

**SUFFOLK COUNTY LEGISLATURE**

**GENERAL MEETING**

**SIXTH DAY**

**May 8, 2012**

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

**Minutes Taken By**

**Lucia Braaten, Alison Mahoney & Donna Catalano - Court Reporters**

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

*(\*THE MEETING WAS CALLED TO ORDER AT 9:30 A.M. \*)*

**P.O. LINDSAY:**

Okay. Mr. Clerk, call the roll, please.

**MR. LAUBE:**

Good morning, Mr. Presiding Officer.

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

**LEG. ROMAINE:**

Present.

**LEG. SCHNEIDERMAN:**

Here.

**LEG. BROWNING:**

Here.

**LEG. MURATORE:**

Present.

**LEG. HAHN:**

Present.

**LEG. ANKER:**

Here.

**LEG. CALARCO:**

Present.

**LEG. MONTANO:**

Here.

**LEG. CILMI:**

Here.

**LEG. BARRAGA:**

Here.

**LEG. KENNEDY:**

(Not Present)

**LEG. NOWICK:**

Here.

**LEG. GREGORY:**

Here.

**LEG. STERN:**

Here.

**LEG. D'AMARO:**

Here.

**LEG. SPENCER:**

Here.

**D.P.O. HORSLEY:**

Here.

**P.O. LINDSAY:**

Here.

**MR. LAUBE:**

Seventeen. (Not Present at Roll Call: Legislator Kennedy)

**P.O. LINDSAY:**

Okay. Would everybody rise for a salute to the flag, led by Legislator D'Amaro.

*(\*Salutation\*)*

If everyone could remain standing for our invocation by our visiting Clergy, and Legislator D'Amaro will introduce our visiting Clergy.

**LEG. D'AMARO:**

Good morning, Ladies and Gentlemen. This morning it's my honor and pleasure to introduce to you the Reverend Justin C. Lathrop. He's the Senior Pastor of Ascension Lutheran Church in Deer Park. Pastor Lathrop was born and raised in Marlton, New Jersey. He has been an active -- he's been active in the Lutheran Church since childhood, and he felt the call toward the ordained ministry during his high school years. In 1997, the Pastor graduated with a BA in Religion and Philosophy from Roanoke College in Virginia. In 2000, Pastor Lathrop graduated with a Master's of Divinity from the Lutheran Theological Center in Philadelphia. He then traveled to Slovakia as an international intern to serve as a Professor of Early Church History and as a Lutheran High School Chaplain. Upon his return to the U.S., Pastor Lathrop completed another internship at Ascension Lutheran back in Deer Park, beginning a relationship that would hold throughout the years.

After being ordained and serving as a Lutheran Pastor in both Maryland and Virginia, the Pastor's ties with the Deer Park community came full circle in July of 2010, when he became the Senior Pastor of the Deer Park Ascension Lutheran Church. This church has been a bedrock of the Deer Park community since 1954, and is one of the largest Lutheran churches in New York.

So, Ladies and Gentlemen, I present to you Pastor Justin C. Lathrop.

*(\*Applause\*)*

**PASTOR LATHROP:**

Thank you very much, and thank you for having me. Let us pray.

Good and gracious God of the nations, we give you thanks this day and for the opportunity to serve your people. We pray that you may be present here today in the hearts and minds of all those who lead and serve us. Give them wisdom and understanding, counsel and strength to meet the

challenges ahead. Fill them with your spirit of patience and resolve, courage and conviction as they go about their work. Remind them of your compassion and care that you bear for all people, and enable them to lead according to your love. In your name we pray. Amen.

*(\*Amen Said in Unison\*)*

**P.O. LINDSAY:**

Thank you, Reverend.

**PASTOR LATHROP:**

Thank you.

**P.O. LINDSAY:**

And if we could remain standing for a moment of silence, and remembering all of our men and women in the military who put themselves in harm's way every day to protect our country.

*(\*Moment of Silence\*)*

**D.P.O. HORSLEY:**

All righty. Again, good morning, everybody. And we have several proclamations to be given out this morning. The first one on our agenda is Legislator Muratore, who will present a proclamation to Mia Wojciehowski, seven years old, who saved her family from the devastating house fire in Farmingville on April 18th. Legislator?

**LEG. MURATORE:**

If I could have the Wojciehowski Family join me up here, along with Miss {Aubry}. Good morning, everyone, to my colleagues, and to everyone in the audience. It's a proud day again in the Fourth Legislative District, because it seems the Fourth L.D. is the home of our little heroes. If you remember a couple of months ago, we brought a young man here who saved his mom by calling 911. And now we have with us Mia Wojciehowski, seven years old, who, on April 18, at approximately two o'clock in the morning, was up very late that night, came running into her parents' bedroom and to alert them that the house was on fire. And because of all this effort on her part, not only did she save her entire family, but she saved the Jack Russell also. So she really, really did a lot. And when she was asked, you know, "What made you be awake that early?" And she said, "I just couldn't sleep." So I guess she had a sixth sense, she knew something -- her family was in danger.

I was at an event the other night. I spoke with some firefighters from the Farmingville area. And they are so proud because they teach our young people to be aware of fire and what to do when fire occurs in the home. And I was telling the coach, I was a victim in my youth of a house fire, and it is very tragic -- it could be very tragic. You know, it is life-changing. But, thanks to Mia, the whole Wojciehowski Family is going to live a long life. The coach is going to go on and make -- do a lot of good things in Sachem North -- not North. East, right, coach?

**MR. WOJCIEHOWSKI:**

Yes.

**LEG. MURATORE:**

Okay, good. What I also have -- you know, everything was lost in the fire, and one of Mia's prized possessions was her American Girl doll. So what we did in the office is, my staff and myself, we came up with a little present for Mia and for her sister, Gabrielle, and it is a gift certificate for an American Girl doll. So you can -- now you can start to -- you can start your collection all over again. Okay, Ladies?

*(\*Applause\*)*

This is for you.

**MR. WOJCIEHOWSKI:**

What do you say? What do you say?

**MISS WOJCIEHOWSKI:**

Thank you.

**LEG. MURATORE:**

Again, congratulations, and, you know, to another little hero in the Fourth District. Thanks so much, Coach. Thank you, Ma'am. Thank you so very much. Thank you.

*(\*Applause\*)*

You want to say anything, Coach. You want to say a few words.

**MR. WOJCIEHOWSKI:**

I'd just like to thank everybody that's helped us. I can't say enough about the community, the firefighters, the volunteers that have come out. We lost everything. We were in the middle of the street just with our underwear and our dog, and today we're in brand new clothes and we have a roof over our heads, and I thank God for all the blessings that we have. And thank you very much.

*(\*Applause\*)*

**D.P.O. HORSLEY:**

All righty. Congratulations, Mia. Very nice. The second proclamation we have today is from Legislator Browning, who will present a proclamation to honor the William Floyd High School Men's Basketball Team, the William Floyd Colonials, who won the Suffolk County Class A Championship, and posthumously honored their basketball coach, Robert Hodgson, who passed away on March 19th.

**LEG. BROWNING:**

Seventeenth. This young man in the black shirt, I was his bus driver when he was much littler.

*(\*Laughter\*)*

And I have to say, I'm very impressed to see him here. You haven't changed a bit.

Okay. Good morning. Do I have -- oh, the Coach is here. Where's Paul, Coach? Oh, Dr. Casciano, if you want to come up. And Coach Casey, where is he? Oh, there he is. Okay. Today we're here. The William Floyd High School Men's Varsity Basketball Team, they placed first in the League I standings, with a League record of thirteen wins and one loss, and an overall record of sixteen wins and two losses. They're the 2012 Suffolk County Class AA Large School Champions. Congratulations, guys.

*(\*Applause\*)*

And as the Deputy Presiding Officer had said, we had a delay in bringing the boys here because, unfortunately, Coach Hodgson, who has been a coach for many years in the William Floyd School District, passed away March 17th, just days after winning the County Championship. And just a little over a week ago, his wife passed away. So I have to say, this is bittersweet for the boys.

I can tell you, Coach Hodgson was a Health Teacher at the William Floyd School District, a coach of the Men's Varsity Basketball for 23 years. And during this time, he boasted a record of 265 wins, 190 losses, as well as three Suffolk County championships in '94, '97 and 2012. Coach Hodgson served as President of the New York State Basketball Coaches Association, and was most recently their Second Vice President. He was influential in organizing the Knights of Columbus Free Throw Fundraiser, and he was head of the William Floyd Chess Club, and ran a youth basketball program.

Coach Hodgson was loved by the William Floyd community for his compassion and the love that he displayed to all of the students. Not only did he coach the basketball team, but he also mentored many young men and helped them to prepare for college, teaching them to be responsible and respectful young men.

Coach Hodgson is survived by his children, Robert, Rex, Rose and Ryan. And Rob, his son, was supposed to be here today, but we have some good news, because yesterday his wife had a baby girl. So we want to say congratulations.

*(\*Applause\*)*

So I just want to say, also, I have a proclamation for the School District, and I have a proclamation, which will be awarded posthumously to Coach Hodgson. And also, I spoke with Judy Pascale, who is a resident -- was a resident of the Mastic Beach area and a William Floyd student. And she was planning to be here today and something came up, she was unable to be here. So she did send a proclamation declaring today Robert Dean Hodgson Day in Suffolk County. So congratulations to William Floyd, and God bless Coach.

*(\*Applause\*)*

And we have -- Mark Mensch is the Director of the Sports Program, and Paul Casciano, our School Superintendent, and Coach James Casey is here. Paul, Mark, do you guys want to say anything?

**MR. CASCIANO:**

I'll speak before Coach Mensch, because once he grabs the microphone, there's no letting go. I just want to say that we're really proud of these young men. It's been the classic bittersweet season. They excelled on the court, they excelled and grew as people, and then they saw their beloved coach pass way at the end of the season. So it's really been a trying -- I saw them go from boys to men, and we're extremely proud of them. We're going to honor them tonight at our Board of Education meeting. I want to thank Legislator Browning for everything that she has done to bring recognition to our school and to our basketball team.

**LEG. BROWNING:**

Thank you.

**MR. MENSCH:**

Again, just want to thank the County Legislature for taking the time to recognize not only the team, but Coach. And his staff, Jim Casey, was a very, very important person to this team and to these young men in the program, and he really held everything together for us. Coach, thank you very much for that over the past month. And it is -- Coach was a very, very special person. He'll live forever in our hearts and memories, as well as all the kids at William Floyd. They are residents of Floyd. Their kids all went to William Floyd. The boys, they became men. They're just a great group of kids in the classroom, in the hallways, great examples for our young kids in our community, not just at William Floyd, but across Long Island. So thank you very much for today.

*(\*Applause\*)*

**D.P.O. HORSLEY:**

Congratulations to the William Floyd Colonials.

*(\*Applause\*)*

All right. Moving along, our next proclamation is from Legislator Stern, who'll present a proclamation to Marc and Matthew Klinger for their "Paws 4 Air" project, which raises money to provide resuscitation masks to local fire departments.

**LEG. STERN:**

Thank you, Mr. Deputy Presiding Officer. And good morning, everyone. I guess it's fitting that we stay with the theme of outstanding young people in our community. I'm sure everybody would agree, you know, with all the challenges that we face -- with all the bad that we see on a 24-hour news cycle every single day, it's great to see in our community what is so good, and that, of course, is our young people doing great outstanding things. And two examples of that are Matthew and Marc Klinger, who saw a need in their community and started an organization called "Paws 4 Air," which, together with their brother Matthew, raises funds for resuscitation masks for our beloved pets in our community. They spoke with our first responders, saw that there was a need, and took it upon themselves to begin this organization and do some outstanding work. So I know that they're joined by their family today, but, please, join me in congratulating Marc and Matthew Klinger for their outstanding work for our pets, for our entire community, and we wish them every success in the future.

*(\*Applause\*)*

**D.P.O. HORSLEY:**

Congratulations, Marc and Matthew. It's my understanding, Legislator, that you also have a proclamation for Caitlin Kennedy, the New York State Championship winner of the American Legion National High School Oratorical Contest.

**LEG. STERN:**

Helping me present this proclamation to Caitlin are some of our outstanding leaders from the American Legion. Caitlin Kennedy and her family are with us this morning, and Caitlin is one of those truly special young people. She's here today to receive a proclamation from myself, from all of us, because she not only participated in the American Legion High School Oratorical Constitutional Speech Contest, but she joins us here today as the New York State Champion. So, please, give her and her family a tremendous amount of applause. What a great accomplishment.

*(\*Applause\*)*

The Constitutional Speech Contest, sponsored by the American Legion High School Oratorical, is really an important program, because not only does it develop leadership skills, public speaking skills, but it gives all of us a greater appreciation for the history behind our Constitution and the guiding principles that we all strive to live by today. So it is a great accomplishment, just not for her personally, but, really, we all benefit from this effort and from the efforts, continuing efforts in our entire community by the American Legion. So it's great to have you here with us today. But, Caitlin, on behalf of myself and my colleagues, it's a pleasure to present you with this Legislative proclamation, to say thank you for your hard work, for your dedication, for your passion and commitment, and, of course, we all wish you every success in the future. Congratulations.

**MS. KENNEDY:**

Thank you very much.

*(\*Applause\*)*

**D.P.O. HORSLEY:**

Legislator Stern, would Caitlin like to have the microphone? An oratorical -- by the way, I did some of the judging of the original, when this was first starting out, and these contestants were amazing, they were terrific. Caitlin?

**MS. KENNEDY:**

Thank you. Thank you very much. Well, for the American Legion, I normally give an eight to ten minute speech, but I'll keep this one a lot shorter.

I want to thank everyone for being recognized, it's a wonderful honor. I want to thank the American Legion for giving me this opportunity. It's really -- it's helped me learn more about myself, about my country, my government. I met some amazing kids. It's hard to find kids who really know what they're talking about when it comes to current events and can support a position, and I've met quite a few kids that can and it was very encouraging. Even if I didn't exactly agree with what they were supporting, at least they could support something. So it was very encouraging. It was a wonderful experience. And I want to thank everyone who's helped give me this opportunity, who's helped bring about this great honor of the proclamation for me very much. Thank you all.

*(\*Applause\*)*

**D.P.O. HORSLEY:**

Legislator Stern, maybe what you could do is recruit her now, okay?

*(\*Laughter\*)*

Congratulations. All righty. The next proclamation will be given by Legislator Cilmi, who will give a proclamation to Probation Officer Donna Vigilante.

**LEG. CILMI:**

Well, thank you very much, Mr. Chair. It's an honor to be here again today to share a short story about one of our Probation Officers. And this will sort of underscore the danger that our Probation Officers put themselves in every day.

At the beginning of March of this year, Probation Officer Donna Vigilante, accompanied by Senior Probation Officer Michael Kordon, made a home visit to a probationer's house after learning that he had recently been arrested on a drug possession charge. Upon arrival, Officer Vigilante immediately detected a strong odor of marijuana in the house, and upon further examination of the probationer, noticed that the probationer himself looked to be high. And so, looking around the house a bit, Probation Officer Vigilante found some hypodermic needles, some marijuana, a jar of cocaine on the counter, a gravity knife, some digital scales, baggies, nine millimeter shells. And when officer Vigilante confronted the probationer about these findings, the probationer actually admitted to having more materials in the house, including another knife, a large cardboard box filled with bagged marijuana, some steroids, some Xanax, let's see, some ammunition, and a loaded defaced 45 caliber handgun.

So, I mean, these are the circumstances that our Probation Officers put themselves in every day and it's their jobs to do it. They do it to protect us. So Probation Officer Vigilante contacted the Police Department, who immediately responded and charged the probationer again with three drug-related felonies and five misdemeanor charges. So I wanted to say thank you on behalf of not only my colleagues on the Legislature, Donna, but everybody in Suffolk County for helping keeping us safe.

**MS. VIGILANTE:**

Thank you.

**LEG. CILMI:**

All right. God bless you.

**MS. VIGILANTE:**

Thank you.

*(\*Applause\*)*

**D.P.O. HORSLEY:**

Okay. Moving along. Legislator Anker will present a Certificate of Notable Recognition to Ira Siegel of Middle Island. He is currently the President of the Birchwood Civic Association.

**LEG. ANKER:**

I have a certificate here this morning for Ira Siegel. He is an amazing person, as always when I recognize these folks up here. I've known Ira maybe for, what, five, six years, something like that, and you are, again, constantly, doing, going, being in your community. You know, again, if we had more people like yourselves, our communities, our world would be a better place, and that's why you're here this morning. You have been actively involved in, again, working with Birchwood at Spring Lake in Middle Island. It's a very large community, and, you know, trying to create a better environment. You have, you know, some challenges, actually personal challenges.

And I just want to touch on -- I believe, and maybe I can have you speak a few minutes about it.

You actually decided to participate in government, and you had some personal challenges, but you persevered, you got through that. And I think, again, it's a wonderful inspiration to hear, you know, what you've done. And I think, currently, you're working with the disabled kids, and that's what you've been doing for a number of years, probably decades in your life is working for the disabled and special education, special needs children. So, again, Ira would you like to say a few words?

**MR. SIEGEL:**

You know, it's nice to be recognized for stuff that you take as second nature. I think I've always been a provider as far as the special needs. I once ran for office, and due to the fact that I got cancer at the time, I stopped. One of the things I learned about having cancer is you take every day as it comes, and you don't worry about what was, but which way you have to go. And I think I've done that in the community also and it's something I like to do. I believe that being part of a community is taking part in the civic itself. There are enough problems within an area that unless some people get involved, nothing ever gets done, and that's been my goal. So thank you.

**LEG. ANKER:**

Thank you.

*(\*Applause\*)*

**D.P.O. HORSLEY:**

All righty. And, at this time, we'll ask -- Legislator Gregory and Legislator Kennedy would like to present Amanda Borowski, a 12-year-old student at Hauppauge Middle School, with a proclamation. Amanda heard about an elementary school in need of books and she started "Amanda's Book Rescue." She has collected more than 3600 books to donate to the Martin Luther King Elementary School in Wyandanch.

**LEG. GREGORY:**

Now that you stole my thunder.

*(\*Laughter\*)*

**D.P.O. HORSLEY:**

I'm just reading.

**LEG. GREGORY:**

Good morning. I present to you today -- Legislator Kennedy and myself present Amanda Borowski and her parents. Today is something that I am very proud to be a part of. Amanda, a seventh grader, is what I would like to say a true reflection of the American spirit. She saw that there was a need and she sought a way to fulfill that need.

There are many children throughout Suffolk County that face illiteracy because of -- they're homeless, or financial conditions, or other situations. And Amanda, with the encouragement of her parents, took it upon herself to establish "Amanda's Book Rescue," because she felt that no child in Suffolk County should go without having the ability to read. And, originally, thinking that she would collect between 500 and 1,000 books, she was able to collect over 3,600 books, of which she donated to a district, Wyandanch School District, in my Legislative District. And that's why I'm here today to, one, recognize her, and two, with my colleague, John Kennedy, who is -- Amanda is a constituent of his district, to present her jointly this proclamation for her efforts. Mr. Kennedy, do you have anything?

**LEG. KENNEDY:**

I do. And the effort that you see with Amanda today should come as no surprise. The Borowskis are involved in just about every aspect of the Hauppauge community that you could imagine. Paul is a committed volunteer with the Hauppauge School District, as is Kathy. They support the Smithtown Performing Arts Theater through Amanda's work there. And most importantly, Amanda's grandfather is a World War II veteran, and, as a matter of fact, was a member of the Civilian Conservation Corps. So Amanda has in her blood the commitment to others and the desire to give back to the community. And it should be no surprise that the thirty-six hundred books were just the first installment. And what you see behind you are several hundred more books that Amanda has gone ahead to gather.

This is not just a one-time shot, Legislator Gregory. She's in for the long haul, and when the Borowskis get committed, they get committed. So we're all here today to say to you thank you, Amanda, for your commitment. Kathy and Paul, thank you for having such a wonderful daughter who demonstrates the commitment, and thank you to rising forward and demonstrating again the boundless resources of Suffolk County residents coming forward to meet a need. Thank you on the behalf of us all.

*(\*Applause\*)*

**MRS. BOROWSKI:**

I just wanted to say that Amanda couldn't have done this without a lot of support from the community. It was really nice to see how many other children became involved, whether it was to earn a Boy Scout badge, or credit for community service in their religion classes. But the other children not only gave of their own books, and Amanda started the donation with 200 books of her own, but just to see them all become involved and help out, just for something because they all love to read so much. So I want to thank the community at large as well. Thank you.

*(\*Applause\*)*

**MR. BOROWSKI:**

And I also wanted to help dealing with the Legislature. Angie Carpenter's Office, Suffolk County Treasurer's Office, actually a really integral part of this as well. That was the second set of 500 books that their office collected, as well as Troop 343, and many other people in the community. So I'm really happy that all generations, everybody's pitching in. So thanks again.

**D.P.O. HORSLEY:**

Congratulations to Amanda and all. Okay. Right after the public portion, which we will bring up next, there will be a presentation considering Resolution 1238-2004 that requires the Commissioners of the Department of Economic Development and Planning to make a presentation to the Legislature twice a year on the effectiveness of the efforts of the Long Island Visitors and Convention Bureau. So we look forward to that after the public portion. All right. With that, we'll start the public portion.

We have -- you'll be given three minutes to discuss the issues at hand, and our first -- our first speaker is Gina Ciccone, Department of Health Services, concerning Department of Health Services. Gina, welcome.

**MS. CICCONE:**

Thank you. Good morning, Members of the Legislature. My name is Gina Ciccone. I am a Psychiatric Social Worker with the Department of Health Services, Division of Community Mental Hygiene. I have worked for the County for the -- almost four years, and placed in the Suffolk County Drug Treatment Corps Program at the Cohalan Court Complex. I am passionate about my job. I love my job, I need my job. I'm here to just inform you a little bit about what my daily activities entail.

I work for the Criminal Drug Court, as well as the Family Treatment Court. We identify individuals in the community that have issues with addiction. In the Criminal Drug Court they've been arrested. Their charges are drug related. In the Family Treatment Court, these individuals have been identified by CPS, and their charges of child abuse and neglect are related to their substance abuse activities. We provide assessment, evaluation, we provide written reports to the courts to make not only treatment recommendations, but we are in the courts -- I work primarily in the Criminal Drug Court. I am there as a consultant. I am there as a team member when individuals are identified as appropriate participants for the program, which I am a part of making that decision. We monitor them in a 12-month to 18-month program. Many of these individuals, if they had not been given treatment opportunities in our court, would be on the streets, committing crimes, overdosing, and/or crowding our already overcrowded jails.

I go out to the jail, I work in the court. Every day we see desperate families coming to the court, pleading for help, to help their, many times, very young family members overcome their heroin addiction. The average client that we tend to see in Drug Court is anywhere from 18 to 27 years old. I don't know how many of you are aware of what it costs to keep a person incarcerated in our County; \$250 a day, \$91,000 a year. If we even save 10 to 15 people a month from being incarcerated, provide them with treatment options, and monitor them on an ongoing basis, they can become productive members of society, their family can welcome them back into their family homes and feel proud and safe that they are on the right track again.

I feel that the decision to abolish my position, along with four other Psychiatric Social Workers in my division, was made by individuals who have no idea what Psychiatric Social Workers in Suffolk County do on a daily basis. We are in the business of public safety. We try to improve the quality of Suffolk County residents. One example would be the Medford Pharmacy massacre.

**D.P.O. HORSLEY:**

Gina, would you, please, wrap it up? I'm sorry.

**MS. CICCONE:**

Okay. I just want to say that without treatment options, without the court, without what I do on a daily basis, the safety of Suffolk County residents will be compromised. I want to say that, personally, this decision --

**D.P.O. HORSLEY:**

Gina, please.

**MS. CICCONE:**

-- will negatively impact my life. My husband was diagnosed with cancer back in January. If we lose our benefits, I don't know what we'll do. I may be forced to be the primary breadwinner in my family, and at this point, I am faced with the reality of losing my job in July.

So I thank you for the opportunity. I am trembling because I'm very emotional. And I wake up every day in a state of panic and I go to sleep every day in a state of panic, as I'm sure my fellow 314 coworkers with the County do as well. Thank you.

**D.P.O. HORSLEY:**

Thank you very much.

*(\*Applause\*)*

All right. The next up is Scott Stocker, and on deck is Brian Celano.

**MR. STOCKER:**

Hello. My name is Scott Stocker and I work for the Parks Department as an auditor. My position is included among those to be abolished on June 30th. My position was never in the Parks Department budget prior to 2005. It was created in response to a scathing Comptroller's audit released in 2004 indicating a complete lack of fiscal controls and oversight for over 10 million dollars in revenues generated by the Parks Department. Legislator Schneiderman, you were the Chair of the Parks Committee back then, correct?

**LEG. SCHNEIDERMAN:**

(Nodded in the Affirmative).

**MR. STOCKER:**

Did that audit report come with an expiration date like they have on milk cartons, like disregard after five years?

**LEG. SCHNEIDERMAN:**

I'll take that as a rhetorical question.

**MR. STOCKER:**

I don't think so either. Legislator Nowick, you are the current Chair of the Parks Committee. Has anyone informed you Parks will no longer be in compliance of that Comptroller's audit? Or perhaps you are going to find out that Parks no longer has fiscal oversight when you read about the next embezzlement of fraud in Newsday.

The abolishment of my job is indicative of the sloppiness in creating this layoff list, and, it appears, perhaps disregard for the Legislature by not informing them of the possible ramifications of eliminating these jobs. Were any of you made aware of the positions slated for abolishment,

some fully funded or partially funded by other sources, or my position was created to address fiscal oversight issues that still remain today?

There was another committee meeting here Thursday, I was here, and Legislator Romaine compared the Labor Department rep to a character in a George Clooney movie, "Up in the Air," where Clooney is the corporate ax man, letting everyone know they no longer have a job. Our present situation today reminds me of a different movie, perhaps one too old for Legislator Romaine to remember, it's an old black and white.

