. That also exists with a number of other areas as well.

So, yes, we are very much open to that. It needs to be addressed. The biggest concern I will have with any of these things will be the vulnerability that the County is at. And that means you guys, as well as the other agencies, and how susceptible we are from outside forces. But we certainly are not turning our back on anything with regard to moving forward with technology. All right? The County's not going to stand still on these things. We need to understand them. We need to utilize them.

LEG. CALARCO:

I appreciate that. And there are -- I know FEMA does most of their communication via Facebook these days. So, it is a method that we have to move towards.

MR. RODGERS:

Absolutely.

LEG. CALARCO:

My second question for you is actually -- goes to the development of technology infrastructure in-house. I know oftentimes over the last eight years, at least, whenever we needed new programs developed to serve our different departments, we often went outside and looked for some sort of program that we buy off the shelf. Then we'd end up having to spend a lot of money for whichever company we bought it from to modify to suit our needs.

I have a couple of constituents that live in my District who are current employees in our IT Department. Actually one was -- one was part of the layoffs that happened in January. But these individuals are very capable of developing what we need right here in-house and can this put together. And I know we did with the Health Department permitting portal where we used in-house staff to develop that technology, develop those problems. And I want to make sure that we're fully utilizing those employees so that we are making sure we're getting the maximum effort out of them, and that -- you know, a couple of my employees have literally said to me "I'm not being used the way I can be used."

And this speaks to something because everybody's always talking about our employees. And public sector employees are always coming under assault. But I think these guys -- they want to step up to the plate. They want to help us save money. They want to develop these programs in-house. And I just want to encourage you to maximize our resources and the people that we have. As I think a Legislator mentioned today, our personnel is our number one resource here in the County.

MR. RODGERS:

If you review my resume, I think one of the things that you'll see on it is that I embrace application development in-house. Frequently cuts, solutions require significant effort. What appears to be a cost saving measure is not always the case when you get down to it. I'll be very happy -- your staff can call over by us any time. When we have talent, I want to utilize it. I want to be able to go across agency with that talent.

LEG. CALARCO:

I'd like to sit down with you later on and talk off line on that.

MR. RODGERS:

Absolutely.

LEG. CALARCO:

Thank you.

D.P.O. HORSLEY:

All right. Thank you very much, Legislator Calarco. And it would seem to me that if there are policies that are being made for the Legislature elsewhere, we should be addressing that. So, we are a separate branch of government. Legislator Spencer.

LEG. SPENCER:

Thank you for taking the time and speaking with us. And I appreciate your credentials and I think you'll be a wonderful leader in that Department.

The question I have relates to just technically when you talk about different departments that have different needs, a long-term goal, would it be that -- and we're trying to get the departments to communicate with each other, and we're also trying to communicate with other levels of government. Is the way to do that to have kind of like a cloud, like an IT cloud? And that everyone maintains kind of their own software system? Or would you be looking long-term into kind of converting to a common program that suits the needs? What would be, I guess, in terms of cost, what would be a long-term vision of information technology in the County? Everyone using the same platform, the same program? Or would it be having software that's specialized for each department, but still would have the ability to go to this kind of information cloud and pull the information that is needed?

MR. RODGERS:

I think the simple answer to your question is no, it's not all one platform. One suit doesn't fit everybody. That being said, we need to carefully assess what the platforms are that we're willing to work on from a cost benefit analysis standpoint. Our financial systems may rely on one type of platform. Some of the other application development, because of our ability to deploy applications quickly and have uniformity and ease of training of staff, we would likely look at a different environment for it.

Excuse me. From a standpoint of using the cloud, the cloud is something that we certainly will investigate. It's not something that we -- that I would want to rush into. Again, my primary concern is the security of the Suffolk County network that incorporates everyone. If we were to embrace the cloud, it would probably be in a private scenario. We already have a very close proximity to that in the availability of this phase that we have available to the different agencies right now. So, technically you have the equivalent of the cloud in place right now.

I think of more importance is for us to be able to identify products whether we develop them, in some cases -- we'll purchase them in others that do go across agencies, such as a document management software package that doesn't exist today in the County. All right? And that we can have uniform distribution for.

LEG. SPENCER:

Thank you, sir.

MR. RODGERS:

You're welcome.

D.P.O. HORSLEY:

Thank you very much. Doctor, are you finished? Legislator Cilmi.

LEG. CILMI:

Yes. Have you been in touch with any of the Countywide elected officials besides the County Executive obviously? Speaking specifically of Joe Sawicki or our Treasurer Angie Carpenter or our Clerk?

MR. RODGERS:

I have not. The last -- I've been here two weeks. A significant amount of that time has been spent with me trying to address what my staff was going to look like after today and what applications we currently have in place, what our infrastructure looks like and to get a handle on what the overall environment in the County is.

LEG. CILMI:

It's my --

MR. RODGERS:

It's my intention to address them.

LEG. CILMI:

Yes. There's a variety of systems obviously in those areas as well. And it's my understanding that the Comptroller is reviewing the payroll system, how we pay people basically. So, I would suggest you get in touch with him because I think he could use some help in that regard.

MR. RODGERS:

Thank you.

LEG. CILMI:

Thank you.

D.P.O. HORSLEY:

Alrighty. It's the end of my list. Mr. Rogers, I just wanted to, again, we discussed this earlier that several years ago, it's more than several now, that I passed legislation text-a-tip, which became law in Suffolk County. It's still on the books. Back then it was -- it was ahead of its time. Now it's way behind its time. As far as implementation, I'm a little upset that it hasn't been used by our Police Department and I had hoped that you would mix it up and find out the reasons why that they haven't taken advantage of such an admirable law.

MR. RODGERS:

We will be having a conversation.

D.P.O. HORSLEY:

Okay, thank you very much. If I might say so, yes. For purposes of making a motion, I'll call on Legislator Anker.

LEG. ANKER:

I'd like to make a motion.

LEG. CALARCO:

Second.

D.P.O. HORSLEY:

Second by Legislator Calarco. That's the only thing on the motion? Anyone? Okay. All those in favor? Opposed? Abstain? It's been approved. Congratulations.

MS. ORTIZ:

Fifteen. (Presiding Officer Lindsay absent. Legislators Kennedy and D'Amaro not present)

COMMISSIONER RODGERS:

Thank you. I look forward to working with you. Thank you very much.

(APPLAUSE)

D.P.O. HORSLEY:

Alrighty. I'm going down the line. **1175, Appointing Kevin M. Harvey as a member of the Suffolk County Industrial Development Agency (IDA) (Lindsay)** Kevin, do you want to come up quickly? We advised you that you didn't have to come, but we're so pleased to see you anyway. Just -- why don't you introduce yourself.

MR. HARVEY:

Kevin M. Harvey, Business Manager, Local 25, International Brotherhood of Electrical Workers. I appreciate the appointment -- or the suggestion, or the proposed appointment to the IDA. I feel like because of my experience as a business agent working in Suffolk County for the last six years and currently as Business Manager for the last year-and-a-half, that my interfacing with companies and with the prospects of bringing their businesses onto Long Island will hopefully bring some -- some effort and some good deeds to the IDA on my behalf. So, I'd appreciate -- I'd appreciate any help I could be.

D.P.O. HORSLEY:

And, I got to tell you, Kevin, you've been a good friend to the County and we look forward to your expertise on the IDA Board. I think it's a wise choice.

MR. HARVEY:

Thank you.

D.P.O. HORSLEY:

With that in mind, I guess -- I'm being told that I took this out of order. I don't look at it that way, but I will make a motion to take **1175, (Appointing Kevin M. Harvey as a member of the Suffolk County Industrial Development Agency) (IDA) (PO Lindsay)** out of order, seconded by Legislator Montano. All those in favor? Opposed? So moved.

MS. ORTIZ:

Sixteen. (Legislator Kennedy not present. PO Lindsay absent)

D.P.O. HORSLEY:

I'll make a motion to approve.

LEG. CILMI:

Second.

D.P.O. HORSLEY:

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

MS. ORTIZ:

Sixteen. (Legislator Kennedy not present. PO Lindsay absent)

D.P.O. HORSLEY:

Congratulations, Kevin. And welcome aboard.

MR. HARVEY:

Okay, thank you very much.

D.P.O. HORSLEY:

Alrighty, we're going to move down to -- I'll make a motion to take out of order **1353, which is Confirming the appointment of the Suffolk County Commissioner of Economic Development and Planning (Joanne Minieri) (County Executive)**

LEG. HAHN:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Hahn, seconded by Legislator Spencer. All those in favor? Opposed? It is now taken out of order.

MS. ORTIZ:

Sixteen. (Legislator Kennedy not present. PO Lindsay absent)

D.P.O. HORSLEY:

Thank you. Okay. Joanne. There you are. I knew you were in the house.

LEG. HAHN:

I'll make a motion to approve.

D.P.O. HORSLEY:

Okay, why not. Legislator Hahn makes the motion to approve and second by Legislator Nowick. So, we already have a motion to approve. On the motion, Joanne, why don't you just tell us a little bit

about yourself. She was at our Committee meeting this week. And I know she's been involved with -- over the last couple of weeks, so why don't you just give a brief update on yourself and --

MS. MINIERI:

Sure.

D.P.O. HORSLEY:

How are you doing?

MS. MINIERI:

I'm okay. Thank you. Hi. I'm Joanne Minieri. I'll tell it quick, a little bit about myself. I think everyone has my bio. I'm happy to say that I'm a Hofstra University Graduate and I'm a CPA.

I started out my career in accounting -- public accounting. But thirteen years into it, I had the opportunity to join a real estate development company, which I was recently the President and Chief Operating Officer of Forest City Ratner Companies. We are located in downtown Brooklyn. And over about seventeen years, we did a series of real estate developments that were primarily in the outer boroughs.

And what we did at Forest City, and in a leadership capacity that I had, is we really targeted areas that provided new jobs, built communities. We dealt with transportation issues and we were environmentally obviously very aware.

One of the recent ones that I think a lot of you would be aware of is the one that's under construction right now in downtown Brooklyn, it's called Atlantic Yards. And it's building the Barclay Center, where the New Jersey Nets will be moving into Brooklyn. That project -- I started that project back in 2003. It took a very long time. It was a huge site assemblage. It involved a lot of different constituents, including the City, the State, the MTA, the NBA. And a lot of what we did at Forest City and what I basically orchestrated was, there was a lot of cooperation and consensus building in order to advance some long-term project like that. And a lot of what County Executive Bellone discussed with me was, in fact, creating jobs, building communities, being, you know, environmentally sensitive, having a long-term positive sustainable growth plan for Suffolk County.

So, when I was given the opportunity to join him, and as the Commissioner of Economic Development, I thought that this would be a great opportunity to bring some of my experience here to Suffolk County. Suffolk County's been a big part of my life since I was a child. I have family out here. I live out here now. So, I'm quite excited to be a part of the -- I believe a very dynamic and growth future for Suffolk County.

D.P.O. HORSLEY:

Thank you very much, Miss Minieri. Legislator Cilmi, question.

LEG. CILMI:

Yes. Just wanted to ask your opinion on something. I've reached out at least twice to Charles Wong in an effort to suggest to him that there are a variety of us here on the Legislature from both parties, he's expressed some disappointment that, you know, there's some politics involved in Nassau County; and that when the Democrats propose something, the Republicans object. And when the Republicans propose something, the Democrats object. I said that we probably have a, you know, a good bipartisan group here that might want to talk to him about having the Islanders come to Suffolk County if Nassau County is not going to host them any longer. Have you given any thought to that? Have you reached out to him already? Do you plan on reaching out? Do you see that as a possibility for Suffolk County?

MS. MINIERI:

I have not reached out to him. I have not really -- except for some personal thoughts about it, I have not really explored that opportunity yet.

LEG. CILMI:

Are you a Ranger fan?

MS. MINIERI:

Am I a Ranger fan?

LEG. CILMI:

You said personal thoughts.

LEG. HAHN:

Don't answer that.

LEG. CILMI:

Sorry.

MS. MINIERI:

No, the personal thoughts related to a sports team and an entertainment venue and the kind of complexities that that brings along. It is something -- if it was to be considered, I most certainly have background and I have some views and opinions. But at this point I haven't really explored it at all. I can only tell you that when you pursue a development that has other than the public purpose, which the Barclays Center provided for a -- over 6,000 unit residential project, when there's a public purpose accompanied by the residential component, that it could well, in fact, be a wonderful pair.

LEG. CILMI:

Well, I mean, I would suggest that we definitely have some locations here in Suffolk County that would be appropriate and that have enough space for those types of -- that type of development, as well as the arena that would house the team. And I'm sure Charles Wong would be, you know, would be interested in talking about those sources of options.

In addition to that, I know Legislator Horsley has been sort of at the forefront of talking about the possibility of a casino here in Suffolk County with the Shinnecocks. Is that something that you plan on pursuing?

MS. MINIERI:

Again, you know, I think with respect to that, yes, clearly we would be looking into it. We would be assessing the pros and cons and the necessary next steps that have to go along with that. I know that has been a long-term discussion. And I think there is some possible opportunities; but, again it, needs to really be analyzed and looked at and really have a broad approach to making some huge opportunities like that happen.

LEG. CILMI:

I would just hope that we don't -- we don't analyze to death, you know, because --

MS. MINIERI:

No, we can't.

LEG. CILMI:

-- certainly that's happened. And that's been the death mill of projects over and over and over again, not only in Suffolk County, but in Nassau County as well, obviously. And I would hate to not

strike while the iron is hot with some of these things and lose out to some other part of the State or the Region or the Country for that matter.

MS. MINIERI:

Understood.

LEG. CILMI:

Okay. Thanks.

D.P.O. HORSLEY:

Thank you very much, Legislator Cilmi. And I'm so pleased to see that you recognize that this is a politics-free zone here in Suffolk County.

LEG. KENNEDY:

Hold on, hold on.

D.P.O. HORSLEY:

Okay. Legislator Kennedy, before I finish then, go right ahead.

LEG. KENNEDY:

Thank you, thank you, Mr. Vice Chair. Welcome. And you bring an outstanding resume. And it seems like your skill set really is something that we do need here in Suffolk County. So, I'm pleased to hear that the County Executive has selected you to join his team.

Let me speak specifically to something in the southern part of the Twelfth Legislative District, actually Legislator Montano and I share this area, that's the Hauppauge Industrial Park. I'm sure you're familiarized already with the fact that we have an ambitious expansion on our sewer districts, Sewer District 18. And you've also heard, I guess, that the Smithtown Town Board has most recently -- been announced by the Supervisor to relieve the height requirements.

MS. MINIERI:

Okay.

LEG. KENNEDY:

Just what are your thoughts as far as what we might be able to do with something like that in, you know, the largest industrial park on the eastern seaboard; any ideas?

MS. MINIERI:

Well, you know, I wouldn't -- I won't jump out here and give you any ideas right now because I really don't have a complete full understanding of all the issues.

LEG. KENNEDY:

Okay.

MS. MINIERI:

But I most certainly think that we're moving in the right direction. There's no question that, you know, that changing height restrictions and discussing sewer infrastructure are movements forward to creating the jobs and the development and inviting businesses in here, which is what a major goal is for the economic development team.

LEG. KENNEDY:

Okay. Well, we'll reach out to your office and maybe we can talk some more.

MS. MINIERI:

Thank you so much.

LEG. KENNEDY:

Okay. Thank you. Thank you, Mr. Vice Chair.

D.P.O. HORSLEY:

You're very welcome, Mr. Kennedy. I just wanted to add that Miss Minieri, when she was speaking to the Committee this last week, that she is on board and ready to go to sewer the 70 percent of Suffolk County that is not sewerred. And, if not, at least help us in our efforts to do so. So, I was impressed by that and I was impressed by her resume and how she has put herself forward in this County. She's got the right attitude. Yes, Legislator Montano.

LEG. MONTANO:

Hi, how are you? And it was a pleasure talking with you this morning. I had one just very quick technical question. I was looking at the article and it said until last summer, you were President and Chief Operating Officer, but the resume says that you're President and Chief Operating. So, was there a lag there?

MS. MINIERI:

Yes yes.

LEG. MONTANO:

Okay. I was just wondering about that.

MS. MINIERI:

I took, I guess, close to a year off to pursue other opportunities.

LEG. MONTANO:

Okay. Thank you.

D.P.O. HORSLEY:

Okay. Are there any further questions? With that, I'll make the motion to -- okay, we do. Okay, we already got a motion on the table. Motion was to approve. All those in favor? Opposed? Abstained? So moved.

MS. ORTIZ:

Seventeen. (Presiding Officer Lindsay absent)

LEG. ROMAINE:

Mr. Chairman?

D.P.O. HORSLEY:

Yes.

LEG. ROMAINE:

We have our County Clerk here. And she's been waiting for some time. And there are two resolutions that pertain to her.

D.P.O. HORSLEY:

Hang on. Hang on, Joanne.

(APPLAUSE)

Ed, could you just hold off one second? While you're still standing there, I see there is a **Certificate of Necessity for the immediate consideration appointing Joanne Minieri as a member of the Suffolk County Industrial Development Agency**. This is a perfunctory, one of their -- her positions that go along with being the Economic Development Commissioner. So, I'd like to take out of order that Certificate of Necessity, **1401**, and place it on the table for our consideration.

LEG. D'AMARO:

Second.

D.P.O. HORSLEY:

Seconded by Legislator Gregory. It is now open for consideration. I'll make the motion to approve. All those in favor of taking it out of order? Opposed? Abstained? So moved.

MS. ORTIZ:

Seventeen. (Presiding Officer Lindsay absent)

D.P.O. HORSLEY:

This is **1401, Certificate of Necessity**. Okay, with that in mind, I'll make the motion to approve.

LEG. D'AMARO:

Second.

D.P.O. HORSLEY:

Seconded by Legislator D'Amaro. On the question.

LEG. ROMAINE:

Yes, on the question. Our last Economic Development Commissioner, was that person a member of the IDA Board?

D.P.O. HORSLEY:

Yes, he was.

LEG. ROMAINE:

And is that the standard fare? Because normally -- and I just want to raise this question, you're asking a person to serve in one capacity as the Economic Development Director and yet to serve in a totally different capacity as the IDA -- as a member of the IDA Board. To me, that would seem to raise a potential of a conflict of interest. Because those are two different positions that may have something come before the IDA Board that may -- the IDA Board may have a different view than the Economic Development Commissioner.

And I raise that question not out of just pure happenstance, but for several months I was the Economic Development Director for the Town of Brookhaven. And believe me, the IDA Board was a totally separate Board and directed some of my activities and acted as my employer. And let me ask you this: Maybe Counsel can answer this. We have Counsel here. Is any of the salary of the Economic Development Commissioner paid by the IDA? Gail?

MS. LOLIS:

Not that I'm aware of, but I would have to check that.

LEG. ROMAINE:

If part of that salary was paid by the IDA, would that be a potential conflict of interest?

MS. LOLIS:

It's not paid by the IDA.

LEG. ROMAINE:

It's not paid by the IDA. Okay.

D.P.O. HORSLEY:

Nor does the IDA have enumeration. They are not paid.

MS. LOLIS:

If I could just --

LEG. ROMAINE:

No, I know that.

MS. LOLIS:

If I could just address Legislator Romaine's statement earlier as far as the conflict, the State Law that discusses the organization of the IDA specifically states that it would not be -- it would not be incompatible for a municipal officer to hold a seat on the IDA.

LEG. ROMAINE:

Thank you. Because usually IDA Board members tend to be independent and not governmental officers, not municipal officers. Most of the -- in fact, all of the Town IDA's that I'm familiar with, I don't think there's one member of the Town IDA Board that is also a Municipal Officer of the Town that I'm aware of.

D.P.O. HORSLEY:

Let us use the County of Suffolk as its reference point. And I believe this argument came up when we appointed Yves Michel. He was also on the Board. I'm trying to think of who -- how quickly we forget.

MS. LOLIS:

James Morgo.

D.P.O. HORSLEY:

James Morgo chaired the IDA board.

MS. LOLIS:

Yes. For the -- I believe when this came up last time with Yves Michel --

D.P.O. HORSLEY:

It did.

MS. LOLIS:

-- it was determined that, I believe, the last six of the seven Commissioners of Economic Development sat as the Chair of the IDA Board. And the General Municipal Law specifically states that officers of the municipality would not be incompatible for them to sit on the IDA board.

D.P.O. HORSLEY:

A definitive answer. I like that.

LEG. D'AMARO:

I think that's similar to the Sewer Agency, also, where the Commissioner of DPW chairs the Sewer Agency. Isn't that correct?

D.P.O. HORSLEY:

That is correct. Legislator Montano, did you have a --

LEG. MONTANO:

Yeah. Gail, I actually had thought it was in the bylaws of the IDA that the person in this position would sit on the IDA Board. That's not the case? It's just that we've done it by tradition.