**LEG. ROMAINE:**

I'm old.

**D.P.O. HORSLEY:**

There's nothing older than Ed.

**MR. STOCKER:**

This one's -- this one's starring Jimmy Stewart, and they don't make any actors like Jimmy Stewart anymore. They don't make many Americans like Jimmy Stewart anymore. The movie, "Mr. Smith Goes to Washington."

**LEG. ROMAINE:**

1936.

**MR. STOCKER:**

Now there's a classic American values movie that everyone can applaud. Also on Thursday, there was an interesting byplay between Legislator Browning and Legislator Kennedy, this one was regarding tax increases. Legislator Browning claimed it was easy for the Minority Party to vote for tax increases. I thought about that since then and I agree, she's 100% correct. It is easy for the minority party, in this case the Republicans, to vote for tax increases. But one important point not brought up in that exchange, it is also the right thing to do. Legislative votes should not be judged by whether they are hard or easy, but whether they are right or wrong.

**D.P.O. HORSLEY:**

Mr. Stocker, please wrap it up.

**MR. STOCKER:**

It is absolutely wrong to punish 315 employees for the budgeting mistakes of the past eight years. So I look at you now and wonder, is there a Jimmy Stewart among you, a Mr. Smith representing American values who will stand up against partisan politics and vote for the people that elected you, your constituents sitting behind me? You were elected by those people. You were not appointed by a County Executive determined to send a message of layoffs, despite the damage it will do to personal lives.

**D.P.O. HORSLEY:**

Mr. Stocker, you're going to have to wrap it up, please.

**MR. STOCKER:**

A couple of more sentences. I ask you, those in the Majority Party, please make the tough, but make it the right choice, the moral choice. We need more Mr. Smiths in Suffolk County government and less outsource specialists. Thank you for your time.

*(\*Applause\*)*

**D.P.O. HORSLEY:**

Thank you very much. Brian Celano, and on deck is Cynthia Banker.

**MR. CELANO:**

Good morning to the Legislative Committee. My name is Brian Celano. I will have 30 years with the County on August 15th, and I've been doing security for DSS for over 28 years. During the time I've been doing my job, I've stopped many situations from violently escalating. My partners and I have prevented numerous fights between clients from escalating and getting potentially ugly. I physically prevented individuals from seriously injuring employees in DSS. My partners and I prevented a knife fight, witnessed people throw a brick, thrown through a lobby window, and a rock thrown through a reception window in DSS.

The point I am conveying is that the DSS guards have the experience to deal with the most difficult of clients, the people out of prison, the mentally ill, and the incorrigible. If you hire people that don't have this experience, you'll create a disaster.

You say you are saving money by relieving us of our duty, but the financial cost of hiring inexperienced individuals to do our job will result in lawsuits and injuries and will have far more of a devastating effect financially and mentally.

My colleagues and I would humbly appreciate that the Legislature rethink their decision and keep the DSS guards where they belong. Our force, with our many years of experience, will keep DSS a safe working environment. You will be pleased with this decision.

In closing, I and my colleagues would like to invite you to see what we're all about and spend a week in either the Southwest Center in Deer Park or the Coram Center in Coram to see the many tasks we perform and how we keep order and peace in these volatile lobbies. If you do this, I am sure you will be a believer and change your policy on this fateful decision. Thank you, and good morning, everyone. Thank you for letting me speak.

*(\*Applause\*)*

**D.P.O. HORSLEY:**

Thank you, Mr. Celano. Cynthia Banker, and on deck is Sue Greer.

**MS. GREER:**

Good morning. I'd like to take the opportunity to speak today. My name is Sue Greer. Ms. Banker did not come prepared so she's not going to speak.

I've been with the County for 22 years. I am one of the positions that's been abolished, the Senior Neighborhood Aide position that's in the Suffolk County Parks Department. That position is fully funded through the Quarter Cent Fund, and with its abolishment, it does not save any money in the General Fund whatsoever, and, in fact, costs the Parks Department, the taxpayers and the County my salary, which they will not recover once my position is abolished.

I do have a question, and it is -- I was just wondering, was a savings analysis, line-by-line savings analysis done to determine the actual savings by abolishing the titles that were -- the 315 titles? Is anyone aware of that having been done?

**D.P.O. HORSLEY:**

Sue, we're not allowed to -- this is for you to talk to us and we're not allowed to respond to questions.

**MS. GREER:**

Okay. I appreciate that, I do. But that is something that I would like to see down the road prior to us losing our jobs, and that there be some savings analysis done that clearly points out what the County gains by the loss of these positions and the abolishment of these positions. Thank you.

*(\*Applause\*)*

**D.P.O. HORSLEY:**

Thank you very much, Ms. Greer. All right. The next speaker is Frederic Ray, and on deck is Chris Cuddihy.

**MR. RAY:**

Good morning, Ladies and Gentlemen of the Suffolk County Legislature, and whoever else this may concern. Thank you for letting me speak today. My name is Frederic Ray, Department of Social Services Security Guard whose title is being abolished due to Suffolk's financial crisis. My family and I are lifelong residents of Suffolk County. I have become well accustomed to my job surroundings, and I'm close to family -- just like family to most of all the workers that I work with at DSS. I protect and serve them every day. I enjoy my job and the satisfaction I get from helping those in need, and I'm proud to wear my uniform and do what I do every day. Even though I've been slapped, punched, kicked and spat on, I still enjoy my job.

I've recently also taken a senior security guard test and passed that, and currently on the list for that position in civil service for a promotion, and now that title is due to be abolished as well.

I want to share with you today that prior to my civil service position, I was out of work for almost two years before I took many civil service tests and passed them all to get into a fiscally secure, or so I thought secure, job with pension, benefits for the rest of my career and life, financially provide for my family, which includes five grandchildren I take care of, and not worry about layoffs again or downsizing problems. Now here I am once again, along with my colleagues, undeservedly getting laid off. Do you or anyone here understand what this is not only going to do to a local economy, but all the families involved in these layoffs, and to Suffolk County, Long Island as a whole? We did not cause the financial crisis, as your constituents, so why are we being made to pay for this? We will be losing our homes and most likely have to leave the Island for good, as we will not be able to afford to live here. So we are all struggling with the salaries we make right now being employed.

I, on the other hand, am here today to plead with you all to reconsider what you have done, and adopt new legislation to repeal a portion of the bill, I.R. 1471-12, and restore jobs to each and every one of us on the layoff list. This is not the answer to Suffolk's financial problems. In fact, it will make things worse. My family and I are determined to stay here on Long Island. We are going to fight to keep our jobs. We will not give up or give in to losing our jobs, our homes, our pensions and our medical benefits, being privatized by the introduction of the last portion of that bill. We will all fight to the end of this matter, as we have a union contract in place. Therefore, I'm going to ask you all today to, please, reconsider and take the first step and repeal the portion of the bill, I.R. 1471-12, that abolishes our positions, and create new legislation to restore our jobs. I implore you to restore all layoff positions, and not only save us and our families, but to save the local economy as well. Thank you.

*(\*Applause\*)*

**D.P.O. HORSLEY:**

Thank you very much, Mr. Ray. Chris Cuddihy, and on deck is Louis Re.

**MR. CUDDIHY:**

Good morning. My name is Chris Cuddihy. I work for the Information Technology Services. I'm not on the current layoff list, but I really felt the need to come --

**MR. LAUBE:**

You're not on the mic.

**MR. CUDDIHY:**

I got to hold it?

**MR. LAUBE:**

Yep.

**MR. CUDDIHY:**

I thought I was loud enough.

*(\*Laughter\*)*

My kids tell me I am. County workers are also taxpayers. Unlike a number of the new Executive hires, we live here, we work here. We pay the high property taxes. I want the best schools, I want the best law enforcement, I want open space and clean water. I love the pristine beaches and the clean, safe roads. This gives me an amazing place to live. And, yes, it all comes at a price and it's all supplied to you by County workers.

As County workers, many of us took low pay while our friends and neighbors took jobs for double and triple the wages. An entry level landscaper earns about twice what a clerk with five years experience in the County will earn. Taking those wages as low as 30% on the market value was the trade-off for small pensions and health benefits. We know that you, as a body, and Newsday rail on us for our health care. Remember, we already pay for it; lower wages for benefits and retirement.

Layoffs and outsourcing are counterproductive and have led to failure for more than one county; they hurt us all. Our benefit package is different than other county unions. We don't get large overtime and sick time payouts. For the most part, payouts are much smaller than the retirement a -- and the retirement age is older. For the most part, the firings hit the lower level workers, the ones who took the slow and cautious road to retirement.

For the past eight years this Legislative body has been at the helm and has voted every budget, every bill and every raise. For years nothing has been done and we've been heading down a spiral and nothing has been done. With a slight course correction, a small deviation in direction, making the honest, courageous choices for this County for its residents and its workforce, we need not lose one job. Not one person should be on the unemployment line, not one family losing their home because of a bad judgment call and a failed plan of attack. Your short-term fix has sacrificed County workers, the same workers that saved the County over 200 million in health care costs over the past five to ten years, 200 million. The lower paid workers you sacrifice make no long-term difference to the cost of running the County. How many commissioners do we need, how many deputy commissioners, how many political appointees, how many patronage positions? This is a crazy path to travel. None of the workers being fired, not being laid off, but being fired need to go. Be courageous and innovative. Bring your house in order. Don't allow new positions to be filled at top step. I ask you to tell the people of Suffolk County the truth. Layoffs and outsourcing don't hurt, they hit us all. Add a quarter percent to the sales tax for two years and two percent to the General Fund every year. It should have been done.

**D.P.O. HORSLEY:**

Mr. Cuddihy, could you please wrap it up?

**MR. CUDDIHY:**

I'll wrap it up.

**D.P.O. HORSLEY:**

Thank you.

**MR. CUDDIHY:**

If you don't do this now, the County worker, who has a family member with a long-term illness to cope with that you fired and stole their health care, what are they going to do? Will you go to the home of a single mom who has earned \$32,000 a year and is now upside down on her mortgage and say, "Hey, pack your bags, you're going to a shelter"? I ask you to, please, do the right thing and turn this around. Work with our union leader. Actually open your doors. We got a picture of our guys knocking on the door and nobody's home.

**D.P.O. HORSLEY:**

Okay, Mr. Cuddihy. Thank you.

*(\*Applause\*)*

All right. Next up is Louis Re, and James Sodergren on deck. I may be saying that wrong. I have trouble reading the writing.

**MR. RE:**

Yes, that's Jim Sodergren that is behind me next. My name is Louis Re, 19 years, eight months, Department of Social Services, Security, Senior Security Guard.

About a year-and-a-half ago I was stationed in CPS, Child Protective Services. We were expecting a client to come in that was on severe anti-psychotic medication. We were watching outside because we know this person, we know what time she was due in. We have the experience to see just by the look on her face if she was taking her medication and what mental state she was in. This particular day we really couldn't tell. She came in, she was placed in one of the CPS visitation rooms. The CSW worker brought her infant in, handed the infant to this mother, and the mother cradling the infant. This woman was about -- was about six-three, about 300 pounds, and she was enjoying spending her hour with her child. Within five minutes of the visitation, her ex-husband walked in the room, who was part of the visitation. She immediately sprung up, saying that he was Satan. She believed that he was the devil. She attacked him with the infant in her left arm and hit him with three severe blows to the face. Luckily, one of my partners, Chris O'Halloran, was standing directly behind her, slid the baby out of her left arm. My partner, Brian Celano, who's here today, spoke, we both restrained her, pulled her away from her ex-husband, rolled her on the ground, used the handcuffs that we are provided by the County, and handcuffed her, laid her on her side for her own protection. Chris O'Halloran came back in the room, got the ex-husband out of the room, and started tending to the cuts on his face.

If we were not there, if we were not there with the experience we have, this infant could have been severely hurt or worse. We reacted because of a combined 60 years of experience on the job. We have been trained by the Sheriff's Department and by the Suffolk County Police Department.

From what I understand, we are 62 to 63% federally funded. We are a gift to Suffolk County, and that gift is a huge security blanket of experience. We are there to protect our workers. We are there to protect clients in crisis. Please, please, reconsider your vote. Thank you very much.

*(\*Applause\*)*

**D.P.O. HORSLEY:**

Thank you very much, Mr. Re. Jim Sodergren, and on deck is Kevin Maloney.

**MR. SODERGREN:**

Good morning, Ladies and Gentlemen of the Legislature. I thank you for giving me this time to speak. My name is James Sodergren. I'm just about a 24-year member of the Suffolk County Department of Social Services Security Department. I'm also a volunteer fireman in Central Islip. I've been doing that for 37 -- 36 years. I'm also an elected official of the fire district, I'm a Fire Commissioner there. I do that with four other guys.

When the Chief comes to us as a Fire Commissioner and reports a safety problem, something wrong with a truck, a ladder truck, whatever it be, we have to take action and solve the problem. We'll have to get it fixed, do whatever. We can't just say, "All right. We'll look at it," because down the road, something happens to the fire truck the pump fails when there's firemen inside, someone gets hurt.

With the Social Services Security Unit, I know numerous people have filed petitions and otherwise, stuff like that, for their safety. They're saying they're not going to be safe when we all lose our jobs. I would like you to look into it and reconsider your vote of abolishing the Security Unit.

One of the guys here, I witnessed, he was in the Southwest Center, and they came upon an individual in the bathroom unconscious who was a known drug addict. They pulled him out of the bathroom. The one guard, Chris Forman, who is here today, I believe, did CPR on the gentleman while the other two security guards went and one got called for the ambulance and the other guy got the AED. This guy that was a drug abuser who was overdosing on heroin was loved by somebody. Chris Forman brought the guy back to life and the guy's alive today. By his quick thinking and action, this guy's still alive.

We just -- you know, it's all a safety issue. There's people that come into the building with children, there's drug addicts that come in, there's emotionally disturbed people. We just ask you to reconsider your vote and look at different ways to save the money, because there's got to be a different way. Thank you very much for your time.

*(\*Applause\*)*

**D.P.O. HORSLEY:**

Thank you, Mr. Sodergren. Kevin Maloney, and on deck is Mary Finnin.

**MR. MALONEY:**

Good morning, Ladies and Gentlemen. Do I have to press?

**MS. LOMORIELLO:**

Yes, you have to press the button on top of the --

**MR. LAUBE:**

Right here, just hold it down.

**MR. MALONEY:**

I've never done this before. Again, good morning. First of all, I'd like to introduce myself. My name is Kevin Maloney, and for the last 11 years I've been a security professional, and I want that clearly understood. There's a difference between a security company, contract security, because I have 25

years experience in that, and I could tell you what you're going to get for it. Okay? Excuse me. I've also been a security instructor, and if you want to test whether what I'm saying is right or not, ask one of the people who's going to work as a guard to write a report. And just think of how much money you're going to have to be shelling out for lawsuits, because people don't -- in that capacity don't know how to write reports. All right?

I'd like to say one thing. I've worked with these gentlemen for 11 years and have the finest group of people I've ever worked with in security. You're not going to find better. All right? You were -- I have to think this is just a lack of education, because I can't believe that anybody would consider making this move just for the public safety.

The workers that I'm leaving behind are more like family to me. All right? I could tell you more things about what I do. We look at people, we see EDP, violent EDP, and just someone who's frustrated, and you have to know the difference. These contract security guards are not going to know the difference, I could guarantee you that, from teaching that class. These workers I leave behind I'm more concerned about than I am about me right now, because these workers are in dire safety trouble. They are not going to get the same protection for \$8 an hour, because that's all the guard's going to get. Okay?

Excuse me a minute. And as a little sidebar, I'd like someone to tell a 55-year-old man with three kids in college where he's going to go get a job. I'd like you to tell me that. I could say more, but these gentlemen has said just about it. I could also tell you, I was a security supervisor for contract security. When I've gone -- when I found the guard there, when I found him on post, he was either drunk, she was either drunk or high on drugs. One guy told me, "I feel safe, I got an AK 47 in the back of my car." I nearly died. That's illegal, even an armed guard, to have a weapon on site. They're not allowed to bring it, even if they're licensed to. This is a very, very big mistake. And I have to just think it's a lack of education in the security field that has caused this thing to happen. Thank you very much for your time.

*(\*Applause\*)*

**D.P.O. HORSLEY:**

Thank you very much, Mr. Maloney. Mary Finnin, and on deck is John Fusco.

**MS. FINNIN:**

Good morning. My name is Mary Finnin. I'm a retired public health nurse. This is National Nurses Week, and we, as nurses, are opposed to the inequality in health care and the Draconian cuts that have been made in the Suffolk County proposed budget. Those cuts have the greatest impact on women, children and minorities.

We know from our everyday working lives that health and illness follows social status, lowers socioeconomic positions, worse health care and greater illness. Our colleagues face many of the same pressures, understaffing, benefit reductions, tougher working conditions, and having to stretch our paychecks from week to week. Layoff of public health nurses, elimination of core services, infection control, STD, drug treatment and WIC programs that provide some food assistance to women and children will only put more people in need of public services and it will not be available.

Why is health care not a priority in this budget? When our patients need resources and the communities need nurses, when working people need better education, job security, retirement, we're told there's not enough money. Well, the money is out there, it's just in the wrong hands. We need the political will to develop and fund a population-based health policy.

*(\*Applause\*)*

We have an emergency today. The County needs to put up a proposition, an added tax to cover health care and other core services. It is done in the Sewer District, the Pine Barrens, etcetera. It's time to earmark tax dollars for health care and protect the residents of Suffolk County. Use tax dollars on a more consistent basis. Provide core health services, address the homeless, build the community health centers, and allow nurses to practice independently within these communities and break down the power structures that marginalize our residents.

We were here on Thursday when many nurses gave testimony on the elimination of the Bureau of Public Health Nurse, which provides care for drug-addicted pregnant women, high risk babies, and others. And also the WIC Program, 100% funded positions are being eliminated; our drug clinics. I worked in drug clinics here in the County and, you know, you're going to get rid of security? I've been in a drug clinic when there was a problem and there was no security. It's a big issue. And these services are not what caused the deficit. You have to look. The smallest part of my community -- my home tax is not the amount that goes in the General Fund. And I think you have to look at that and say, "Let's fund those services." It's a very small amount. Five dollars I think on every taxpayer in the County would fund all of these services. We're just putting more people out of work and increasing the burden that is going to be needed for services in the County. Thank you.

**D.P.O. HORSLEY:**

Mary, thank you.

*(\*Applause\*)*

John Fusco, and Thomas Buttarro on deck.

**MS. FUSCO:**

My name is Joan Fusco. I'm a --

**D.P.O. HORSLEY:**

Oh, it's Joan. I'm sorry. Your writing, I didn't --

**MS. FUSCO:**

I am right. I'm a public health nurse in a clinic of Brentwood, and my travel club recently entertained people from Belgium. And the Belgian nurse that was in the group said, "What do you mean, you're cutting home care nursing? That's a requisite of a civilized country." And I said, "Well, this is what we're doing in the name of money." And he couldn't believe it. He said, "That's horrible." And he volunteers in the Congo, and he's setting up home nursing in the Congo as a model from Belgium. Pretty pathetic.

Who am I going to call from the clinic when I need diabetic educated? Who am I going to call with my salmonella cases to educate the family, to collect the stool specimens, wash their hands and not spread it to the rest of the community? And who am I going to call with -- as Mary brought up, child abuse, or a drug-addicted mom that's pregnant? You know, I don't know what is really going on here.

I also play Florence Nightingale, and I have a shirt that says, "What Would Flo Do?" I really don't know what Flo would do. All I can do is advocate for my sisters in public health. And I would like to keep their services there, because I can't go out and make home visits from the clinic, so I don't know what I'm going to do. So I know you can't answer questions, but it's going to be a disaster.

And Hempstead doesn't have public health nursing. A lot of people said, "Oh, Nassau is functioning." Well, look at the statistics in Hempstead since they don't have public health nursing. The child abuse, child death, spouse abuse, all that are -- public health nurses are the beat cops of

health. They're out there with eyeballs in the home and they can report things. I had my life threatened seven times as a public health nurse for reporting child abuse and various situations I found in the home. So do consider that. Thank you.

*(\*Applause\*)*

**D.P.O. HORSLEY:**

Thank you very much, Joan. Thomas Buttaro, and on deck is Barbara Reuschle.

**MR. BUTTARO:**

Good morning. My name is Thomas Buttaro and I'm here to speak to you on I.R. 1362.

**D.P.O. HORSLEY:**

You have to push the button, Mr. Buttaro.

**MR. BUTTARO:**

How's that?

**MR. NOLAN:**

Move closer to the mic.

**MR. BUTTARO:**

Good morning. My name is Thomas Buttaro. I'm here to speak to you on I.R. 1362, a Local Law to expand the County's traffic control monitoring system. I just past out a handout. The title to the handout is an article about driver seeks a better red light camera program. I brought this to your attention before. I've shown you facts and figures from State Department of Motor Vehicle, who tests and trains the public, on the numbers they use for stopping and DOT's numbers. This program has more questions right now than answers. I've been asking the questions, have not gotten the answers. What are the guidelines? What are the protocols? Is there any out there? What is the oversight? Is there a public information campaign that goes into this? This is a safety initiative, there should be a safety campaign.

How can a program be safe if the driving public is not held to a specific standard, but to variables which aren't known to them? Why has Suffolk County continuously refused to sit down and speak to AAA, American Automobile Association, on their red light camera program? AAA is the foremost, most credible and respected car club in America. I'm not positive, but I'm pretty sure most of the Legislature, if not all, are members. Before this resolution is put to a vote, please consider these questions, find answers to these, and set some guidelines, protocols that are known to the public.

I would like to thank Legislator Browning and the Public Safety Committee for opening up the May 31st Public Safety Meeting for presentations by Suffolk County DPW and the contractor responsible for the Red Light Camera Program. I'm asking Legislator Browning and her committee, can she, please, consider inviting New York State DOT, who handles the timing at these lights, and New York State DMV, who educates the public about stopping times and teaching them how to drive and license them?

No program is perfect. All programs should continuously be tweaked and improved upon. Please, fix the program and make it transparent. What is the title for the next article going to be? How about *Suffolk County Legislature Seeks a Better Red Light Program*? Thank you. Thank you for your time. Thank you for your service.

*(\*Applause\*)*

**D.P.O. HORSLEY:**

Thank you very much, Mr. Buttaro.

**MR. BUTTARO:**

I also have a handout here from a Mr. Bob Ober, he's a Professor at Stony Brook University, I believe spoken to a few of the Legislators here, to get some facts and figures, if you'd like to take a look at. Thank you again.

**D.P.O. HORSLEY:**

Thank you. Thank you very much. Barbara Reuschle, and Joanne Sassone on deck.

**MS. REUSCHLE:**

Good morning. My name is Barbara Reuschle. I'm currently a Senior Auditor in the Parks Department and included in the layoff list. I previously spoke before the Legislative Committee on Thursday.

**LEG. NOWICK:**

Barbara, can't hear you. Push that mic up.

**MS. REUSCHLO:**

Can you hear me now?

**LEG. NOWICK:**

Are you pressing the button?

**MS. REUSCHLE:**

Yes.

**MR. LAUBE:**

If the green light's on, you're good.

**MS. REUSCHLE:**

Okay. Back in 2004, as a result of the thefts by multiple individuals, the Comptroller's Office, the Commissioner of Parks and the Legislature determined to take action and add accounting and audit staff to the Parks Department. This was the right thing to do to protect the taxpayers' money.

As an investor in stocks, I look to the Board of Directors to protect the investment I have made. As a taxpayer, I look to the County administration and the Legislature to protect the monies collected through the various taxes and fees, collectively referred to as revenue. As a taxpayer or an investor, when a governmental department or a publicly traded company purges itself of the audit function, it should and does throw up a red flag. I think I made that pretty clear last Thursday.

Now I would like to say a little more about myself. I returned to college when the youngest of my four children started school. I graduated and started with the Suffolk County Comptroller's Office in 1997. There, with the excellent guidance of my supervisors, I learned how to do the job of auditor and qualified for my C.P.A. license. I wanted to advance myself, and when I learned of the new auditor and accountant positions created at the Parks Department, I was excited for this opportunity. As a Senior Auditor, I would be creating a brand new audit department, and working as part of a team with the current employees. In addition to improving controls and oversight to prevent theft, I was instrumental in the process to upgrade to a computerized point sale system and created a seasonal auditor program that completed over 300 onsite audits yearly.

Here are some of the words to describe the attributes required of an auditor in the Parks Department. Instructive, creative, proactive, analytical, problem solver, dedicated, principled and reliable. So what role did I play in the current economic crisis in Suffolk County? Well, only a positive one that I prevented theft perhaps in the hundreds of thousands of dollars. Now, after 15 years of diligent dedicated work and at the age of 60, I am being tossed out the door, along with 314 coworkers who, like me, did nothing to contribute to the current crisis.

The Parks Department has taken quite a hit with the combined layoffs and abolishment of vacant positions. We have lost 31 positions out of 198. That's a 16% cut in staff in one year. And this is a department that generates ten million of revenue each year, with critical oversight functions cut on numerous levels. Other County departments are facing layoffs of their crucial staff that provide critical services.

**D.P.O. HORSLEY:**

Ms. Reuschle, you have to start wrapping it up.

**MS. REUSCHLE:**

I'm almost done. Many of the department -- those departments also generate revenue. There are other options to save money. These options should have been explored before considering layoffs. My union, AME, was not given an opportunity to negotiate on our behalf, even though the dire situation in the County has been known since January. I am not confident the Legislature was given their opportunity either. Thank you for providing me with this opportunity to speak.

**D.P.O. HORSLEY:**

Thank you very much.

*(\*Applause\*)*

Joanne Sassone, and on deck is Joseph M. Callari.

**MS. SASSONE:**

Good morning. I'm Joanne Sassone from the Services for Children With Special Needs. I just want to talk to you a little bit about our program and how the cuts at our office are going to be affected.

At the Services for Children With Special Needs, we run a special education program under our license, and because we do, we get approximately 1.6 million dollars in flow-through money from services that agencies providing 44-10 services deliver. And my colleague will come up in a few minutes and explain that 44-10 program. One of the services we have to provide are SEIT services, because the agencies have to employ the SEITs, who require supervision, and many of them have dropped out because of it, so we employ our own SEIT. We also provide services to children, ages birth to three. We have early intervention grant for 1.1 million dollars a year. In order to keep this grant, all eligible individualized family service plans must be written within a 45-day time frame, and must be in place within 30 days for the percentage of children that we service. The children must meet eligibility criteria, and we overwrite the services to make sure they are appropriate and not excessive.

We special education coordinators, who are also EI/ODs, verify eligibility. We are highly trained at the Masters level and understand eligibility criteria for children needing one service, or who have automatic eligible conditions, such as hearing loss, cerebral palsy, Down Syndrome, prematurity and low birth weight, or any of the many other qualifying conditions. The list is very long.

As you know, autism spectrum disorders are on the rise. Many times we are the first to see the symptoms and recommend psychological evaluations to determine or rule out whether a child is on the spectrum. Most often, a child is diagnosed around the age two. And I remind you, the Early Intervention Program services children birth to three.

It takes time to read and interpret the evaluations. We get approximately 4,000 referrals a year. Fifty percent of the children are ineligible. Each EI/OD oversees 100 cases or more, and writes over one million dollars in services a year. We need the EI/ODs to be the gatekeepers to make sure only eligible children receive the appropriate services, and to make sure the service providers are not asking for more services the children need because of their profit motive.

The loss of the revenue staff will make it difficult to recoup the eight-and-a-half million dollars from Medicaid. The 1.2 million dollars from third party health insurance and the cuts will put approximately 12 million dollars of reimbursement in danger. Having said all that, we take our jobs very seriously at the Services for Children With Special Needs. We help parents through their grief process when they realize the dreams for their children are at risk. We provide them with access to the appropriate professionals so they can learn skills to help their children meet milestones in their natural environments, and so they can be confident that they are helping their babies to the best of their abilities. Many times, with the help of professionals that we oversee, children receive early intervention services. They catch up with their typical peers by the time they reach school age, saving money in the long run.

And I just want to thank you for taking the time to listen to me today.

**D.P.O. HORSLEY:**

Thank you, Ms. Sassone.

*(\*Applause\*)*

Joseph Callari, and on deck is Joseph Stasys.

**MR. CALLARI:**

Good morning. My name is Joseph Callari, a DPW security officer. I've been here approximately seven years. Prior to coming to the County, I worked for the State of New York at Stony Brook University under the Police Department as a security supervisor, so I have a wealth of training and knowledge that I bring to the job that you will not receive when you privatize our positions. I just want to give a little knowledge and education on some of the background and things that we do in DPW, along with the DSS guards. You know, we're all being privatized.

Our guards are located in the Cohalan Court Complex, and their responsibility at night is to receive all the arrest paperwork from every precinct in Suffolk County and secure that paperwork until the police liaison comes in the morning and receives that paperwork. I know that when we took the position of security officer with the County, we were all given police backgrounds, fingerprinted, psychologicals through the police, and these requirements were just to walk in the door, let alone the physical agility, the medical, and the training that we all brought with us prior to coming here. You will not get that training with a contract guard. You do not have background checks being done, other than what's initially done when they do their eight-hour in-service training to get their certification.

We also deal with the general public out in the County Center in Riverhead. We have officers out there who deal with the methadone clinic out in that area, who deal with the Clerk's Office, which we deal with the public quite a bit on that. I specifically work in the Dennison Building, so I see firsthand all the recent hires the County Exec has done, which is very frustrating to me as an

employee who is laid off with 314 other colleagues of mine.

The financial impact statement that was signed by Fred Pollert, who has an illegal waiver to collect a pension and a salary, I find that ironic that he can keep his job with an illegal waiver, in well excess of 300,000 a year when you add everything up, but, yet, 30 and \$40,000 a year employees are being laid off to make room for the patronage positions. While I understand that these positions are business as usual, it also needs to be done discreetly and not off the backs of the County employees. To lay me off to make room for 170,000 a year Economic Development Head, which did not exist prior to this administration, is ridiculous.

*(\*Applause\*)*

I think that the County Exec's Office was unfair to this Legislature by making you have to have a vote on this without due diligence done on your part, and I think that we need you to stand up for us as taxpayers and workers. And like my fellow colleagues here today said, I took a civil service job because I knew I was going to take a less salary to get the better benefits and the job security. And here I am, after 21 years in the State retirement system, being laid off because the problems have existed --

**D.P.O. HORSLEY:**

Mr. Callari, you're going to have to start wrapping it up.

**MR. CALLARI:**

Just a few more seconds, please.

**D.P.O. HORSLEY:**

Thank you.

**MR. CALLARI:**

You know, the problem is this didn't just come overnight, and this has been a problem that's been in existence for a long time. And, you know, something needs to be done. But as a last resort you lay off County employees, you do not do it as a first resort. Thank you for your time.

*(\*Applause\*)*

**D.P.O. HORSLEY:**

Thank you very much, Mr. Callari. Joseph Stasys, and Harry Swanson on deck.

**MR. STASYS:**

Good morning. My name is Joe Stasys. I'm Unit President at the Riverhead County Center. I represent the Treasurer's, the County Clerk and Real Property.

Albert Einstein said insanity is doing the same thing over and over again, but expecting different results.

*(\*Laughter\*)*

I'm here to talk about the County layoffs. I have been with the County for 27 years. As all employees, we do our best and we go above and beyond what we should do, just like most of the speakers you've listened to. It seems that history -- it's ironic that history should repeat itself in Suffolk County, but not really, for back then, 21 years ago, the County was in trouble and laid off workers due to the fact that they based their economy on sales tax, and that was 1991 that that happened. Now we could fast forward ten years to 2001, when 9/11 hit. We had the same

problem. The County was burdened with fees that they had to pay into the retirement system, because the State did not require them to pay for it, and there were layoffs then. Here we are, 11 years later under the same problem with the same situation, sales tax. A tax hike is needed, and our union has been telling the Legislative body this for years, but it's fallen on deaf ears. Now we face layoff because of mismanagement from the 12th Floor down.

In my department, we lost two map drafters, which we really shouldn't have. We're a self-sufficient department. Last year we brought in over six million dollars. Starting in April, the fees have just doubled, which would mean we would have been bringing in approximately 12 million dollars this year, but you're releasing more than half of the people that bring this money in. We have four people leaving our department. So instead of 12 million or six million, you could count on five million. Where's the fiscal stabilization behind this? Who thinks of this? Who comes up with these figures on losing money rather than making money?

The other positions that are out there, these people work hard. We all work hard. We do more than our fair share for the County. There are people that are collecting paychecks that just sit there and tell us what to do and they have no idea what we do. And, as Albert Einstein said, what is right is not always popular, and what is popular is not always right. So, please, raise taxes.

*(\*Applause\*)*

**D.P.O. HORSLEY:**

Thank you very much, Mr. Stasys. It is now 11:00, and I make a motion to extend the public hearing; second by Legislator Cilmi. All those in favor? Opposed? So moved. The public hearing has been extended.

**MR. LAUBE:**

Sixteen.

**D.P.O. HORSLEY:**

Okay. Mr. Harry Swanson, and on deck is Don Dailey.

**MR. SWANSON:**

Yes. The name is Harry Swanson. Last four-and-a-half years, I've worked for DPW. Thirty years prior to that, I worked as a Chief Financial Officer, Comptroller, Director of Finance, titles such as that through nonprofits throughout Long Island and New York City. Over those years I kind of walked away from the fiscal stress, followed a passion, got into energy, studied it, took a job with the County as Senior Energy Coordinator.

Our department was pretty much abolished while there's federal funds, stimulus funds, ARRA funds coming in, State NYSEDA funds. The five people that do all the upgrades for the County, four of the five are eliminated. We save about a million-four to a million-eight per year in energy savings, bring in about a million-three in rebates from LIPA and NatGrid, maybe half a million to a million in NYSEDA funds, and this past year, about 2.2 in ARRA funds from the Department of Energy. The combined income and energy savings is about five million this year, probably will be the same next year. Without that department, you've lost income that probably funds about 65 positions. In other words, without us, you're going to have to find another 65 people to layoff, and it compounds year after year. Each year, when you come with another 1.4 million in energy savings, it's followed by the following year another 1.4 million. So it's just not 65 people this year, you keep -- it compounds, and it keeps working into some pretty sizable numbers.

So I ask you, reconsider. We need the State behind these energy programs, the Feds dumping money into it, and I'd like to see the County continue in the program. Thank you very much.

*(\*Applause\*)*

**D.P.O. HORSLEY:**

Thank you, Mr. Swanson. Don Dailey, and on deck is Karen Ross.

**MR. DAILEY:**

Good morning, Legislators. I'd like to thank you for the opportunity to speak today. I'm a Suffolk County worker and I represent Suffolk County Parks, and I'm a newly elected Executive Board member for AME.

In the last Legislative meeting, we heard from several people that spoke about their positions being abolished where they are funded, and today we got to meet another member of the Parks Unit to put a face to that name. Workers from the Parks Unit are going above and beyond every day. I'm an electrician, I work from the trade shop, and I can tell you from experience that the work that these guys do is equal to or better than anything that you'd see from private sector contractors that are being hired on a greater frequency to do this job.

*(\*Applause\*)*

Members from the Parks Department, from electricians, plumbers, carpenters, painters, tree trimmers have saved the County hundreds of thousands of dollars over the past several years, and continue to save -- and continue to save the taxpayers money. Suffolk County comes out ahead of the game every time these guys lace up their boots in the morning.

The list that came out that this Legislator -- that this Legislature was pushed to vote on, the original Levy list was unfeasible, it would have crippled the County. I think the Legislature was pushed into this vote prematurely, without the chance to really analyze this list. In the last meeting, one of our Legislators informed us that he had not even seen the list yet.

The County Executive needs to negotiate with the unions, and not just through one of his staff members that says that the door is always open, when we knocked on the door and there was nobody home. He meant that the door was always open for us to come back and offer give-backs. The County workers give back every day. They give back by their services, they give back by the co-pays, by the lesser paying jobs that they have.

This list needs to be re-evaluated, and I got to say, even -- it's not a Republican thing or a Democratic thing, as Scott aptly put it, it's a right and wrong thing. And even along a party line, there's got to be some people that voted yes for this layoff list that are having some second thoughts, that would really like to take another look at this and see if there's a better way to go. Losing County workers is not the way to solve this problem. It should never be the first solution, it should always be the last, and we're seeing privatization. It's out of control and the work needs to stay here. You want people to stay here on Long Island, stay here in Suffolk County, and you want this economy to increase, then we have to do things that allow that, and laying off workers is not that thing. Thank you.

*(\*Applause\*)*

**D.P.O. HORSLEY:**

Thank you, Mr. Dailey. Karen Ross, and on deck is Michael Finland.

**MS. ROSS:**

My name is Karen Ross and I'm the Director of Nonresidential Services at The Retreat. For 25 years The Retreat has been a community-based not-for-profit agency that provides services and support for victims of domestic violence. I'm here today to express my concern regarding the proposed law -- Local Law entitled, "A law to amend the prompt payment policy for all nonprofit contract agencies." The Retreat acknowledges that the County is currently facing a three-year deficit of 530 million dollars, and that funding does not exist to meet penalty interest payments required by the County payment policy in the event that an invoice is paid later than is required by the policy. However, we can all acknowledge that our agency has already been impacted by significant cuts to our funding through Suffolk County, with rumors of additional funding cuts to come. Now, we potentially face an additional cost burden should the 30-day prompt contracting law be rescinded, and require us to borrow from our line of credit to bridge our cash flow needs.

When we borrow from our line of credit, we pay 5% interest on every dollar borrowed. This is not reimbursable. And this detracts from our ability to serve clients in their greatest time of need. Between 2009 and 2011 alone, the number of calls The Retreat's crisis -- to Retreat's crisis hotline increased 96% to over 3,100 calls. These calls for help are placing an enormous strain on The Retreat's limited counseling, advocacy, shelter, case management and supportive services capacity.

USA Today ran a cover story on Monday, April 30th, highlighting the connection nationwide between the macroeconomic downturn and increased household violence. We understand that Suffolk County has been hit hard by the economic crisis, but these domestic violence supportive services are vital to the welfare of our community and the safety of our families. These services need to be sustained.

The Retreat is extremely concerned that if this proposed legislation passes, it will further reduce our financial capabilities and our ability to provide quality time-sensitive services to our clients, women and children, who are facing life-threatening abuse.

We understand that Suffolk County has very tough choices to make in rectifying this overwhelming budget deficit. The Retreat supports looking for ways to minimize costs incurred by the County. However, The Retreat is against amending the prompt payment policy, because this change will ultimately reduce the impact of life-saving work that we perform. Thank you.

*(\*Applause\*)*

**D.P.O. HORSLEY:**

Thank you very much, Ms. Ross. The next is Michael Finland, and thank you Michael. And Arlene Holmes on deck.

**MR. FINLAND:**

Good morning, everyone. My name is Michael Finland. I work for the Suffolk County Police Department Second Precinct, and I'm also an AME member.

First and foremost, I want to say thank you once again. I had mentioned at the last -- previous meeting of the Legislature, and I want to repeat my previous comments, to say thank you to the Legislature for minimizing with regard to wave one that we had of layoffs in February of this year, minimize the number of members being laid off, and also reducing the number for the July 2012 layoff list. However, I want to reiterate and recapitulate the value and importance of keeping the lines of communication open between the County Executive's Office and Suffolk County AME.

References have been made in recent times as to the County Executive's Office having an open door in addressing labor issues. Let's keep that door open. Communications and negotiations are key and essential. County workers are not responsible for our current economic fiscal situation. What we're experiencing right now is being felt globally. Let's proceed responsibly with an eye toward

preserving jobs and maintaining services in Suffolk County Government. In moving forward, it is critical that the County Executive's Office consider alternative options now, not later this year. Let us revisit and reconsider the potential cost savings of perhaps something such as an early incentive retirement initiative.

Government operations have been operating below acceptable staffing levels for many years now. To drop another 315 employees from the workforce will be detrimental to the effective productivity of County government. The domino effect of layoffs is daunting, more foreclosures, more bankruptcies, and escalating unemployment numbers.

Gina was our first speaker today. She said she wakes up in a state of panic and goes to sleep in the same state of mind. I've had the opportunity to speak with many of the affected employees. Their financial future is at stake, and the prospects for them right now are bleak.

In closing, I just want to stress the importance to the lawmakers that communications continue and that alternatives be considered. To proceed with abolishing these positions, I shudder to think how the government can maintain an appropriate degree of functionality. You've heard the stories of what our workers do on a daily basis. If we lose them, we will move into a chaotic state of affairs. Lives will be ruined and services will be reduced. I'll wrap it up.

**D.P.O. HORSLEY:**

Thank you.

**MR. FINLAND:**

Collectively, we need to do the right thing and that would be restoring the affected 315 positions slated for layoffs. Our mind set is open and we are seriously hoping that the County Executive will expeditiously consider alternative measures.

I thank you for your time and assessment of this matter. And remember, the past does not equal the future. We can and should rethink this issue. Thank you.

*(\*Applause\*)*

**D.P.O. HORSLEY:**

Thank you very much, Mr. Finland. Arlene Holmes, and on deck is Chris Forman.

**MS. HOLMES:**

Good morning, and thank you for the opportunity to speak to you today. My name is Arlene Holmes, and I represent the Suffolk County Department of Early Intervention under the Suffolk County Department of Health. I'm here today to explain how we also come to provide preschool special education services.

Suffolk County holds a State Department of Education license to provide what they call 44-10 preschool special education services for children from the ages of three to five. These children are deemed eligible for preschool special ed services by their school district. The school district determines the eligibility, and Suffolk County DOH is responsible to pay for the services. There are about 150 providers who contract with Suffolk County to provide preschool related services, but these providers do not hold the 44-10 license. The contracted providers provide related services with disability under our 44-10 license. Each year approximately 800 children receive services from these providers. The State reimburses about twenty-one hundred dollars per child per year. The reimbursement is paid to the child's school district. However, the Department of Health, the Division for Services for Children With Special Needs enters into a contract with each school district for the recovery of these funds. These are called flow-through money. Each year the money flows from the

State to the school district to the County. The Department of Services for Children With Special Needs recoups about 99.9% of the money that flows through from the State to the school district.

Until 2011, the Department for Services for Children with Special Needs was able to have provider agencies provide the teacher services, that's called SEIT, S-E-I-T, under our licence. However, in 2011, it required that the SEITs had to be supervised through an agency providing the service, which, again, is us. So we were the ones who had to take over the supervision of the SEIT teachers. We have to oversee that program. When the job became available at the Department for Services With Children Need (sic), the supervisor selected a special education coordinator, who agreed to function as a SEIT and as an EI coordinator and do a combination of services. To date, there's been no approval of the specs or a test developed for this job function, but we did that in order to retain our ability to bill the State for the school districts to pay us for the money, this flow-through money. We were able to bill the State for the services provided. The SEIT is reimbursed at 59.5% of the rate of services. The County has to demonstrate that we're providing SEIT services to retain the flow-through funding. Servicing only one child in October of every year allows us to claim the whole flow-through money. Flow-through money that we do receive is used to offset the cost of preschool transportation. The State pays a capped amount for preschool transportation, and this cap varies slightly from year to year on the number of trips developed by the State. The State develops the trip, and the amount of the cap was approximately 93% of the total transportation bill. We have our numbers. Twenty-three million dollars is the cost of preschool transportation.

**D.P.O. HORSLEY:**

Ms. Holmes, can you, please, start to wrap it up?

**MS. HOLMES:**

Okay. Well, the cost to the County for transportation is a little over eight million dollars. The flow-through of 1,600,000 helps to offset that cost to the County. So, for us to keep the SEIT as part of our department makes a lot of sense for the County. Thank you.

**D.P.O. HORSLEY:**

Thank you very much, Ms. Holmes.

*(\*Applause\*)*

Chris Forman, and on deck is Dolores Welch.

**MR. FORMAN:**

Good morning, Suffolk County Legislature, and thank you for giving this opportunity to talk. My name is Chris Forman. I've worked for the Suffolk County Department of Social Services for nine years as a security guard. I could tell you how this layoff is going to affect my family in reference to foreclosure and lack of health insurance. Also, from what I understand, my Legislator, Kate Browning, who is not present right now, was once a school bus driver for William Floyd School District, so she knows all too well the hardships of the lower paid working class, living paycheck to paycheck. Legislator Gregory, who also is not present right now --

*(\*Laughter\*)*

-- stated that on Monday, when I was here last week, that they plan to offer us all the security guards, the 30 of us, to go work for the private company. But did you take us into consideration that you want us to do the same dangerous job of dealing with sex offenders, hardened criminals, protecting you County workforce and the general public with lack of health benefits, pension, job security and wages? But I guess to you a job is a job; to us, that's a slap in the face. Have you also considered that bringing in a third-party security force, Suffolk County will be subject to lawsuits

brought on by these parking lot guards for injuries incurred during scuffles?

*(\*Applause\*)*

Whereas, your current security force cannot sue the County. You, obviously, haven't thought the ramifications to your employees by placing their safety in the back seat. Do you honestly -- do you honestly think you made the correct -- excuse me -- uneducated decision in this matter? After all, we are Federally and State funded. All of your County employees are outraged by this action and some fear coming to work. They've sent letters, signed petitions, called your offices and spoke at committee meetings. How are you going to respond to these County employees, or are you not?

Lastly, I implore the Legislature, before it's too late, to reconsider on behalf of all those scheduled to be laid off who are taxpayers, voters and homeowners. Thank you.

*(\*Applause\*)*

**D.P.O. HORSLEY:**

Thank you very much, Mr. Forman. Dolores Welch, and on deck is Vicki Cohen.

**MS. WELCH:**

Good morning. My name is Dolores Welch. I've been a public health nurse for thirteen years. I'm one of the 11 public health nurses that will be laid off on June 30th.

Let me tell you what we do. We go into homes that no other home cares will enter. We go into homes from the poor to the poorest, between roaches, between weapons, CPS cases. We advocate, we teach, and we teach prevention. We educate patients who have 15 minutes in a doctor's office, and we all know that's absolutely true. We assist with the Asthma Program, the Tuberculosis Program, the diabetes, CPS, and we do many wounds, and we also advocate for every other public health issue in this county. We all voted you people in, and now what's happening here? This is not a job to us. We are public health nurses. This is part of -- this is who we are. And you are making a very, very large mistake of cutting the Health Department, of all places to cut. If you do this, the emergency rooms will be filled, they will be used as doctor offices. Diseases and illnesses will prevail on any other problem in this county, and we have many, many problems in this county. Do not cut the Health Department. Do not cut the public health nurses. Thank you.

**D.P.O. HORSLEY:**

Thank you very much, Ms. Welch. Vicki Cohen, and on deck is Frank Casiglia.

**MS. COHEN:**

Good morning -- actually, afternoon almost. My name is Vicki Cohen. I am a Public Health Nurse with the Department of Bureau of Public Health Nursing. I'm a little nervous. But I've been doing this eight-and-a-half years out there in the trenches, advocating for my patients. Like Dee said, we go into the worst. We go into places that other agencies would not take, as they would call dumps. We take them and we find them, and we don't have GPS's, we have Hagstroms we use. And we track them down and we knock on the door and we -- if we can't go through the front door, we go through the back door, we go in the basements.

I also just wanted to tell you we go above and beyond our nursing realm. I came out of Stony Brook University Hospital, I worked for many years. I took a \$10,000 pay cut to be a public health nurse. In the beginning, it was a little rough for me, but I've grown to love it. And to find out that I'm going to be abolished, it's like, hello, wake up and smell the coffee. If we're abolished, Suffolk County is going to be abolished. You guys really got to wake up and keep us -- you know, our jobs out there.

Just to give you a little background about going beyond our realm, I had an eight year -- seven-year-old little girl who was hit by a car. I went to her home, a very clean home, but disgusting carpeting, it was disgusting. She had a wound that I had to teach her dad how to do. This little girl screamed at the site of being -- this wound being dressed every day, and the carpeting was gross. I -- somehow the landlord was next door and I approached him. I said, "You have to do the right thing, replace her carpet." I said, "All she needs is a secondary infection and you'll be sued." Two weeks later -- no, I'm sorry. About a month later, I go back, she had wood floors. It didn't matter if it was wood, linoleum -- whatever you call it, Congoleum, whatever, she had a new floor, and that made me proud as a public health nurse.

Also, another patient I had, a long-term care patient who was afraid to speak up, she had no running water in her bathroom. She could not take a shower, which is a Board of Health issue. Again, the landlord lived next door, probably, I hate to say it, maybe a slum landlord. But the patient was afraid to speak up. Maybe she thought she was going to have her rent raised, and which she could not afford another raise in her rent. Again, I knocked on the door and I spoke to the landlord. She had a new bathroom.

I'm just not saying this to add accolades to myself, but to what we do, how we advocate for our patients. So I just want to say to you, please, advocate for the public health nursing, you know, save our jobs, do the right thing. Thank you.

*(\*Applause\*)*

**D.P.O. HORSLEY:**

Thank you very much, Ms. Cohen. Frank Casiglia, and Reverend Katie Roach after Frank.

**MR. CASIGLIA:**

Good morning, all. My name is Frank Casiglia. I'm the Executive Vice President of AME. When I left home this morning, my wife said to me, "Behave yourself, don't get in trouble." That's not going to work out. I want to thank those of you that did remain to listen to our members speak and to hear their pleas.

Our security guards behind us from DSS, you've heard some of their accomplishments. They never got a proclamation, they got a pink slip. They should have been getting proclamations for the work they do on behalf of this County.

*(\*Applause\*)*

And we have members throughout this County that deserve those accolades, Nurses, Sanitarians, our DPW people, the ones who go out and make the roads safe for you to drive on in the wintertime. Maybe not this year, this year was a little bit easier, but the year before with all the blizzards, everybody was able to get to work because of AME members.

Yamamoto once said, "I believe all we have done is to awaken a sleeping giant and fill him with a terrible resolve." AME is that sleeping giant and you filled us with a terrible resolve.

*(\*Applause\*)*

My anger isn't at any one particular body, but the body as a whole, because you've been warned for years that this was going to happen. In 2009 you came to all the unions, "Oh, we have a problem, we have a shortfall, we need your help," and all the members gave. We lagged payroll. Then we were told, "But we have medical issues, we need to save some money." So we entered into a program to save another 15 million dollars a year. When does it end? When does the rest of this county join in on this problem? Yes, there's a fiscal problem throughout this nation, but it seems

only the workers are the ones that have to pay for it.

I am angry. I've been a union man for over 30 years and I see the assault on labor throughout this country. But what I think this is going to do is to help us. I believe it's going to galvanize our membership again to stand together arm-in-arm against this injustice, and that's what it is, injustice. Spread the problem out among the entire residency. Stop going to the same group.

Oh, by the way, I notice some of our brothers from the Sheriff's Department out there manning the metal detectors. Why not use those eight-dollar-an-hour guards you want to put in the DSS centers? Wouldn't that be better?

*(\*Applause\*)*

I'll wrap it up, Mr. Deputy Presiding Officer, just by saying this.

**D.P.O. HORSLEY:**

Thank you, Frank.

**MR. CASIGLIA:**

There is good news and there is bad news. The good news is for the members, the bad news is for the County. The incumbent board of this union, the Executive Board of this union has joined forces with the incoming board and we're standing arm-in-arm to fight this, and we will do it together. Thank you and have a great day.

*(\*Applause\*)*

**D.P.O. HORSLEY:**

Thank you, Mr. Casiglia. Reverend Katie Roach.