MS. LOLIS:

I can't say as far as what the IDA Board -- what their bylaws say. I'm just referring to State Law. I'm not saying that you're not correct. I just don't know.

LEG. MONTANO:

Right. No, I was under the impression somehow that one went with the other. And it has been that way for many years.

MS. LOLIS:

That is correct.

LEG. MONTANO:

And many successors to Miss Minieri.

MS. LOLIS:

Absolutely correct.

LEG. MONTANO:

But you don't know if it's in the rules themselves?

MS. LOLIS:

I don't know if it's in their bylaws.

LEG. MONTANO:

Okay.

D.P.O. HORSLEY:

All right. You're all right? Ms. Clerk, is there a motion on this?

MS. ORTIZ:

Yes.

D.P.O. HORSLEY:

Motion to approve and seconded. All those in favor? Opposed? Abstentions? So moved. It's been approved.

MS. ORTIZ:

Seventeen. (Presiding Officer Lindsay absent)

D.P.O. HORSLEY:

Congratulations.

MS. MINIERI:

Thank you everyone. Thank you.

(APPLAUSE)

LEG. ROMAINE:

Now, if I may, I know the County Clerk has been sitting for a while. I'd like to take two resolutions out of order. First I'd like to take resolution **1347 in Ways and Means that would allow the**

County Clerk to file an application for additional State Mortgage Tax Reimbursement (PO Lindsay) More money for the County.

D.P.O. HORSLEY:

Second. Legislator Cilmi seconds your motion to take it out of order. All in favor? Opposed? Abstentions? So moved. It's out of order.

MS. ORTIZ:

Seventeen. (Presiding Officer Lindsay absent)

LEG. ROMAINE:

Motion to approve **1347 (Authorizing the County Clerk to file an application for additional State Mortgage Tax reimbursement) (PO Lindsay)**

D.P.O. HORSLEY:

Legislator Romaine is making a motion to approve, seconded by -- who said it over here? Legislator Cilmi seconds the motion. This is 1347. Any questions on the motion? You're all right, everybody? Okay. Do you want, Mr. Montano --

LEG. MONTANO:

No, I'm just Chairman of the Committee. I was saying do you want an explanation?

D.P.O. HORSLEY:

Does anyone want an explanation? We're good. Okay. We have a motion. All those in favor? Opposed? Abstentions. So moved. It's been approved.

MS. ORTIZ:

Sixteen. (Legislator Spencer not present. PO Lindsay absent)

D.P.O. HORSLEY:

What was the other one?

LEG. ROMAINE:

The other one is 1348, right after it. I'd like to make a motion to take that out of order.

D.P.O. HORSLEY:

Okay, there's a motion to take it out of order by Legislator Romaine, second by Legislator Cilmi. All those in favor? Opposed? So moved. **1348** is now taken out of order. **(Appropriating funds in connection with the Optical Disk Imaging System (CP 1751) (PO Lindsay)**

MS. ORTIZ:

Sixteen. (Legislator Spencer not present. PO Lindsay absent)

D.P.O. HORSLEY:

Okay, motion?

LEG. ROMAINE:

I'll make a motion to approve.

D.P.O. HORSLEY:

Okay, Mr. Romaine makes a motion to approve, seconded by Legislator Cilmi.

LEG. MONTANO:

On the motion.

D.P.O. HORSLEY:

On the motion.

LEG. MONTANO:

Yeah, this was discharged out of Committee without recommendation. And there were some questions, John, that had come up. And I believe we were going to have the Clerk here to answer the questions. Oh, Judy, there you go.

LEG. KENNEDY:

Through the Chair. Yes, that's correct. And as a matter fact, we have the County Clerk and head of IT who are both very familiar with this project and what it does.

LEG. MONTANO:

Okay, shoot.

MS. PASCALE:

What's your question? (Laughter)

D.P.O. HORSLEY:

You can see who's been around a while. "What do you want?"

MS. PASCALE:

No, no, absolutely not. It's \$150,000. As you probably know, or you may not know, New York State has increasingly been making demands on us to do electronic -- what they're going to ask us to do is electronic recording of land records. And with the new Administrative Judge that we have, we've been in direct contact with them on numerous occasions. Judge Prudenti in particular, and that is one of the major goals of this new administration in the State that Suffolk be brought up to speed with many of the other Counties in the State to do electronic recording of land records.

We are to some degree doing electronic e-filing of court records that are soon to be mandatory in September. You gave us some funding for that the last go around. Now we have to prepare ourselves for the electronic filing of land records, which right now, it's not mandatory, but we have to do some things to our equipment just so that we're in compliance with what will soon be a State mandate.

LEG. MONTANO:

And one of the questions that came up is that once we expend this money, I think -- are we complete in terms of your updating of the system?

MS. PASCALE:

That's -- I want to be very honest in answering the question with you. It looks now -- I don't know. It looks like right now that this will get us to where we need to be. Obviously, I have no idea how much more the State is going to demand of us, but it looks like that we will be okay with this. And this will bring us up to -- I'm just going to check with my IT guy.

LEG. MONTANO:

Go ahead.

MS. PASCALE:

He's giving me the thumbs up, Legislator Montano.

LEG. MONTANO:

Okay.

MS. PASCALE:

So, that's a good sign.

LEG. MONTANO:

Any other questions? There were some more at the Committee but --

D.P.O. HORSLEY:

Let's see if Mr. Montano is done yet.

LEG. MONTANO:

No, no. I'll yield. Mr. Kennedy.

LEG. KENNEDY:

Yeah, I do have one question for the Clerk and actually for Mr. Schlussler, if he can step up for just a second. And it was my efforts in order to reply to Legislator Stern as to the applicability of the technology that we're supporting at this point. As you know, I was trying to describe a platter system when I was there some 12 or 13 years ago. And I, you know, knew what it was then. In all candor and honesty, I don't know what it is now. So, I address Legislator Stern as best as I can. But you know it and work it every day. What's it these days, Pete?

MR. SCHLUSSLER:

We have an electronic imaging system for our land records. And that imaging system basically takes the paper that is known as, if you will, mortgages and deeds and we convert them to electronic images and store them in various disk arrays that we have throughout the County. But more importantly, these images that we currently have are what they call a back end type scan and operation. In other words, we have a manual process upfront, people process, if you will, that will feed the imaging system on the back end. We are in a process now of converting that system into a front end type imaging system, thereby any images that we're going to handle will be handled electronically as opposed to physical paper.

Now, the advantage to that is the obvious work, efficiency, process improvement and just overall expediency of handling our instruments. But more importantly, as far as this electronic recording that we speak of, that this electronic recorder requirement, it feeds in right into this system. So, basically plugs into our existing infrastructure, which makes it nice.

LEG. KENNEDY:

But is the technology that we're using -- again, I was speaking about FileNet and Oracle, are we current with what other Clerks are using or other IT applications would be for this type of process?

MR. SCHLUSSLER:

We're actually a step ahead; many steps ahead.

LEG. KENNEDY:

Good.

MR. SCHLUSSLER:

So to answer your question, we're many steps ahead.

LEG. KENNEDY:

Okay. That's great. Thank you very much.

MS. PASCALE:

And I just would like to add that there are several Counties in the State of New York that this is now mandatory. Westchester County for one, and, I think, Albany County. So, it's coming. I believe

because of the volume that we do in Suffolk County, I believe that this Administrative Judge has kind of given us a little more room and a little more time, but it's certainly coming. And it's expected of us. And I think in the long run, it will bring us into -- it will make us another award-winning County, which we're very proud of. And I just do want to say that, you know, whenever we have come to you or I have come to you, you have always been very, very supportive and I appreciate that.

LEG. KENNEDY:

And through the Chair, one other point, Madam Clerk, you do bring in -- you're a net revenue raiser for the County of Suffolk, aren't you?

MS. PASCALE:

Well, you just approved 1.8 million in mortgage tax. And I believe last year we brought in about \$seventeen million just to the General Fund in this economy.

LEG. KENNEDY:

Okay. Thank you.

D.P.O. HORSLEY:

And we certainly could use some more awards lately.

MS. PASCALE:

I'm doing my best.

D.P.O. HORSLEY:

There you go. Okay. Yes. I'm sorry, Legislator Anker.

LEG. ANKER:

Quick question. Again, you are a revenue producing department. And I see bonding. Is this part of our budget or -- I guess the ultimate question, is there any way we can produce funds for future purchases through the revenue that you incur?

MS. PASCALE:

That's not -- that's out of my pay grade. I don't -- I just collect it. You guys disburse it and -- I mean, I don't know, Legislator Romaine, do you have a --

LEG. ROMAINE:

Oh, well, certainly we can always fund projects of this nature out of the Operating Budget. My question to Legislator Anker is why do you want to cut into the Operating Budget to fund it? Because usually big ticket items are funded by Capital Projects. But if you don't want to fund it out of the Capital Budget, no problem; take it out of the Operating. Just decide who you're going to take it from.

LEG. ANKER:

This is coming from -- this is Capital Budget? Capital? Okay.

MS. PASCALE:

Yes.

LEG. ANKER:

Do you foresee additional -- I think you implied there will be additional improvements probably to the Technology --

MS. PASCALE:

It's -- you know, what we try to do is, and we've been very successful thanks to the support of this body, we try to take -- stay a step ahead of the current technology and we've been able to do that.

My question to myself is I really don't know what else the State is going to expect of us. But from what I've gathered from talking to the other Clerks, and we've been in contact with the Office of Court Administration, and I know Pete talks to the other IT Directors in other Counties, I believe that this is going to cover us quite nicely in terms of meeting whatever mandates they throw in our path, at least for this year. Do you agree?

MR. SCHLUSSLER:

Absolutely.

LEG. ANKER:

Okay. Well, if there's anything we can do, either myself as the Chair for the Information Technology Committee, you know, working with Donald Rogers, our new Commissioner, to help facilitate that connection and, just, you know, I guess keep -- keep up with the other Villages. But it sounds -- the other Counties. It sounds like we're pretty much ahead at this point.

MS. PASCALE:

We're in very good shape.

LEG. ANKER:

Very good. Thank you.

MS. PASCALE:

Thank you. And thanks to all of you for your consistent support.

D.P.O. HORSLEY:

Thank you very much. We have a motion to approve, right? Miss -- it's been awhile. And seconded. I don't have any other motions. All those in favor? Opposed? Abstentions? It's been approved.

MS. ORTIZ:

Seventeen. (Presiding Officer Lindsay absent)

MS. PASCALE:

Thank you so much and thanks again for the support.

D.P.O. HORSLEY:

Okay, we have the corresponding resolution, I see, **1348 A. (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$15,000 bonds to finance the cost of the acquisition and installation of an Optical Disk Imaging System) (CP 1751.516)**. Who made the first motion on that? Same motion, same second all right? Okay, roll call.

(ROLL CALL BY MS. ORTIZ, CHIEF DEPUTY CLERK)

LEG. ROMAINE:

Yes.

LEG. CILMI:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. MONTANO:

Yes.

LEG. CALARCO:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

(Absent)

MS. ORTIZ:

Seventeen. (Presiding Officer Lindsay absent)

D.P.O. HORSLEY:

Okay. We have done our -- that kind of business. So, let's move onto the resolutions tabled on April 24th. Okay? I'm sorry. Are we okay? We're good? Okay. Resolutions tabled to April 24th.

All right. The first resolution that was tabled from April 24th was **(1197) adopting local law to strengthen the Land Preservation Program and maximize environmental protection.**

LEG. HAHN:

Motion to table.

D.P.O. HORSLEY:

Motion to table. Do I have a second on the motion? Second by Legislator Schneiderman. Any questions on the motion? All those in favor? Opposed? Abstentions? It has been tabled.

MS. ORTIZ:

Sixteen. (Legislator Montano not present. PO Lindsay absent)

D.P.O. HORSLEY:

1206, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - Open Space component - for the P. Procopio, M. Procopio and Gruhill Construction Corp. Property - Patchogue River Wetlands addition Town of Brookhaven (SCTM Nos. 0200-892.00-02.00-030.000, 0200-892.00-02.00-035.000, 0200-892.00-02.00-037.000, 0200-892.00-02.00-031.001, 0200-892.00-02.00-034.000, 0200-892.00-02.00-036.000 and 0200-892.00-02.00-038.000) (Co. Exec.)

LEG. CALARCO:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Calarco to approve, seconded by Legislator Hahn.

LEG. GREGORY:

Mr. Vice Chair, motion to table.

D.P.O. HORSLEY:

Okay.

LEG. GREGORY:

I think the Administration wanted it tabled.

LEG. D'AMARO:

I'll second the motion to table.

D.P.O. HORSLEY:

There's a motion to table. I'm glad you caught me. Legislator Gregory and seconded by --

LEG. CALARCO:

I'll withdraw my motion and go with the tabling for this cycle.

D.P.O. HORSLEY:

The motion has been withdrawn by -- the approval -- for the approval. And we now have a motion to table on the floor. All those in favor? Opposed? Abstentions? The motion has been tabled.

MS. ORTIZ:

Sixteen. (Legislator Montano not present. PO Lindsay absent)

D.P.O. HORSLEY:

I had to work so hard on that one. **1209, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - Open Space component - for the Maratea property - Mastic/Shirley Conservation Area - Town of Brookhaven (SCTM Nos. 0209-033.00-03.00-006.000, f/k/a 0200-983.40-03.00-006.000) (Co. Exec.)**

LEG. BROWNING:

I will actually withdraw this because I have another resolution. The owner is donating it to the County.

MR. NOLAN:

County Executive bill.

LEG. BROWNING:

Okay.

D.P.O. HORSLEY:

But it's nice to hear, though.

LEG. BROWNING:

I'm pretty sure, oh, let me double check and make sure it's the same piece of property. I'll make a motion to table.

D.P.O. HORSLEY:

You almost withdrew somebody else's? (Laughter) That's kind of funny.

LEG. BROWNING:

I thought that was mine. I should have put my glasses back on.

D.P.O. HORSLEY:

I would have missed that totally. Okay, **1209**, we have a motion to table. Okay? Is there a second on the tabling motion -- by Legislator Schneiderman. All those in favor? Opposed? Abstentions? So moved to table.

MS. ORTIZ:

Seventeen. (Presiding Officer Lindsay absent)

D.P.O. HORSLEY:

1210, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - Open Space component - for the Omni Ventures Inc. Property - Saw Mill Creek addition - Town of Riverhead (SCTM No. 0600-131.00-01.00-003.000) (Co. Exec.)

LEG. CILMI:

Motion to table.

D.P.O. HORSLEY:

Motion to table by Legislator Cilmi.

LEG. KENNEDY:

Second.

D.P.O. HORSLEY:

Seconded by Legislator Kennedy. Any further motions? To table, right, yes. All those in favor of tabling? Opposed? Abstentions? It's been tabled.

MS. ORTIZ:

Seventeen. (Presiding Officer Lindsay absent)

D.P.O. HORSLEY:

1234, Directing the Department of Social Services to close the sex offender trailer in Westhampton, Town of Southampton (Schneiderman)

LEG. SCHNEIDERMAN:

Motion to approve.

D.P.O. HORSLEY:

We have a motion to approve. Do we have a second on the motion?

LEG. ROMAINE:

Second.

D.P.O. HORSLEY:

Legislator Romaine seconds the motion. Do I have any other motion?

LEG. GREGORY:

Motion to table.

D.P.O. HORSLEY:

Motion to table by Legislator Gregory, second by Legislator D'Amaro. Tabling motion takes precedence. Tabling motion, all those approve? All those in favor of tabling? Opposed?

LEG. ROMAINE:

Opposed.

LEG. SCHNEIDERMAN:

Opposed.

D.P.O. HORSLEY:

We have several opposed. Abstentions? The resolution has been tabled.

MS. ORTIZ:

Fifteen. (Presiding Officer Lindsay absent)

MS. ORTIZ:

I'm sorry, fourteen.

D.P.O. HORSLEY:

I'm sorry, you okay? Okay. **1299, 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) (Co. Exec.)** Mr. Schneider, why don't you tell us about this?

MR. SCHNEIDER:

Actually we do not have this bond here at the moment. We are going to try to bring it by the end of the day. So, we can skip it, please.

LEG. ROMAINE:

Since we have a resolution and a motion, could I speak?

D.P.O. HORSLEY:

Yeah, this has been tabled, right. There's no bond resolution --

MR. NOLAN:

This resolution we've had for a while.

D.P.O. HORSLEY:

This goes back to April 24th. Tabled to April. It was from the last meeting.

MR. NOLAN:

You might be talking about 1273, Mr. Schneider.

D.P.O. HORSLEY:

We're going to be tabling all sorts of things today, whether they know it or not. Okay.

LEG. ROMAINE:

Deputy Presiding Officer?

D.P.O. HORSLEY:

Okay.

LEG. ROMAINE:

Just to refresh my colleague's memory, and I'm sure he's fully aware of this, the reason this was tabled at the last General Meeting is I raised the issue, why are we bonding out to do a County project for the County Center for sewers instead of using sewer stabilization money? Do you recall that argument?

MR. SCHNEIDER:

I do.

LEG. ROMAINE:

There you go. And I think that's why it was tabled, because someone was going to look in to see if we can use the reserve fund instead of going into debt on this one, because we have, as you know, money in that reserve fund. And that was the question to see if that could legally be accomplished and save us a little bit more money. And I think the administration was going to look into it. I don't think it had anything to with the bond, but I could be mistaken.

D.P.O. HORSLEY:

If I'm not mistaken from the look on his face, they've been very busy. Mr. Lipp, did you have something to bring up; bring forward on this?

MR. LIPP:

Well, there is money in the Stabilization Reserve Fund. But based upon long term projections, it's hard to figure out how accurate they'll be, will we run out of money eventually for that. So, you can make a case that we should bond. And at the end of the day, it is not General Fund or Police and, therefore, that's not where our multi-million dollar deficit is from.

D.P.O. HORSLEY:

All right. Mr. Anderson. Our Commissioner is here. I see the troops are coming in. Why don't you tell us about this why we're --

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

COMMISSIONER ANDERSON:

Well, to answer Legislator Romaine's question, generally we do not take a large amount out of the stabilization relief fund, and we'd rather use it to offset, you know, the bonded -- when we pay back the bonds. So, certainly it's a policy decision that could be addressed. But to us, at this point, we don't recommend taking a large amount, giving everything else that's going to be done in the area, certainly Sewer District 3, the work we have coming up, so.

D.P.O. HORSLEY:

I understand what you're saying. How much is this, by the way?

LEG. CILMI:

Five hundred thousand.

D.P.O. HORSLEY:

Five hundred thousand? Oh, it says right there. I'm sorry.

COMMISSIONER ANDERSON:

Yeah, \$500,000.

D.P.O. HORSLEY:

Yeah. Okay. Legislator Cilmi has a question.

LEG. CILMI:

Yeah, I'm not sure if this is for Commissioner Anderson or for Budget Review or for the County Executive's Office. When we have a fund like the Assessment Stabilization Reserve Fund -- and how much money is left in that fund, supposedly, Rob?

MR. LIPP:

By definition, based upon the resolution we passed last year, 140 million.

LEG. CILMI:

A hundred and forty million dollars. Now, when we have a fund like this, is it literally a separate fund, a separate bank account? Do we have \$140 million in a bank somewhere?

MR. LIPP:

Well, there's a problem with cash. What's going on in the County now is we are borrowing to pay our bills in Interfund transfers, from 404, the Assessment Stabilization Reserve Fund as well as other funds such as Tax Stabilization Reserve.

LEG. CILMI:

So what you're saying, then, is that while budgetarily we're supposed to have \$140 million in that fund, from a cash point of view there's probably not? Definitely not? I mean, do we know exactly how much is there?

LEG. ROMAINE:

Nothing.

LEG. CILMI:

Is there a separate bank account for the fund? I mean, how does it work exactly?

MR. LIPP:

There is a separate account, but I'm not aware of the exact dollar amount that the General Fund has borrowed currently for that. But at some point during the year we will need it, if we haven't borrowed it already.

LEG. CILMI:

Is there somebody from the County Executive's Office who could tell us how much money is literally in that fund?

MR. LIPP:

The Comptroller and the Treasurer's Office would know for sure.

We can look at -- we don't have the detail there, but they would know for sure. We could get that information for you, it would take a day, though.

D.P.O. HORSLEY:

I --

LEG. CILMI:

When we -- I'm sorry. When we borrow from a fund like that, what are the requirements in terms of pay back?

LEG. ROMAINE:

December 31st.

MR. LIPP:

You have to pay it back by the end of the year with interest.

LEG. CILMI:

And the interest is calculated based on?

MR. LIPP:

Prevailing rates.

LEG. CILMI:

Prevailing rates. So we're paying ourselves back interest on money that we borrowed from ourselves, but we don't know exactly how much money is left in that fund at the moment.

MR. LIPP:

It's a dedicated fund, so we're required by law. The only good thing about it is interest rates are very, very low.

LEG. CILMI:

Right. Okay. Well, if I could ask for somebody to find out exactly how much money is left in that fund. Gail, it looks like you're poised to deliver an answer.

MS. VIZZINI:

The Treasurer notifies the financial offices when she borrows from within the funds, and April 2nd she borrowed 35,700,000 from Assessment Stabilization Reserve to make the necessary expenditure payments for the General Fund. So, you know, it's 140 million less 35.7, and there have probably been some borrowings since. Based on the daily cash flow, we have \$21 million in the bank and considerably more expenditures that come due. So that's why the cash situation.

LEG. CILMI:

Now, when we -- when we look at our cash flow and sort of try and plan for our regular expenses, payroll, etcetera, do we take into consideration the fact that we've borrowed this money from our own funds and that we need to pay it back?

MS. VIZZINI:

The Comptroller's Office typically does the cash flow projections in concert with input from the Budget Office and the Treasurer's Office. As you recall, in most of the presentations in regards to the RAN, the County Executive's Office was pretty much looking for a commitment that it's necessary that we leave the reserves alone in order to have the cash in them that we can borrow that first. We're at the point in May, early May, where we must move forward on the RAN, otherwise we don't have enough cash. And some thinking there's probably a lot less in Assessment Stabilization Reserve than 140 million minus 35.7; I'm fairly confident she has borrowed more since.

LEG. CILMI:

What about -- what's the difference in the interest rate that we have to pay ourselves when we borrow from ourselves versus the interest rate on the RAN that we're expecting? I know you can't -- you probably can't say exactly what that interest rate would be, but --

MR. LIPP:

Yeah, I'm not really sure. There may be -- it may be like half a point or 50 basis points, but I'm not sure. That being said --

LEG. CILMI:

Wait, wait, wait. So the interest rate on the RAN would be half a point greater than?

MR. LIPP:

At least, I would believe.

LEG. CILMI:

You believe.

MR. LIPP:

But that being said, though, it's sort of apples and oranges, because we're sort of maxed out in our cash flow borrowings, that is TAN's and RAN's, and that we're borrowing Interfund -- from Interfunds such as this to make up the difference. We are at a point in the County now where this was never an issue until now; we are maxed out. In a sense, we should not be using cash from Fund 404 for anything because if we hiccup we don't meet payroll.

LEG. CILMI:

Well, it may be a moot point, but a half a percentage point on \$80 million worth of borrowing or \$90 million worth of borrowing is how much money?

MR. LIPP:

We -- it's impossible to be able to borrow from the Interfunds --

LEG. CILMI:

That's not my question. I understand that we're -- that the Interfunds have probably been depleted, which is a concern nevertheless.

But what's the difference in interest payment, based on the half percentage you're assuming may be the case between the RAN borrowing and the borrowing -- and the market rate borrowing that we have to pay ourselves.

MR. LIPP:

It's less than a half of million dollars, like 425 -- well, exactly 425,000 on a half of a point.

LEG. CILMI:

Okay.

MR. LIPP:

And that's based upon what we plan on borrowing in RAN which will be 85 million.

LEG. CILMI:

Uh-huh.

MR. LIPP:

And it's also my guesstimate that it's 50 basis points; I could be off.

LEG. CILMI:

Right. Okay. Thank you.

D.P.O. HORSLEY:

Legislator Hahn?

LEG. HAHN:

My question just had to do with whether or not we were tapping the fund for cash.

D.P.O. HORSLEY:

Okay, and we are. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I guess for Robert, very similar to Legislator Cilmi's line of questioning. So when we do the Interfund borrowing, I don't know, you didn't say the interest rate there, but I imagine it's quite low, like 1% or around there?

MR. LIPP:

We're not sure. We think it's below 1%.

LEG. SCHNEIDERMAN:

Okay, so below 1%. Now, in doing so, we're basically not -- the Assessment Stabilization Fund, since we're borrowing from it, it's not really available to these projects, so this bill that's before us is now to borrow within the Sewer District for a project that could have been paid for. So what rate are we paying on that borrowing?

MR. LIPP:

Well, we're probably -- it's probably a bond issue over 18 years, which is the average serial bond that we have, and it's in the neighborhood of 3%. That being said, it's sort of like pay-as-you-go, too; you know, we'd rather do pay-as-you-go than do the suspend 5-25-5 law. That being said, we're at a point now where we really don't have the money, we have no choice.

LEG. SCHNEIDERMAN:

Right. So it's really the Sewer District itself that is getting hurt a little bit by not having access to their own money and having to borrow at a higher rate.

MR. LIPP:

I believe I made a mistake before.

MS. VIZZINI:

This is the Yaphank County Center Sewer District budgeted in the General Fund.

LEG. SCHNEIDERMAN:

Oh. Oh, that's in the General Fund.

MS. VIZZINI:

Yeah.

LEG. SCHNEIDERMAN:

So we're going to get the higher interest rate on that borrowing, right? I guess we have no choice, though.

D.P.O. HORSLEY:

Yeah.

LEG. ROMAINE:

We'll send you a copy.

D.P.O. HORSLEY:

Okay. With that being said, I'll make a motion to approve.

LEG. D'AMARO:

Second.

D.P.O. HORSLEY:

Second by Legislator D'Amaro. Anyone? I think we're going to need a roll call on this.

*(*Roll Called by Ms. Ortiz - Chief Deputy Clerk of the Legislature*)*

D.P.O. HORSLEY:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. CALARCO:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

(Not present).

MS. ORTIZ:

Seventeen.

D.P.O. HORSLEY:

All right. I have a request to take -- if I can find it -- on page eight, 1334 out of order, which is approving an increase in fleet for the ammunition disposal trailer for the Suffolk County Police Department's Emergency Services Section through the use of Asset Forfeiture Funds. Apparently, Inspector Cameron is in the audience and has been sitting here for quite a while. So I'll make the motion to take this out of order.

LEG. ROMAINE:

Second.

D.P.O. HORSLEY:

Seconded by Legislator Romaine. All those in favor? Opposed? Abstentions? So moved. We're now addressing --

MS. ORTIZ:

Sixteen. I'm sorry, seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

-- ***1334-12 - Approving an increase in fleet for an ammunition disposal trailer for the Suffolk County Police Department's Emergency Services Section through the use of Asset Forfeiture funds (County Executive).***

LEG. BROWNING:

I'll make a motion to approve.

D.P.O. HORSLEY:

Ms. Browning makes a motion to approve. Is there a second on the motion?

LEG. D'AMARO:

I'll second.

D.P.O. HORSLEY:

Second by Legislator D'Amaro.

LEG. SCHNEIDERMAN:

On the motion.

D.P.O. HORSLEY:

On the motion, Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Is someone going to step forward? So I know we've been, I guess, exploding with fireworks and things like that over at the BOMARC facility. I get complaints from that senior facility next door that I often mention in regards to the sex offender trailer out there, and I get letters and things about pictures falling off the walls and things falling off of shelves because we're exploding various things there. So this is going to end that by doing it all internally? We're not actually exploding it anymore, we're melting it, is that right?

INSPECTOR CAMERON:

This will mitigate that, Sir, it won't end it. The Westhampton facility, as you know, is our firing range, but it's also the Emergency Service Section's Bomb Squad Demolition range, and among the things we do there is we dispose of the fireworks that come into the possession of the Suffolk County Police Department. However, we also countercharge and destroy improvised explosive devices, or occasionally military ordinance that comes into our possession.

And I know I have a phone message on my desk from one of your Aides about a complaint where we had military ordinance that came into our possession, the military usually comes out and takes it back. They felt these particular devices were too unsafe to transport, so they wanted to detonate them in place, so there were three fairly substantial explosions that occurred. I spoke to our Bomb Squad Commander and he's very willing to come and speak to the people in that community and explain what the Bomb Squad does, and we'll also arrange a point of contact with them so that when we're going to do that type of activity we can let them know in advance, where and when it will occur. Of course there's a chance that there may be an emergency disposal that may have to be done where we can't notify them, but we'll try to be as good a neighbor as we can.

This trailer will allow us to dispose of small, consumer-grade, classified fireworks. Not aerial motors and not M-80's which are technically explosive devices, they're not technically classified as fireworks by the ATF. We will still have to continue, in many cases, to countercharge them, but this trailer can burn small amounts of fireworks. What ends up happening is oftentimes fireworks will back up on us, this will allow us to continually dispose of fireworks as they come in. We'll still need access to our burn pit, because occasionally we do seize very large amounts of fireworks, i.e., a garage-full or a truckload of fireworks; we're disposing them 30 pounds at a time and a burn trailer will not allow us to keep up with it.

LEG. SCHNEIDERMAN:

I have several questions related to that. So the burn pit I know has been there for a long time, though that housing complex with those 240 units, I think it's up to 180 or so now and it's going up to 240, has been there less amount of time. Are this -- have we done the analysis in terms of knowing as we're burning this material that we're not posing any public health hazards to the individuals? Some of them -- well, most of them are seniors. Are there concerns, respiratory-type of concerns because we're burning it in such close proximity?

INSPECTOR CAMERON:

There is, Sir, a Capital Project -- there is a Capital Project to relocate the burn pits to the opposite corner of the Westhampton facility. We had issues with -- when you burn fireworks, part of the remains is a perchlorate salt and water was getting into the burn pit and that was leaching into the groundwater. And perchlorate salt has been linked with thyroid issues with young children, so obviously that was an issue because it leached into some Suffolk County Water Authority wells. So the Department of Public Works has now sealed that burn pit to eliminate the leaching of the products out. But it is a concern for us being that close to those town homes when we do fireworks burns, because occasionally -- and there is a very low risk that it could go high order and the fireworks could spontaneously detonate. So there is a Capital Project to relocate the pit that will hopefully mitigate the perchlorate issue even more so than the sealing of the pits, and will also give us a greater stand-off distance from those units to put in the opposite corner where I believe it will border up against a dump.

LEG. SCHNEIDERMAN:

Yeah, that was my next question, was going to be about this Capital Project. So that is still needed, even with this trailer?

INSPECTOR CAMERON:

Absolutely. The trailer can burn at a time in the burn cycle, between burning it and letting the trailer cool down so we can recycle, is about two hours. It can burn about 30 pounds of fireworks, and that's limited by the potential. Again, if we put too many fireworks in there and they high order, it will blow up the trailer, so we have to maintain the manufacturer's specifications and be under that, so should there be an explosion the trailer can contain that, or 70 pounds of ammunition can be burned or melted in the trailer.

LEG. SCHNEIDERMAN:

Are there going to be smells associated with this? I'm just wondering if this is something we should be even doing in Suffolk County anywhere near residents or something that might be more appropriate to drive the trailer to a location Upstate, New York, or somewhere where you're a long way from residents.

INSPECTOR CAMERON:

The problem is, Sir, getting the fireworks to another location because we can't transport them through New York City. We couldn't bring them over bridges and tunnels because they're considered explosives.

LEG. SCHNEIDERMAN:

Okay.

INSPECTOR CAMERON:

We're kind of stuck with them in the County, so we have to fund a mechanism to safely dispose of them, both safety for the bomb technicians and safe for the environment.

LEG. SCHNEIDERMAN:

So this trailer would be at the BOMARC facility?

INSPECTOR CAMERON:

Yes, Sir.

LEG. SCHNEIDERMAN:

But you would locate it farther away from the residents.

INSPECTOR CAMERON:

Since it's mobile, we can move it farther away from the townhouses. And, you know, barring any large seizures, and we haven't had one in a while but there was one year where we got three tractor loads of fireworks and we had to be ready to dispose of them. So we do need the burn pit for that amount. We also need capability to dispose of aerial motors and M-80 type explosives. So this trailer will allow us to do our burning farther away from the town homes.

LEG. SCHNEIDERMAN:

Okay. And the first issue you mentioned, too, about being a good neighbor, you know, those three recent explosions, it scared the daylights out of these people. If we could certainly have a system in place so that not only are they notified, I'd like to be notified, too --

INSPECTOR CAMERON:

Okay.

LEG. SCHNEIDERMAN:

-- when you're exploding larger ordinance there. If you could put my office in the loop as well.

INSPECTOR CAMERON:

One of your constituents that lives there offered to be a point of contact and I guess --

LEG. SCHNEIDERMAN:

I'm sorry, I'm having trouble hearing you.

INSPECTOR CAMERON:

One of your constituents that lives in that facility offered to be the point of contact for us, so will -- you know, as I said, the Bomb Squad Commander will go over there and brief them as to what we do and we'll develop a point of contact and we certainly can keep you in the loop.

LEG. SCHNEIDERMAN:

Okay, I would appreciate that. Thank you, Sir.

D.P.O. HORSLEY:

Legislator Hahn.

LEG. HAHN:

I also think you should look into some sort of text message, like we do with Code Red, maybe you can work that out.

INSPECTOR CAMERON:

I spoke --

LEG. HAHN:

People sign up.

INSPECTOR CAMERON:

I spoke about that with the Bomb Squad Commander, we'll look into whether we can use Code Red to notify that entire community every time we do it as an easy mechanism.

LEG. HAHN:

Right. And then it would be up to the Legislator and others to get people to sign up for it, but I think that is a good mechanism. Also --

INSPECTOR CAMERON:

We don't do things out there that frequently, so, I mean, it's not an every day occurrence.

LEG. HAHN:

Right.

INSPECTOR CAMERON:

But when it does happen, we will notify folks.

LEG. HAHN:

Will you have this in time for the Fourth of July weekend? Like how quickly will you be --

INSPECTOR CAMERON:

Yes, we should have it in time for the Fourth of July.

LEG. HAHN:

And this also helps with some environmental concerns with the pits?

INSPECTOR CAMERON:

It will help us -- burning fireworks underground is an issue with the Perchlorate, but I think we've addressed that with the sealing of the pits, the Perchlorate salts can't leach out anymore. But it's certainly better to burn them above ground, it would eliminate that issue entirely.

There's also an environmental issue with the ammunition because it's considered a hazardous material, so if we're going to dispose of it we'd have to pay a HazMat contractor to haul it away because it's lead and it's powder, you know, smokeless powder and it's also brass. So what the trailer does is it's hot enough to melt the lead, to separate the lead from the brass so we can separate that for metal recycling and it destroys the powder inside the charge.

LEG. HAHN:

And then -- this may be a silly question; is there any way to utilize that same vehicle for pharm --

LEG. BROWNING:

Pharmaceuticals?

LEG. HAHN:

Oh, you already asked that.

LEG. BROWNING:

Yes.

LEG. HAHN:

I missed that. Oh, pharmaceuticals.

INSPECTOR CAMERON:

It's an excellent question, Legislator Browning asked the same question, and the answer that I had before is we just want to do some further study on that. Because when we're burning drugs, we're not certain what it will off-gas, so we want to -- it's not what the manufacturer made the trailer for. And as you're probably aware, you know, the concern is we would harm the bomb techs, but of lesser concern is the department has a random drug testing policy, so I wouldn't want them to

breath in gas off-gassing of pharmaceuticals burning and test positive when we do random drug testing because, you know, it's -- so we just want to do further research on that before. It's certainly something that we would look into.

LEG. HAHN:

Thank you.

D.P.O. HORSLEY:

All right. Thank you very much, Legislator. Are there any further questions of the Inspector? I think we're all good. I have a motion to approve, right? It was so long ago, I don't recall.

LEG. HAHN:

Second.

D.P.O. HORSLEY:

All right. Second by Legislator Hahn.

LEG. HAHN:

I would like to cosponsor as well.

D.P.O. HORSLEY:

As well as cosponsor. All right, we're good? We have a motion to approve on it, though, right?

MR. NOLAN:

Yep.

D.P.O. HORSLEY:

We're good, okay. All right. We have a motion to approve. All those in favor? Opposed? Abstentions? So moved, it's been approved.

MS. ORTIZ:

Sixteen (Not Present: Legislator Barraga & Presiding Officer Lindsay).

INSPECTOR CAMERON:

Thank you.

D.P.O. HORSLEY:

Thank you, Inspector.

Introductory Resolutions:

All right, we're going back to the IR's, page six, I think the first one is ***1314-12 - Authorizing Film Promotion funding for 2012 (County Executive)***.

LEG. SCHNEIDERMAN:

Motion.

D.P.O. HORSLEY:

There's a motion by Legislator Schneiderman. I'll make the -- I'll second the motion. All those in favor? Opposed? So moved.

LEG. SCHNEIDERMAN:

Cosponsor.

D.P.O. HORSLEY:
1314. We're good?

MS. ORTIZ:
Yes, seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:
1344-12 - To reappoint Ronan Mulvey as a member of the Suffolk County Citizens Advisory Board for the Arts (Muratore). Mr. Muratore?

LEG. MURATORE:
Motion, please.

D.P.O. HORSLEY:
Motion. Seconded by --

LEG. CILMI:
(*Raised hand*).

LEG. HAHN:
Second.

D.P.O. HORSLEY:
-- Legislator Cilmi. All those in favor? Opposed? Abstentions?
So moved.

MS. ORTIZ:
Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:
1351-12 - Authorizing cultural funding for 2012 (County Executive).

LEG. SCHNEIDERMAN:
Motion.

D.P.O. HORSLEY:
Motion by Legislator Schneiderman.

LEG. BROWNING:
Second.

LEG. CALARCO:
Second.

D.P.O. HORSLEY:
Seconded by Legislator Browning. All those in favor? Opposed? Abstentions? So moved.

LEG. SCHNEIDERMAN:
Cosponsor.

MS. ORTIZ:
Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Okay, 1353 we already did.

Environment, Planning & Agriculture:

1049-12 - Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Schmeltzer property) Town of Brookhaven (SCTM Nos. 0200-300.00-01.00-004.000 and 0200-300.00-01.00-006.000) (Browning).

LEG. BROWNING:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Browning.

LEG. MURATORE:

(Raised hand).

D.P.O. HORSLEY:

Seconded by Legislator Muratore. All those -- on the motion?

LEG. ROMAINE:

Yes, I just would remind my colleagues that Legislator Browning has an issue in her district, it's a legitimate issue. The people living near there are afflicted by that issue in terms of the skeet and trap. She is looking to acquire property in which there's all residential units around. So you're moving it from one area to another area. And also, this is in the Pine Barrens. And you should also be aware that the Schmeltzer Property has, which I'm sure an environmental study will show, a plume that is coming from a former cement factory there that is polluting areas around there.

But what is particularly important is this is not being acquired for open space, this is being acquired on the hopes that we're going to shut the skeet and trap and then spend a considerable amount of money building a skeet and trap at a location which is all residential units around this skeet and trap and is also in the Pine Barrens. Now, I don't know about you, but I'm not prepared to build another skeet and trap around residential areas, and certainly not one that's in the Pine Barrens. So I'm not going to be voting for this. I think this is bad legislation because this is not going to solve the problem, it's going to move the problem. And we're going to still have the problem, but in the meantime, we're going to have to spend a lot of money to decommission the existing skeet and trap and then build another one. So if you're not in favor of this, this is the right time to vote no on this resolution. Thank you.

D.P.O. HORSLEY:

Legislator Cilmi.

LEG. CILMI:

Yes, thank you. Could I ask -- I'm not sure, maybe Ms. Lansdale or maybe Legislator Romaine can answer this question. Don't we have a significant number of planning steps already sort of in the works that we -- I mean, that we can't really afford to move forward with because we don't have enough money? Isn't there a tremendous disparity between the amount of money out there in terms of planning steps and the amount of money that we actually have coming in? Anyone? Anyone? Bueller? *(Laughter)* That's my cricket sound.

DIRECTOR GREENE:

Good afternoon. To answer your question, Mr. Cilmi, we actually have, yes, more than two dozen properties with approved planning steps that have yet to go through the appraisal process, so we do

not know what their cost would be. However, there are some that are very large, that are very significant, that are located in very costly areas, so we certainly have an idea. And if all those were approved, yes, we would most likely be committing ourselves to 2014 at least.

LEG. CILMI:

And -- 2014? A year and a half or more.

DIRECTOR GREENE:

That's what I said.

LEG. CILMI:

And you said there's about two dozen of these resolutions, these planning step resolutions that are sort of in the works, that have already been approved I should say, that you're working on; or maybe not?

DIRECTOR GREENE:

Yes, we're working on them, as directed by the legislation.

LEG. CILMI:

Of course.

DIRECTOR GREENE:

So some of them have had appraisals done and some of them have been the subject of ETRB, and some of them have had offers sent out. There are seven, however, that have been approved by the Legislature for planning steps that have not gotten to the appraisal process yet.