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

**REVEREND ROCHE:**

Good morning. I'm the Executive Director of Rainbow Chimes Early Education Centers based in Huntington with a second satellite site we operate for Western-Suffolk BOCES.

For nearly 30 years, as part of our non-profit mission, we've had a County contract to provide child care to the working poor, teen mothers and CPS preventive program families. At some point we were caring for 80 plus DSS subsidized children at any one time; children whose families were kept off welfare. Some of you know me from past times over the years when I've come before you to plead, inform or remonstrate, and today I come to do all three.

First you will remember that the Prompt Payment Law came about after two years, proving to this Legislature over and over again that child care providers had been irreparably harmed due to late payments. We told many harrowing stories of directors and board members cashing out theirs or their spouse's pensions, using their homes as collateral for loans and lines of credit in order to cope with five and six-figure deficits, all because the County was paying us so late. My husband and I had to take out a home equity loan so we could loan Rainbow Chimes \$70,000.

You should know that even the prompt payments are disbursed two months after we've incurred the expense of caring for the children. And I'll remind the Legislature that you understood these were pass-through monies from New York State and you have acknowledged the now irrefutable evidence that for every government dollar spent on child care, two hard dollars were returned for that

investment plus at least seven soft dollars. There's no other service industry in Suffolk County, that I've been told, that does so much to help people and also generate so much revenue for public use. Not paying the child care providers on time hurts the working poor and the taxpayers.

Additionally, New York State OCFE refused to allocate child care funds to Suffolk based on demonstrated need, and two rounds of drastic cuts so far this year have forced DSS to lower the family income eligibility from 200% of poverty to 150%. Suddenly, nineteen hundred plus children have been lost, or will soon lose their care. The child care providers are coping with massive, massive loss of revenue. At my Huntington site along, the hit will be in excess of 375,000 a year.

Many non-profits are self-insured for unemployment, so we have to pay employees whether they're working or not. Proposed cut to the living wage stipend will make this living wage stipend even rose. Banks do not issue bridge loans against receivables anymore, and indeed my bank will not even let me draw on the personal line of credit anymore to help my program again. In the 32 years since I've been in this industry, I've never seen anything like this perfect, destructive storm. Long, loyal programs that wholly serve the working poor will be utterly lost, and others like mine will become crippled because we do not have enough cash flow generated by private families to make up for the County making late payments.

Let me summarize. While you cannot in good conscience rescind or modify this law, the State provides a timely 100% pass-through so you have the monies to pay the providers. The County and taxpayers get a two-for-one hard return on this money. In this faltering economy, the County --

**D.P.O. HORSLEY:**

Reverend, would you please start to wrap it up? Thank you.

**REVEREND ROCHE:**

The County needs its child care providers more than ever so that people can get back to their jobs as soon as work becomes available. The understanding is that the excess DSS workers have now been largely restored, so claims could be processed or paid on time if you say so. Please, please do not rescind or modify the prompt payment law.

*Applause*

**D.P.O. HORSLEY:**

Thank you very much. All right, Debra Skiff, and on deck is Kathy Malloy.

**MS. SKIFF:**

Hello. My name is Debra Skiff and I am one of the eleven Public Health Nurses that are being laid off the end of June. We are devastated and very concerned for all of our patients, especially those without a voice. All of the newborns, infants being discharged from the hospitals, many of whom have to wait two to four weeks to be seen for the first time by their pediatrician because they need to get their medical card in the mail; these are the most vulnerable, they cannot speak. They need us in there to teach their parents how to care for them so there are not any needless admissions to the hospital. And we also cannot forget the growing drug epidemic sweeping across Suffolk County. Many of these drug-addicted moms have babies that are addicted. We are the ones sent in to be their advocates. These are truly the most vulnerable because they cannot speak, they have no voice.

Lastly, you will never find another professional going into a home on single, poor people filling their cars up with supplies for these babies and these mothers that are having babies just so these infants will have cribs, will have bassinets, will have food, clothing, diapers. We do that, we fill our cars up. If you think that's easy lugging that upstairs, making number of trips in a visit, it is not, because we end up -- we go above and beyond for all of our patients. The hospitals are going to be bombarded

if we are fired, you can guarantee that. You think you're paying a lot now towards Medicaid? You're going to be paying a lot more if we're not there.

*Applause*

**D.P.O. HORSLEY:**

Thank you very much, Ms. Skiff.

**MS. MALLOY:**

Good morning. Thank you for allowing me to speak. My name is Kathleen Malloy, I'm a Suffolk County AME retiree. I worked for Suffolk County for 30 years; nineteen of those years was in the Department of Social Services. I spoke at four committees last week and mentioned honoring the Long Island Workers Annual Memorial on April 28th. That date significantly being the 41st Anniversary of OSHA -- and for us, as public sector workers, PESH -- which guarantees workplace safety.

I commend the Legislature in your installation today of a walk-through metal detector for your safety and for our safety. However, at the same time, when our Legislators recognize the need for safety in your Legislative building, I worry at your collective approval to lay off all of our County DSS and DPW security guards and replacing them with a private company. What about the County workers' safety?

According to this morning's program I listen to every morning, National Public Radio, this morning they announced the biggest crisis across America is not budget crisis, it's jobs and wages. And that's because jobs and a living wage promote everything else to move upward. Did you know that as per NPR, 70% of our national economy is federally and promoted -- is fed and promoted by consumer spending. It is time, Ladies and Gentlemen, to think outside of the box. While 315 layoffs may alleviate part of your budget hole here in Suffolk County, the side effects will be absolutely disastrous for 315 families, their individual communities, their towns, Suffolk County, New York State and national America. In fact, as a former DSS worker, I was able to do the math. For a Dreamland private security guard earning 8.50 an hour, and I did find the pay rates on their website on-line, 40 hours a week, family of four, our security guards will now be eligible for Food Stamps. We need our elected officials at all government levels to work together, not against each other. Envision beyond your individual Legislative Districts and create sound policy upward, not downward. Thank you.

*Applause*

**D.P.O. HORSLEY:**

Thank you very much, Kathy. Patrick Gallagher and Jack McCloy on deck.

**MR. GALLAGHER:**

Good morning. I'm here to speak about the red light camera system that's being considered to be expanded. First off, let me say I've never received a ticket from this program, it's just I find it offensive. To be put under the guise of a safety issue insults the citizens of Suffolk County.

These -- the system the way it is, it's the yellow light interval that creates the problem. The yellow light interval puts people in an indecision zone of "will I be able to stop on time or will I be able to make it through the intersection?" Doesn't making the yellow interval seven seconds instead of four seconds solve that problem? It seems like a little overkill. Stop trying to make it a safety issue, it's a fund-raiser. I know it's not going to change right now, because all of these people here are out of jobs because we don't have enough money, but it's not the way to go.

This system is a collusion between Suffolk County and the company that sells the equipment. It's my understanding that they provide the equipment for free, or virtually for nothing, and that you share the revenue; please. I've got a product that I would like to sell you, it's a little box you put on the side of the road that monitors every car that goes by and the speed at which it's traveling. And anything -- speedometers are a 3% meter and my equipment is a 1% meter, that gives us a 4% either side, so let's issue tickets to anybody doing 58 miles an hour and we'll share the money. That's what you've done. Of course I don't have that box, it's just another example.

There are lawsuits being filed all across the country against these systems. Last week, most recently Chicago was sued for their red light camera system. There was a poll in Newsday where 100% of the respondents said no, this is not a good idea to expand this program. It was only 191 people, but 100% of the people that responded think it's not the right way to go. I know you can't do it right now, but expanding it is fool-hearty. You should be looking at ways to get rid of it. It's just not fair to the public. Thank you.

*Applause*

**D.P.O. HORSLEY:**

Thank you, Mr. Gallagher. Jack McClory and Linda Ogno on deck.

**MR. McCLORY:**

Members of the Legislature, thank you for allowing me to address you today. I saw the article in Newsday on Sunday about Thomas Butero and his campaign to try to educate more people about the red light camera situation. He was a previous speaker, and much like the man who just preceded me, I just wanted to make sure you knew that there are many, many residents throughout New York and Long Island that are opposed to unfair red light camera timing, that's the yellow light duration. And I filed a New York State Supreme Court challenge to that effect.

And I want to let you know that I'm not opposed to red light cameras. I'm opposed to yellow light duration that's so fast that it entraps normally good drivers for the sake of revenue generation. That should not be allowed. And I wanted to point out to you that in some municipalities that have taken on the expense of putting red light cameras throughout their areas, notably Houston, those residents that had been so offended by short-timed yellow light duration have sought and achieved a referendum to prohibit their use which made the entire project in place but non-functional. And unfortunately, a number of the government officials that approved the plan initially got voted out of office because of their tie to an unfair system.

Now, I do want to mention to you that I'm not just explaining to you a problem. I've addressed the Nassau County Legislature over a dozen -- over a half of dozen times about this particular issue. I'm a Nassau resident, but I grew up in Suffolk. I took the time today to come and tell you that I had a personal meeting with Ed Mangano to explain to him why the yellow light duration needs to be increased, because the current timing takes into consideration only what's called effective breaking time. They do not consider perception time and reaction time, which is necessary to calculate a safe stopping time for an average good driver to be able to bring his vehicle to a complete stop.

If you'd like to take a look at my statistics, it's on my website. My contact information is in front of all of you or with the person that I gave it to up-front. But please, look at the mathematics involved. Please do not let this be a revenue generating issue. It's a safety issue. Red light cameras have their place, but yellow light duration is critical. Thank you.

*Applause*

**D.P.O. HORSLEY:**

Thank you very much, Mr. McCloy. Linda Ogno, and on deck is Dan Farrell.

**MS. OGNO:**

Hi. My name is Linda Ogno. First and foremost, I am a taxpayer, at least for now.

*(\*Laughter\*)*

I am also a proud AME worker and I've worked 24 years for John J. Foley. We the County workers are in the forefront. We're out there weekends, nights, holidays. I've missed countless Christmas' with my kids. And I'm not asking for anything, I'm not asking for a pat on the back. All I'm asking for is a job to go back to.

Mr. Zwirn said in last week's paper that we have not given up anything, only the 315 people that have lost their jobs, ultimately they sacrificed the most. But we've been compromising all along, because that's what life is all about. We've given up lag payrolls, we've paid more for our copayments, we're working more with less people. The nurses at Foley, the nursing staff at Foley gave up 4% of their pay, and we have all done this in good faith. Because my father has taught me that a man's word is his bond. I know that doesn't hold much today, but this is what I've tried to instill in my children.

We have over a \$500 million deficit. I know it's a tough spot that we're in, but what are we actually saving? In 2011, maybe we'll be saving \$12 million; in 2012, maybe \$30 million laying off these people. If we save these 315 jobs and countless families, it will be priceless. Thank you.

*Applause*

**D.P.O. HORSLEY:**

Thank you very much, Ms. Ogno. Dan Farrell, and on deck is Lauren Barlow.

**MR. FARRELL:**

Good morning. My name is Dan Farrell, I'm the AME Treasurer and President-Elect. I was here last Thursday, along with our President, Cheryl Felice. We addressed the board and I wanted to thank those of you who were looking to help mitigate some of these layoffs with some of your resolutions. The good news from that meeting is that Cheryl and I did go over to the County Exec's Office and met with his people and had some preliminary negotiations with the promise that we will be meeting to help mitigate and resolve some of these issues. So that I'm thankful for and I'm confident that we can get some of our ideas across to them and help mitigate some of these jobs.

But what -- the one thing I don't really understand -- actually, before I even get into that. As Frank, our Executive Vice-President, so graciously said, that as recently as last night, our new team and the incumbent team met and we're going at this together, because this is all about saving these jobs. We're committed to savings these jobs together, we're going to do this together.

*Applause*

And together is really what this is all about because we need your help and the County Exec's help as well. So we'd like to be a part of the solution and be a part of the discussions going forward. But the one thing I don't understand, and I don't mean to pick out just certain groups because I don't agree with any of the layoffs, is these fully-funded positions, those in the Health Department, the WIC department. These people are funded, so why would you lay them off? What's the savings to the County? Those people in the 477 Fund, they're funded positions. Why are you laying these people off?

They do valuable jobs for us.

And the security guards? I just don't understand that, because you know what? It's a blatant violation of our contract. They're privatizing out our work. It's ridiculous. And, you know, they all talk about having to do the background checks for the security guards. Have any of you's done a background check on Dreamland Security? I have. I'd like you to Google them. I'd like you to find out what I found out, not about them but their owner and his unscrupulous alternatives that he's been convicted of. So I think everybody needs to do some homework here. This company, this security situation, it's blatant, it's ridiculous. They do a great job. They not only protect the public, they protect our workers.

And I'm just going to leave off on a numbers thing because I'm an accountant. We have a revenue problem here, and your tax base is your revenue. So by laying off 315 of our members, what does that do to your tax base? That decreases it. That's less money in the revenues here. So I wish you would all think again, and instead of laying people off, keep them working, keep them in the tax rolls, keep them able to feed their families and pay their mortgages, because that's all they want to do; they just want to go to work and feed their families and pay the mortgage. Thank you.

### *Applause*

#### **D.P.O. HORSLEY:**

Thank you, Mr. Farrell. Lauren Barlow and Nancy Dallaire on deck.

#### **MS. BARLOW:**

Good morning. My name is Lauren Barlow, I'm a Public Health Nurse Epidemiologist in the Bureau of Disease Control. And thank you for letting me speak to you -- before you today, because I feel that it's important that the Legislature is aware of the impact recently abolished positions will have on Disease Control in Suffolk County.

Six of the Public Health Nurse positions abolished are nurse positions within the Bureau of Epidemiology & Disease Control. The activities of these nurses, highly trained in infection control, are mandated by New York State laws for local Health Departments to accomplish the New York State Sanitary Code, Title 10, Chapter 1, Communicable Diseases, and New York State Public Health Law, Title 10, Official Compilation of Codes, Rules and Regulations of the State of New York, Section 2500. Mandated activities include disease surveillance, investigation, outbreak control and mandated reporting of over 70 communicable diseases specified by law. High priority diseases include Neisseria Meningitidis, Botulism, Rabies, Measles, Hepatitis A, Typhoid Fever, Perinatal Hepatitis B viral prevention for infants and surveillance and mitigation plans for bioterrorist -- potential bioterrorist agents such as Anthrax, Small Pox, Brucellosis and Pandemic Influenza.

Bureau staff investigate and determinate cases status for new and emerging diseases such as West Nile Virus and Dengue Fever. Staff provides guidance to physicians, hospitals, schools and the community for management and surveillance of diseases such as Meningitis, E-Coli, Salmonella, MRSA and Pertussis. The Bureau is frequently asked to provide information and statistics for the press on diseases and community outbreaks. Clinical staff availability for 24-hours, seven days a week emergency response is mandated. This severe staff reduction of over 60% will leave -- to five nurses will leave the Bureau with less than half of its clinical investigative staff. Only three nurses will remain in the main unit to investigate, 30,000 laboratory disease and, 8,000 individual cases annually, as well as hundreds of potential Rabies exposures. And two Public Health Nurses will remain in the Sexually Transmitted Disease Unit which also receives thousands of reports annually, including Syphilis and pregnancy, HIV partner notification, etcetera.

While remaining staff are capable and dedicated, their ability to maintain current high standards of disease control to protect the 1.52 million residents of Suffolk County will be severely comprised. Risks to residents include disease outbreaks that go undetected, ongoing transmission among individuals and groups, delay and investigating high priority diseases, little or no investigation of lower priority diseases such as Chronic Hepatitis B and C, certain niteric diseases and the tick-borne disease including Lyme Disease, Ehrlichiosis, Babeciosis and Rocky-Mounted Spotted Fever and prolonged morbidity and increased mortality in the community. For example, Suffolk County has been experiencing a Pertussis Disease outbreak in the community. Pertussis is a highly contagious bacterial respiratory illness that can affect all ages.

**D.P.O. HORSLEY:**

Ms. Barlow, would you please start to wrap it up?

**MS. BARLOW:**

Okay. Talk louder?

**D.P.O. HORSLEY:**

No, wrap it up.

**MS. BARLOW:**

Wrap it up, okay. Basically, we hope -- best hope is that the Legislature restores these abolished positions so the critical staff is not lost. Two of the Bureau's abolished Public Health positions are fully grant-funded by a Public Health Emergency Preparedness Grant and two are 65% grant-funded. I sincerely thank you for your time and attention to this important health concern for all residents of Suffolk County.

*Applause*

**D.P.O. HORSLEY:**

Thank you very much. We appreciate you coming down. Nanci Dallaire, and Mary Pat Boyle.

**MS. DALLAIRE:**

Thank you. There's no doubt that these are tough times. I understand difficult decisions have to be made and severe cuts are necessary, but to hear that our sacrifices are not making a difference and that is still not going to be enough is discouraging.

Hard work families are struggling to get by, taxpaying citizens are losing vital services while the criminals at the upgraded correctional facilities are safe and secure. They are not being asked to sacrifice anything. I have trouble with this concept and I refuse to believe that this injustice cannot be altered.

The residents at the John J. Foley Skilled Nursing Facility have not asking for anything more than their convicted neighbors receive. John J. Foley has been doing more with less since 2008. Before asking this institution to do any more with any less, focus on filling the day-care program, expand the rehabilitation services. Last Saturday I passed that state-of-the-art physical therapy center and it was dark at 1:30; a beautiful afternoon at a facility that has access to the Suffolk County Transit Bus System that can provide the residents with transportation and it's closed? A bus that travels to SUNY Stony Brook regularly, and we are still not partnered with this hospital in some capacity. I do not understand this.

We live on a large, very crowded Island. We should look to create and preserve these essential services, not downsize and abolish. Tough times cannot cost us human services. Cut down on the waste, find the fraud and stop the abuse that is costing this County before it has to cost us any more

hard-working employees. Generate revenue before jeopardizing any more services. Thank you.

*Applause*

**LEG. CILMI:**

Thank you, Nancy. Mary Pat Boyle, and after her, Jackie Bolta.

**MS. BOYLE:**

Hello. I'm Mary Pat Boyle, I'm the Supervisor of the Suffolk County STD Unit. And we're a division which is in the Division of Public Health, and Lauren spoke a little bit about our program. We're a State mandated program and we are Federally funded under Article 6.

Currently we're slated to lose three Public Health Nurses. That would leave two nurses and two AIDS counselors to investigate and provide notification for all STD's for Suffolk County Department of Health. STD is mandated service, it's regulated by Article 21, Communicable Disease; Article 23, Sexually Transmitted Diseases; Chapter 1, State Sanitary Code; and Article 130 of New York State Penal Code. It is very important that these layoffs do not occur. It is especially disappointing what these effects are going to have on the residents of Suffolk County.

In general, Public Health Nurses, as you heard today, work in many different departments and provide essential services throughout Suffolk County. The sexually transmitted disease services are mandated, Public Health Law. Suffolk County investigates over 9,000 reports of sexually transmitted diseases annually. We notify those who are infected with disease, direct them to appropriate testing and verify that they have been given the proper treatment. Physicians throughout Suffolk County contact our office on a daily basis requesting expert advice on treatment, care and follow up for those -- and follow-up for those infected with STD's and HIV. Without this professional consultation, many patients would receive inadequate or inappropriate care.

The STD Unit also fields numerous calls from constituents and residents pertaining where to signs and symptoms of infections, where to go if they have an infection and how to notify their partners to prevent the spread of infection. One-in-four individuals between the ages of 15 and 24 will be diagnosed with an STD. Suffolk County has the highest rate of chlamydia in the metropolitan area with a rate of 221.7 per 100,000 people. Suffolk County also has the highest rate of Infectious Syphilis -- excuse me, the second highest rate of Infectious Syphilis with a rate of 4.2 per 100,000. Yes, unfortunately Syphilis is still a public health threat.

Gonorrhea is the second most reportable communicable disease in the United States. In Suffolk County, Gonorrhea is on the rise. And in addition, it has become resistant to anti-biotic treatment. Sexually transmitted diseases, if left untreated, have life -- can result in lifelong infection, cardiac complications, neurologic complications, arthritis, chronic abdominal pain, infertility, miscarriages and death. There are zip codes in Suffolk County with chlamydia rates as high as 200 -- 2,336 per 100,000, and rates of Gonorrhea as high as 537,000 per -- I'm sorry.

**D.P.O. HORSLEY:**

Mary Pat, please start to wrap it up. Thank you.

**MS. BOYLE:**

Okay. The effects of the Public Health Nurses being abolished from this position is devastating and the rates will only go up. In 2000 we had an early infectious rate -- a syphilis infection rate of point two; today we have a point nine.

*Applause*

**D.P.O. HORSLEY:**

Thank you very much, Ms. Boyle. Jackie Bolter? And on deck is Linda Levering, I believe it is.

**MS. BOLTA:**

Hello. My name is Jackie Bolta. I'm one of the Nurse Epidemiologists, also in the Bureau of Epidemiology and Disease Control, and our Bureau, as my colleague Lauren has said, is going to be experiencing an over 60% decrease in clinical staff. Again, these are activities that are mandated and funded by the State. So even if the Health Department closes down, you're going to have to have a little desk to do disease control, because it's just a basic essential function of the Health Department.

The loss of these positions will have some of the severe effects to some of these mandated activities. Lack of an adequate investigation and initiation of outbreak control measures, disease transmission will continue unabated and continued cases will occur. Illness and death among Suffolk County residents resulting from these diseases will increase, as most of all of the reportable diseases that we investigate have potential for severe morbidity and mortality. Decrease staffing will severely jeopardize a lot of the Bureau's programs. There will be delays in investigation of high priority diseases such as Salmonella, E-Coli 0157 Meningitis, Hepatitis A, possible bioterrorist events that we monitor daily, on a daily basis. And this delay increases the chances of continued transmission of disease if the infected vehicle is not identified. There will not be enough staff to investigate cases of babies born to mothers with Hepatitis B. Without adequate follow-up, babies born to Hepatitis B+ Moms would be at risk of contracting Hepatitis B, which leads to liver failure, cancer and death.

There will be, and this kills us to say this because our nurses are so passionate. They're actually more concerned about, not their jobs, but what about what infectious diseases is going to -- you know, how many infectious diseases will be running rampant in the County. There will be no investigation of blood-borne diseases such as chronic Hepatitis B and C which lead to liver failure, Cirrhosis, liver cancer, higher medical costs and further transmission of these diseases. There will be little or no investigation or outbreak control for certain gastrointestinal diseases like Campylobacter, anabiosis, listeria and other food-borne illnesses. There will be no further surveillance of tick-borne diseases; Lyme, Ehrlichiosis, Rocky-Mounted Spotted Fever. There will be no further surveillance of certain arthropod-borne diseases such as West Nile, Dengue, Malaria. So needed preventive measures for these disease would not be undertaken because we wouldn't really know that there were -- how many we had out there. Staff will be unable to assist adult care facilities with infection control guidance for respiratory and gastrointestinal outbreaks, and as a result healthy residents of these facilities would be at increased risk of illness and death.

Emergency preparedness funding is in jeopardy since we're also the bioterrorist team, so we wear two hats. And that actually is a cost effective measure because it allows for grant funding of some of the mandated activities. But without enough staff, we won't be able to meet the required mandated deliverables in order to accept these grants. Rabies is invariably fatal, and it's a high priority, but staff would never be able to handle the numerous animal bite reports that we receive on a 24-hour basis; staff takes calls at two o'clock in the morning in order to manage that. The Pertussis outbreak, as my colleague mentioned, over 600 cases to-date we're managing. The nurses that are getting laid off are managing that outbreak.

**D.P.O. HORSLEY:**

Thank you very much, Ms. Bolta. Would you please wrap it up?

**MS. BOLTA:**

Thank you.

**LEG. HAHN:**

Madam Clerk, can you get her remarks? Thank you.

**D.P.O. HORSLEY:**

Okay? Thank you very much.

*Applause*

Linda Levering, and on deck is Kevin Williams.

**MS. LEVERLIN:**

Hi. Thank you for extending the Public Portion, I know you've got a lot to hear. My name is Linda Levering and I am happily retired from Suffolk County Department of Social Services for the last almost two years.

When I was employed by Social Services, I was a Supervisor with the Eligibility Unit in a very busy center, the Coram Center. And I did speak to some of you last week at the Public Safety Committee meeting, so I don't want to take up a lot of time. I just wanted to reiterate how important it is to have the trained security force that Social Services has had. We work together hand-in-hand as a team, the supervisors, the center managers, all of the staff, constantly with security who was always on guard, always knew what possibly could happen in the next few minutes.

I'm sorry, I didn't prepare anything and I'm incredibly nervous. I know you have a lot to think about because every person who has spoken here today has my heart, as a fellow County employee. And the confidence that you have in your job and knowing that some day you can retire and, you know, praise God, I was able to do that. But I hope that you will reconsider this decision and hopefully we can work together. I'd be happy to pay a little more in taxes, believe me, I really would. And I think most people, if they knew the consequences, the long-term consequences of these layoffs, would also be willing to kick in.

*Applause*

Thank you very much.

**D.P.O. HORSLEY:**

Thank you, Ms. Levering. Kevin Williams, and on deck is Donna Caponegio.

**MR. WILLIAMS:**

Hello. My name is Kevin Williams, I'm the 3rd Vice-President-Elect under Dan Farrell's team. I work in the Medicaid Unit, so many of these guards I know, I've been working with them for over ten years. In fact, what they have said, I've actually watched and witnessed some of the things that they said.

Mr. Barraga, you moved me in Riverhead when you spoke about your working class father. You know what I mean? I was really moved by that, because we all come from working class roots and you didn't forget where you came from. So I want to just commend you for saying that, because I actually -- I think this is really a class -- an attack on the working class people. I mean, I think it's more than just about an election for us. Because when I see people like these people who I've known this long, you know, being laid off and then replace them with private sector individuals, what am I supposed to think as a union member? To me the light bulb goes off and I say, "Well, maybe they're just trying to get rid of us all." That's the direction it's going, down south. And I live in Huntington Station, Mr. D'Amaro, so I know where your office is right around there, I'll come over and say hello to you. So downsizing, outsourcing, turnover savings, you know, what is going on? I mean, at what point is doing more with less just me doing less? At this point, what's the next

slogan; doing nothing, more with nothing? Because that's where it's at. Government's hands are tied.