LEG. CILMI:

Okay. Thank you.

DIRECTOR GREENE:

You're welcome.

D.P.O. HORSLEY:

Legislator Calarco.

LEG. CALARCO:

Pam, I just had a follow-up question for you. Those resolutions you're speaking to, the money shortage perspective or committing ourselves to 2014 is in relation to the cost of actually acquiring those properties, not the cost of doing the planning steps, the appraisals, etcetera.

DIRECTOR GREENE:

It would be the cost of acquisition.

LEG. CALARCO:

Thank you.

D.P.O. HORSLEY:

Thank you very much. Legislator Browning.

LEG. BROWNING:

Okay. This is about 140 acres, it's two separate lots, and this is not a commitment that we're even going to be able to purchase it. We had the Trap & Skeet Relocation Committee, we met, this is a property that was considered. The only thing that I'm asking is to take it into consideration, I understand there are some residents nearby, the Suffolk County Trap & Skeet Range is way closer to residential than anything that's on the Schmeltzer property. However, when I put in a resolution to

close that range, the votes were not there. I believe there were three votes to close that range with no consideration of the local residents in that community.

What I do want to look at is obviously I want to move forward with the planning steps to have a noise evaluation done. And the Yaphank residents have been very clear, and on that Relocation Committee they have been very clear that they would not want to see it impact another community. All I want to see is that we get a noise evaluation done. We will look at what the DEC says. I have received correspondence from Peter Scully as far as the issues on the trap and skeet range. It's not the entire property, it's a part, a portion of it, we're not looking to buy all of it.

As far as the decommission of the Southaven Trap & Skeet Range, I've also got correspondence that I would be happy to forward to each and every one of you from the DEC that we will not necessarily have to pay a lot of money to clean the trap and skeet range in Southaven if we did -- if we did close it. I'd be happy to send that letter to explain it to you. Like again, I said if we pass this, it is not a commitment or a guarantee that the purchase will move forward. I would like to see it at least through the process of elimination, have it considered, and if it's not a good property to relocate, then so be it. But let's get the noise evaluation done and let's at least take somewhat of a look at the property.

D.P.O. HORSLEY:

Okay. Anyone else? Oh, Ms. Vizzini.

MS. VIZZINI:

Thank you, Mr. Chairman. I just wanted to bring to the attention of the Legislature that the previous administration had put forth a policy not to move forward on the Multi-Faceted Program anymore because that General -- that debt service is paid from the General Fund. I just wanted to mention that to you. This is not coming from the Quarter Cent Sales Tax money, this is coming from the Multi-Faceted Land Preservation Program.

LEG. BROWNING:

However, that's only if we purchase it, right. So let's look at the property, let's do that process of elimination. If it qualifies and we have to look at another way to purchase it, we'll do that.

D.P.O. HORSLEY:

That decision is not being made now is what you're saying.

LEG. BROWNING:

No, the decision is not being made right now to purchase it. It's just to look at it. I want to get a noise evaluation done, I want to have the property looked at, that's all I'm asking. It may not be a reality.

D.P.O. HORSLEY:

Okay. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Well, even the noise evaluation, obviously, would have some cost associated with it. That program, that Multi-Faceted Program, it requires a partner, does it not?

MS. VIZZINI:

No, I think you're thinking of the Legacy Program.

LEG. SCHNEIDERMAN:

No, I thought Multi-Faceted, any kind of active recreation requires a partner; not necessarily a financial partner, at least a management partner. Maybe Ms. Greene could answer this. But it

would seem, until we had that partner, it wouldn't make sense.

DIRECTOR GREENE:

The new Quarter Percent requires a partner if you're going to use it for active rec; that restriction is not on Multi-Faceted. So Ms. Vizzini was pointing out that Multi-Faceted and Legacy are bonded which would incur debt service and that's why there had been a public policy not to move forward on those -- using those funds.

LEG. SCHNEIDERMAN:

And do we have any opinion from the Pine Barrens Council as to whether this would be a permitted type of use on that property, since it's Central Pine Barrens?

DIRECTOR GREENE:

I thought there was testimony in the meeting earlier today to state that that was --

LEG. ROMAINE:

Incompatible.

DIRECTOR GREENE:

-- prohibited.

LEG. SCHNEIDERMAN:

It was incompatible, right, but not from the commission itself but from, I think, somebody from the Pine Barrens Society.

LEG. ROMAINE:

Yes, that's correct.

D.P.O. HORSLEY:

Okay. Legislator Browning.

LEG. BROWNING:

Just to add, it currently is an up-and-running shooting range, so it's not going to change anything.

D.P.O. HORSLEY:

That's an important thing to know. Okay. Are we all done discussing this? Do we need a roll call, is this thing close? Why don't we -- frankly, I only got one motion to approve, right; is that right?

LEG. BROWNING:

I think so.

D.P.O. HORSLEY:

Okay. So we have a motion to approve. All those in favor? Opposed?

LEG. SCHNEIDERMAN:

Opposed.

LEG. ROMAINE:

Opposed.

LEG. CILMI:

Opposed.

D.P.O. HORSLEY:

Abstain? It's been approved.

MS. ORTIZ:

Fourteen.

LEG. MONTANO:

Abstain.

MS. ORTIZ:

Thirteen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

The motion's been approved.

All righty, let's move on.

1061-12 - Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 Country View Estates property - Town of Brookhaven (SCTM Nos. 0200-290.00-01.00-008.003, 0200-290.00-01.00-013.000 and 0200-290.00-01.00-014.000) (Anker).

LEG. ANKER:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Anker.

LEG. HAHN:

Second.

D.P.O. HORSLEY:

Second by Legislator Hahn. All those in favor? Opposed? Abstentions?

LEG. MONTANO:

Opposed.

MS. ORTIZ:

Sixteen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Motion's been approved.

D.P.O. HORSLEY:

All righty. ***1152-12- Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 - Toppings Farm property - Town of Brookhaven - (SCTM Nos. 0200-593.00-02.00-006.001, 0200-593.00-02.00-006.002, 0200-593.00-02.00-006.003, 0200-593.00-02.00-006.004 and 0200-593.00-02.00-006.005) (Romaine)***

LEG. ROMAINE:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Romaine. Seconded by Legislator Muratore. Anything on the motion? Okay. All those in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

LEG. MONTANO:

Opposed.

D.P.O. HORSLEY:

Two; two opposed.

MS. ORTIZ:

Fifteen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Thank you.

1204-12 - Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 Maple Avenue property - Town of Brookhaven (SCTM No. 0200-983.60-01.00-005.001 (Calarco).

LEG. CALARCO:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Calarco. I'll make the second. Anything on the motion? All those in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

LEG. MONTANO:

Opposed.

MS. ORTIZ:

Fifteen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Motion has been approved.

1324-12 - Authorizing the acquisition of Farmland Development Rights under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) for the Elmer G. Tuthill and Beatrice E. Tuthill property - Tuthill Vineyard - Town of Southold - (SCTM No. 1000-108.00-03.00-007.000 p/o) (County Executive).

LEG. ROMAINE:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Romaine.

LEG. MONTANO:

How much is this?

LEG. SCHNEIDERMAN:

Second.

D.P.O. HORSLEY:

Second by Legislator Schneiderman.

LEG. MONTANO:

How much is this; 2.2 million?

MR. NOLAN:

Yes.

D.P.O. HORSLEY:

Okay. Anything on the motion?

LEG. CALARCO:

A quick question?

D.P.O. HORSLEY:

Quick question by Legislator Calarco.

DIRECTOR GREENE:

Fifty-two thousand dollars per acre, Sir, for development rights.

LEG. CALARCO:

What kind of farm is it?

DIRECTOR GREENE:

A vineyard.

LEG. CALARCO:

Thank you.

DIRECTOR GREENE:

You're welcome.

D.P.O. HORSLEY:

Okay. We have a motion to approve. All those in favor? Opposed? Abstentions?

LEG. CILMI:

Opposed.

LEG. BARRAGA:

Opposed.

LEG. MONTANO:

Opposed.

D.P.O. HORSLEY:

Abstentions?

MS. ORTIZ:

Fourteen (Not Present: Legislator D'Amaro & Presiding Officer Lindsay).

D.P.O. HORSLEY:

1337-12 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the John Barnes and Christopher Barnes property - Aspatuck Creek - Town of Southampton - (SCTM No. 0900-359.00-01.00-012.003)(County Executive).

LEG. SCHNEIDERMAN:

Aspatuck.

D.P.O. HORSLEY:

Aspatuck, that's it. I would have figured that out if I said it enough.

LEG. SCHNEIDERMAN:

Motion.

D.P.O. HORSLEY:

Legislator Schneiderman makes a motion to approve.

LEG. ROMAINE:

Second.

D.P.O. HORSLEY:

Seconded by Romaine, the twins down at the end.

LEG. CILMI:

On the motion.

D.P.O. HORSLEY:

The twin forks, that is.

*(*Laughter*)*

LEG. CILMI:

On the motion.

D.P.O. HORSLEY:

On the motion.

LEG. CILMI:

Yes. Thank you, Mr. Chair. It looks to me like the price here, we're talking about \$400,000, I think it is, for 1.36 acres at almost \$300,000 an acre; is that correct? Can anyone explain why it's so much?

DIRECTOR GREENE:

Yes, I can. This was approved from planning steps Resolution 284 of 2006 that was submitted by the County Executive, seconded by Legislator Schneiderman with all 18 votes from the Suffolk County Legislature back in 2006 that authorized the division to purchase this property located in the Town of Southampton; back in 2006, land in Southampton, that's what the appraised value was. I think that's relevant information for some of decisions that you're making now.

LEG. CILMI:

(Laughter). Thank you.

LEG. ROMAINE:
(Inaudible).

DIRECTOR GREENE:

Actually, the contracts were just returned in November of 2011. So, no, it did not take forever to close.

D.P.O. HORSLEY:
Okay.

LEG. ROMAINE:

No, I didn't mean it that way.

D.P.O. HORSLEY:

I have a motion to approve.

LEG. ANKER:

On the motion?

D.P.O. HORSLEY:

On the motion, Legislator Anker.

LEG. ANKER:

So if this went to 2006, is that when the appraisal price was created?

DIRECTOR GREENE:

The resolution, the planning steps resolution was 2006. So that started the process of going forward and securing the appraisals, making the offer and going into contract, bringing us to an authorizing resolution at this time.

LEG. HAHN:

When did it go through ETRB?

DIRECTOR GREENE:

I don't know that I have the date of approval of ETRB. It would have -- actually, I probably do.

D.P.O. HORSLEY:

Legislator Gregory? Are we done? I'm sorry.

LEG. MONTANO:

We haven't gotten the answer to the question.

D.P.O. HORSLEY:

Okay. I'm sorry. My apologies.

DIRECTOR GREENE:

This was approved at ETRB in July of 2011.

LEG. ANKER:

Okay. So the appraisal rate is close to property value, you know, current property value.

DIRECTOR GREENE:

The ETRB of 2011 would have meant that the appraisals were done 60 days prior to that, so March -- a year ago.

LEG. ANKER:

Thank you.

D.P.O. HORSLEY:

Okay? All right. Are we all set? Okay. We have a motion to approve on this. All those in favor? Opposed?

LEG. MONTANO:

Opposed.

D.P.O. HORSLEY:

Abstentions?

MS. ORTIZ:

Sixteen.

LEG. CILMI:

I was --

MS. ORTIZ:

Are you opposed?

D.P.O. HORSLEY:

You can still vote.

LEG. CILMI:

I'm opposed, yes.

MS. ORTIZ:

Fifteen.

D.P.O. HORSLEY:

Okay.

LEG. SCHNEIDERMAN:

Renee, please list me as a cosponsor.

LEG. SPENCER:

Opposed.

MS. ORTIZ:

Fourteen (Opposed: Legislators Montano, Cilmi & Spencer - Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Thank you.

1346-12 - Establishing a policy to govern the use of non-County personnel in rating proposed land acquisitions (D'Amaro).

LEG. D'AMARO:

Motion.

D.P.O. HORSLEY:

Legislator D'Amaro motions to approve. I'll make the second on it.

LEG. KENNEDY:

On the motion?

D.P.O. HORSLEY:

Legislator D'Amaro.

LEG. KENNEDY:

On the motion?

D.P.O. HORSLEY:

On the motion, Legislator Kennedy.

LEG. KENNEDY:

Can we just get an explanation on this?

D.P.O. HORSLEY:

You certainly can.

LEG. KENNEDY:

Thank you.

D.P.O. HORSLEY:

Do you want the Counsel or do you want the sponsor?

LEG. KENNEDY:

Whosoever more comfortable with it.

LEG. D'AMARO:

Well, it's pretty straightforward. In the Environment Committee, or when we're here and we consider land acquisitions, sometimes the County Planning Department, in going through the rating process, is relying not on in-house personnel but on outside individuals who are experts to help to investigate the property.

LEG. ROMAINE:

Volunteers.

LEG. D'AMARO:

Site visits to the property. And that came out during one of our committee hearings recently and I was asking a few questions, just about qualification, who these individuals were, I wasn't familiar with them. And then, of course, it begs the question whether or not they have any potential conflict of interest in participating in rating the property where there might be a conflict. So what this bill accomplishes is just puts in place a form to be filled out by anyone who is going to help the County rate properties.

LEG. KENNEDY:

Through the Chair. Are these volunteers, Lou, or are these contract entities --

LEG. D'AMARO:

Yeah, I believe they're volunteers.

LEG. KENNEDY:

We're not contracting with outside personnel to do this evaluation?

LEG. D'AMARO:

I don't believe so, no.

LEG. KENNEDY:

Okay. All right.

LEG. MONTANO:

Question.

LEG. D'AMARO:

Nevertheless, whether you're contracted or not or whether you're volunteering or not, which we welcome the volunteerism, of course, I still think it's important. And I think we have an obligation to ask the question; is there any conflict?

LEG. KENNEDY:

Absolutely.

LEG. D'AMARO:

I think it's good also for the volunteer, frankly.

LEG. KENNEDY:

No doubt about it. As a matter of fact, it goes towards transparency. I agree, precisely.

D.P.O. HORSLEY:

Transparency is our second word. Legislator Montano.

LEG. MONTANO:

Yeah, a quick question. So does this information elicit whether or not there's a conflict?

LEG. D'AMARO:

There's a portion of the form that speaks to conflict, yes.

LEG. MONTANO:

And assuming there's a conflict, what is the -- where do we go from there? Or what if we ascertain later that the form is incorrect and there was a conflict?

LEG. D'AMARO:

Well, I would expect that the form would be reviewed before the person's service was rendered. And I would expect that the Commissioner or someone in the Commissioner's Office would make a determination whether or not that person's conflict rises to the level of excluding them, he or she, from participating in that particular rating.

LEG. MONTANO:

Sometimes the conflict doesn't surface until after the act is -- well, that's the issue, it's a volunteer. So if there's a conflict and we rely on that and it turns out later that the conflict wasn't picked up, what does this bill do? That's what I'm trying to ascertain.

LEG. D'AMARO:

This bill doesn't address that situation. This bill tries to avoid that situation by having the disclosure before the service would be performed or volunteered. I mean, I guess you could say any action that any individual takes at any time, a potential conflict could arise after the fact. I'm trying to

safeguard against that happening by --

LEG. MONTANO:

No, I understand.

LEG. D'AMARO:

-- requiring a certain level of disclosure before they rate the property.

LEG. MONTANO:

So these are volunteers that are submitting information that's going to induce us to take an act one way or another, and you want to ascertain whether or not there's a potential conflict before. Which raises the question if they're volunteers, should they actually be involved in a process of inducing us to take the act anyway, since we're relying on it and we don't know if there's a conflict? Do you follow what I'm saying?

LEG. D'AMARO:

Yeah, I do, and that was part of my inquiry at the committee.

LEG. MONTANO:

Right.

LEG. D'AMARO:

You know, who exactly are these folks? It was explained to me that they're highly qualified individuals and environmentalists and their qualifications are not in question. But nonetheless, since we're relying on whatever information they're providing, I think we have an obligation to ask, well, what are those qualifications and do you have any potential conflicts, and that's what we're doing.

LEG. MONTANO:

I'm going in circles. Okay.

D.P.O. HORSLEY:

Okay? Okay, we have a motion to approve.

LEG. ANKER:

Can I ask a question?

D.P.O. HORSLEY:

You can; Legislator Anker.

LEG. ANKER:

I remember again. There are some wonderful volunteers in the environmental community, but when you're having, you know, some of the volunteers identify endangered species without even knowing who these volunteers are, I think it's really important that we, again, create transparency and have some sort of paper trail so we can understand, you know, how we got to the decisions we make when we acquire property. So I would like to cosponsor this with you. Thank you.

D.P.O. HORSLEY:

Okay? There you go. All right, we have a motion to approve. All those in favor? Opposed? Abstentions? It's been approved.

MS. ORTIZ:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

1359-12 - Directing the Department of Economic Development and Planning to strengthen the Land Preservation Program and maximize environmental protection (Hahn). Legislator Hahn, how say you?

LEG. HAHN:

Motion to approve.

D.P.O. HORSLEY:

Is there a second on the motion?

LEG. D'AMARO:

I'll second.

D.P.O. HORSLEY:

Second by Legislator D'Amaro.

LEG. KENNEDY:

I'm going to make a motion to table, Mr. Chair?

D.P.O. HORSLEY:

Okay. We have a motion to table. Do we have a second on the tabling?

LEG. MURATORE:

(Raised hand).

D.P.O. HORSLEY:

Legislator Muratore tables the -- 1359.

LEG. KENNEDY:

On the motion, if I can?

D.P.O. HORSLEY:

On the motion, yeah, please.

LEG. KENNEDY:

Okay. I recall we had extensive discussion about this bill, and I know the sponsor has modified it and amended it. But I would still -- and I should have had this conversation with the sponsor beforehand, I apologize.

I still have a concern, though, in the second RESOLVED. I see that one of the criteria that's being included for Planning to reconsider or rerank approved parcels is the ability for Planning to get partnership or leverage funding; is that correct? Am I reading that properly, or no?

LEG. HAHN:

I'm not quite sure what you're asking. I'm sorry.

LEG. KENNEDY:

Okay. In other words, when we evaluate properties in the first instance, they're evaluated on that scheme, that schematic that we have.

LEG. HAHN:

Yes.

LEG. KENNEDY:

You know, wetlands and flora and fauna and all the other stuff that we look at, size, proximity to parks. But in much of the evaluation that's been done, the ability to access, like on the East End, Community Preservation Funds or partnership with The Nature Conservancy or a Peconic Trust has not necessarily been something that's been included when properties are ranked, to the best of my knowledge.

Now it appears that what's happening is that ability is being brought to bear when a parcel is being reprioritized. And the concern that I have is that -- not that we have a lot of property in my area, in Smithtown or in the 12th Legislative District, but so far, in the parcels that we've acquired, we have not had collaboration with the town when it came to acquisition. Nevertheless, the parcels that we have managed to preserve have been important purchases. So --

LEG. HAHN:

What I envisioned -- what I wanted to do is to clean up the master lists, take off the properties that we purchased, take off the properties that have been built on, rate Master List properties so that we know if they're 25's or if they're 50's. And then, in addition, just create a ranking list; you know, those rating 100 come first and then you go all the way down to those rating a 25 which is our floor threshold for passage, it seems. And then we have kind of a target, like the ones that are rated the highest. And then if we can also have additional information such as, you know, these parcels have partnerships, that will help us to kind of understand how to prioritize. I don't think anyone is holding a gun to our head saying that we have to take one before the other, but it's used to educate us when we're here.

LEG. KENNEDY:

That's fine, Kara, and I appreciate that. I'll give you -- let me speak to an example, concrete if you will. The Bavarian Inn; everybody around this horseshoe knows about the Bavarian Inn, and everybody knows all the efforts I've attempted to make. And as a matter of fact, everybody remembers when Mr. Zwirn came with his flippers and his goggles. I will never get the Town of Smithtown to give me five cents to go ahead and put towards acquisition of the Bavarian Inn. But when you look at it from the environmental perspectives or the necessity or any of the other things that we traditionally talk about, it ranks quite high.

If we look at a lake out in Southold, Arshamomaque, or if we go on the South Fork, there are community preservation funds there. And there's a robust, town-based partnership with County acquisition. All I'm asking is would those parcels get a higher rating by virtue of the fact that there's a town-based partner funding stream --

LEG. HAHN:

Not at this time.

LEG. KENNEDY:

-- than the ones that we would look at?

LEG. HAHN:

Sarah, just correct me if I'm wrong, the current ranking form doesn't include points for partnerships or does it, just remind me. It does?

DIRECTOR LANSDALE:

Yes, it does.

LEG. HAHN:

Okay. I couldn't remember (*laughter*).

LEG. KENNEDY:

What am I missing?

LEG. D'AMARO:

Well, we're not --

LEG. HAHN:

So the bottom line here is the points -- what is it, five points?

DIRECTOR LANSDALE:

Yes, five points.

LEG. HAHN:

The five points for partnership would rank equally -- otherwise equally parcels, now they'd get five more points for having a partnership.

LEG. KENNEDY:

But by definition, then, anything on the west end is always going to be at a disadvantage; is that correct?

LEG. SCHNEIDERMAN:

Unless they contribute.

LEG. KENNEDY:

Only Smithtown, huh? Okay, good *(Laughter)*.

LEG. D'AMARO:

No, we amended --

LEG. KENNEDY:

We fixed that out like that, huh?

LEG. D'AMARO:

We did. We amended the rating form. Can I --

D.P.O. HORSLEY:

Legislator D'Amaro.

LEG. D'AMARO:

Yeah, I just really think it's time to pass this bill, and let me tell you why. There's -- I think what the sponsor has done is removed the provision that mandated that the review and the new ranking be done within a certain, close period of time.

LEG. KENNEDY:

Yes.

LEG. D'AMARO:

Short period of time.

LEG. KENNEDY:

Yes.

LEG. D'AMARO:

So that -- there was objection to that, that's been removed. You know, just sitting as a member of the Environment Committee for the last six years I can tell you, given the limited resources that we have, it would be very helpful to have this overall ranking done.

LEG. KENNEDY:

Uh-huh.

LEG. D'AMARO:

And, you know, it's going to be labor intensive to get it in place, but once it's in place then we're just adding to it as new properties go on the list. It would just be very helpful to know not only the individual property ranking through our current system, but also where does it rank in relation to all the other properties that we're going to consider in the future that are still on the list? I just think it's a piece of information that's been sorely missing for a long time and it's time to pass this.

LEG. KENNEDY:

Okay. Well, then let me -- can I just ask Sarah, then? Maybe I'm missing -- maybe there really is an inequity issue, although I'm not understanding it yet. Maybe you can explain.

DIRECTOR LANSDALE:

On the equity issue, there is a -- I can only speak to the fact that there is a partnership, we do assign a partnership value, and it's been a topic of discussion whether to include that moving forward. But we don't have the authority ourselves to change, that would be a future action by the Legislature to look at amending that rating form.

LEG. KENNEDY:

It is captured now.

DIRECTOR LANSDALE:

It is captured right now, and it's assigned a certain number of points for partnership.

LEG. KENNEDY:

Okay. All right.

D.P.O. HORSLEY:

All right. Now that we've discussed this, Sarah, you have something else to say?

DIRECTOR LANSDALE:

Yeah. I just wanted to clarify, last time we discussed this we were talking about the number of parcels that would have to be rerated, and I just want to clarify that there is a difference, as you know, between parcels and sites and the parcel number. There could be several parcels that make up one site that we review. We review things, acquisitions on a site basis, not on a parcel level. So the number of parcels that are on Master List I through IV is seventeen hundred, seventy-eight parcels. But the number of sites that we would actually conduct, the rerating would be -- or the rating of these sites would be 189. So it's a little bit more straightforward, rating these sites as we currently do as opposed to the individual parcels, and many parcels make up a site. I just wanted to clarify that.

D.P.O. HORSLEY:

Thank you very much, Sarah, I'm glad you did. Legislator Muratore.

LEG. MURATORE:

So how long is this whole process going to take us to reevaluate all these parcels?

DIRECTOR LANSDALE:

We're hoping to fit this in with our day-to-day responsibilities and have this complete by the end of this year.

LEG. MURATORE:

December you're saying, the end of --

DIRECTOR LANSDALE:

Yes, December 31st.

D.P.O. HORSLEY:

Okay. Are we good? All right, we have two motions on the floor. Motion to table comes first.

LEG. KENNEDY:

You know what, Mr. Chair? Let me withdraw my motion to table. I mean, I still have some concerns, but obviously I don't want to deter the committee from important guidance, and we'll work out the Bavarian Inn another way. Let me withdraw my motion.

D.P.O. HORSLEY:

This was all about the Bavarian Inn?

LEG. KENNEDY:

There you go, that's it.

D.P.O. HORSLEY:

Oh, my Lord.

LEG. KENNEDY:

Come on, you know that, I'm always thinking.

D.P.O. HORSLEY:

Give me a break. We have a motion to approve. All those in favor? Opposed? Abstentions? So moved, it's been approved. Congratulations, Kara.

LEG. HAHN:

Thank you.

MS. ORTIZ:

Sixteen (Not Present: Legislator Montano & Presiding Officer Lindsay).

D.P.O. HORSLEY:

Health Services:

1281-12 - Expanding the Department of Health Services Narcan Pilot Demonstration Program to include the Suffolk County Police Department. (Hahn). Kara?

LEG. HAHN:

Motion to approve.

LEG. KENNEDY:

Second.

D.P.O. HORSLEY:

Seconded by Legislator Kennedy, hooray. Is there anything on the motion? All those in favor? Opposed?

LEG. CALARCO:

Cosponsor.

D.P.O. HORSLEY:

Abstained? It's been approved.

MS. ORTIZ:

Sixteen (Not Present: Legislator Montano & Presiding Officer Lindsay).

LEG. SPENCER:

Cosponsor.

LEG. GREGORY:

Cosponsor.

D.P.O. HORSLEY:

Thank you. And we have cosponsors.

LEG. NOWICK:

I'll cosponsor, too.

D.P.O. HORSLEY:

Okay, are we good? Keep your hands up.

All right, *1309-12 - Amending the 2012 Adopted Operating Budget and transferring funds within the Department of Health Services to fund a contract with Suffolk County Perinatal Coalition (County Executive).*

LEG. CALARCO:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Calarco.

LEG. D'AMARO:

Second.

D.P.O. HORSLEY:

To approve, I assume, right?

LEG. CALARCO:

Yes.

LEG. BROWNING:

Second.

D.P.O. HORSLEY:

And seconded by Legislator Browning.

LEG. KENNEDY:

Is this moving money?

LEG. CALARCO:

Yep.

D.P.O. HORSLEY:

Okay, just moving money. All those in favor? Opposed? Abstentions?

MS. ORTIZ:

Sixteen (Not Present: Legislator Montano & Presiding Officer Lindsay).

D.P.O. HORSLEY:

Thank you.

1310-12 - Amending the 2012 Adopted Operating Budget to transfer funding from Drug Abuse Prevention Council (RSVP) to the Long Island Home d/b/a South Oaks Hospital Prevention Resource Center (County Executive).

LEG. BROWNING:

Motion.

D.P.O. HORSLEY:

Motion, I'm sorry, Legislator Browning. Is there a second on the motion? Second by Legislator Calarco. All those in favor? Opposed? Abstentions?

MS. ORTIZ:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

So moved.

1313-12 - Approving the reappointment of Clifford Hymowitz to the Suffolk County Disabilities Advisory Board – Group D (Muratore).

LEG. MURATORE:

Motion

D.P.O. HORSLEY:

Legislator Muratore makes the motion.

LEG. SCHNEIDERMAN:

Second.

D.P.O. HORSLEY:

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

MS. ORTIZ:

Seventeen (Not Present: Presiding Officer Lindsay).

1329-12 - Authorizing the transfer of Oral Rabies Vaccine (ORV) bait to the Nassau County Department of Health Services (County Executive).

LEG. GREGORY:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Gregory.

LEG. BROWNING:

Second.

D.P.O. HORSLEY:

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

*(*Laughter*)*

MS. ORTIZ:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

What, did I miss you?

LEG. GREGORY:

Don't even go there.

LEG. D'AMARO:

Motion to reconsider.

*(*Laughter*)*

D.P.O. HORSLEY:

Oh, I'm sorry. Cosponsored by Doc Spencer. We got it, we're good. I'm sorry. My apologies. I see County Executive here, that's the reason why -- all right. It's getting late.

Okay, we've done 1055, Government Operations.

Parks & Recreation:

1315-12 - Authorizing use of Cathedral Pines County Park by the League for Animal Protection of Huntington for its "Ride Laps for L.A.P." Fundraiser (County Executive).

LEG. D'AMARO:

Motion.

LEG. SPENCER:

Motion.

D.P.O. HORSLEY:

Motion is by Legislator D'Amaro and seconded by Legislator Spencer. All those in favor? Opposed? Abstentions? So moved.

MS. ORTIZ:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Thank you.

1317-12 - Authorizing use of Blydenburgh County Park by the Care Center for its Annual Walkathon Fundraiser (County Executive).

LEG. KENNEDY:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Kennedy.

LEG. D'AMARO:

Second.

D.P.O. HORSLEY:

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

MS. ORTIZ:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

So moved.

1326-12 - Authorizing use of Blydenburgh County Park by the Cystic Fibrosis Foundation for its Great Strides Walkathon (County Executive).

LEG. KENNEDY:

Same motion.

D.P.O. HORSLEY:

Same motion, same second. All those in favor? Opposed? Abstentions?

MS. ORTIZ:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

So moved.

1327-12 - Authorizing use of Blydenburgh County Park by the New York Blood Center, Inc. For its Hike-for-Life Fundraiser (County Executive). Same motion, same second. All those in favor? Opposed? Abstentions?

MS. ORTIZ:

Seventeen (Not Present: Presiding Officer Lindsay).

LEG. KENNEDY:

So moved.

1338-12 - Appropriating funds in connection with updating communications in Park Police vehicles (CP 7141)(County Executive). Who's got this one? Motion by Legislator Nowick.

LEG. CILMI:

Second.

D.P.O. HORSLEY:

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

MS. ORTIZ:
Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:
So moved.

With that, we've got a pending Bond Resolution. Roll call.

LEG. CILMI:
You need a motion and a second.

D.P.O. HORSLEY:
Oh, I'm sorry. I need a motion. Same motion, same second. Roll call on the Bond.

*(*Roll Called by Ms. Ortiz - Chief Deputy Clerk of the Legislature*)*

LEG. NOWICK:
Yes.

LEG. CILMI:
Yes.

LEG. SPENCER:
Yes.

LEG. D'AMARO:
Yes.

LEG. STERN:
Yes.

LEG. GREGORY:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
Yes.

LEG. MONTANO:
Yes.

LEG. CALARCO:
Yes.

LEG. ANKER:
Yes.

LEG. HAHN:
Yes.

LEG. MURATORE:
Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

(Not present).

MS. ORTIZ:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

1339-12 - Establishing a Memorial Arbor Program in Suffolk County Parks (Hahn).

Legislator Hahn?

LEG. HAHN:

Motion to approve.

D.P.O. HORSLEY:

Seconded by?

LEG. MURATORE:

(Raised hand).

D.P.O. HORSLEY:

Legislator Muratore. All those in favor? Opposed? Abstentions?

So moved, it's been --

MS. ORTIZ:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

It's been approved.

1343-12 - Authorizing use of Indian Island County Park by Birthright of Peconic, Inc., for a fundraising walkathon (Romaine). Legislator Romaine?

LEG. ROMAINE:

Motion.

LEG. SPENCER:

Second.

LEG. BROWNING:

Second.

D.P.O. HORSLEY:

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

MS. ORTIZ:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

So moved.

1350-12 - Authorizing use of Smith Point County Park and Smith Point Marina by Great South Bay Racing, Inc. (Browning). Legislator Browning?

LEG. BROWNING:

Motion.

LEG. CALARCO:

Second.

D.P.O. HORSLEY:

Seconded by Legislator Calarco. All those in favor? Opposed? Abstentions?

MS. ORTIZ:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Okay, 1334 it looks like we've done.

Public Works & Transportation:

1273-12 - Appropriating funds in connection with development of a Village Square at the intersection of CR 80 and CR 46, Shirley (CP 6421) (Browning).

LEG. BROWNING:

Motion.

MR. NOLAN:

We don't have the Bond.

D.P.O. HORSLEY:

We don't have the Bond. So we have to -- I'm sorry, Kate. Motion to table then, I'll make the motion to table.

LEG. BROWNING:

I guess, motion to table.

D.P.O. HORSLEY:

Seconded by Legislator Browning, and we'll pick it up in a couple of weeks. All those in favor? Opposed? Abstentions? So moved, it's been tabled.

MS. ORTIZ:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

All right, *1302-12 - Declaring as surplus and directing study to determine future use of certain catch basin inserts (Hahn)*. Legislator Hahn.

LEG. HAHN:

Motion to approve.

LEG. SCHNEIDERMAN:

Second.

D.P.O. HORSLEY:

Second by Legislator Schneiderman. All those in favor?

LEG. ROMAINE:

On the question.

D.P.O. HORSLEY:

Oh, on the motion.

LEG. ROMAINE:

Where will these be used, by whom will they be used, if not by the County?

LEG. CALARCO:

Patchogue Village.

LEG. ROMAINE:

Patchogue Village. Okay, thank you.

D.P.O. HORSLEY:

That's all you've got to say. Ed likes Patchogue. All those in favor? Opposed? Abstentions?

MS. ORTIZ:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

So moved.

1332-12 - Directing the Department of Public Works to draft a Request for Proposals on a study of pedestrian safety at crosswalks without signals (Schneiderman). I guess Legislator Schneiderman?

LEG. SCHNEIDERMAN:

Motion.

D.P.O. HORSLEY:

Motion to approve. Second on the motion?

LEG. MURATORE:

(Raised hand).

D.P.O. HORSLEY:

Second by Legislator Muratore. All those in favor? Oops, on the motion?

LEG. MONTANO:

Could you just give an explanation on this? How many intersections are we talking about?

LEG. SCHNEIDERMAN:

Sure. Well, it certainly came to my attention that there's been a number of accidents, sometimes fatalities, injuries, in crosswalks. Not particularly County crosswalks, but across the County these pedestrian crosswalks at unsignalized intersections. So you don't have a light there, you don't have the little, you know, green and red signs for pedestrians to go. And sometimes people just walk out onto these crosswalks believing that the cars are going to stop, a lot of them actually out further east, but they're actually all throughout the County.

And in a discussion with Public Works, it became clear that we could develop a list of best practices in-house for how to design these crosswalks that would help all the towns and villages as well as the County. So there is actually no cost associated with this unless we go further with this RFP, that would be by a separate resolution. So right now it's really an in-house study of these crosswalks determining which ones we have and determining kind of a best practices list in terms of how they might be improved.

LEG. MONTANO:

So --

D.P.O. HORSLEY:

Maybe Gil Anderson might want to add to that.

LEG. MONTANO:

Yeah. You're saying there's no cost associated with the development of the RFP. But my understanding was that this data is actually available through accident reports or maybe maintained at DOT; am I incorrect in that?

COMMISSIONER ANDERSON:

Basically we would comb through all the data that's available to identify the intersections that would --

LEG. MONTANO:

Oh, you're going to do it in-house.

COMMISSIONER ANDERSON:

Correct.

LEG. MONTANO:

Okay.

LEG. D'AMARO:

Wayne? Here.

D.P.O. HORSLEY:

Okay, Legislator D'Amaro.

LEG. D'AMARO:

I don't know if I'm looking at the most up-to-date version of the bill, but, Commissioner, this directs the department to issue an RFP.

COMMISSIONER ANDERSON:

Correct.

LEG. D'AMARO:

So it's not -- it doesn't direct the department to do the study.

COMMISSIONER ANDERSON:

No, it issues an -- directs the department to issue an RFP, but we do have to look at what intersections we're going to be looking at to identify to the consultants. So we're going to come up with a listing of probable -- similar to what was done with the red light cameras. We identify possible intersections and then the consultants, if we go that route, we still have to get funding to issue an RFP. But this just gets --

LEG. D'AMARO:

This is not -- is this resolution contingent on that funding?

COMMISSIONER ANDERSON:

No. This is just really -- this directs us to prepare the RFP, not to move any further beyond that.

LEG. D'AMARO:

Oh, because the second RESOLVED mentions that it must be paid for as a project in the 2013 Capital Budget.

COMMISSIONER ANDERSON:

Correct.

LEG. D'AMARO:

So it's contingent on getting that Capital Project in place.

COMMISSIONER ANDERSON:

Right.

LEG. D'AMARO:

Okay.

D.P.O. HORSLEY:

Okay. Legislator Montano, you have another question?

LEG. MONTANO:

No.

D.P.O. HORSLEY:

Okay. All right. So 1332, we have a motion to approve. All those in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

MS. ORTIZ:

Sixteen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

1335-12 - Authorizing an Intermunicipal Agreement with the Town of Southold, and accepting funds associated with overtime costs for dredging of County waters within the Town of Southold (County Executive).

LEG. ROMAINE:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Romaine. Seconded by?

LEG. SCHNEIDERMAN:

Second.

D.P.O. HORSLEY:

The twins.

*(*Laughter*)*

I'm sorry, I'm getting a little snappish. We have a motion to approve and seconded. All those in favor? Opposed? Abstentions?

MS. ORTIZ:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

It's been approved.

1336-12 - Appropriating funds in connection with improvements to Environmental Recharge Basins (CP 5072) (County Executive).

LEG. HAHN:

Motion.

LEG. SCHNEIDERMAN:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Schneiderman.

LEG. HAHN:

Second.

D.P.O. HORSLEY:

Seconded by Legislator Hahn. All those in favor? Opposed?

LEG. BARRAGA:

(Raised hand).

D.P.O. HORSLEY:

Abstentions?

MS. ORTIZ:

Sixteen (Opposed: Legislator Barraga - Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Thank you.

And we also have a pending Bond Resolution with that, 1336A. Roll call.

MR. NOLAN:
Same motion.

D.P.O. HORSLEY:
I'm sorry. Same motion, same second, and roll call vote.

*(*Roll Called by Ms. Ortiz - Chief Deputy Clerk of the Legislature*)*

LEG. SCHNEIDERMAN:
Yes.

LEG. HAHN:
Yes.

LEG. SPENCER:
Yes.

LEG. D'AMARO:
Yes.

LEG. STERN:
Yes.

LEG. GREGORY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
No.

LEG. CILMI:
Yes.

LEG. MONTANO:
Yes.

LEG. CALARCO:
Yes.

LEG. ANKER:
Yes.

LEG. MURATORE:
Yes.

LEG. BROWNING:
Yes.

LEG. ROMAINE:
Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

(Not present).

MS. ORTIZ:

Sixteen (Opposed: Legislator Barraga - Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Okay, thank you. It's been approved.

Veterans & Seniors:

1295-12 - Adopting Local Law No. -2012, A Local Law to further strengthen the County's registration of nonprofit veterans organizations (Cilmi).

LEG. CILMI:

Motion to approve.

D.P.O. HORSLEY:

We have a motion to approve.

LEG. STERN:

Second.

D.P.O. HORSLEY:

Second by Legislator Stern. All those in favor? Opposed? Abstentions.

MS. ORTIZ:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

So moved.

LEG. GREGORY:

Cosponsor.

D.P.O. HORSLEY:

Okay, we're good? Anyone want to -- more cosponsors; we're good?

Ways & Means:

1318-12 - Sale of County owned real estate pursuant to Local Law No. 13-1976 Brookhaven Eastern Holdings, LLC (SCTM No. 0200-663.00-03.00-012.001) (County Executive).

LEG. CALARCO:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Calarco.

LEG. MONTANO:

Second.

D.P.O. HORSLEY:

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

MS. ORTIZ:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

So moved.

1320-12 - Sale of County owned real estate pursuant to Local Law No. 13-1976 Kenneth J. Powers and Barbara Powers, his wife (SCTM No. 0103-007.00-02.00-012.000) (County Executive). Same motion, same second all right?

LEG. MONTANO:

(Nodded head yes).

D.P.O. HORSLEY:

All those in favor? Opposed? Abstentions?

MS. ORTIZ:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

So moved.

1323-12 - Sale of County owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Brookhaven - (SCTM No. 0200-975.90-01.00-027.000) (County Executive).

LEG. CALARCO:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Calarco. Is there a second on the motion?

LEG. MONTANO:

Yeah, I'll second it.

D.P.O. HORSLEY:

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

MS. ORTIZ:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

So moved.

All right, we did 1347, right? We're good. And 1348 and 1348A.

Last one here, it looks like ***1358-12 - Authorizing the issuance of a certificate of abandonment of the interest of the County of Suffolk in property designated as Incorporated Village of Greenport (SCTM No. 1001-005.00-04.00-018.000) pursuant to***

Section 40-D of the Suffolk County Tax Act (County Executive).

LEG. ROMAINE:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Romaine.

LEG. SCHNEIDERMAN:

Second.

D.P.O. HORSLEY:

Second by Legislator Schneiderman. Are there any questions on this? All those in favor? Opposed? Abstentions?

MS. ORTIZ:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

So moved.

Okay, I have a Procedural and a Home Rule Message in the manila folder.