The only thing I can say, as an AME member, as a loyal union person, is the solution has to come from within. If I keep looking for the answers from you guys, I don't know if you are ever going to give it to us. I think the answer comes from within us. As a union, we must stand up, we must be proactive, we must empower ourselves. That's the message I'm bringing back to the members.

During this campaign, many people thought we weren't even going to win. They didn't think we had a shot. Well, we crisscrossed this County, we went north, south, east, west. The campaign ain't over yet, it ain't over until we get this union back together and we're going to do that. That's my promise to all the AME members, I will not stop until we win. All right? Thank you.

***Applause***

**D.P.O. HORSLEY:**

Thank you, Mr. Williams. Donna Caponegio. Donna? Caponegio? All right. The next card is Anne Marie Leonardi. And on deck, Sal Russo.

**MS. LEONARDI:**

Good morning. For those of you who know me, I didn't expect to get up here and speak. Well, that's not reality in my world. If there's an opportunity, I'm going to open my mouth. My name is Anne Marie Leonardi. I'm a 32-year employee of Suffolk County, the White Collar Unit President at Suffolk County Community College, a single mother of an 18-year old and an eight-year old. I am not on the layoff list; however, I have friends and other fellow AME members who are and I am here to support the entire AME and Suffolk County workforce, especially those on the layoff list, and the safety of our Suffolk County residents.

The Suffolk County Legislature was strong-armed into approving this layoff list. If you think laying off 350 -- 15 Suffolk County employees, residents, taxpayers isn't going to impact the economy and public safety, think again. Children's lives are at stake. Our highways, our public health and the ability to live in Suffolk County safely will cease to exist. AME has, for many years, been providing Suffolk County with the filling of the holes in their budget. We've done your work. Have you been listening? Or are some of you sitting here at the horseshoe reading, texting, talking and never looking these people in the eye who you have voted to fire; that's a disgrace. Is it easier? Common courtesy is all they ask. I commend those of you who have given them that.

This is personal. It's personal for every Suffolk County employee, every resident, and it should be personal for each and every one of you. We, the residents, the employees and the taxpayers of Suffolk County elect you; do your job. Do the investigation, educate yourself and really look at the impact these layoffs will have on all of Suffolk County. Come election time, we will be filling your seats if that's not done. We've been doing your work, giving you answers for free, that will cease in the future. If you can't protect the residents, we will. Consider that your layoff notice.

This is not a threat, it's a final request for each one of you to do the right thing by all residents and taxpayers. Save these AME jobs. Thank you.

***Applause***

**D.P.O. HORSLEY:**

Thank you, Ms. Leonardi. Sal Russo, and on deck is Owen Durney.

**MS. RUSSO:**

Thank you for letting me speak. You know, I know there's bright minds in this horseshoe, I know there are. You guys put your minds together and you can create anything. Okay? You know, you laid off 80 county employees this year already and the deficit went up. So what does that tell you? There's another problem. It's not us. We're not the problem. So laying us off and throwing us in the street is not the solution.

You have security guards that have been trained. These guys know what they're doing. How can you just take them and throw them out? You guys trained them, you paid to train them and you're going to take all that experience and throw it out? And you talk about Homeland Security? I don't get it. There's something I'm missing here.

You guys, you can do this. You can put your minds together. We'll work with ya. I'm 2nd Vice-President-Elect, I'll be more than happy to sit down with every one of you's and go over this. This is serious. You've got firemen you're throwing out in the street. Firemen; guys that sat side-by-side with me in Manorville putting out those fires and you're going to throw them out in the street? This is wrong. We need to stick together and you guys -- you guys, you could do it with us, I know you can. I have faith in every one of ya's. Thank you very much.

*Applause*

**D.P.O. HORSLEY:**

Thank you, Mr. Russo. Owen Durney, and on deck is Lindsay Cleary.

**MR. DURNEY:**

Hello, everybody. First of all, I was here at the general operations -- oops, bring the mic up. Thank you. I was at the Operations Committee meeting earlier this week and I -- or last week and I wanted to thank -- I thank them and I want to thank all of you who are all here together for restoring the Tobacco Cessation Program and the Health Education Program. I guess what my previous speaker said here, it's true, when you put your minds together you can -- you can protect public health.

I was also moved by Mr. Barraga's comments at the last meeting. When I came to Suffolk County, one of the first -- one of the reasons why I came, and I took a pay cut from the private sector to the public sector was because I wanted to get my degree, my Master's Degree at C.W. Post, and it was the union, through its negotiation with the County, that allowed me to do that. I couldn't afford to do that without the union. So Mr. Barraga, I, too, remember where I came from and what the union has done for people like me who have helped me move ahead in my life.

The last time I spoke to you all, I didn't even know I was on the layoff list, and I was fighting for or talking about Public Health Nursing, and I'm here to talk about Public Health Nursing again. There was an article in today's Newsday that says that access to health care is harder for New Yorkers and certainly harder for Long Islanders and residents of Suffolk County. Each one of you at the last General Meeting got a list of the top ten zip codes that are served by the Bureau of Public Health Nursing, and I'll read that list really quickly; Bay Shore, Brentwood, Central Islip, Wyandanch, Amityville, Patchogue, Medford, Riverhead, Mastic and Mastic Beach. These are your constituents. I'm looking at this horseshoe and most of you represent those zip codes. These are your constituents.

And what these people do, and I know a lot of my colleagues were here speaking about what they do, maternal and child health, Child Find; Child Find is looking for children with developmental delays. That, by the way, when you catch kids early in their development, that offsets the taxpayer that has to pay for the school district taxes. Eighteen million dollars in my own school district is

what we spend in special education. If we can catch kids at an early age, in their infancy, which is what our Public Health Nurses do, those kids are less likely to be in Special Ed in public schools, and that is what's driving your taxes up and the taxes of your constituents. So Child Find is grant-funded as well as communicable disease prevention, things like Tuberculosis. These, again, are your constituents that our nurses are protecting the public health of you and your neighbors and your constituent's children who are also your constituents.

So I'm just going to wrap it up with, you know, if you could please reconsider that, and also consider the offset of revenue. Because these positions are revenue-generating, so when you wipe out ten of them, you're decreasing revenue that's coming into the County which adds to the deficit anyway. So those are some -- just some food for thought. And thank you for your time.

***Applause***

**D.P.O. HORSLEY:**

Thank you, Mr. Durney. Lynsey Cleary?

**MR. DURNEY:**

Oh, and I forgot to say Happy Nurses Week to everybody.

**MS. CLEARY:**

Hi, Legislators. My name is Lindsay Cleary and I'm a Public Health Nurse I and I am getting laid off in June. I work for the Sexually Transmitted Disease Unit. This unit is slated to have three out of five nurses being laid off. Staffing and morbidity have an inverse relationship; decrease in staffing yields increase to morbidity in Suffolk County communities, all your communities.

Decrease in staffing means decrease in partner notification; decrease in staffing means decrease in public health education; decrease in staffing means decrease in linkage into adequate care for the exposed and infected patients in your towns in regards to Gonorrhea, Chlamydia and Syphilis. Already one in four ages -- people from ages 15 to 24 will have contracted or have contracted an STD. The work of our unit is mandated. The STD Unit and their nurses are funded 50% to 100% by New York State grants. In addition, we also receive funding from Article 6, so it doesn't make sense to me to substantially cut in the staffing of the STD Unit when the County is not providing substantially for the STD Unit. Thank you.

***Applause***

**D.P.O. HORSLEY:**

Thank you very much, Ms. Cleary. One more time for Donna Caponegio? Donna Caponegio? All right. That concludes the cards that I have today. Would anyone else like to be heard this morning? I think --

**P.O. LINDSAY:**

No, she already spoke.

**D.P.O. HORSLEY:**

Kathleen, I think you've already spoken, so,

**MS. MALLOY:**

I know I've already spoken. I just wanted to ask --

**MR. NOLAN:**

You can't speak again.

**P.O. LINDSAY:**

You can only speak once.

**D.P.O. HORSLEY:**

Only once.

**MS. MALLOY:**

What?

**D.P.O. HORSLEY:**

You can only speak once.

**MS. MALLOY:**

No, I'm not speaking about anything really from you. Kate Browning last week asked me a question on the record asking me to research it.

**P.O. LINDSAY:**

You can't speak again.

**D.P.O. HORSLEY:**

Okay. Yeah, not during the public portion.

**MS. MALLOY:**

Okay, I got it.

**D.P.O. HORSLEY:**

Okay? Thank you very much. Would anyone else like to be heard?

Come on up.

**MS. WRIGHT:**

Hi. My name is Jean Wright. I'm a social worker, I work for the County. I'm not on a list. I hope this appearance doesn't put me on a list.

*(\*Laughter\*)*

But there are a couple of quick things, I'll try to keep this really brief. The history of our County is we have three major psychiatric institutions through which New York City dumped all their patients out here for decades. Okay? When I started my career, it was during the deinstitutionalization movement. And at another point in my career, I was dealing with the pregnant teen-agers who were the children of the patients who were not able to raise them appropriately. Now I'm seeing the children who were born at that time on my HIV lists. The problem -- people don't evaporate, they're here. We have to maintain these services and deal with people.

Specifically I want to talk about the Public Health Nurses in the STD Unit. When I first came on to the County payroll, we were identifying 65 HIV patients a month, a month. Now we've got it down to like maybe five a month and you're going to -- and Dr. Spencer can explain, HIV 101 to you and how STD's facilitate HIV infection. We have worked so hard to get that number down and now we're reversing all that progress.

The other thing is the Public Health Nurses. The -- who work with the high risk mothers and the highest risk infants and the social workers who work with that population. The -- you need to know that cutting back on services you might be providing, you need to know the TASA Program in Islip, Teenage Services Program, was cut and closed down. Okay? Islip Town today is voting on cutting

another program for those high-risk mothers and -- so you can't do what you're doing in isolation without knowing what's happening in the rest of the community, because there will be no programs, there will be no programs. And if you don't think this is going to eventually lead to the filling of that jail that you've got sitting out there in 15 years with a bunch of juvenile delinquents and other people who have been not properly raised because there weren't services and their parents were struggling, you're kidding yourself. You're kidding yourself. And I would hope that you would take this all into consideration. These services didn't evolve out of no place, they evolved out of needs. You know, all the County workers I know in the Health Department are working way out of their job descriptions to deliver services.

**D.P.O. HORSLEY:**

Ms. Wright, would you please wrap it up?

**MS. WRIGHT:**

Okay. I just wanted to point out those few facts to you. Pay attention to what's happening on the town level because they're cutting services while you're cutting services here. The Public Health Nurses and the STD workers, worth their weight in gold. It's very foolish to cut those services. Thank you.

*Applause*

**D.P.O. HORSLEY:**

Thank you very much. We appreciate your comments. Would anyone else like to be heard? That being the case, I see no other people who would like to be heard. Oh, one in the back.

**MS. KRAUT:**

Thank you. My name is Lisa Kraut and I am the only Senior Clerk Typist in the Health Education & Tobacco Enforcement State-funded position that has been abolished. I only have one question; I want to know if Mr. Bellone's secretary and us, the other 315 "oops-mistakes" people who are getting laid off are going to be put back on the right side of the list. That's all I want to know.

*Applause*

**D.P.O. HORSLEY:**

Thank you very much. Okay, I'll make a motion to close the public hearing. Seconded by Legislator Lindsay. All those in favor? Opposed? So moved. The Public Portion has been closed.

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Okay, we have about five minutes left and I want to go to the agenda and I want to take -- there's two appointments out of order that the people have been sitting here all morning. First James -- it's 1478 on page eight. I want to make a motion to take out of order ***1478-12 - Appointing James Morgo to the Suffolk County Community College Board of Trustees (Horsley)***.

**D.P.O. HORSLEY:**

I'll make a motion.

**P.O. LINDSAY:**

I made a motion to take it out of order.

**D.P.O. HORSLEY:**

I'll second the motion.

**P.O. LINDSAY:**

On the question? I don't see anybody. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

It's before us. You want to make a motion to approve?

**D.P.O. HORSLEY:**

Yes, I'd like to make a motion to approve James Morgo to be on the Suffolk County Community College Board.

**P.O. LINDSAY:**

And I'll second that, and James is here. If you would come forward, James. James was out of the country when the committee meeting was going on. If anybody has any questions of James, now's the time to ask.

**MR. NOLAN:**

Schneiderman.

**P.O. LINDSAY:**

Yeah, Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

Jim, thank you for your willingness to serve. I know you in many capacities, particularly in the housing, affordable housing arena.

I don't know you in the educational arena and I'd like to hear what you're going to bring to the Board of Trustees for Suffolk County Community College.

**MR. MORGO:**

Thanks, Jay. And before I answer that, I want to thank all of you for your service. It can't be an enjoyable time to serve. It can't be much fun.

Jay, I was an English teacher at Bayport-Blue Point High School for 14 years, I taught juniors and seniors, and I also taught at Suffolk Community College, Nassau and Dowling. And that's when, as an English teacher to juniors and seniors, I learned about the college and I know how important it is. I had many kids. Many of my students, for whatever reason, couldn't go to a four-year college and they went to the community college and they were able to go in as juniors at some very prestigious four-year colleges.

Also, it's on my resume, I served as a Trustee for the Community College previously, from 2001 to 2004. I resigned when I became Commissioner of Economic Development & Workforce Housing. So I know the background, I know what's been going on at the college. I talked to The Faculty Association, The Guild frequently, and I also talk to current trustees. So I know the importance -- for example, I know that with your help, the college was able to have no tuition increase for 2012-2013, I've been following the Capital Budget, I know how supportive you folks are and I know The Guild and The Faculty Association agreed to a freeze, so I've been aware of the college. And I had a former career, it seems like a very long time ago now, though, in academics.

**LEG. SCHNEIDERMAN:**

Thank you.

**P.O. LINDSAY:**

Anybody else? Go ahead, Legislator Kennedy.

**LEG. KENNEDY:**

Good morning.

**MR. MORGO:**

Good morning, John.

**LEG. KENNEDY:**

So you had the good sense to get out when you were on this side, huh? *(Laughter)*.

**MR. MORGO:**

I think I prefer not to comment on that. But you guys, just listening this morning, I'm saying my goodness, it can't be fun.

**LEG. KENNEDY:**

It's tough times all over, as you know. I know you were intimately involved with the college, have a good, hands-on knowledge of it, have excellent credentials as a manager. I'm just going to ask you to speak to your thoughts about the Capital Program with the Community College in particular and three buildings, large buildings, projects, one on each one of the three campuses that have been progressed now for the better part of five or six years through this Legislature that had not been put forward by the previous administration, and surprisingly have not been put forward by this Administration. Just tell me your thoughts as an incoming trustee.

**MR. MORGO:**

Capital programs are investments, and I know they incur debt. But something like the science building, when you look at the bigger picture of economic development and stem-education, I think that's a worthwhile investment. You make an investment because you're looking for a return. Obviously you have to be judicious, you can't approve every Capital Program, you have to look at the cost benefit analysis, what you're going to get back. But if I have any bias', I think it's a bias in favor of education and making the investment in education.

**LEG. KENNEDY:**

And while your comments are spot-on, as usual, associated with capital expenditures, there is a certain unique aspect with construction within the Community College campus; isn't there?

**MR. MORGO:**

Well, I think because -- I think the enrollment now is over 21,000. That's larger than my alma mata, that's larger than major universities around the country. And there are really two levels, John, and I know you know this; one is the most basic, the education the kids are getting and what they do with the education. The other level, though, is the importance of the college for economic development in this County. And I saw John Lombardo was here earlier, you know the Megatronics Program?

**LEG. KENNEDY:**

I know it well.

**MR. MORGO:**

That's the kind of direct investment that has results right here in the County. I've been involved in Accelerate Long Island, and one of the reasons that a lot of the folks in the high tech companies that want to -- that were trying to commercialize here on Long Island, one of the things they're worried about is we don't have the workforce. Kids that are educated in top-notch technology schools across the country frequently don't look to come back to Long Island.

**LEG. KENNEDY:**

The State Education Department does help support us as well, don't they, in the construction process?

**MR. MORGO:**

I believe so. I'm not positive. I know the a third-a third-a third formula.

**LEG. KENNEDY:**

All right, thank you. Thank you, Mr. Chair.

**MR. MORGO:**

Thank you.

**P.O. LINDSAY:**

Legislator Horsley.

**D.P.O. HORSLEY:**

Yes, they do, it's half the State funds. But Jim, you know, I want to just spend just a quick moment to thank you for your service on the IDA Board. Truly you professionalize the IDA Board, you were there when we did the deals with Canon and so many other like companies coming into Suffolk County. And I just didn't want the moment to pass to say thank you very much on behalf of all Suffolk County residents for the job well done. And frankly, your qualifications for this board is so important, because if you recall, we were the guys that were sitting there with the concept of trying to divide the County College from the County government itself.

**MR. MORGO:**

The plan C discussion.

**D.P.O. HORSLEY:**

The plan C, yes, absolutely. So thank you very much for your service on all fronts. You'll make a great board member, I'm sure.

**MR. MORGO:**

Thank you, Wayne. And Wayne, thanks for coming to the meetings, the IDA meetings.

**P.O. LINDSAY:**

Okay. Legislator Hahn.

**LEG. HAHN:**

Thank you. Thank you, Jim. Thank you for all of your service. You touched on it, my question a little bit, but I do want to ask it anyways. Accelerate Long Island and Innovate Suffolk and economic development and how important building the workforce is, and we want to make sure in training and retraining our workforce for these new technologies that may come out of these partnerships with Brookhaven National Lab, Stony Brook University, Cold Spring Harbor Laboratories, how do we ensure that the college is flexible and nimble enough to address, you know, new workforce needs? And how do we make sure that the college is part of Innovate Long Island?

It hasn't really been talked about as a partner the way Hofstra and the university have been, and I think we need to interject them because all levels of the workforce need to be trained in these new industries.

**MR. MORGO:**

You're right. The community college has not been a very -- well, hasn't been a part of the alliance at all, as a matter of fact. And when I was with Brookhaven, I made the point frequently that although it's on a different academic level than Hofstra, Stony Brook, Cold Spring Harbor Lab and the work that's done there, there is still, through its Megatronics programs, a place for the college. And they were invited to some of the early meetings, and frankly I hadn't thought of it but you had me think of it, when I -- when and if I get on the Board of Trustees, it's something that I will pursue. But they have been excluded, so as Nassau Community College.

**LEG. HAHN:**

And part of the workforce -- you know, it's really important to be training all levels, the entry-level as well.

**MR. MORGO:**

Right.

**LEG. HAHN:**

So that we really are an industry that we're building here and that we're building the workforce to feed those growing industries at all levels. And we cannot forget the entry-level and to retrain workers that have been misplaced through this recession as well.

**MR. MORGO:**

You know, getting those entities that you spoke about to work together was difficult. And there is a certain -- a certain snobbery, and I think that might have, you know, been -- had a negative effect on the community colleges, if you follow me.

**LEG. HAHN:**

Well, I hope you'll work hard to bring the community colleges as part -- into those initiatives.

**MR. MORGO:**

I will.

**LEG. HAHN:**

Thank you.

**P.O. LINDSAY:**

Legislator Montano.

**LEG. MONTANO:**

Good morning, Jim. How are you?

**MR. MORGO:**

I'm fine, Ric.

**LEG. MONTANO:**

Jim, just a couple of questions. Getting back -- I was trying to pull up the e-mail I had with respect to the Capital Projects that were not included in this year's proposed budget. Are you familiar with those that pertain to the college?

**MR. MORGO:**

I am no, no.

**LEG. MONTANO:**

So --

**MR. MORGO:**

The Capital Programs that were not included.

**LEG. MONTANO:**

That were not -- I think they were actually eliminated from the Capital Budget; am I correct in that?

**P.O. LINDSAY:**

He doesn't know.

**MR. MORGO:**

I'm not aware.

**LEG. MONTANO:**

Excuse me?

**P.O. LINDSAY:**

He doesn't know.

**LEG. MONTANO:**

Right, you don't know.

**MR. MORGO:**

I don't know.

**LEG. MONTANO:**

All right. But you said earlier that you support the Capital Projects.

**MR. MORGO:**

Well, the one --

**LEG. MONTANO:**

You meant -- so what I gather is that you meant conceptually you support Capital Projects.

**MR. MORGO:**

No, I know the Science Center was included, and I know there were a couple of others, but I don't know the ones that were eliminated.

**LEG. MONTANO:**

All right. So you're not in a position to state whether or not you would advocate for the reinclusion of any other Capital Projects that were eliminated from the College Proposed Capital Budget at this time?

**MR. MORGO:**

When and if I'm on the board I suppose I would be, but no, I wouldn't know.

**LEG. MONTANO:**

Okay. Well, you don't know, you don't know. The only other question I had then is that I know that you're in the consulting business now, congratulations. Your resume says that you're consulting to secure developers -- works with developers to secure municipal and community approvals for Long Island based projects. When you say municipal, will you also be attempting to consult with the County of Suffolk on projects?

**MR. MORGO:**

As you probably know, I took myself out. I observed the two-year prohibition after leaving the --

**LEG. MONTANO:**

But the two-year prohibition is over.

**MR. MORGO:**

Yes, it is. I haven't yet, but there's a chance that I might. I have an unusual business plan, Ric. I refuse more clients than I accept, because I am lucky, I'm very lucky. But I'm very good at doing nothing, so I appreciate my free time.

**LEG. MONTANO:**

I hope that doesn't apply to the board.

*(\*Laughter\*)*

**MR. MORGO:**

Well, if I thought it did, I wouldn't have said it.

**LEG. MONTANO:**

What I was going to ask you, Jim -- and we go back many years, so, you know, we have a good relationship. If you're going to secure or attempting to secure work with the County as a consultant, could that potentially be an issue in terms of your sitting on the Board of Trustees of the college?

**MR. MORGO:**

Well, I'm certainly not going to do anything with the college, Ric. And currently I have three contracts and none of them are pursuing work with the County. So, but if I were to do something with the County, say the Health Department or something, I don't say how that would be a conflict with the college; do you? I don't see it.

**LEG. MONTANO:**

I don't know. I don't know what you're going to be doing, that's why I'm asking you.

**MR. MORGO:**

No, I don't see it.

**LEG. MONTANO:**

Your resume is very general, so I don't know what kind of work you're going to be pursuing. But I want to make sure that if you are pursuing work with the County, that because the college is so closely associated with the County, that it doesn't pose a potential issue in the future.

**MR. MORGO:**

I think if you look at my background, anytime there was a potential conflict I made sure that it was disclosed and made sure it didn't exist.

**LEG. MONTANO:**

Thank you.

**P.O. LINDSAY:**

Okay, I still have three on the list. The only thing I ask my colleagues is it's ten minutes past the lunch break, so. Legislator D'Amaro.

**LEG. D'AMARO:**

Thank you, Mr. Presiding Officer. Jim, good morning, or good afternoon. And you have a remarkable record of public service. I think we're lucky that you're stepping forward yet again to serve the County in another capacity, yet another capacity, which you've done in the past. You have a wealth of experience and I think the board is better with you there, so I appreciate that.

I just wanted to ask you, putting aside the Capital Program for a moment. As you know, a couple of years ago we really lost our hand in crafting the college budget; it's now done in-house by the board, by the college. Just give me a little insight into how -- and we can just get a yes or no vote, really, at the end as to the County contribution, as you know. Give me just a little insight on how you're going to weigh the needs of the college against the needs of the County taxpayers that are partially funding that budget.

**MR. MORGO:**

Although that separation occurred, I think it was 2008, a trustee has a responsibility to everybody in the County, and you folks are on the front line. So I would -- if there were any such issues, I would consult with you, I would talk to you. I think as I look around the horseshoe I know everybody and I have had a relationship with everybody. I know all of you have reached out to me at one time or another, I would reach out to you. Obviously, and it's a cliché but it's true, I don't know all the answers, so I would look for other points of view.

**LEG. D'AMARO:**

And I appreciate that answer very much, because we are on the front lines, at least with respect to the County portion or contribution into that budget. And as you've always done and it's always been my experience working with you that you're fair, you're reasonable and you believe in communication and that's most important. So thank you again for serving.

**MR. MORGO:**

Thank you.

**P.O. LINDSAY:**

Legislator Anker.

**LEG. ANKER:**

Hi, Jim.

**MR. MORGO:**

Hi, Sarah.

**LEG. ANKER:**

It's a pleasure to see you again. I know we worked together, actually next to each other when I was the Director of the Energy Department in the Town of Brookhaven and you were working in the Economic Development Department, and I'm assuming you're going to bring that incredible amount of experience to the Community College.

I also am interested in Accelerate Long Island and trying to see if we can pull the Community College, specifically the Workforce Development Center, into the idea of something tangible that the college can actually do for that. So -- and I'm assuming you would recuse yourself if there's any conflict, you know. So again, I want to, you know, thank you for coming out today and for, you know, putting yourself in, again, another wonderful position to help our community and help especially our Community College. So thanks for coming up.

**MR. MORGO:**

Thank you, Legislator. And Legislator Hahn hit a nerve when she mentioned that other thing, so it's given me a mission. And as far as recusing myself, you know, obviously (*Laughter*).

**P.O. LINDSAY:**

Legislator Romaine.

**LEG. ROMAINE:**

Yes. First of all, thank you for your service.

**MR. MORGO:**

Thanks, Ed.

**LEG. ROMAINE:**

I hope to support you in this. I think that you'll be, as you were in the past, a good board member. I just want to raise the concern, in the past the board always had representatives from the East End. We had two excellent representatives in Jim Cane from East Hampton --

**MR. MORGO:**

Jerry Cane, yeah.