Okay, the first one we'll do is ***Procedural Resolution No. 8-2012 - Approving partial settlement of AWP Litigation (Sandoz) (Presiding Officer Lindsay).***

LEG. CALARCO:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Calarco. Seconded by, anybody?

LEG. HAHN:

(Raised hand).

LEG. BARRAGA:

Second.

D.P.O. HORSLEY:

Legislator Barraga. Good, we haven't had much over there. All those in favor? Opposed? Abstentions?

MS. ORTIZ:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

There you go.

All right, the ***Home Rule Message, No. 11-2012 - Requesting New York Legislature to amend the General Municipal Law, the Vehicle and Traffic Law and the Criminal Procedure Law to create a Traffic and Parking Violations Agency in the County of Suffolk (Assembly Bill A.09539-B and Senate Bill S.5634-D) (Calarco).***

LEG. CALARCO:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Calarco.

LEG. CILMI:

Second.

D.P.O. HORSLEY:

Seconded by Legislator Cilmi.

LEG. CALARCO:

On the motion. During the budget process, the State changed something in their laws which then caused the Assembly and Senate version of this bill to be amended and changed it from Section A to Section B, something along those lines and we just have to make the technical correction, and that's what this Home Rule does.

LEG. CILMI:

So -- I mean, this isn't a technical correction to a Home Rule Message, this a whole new Home Rule Message.

LEG. CALARCO:

We need to --

LEG. CILMI:

But my question is isn't this the same number as the last Home Rule Message that we passed?

LEG. CALARCO:

If you look, there are versions B and D as opposed to A and C.
So there are minor --

LEG. CILMI:

I'm sorry, I may not be explaining myself correctly. The number of the Home Rule Message; not the number of the bill, the number of the Home Rule Message.

D.P.O. HORSLEY:

No. 11-2012.

MR. NOLAN:

I don't know if that's the same number.

LEG. CALARCO:

I believe the previous one was ten.

LEG. MONTANO:

That's what he's saying it should be.

LEG. CALARCO:

And this must be a different new Home Rule because we are passing it for a different, new version of the bill.

LEG. CILMI:

Right, that's fine. I just want to make sure the number is appropriate.

LEG. CALARCO:

The previous one was passed.

LEG. CILMI:

It was. Okay. Good. That's all.

D.P.O. HORSLEY:

Okay? We're happy. All right. All those in favor? Opposed? Abstentions?

MS. ORTIZ:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

So moved.

MR. NOLAN:

The red folder, that's it.

D.P.O. HORSLEY:

That's it?

All right, we're moving to the *Certificates of Necessity*, the red folder. I'll give you time to get it out.

Okay, we're at 1452, right?

MR. NOLAN:

Yes.

D.P.O. HORSLEY:

1452-12 - Requiring health insurance contributions by exempt employees (Presiding Officer Lindsay). I don't think -- do we have the financial impact statement of that now?

MR. NOLAN:

We do.

D.P.O. HORSLEY:

We do. Mr. Schneider, you want to talk about this?

MR. SCHNEIDER:

Yes, I would. Thank you.

LEG. MONTANO:

Speak louder, into the mic, Jon.

MR. SCHNEIDER:

Sorry about that. Yes. So, Resolution 1452 would have exempt employees, for the first time in the history of Suffolk County, paying a portion towards their health insurance. As the County Executive spoke about in his State of the County last week, and as I think we discussed with members around this horseshoe, you know, there's a real need at this time for shared sacrifice so that together we can save money, work in solidarity with Suffolk County workers and pull ourselves -- and pull ourselves, frankly, back to, you know, a stronger fiscal situation.

What this resolution -- what this resolution would do, particularly in light of the events of this morning, I think, is send a very strong message that everybody is going to be a part of the solution here in Suffolk County. That I think we all understand -- again, understanding that the efforts that the Legislature took this morning to continue -- the efforts this Legislature took to restore about 150 positions, what that did was then kept intact the \$530 million hole that we're facing. We all understand that we need to get there together. I think everyone around this horseshoe understands that there are going to need to be significant concessions and that part of that needs to be health insurance. This body today, working with the County Executive, has an opportunity to lead and to send a very strong message that here in Suffolk County we're all going to work to be a part of the solution.

D.P.O. HORSLEY:

Thank you. You know, I've come to my realization that we don't -- thank you for the explanation. I'd like to call on Legislator Cilmi for the purposes of making a motion.

LEG. CILMI:

I'd like to make a motion to commit, please.

LEG. KENNEDY:

Second.

D.P.O. HORSLEY:

Seconded by Legislator Kennedy. We have a motion to commit. Now, on the motion, I have Legislator Montano.

LEG. MONTANO:

Well, actually I was going to speak before the motion, but since we do have a motion on the floor, which I will support. But my question was going to be why was this and why is this introduced under the guise of a C of N. What is the -- a topic such as this, which I'm willing to discuss, I'm willing to debate, I'm willing to consider, but why did it come in as a C of N as opposed to being laid on the table in the first instance? Because it doesn't seem to me that this is an appropriate utilization of the Certificate of Necessity. And if we're going to be legislating -- and I'll make this in the form of a statement, I'm not going to belabor the point. If we're going to be legislating by C of N, well, maybe I'll just stay home and send me my check. That's not what I'm here for.

These issues are very important, they need to be debated fully. And, you know, my sentiment, which has been my sentiment as long as I've been on this Legislature, is that unless there's a real urgency or something that came up that requires that we take immediate action, we want to be able to fully debate, have an understanding of the consequences of the bill, look at the financial data, ask the questions, and there's a whole lot of issues that are going to be discussed with this, but since the motion to commit has been made, we'll leave that for another day. But I personally don't think that, you know, this is the kind of practice that I want to engage in.

And I said last time, you know, C of N's historically, in my opinion, have been misused. And where the last administration left off, I don't want to see you picking up on because it's going to lead to a lot of -- a lot of, you know, unnecessary bickering. I don't want to work that way, I'll be quite honest with you. I hope you give this message to the County Executive. If we have to entertain something, I'm willing to do it, but let's do it in the proper format.

And just so you know, I introduced a resolution today that would limit the ability, it would require two votes on a C of N; one is to determine whether or not the subject matter is appropriate, the bill is subject for -- appropriate for a C of N, and the other one is then we can talk about the substantive nature of the topic that's in the bill, and I think we do need to separate those because we're getting murky.

So Jon, you know, I know that you and I have a good relationship and I want to continue that, but I don't think that this should have come in as a C of N in the first instance and I'm glad it's being tabled.

MR. SCHNEIDER:

I appreciate the Legislator's point; to that, I'd like to make two points. Number one, there is absolutely nothing that this County Executive feels is more urgent than immediately addressing the \$530 million deficit that this County faces through the end of 2013. And health insurance specific -- you know, specifically is a major -- is going to be such a major part of doing that, that the County Executive feels that there is urgency in this body acting, A, to send an unequivocal message that we all intend to share its sacrifice; and B, to empower the County Executive as he works with our unions on concessions so that we can avoid scenes like the one we had earlier to empower him.

LEG. MONTANO:

All right, let me just address that, and I won't belabor this.

MR. SCHNEIDER:

Yeah.

LEG. MONTANO:

Do you honestly think that this subject matter should be addressed -- well, we're lucky today, it's only six o'clock, but other days we're here til eight o'clock before we get to our C of N's. Do you honestly believe that this can be resolved in a 15 minute or a half an hour discussion without any time to prepare, without any time to look at the issues, without any time to do the appropriate -- to take our appropriate role as Legislators to consider everything? I would have to say I don't think so, but we'll leave that for another day.

LEG. CILMI:

Legislator Romaine.

*(*Laughter*)*

LEG. MONTANO:

Well, the comment was made, "How about input from people", so -- Ed, I apologize, but I just got -- my Counsel just made sure I left out a point that I had put on the record. Thank you, Jon.

MR. SCHNEIDER:

Thank you.

LEG. D'AMARO:

Who's in charge?

*(*Laughter*)*

LEG. ROMAINE:

I would simply say to Jon Schneider, obviously I think my colleague, Legislator Montano, makes a compelling case. Obviously, we want to vet these resolutions. A good example of that is the layoff resolution, which we were assured that funding for 477, that anyone funded by 477 would not be eliminated because you won't be saving the County any money, that's 477 Funds. As my e-mail has spoke to me today after the passage, he laid off a lot of people, a number of people funded by the 477. That resolution was not properly vetted, despite the assurance; because we asked about the 477 funding. That resolution was not properly vetted, that came over by CN. We'll be sending you an e-mail about some of the 477 positions that were fully funded that you eliminated under the misguided notion that you were going to get a savings. There will be no savings from laying those

people off. So I think Legislator Montano makes a very good point.

But then to my second point. The reason, and you correct me if I'm wrong, and this is the question for you; the reason that I believe the Executive finds this resolution so compelling, is it because he wants to use this as a template in terms of his negotiations with all the unions, including our Police unions?

MR. SCHNEIDER:

Thank you. The County Executive feels that -- again, we are going to need shared sacrifice, we are going to need major concessions. We're going to have to sacrifice something to close the \$530 million shortfall facing our County. Clearly, health insurance is going to have to be a part of that. To the extent that health insurance is not a part of that, then, you know, again, there's only so many moving parts. There's health insurance, there's layoff, there's wages, there's taxes; there's only so many moving parts to balancing a budget. So to the extent that health insurance is not in the mix means other things need to have a greater role in the mix.

So what I can simply tell you is that where we see the necessity to move forward with this is that -- is that I think this has been a subject that Legislators have given great thought to knowing -- knowing the importance of health insurance to solving the County's greater fiscal issues. And you know, again, today this Legislature has the ability to say we're all going to have to sacrifice something. Again, understanding that that's going to have to get worked out at the bargaining table, but I think it would be a great step forward for this Legislature to join with what the County Executive has already done and members of his staff have already done which is to -- which is to begin paying for a portion of their health insurance, like so many other people do in this County.

LEG. ROMAINE:

Then I'm going to end with a rhetorical question, because I know that the answer you will give me cannot be a direct one, so you can take it back for when there's a direct answer. But my understanding is that there is a feeling that this legislation came forward to create a template to require all unions in this County to contribute to their health insurance, as this resolution would require all exempts. Will the County Executive draw a line in the sand regarding -- and this is rhetorical, because I understand you can't answer directly -- draw a line in the sand and insist that all unions meet the standard if this resolution is adopted for the exempts? There is a question there, I understand you may not be prepared to answer, but that's an answer -- a question that is going to come back because it doesn't look like this is going to get voted on today. I think we should take a vote today right now on whether we commit and then we can end the debate because we'll put it off for two weeks. Thank you.

D.P.O. HORSLEY:

I appreciate your feelings on that, but I still have other Legislators that want to comment. Legislator Cilmi.

LEG. CILMI:

Yes. Thank you, Mr. Chair, and welcome back, if I might say (*laughter*).

A couple of points to piggy-back on what Legislator Romaine said. Something this significant -- and nobody, I don't think anybody here is suggesting that health insurance contributions should not be on the table or on the menu of potential fixes to the County's problems. I think what we're saying is that it's a significant enough step in our history that it should be debated in committee and given ample time to discussion. So that's the first issue.

The second issue is that there may be ways to amend this bill that I think some of my colleagues may talk about to reflect a more appropriate distribution of the cost of health insurance.

Number three is that you talk about shared sacrifice. Well, to me, leadership is not pitting one section of employees against another section of employees, which is effectively what you're doing by asking the exempts to accept a health insurance contribution and then saying to the union employees, "Look what the exempts have done, you know, maybe you want to follow suit." I think leadership would be, and shared sacrifice would be to get together with the non-exempts and the exempts together and find a solution that is comprehensive so that we can look at the entire realm of our health insurance cost in the context of all of our employees in a united way as opposed to using one group of employees to coerce another group of employees into helping fund our health insurance costs.

I don't -- I don't argue that employee contribution to health insurance will happen. All I'm suggesting is that, one, it should have ample time to be debated and discussed and molded; and two, that it should be done in a united way together with all of our employees in the County. No one should have to go first, we should all go together. That's all.

D.P.O. HORSLEY:
Legislator Kennedy.

LEG. KENNEDY:

Jon, listen, let me just kind of echo some of the sentiment that you've seen already or heard around the horseshoe. We all know what the County Executive's concerns are, we got briefed by the panel. But this truly is something that is an issue that's much larger than even if all 18 of us got to spend five, ten, fifteen minutes speaking about it now. There are five other separate elected officials here in the County of Suffolk, one of which has almost 200 exempts in his office; he's weighed in, but he's not here to talk about what the impact would be there.

LEG. ROMAINE:
Our District Attorney.

LEG. KENNEDY:

Our Treasurer, our Clerk, they all have exempts. They have positions on this, but they're not here, so they can't even weigh in to go ahead and talk about what the impact would be.

Then we go to the whole premise of how our health insurance plan is constructed. We are a self-insured County. Although we like to talk about the model of a fee, like the State health insurance plan, like NYSHIP, the truth of the matter is is when a Suffolk County resident doesn't go to the doctor or doesn't have a medical expense, there is no charge for the County of Suffolk for that individual. So yes, there may be a need to raise some money to provide coverage across the board, but to try to impose the same model as an Oxford or a Traveler's or a NYSHIP does not necessarily translate.

Finally, there are nine union members and nine administration members that make up EMHP, and the notion that we as County employees don't contribute is just absolutely ludicrous. Because our health insurance has diminished significantly over the years and our copays have gone up and we pay almost full out-of-pocket for medical equipment. So yet again we get another sham that's been put out there by prior administrations that were into spin and had no basis in fact. This needs to be discussed in committee.

So I think that's why I seconded the motion that Legislator Cilmi made, and I think it's a message that the County Executive needs to hear. This is a complex, complicated matter that needs to be fully vetted, let's put it at that.

D.P.O. HORSLEY:
Mr. Schneider.

MR. SCHNEIDER:

What I can tell you is -- and I appreciate the point the Legislator is raising. But I would -- on average, the EMHP plan costs \$16,000, for a family plan now. These other numbers, when I worked for the Federal government, I paid a portion of my premiums, most working families in Suffolk County are paying a portion of their premiums.

There's two different issues we're talking about. The fundamental issue, however, is if anyone in this room believes that we can solve our \$530 million hole without getting significant contributions from health insurance, without people paying in anything, then I'm afraid we're going to have more mornings like the one we had today, and that was very unpleasant. But the bottom line is we need to get serious about this deficit, and Suffolk County families are hurting. There are only so many options we have to close this hole and to deal with this deficit.

So I appreciate the need for members of this Legislature to give this issue further thought, but I would very much hope that everyone in this room understands that at the end of the day, we need to be doing, frankly, what the County Executive is presently doing which is paying a portion of their health insurance, and I am very afraid of what will happen if we do not all embrace that. And if we think we can go back to Suffolk County families and tell them that we need to raise taxes in order to close this \$530 million deficit --

LEG. KENNEDY:

Whoa, whoa, whoa, whoa, wait a minute. Jon?

MR. SCHNEIDER:

-- without --

LEG. KENNEDY:

Hold on. You're there to answer questions, you're not there to pontificate. And do not put that word in my mouth. I did not talk about raising taxes.

MR. SCHNEIDER:

No, you didn't.

LEG. KENNEDY:

You went on and talked about a variety of things that may be to solve a broader budget crisis. You brought a CN on exempt contribution for health insurance before us. I gave you the rationale as to why I seconded the motion to commit to committee, and I'm going to ask you to bring back some of those concerns back to the County Executive. And if the County Executive wants to pay a portion of something towards his health insurance, actually, I promise you I'm going to be on the phone with all nine members of EMHP over the next two weeks to find out how they're even receiving that fund, because I don't know where it's going at this point. So it may be a model that's a model that he proposes to put out there, but I'll be intrigued to find out from EMHP, is it going in a coffee cup? Is there a new fund created? I don't know. And I can't act on what I don't know, so it needs to go back to committee.

D.P.O. HORSLEY:

Thank you very much, Legislator Kennedy. Legislator Gregory.

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

LEG. GREGORY:

Thank you, Mr. Vice-Chair. I'm going to make a motion to approve.

LEG. D'AMARO:

Second.

LEG. GREGORY:

Okay, thank you.

D.P.O. HORSLEY:

And seconded by Legislator D'Amaro.

LEG. GREGORY:

I understand the concern. I understand, you know, what the reason for pause is. You know, I don't think this was any secret, the County Executive was pretty explicit in his State-of-the-County that he was, you know, going to implement through Executive Order contributions on the Executive staff. He requested all exempt employees to make the same contribution.

You know, I had mentioned this, I had said this before and I'll say it again. You know, a few short years ago we were the rule. County employees or Civil Services employees not making contribution to health care benefits, but now we're the exception. And the public sector -- excuse me, the private sector has been for years now making contributions to their health care benefits. And you know what? They're looking at us and that's one of the things that they have said repeatedly, Mr. Kennedy, that, "Don't raise my taxes for employees that make more money than me, that don't pay into the health insurance, that have secured pensions." Some of that I disagree with, but I understand their -- you know, their concern, everyone's feeling the pressure.

But certainly on this issue, as far as health care contributions, again, we are the exception. And, you know, many people are looking at the County workforce and saying, "When are they going to chip in and make their contribution towards health care benefits," which, you know, is not unreasonable. So I will be supporting an approve motion.

D.P.O. HORSLEY:

Thank you very much, Legislator Gregory. Legislator Barraga.

LEG. BARRAGA:

I'll support the motion to commit. I don't think there's any doubt among member of this Legislature or County employees that at some point in time we know we will have to start contributing to the health plan in order to help close this \$530 million deficit; that's a given. This bill is designed, it doesn't take effect until November 1st. There's plenty of time to vet this, it doesn't take effect until November 1st.

As I take a look at the bill, I have a couple of questions. I take a look at the percentage contributions based on one salary. I mean, take a look at 15, 20, 25%, all predicated on certain annual salaries, certain parameters. And as this is vetted through committee, I think one question would come up; where did you get the percentages? Is that what other Counties are doing? Is this in line with the State of New York? I mean, you know, you want to pay your fair share, but you want to make sure you're in line with other people. You want to do the fair thing.

If we negotiate at some point in time with the unions and the unions agree to contribute but at different percentages, does the exempt contribution percentage-wise go down, if it has to, to be in line with the union? I think that should be stipulated in the bill. I don't really see it, I just kind of looked at this very quickly. Or it could be the reverse; the exempt might have to go up if the unions agree to pay more percentage-wise. But I think these are legitimate questions that can be asked as you vet through the committee system.

If this bill had to go into effect May 1st, well maybe, you know, that's different. This is November 1st. There are legitimate questions. I think there is no doubt there's going to be a contribution made; let's make sure it's fair and equitable and it's fully vetted. Thank you.

D.P.O. HORSLEY:

All right. Thank you very much, Legislator Barraga. Legislator D'Amaro.

LEG. D'AMARO:

Thank you. I second the motion to approve the CN, and I think we should pass this today. I think the issue here about employee or exempt employee contributions to health care I think is screaming CN. And I don't think it's about the effective date, which Legislator Barraga is correct is November 1. We need to sooner rather than later set the example to the balance of our workforce that we are serious about this issue, we are serious about making the contributions and we're going to lead by example on this particular issue.

We had a very difficult debate this morning. Part of that debate included representations that perhaps some of the County unions were prepared even tomorrow to come to the table and to start talking to avoid further layoffs, or some of the layoffs that are going into effect July 1. Well, if that's going to happen, then we should pass this tonight, because we should let the entire workforce know that we are serious. We, the exempt employees, are serious about our contributions to health care.

And I agree with my colleagues here, that I think everyone agrees that the time has come for this to happen. I think it's being done extensively throughout the private sector, I think it should be done in the public sector as well, but I think we also need to do this as soon as possible because of the issue specific to Suffolk County. It's not about the effective date, it's about letting the other employees know that we are not going to ask them to do anything which we would not do ourselves. And if those negotiations are going to start even tomorrow, as I heard some my colleagues even discuss today which is a good thing, then I think we need to send that message tonight.

But I did have one question for Mr. Schneider. If this passes this evening, and so now the exempt employees employed by the County of Suffolk are going to contribute, as per the sliding scale, to their health insurance, and the negotiations occur with respect to the unions, and the unions have a different settlement of the issue, would the exempt employees then mirror the union settlement?

MR. SCHNEIDER:

That would certainly be our intention, yes.

LEG. D'AMARO:

That's the intention.

MR. SCHNEIDER:

Yes.

LEG. D'AMARO:

Okay. And to me that makes sense. And I appreciate that answer and I think that would put everyone, whether you're exempt or a union employee, in an equal position with respect to this issue, contribution to health care. So if that's the intention, then why not pass this tonight and let those unions know that we are serious about this issue, we are putting our best foot forward. We should pass this today and we're showing the balance of the workforce that we are going to do that which we are asking them to do in these negotiations. So I think we should pass this this evening.

And I think the CN, and usually I do agree with the Legislator Montano about the use, or sometimes even misuse of a CN, but I think in this particular case, especially given the debate that we had this morning about how urgent it is that we try to get into these negotiation to avoid the pending

layoffs, I think we need to have every tool put into the arsenal now and I think we need to make every effort to show the County workforce that we're serious about this issue. So I would ask everyone to pass this this evening.

D.P.O. HORSLEY:

Okay. Thank you very much, Legislator D'Amaro. And the -- okay, next is Legislator Muratore.

LEG. MURATORE:

Thank you. I guess my question is to BRO, and I've got a whole bunch of numbers here. We know we're going to be paying health insurance, but I don't like the schedule. I mean, if you look at the schedule of payment here, the person earning the least money on the scale is going to be paying the highest percentage out of their gross income. The person making 50,000, you're alleging the premium is, what, 16,000? So what's their premium going to be on an annual basis, at 50,000; twenty-four hundred? Twenty-six hundred. Let's find that out. And then do the same for the person making 150,000, and you'll see the person making three times the amount of the low person is only paying about another \$1600 more in premium.

So I kind of agree with Legislator Montano; go back to committee, redo this so it's equitable. It's not put on these people sitting in the back here, it's put on the people sitting in the front here. These are the ones that are going to suffer most from their income and from the money they're going to have to spend in this County and the way they're going to have to take care of their families. We are making more and we might be able to afford to pay more. We are going to pay somewhat, but we're not paying what we should be paying and they're paying a lot more than they should be paying on the gross income. So that's why I think we really should think about going back to committee and restructuring the fee schedule, if anything.

D.P.O. HORSLEY:

Okay. Thank you very much, Legislator Muratore. Legislator Calarco. Was that a question? I'm sorry, is that --

LEG. MURATORE:

No, I'm done.

D.P.O. HORSLEY:

Okay, that's what I thought.

LEG. CALARCO:

Just a quick question for BRO. Could you tell us what the average is for a family plan and average for an individual and what those payments would be for each category?

MR. LIPP:

Sure. Okay, as Mr. Schneider had said, the typical -- the typical premium that we have to pay for family coverage is just over 16,000, and for individual or single coverage it's roughly like \$750. I'm sorry, \$7,500, duh. So that being said, if you're taking \$16,000 and you're doing 15% of that, that would be twenty-four hundred dollars. Is that right? Yes, twenty-four hundred dollars. If you're doing 20, 20%, it would be \$3,000 -- thirty-two hundred dollars, sorry. And if you're doing 25%, and that would be 4,000.

LEG. CILMI:

It's a percentage of salary.

D.P.O. HORSLEY:

All right? Any further questions?

LEG. CALARCO:

No.

D.P.O. HORSLEY:

Thank you, Mr. Calarco. Yes, Legislator Cilmi.

LEG. CILMI:

Thank you. Just to follow-up on Legislator Calarco's and Legislator Muratore's question; as a percentage of their salaries, then, at those levels, what are the percentages?

MR. LIPP:

Okay. Well, if you're doing -- it depends on -- okay. So for instance, the twenty-four hundred, if you're at the top of the scale or -- well, what do we want to assume? It's under \$50,000, so --

LEG. CILMI:

Let's do a rough -- you just use rough numbers.

MR. LIPP:

Okay. So let's say \$40,000, so that would be 6%.

LEG. CILMI:

So the \$40,000 a year employee will be paying roughly 6% of his or her salary --

MR. LIPP:

Right.

LEG. CILMI:

-- in insurance cost. Okay.

MR. LIPP:

Okay. So then the next one would be, what, between 50 and 150, so let's say 100,000?

LEG. CILMI:

Sure.

MR. LIPP:

That would be 3%.

LEG. CILMI:

Three percent. Go ahead.

MR. LIPP:

And then --

LEG. CILMI:

So 6% for the lowest salary classification of employee, 3% for the next classification.

MR. LIPP:

Right. And then the top one, let's say if they were at the minimum of 150,000 --

LEG. CILMI:

Right.

MR. LIPP:

-- then it would also be 3%.

LEG. CILMI:

Would also be 3%.

MR. LIPP:

That's a minimum.

LEG. CILMI:

So, you know, one of the things I'd be interested in is -- I mean, in addition to the fact that I think that's inequitable, one of the things that I'd be interested in is, well, how many employee are in each category, for example. You know, there may be -- as Legislator Muratore said, there may be ways to massage these numbers so that, you know, those employees who are making the most money are paying commensurate with their salary levels. So -- I'm sorry?

*(*Laughter*)*

LEG. MONTANO:

He said 99%.

LEG. CILMI:

No, no, no. Please. In any event --

D.P.O. HORSLEY:

All right, come on, let's get order.

LEG. CILMI:

In any event, I renew my motion to commit to committee.

LEG. KENNEDY:

And I renew my second.

LEG. CILMI:

And Legislator Kennedy renews his second. Call the vote.

D.P.O. HORSLEY:

Okay. Now that we're doing renewals, I don't think the approvals need to be renewed. Okay, that's it.

By the way, I wanted to make sure that it was understood by the press, because they asked me earlier, that would the Legislators be included, and the answer is yes. Okay, let's do a roll call. The motion to commit come first. Let's do the roll call vote.

(ROLL CALLED BY MS. ORTIZ, CHIEF DEPUTY CLERK OF THE LEGISLATURE)

LEG. CILMI:

Yes.

LEG. KENNEDY:

Commit to committee? Yes.

LEG. SPENCER:

No to commit.

LEG. D'AMARO:
No.

LEG. STERN:
No.

LEG. GREGORY:
No.

LEG. NOWICK:
Absolutely.

LEG. BARRAGA:
Yes.

LEG. MONTANO:
Pass.

LEG. CALARCO:
No.

LEG. ANKER:
No.

LEG. HAHN:
No.

LEG. MURATORE:
Yes.

LEG. BROWNING:
No.

LEG. SCHNEIDERMAN:
Pass.

LEG. ROMAINE:
Yes.

D.P.O. HORSLEY:
No.

P.O. LINDSAY:
(Not present).

LEG. MONTANO:
No.

LEG. SCHNEIDERMAN:
No.

MS. ORTIZ:
Six.

D.P.O. HORSLEY:

Okay. Motion to approve. Roll call.

(ROLL CALLED BY MS. ORTIZ, CHIEF DEPUTY CLERK OF THE LEGISLATURE)

LEG. GREGORY:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

LEG. STERN:

Yes.

LEG. NOWICK:

No.

LEG. KENNEDY:

No.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MONTANO:

Pass.

LEG. CALARCO:

Yep.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

No.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

No.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

(Not present)

LEG. MONTANO:

No.

MS. ORTIZ:

Ten.

LEG. SCHNEIDERMAN:

It fails.

D.P.O. HORSLEY:

The motion fails, right?

MR. NOLAN:

It goes to Committee.

D.P.O. HORSLEY:

It goes to Committee.

MR. SCHNEIDER:

See you all in two weeks.

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

LEG. CILMI:

Unless we take advantage of your open door policy. (Laughter)

MR. SCHNEIDER:

Door's always open.

LEG. ROMAINE:

It's a revolving door. (Laughter)

D.P.O. HORSLEY:

Alrighty. **Certificate of Necessity resolution 1461, Appropriating funds in connection with infrastructure – College Wide (CP 2149) (Co. Exec.)** Motion, Miss Anker, would you like to -- 1461.

MR. NOLAN:

Community College.

D.P.O. HORSLEY:

Appropriating funds.

LEG. ANKER:

Make a motion for appropriating funds.

D.P.O. HORSLEY:

Yes. Legislator Anker makes the motion to approve. I'll do the second on that. Any further discussions?

LEG. CILMI:

Yes, there is.

D.P.O. HORSLEY:

Okay, Legislator Cilmi.

LEG. CILMI:

Once again, why is there a Certificate of Necessity on this? How much money is this that we're appropriating? A little more than \$5 million?

COMMISSIONER ANDERSON:

Right. But, it is all -- I don't have it in front of me, but I believe it's all paid through State aid.

LEG. CILMI:

Okay.

COMMISSIONER ANDERSON:

If you go through the --

LEG. CILMI:

Fully funded?

COMMISSIONER ANDERSON:

I believe so, yes.

MS. VIZZINI:

Actually only half is State aid.

LEG. CILMI:

Only half is State aid?

MS. VIZZINI:

Yes, this is in the Adopted 2012 Capital Program.

LEG. CILMI:

I understand. I'm just wondering why a CN.

COMMISSIONER ANDERSON:

There's a couple of issues at play here. Number one, obviously the season coming up, this is the time of year where school's going to be ending payment and we want to pave the parking lots at the school.

The other issue is that because the County is no longer putting the solar panels at Ronkonkoma, we've reached an agreement with the school to put the panels at -- one of these -- the Brentwood Campus, couple lots there. So, we want to pave the lots before we put the structures in. It seems counterintuitive but the amount of actual damage, if you will, to the pavement is minimal. Most of -- the columns are board in. The only impacts you would have to the pavement is really the trenching; so, the thought is that pave it now, it's going to be a lot cheaper to do it as an open lot than once the solar carports are in place.

D.P.O. HORSLEY:

All right. That being the case and we can see its necessity, the problem is we don't see any bonds here.

MR. NOLAN:

The bond resolution.

D.P.O. HORSLEY:

There's somebody that can address that? Mr. Schneider, we don't see bonds attached to this.

MR. NOLAN:

It's got to be tabled. Send it to Committee. Make a motion to commit it.

D.P.O. HORSLEY:

Okay. That being the case, is there anything that we're missing here guys? I mean, do you see it? Okay, then I'll make the motion to commit.

LEG. SCHNEIDERMAN:

Second.

D.P.O. HORSLEY:

Second by Legislator Schneiderman. Motion to commit comes first. All those in favor? Opposed? Abstain? So moved.

MS. ORTIZ:

Seventeen. (Presiding Officer Lindsay absent)

D.P.O. HORSLEY:

No bond. Okay. **1462, Amending the 2012 Capital Budget and Program and appropriating funds in connection with acquisition of lands for the Replacement of CR 67, Motor Parkway Bridge over the Long Island Expressway at Exit 55 (Phase I), Town of Islip (CP 5172, PIN 075614) (Co. Exec.)**

LEG. KENNEDY:

Motion to approve.

D.P.O. HORSLEY:

Does it have a bond on it? Hold on. We're looking. We don't see it, Gil.

COMMISSIONER ANDERSON:

We already have the bond for this. Where is it?

D.P.O. HORSLEY:

Oh, you do?

COMMISSIONER ANDERSON:

Hold on. Ann Marie has the bond? Where's Ann Marie?

LEG. ROMAINE:

Is there a bond?

MR. NOLAN:

We're looking.

D.P.O. HORSLEY:

We're looking. We're looking, Ed.

LEG. KENNEDY:

Why don't we pass over and let them look.

D.P.O. HORSLEY:

Fine. That's be -- all right, we'll pass. We have the motion to approve on that so it's already in the bank.

Okay, Resolution **1463, Authorizing the amendment of a lease agreement with Eastern Long Island Solar Project, LLC for use of County property in connection with the development of solar energy facilities (Co. Exec.)**

LEG. CALARCO:

Motion.

D.P.O. HORSLEY:

Motion to approve.

LEG. ANKER:

Second.

D.P.O. HORSLEY:

Seconded by Legislator Anker.

LEG. CILMI:

On the motion.

D.P.O. HORSLEY:

On the motion.

MR. NOLAN:

You have the bond for that.

D.P.O. HORSLEY:

Okay.

LEG. CILMI:

First of all, if Counsel could explain -- first of all, if Counsel could explain 1463 to us, please.

MR. NOLAN:

I would ask the County Executive's people to explain it.

LEG. CILMI:

I'm sorry. If the County Executive's office could explain this.

D.P.O. HORSLEY:

It's a CN.

LEG. CILMI:

Let me articulate what I'm a bit concerned about here. This is the deal where we leased parking lots to enXco for roughly \$9 million over 20 years. EnXco pays us \$9 million. EnXco bills that \$9 million into their power purchase agreement with LIPA, which is \$120 million. So, the LIPA ratepayers get

soaked for \$120 million while we get \$9 million.

I read in the newspaper the other day, or somewhere, that because of some trepidation on the part of Supervisor Lesko in terms of the -- using the Ronkonkoma Train Station, might interfere with the Hub Project, that we're going to be exploring other locations for the carports that they're putting up. And I read that enXco is -- and the County are negotiating for, you know, whatever the cost might be for them to switch gears and use other locations as opposed to the Ronkonkoma Train Station location.

So therein lies my concern. Can you talk a little bit about those negotiations, what is it going to cost the County? I noticed somewhere this morning that the Community College is going to receive some revenue from the generation of power at the carports, where I don't think the County deal included the County receiving revenue from the generation of power at the carports that we allowed to be installed. So, those are some of my questions. If you could talk -- speak to those, I'd appreciate it.

MS. LOLIS:

I can speak to some of that. The County -- the County is receiving some monies from the lease. And I believe if -- to the extent that the lease property would move from -- or enXco would move from Ronkonkoma to the College property, the College would then receive rent.

LEG. CILMI:

A proportional amount of rent and the County would --

MS. LOLIS:

A proportional amount.

LEG. CILMI:

The County's portion would be reduced by the same portion?

MS. LOLIS:

Correct.

LEG. CILMI:

Okay.

MS. LOLIS:

Correct. As far as negotiations, what it would cost the County in terms of terminating the lease at Ronkonkoma, that's still under discussions right now. We're not -- they're not asking at this point for you to terminate that lease. That would still have to come back to you.

LEG. CILMI:

So that would have to come back to us --

MS. LOLIS:

That would still come back to you. This only has to do with moving forward as far as the Community College is concerned so enXco could get whatever materials they need to get because there's a very small window in order to do this construction while school is out basically.

LEG. CILMI:

So, the deal between enXco and the Community College -- I mean, they could structure that deal however they want to basically, right?

MS. LOLIS:

Well, you -- this resolution is authorizing the County Executive to negotiate and enter into a lease with the College and enXco. So, that's still ongoing.

LEG. CILMI:

Do the terms of that negotiation come back to us for approval?

MS. LOLIS:

I do not believe -- I believe this resolution authorizes the Executive to enter into the lease.

LEG. CILMI:

So, the Executive can unilaterally negotiate whatever contract and/or lease. We don't get another bite at that.

MS. LOLIS:

Well, we're -- we're involved in that because we own the land in trust for the College. So they can't -- we have to be involved in those discussions. But the property -- the solar panels will be on the College's property. And the College will be getting the money. That's why it's not coming back to you. As far as Ronkonkoma is concerned, that will come back to you, how that gets resolved.

LEG. CILMI:

Well, that will hurt us, because we'll lose money.

LEG. ROMAINE:

Yes.

MS. LOLIS:

(Nodding in the affirmative)

LEG. CILMI:

So --

LEG. ROMAINE:

Where's the offset?

LEG. CILMI:

That's a very good question. Where is the offset, as my colleague, Legislator Romaine, astutely asked from across the room? Is there an offset? I mean, we budgeted for, you know, approximately 450 or so thousand dollars a year of income from the lease.

DIRECTOR LANSDALE:

Right. The information that I -- that we have is that it was 8.5 million, was the total amount budgeted over a certain period of time.

LEG. CILMI:

Twenty years.

DIRECTOR LANSDALE:

Yes. So, the County right now is currently in negotiations right now with enXco, so we can't -- we don't know the outcome of that negotiation at this point.

LEG. CILMI:

Okay, so, let me just go back to a previous question that I don't think was answered. The Community College can negotiate a contract with enXco that compensates them, not only for the

lease of the property, which is what we receive from enXco -- we are compensated for the lease of our parking lots. But we are not -- the County is not compensated -- we don't receive a portion of the proceeds from the sale of the electricity that's generated. The Community College could, in their contract, negotiate that sort of deal, could they not?

MS. LOLIS:

I can't really speak to what those negotiations are.

LEG. CILMI:

Well, that sort of answers my question. I mean, if you can't speak to them, it would seem to indicate to me that --

MS. LOLIS:

I just don't know the answer.

LEG. CILMI:

-- between the College and the -- and the -- or not necessarily.

MS. LOLIS:

I just don't know the answer to that.

DIRECTOR LANSDALE:

I also wanted to just make one point. The 8.5 million that was budgeted over 20 years was for several carports. The action in question just involves one of those carports. So, the County will be receiving funds for the other projects ongoing.

LEG. CILMI:

I understand that. But to the extent that the Ronkonkoma portion of the project -- the Ronkonkoma portion of the project, my understanding, is fairly significant; it's fairly large, at least from what I've read this morning. So, it stands to reason that the reduction in the lease payments to us on an ongoing year-after-year basis would be, you know, proportional to that reduction; and, therefore, I mean -- how much could that be? Could it be \$20,000 a year, \$30,000, a \$100,000 a year?

DIRECTOR LANSDALE:

We don't have that information, but I can tell you that this -- the move from Ronkonkoma to the Grant Campus, the Suffolk Community College Grant Campus, is to make way for a transformative economic development project, where the County has received \$4 million in funding to help facilitate the revitalization and the Transit Oriented Development Project at the Ronkonkoma Hub.

LEG. CILMI:

I mean, I appreciate the benefits of the Project, but I think my questions are, you know, deserve answers before we move forward. And I want to be clear, you said that any -- any deal -- I mean, this authorizes the County Executive to negotiate. But would a reduction in lease payments to us have to be approved again by us at some point?

MS. LOLIS:

To amend the current lease that exists, that includes the Ronkonkoma Train Station, to amend that lease, that comes back to you. That's when you're talking about offsets, things like that. That's when that comes up.

This is completely -- it's related to the extent that the reason that enXco is looking to go to the College is because we would prefer not to have them build or -- the Administration would prefer they not construct at the Ronkonkoma Train Station because of the economic development plans in the future. The Community College is just -- probably a fraction of what they would have built at

Ronkonkoma. I believe there is still discussions ongoing as far as, perhaps, finding other County facilities to put carports. So, that's still in discussion. But to answer your question, as far as the lease that's in existence that involves Ronkonkoma, that will come back to you.

LEG. CILMI:

And let me just reiterate a question I had earlier. If there's a penalty negotiated by the County Executive with enXco for us changing the location that was agreed to in the original contract, will that come back before us to approve?

MS. LOLIS:

I believe it would.

LEG. CILMI:

Believe? We asked our Counsel to be a little more definitive in his response to something earlier. I'd ask you to do the same.

MS. LOLIS:

I mean, I would just have to double check to see if there's any other area of the law that I'm not aware of. But if it's over -- if it's 25,000 or over, it's coming back to this Legislature.

LEG. CILMI:

I would ask that you get that answer before we approve this bill.

MS. LOLIS:

I would definitely -- I just -- forget about the \$25,000 that I just mentioned. It will come back to the Legislature.

LEG. CILMI:

It will come back before the Legislature.

MS. LOLIS:

Yes.

LEG. CILMI:

Because if I recall correctly -- if I recall correctly, enXco was required by contract when we initially passed this resolution to install these solar carports within a certain timeframe. And as I recall, they failed to do so. And I don't know that the County ever held them accountable for that. For them to come back to us and to ask us now to compensate them in some way for changing locations on them, I think, would be wrong. So, I appreciate your answers and look forward to those resolutions and further discussion about this project.

LEG. ROMAINE:

Tom, do you want to table this?

LEG. CILMI:

I'd like to table it.

LEG. ROMAINE:

Second.

LEG. CILMI:

So we can get some answers, please.

LEG. ROMAINE:
Second.

LEG. CILMI:
Motion to table.

D.P.O. HORSLEY:
There's a motion to table by Legislator Cilmi and seconded by Legislator Romaine.

MR. NOLAN:
That's a motion to commit, Tom? You want it to go to Committee, right?

LEG. CILMI:
Rather, commit, yes. Thanks.

D.P.O. HORSLEY:
All right. There's an amendment to the tabling resolution. It's a resolution to commit, seconded by Legislator Romaine.

MR. NOLAN:
Any other motions?

D.P.O. HORSLEY:
Any other motions? Okay. Now we have -- Legislator D'Amaro would like to be heard.

LEG. D'AMARO:
Right. Gail, the -- so 1463 would be a new lease with the College to build the facility; is that correct? Oh, I'm sorry. I thought she was still there. Welcome back.

1463 would not be an amendment. It would be a new lease between the College, the County and the company to go ahead with the new project at the Brentwood Campus, is it?

MS. LOLIS:
Yes.