**LEG. ROMAINE:**

Jerry Cane, who's a really good guy; his only mistake was one of his students who succeeded to County Executive.

*(\*Laughter\*)*

And we had -- we had Bill Moore who actually wound up, from Southold, being President of the board, both were, I thought, very good Trustees for the college. Now we have no representatives. Now we have a County Executive that after years of lobbying and finally getting funding for the gym on the Eastern Campus, half of which is going to be funded by the State of New York, that's going to create construction jobs and permanent jobs, is now being proposed to be removed. And if it is removed from the program, as long as it's in the program we don't have to build it. But as long as -- as you know, as long as it's in the program, the State reserves that money to fund our half of it. We take it out of the program, that money goes good-bye and we don't see that again. We don't have to build it, but it does have to be in the program.

I just want to emphasize that interest to you for the Eastern Campus. I know my colleague, Jay Schneiderman, shares by concerns for that, since we have had no representatives for the East End on the college and we think the board needs to be a little bit more geographically balanced. But thank you for your service, look forward to supporting you.

**MR. MORGO:**

Thanks, Ed.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Congratulations.

**MR. MORGO:**

Thank you. And we will be communicating. Thanks again, folks.

And thank you for your service.

**P.O. LINDSAY:**

Before we break for lunch, I see Jane Devine here who has a resolution to be reappointed to the Water Authority. And I'm not quite sure why you're here because you're a reappointment, but as long as you're here, we'll certainly take advantage of talking to you.

*(\*Laughter\*)*

**MS. DEVINE:**

Legislator --

**P.O. LINDSAY:**

Let me just first do some business. I make a motion to take Resolution 1388 out of order.

**LEG. SPENCER:**

Second the motion.

**P.O. LINDSAY:**

Second the motion by Doctor -- by Legislator Spencer. All in favor? Opposed? Abstentions?

It is now before us.

***1388-12 - Reappointing member to the Suffolk County Water Authority (Jane R. Devine) (Spencer).***

**MR. LAUBE:**

Eighteen.

**MS. DEVINE:**

Legislator Lindsay, I'm here because I called Terry Pearsall last week and I said, "What should I do? They didn't want me to go to the committee because it's a reappointment," and Terry said, "I think it's a good idea if you come to the full Legislature." I have always listened to Terry, the ten years I sat here I listened to Terry, I still listen to Terry. So if he says be here, I'm here.

*(\*Laughter\*)*

That's why.

**P.O. LINDSAY:**

It's really sadistic to make you sit through this all morning long.

*(\*Laughter\*)*

Anyway, I'm going to make a motion to approve the reappointment.

**LEG. SPENCER:**

I second the motion.

**P.O. LINDSAY:**

Legislator Spencer seconds that. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**MS. DEVINE:**

Thank you very much. Thank you.

**P.O. LINDSAY:**

You're welcome. Congratulations, and thank you for your service.

Okay. I'll take a motion to adjourn until 2:30, or to recess.

**LEG. ROMAINE:**

So moved.

**P.O. LINDSAY:**

Second.

**MR. LAUBE:**

Eighteen.

*(\*The meeting was recessed at 12:38 P.M. \*)*

*(\*The meeting was reconvened at 2:30 P.M. \*)*

**D.P.O. HORSLEY:**

May we have the Legislators please come to the horseshoe? Okay. Mr. Clerk, why don't you call the roll.

**MR. LAUBE:**

Will do.

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

**LEG. ROMAINE:**

(Not present).

**LEG. SCHNEIDERMAN:**

Here.

**LEG. BROWNING:**

(Not present).

**LEG. MURATORE:**

Here.

**LEG. HAHN:**

Present.

**LEG. ANKER:**

Here.

**LEG. CALARCO:**

Present.

**LEG. MONTANO:**

Here.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

Here.

**LEG. KENNEDY:**

(Not present).

**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:**

Here.

**MR. LAUBE:**

Fourteen.

**D.P.O. HORSLEY:**

All right. I've been advised by the Clerk that the affidavits of publication are in proper order for the following public hearings; so say you the Clerk?

**MR. LAUBE:**

Yes.

**D.P.O. HORSLEY:**

There you go. The first one up is *(Public Hearing on) 2013-20115 Capital Budget & Program*. Would anyone like to be heard on this?

**LEG. MONTANO:**

Kevin, are you coming?

**MR. NOLAN:**

He's on the Community College.

**D.P.O. HORSLEY:**

He's on the Community College, this is for the Capital Budget & Program.

**LEG. CILMI:**

There is --

**D.P.O. HORSLEY:**

There is, I have Given (sic) O'Shea.

**LEG. CILMI:**

No, no. In other words, the Community College is part of the Capital --

**LEG. MONTANO:**

That's what I was going to say. Isn't --

**MR. NOLAN:**

He didn't fill out a card, he doesn't want to talk about it.

**D.P.O. HORSLEY:**

I'm sorry, Kevin. You are --

**MR. NOLAN:**

Sit down.

**LEG. MONTANO:**

Wait, wait, wait, wait.

**D.P.O. HORSLEY:**

Come on, you can say something.

**LEG. CILMI:**

You're welcome to if you would like.

**D.P.O. HORSLEY:**

All right. As well as the -- this includes the Suffolk County Community College Capital Budget.

**MR. PETERMAN:**

Thank you. Good afternoon. I'm Kevin Peterman, I'm the Executive Vice-President of The Faculty Association at Suffolk Community College. And just first of all, I want to thank you for your past support, both with Capital and College budgets. But I do want to specifically give a couple of my minutes here to talk about the Capital Projects. There were several projects that you approved last year that were not in the County Exec's budget, Capital Budget this year, and I would hope that you would consider reinstating those projects. They were vital last year, I don't know why they wouldn't

be vital now.

The other thing that I think is very important is just to remind you that we have State money. If you remember the Capital Projects for the college, half the money comes from New York State and half the money comes from the County. That money for the projects that you approved last year has been approved, those projects have been approved by the State. So some of these -- all of these projects you're basically getting for half the price that you actually have to pay for them. And last year -- I don't think Budget Review did a capital review for the document yet, but last year Budget Review had recommended those projects be funded and be supported. As I said before, I don't know what's changed. It's my understanding that the money is there, the college needs the projects, you voted for them last year and I would hope, I would hope that you would consider reinstating some of those projects, specifically the Health & Wellness Facility at the Riverhead Campus, a major renovation at Kreiling Hall which is at the Ammerman Campus, and also the renovations for the Sagtikos Building at the Grant Campus. So I just hope that you would consider those things. Thank you.

**D.P.O. HORSLEY:**

Thank you very much, Kevin. We do have a couple of questions for you. Legislator Montano.

**LEG. MONTANO:**

Thank you. Hi, Kevin. How are you?

**MR. PETERMAN:**

I'm fine.

**LEG. MONTANO:**

Kevin, you'll have to excuse me. I had an e-mail in my system which listed the projects and I can't seem to find it, I couldn't find it earlier this morning either. Can you articulate which of the projects you're referring to that were approved by the Legislature in the Capital Budget last year that have been eliminated in the County Executive's proposal, and also the dollar amount. And thirdly, we can do it compound, indicate what stage these projects are at; do you have that information available?

**MR. PETERMAN:**

I have some of that information. I'm not -- you know, I'm not --

**LEG. MONTANO:**

Okay, I --

**MR. PETERMAN:**

I'm not an administrator at the college, but I do have some information. I'll give you what I have if you want it.

**LEG. MONTANO:**

Yeah, just give me what you have. I know you can't give me what you don't have.

**MR. PETERMAN:**

Okay. Kreiling Hall renovation was approved last year and it was deleted out of this year's proposed budget.

**LEG. MONTANO:**

What was the amount of that?

**MR. PETERMAN:**

The amount for the County would be \$3 million, roughly.

**LEG. MONTANO:**

And the State aid was what, \$3 million?

**MR. PETERMAN:**

Well, it's matching, it's 50/50.

**LEG. MONTANO:**

Fifty/fifty.

**MR. PETERMAN:**

The other one that's very disturbing to me is the Health & Sports Facility at the Eastern Campus. The total project is about \$16 million; again, half of that is coming from the State. And if you know the Eastern Campus, they have no facilities at all.

**LEG. MONTANO:**

Right.

**MR. PETERMAN:**

And it's obviously something that's needed. It's my understanding that that building could be used similar to the Grant Campus where it could be used for outside, you know, community groups and what have you at off times. So I think that would be a vital need for the East End.

**LEG. MONTANO:**

So that's two projects. Are there more?

**MR. PETERMAN:**

Yes. There were -- there was the renovation of the Sagtikos Building. If you know the Grant Campus, that's currently where the library is, hopefully that library project will be moving forward. And that space needs to be renovated desperately, because if you have to convert a library into possibly a one-stop counseling center, there's major renovation that needs to be done there. It's my understanding that that project is about -- I believe it's about \$4 million.

**LEG. MONTANO:**

Four million dollars County money.

**MR. PETERMAN:**

Yeah. Now just -- if I may, just going back to last year's budget review document. All of those projects were in there and there's justification from Budget Review, again, explaining that the money has been appropriated from the State. And I think it's something that I think we should remind ourselves, that I think -- and again, I'm not a financial expert, but it seems to me that bonding the money is fairly inexpensive right now. We have half the money from the State that's already been approved. It seems to me that, you know, when we talk about -- and I hate to bring this up, but when we talk about why students might not want to go to the Brentwood Campus, part of that is facilities. And some of the good things that are going to happen, thanks to what you've done, is we are going to build a new learning resource center, a new library on that campus. So when a student comes and says, "Where should I go," and they see, you know, a new facility or they see, you know, improvements, that can only help.

**LEG. MONTANO:**

Okay. So you named three projects; those are the three projects and I think the only three projects that were eliminated from last year's Capital Budget in this year's Capital Budget proposal; am I correct?

**MR. PETERMAN:**

Those are the three that I'm aware of. There might be others but, you know --

**LEG. MONTANO:**

A couple of other small ones.

**MR. PETERMAN:**

Yeah, small ones.

**LEG. MONTANO:**

And if my memory serves me, and correct me if I'm wrong, those projects were actually not recommended in the proposed Capital Budget last year by the County Executive but were included by the Legislature; am I correct in that?

**MR. PETERMAN:**

That is correct, and I believe it was an 18-0.

**LEG. MONTANO:**

Right. If I may direct this to BRO. Robert, are you ready?

**MR. LIPP:**

I'll try.

**LEG. MONTANO:**

Okay. I'm sorry. Yeah, I just wanted to be clear. In the proposed Capital Budget, we've just identified three projects that were deleted. Are there any other projects that you're aware of that there were in the Capital Budget that we passed last year that are deleted in this year's proposed Capital Budget?

**MR. LIPP:**

I'll get back to you in a couple of minutes.

**LEG. MONTANO:**

All right. No problem.

**MR. LIPP:**

There were a few projects, though, yes.

**LEG. MONTANO:**

There were a couple of small ones, right? All right, thank you, Kevin. I appreciate it.

**D.P.O. HORSLEY:**

Thank you very much, Legislator. And thank you very much, Kevin. Would anyone else like to be heard on the 2013-2015 Capital Budget? Seeing none, I'll make the motion to close.

**P.O. LINDSAY:**

Second.

**D.P.O. HORSLEY:**

Seconded by Legislator Lindsay. All those in favor? Opposed?

It has been closed.

**MR. LAUBE:**

Fifteen *AMENDED VOTE: Sixteen - Not Present: Legislators Browning & Kennedy*).

**D.P.O. HORSLEY:**

Thank you.

The second is *(Public Hearing) 2012-2013 Suffolk County Community College Budget*. I believe this is the first time it's been on our agenda. Would anyone like to be heard on the Suffolk County Community College budget? Seeing none, I'll make a moment to recess. Motion to recess.

**LEG. CILMI:**

Second.

**D.P.O. HORSLEY:**

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

**MR. LAUBE:**

Sixteen.

**LEG. MONTANO:**

Recessed?

**D.P.O. HORSLEY:**

Recessed. Okay?

All righty, *(Public Hearing on) Procedural Motion No. 7-2012 - Authorization of a ferry license and the setting of rates for Hampton Jitney, Inc., d/b/a Peconic Bay Water Jitney (Presiding Officer Lindsay)*. This has been recessed from 4/24. Would anyone like to be heard on this?

**MR. RYAN:**

Yes. How are you? I'm Jim Ryan from Response Marine. I'm here on behalf of Hampton Jitney in the formation of Peconic Bay Water Jitney. It's a ferry service that will be initiated this year between Greenport, or it's proposed between Greenport and Sag Harbor, and we've submitted our petition for our approval of our rates with the Suffolk County Legislature. That's what I -- I'm just here to answer any questions you may have with regard to the information I dropped off at our last public hearing.

**D.P.O. HORSLEY:**

Okay.

**P.O. LINDSAY:**

Jay wants to talk.

**D.P.O. HORSLEY:**

Jay? Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

Yeah, it's a question that's probably more towards BRO and to the process. So I haven't seen BRO's report yet for this ferry proposal, and it's time sensitive. I think these guys are trying to get this thing off and running by July 1st, you know, connecting Sag Harbor and Greenport Villages with this water taxi. And I've assured them that the County would not be the obstacle here, so I'm hoping that as this is an economic development proposal, that we are doing everything we can to expedite it. So where do we stand with BRO's report?

**MR. LIPP:**

We're waiting for information. The report should be done soon, but we're still waiting for some information.

**LEG. SCHNEIDERMAN:**

I'm concerned if we have to recess this, then we're not meeting until June; it seems like it's going to be impossible to meet that July 1st timeline. Is there -- is it almost done? Are we going to have it today?

**MR. DOERING:**

In the process of evaluating the rates, we would need to determine the expenditures, and unfortunately, at this point they don't have all the information necessary to do that. So we can't properly evaluate the rates at this point in time.

**D.P.O. HORSLEY:**

And what precludes you from getting those rates?

**MR. DOERING:**

They still need to determine the expenditures associated with the landing agreements.

**MR. RYAN:**

If I may?

**D.P.O. HORSLEY:**

Please; Mr. Ryan?

**MR. RYAN:**

Yes, we've been working with both Village Trustees and the Mayors of Greenport and Sag Harbor. And with regard to the landing sites that we have in place, there's been no set rate as far as if there is going to be any at all for dockage. And it's not really even dockage, it's a touch-and-go dock where for a total of 24 hours we would only be at that location for roughly two hours per 24-hour day. They haven't identified that there would be a number or wouldn't be a number, so I've provided everything, all the information with regard to the charter of the vessel which is time sensitive as well, because we're leasing this to purchase, we have a lease-to-purchase option with New York Water Taxi to use one of their catamarans for this operation.

**D.P.O. HORSLEY:**

Okay, thank you. Legislator Romaine?

**LEG. SCHNEIDERMAN:**

Well, if I could just finish.

**D.P.O. HORSLEY:**

Oh, I'm sorry. I'm sorry, Jay.

**LEG. SCHNEIDERMAN:**

Because, you know, the idea, the concept here is this is a pilot program that we don't know if it's going to be successful economically, we don't know how many people are going to use it. Both the villages are looking that it says only basically for this summer and then to evaluate it for the future. The rate that I have been told, I think it's a \$10 one way per passenger -- I mean, it's \$11 one-way and 20 round-trip.

**MR. RYAN:**

Round-trip, that's correct.

**LEG. SCHNEIDERMAN:**

And it's a half-price ticket for kids under 15, I think.

**MR. RYAN:**

That's correct.

**LEG. SCHNEIDERMAN:**

And I'm concerned if we delay this that it's just not going to happen July 1st. I don't know, maybe from Counsel, do we have to -- for a pilot program, can we differentiate this and say, "Well, that rate's acceptable" or not?

**MR. NOLAN:**

Budget Review has got to finish their report. We can't close this Public Hearing at this point because the report is not done. So hopefully Budget Review will get the information they need in short order in order to complete their report, then we can close the Public Hearing at our first meeting in June, and if we did that then we'd be in a position to vote it in June.

**LEG. SCHNEIDERMAN:**

Now, I know there may be an issue, too. You're coming into the Long Wharf, which this body is familiar with the Long Wharf, we discussed it on many occasions.

**MR. RYAN:**

That's correct.

**LEG. SCHNEIDERMAN:**

Right now the lease with the Village has expired, but they're operating as if it's extended. They don't have a formal extension of it, so either the County is going to have extend the lease with the village or the County is going to have to approve you bringing your vessel in at the Long Wharf.

**MR. RYAN:**

Right.

**LEG. SCHNEIDERMAN:**

Either way you'll probably need a work permit from DPW.

**MR. RYAN:**

Right, which we've been in touch with.

**LEG. SCHNEIDERMAN:**

Have you talked with Commissioner Anderson or somebody there?

**MR. RYAN:**

No, I've left a message with Commissioner Anderson. But I've also -- you know, with the DEC. We're just trying to bring all the permitting process so that collectively, with each group, so that we

can meet on or around a June 5th start date. We have a hundred day -- a 100-day period would be the duration of the pilot program itself, from whatever date that this would.

**LEG. SCHNEIDERMAN:**

Did you say June 5th start date?

**MR. RYAN:**

June 5th. That was the --

**LEG. SCHNEIDERMAN:**

Well, that's going to -- once we recess it, that's impossible.

**MR. RYAN:**

That was the initial, but it would be a hundred days from whenever thereafter that this board were to approve it.

And with regard to the rate structure, or if there's going to be any cost at all, they didn't identify at either village that there would be a cost based on the fact that this would be a revenue income for each village retail markets, you know, for their tax base, to increase their tax base. That's primarily the purpose of this.

**LEG. SCHNEIDERMAN:**

Can I ask George again? So our next meeting is in -- what's the date, June what?

**LEG. BARRAGA:**

The 5th.

**LEG. SCHNEIDERMAN:**

June 5th. If we were to -- if BRO was able to finish that report, then it becomes -- we can close it, but then it would typically go to committee. It could be done, though, by CN, couldn't it?

**MR. NOLAN:**

Just two things. First, the report has to be out for 15 days before we can close the public hearing, so they have to finish the report 15 days prior to June 5th. The only way we could approve it on June 5th would be with a C of N because it has to get out of committee.

One other thing I would say to the witness here is that, you know, the approvals need to be in place. I don't know; Mr. Ryan, are they in place yet?

**MR. RYAN:**

Yes. Well, actually, we're meeting with the Village of Sag Harbor tonight. And publicly and privately the Village Mayor and Trustees on both Greenport and Sag Harbor have indicated that they will be approving this this week. So tonight would be Sag Harbor and on Thursday would be the Greenport Village, and after that it's just working out logistics of the service itself.

**MR. NOLAN:**

And I guess at that point you would know what charge there would be, if any, from those two entities.

**MR. RYAN:**

That's correct.

**MR. NOLAN:**

And could give that information to the Budget Review Office.

**MR. RYAN:**

That's correct; that would be the plan.

**MR. NOLAN:**

Okay.

**LEG. SCHNEIDERMAN:**

So again, to make it eligible for a vote on the 5th by CN, 15 days prior to that point BRO would have had to finish their report.

**MR. NOLAN:**

Right, which is about two weeks from now.

**LEG. SCHNEIDERMAN:**

About two weeks from now. Okay, so we have to make sure that BRO has everything that they need.

**MR. RYAN:**

Yeah, I indicated that I would have that to him by Friday morning.

**LEG. SCHNEIDERMAN:**

Okay. Very good.

**D.P.O. HORSLEY:**

Okay? Thank you, Legislator. Legislator Romaine.

**LEG. ROMAINE:**

Yes, very quickly. Obviously I know we can't vote on this until the report is done. If there's an impediment to the report, I would hope that Budget Review would ask, or at least inform both myself and Legislator Schneiderman what that impediment might be so that we can expect to have the public hearing closed on June 5th once we have the report. And if the report can come out prior to June 5th, that certainly would be beneficial.

I also want to raise the issue -- which is not an issue for the County, but an issue that was raised to me -- of the landing. Where would you be landing on the Greenport side?

**MR. RYAN:**

On the commercial dock or at Mitchel Park.

**LEG. ROMAINE:**

The commercial dock by Mitchel Park. And that's been approved by the Village?

**MR. RYAN:**

Yes. Actually, they've given me letters of consent to submit to the DEC for our application, yes.

**LEG. ROMAINE:**

So that -- the landing is taken care of. The other issue is the route that you would choose to run the ferry through village waters. The concern there is the former trustee, Michael {Lawzinski}, I know -- I'm sure you know who he is.

**MR. RYAN:**

Yes, I had the pleasure of meeting him.

**LEG. ROMAINE:**

Yes. Has an oyster business and he's afraid that his oyster beds, for which he owns, I guess, he's leasing or whatever, bay bottom there, would be disturbed and he's putting out buoys and he's mentioning to me that he's afraid the route runs over his oyster beds; I don't know if that's the case or not.

**MR. RYAN:**

Right. Yes, I met with him and his family two Saturdays ago.

**LEG. ROMAINE:**

Oh, good.

**MR. RYAN:**

And we went over where the exact location of his oyster beds are. And also with the fear of biotoxins, the plumes that have surfaced in the Village of Northport, Sag Harbor.

**LEG. ROMAINE:**

Well, right, there's the biotoxin, the red tide has inundated the Sag Harbor side of the area, if I'm not mistaken.

**MR. RYAN:**

Yes, and not -- it was in Sag Harbor Cove, not anywhere near where our ferry would be running in and about.

**LEG. ROMAINE:**

Right. Because he was concerned, of course, that that would be carried over by the ferry and contaminate his beds. I mean, he's been on the phone and e-mail to me several times.

**MR. RYAN:**

Yes. And I've been in touch with the DEC and SUNY Stony Brook, the Professors there, and also with Cornell.

**LEG. ROMAINE:**

And which side is the passage of Shelter Island going to be taking, the west side or the east side that you're going to traverse?

**MR. RYAN:**

It would be determined by weather. It would be --

**LEG. ROMAINE:**

Oh, so you could choose either route.

**MR. RYAN:**

Yes, either route. And on both sides there is a commercial channel that we would operate in where there are no lease or shellfish leases in place in either of those locations. And we do have a map or a chart identifying all of the shellfish owners who have purchased lease spaces where they do have farms, so that we can contact them and those numbers will be on the vessel as well, should one of their buoys or traps float across the channel.

**D.P.O. HORSLEY:**

Okay? Legislator Romaine, are you -- Legislator Romaine, you're good?

**LEG. ROMAINE:**

That's it.

**D.P.O. HORSLEY:**

Okay. Legislator Anker.

**LEG. ANKER:**

Again, thank you for being here, and thank you for pursuing this. Because I think this is a very important project that will, you know, reduce the traffic, you know, especially on the East End and, again, help the economy. And I apologize for everything that you're going through with the paperwork, I know that has got to be so frustrating. But I believe this board, the Legislature is very supportive in what you're doing, and I congratulate you for pursuing these efforts.

**MR. RYAN:**

I greatly appreciate that. Thank you.

**D.P.O. HORSLEY:**

Okay. Thank you very much, Legislator Anker. If no other comments, Legis -- Mr. Ryan, thank you very much. Would anyone else like to be heard on Procedural Motion 7? Would anyone else like to be heard? I'll take a motion. Legislator Schneiderman, you want to make a motion over there?

**LEG. SCHNEIDERMAN:**

We have no choice but to recess.

**D.P.O. HORSLEY:**

That's correct.

**LEG. SCHNEIDERMAN:**

So I'll make a motion to recess.

**LEG. ROMAINE:**

Second.

**D.P.O. HORSLEY:**

Legislator Romaine seconds the motion. All those in favor? Opposed? It has been recessed.

**MR. LAUBE:**

Fifteen.

**D.P.O. HORSLEY:**

*(Public Hearing on) IR 1341-12* -- thank you -- *A Local Law to amend the Prompt Payment Policy for all Not-for-Profit Contract Agencies (County Executive)*. I have several cards. The first is Mr. Steve Burgdoerfer. Please, come join us.

**MR. BURGDOERFER:**

Thank you. Hi. My name is Steve Burgdoerfer, I own the Tutor Time Child Care Center in Islandia and the one in Ronkonkoma. A number of years ago, with this body's help, we fought very hard to get the 30-Day Prompt Payment Law, in the light of many child care centers having issues as far as making payrolls, having problems with the Internal Revenue Service because they couldn't handle the payrolls. And remember, the 30-day law is not the 30-day law; we can't bill until 30 days, so it's

the 60-day law. And we're now trying to -- in front of this body, to make it the 75-day law.

Also, to add on to this is that in the last few weeks, my two centers alone have lost 20 children that have lost their approvals. We've also had our numbers of absent days, if we're contracted, cut down. We also -- along with that, we are abiding by the Suffolk County living wage. The squeeze is impossible.

We have just also had the State go into what was called a black period, you may be familiar with this during the month of April. Well, if you were on the food program, you didn't get paid. I have almost \$30,000 in unpaid reimbursements from the State. I know the State is not the responsibility of this body, but I'm just trying to give you a picture of what it's like to operate a child care center and provide a quality environment for the children here in Suffolk County. If we pass this to 75 days, you're putting centers at risk of being able to comply with New York State rules and regulations, they can't do it. We can't increase our prices, you're told how much we're allowed to charge people. We're also told how much we have to pay people, we're also told how many people we have to have. It's impossible. So I can't understand why we're going to go backwards.

Yes, I know the County is in financial straits, but I've already brought up that we've already lost 20 children, okay. We've had our number of absent days cut down, and the Department of Social Services is very good now at authorizing people for 29 hours; that means it's part-time versus full-time. That's not the spirit of cooperation. Okay? When you get a child for 29 hours, you lose money.

Now, we don't want to be in the position, especially my school in Islandia, that's our neighborhood, it's 95% of our revenue. Today's payroll, we're having a tough time today. Thank you very much.

**D.P.O. HORSLEY:**

Legislator Montano?

**LEG. MONTANO:**

Question. Excuse me, Sir. You mentioned the 75-days; could you elaborate on that? Because I don't see it in the bill.