LEG. D'AMARO:
Yes. And was 1461, which was just committed to Committee, was that the funding for that project? Or the bonding for that project?

MS. LOLIS:
No.

LEG. D'AMARO:
Okay. It's unrelated? Because I'm looking at the CN message, and it's the same message.

LEG. CILMI:
Legislator D'Amaro, through the Chair, if I could?

LEG. D'AMARO:
Yeah.

LEG. CILMI:

If I recall the Commissioner's testimony, it's related in that the carports that are going to be installed, they wanted to do the paving of the parking lots prior to the installation of the carports.

LEG. D'AMARO:

All right. So, 1461 is pretty much -- if that wasn't committed and we approve that today, that's assuming that this project's going forward then. Gail, just so I understand, the project at the College, is that in place of what's happening at Ronkonkoma?

MS. LOLIS:

Yes.

LEG. D'AMARO:

It is. And the problem I'm having here is that this is the first that I'm hearing that there's been a change in this whole program that's been set up and the construction that's been set up. And I just think it would be more useful to put this into Committee so we can get more of a detailed explanation as to what's going on and why. I read this message and I hear what Director Lansdale said, that we want -- it has something to do with the Ronkonkoma Hub and the revitalization or the economic development plans there, and somehow this would interfere with it. But this is all very superficial kind of explanation to me when we're talking about a project of this magnitude.

And for the sake of two weeks to go to Committee and to talk about this and get all the facts on the table and understand what we're doing, I think this would be more appropriate to commit to Committee so we can talk about that. I don't have a full understanding of why one project is replacing another. And it seems to be moving full speed ahead at the College where we haven't even entered the lease agreement yet, but we're being asked to pass a bond and a bill to provide the initial paving at the College itself. It doesn't seem to follow. So, I would support the motion to commit to Committee.

D.P.O. HORSLEY:

I thought you would be much longer. I have a mouthful. Okay. Anyone else like to be heard on this?

LEG. KENNEDY:

Let's vote.

D.P.O. HORSLEY:

We have a motion to commit, which is the -- which takes precedence. Roll call. Give a roll call.

(ROLL CALL BY MS. ORTIZ, CHIEF DEPUTY CLERK)

LEG. CILMI:

Yes.

LEG. ROMAINE:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. MONTANO:

Yes.

LEG. CALARCO:

Yes.

LEG. ANKER:

Pass.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

(Absent)

LEG. ANKER:

Yes.

MS. ORTIZ:

Seventeen. (Presiding Officer Lindsay absent)

D.P.O. HORSLEY:

Okay. We have committed it. Let's go back to 1462. It's the one we passed on. Apparently there is a bond.

LEG. KENNEDY:

Motion to approve.

D.P.O. HORSLEY:

We have a motion to approve on the bond.

LEG. MONTANO:

I will second it and I want to address it.

D.P.O. HORSLEY:

Seconded by Legislator Montano.

LEG. MONTANO:

And I want to address it.

D.P.O. HORSLEY:

On the motion.

LEG. MONTANO:

I just want to say that reading the certification by Mr. Schneider, where the threat is that if we don't do this now, they're going to freeze our bank accounts to me constitutes a necessity. The other stuff that I've seen does not.

D.P.O. HORSLEY:

Okay. There we go.

LEG. MONTANO:

This 21 million that, I think, Gail said --

D.P.O. HORSLEY:

We have a motion --

LEG. MONTANO:

Twenty one million?

D.P.O. HORSLEY:

Okay. All right, all right, all right. He's been snippy. Motion to approve. You got it? All in favor?

LEG. D'AMARO:

On the motion, please.

D.P.O. HORSLEY:

On the motion.

LEG. D'AMARO:

Sorry, guys. (Laughter) I need to understand the -- again, the necessity for voting on this this evening. There seems -- I don't know anything about this issue. It's the first I'm hearing of it. I haven't had an opportunity to read the bill. We've been very busy today. And I'm being told that if I don't pass this tonight that our bank accounts are going to be frozen, which I find very hard to believe.

LEG. KENNEDY:

There's no money in them.

LEG. D'AMARO:

There's no money in them, anyhow. Good point, Legislator Kennedy. So, again, I think this is probably an issue, especially, that we're under this threat in litigation, that somehow if I don't act

this evening, that I have to concede to the threat. I need to understand what the threat is if I'm going vote to approve this.

LEG. MONTANO:

If I may? Is this an information subpoena that they filed? Or they're going to file?

MS. LOLIS:

Not yet. This is -- I can give you the history of this. It's a condemnation matter, CR 67 Motor Parkway. There was the settlement of a condemnation. The taking was in September of 2011. This is a Federally-funded project and I'll defer to Gil to explain that. It was settled in September. The court order was issued in December. The Plaintiff's attorney and the Plaintiff have been waiting. The Plaintiff has waited over four months. And without getting an answer, because the Federal funding has not come in yet, he has entered judgement.

We went to court on it last week. Judge Bivona, the Judge assigned to this case, contacted Dennis Cohen in his office. And basically said that if we do not pay him, he is setting -- he is setting us down for a hearing and he is going to ascertain which bank accounts the Court can issue a restraining notice on. And it will proceed in that fashion because it has been so long.

LEG. D'AMARO:

What is the amount of the payment?

COMMISSIONER ANDERSON:

\$850,000.

LEG. D'AMARO:

How much higher is that than what the settlement was? Did the Court impose a higher number? Is that what happened here?

MS. LOLIS:

No. The amount that --

LEG. D'AMARO:

It's a condemnation.

MS. LOLIS:

It's a condemnation. There's actually two maps.

LEG. D'AMARO:

Right.

MS. LOLIS:

This is -- the judgement is on one of the maps. The State, I believe, has approved everything as far as the funding. We're just waiting for the Federal Government to stamp it and then reimburse it. The 800,000 is to cover, my understanding, the taking, the trial costs associated with it and interest up until the time that we anticipate to make the payment. We're paying interest everyday.

LEG. D'AMARO:

So, if we pass this this evening, what happens at that point?

MS. LOLIS:

It will be -- it will be paid, as I understand, within the next week or so.

LEG. D'AMARO:

Wouldn't this have to be bonded? I mean, this is --

COMMISSIONER ANDERSON:

The bond -- the associated bond is following this resolution.

LEG. D'AMARO:

Okay, so, let me ask you this: So, if we pass this this evening, does the Plaintiff receive full payment within the next two weeks?

COMMISSIONER ANDERSON:

As soon as -- yeah, I would imagine, yeah, within -- as soon as possible.

LEG. D'AMARO:

Okay.

COMMISSIONER ANDERSON:

The threat is that they're holding a lien against us.

LEG. D'AMARO:

So, if the plaintiff were told that it would be four weeks, because there's a procedure here in the County for the bill to go through a Committee and then to be voted on in two weeks, how does that -- how is that adverse to our interest?

COMMISSIONER ANDERSON:

Again, the Judge who called the County attorney has advised us we have to pay them immediately; otherwise they will -- you know, he will slap a lien against us on those accounts, which basically would hold us up -- hold up our ability to pay anything.

MS. LOLIS:

Not only that -- and we normally would not come --

LEG. D'AMARO:

What Judge was this?

MS. LOLIS:

This is Justice Bivona. Supreme Court Justice. And not only that, the delays really aren't our -- on our part. It's because it took a while to get the approval delays. The Federal Government is paying 80% of this. But while waiting for them to pay, we're all paying more because we're paying interest on a daily basis on something that was -- where we have an order back -- and the taking was probably back -- goes back a few years.

LEG. D'AMARO:

Right. And the interest is running day-to-day-to-day.

MS. LOLIS:

The interest has been running, yes.

LEG. D'AMARO:

Okay.

LEG. ROMAINE:

What is the interest?

MS. LOLIS:

It's 6% compounded annually.

LEG. D'AMARO:

Okay. Then based on the fact that the interest -- the clock is running on the interest and that the Judge has made it very clear that it's been long enough and the delay is not our fault, but nonetheless the Plaintiff is entitled to payment, I could go along with that.

MS. LOLIS:

Okay.

D.P.O. HORSLEY:

Okay.

LEG. D'AMARO:

Thank you.

D.P.O. HORSLEY:

Do we have a motion to approve? Okay. We have a motion then second on the books. Mr. Montano, we're going to motion to approve. **1462, (Amending the 2012 Capital Budget and Program and appropriating funds in connection with acquisition of lands for the Replacement of CR 67, Motor Parkway Bridge over the Long Island Expressway at Exit 55 (Phase I), Town of Islip (CP 5172, PIN 075614),** the one that's the bond.

LEG. MONTANO:

No, let it go.

D.P.O. HORSLEY:

You're a guy. Okay. All those in favor? Opposed? Abstained? Okay.

MS. ORTIZ:

Seventeen. **(Presiding Officer Lindsay absent)**

D.P.O. HORSLEY:

All right. Now we have the bond. **1462A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$850,000 bonds to finance a part of the cost of the acquisition of lands for the reconstruction of CR 7, Motor Parkway) (replacement at Bridge at L.I.E.), Town of Islip (CP 5172.211).** We have a bond. Roll call. No, motion to approve.

LEG. KENNEDY:

Motion.

D.P.O. HORSLEY:

By Mr. Kennedy, I'll second the motion. Okay. It's on the floor. Roll call.

(ROLL CALL BY MS. ORTIZ, CHIEF DEPUTY CLERK)

LEG. KENNEDY:

Yes.

D.P.O. HORSLEY:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Absolutely.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. CALARCO:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

MS. ORTIZ:

Seventeen. **(Presiding Officer Lindsay absent)**

D.P.O. HORSLEY:

The motion passes. All right. Let's move on. **1466, Authorizing planning steps for implementation of the Suffolk County Workforce Housing Program (Co. Exec.)** May I have a motion on this?

LEG. ROMAINE:

Motion.

D.P.O. HORSLEY:

Motion? Motion by Legislator Romaine. Seconded by? I'll make the second on it. Okay. We have a motion to approve. On the motion, anybody? Everybody good?

LEG. GREGORY:

I have a question. Why is this an urgent matter? To enhance cooperation between the branches of government is not an urgent matter.

D.P.O. HORSLEY:

Legislator Romaine, you want to start this off?

LEG. ROMAINE:

Yeah. This is an urgent matter because in 2010, two years ago, on March 30th and 31st, it was a very heavy rainstorm. A number of homes on Horton Avenue were flooded out. It's taken two years to get FEMA to come to the conclusions that they should have assistance. The appraisals have been done. The houses are going to be purchased and knocked down.

This is to offer an opportunity to some of those people on Horton Avenue to avail themselves of affordable housing, workforce housing. And that's why this is urgent because their houses will be knocked down shortly. And the one guy that probably knows this, as well as I do, is Jon Schneider because he served on Congressman Bishop's staff and assisted with the FEMA Aid. So, Jon, you may want to address this specifically.

D.P.O. HORSLEY:

We hadn't read this before, Legislator, now we know -- it's kind of funny it's you. We were all ready to yell at you, Jon. (Laughter)

Jon, why don't you answer Ed's question?

MR. SCHNEIDER:

The Legislator's correct. There is -- I mean, obviously we are all very aware of the situation on Horton Avenue. These are people who've waited a very long time for this project to move forward. There's a -- frankly too long. There's critical, you know, there are critical deadlines coming up with FEMA -- with -- in terms of FEMA Aid. It's imperative that we move this forward.

D.P.O. HORSLEY:

All right. You guys satisfied? Legislative prerogative here. Okay. I'll make the -- do we have the motion to approve? All those in favor?

LEG. D'AMARO:

Hold on.

D.P.O. HORSLEY:

Okay.

LEG. D'AMARO:

What bill are we on? I'm sorry.

D.P.O. HORSLEY:

Okay. 1466.

LEG. D'AMARO:

I just had one question.

D.P.O. HORSLEY:

Okay.

LEG. D'AMARO:

My question is to Counsel. Is it appropriate to base the CN or the need for the CN on a Legislator's state of mind? Because I'm reading this message and it's telling me that the reason for the CN is because Legislator Romaine believes that this is a time-sensitive matter.

LEG. ROMAINE:

I didn't write that.

LEG. D'AMARO:

And I just want to clarify for the record in the future, if I believe that something is time-sensitive, will the CN -- is that a valid basis for a Certificate of Necessity?

D.P.O. HORSLEY:

Spirit of cooperation. The door is always open.

MR. SCHNEIDER:

The door is always open to the spirit of cooperation that lives inside each of us. (Laughter) What I can simply say is my -- our explanation notwithstanding, the need on Horton Avenue is, in fact, great.

LEG. ROMAINE:

It's really not my belief. It's the facts of the situation. It's not anything I believe or don't believe that merited the CN. The language that was chosen by the Executive is the language that was chosen by them. The fact of the situation is that all of their homes have been -- they've got appraisal prices. They've agreed to the appraisal prices. FEMA's going to acquire it. And as a result those homes will be knocked down and they need a place to live. That's the facts of the situation.

D.P.O. HORSLEY:

Okay. We're all going to blame it on your state of mind. But, Legislator Calarco, very quickly.

LEG. ROMAINE:

New York state of mind.

LEG. CALARCO:

Is this going to happen within the next two weeks, Ed?

LEG. ROMAINE:

This should happen within -- what would you say, Jon? You probably have a better handle than I do on this.

LEG. CALARCO:

Well, the next two weeks, though? Because we meet again in two weeks so I need to know this is happening within the next two weeks.

MR. SCHNEIDER:

This will happen within the next two weeks, Legislator.

LEG. CALARCO:

Okay, I'm going to hold you to that.

MR. SCHNEIDER:

I wish you wouldn't.

LEG. HAHN:

Lesson to be learned. We read these.

D.P.O. HORSLEY:

Okay. We will now.

LEG. D'AMARO:

I want to ask -- I just want to ask, Counsel, does the -- just for the record, does the Charter spell out specifically what the basis of a CN may be?

MR. NOLAN:

What the Charter says is a CN should be reserved for emergency situations, but it only -- it just says the County Executive has to state his rationale --

LEG. D'AMARO:

But there's no criteria --

MR. NOLAN:

-- and the reasons he's given are not necessarily a reason to reject a CN.

LEG. D'AMARO:

Okay, just trying to clarify that. Thank you.

D.P.O. HORSLEY:

And certainly Mr. Romaine's state of mind is important. Mr. Kennedy, please, quickly.

LEG. KENNEDY:

I'll make it real quick. I was just going to share with Legislator D'Amaro, having dealt with FEMA construction replacement over in the Lake Ronkonkoma corridor, which Mr. Schneider knows about as well when we dealt with Charles Court, when we dealt with some of those other areas there, the timeframes, Lou, associated with these milestones are almost obscene. They demand compliance for architectural approvals, plan compliance, construction commencement, completion, homeowner contribution and there is very little yield whatsoever on it. So, it really is something that's very, very stringent.

D.P.O. HORSLEY:

Okay, that being the case. All those in favor? Opposed? Abstain?

LEG. GREGORY:

Abstain.

MS. ORTIZ:

Sixteen. **(Presiding Officer Lindsay absent. Abstain: Legislator Gregory)**

D.P.O. HORSLEY:

Thank you very much. **Resolution number 1467, Approving an increase in fleet for an all terrain vehicle (ATV) which will be donated to the Suffolk County Police Department for use in the Seventh Precinct (Co. Exec.)**

LEG. BROWNING:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Browning.

LEG. ROMAINE:

Second.

D.P.O. HORSLEY:

Seconded by Legislator Calarco. All those in favor? Opposed? Abstain?

MS. ORTIZ:

Seventeen. (Presiding Officer Lindsay absent)

D.P.O. HORSLEY:

We're good. Resolution **1468, Accepting and reappropriating 100% funding for Program Years 2010 and 2011 Adult, Dislocated Worker, Youth and Administrative Funds from the New York State Department of Labor for the Workforce Investment Act (WIA) Program. Amending the 2012 Operating Budget in connection with positions in the Labor Department (Co. Exec.)**

LEG. CALARCO:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Calarco, seconded by Legislator Nowick.

LEG. KENNEDY:

Hold on a second there. I got a question on this one. Jon, there's a list of seven positions on a second page here. One, two, three, four, five, six, seven. Are these positions that are being newly created? Or are we taking, you know, again, witness to what went on this morning, where does this -- how does this integrate?

MR. SCHNEIDER:

These are positions that we are -- that we had restored in the resolution this morning with the expectation that the Legislature would vote to approve this 100% Federal Aid.

LEG. D'AMARO:

Motion.

LEG. KENNEDY:

So, we are not adding new positions?

MR. SCHNEIDER:

No.

LEG. KENNEDY:

We just identified -- but we're taking in \$1.5 million in additional Federal Aid here?

MR. SCHNEIDER:

That is correct, yes. This Aid will be used to fund position -- to fund and -- to fund existing positions. We are not creating new positions here. And not accepting this Aid would --

LEG. KENNEDY:

Hold on, hold on.

MR. SCHNEIDER:

Okay.

LEG. KENNEDY:

I'm just trying to reconcile the numbers.

MR. SCHNEIDER:

Sure.

LEG. KENNEDY:

I won't do it for everybody now. But our list this morning was to achieve 11.7 million in savings through the rest of the year. And in seven hours we just took in an additional 1.5 million that's now going to underwrite additional positions? The math's not adding up for me here. But, you know what, that's not everybody else's job. You and I'll have a conversation about this.

D.P.O. HORSLEY:

You guys have a conversation. Legislator Montano.

LEG. MONTANO:

These positions, are they new positions or are there people that are already there?

MR. SCHNEIDER:

These are existing people who are already there who will be now funded; instead of using County funds will now be funded with 100% Federal Aid.

LEG. MONTANO:

Okay. Not new hires.

MR. SCHNEIDER:

That is correct, sir.

LEG. MONTANO:

Thank you.

D.P.O. HORSLEY:

Okay. We have a motion to approve and seconded. All those in favor? Opposed? Abstain?

MS. ORTIZ:

Seventeen. **(Presiding Officer Lindsay absent)**

D.P.O. HORSLEY:

So moved. All right. **Resolution 1469, Accepting and appropriating grant funds received from the New York State Division of Criminal Justice Services to the Suffolk County District Attorney's Office, under the Crimes Against Revenue Grant (Co. Exec.)**

LEG. CALARCO:

Motion.

D.P.O. HORSLEY:

Motion by Legislator D'Amaro, and seconded by Legislator Spencer. All those in favor? Opposed?

LEG. MONTANO:

Same issue here?

D.P.O. HORSLEY:

It's a grant.

LEG. MONTANO:

Right, but doing the same thing, keeping people on board?

MR. SCHNEIDER:

Correct.

LEG. MONTANO:

Not new jobs.

MR. SCHNEIDER:

Correct.

LEG. MONTANO:

Thank you.

D.P.O. HORSLEY:

Abstentions?

MS. ORTIZ:

Seventeen. **(Presiding Officer Lindsay absent)**

D.P.O. HORSLEY:

Thank you, so moved. All right. Late starters. I would like to make a motion to waive the rules and lay it on the table the following: make a motion, seconded by Legislator Kennedy. All those in favor? Opposed? I don't need that. Okay, okay, I get it. I thought I needed it to get -- just to do that. Okay. All right. **1470, Imposing a moratorium on wage increases for County Management Personnel (excluding employees at the Suffolk County Community College and the Board of Elections) Government Operations, Personnel, Housing & Consumer Protection.**

LEG. CILMI:

Motion.

D.P.O. HORSLEY:

Okay. **1472, Adopting Local Law No. -2012, A Local Law to ensure honesty in gas price advertising**, goes to Government Operations, Personnel, Housing and set the public hearing on May 8th at 2:30 in Hauppauge. All right. **1473**, goes to EPA, **To appoint member of County Planning Commission (Kevin G. Gershowitz)**

MR. NOLAN:

Don't read the titles.

D.P.O. HORSLEY:

Don't read the titles, okay. 1447, Ways and Means; 1448, Ways and Means; 1449, Education and Information Technology; 1450, Public Works and Transportation; 1453, Government Operations, Personnel, Housing and Consumers. Okay. Sorry, I ran over one. 1451, Parks and Recreation; 1454, goes to Public Safety; 1455, Public Works and Transportation; 1456, Public Works; 1458, Public Works; 1459, Eco Dev and Energy; 1457, Public Works; 1464, Public Works; 1465, Public

Works; 1475, Government Operations Personnel; 1476, Budget and Finance, 1478, Education and IT; 1460, Economic Development. May I have a motion and second? We got it, okay. All those in favor? Opposed? Abstain?

MS. ORTIZ:

Seventeen. **(Presiding Officer Lindsay absent)**

D.P.O. HORSLEY:

So moved. We're adjourned.

*(*The meeting was adjourned at 7:10 PM*)*

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