**MR. BURGDOERFER:**

Okay. First of all, you cannot bill until the 30-days are over, until you've incurred all of your expenses.

**LEG. MONTANO:**

Okay.

**MR. BURGDOERFER:**

Okay? So that's 30 days. Now the current law says you're supposed to be paid within 30 days of that period of time, which I haven't been paid in 30-days in quite a long time. But I have not enforced the law because I know it's been a few days and I'm trying to work with the spirit of the situation.

**LEG. MONTANO:**

Right, I was going to ask you that question, but could we hold off on that?

**MR. BURGDOERFER:**

Yes. So then we have another 30, that's 60, and the proposal is to move it to 45-days, I believe; that would make it 75-days.

**LEG. MONTANO:**  
Counsel?

**MR. NOLAN:**  
No, it actually --

**LEG. MONTANO:**  
I just want to be clear we're reading the same bill.

**MR. NOLAN:**  
Yeah, it doesn't make it 45-days, the current version that we have. It just suspends the application of the law entirely if the County Executive declares a deficiency, a budget deficiency. So the law just would have no application at all.

**MR. BURGDOERFER:**  
So it could be paid whenever. So it could be 90-days.

**LEG. MONTANO:**  
It could be 180.

**MR. BURGDOERFER:**  
Yeah. What business -- I mean, all you people I'm sure get your paychecks on time. You couldn't survive without it.

**LEG. MONTANO:**  
Oh. Well, we just borrowed \$90 million so we could get paid, I want you to know that.

**MR. BURGDOERFER:**  
Okay.

**LEG. MONTANO:**  
Let me ask you this.

**MR. BURGDOERFER:**  
As a small business, we have a tougher time getting that loan than you do.

**LEG. MONTANO:**  
I understand that. Let me ask you this. You indicated, and I was going to ask you anyway, that you don't get paid right now within the 30-days anyway.

**MR. BURGDOERFER:**  
No.

**LEG. MONTANO:**  
Am I correct?

**MR. BURGDOERFER:**  
Yes. And it's --

**LEG. MONTANO:**  
So what is your normal time period from the time that you submit a bill to you receive payment on, you know, a general rule of thumb, if you can answer that.

**MR. BURGDOERFER:**

I'd say it's running 34, 35 days right now.

**LEG. MONTANO:**

Okay, so it's not like 180 days.

**MR. BURGDOERFER:**

No. That's why I'm not -- that's why I've never enforced or tried to enforce what the law states as far as charging penalties and interest. I'm trying to work within the spirit of the situation, but hearing that it's not even 75-days, that's tough to work with anymore.

**LEG. MONTANO:**

All right. So what would happen if we were to -- if you billed within -- after the 30-days and then you billed, what would happen if you didn't get payment for 90-days?

**MR. BURGDOERFER:**

I'd be out of business.

**LEG. MONTANO:**

How long could you survive? You know, in other words, as a businessman, you have enough cash to support your business, or most businesses generally have a waiting period when they do services with the government because they know that they're not going to get paid on time.

**MR. BURGDOERFER:**

Yes.

**LEG. MONTANO:**

So your reserves, how long do you think you could survive if we suspended this payment within 30-days?

**MR. BURGDOERFER:**

Well, in a school of when -- for example, my school in Islandia which is 95% of its revenue, okay, is from the County payment; not very long.

**LEG. MONTANO:**

So you'd be out of business in a relatively short time if this --

**MR. BURGDOERFER:**

A short period of time.

**LEG. MONTANO:**

If this bill were enacted, you would conceivably be out of business --

**MR. BURGDOERFER:**

Very quickly, and we've been in business for 20 years.

**LEG. MONTANO:**

Thank you very much.

**MR. BURGDOERFER:**

The other --

**LEG. MONTANO:**

No, go ahead, you can add.

**MR. BURGDOERFER:**

Yes. One other item as far as the payment. In October there was a market rate increase. I submitted my billing in October for that; I've yet to be paid on it, it's over \$50,000.

**LEG. MONTANO:**

On the increase or the payment itself?

**MR. BURGDOERFER:**

On the increase. Okay? Since the month of October, we're now in May.

**LEG. MONTANO:**

And how many businesses of your nature do you think would be -- you know most of the business that do the same work. Are they, in your opinion, more or less in the same precarious situation?

**MR. BURGDOERFER:**

Some worse, because we've been in business for a while so we do have a little bit more in the way of reserves. Otherwise, some may have been already out of business.

**LEG. MONTANO:**

All right. Thank you very much.

**D.P.O. HORSLEY:**

Thank you very much, Legislator. Legislator Romaine? Sorry, Mr. Burgdoerfer, we have more. We like to chat.

**LEG. ROMAINE:**

I understand the fiscal crisis. But as Counsel said, and I'm sure you're finding out as I'm finding out, because originally I thought it was a 45-day as opposed to 30-day. Now I understand this could be suspended indefinitely.

**MR. BURGDOERFER:**

Correct.

**LEG. MONTANO:**

It is.

**LEG. ROMAINE:**

So where to take your services?

**MR. BURGDOERFER:**

And not pay me.

**LEG. ROMAINE:**

And not pay you.

**MR. BURGDOERFER:**

And mandate what I've got to pay everybody else.

**LEG. ROMAINE:**

And mandate what you have to pay everyone else.

**MR. BURGDOERFER:**

That's the true definition of unfunded mandate.

*(\*Laughter\*)*

**LEG. ROMAINE:**

Well, I think it goes beyond unfunded mandates. I think it's an opportunity for us to lesson our financial burden by simply wiping out child care providers. Because it may be an unintended consequence or not, but the consequences, nevertheless, would appear to me to be the same. That if this bill passes, it may be tantamount to telling child care providers, "You will not be doing business with Suffolk County," or, "You cannot do business with Suffolk County."

**MR. BURGDOERFER:**

And we'll have an awful lot of children out on the street.

**LEG. ROMAINE:**

Which will drive up costs for parents that now don't have child care options and may be forced to retreat to either unemployment or Social Service benefits, since they now must stay home for their children. Someone has to, you know, tend to their child care needs.

**MR. BURGDOERFER:**

That's where I just had 20 children do within the lat -- as of Friday. They had to leave their jobs. That's not productive.

**LEG. ROMAINE:**

Thank you. I think you clarified for us, at least for me, some of the choices with this bill. It's, in its form, not a bill I feel comfortable supporting. I appreciate that.

**D.P.O. HORSLEY:**

Thank you very much, Legislator Romaine. Legislator Kennedy.

**LEG. KENNEDY:**

Thank you. Steve, hi. How are you? It's nice to see you again.

**MR. BURGDOERFER:**

Nice to see you, John.

**LEG. KENNEDY:**

You spoke about the Islandia site. You also maintain that site still in Ronkonkoma, I believe, as well, right?

**MR. BURGDOERFER:**

That is correct.

**LEG. KENNEDY:**

You know, the nature or commodity of your business is the care for children, which is probably one of the most important things that we have, or that we do or that we're responsible for. But I just want to bring out an element again, we've talked about this before. You employ quite a few people, I guess, right? Between the two facilities, how many folks are -- have you engaged or employed now?

**MR. BURGDOERFER:**

Between the two facilities, between 50 and 60.

**LEG. KENNEDY:**

Approximately 50 to 60 individuals are coming to work, getting a paycheck doing the things that we've been talking about all along.

**MR. BURGDOERFER:**

Yes.

**LEG. KENNEDY:**

And you're indicated to me that if we don't remain in vigilant, I'm giving you the ability to remain intact as an entity. Not only are children going to go without a safe place to be cared for and to be reared, we're going to have 50 or 60 employees out of work.

**MR. BURGDOERFER:**

Correct, and two abandoned facilities.

**LEG. KENNEDY:**

Yes, yes, which is the last thing in the world that we need.

All right, I -- we have talked many times and you do great work.

**D.P.O. HORSLEY:**

Thank you very much, Legislator Kennedy. Legislator Montano. Very quickly, please? We've got other cards.

**LEG. MONTANO:**

Yes, very quickly. I just wanted to make one point and I believe that your facility is located in my current Legislative district. The point that Legislator Romaine made earlier having to do with if you close your business, we're going to have kids that are not being cared for. But the concern that I have is your business is highly licensed and highly regulated to provide for the safety of children; am I correct?

**MR. BURGDOERFER:**

Absolutely.

**LEG. MONTANO:**

And what I see as a consequence of you and others going out of business is not that kids are not going to be cared for, it's that we're going to go back to the old days where we're going to have unlicensed people who are looking to add to their income providing for kids without proper supervision and safety precautions and all the things that you have to do today. Is that what you envision the consequence of your closure and businesses like you? Because I want to make sure that everybody understands that point.

**MR. BURGDOERFER:**

Absolutely. People will have to go to illegal child care operations that are not licensed, not regulated. And what we would have, unfortunately, is maybe next day's or next year's tragic Newsday story.

**LEG. MONTANO:**

Okay, I'm done. Thank you.

**D.P.O. HORSLEY:**

Thank you very much, Legislator Montano. Legislator Browning.

**LEG. BROWNING:**

Good to see you again. Quick question. The State just changed everything for the child care time and attendance, and the County now has to abide by their rule and use their program, which I believe is creating a problem as far as the payments are concerned. Just out of curiosity, before they made that decision to force us into that child care time and attendance, were you getting your payments in a more timely fashion?

**MR. BURGDOERFER:**

Kate, absolutely. We were getting them in a more timely fashion and it has encumbered the Department of Social Services, but has also dramatically encumbered us because we have three times as much paperwork to do also with this new system.

**LEG. BROWNING:**

So if they were to pull away that program and that system, we could probably get you paid a lot quicker.

**MR. BURGDOERFER:**

I would say that would be correct.

**LEG. BROWNING:**

Okay. Thank you.

*(\*The following testimony was taken by Alison Mahoney & Transcribed by Donna Catalano - Court Reporters\*)*

**D.P.O. HORSLEY:**

Okay. Thank you very much, Legislator Browning. Would anyone else like to be heard? Okay. Very good. Thank you very much, Steve. We appreciate you coming down. I also have Given (sic) O'Shea? Good afternoon.

**MS. O'SHEA:**

Good afternoon. Thanks for the opportunity to testify today. I'm Gwen O'Shea with the Health & Welfare Council of Long Island, which is an umbrella agency for a cross-section of health and human service providers, many of which have contracts with both Nassau and Suffolk County to provide critical services throughout the region.

So while I'm here today to talk about the proposed amendment to prompt payment legislation, instead of altering the legislation, what we as a sector would like to propose is that it's our position that we take an opportunity to forge a new partnership with the County and the health and human service sector to really look at what are some of the changes we can make from an administrative perspective that will streamline the process and save some of the dollars the County is looking to save.

We believe that to do this we need a big picture reorganization, that simply chipping away by taking a couple of percentage cuts here or there really doesn't allow for long-term planning and for addressing the needs of the region. So we want to be very frank and honest with you about what we believe the implications of some of these changes will be.

So as was noted by the previous speaker, the current legislation has been unbelievably helpful to so many agencies in terms of getting their payments on time, and we are so grateful in particular for those that spearheaded this initiative. But it's not perfect; there are many agencies that are waiting 60 to 80 days to get paid. And just to be clear, they haven't sought reimbursement. So for those

folks that are questioning that the County is going to have to pay all these interest rates, thus far, since the legislation has been passed, not one agency has claimed reimbursement for a delay in payment. And agencies don't want to. You know, the idea of this legislation was not to see the County pay interest.

Agencies want to continue providing their services, and to provide their services, they need the resources to be able to do that considering it's reimbursed for dollars that they pay out. So when agencies aren't paid on time, they're forced to go to creditors and to borrow money, pay out interest -- you all know this -- for dollars that they never get back and they're not reimbursed for. So some agencies are at the end of their line of credit right now. We have one member in particular that has been lucky enough to secure an \$850,000 line of credit, and he's up to \$650,000 right now. And that's because they're paying for services that they provide on behalf of the County, because they're mandated services, and they're not getting paid. The County, however, has to ensure that these service are available, whether it's through a non-profit or through the government themselves. And in our conversations with the Comptroller and the AG's Office, actually, last summer when there were eight month delays in Nassau County, they confirmed that many of these mandated services are prospectively paid to the County on a quarterly basis, meaning the County gets the money before an agency even asks for reimbursement or vouchers. Therefore, our question is if most of these dollars are already received by the County, where are the resources? Because if the State prospectively pays on behalf of the State and the Feds, why are the dollars not getting to the agencies in a prompt period?

So then we believe that perhaps there are some administrative hurdles that the new administration might be dealing with. And we would welcome the opportunity to look at how we can streamline that so payment can get out quicker and so we can decrease the cost of County staff that's looking over these.

Moving forward, just as a side note, we have heard some of the conversations taking place about a 10% across-the-board cut for all health and human service providers. And we just want to bring to your attention the implications of this, again, when we're talking about mandated services, because it's County-matched dollars, right? So for every one dollar the County saves, it loses a Federal dollar and a State dollar, which means agencies will be looking at 50% cuts to their programs, to their staff. And as a reminder, from a staffing perspective and an employment perspective, we represent 17% of the employment in Suffolk County. So I just want to --

**D.P.O. HORSLEY:**

Would you please wrap it up?

**MS. O'SHEA:**

Sure. I just want to encourage -- essentially, the point here today is obviously to not amend the legislation and really to consider creating an ad hoc committee that could work with the new appointed individual at the State level by the Governor to be the liaison for State departments, County departments and non-profits. So we certainly hope you would consider that suggestion.

**D.P.O. HORSLEY:**

Thank you very much. Legislator Romaine.

**LEG. ROMAINE:**

Yes, a quick question. You made a number of points, I just wanted to reflect on some of those points. Number one, you said that the counties get their payment from the States and Feds prior to them having to pay the not-for-profits; is that generally the case?

**MS. O'SHEA:**

Yes. We've gotten confirmation from the Comptroller and the AG's Office that for a number of departments, Mental Health, OCFS, that they prospectively pay counties throughout the State.

**LEG. ROMAINE:**

So when they don't pay you, in essence, they're using the principle in cash flow known as the float, using your money to pay other expenses for the County and deferring payment to you.

**MS. O'SHEA:**

One could certainly assume that. And just as a reminder for folks that are afraid that they're not getting payments by the State in time or the Federal Government in time, the legislation does allow for the County, if it does not get those resources, to notify the agency that because they do not have the resources, they cannot pay on time.

**LEG. ROMAINE:**

Okay. I found interesting, also, your indication that despite the Prompt Payment Policy Law, of which I was a cosponsor, one of the things that we did, particularly with the last administration, to ensure their compliance with that law is billed in the principle that there would be interest payments if they did not pay on time. Just like anyone, you don't pay your bills on time, you're going to get slapped with a penalty. But you're telling me that there are agencies that haven't been paid on time, but because they have a business relationship that they want to continue with the County, they haven't said to the County, "You owe us"; is that correct?

**MS. O'SHEA:**

That's correct. A cross-section of agencies --

**LEG. ROMAINE:**

So that penalty did not work to incentivize prompt payment to the degree that we thought it would; is that correct?

**MS. O'SHEA:**

I wouldn't necessarily agree with that. I think the majority of agencies are being paid on time. I think there are a handful that are not, but in good faith -- to my colleague that spoke earlier -- of keeping -- understanding that the County is dealing with some fiscal concerns right now. And so rather than add to that, agencies are saying as long as there's a little bit of flexibility and they can manage it and it's not every contract, they're willing to work within those confines.

**LEG. ROMAINE:**

Okay. And I would say that the County is no different than individuals. I heard a lot of individuals today that may or may not be losing their job talking about the financial impact that's going to have on them, if that's the case, but no one is saying that they don't have to pay their bills on time. In fact, there's penalties for them if they don't, and there should be for the County.

As far as a 10% cutback for not-for-profits, I don't know if the County Executive can unilaterally do that without an amendment to the budget. So, you know, I think any action of that sort, and Counsel could correct me, would require the Executive Branch to come forward with an amendment to the existing budget. Whatever was adopted --

**D.P.O. HORSLEY:**

Mr. Romaine, would you please keep it to questions?

**LEG. ROMAINE:**

Okay. I'm just saying, are you aware? (\*Laughter\*) If you want a question.

**D.P.O. HORSLEY:**

Thank you.

**LEG. ROMAINE:**

Well, that's my concern. I'm just saying that if we're -- are you aware that I believe -- and I'm asking Counsel if that's the case -- that if there is a 10% cut for not-for-profits, that could not be done -- can that be done unilaterally or does that require a budget amendment? I think that's --

**LEG. MONTANO:**

No, it can be done unilaterally.

**MR. NOLAN:**

Basically --

**D.P.O. HORSLEY:**

I guess he asked a question.

**MR. NOLAN:**

Actually, the County Executive, up to 10%, can do -- in a deficiency situation, can do that.

**LEG. ROMAINE:**

All right. Thank you very much. Thank you.

**D.P.O. HORSLEY:**

Thank you very much, Mr. Romaine. Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Deputy Presiding Officer Horsley. We have gone back and forth with the prompt pay issue for quite some time with Legislators who are no longer even on the horseshoe; Vivian Vilorio-Fisher was a champion of it and kind of brought forward what the impacts were with in particular health care providers, but the whole not-for-profit sector, I know, is struggling from this.

And maybe I need to put the question to some of our folks, too, but I'll pose it to you. I recall that there were two pieces of software that were supposed to be put in place, KinderTrack and KinderCare, in the delivery -- specifically for day-care service providers, which was supposed to eliminate a significant amount of the paper process and the loss of time through the mail and paper processing. Is that still something that we have in effect now?

**MS. O'SHEA:**

I'm looking over to my colleague Brian Lahiff here who is the Deputy at the Child Care Council of Suffolk who works specifically with the Child Care Council agencies. Can I defer to him to give you the most --

**LEG. KENNEDY:**

I would welcome that, but I'll go to a broader point. You talked about wanting to work in a collaborative fashion for some universal solution.

**MS. O'SHEA:**

Right.

**LEG. KENNEDY:**

And while the provision of the services are unique across the not-for-profit sector, the back-end, the business-end should be the same way we do it for anything that we do in the world, whether it's

buying stamps or getting, you know, bulk commodities like oil, this, that or the other thing. Vendors send electronic transmission and there's electronic transfer of payment that goes back and forth. Out in the County Clerk's Office, when we had big ticket land transfers, and I'm talking multiple millions of dollars of taxes, they were effectuated by an electronic wire transfer --

**D.P.O. HORSLEY:**

Question, Mr. Kennedy.

**LEG. KENNEDY:**

-- that hit the Clerk's Office. Is that something that your group is looking at in a broader fashion.

**MS. O'SHEA:**

I think it's an excellent point. And actually, New York City has the Vendex System, which we would love to see modeled here on the Island, where every vendor, to your point, is seen as the same, they're simply a vendor. So whether you are doing construction, whether you're a non-profit agency, whether you're purchasing something for a school, as a vendor, once you've been cleared -- again, the back-end is simplified -- once you've been cleared to be a vendor, you go through one system, it's electronic and it streamlines and it's much more cost effective than the systems that New York City used to have in place and the system that we currently have in place here.

**LEG. KENNEDY:**

We'll talk to the sponsor about trying to put something in place. Thank you.

**D.P.O. HORSLEY:**

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

**LEG. D'AMARO:**

Thank you. I want to understand your point. I think you had mentioned that perhaps we can do something administratively; is that correct?

**MS. O'SHEA:**

That's correct.

**LEG. D'AMARO:**

In other words, to get payment out more quickly, because you feel that the funds are coming in from the State to the County. You also mentioned that some of the organizations that you represent are getting payments in about 80 days you said?

**MS. O'SHEA:**

Variation. Again -- first of all, I just want to reiterate the fact how grateful we are for this issue being addressed with both of these bills being passed, and it has been very successful. But there still are some outliers within certain departments, which leads us to believe that perhaps if we streamlined some of the functionalities of the department we could have it be continuous, regardless of what sort of contract you had in terms of payment time.

**LEG. D'AMARO:**

Well, my understanding is that the County cannot make payment except as a reimbursement, and there's certain backup and paperwork and representations and documentation that has to be submitted in order to make that reimbursement. So if you want to change that methodology, I'm not sure you can do that without changing State Law.

**MS. O'SHEA:**

No, we certainly aren't looking to take away any of the integrity that the review process has related to claims that are submitted.

**LEG. D'AMARO:**

No, I didn't say that. But I think tying the prompt payment to when the County receives the money. I mean, it makes sense. If we have the money, there's a pot of money sitting there, we know what it's for, we want to get it out as soon as possible. But there are certain procedures that I think are mandated for the County in order for us to make the payment. So when you talk -- I mean, I agree with you, if we could do an administrative change and streamline that process, that would be wonderful. But I think you might need the State on board to do that.

**MS. O'SHEA:**

Well, I hear your point. Our request, our inquiry is based on the fact that if a good portion of payments are able to be made in a timely fashion that go through that same process of review and complying with State regulations, why can't all? So perhaps there is --

**LEG. D'AMARO:**

Well, I can answer that. I mean, I heard the Commissioner in one of the committees last week tell us that they're at a point where they cannot make the payment within 30 days, just based on several factors including staffing and other demands on the department. So that would require more than just an administrative change, and that gets into the whole situation we have with understaffing and the budget problem and all of that.

**LEG. KENNEDY:**

It ain't good. Come on.

**MS. O'SHEA:**

It certainly -- our suggestion is not that simple administrative changes will rectify the whole issue, but that there are, at different levels, administrative changes that could be made that go beyond the Legislature to help streamline that, whether it's staggering the way payments are made, staggering the way contracts go out.

**D.P.O. HORSLEY:**

We're getting to the point we're debating the bill. Why don't we -- can we keep it to questions? I'm sorry.

**MS. O'SHEA:**

Sorry. I hear your concerns and we'd be happy to talk further about them.

**D.P.O. HORSLEY:**

Thank you. I appreciate that.

**LEG. D'AMARO:**

Can I just ask one more question then?

**D.P.O. HORSLEY:**

Yes, a question you can.

**LEG. D'AMARO:**

You had mentioned that some of the organizations were receiving payment as far as maybe 80 days out. In the last year, have any of these organizations gone out of business, do you know?

**MS. O'SHEA:**

I would say the only agencies that have been able to carry an 80-day wait have been agencies that have significant lines of credit and are very large in terms of budget size.

**LEG. D'AMARO:**

Right.

**MS. O'SHEA:**

Other agencies that got past the 30 day or even the 40-day period worked, did due diligence in terms of really following up on a daily basis, multiple times a day, with departments and placing calls to see how they could expedite that a little bit faster, which is, of course -- the purpose of this legislation was to avoid that from happening so folks could focus on agencies and providing services.

**LEG. D'AMARO:**

Okay. But as far as you know, none of them have gone out of business?

**MS. O'SHEA:**

None of the agencies that have been waiting 80 days for payment thus far, no.

**LEG. D'AMARO:**

Right. I'm not saying it's right. I just want to know, you know, what the impact is. Okay. Thank you, Mr. Deputy Presiding Officer.

**D.P.O. HORSLEY:**

Thank you, Mr. D'Amaro.

**MS. O'SHEA:**

Did you -- I'm sorry to interrupt you.

**D.P.O. HORSLEY:**

Legislator Montano has a question.

**MS. O'SHEA:**

Oh.

**LEG. MONTANO:**

Hi. I'll be less formal. Good afternoon, Gwen. You may have answered this. This concept that you brought forward about looking at this from a broader perspective and this ad hoc committee, have you had an opportunity to discuss this with anyone from the Administration and, if so, at what stage are you at in those discussions?

**MS. O'SHEA:**

We have had some preliminary conversations, but I would say no, we haven't gotten any further into detail about, you know, from sort of the larger picture. What we'd like to see and suggest is that for many services, the County, instead of being the provider of services, it actually purchases the services from non-profits which would change, obviously, the rate and the cost to the County and ensure comprehensive provision of services to those within the community.

**LEG. MONTANO:**

All right. So can I assume, then, that you anticipate or have scheduled ongoing conversations, or it's --

**MS. O'SHEA:**

Yes, you can assume that.

**LEG. MONTANO:**

Okay. Thank you.

**MS. O'SHEA:**

That is what we're working towards. Thanks.

**LEG. MONTANO:**

Thank you.

**D.P.O. HORSLEY:**

Thank you very much, Legislator Montano. Legislator Browning.

**LEG. BROWNING:**

Actually, that question was what I was going to ask, was have you met with the Administration.

**D.P.O. HORSLEY:**

Asked and answered?

**LEG. BROWNING:**

Yeah, asked and answered. But again, going back, I talked about the Childcare Time and Attendance Program. And what I'm hearing from the previous speaker is if we did not have to use that program, prompt payment would be in effect and it wouldn't be an issue. You wouldn't be here today if it wasn't for that State program.

**MS. O'SHEA:**

That relates specifically to childcare providers, so there are other entities, other non-profits that are seeing some delays that are not within that community. And, of course, the reason for our presentation is to ensure that we don't make those changes because we don't want to see extension of delays to agencies moving forward.

**LEG. BROWNING:**

Okay. Well, like Legislator Montano said, someone's here from the Administration. I think it's important -- I don't want to change the Prompt Payment Law. It took too much to get it. And I think because of our fiscal problems, you know, if you guys are able to work out some kind of an arrangement, an agreement so we can get through this rough spot and at some point in time, you know, everyone will get their payments on time. But I believe Commissioner Blass did say 45 days is how long it's going to take him to make the payments, right?

**MS. O'SHEA:**

And I think most agencies, again, in terms of having a partnership and understanding the fiscal reality that Suffolk County is dealing with, 45 days for some providers is not the worst case scenario. But to change and amend it to 45 days then pushes the payment out even further, because at 30 days it's still not being adhered to for all agencies. So I think you could understand that.

**LEG. BROWNING:**

Thank you, Gwen.

**D.P.O. HORSLEY:**

Thank you very much, Legislator Browning. Legislator Gregory, at long last.

**LEG. GREGORY:**

Thank you, Mr. Deputy Presiding Officer. Hi, Gwen. How are you?

**MS. O'SHEA:**

Good. How are you?

**LEG. GREGORY:**

Good. Just so that it's on the record, Gwen and I have been trying to set up a meeting with Deputy County Executive Tom Melito, and it's been a little bit of difficulty, but I don't want you to think I forgot about you. I just e-mailed him again to kind of firm that date up. Your organization represents how many, over a hundred different human service agencies?

**MS. O'SHEA:**

It's over 300 different service agencies, some that are specifically Nassau, some that are specifically Suffolk and some that service both counties.

**LEG. GREGORY:**

Right. And it's my understanding that your approach in the past -- I'll preface my remarks by saying that -- I don't want so it's uneasy for you, but it's not your preference to come before the Legislature to ask for Legislative changes. It's my understanding that your preference has really been to work with the Administration first and whatever cannot be resolved through administrative changes, you've sought Legislative changes; correct?

**MS. O'SHEA:**

That's correct. And obviously, with the amendment being proposed, we felt it most important to speak with the Legislature to ensure that that did not happen.

**LEG. GREGORY:**

Right. And I know that your organization has worked very hard to establish relationships, you know, with the Administration as well as the Legislature, but mainly the Administration because you do have to work with the various department heads that have contracts with your agencies; correct?

**MS. O'SHEA:**

Correct.

**LEG. MONTANO:**

Is that a question?

**LEG. GREGORY:**

Yeah, that's a question.

**MS. O'SHEA:**

There was a question mark at the end.

**LEG. GREGORY:**

Yeah. I guess he's off his meds today. All right. So --

**LEG. MONTANO:**

I think you better watch yourself with that. Okay? Don't be disrespectful.

**D.P.O. HORSLEY:**

All right.

**LEG. GREGORY:**

I think you're being disrespectful to me. I'm talking and you're interrupting me.

**LEG. MONTANO:**

All right. Well, that's all right.

**D.P.O. HORSLEY:**

Okay, gentlemen.

**LEG. MONTANO:**

You just don't cross the line with me.

**D.P.O. HORSLEY:**

Gentlemen, please.

**LEG. GREGORY:**

I have a line also.

**D.P.O. HORSLEY:**

Legislator.

**LEG. MONTANO:**

Fine. Then we'll discuss it.

**LEG. GREGORY:**

All right, I'm talking.

**D.P.O. HORSLEY:**

Take it out in the back.

**LEG. GREGORY:**

Some of the issues that you had brought up I have mentioned, about a central contracting unit, with the Administration already, they seem very interested. So -- and I told them that there are various agencies that -- you know, representation of agencies that you would like to bring to the table, and I hope that we'll be able to do that in short order. So hopefully I'll have an answer today on that date so that we can kind of address these issues. I know it's not a question, but I just wanted you to know that.

**MS. O'SHEA:**

I appreciate the update and for the support. Thank you.

**LEG. GREGORY:**

All right. Thank you.

**D.P.O. HORSLEY:**

Thank you very much. Legislator Barraga

**LEG. BARRAGA:**

Just one quick question. Many of us here around the horseshoe for months and months sat with reference to this Prompt Payment Bill, and we certainly understand the concept. But this particular proposal calls for an exception to compliance. Now, my question is if you had a choice between an exception to compliance, which is kind of open-ended as to when the County will ever pay you, versus the current payment system where you're getting it anywhere between 60 and 75 days,

which one do you prefer?

**MS. O'SHEA:**

I prefer that when State and Federal dollars are passed timely into the County, that they're paid timely to the agencies.

**LEG. BARRAGA:**

No, no, I don't need that answer. Just answer the question. If you have a choice between --

**MS. O'SHEA:**

I mean, I think an open-ended -- you cannot give -- and that was part of our concern with this legislation. An open-ended, that there's no accountability for when non-profit agencies would be paid --

**LEG. BARRAGA:**

You know something? I agree with you. Because an exception to compliance -- you know, the County can pay in 45 days, 80 days, three months, six months, 12 months. But from what you're saying and the gentleman from Tutor Time -- and he really can't submit his paperwork until 30 days has passed, he's waiting for another 40, 45 days -- it would seem to me that it looks like the payment period is around anywhere from 60 to 75 days. You're not happy with that, but that's just the way it is. And the question becomes, too, whether or not the County Executive can live with 60 to 75 days. He may be able to, because prompt payment is 30 days. So I guess it's a choice between the exception or maybe 60 to 75 days.

**MS. O'SHEA:**

While I hear your question, I would have to defer and say I think it's important that we hear from the County Executive's Office and from the Administration in terms of what are they projecting or why is it that they think it needs to be so open-ended when, up until this point, the majority of contracts have been paid on time.

**LEG. BARRAGA:**

Well, I don't have the answer to that, because what the County Executive is dealing with is a 30-day prompt payment scenario. But he may be willing to say, "Well, look, you know, if the reality is really we're paying in 60 to 75 days, I can live with that." I'd hate to think the exception would open it up where payment wouldn't be coming to you people for six months or a year or a year and a half, which is what was happening several years ago before we got involved with this whole issue. All right? But that's what the bill really deals with, it's an exception for compliance. And it seems to me that, you know, that sort of is open-ended, but he may be able to live with 60 to 75 days based on the budget deficiency.

**MS. O'SHEA:**

And while he may be able to live with that, we certainly hope that the Legislature would not. So, therefore, we'd --

**LEG. BARRAGA:**

We may have no choice. I mean, understand where you're coming from. But, you know, 60 to 75 days, it may be a much better alternative than an exception to compliance, you know, which is really open-ended. And I'm sitting here in a few months and you're back saying, "You know, people haven't been paid in four months, six months. I'm going out of business. I have to borrow, the family's in trouble, we may close." We've heard that scenario, we don't want to go down that road again. All right? I'm just trying to be fair with this thing. I can see your concern about this particular bill. But the reality is you may wind up in a situation where you're not getting your money for 60 to 75 days.

**MS. O'SHEA:**

I hear that. And part of our concern is what transpired in Nassau County, which was after the Comptroller's Office and the Attorney General's Office reviewed and saw that, in fact, payments were not being made for dollars that were paid prospectively, the New York State Comptroller is now doing an audit of Nassau County which further delays and adds greater complexity to the County trying to do its business and continue as usual. So we'd like to prevent --

**LEG. BARRAGA:**

I'm sure Mr. Zwirn will prevent that from happening in Suffolk *(laughter)*. Okay. Thank you.

**MS. O'SHEA:**

Legislator Kennedy had a question about the child care; did you want Brian Lahiff to answer that related to the two systems?

**D.P.O. HORSLEY:**

I have several cards at this point in time.

**MS. O'SHEA:**

Okay.

**D.P.O. HORSLEY:**

Okay. Thank you very much, Ms. O'Shea. Pamela Johnston. Welcome.

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

**MS. JOHNSTON:**

Thank you. I'm Pamela Johnston. I'm Executive Director of VIBS, Family Violence and Rape Crisis Center. VIBS provides a wide range of vital services to adults and children who are victims of domestic violence and sexual assault.

I'm here today because I am very concerned that the County will abandon its commitment to prompt payment to its nonprofit partners in serving vulnerable citizens. I sympathize with the County's fiscal challenges, especially since we at VIBS also face financial challenges. We've received cuts in grants at all levels of government, at the Town, County and State levels. My board and I work very hard to raise dollars through private fundraising, major gifts and fundraising. Again, private giving is also down. All of this has been crushing for operating costs with the result of a shrinking cash balance to carry us while waiting for payments from our government partners. I would urge you to keep the 30-day payment law in place. That would be my preference.

**D.P.O. HORSLEY:**

Thank you very much, Ms. Johnston. Okay, you're free. That was an easy one. Kathy Liguori. Kathy, didn't this all start with you?

**MS. LIGUORI:**

It did.

**D.P.O. HORSLEY:**

I think so, too.

**MS. LIGUORI:**

My name is Kathy Liguori. I'm from Tutor Time Child Care Learning Centers of Medford and Middle Island, and I'm also the Vice Chair of the Welfare to Work Commission of the Suffolk County

Legislature. I'm here today to pick up where I left off on April 24th, wherein this bill was recessed to this session, and was hoping for that door of opportunity that the County Executive said -- Mr. Schneider said was open, and we were going to discuss opportunities of a Memorandum of Understanding to see if we could make some form of concessions, so that we felt comfortable as we worked together in this economic crisis that no one is immune to.

I asked for the child care industry, the child care providers to be exempt from this amendment of this law, because similar to the Department of Social Services where their staff was not cut, we have mandates that we have to adhere to. We have the media breathing down our necks, we have lives that we're caring for, and we're saving children, we're educating children and we're helping families. And I don't want -- I don't think I need to repeat everything that other people have said here today, but I, for myself, of the 375 children that were cut, or families, actually, that were cut from care, 15 of them were mine. That was two-and-a-half employees. That was \$110,000 a year. And again, we're mandated by the State how many employees we must have to care for the children.

I've saved a life. I have a picture here of a child that came into my care and he was burned severely. And with that escalating to highest levels of Child Protective Service when the State didn't want to take a report, Emergency Services took him out of his home and put him in the hospital, and put him into the court system to rearrange his care. So you're really talking about the children. And all of this money is a shell game, but the children are receiving the booby prize.

The Prompt Payment Law helps us with our cash flow. It helps us keep our quality, it helps us have peace of mind when we're traumatized with situations like this. You have children of your own. It's vital for the child care providers, it's vital for the not-for-profits. I'm a Sub S corporation. Losing \$110,000 a year, I'm operating as a not-for-profit. We do great work for all the social service systems here. You didn't cut the staff at Social Services for the right reasons. Please, don't take the Prompt Payment Law away from us.

**D.P.O. HORSLEY:**

Thank you very much, Ms. Liguori. Would anyone else like to be heard on the -- 1341?

**MR. STRAUSS:**

Hi. Alex Strauss, 184 Radio Avenue, Miller Place, New York. I listened to this, I listened to this for two years, prompt payment. I'd like to know what do we do to people that rent space in the parks if they're late with their rent payment? Do we tell them, "Don't worry about it, 60 days is fine, 90 days is fine, maybe 120 days is fine"? Or do we tell them, "You don't pay your bill, you're getting thrown out"? I think that's the way it works. I know if I don't pay my bill -- I looked at my tax bill yesterday, because it says I have to pay it by May 20 -- 31st. If not, I got to go to Riverhead and pay a penalty. I can't tell them, "Don't worry about it, you know, 30 days, 90 days, 120 days. They don't pay, it's okay." Because, after all, that's what you're telling -- you're going to do with your people that you have to pay.

So I don't think this is right at all on any level. I don't think you should change this law. It was a law for a good reason. It's so you keep people so they can run a business. I don't understand why it's even brought up here. Maybe if you raised the taxes ten years ago, we wouldn't be in this position. But we're going to save everybody billions of dollars by not raising our taxes for the last ten years. We could all run around saying, "I didn't raise taxes, I didn't raise taxes, I didn't raise taxes." It don't work. Eventually, you've got to pay the pauper (sic). Now it's time to pay. You've got to pay these people when their time is due. Thank you.

**D.P.O. HORSLEY:**

Thank you very much, Alex.

(\*Applause\*)

Okay. Would anyone else that would -- like to be heard on 1341? Seeing none, I'll make a motion to recess; seconded by Legislator Montano. All in favor? Opposed? So moved. All right.

**MS. ORTIZ:**

Fifteen. (Not Present: P.O. Lindsay and Legs. Gregory and Spencer)

**D.P.O. HORSLEY:**

*I.R. 1362 - A Local Law to expand the County's Traffic Control Monitoring System (Presiding Officer).* And I have several cards for this. This is -- I have John Blanco.

**LEG. HAHN:**

Wayne, that last one was a recess, right?

**D.P.O. HORSLEY:**

{Blavco}, rather. I'm sorry. It's recessed.

**LEG. HAHN:**

Thank you.

**MR. BLANCO:**

How are you all doing? My name is John Blanco.

**D.P.O. HORSLEY:**

Oh, it is Blanco. I'm sorry.

**MR. BLANCO:**

I live in Manorville, New York, 11949. I'm here in reference to this red light. Although I agree that they are -- they'll probably save lives, they certainly save traffic accidents. The way it's being handled, okay, is absolutely unfair. I think it's absolutely unconstitutional, in my opinion, raiding the constitution. And I'm going to speak to my own experience as quick as possible. Okay? Back in 2011, I received a citation on --

**D.P.O. HORSLEY:**

Mr. Blanco, could you, please, just move the mic to your -- we're having trouble hearing you.

**MR. BLANCO:**

Okay. Back on February 8, 2011, I received a citation for going through a red light on Route 347 and 97. It's my vehicle, but I know I wasn't driving, so -- and I knew who had the car. It was my mother -- my sister-in-law -- my daughter-in-law that borrowed the car. She had a baby and she needed a second car. So I called her and she says, "Yeah, I probably went through a red light." And I said, "Well, I got the pictures, there it is." Okay. "Well, don't worry about it, Dad. I'm going to go to court with you and I'll take care of it." No problem, so I go to court. I got to Court, the clerk tells me, "She can't pay for it." And I said, "Well, I'm not guilty. You know, I'm supposed to be innocent until proven guilty. I'm not guilty. I own the car, but she's willing to testify she went through a red light. You know, it's a matter of principle. "Well, you pay the fine and collect the \$50 from her." I said, "No, that's not my job. That is not my job. If the person is willing to plead guilty, you should give her the fine. It's not mine." So, "Well, go see the Judge." I tell the Judge the same thing, he disagreed with me.

So I used an example to the Judge. I said, "Well, suppose that I, in fact, lent her the car again and she got pulled over by a police officer." Okay? And they can't afford it, or the insurance is too high if they get a ticket. Okay? I come in front of you and tell you, "Hey, it's my vehicle, give me the fine, let her go?" He says, "No, she was driving." I said, "Well, it works both ways, then. If she's driving and it's my vehicle and the cop is not there, then I get the ticket, but if the cop is there, she gets it." "That's the way it is." He say, "You're going to have to pay the fine." All right. And I said, "Well, no, I'm not going to pay the fine, I will appeal it." He said, "Well, you can appeal anything, but you're guilty, period." And that turned me back to the past 50 years ago where I lost all my family to a kangaroo court, that was shot to death, unfortunately. And I told him straight to his face, I said, "I didn't think that in our great country, 50 years later I will face a kangaroo court like this, and this is a kangaroo court. I am guilty for something that I didn't do and I was guilty before I walked into this room," and that's a fact. Okay? I proved that I wasn't guilty, yet, I was found guilty. Well, I still said I wasn't going to pay the fine.

Then I did some more research and some articles had been written in the papers. Okay.

**D.P.O. HORSLEY:**

Mr. Blanco, could you, please, just kind of wrap it up?

**MR. BLANCO:**

Okay. And what they charged me with doing was they said that I was 3.9 seconds from the -- in the light, okay, and 1.1 second through the red light, or she was, rather. Okay? Now I got the specifics in here and the speed limits in there is 55 miles an hour. At 55 miles an hour --

**D.P.O. HORSLEY:**

Mr. Blanco, I'm going to have to -- can you, please, wrap it up.

**MR. BLANCO:**

I'll sorry?

**D.P.O. HORSLEY:**

I'm going to have to ask you to, please, wrap it up.

**MR. BLANCO:**

Okay. Well, I just wanted to tell you, at 55 miles an hour, okay, at 55 -- the time that -- that yellow light goes on for 4. something seconds, much longer than what they gave me. They gave it to me on a 40 mile an hour zone, not on a 55 mile zone. And, therefore, they cut a minute and -- a second-and-a-half. Okay? If I were going at -- you know, if the camera light was working on time, I would -- she would have never gotten a ticket.

**D.P.O. HORSLEY:**

Thank you.

**MR. BLANCO:**

Now, I called my Legislator, Mr. Romaine, okay, and --

**D.P.O. HORSLEY:**

Okay. Mr. Blanco, I really -- I don't want to be rude, but we have rules here, and I think we got the idea. And I'm sure --

**MR. BLANCO:**

So I'm guilty anyhow, right, because --

**D.P.O. HORSLEY:**

No, we're not saying you're guilty.

**MR. BLANCO:**

How --

**D.P.O. HORSLEY:**

This is not a court. Okay. The --

**MR. BLANCO:**

But what I wanted to tell you --

**D.P.O. HORSLEY:**

No, no, no. Mr. Blanco, please.

**MR. BLANCO:**

Just one -- please.

**MR. NOLAN:**

No.

**D.P.O. HORSLEY:**

Please. You could take this up with Legislator Romaine. I'm sure he'd like to hear about this and then he can refer it back to us. I'm not trying to be rude, really. Nicholas {Concho}, {Congo}? Nicholas?

**MR. CONZO:**

Hi. I'm an electrical engineer. I've been on Long Island --

**MR. STRAUSS:**

You've got to push the button down.

**MR. CONZO:**

Okay. Is that better?

***(\*Affirmative Response From Legislators\*)***

Okay. I've been working on Long Island as an engineer for over 30 years and I've lived here for almost 50 years. That's on Long Island, in Suffolk County specifically. I have a good driving record, I obey the laws, but the red traffic light camera law is wrong, and that's what I'm here to point out to you.

Back in 2009, I believe the Legislature approved it, thinking they were doing the right thing. They certainly raised enough money with it. But three years later, it's clear that it's not the right thing, and that should be obvious, not only based on what I'm telling you, but based on anything, if you've looked into it. The law is unfair. And why is it unfair? It's simple. The duration of the yellow light is key to whether or not a car can stop in time for that light. And in many cases the duration is too short. It's not in line with the requirements, the New York State requirements.

Now, if you look into it, I have -- I've gotten a ticket, I'm in an appeal process. They -- apparently, the State has given you something like six years for an in-phase correction of these deficiencies. But what you're doing in that time is ticketing people when the lights are too short.

Let me state an example. Suppose a yellow light was one second -- I'm exaggerating -- and a car is going 40 miles an hour. You see a green light, it turns yellow for one second, you don't have time to stop. You go through the red light, or you come to a screeching stop, wind up in the middle of the street. That's the case with many of the cases right here today. In my case, the yellow light was too short. I filed an appeal. I went to see a Judge. The Judge told me -- I explained to him, here's the law, here's how long it should be. He says, "I don't care about yellow lights. Is that your car in the film?" I said, "Sure." "Well, then you're guilty." I said, "No. But the yellow light" -- "I don't care about that. It's \$50. You can appeal it if you want." And I've been in this appeal process for almost a year. It's not an easy thing to do. It's not pro se, it's not comfortable to someone who isn't a lawyer, but I'll take it to the extreme.

So, if you want to do the right thing -- my father told me once, "If you're right, you're never wrong." Now, if you guys want to continue to collect money this way, fining people when the yellow light duration is too short, well, then, you just keep doing, you'll get plenty of money, but I don't know how you sleep nights. The right thing to do is fix the damn things first. Don't extend the number of yellow -- red cameras all over the place that do nothing more than take money illegally. And the average person, at least 99% of them are not going to go through the appeal process because it's ridiculous. That's all I have to say.

**D.P.O. HORSLEY:**

Thank you, Mr. Conzo.

*(\*Applause\*)*

Mr. Jeff Frediani.

**MR. FREDIANI:**

Good afternoon. My name is Jeffrey Frediani. I'm a Legislative Analyst with AAA New York, and we serve more than 1.6 million members residing in the City of New York and adjacent counties of New York State, and we oppose I.R. 1362.

AAA has always held the view that visible law enforcement officers are the most effective means of deterring traffic violations. At the same time, however, we have recognized the potential of red light cameras to perform critically important enforcement functions, thereby enhancing traffic safety. Indeed, there is substantial evidence that red light cameras deter red light violations, particularly where red light running is rampant. Moreover, surveys show that greater and greater numbers of drivers support the use of such devices. Accordingly, AAA conditionally supported implementation of the Suffolk County Red Light Camera Program on a temporary basis. However, we have been trying to monitor its safety impact without success.

Indeed, after many repeated attempts to obtain the Suffolk County Red Light Camera Program report that was filed with the State, we were unsuccessful and were forced to file a Freedom of Information request with the County. We have yet to receive the report and, thus, have not been able to evaluate the safety impacts of the program. Although we have been advised the report will be coming shortly, we oppose any expansion absent the report. There is simply not enough data to analyze the overall effectiveness of the program to date.

Moreover, many of our members believe the program is unfair in the way it handles right-on-red violations. We have received numerous complaints from members about tickets they are receiving for right-on-red violations, leading us to believe a significant number of violations are being generated for right on red, rather than the more dangerous red light running.

It should also be noted that one criticism opponents of red light camera programs raise is the potential to misuse them as revenue-generating devices. To alleviate these concerns, one additional improvement AAA would like to suggest is a County requirement to ensure that amber times are set in accordance with engineering guidelines, specifically standards established by the Institute of Traffic Engineers. Such an amendment will protect the integrity of the program and help ensure drivers aren't caught in what engineers call the "dilemma zone," where they are forced to choose between stopping short or proceeding through a red light.

Surveys of our members conclude that many are in favor of a red light camera program, but only if it is fair. If drivers get the perception that this is a program to fill County revenue gaps, support will quickly erode. For the public to accept the red light camera program as a credible program to enhance traffic safety, and not intended solely to raise income, both the issue of appropriate amber times and research verifying the effectiveness of the program must be addressed.

For these reasons, we must oppose the expansion on Suffolk County's Red Light Camera Program at the present time. Thank you for the opportunity to comment.

**D.P.O. HORSLEY:**

Thank you very much, Mr. Frediani.

**LEG. D'AMARO:**

Wayne.

**D.P.O. HORSLEY:**

We have several questions, and Legislator Montano first.

**LEG. MONTANO:**

Yes, thank you. First of all, you said you filed a FOIL for the report and it hasn't been granted?

**MR. FREDIANI:**

It's been granted. We're expecting it in a couple of weeks, we were told.

**LEG. MONTANO:**

All right. So there's no inordinate delay in terms of the -- you're not alleging that you're not being given the report for some other reason, are you?

**MR. FREDIANI:**

No. In the past, we have asked, before we filed the FOIL request, you know, to sit down with the folks in charge of the program, and we sort of, you know, really didn't get too much of a response.

**LEG. MONTANO:**

All right. But is the report complete, as far as you know?

**MR. FREDIANI:**

We were told that the 2010 report is complete and they're working on the 2011 report right now.

**LEG. MONTANO:**

Okay. I really wanted to go to questions that had to do with the prior speaker. I was not aware that in the implementation of the Red Light Camera Program that there was set guidelines in terms of seconds for the passage through the light. Is that gentleman accurate in terms of what he had said with respect to -- you could sit down, sir -- with respect to the standards that are supposed to be in play?

**MR. FREDIANI:**

Well, the --

**LEG. MONTANO:**

If you know. If you don't know, you know --

**MR. FREDIANI:**

Yeah. From what we know, there are no legal standards as to how short or how long a light could be. But a lot of places do follow ITE, the engineering guidelines for speed and also width of the intersection.

**LEG. MONTANO:**

All right. And who -- when the red light cameras are installed, is there a record of the time sequence that we're talking about in terms of these standards, these engineering standards, or is it -- you know, explain to me how that is done. Do you understand my question?

**MR. FREDIANI:**

No, I'm not sure I understand.

**LEG. MONTANO:**

Okay. If, in fact, there are standards that are followed, are there -- when a red light camera is installed in a given intersection, is there a record maintained or a test that's done that shows that it complies with the standards? If you know. If you don't know --

**MR. FREDIANI:**

I'm not sure, no.

**LEG. MONTANO:**

You're not sure. Okay. All right. Thank you.

**D.P.O. HORSLEY:**

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

**LEG. D'AMARO:**

All right. So, just so I understand, you represent the AAA today?

**MR. FREDIANI:**

Correct.

**LEG. D'AMARO:**

Thank you for coming down, I appreciate that. I find it a little awkward that you're opposing this bill before actually seeing the data, because if it's actually saving lives and making the roads safer, I would think your organization would support it. And I would ask that you hold judgment on that until you have a chance to at least do the analysis.

**MR. FREDIANI:**

Yeah. That's why we're here today, just because we felt like, before expanding a pilot program, we'd just like to see what the data shows us.

**LEG. D'AMARO:**

Yeah, fair enough. But I think that I've read, and I can't quote it to you, I don't know where I read it, but I think I've read that the roads are safer with the cameras in place. But I am going to agree with the prior speakers and with you, that the timing of these yellow lights is completely off, as far

as I'm concerned. Do you -- does your organization, independent of what's going on in Suffolk County, do you know of any instances where the yellow lights were not timed properly, or were too short, but corrective action was taken? Has your organization ever taken a position anywhere else where you've had an impact in changing that?

**MR. FREDIANI:**

If we've received multiple complaints from our members about one specific intersection, we will look into it, but I can't say that's something we're out actively monitoring.

**LEG. D'AMARO:**

Okay. I know we're not here to debate the bill, but I will say that as soon as those cameras went up, and I've been traveling some roads locally, as many people, for the last 40 years that I can remember back, whether I was in my parents' car or driving my own car, and I'm telling you, note those lights are shorter today than they used to be, so we need to look at that.

**D.P.O. HORSLEY:**

Okay. Thank you very much, Legislator D'Amaro. And I've noticed, it seems that way to me, too. Legislator Cilmi.

**LEG. CILMI:**

Yeah. Thanks, Mr. Chair. Just very quickly. I recall seeing just a couple of days ago in Newsday that there are prescribed times for the caution lights. Is it New York State that prescribes those times or --

**MR. FREDIANI:**

Yeah, I believe the DOT can put out recommended times, but I don't think they have the force of law.

**LEG. CILMI:**

Did you -- they don't have the force of law?

**MR. FREDIANI:**

No. As far as we know --

**LEG. CILMI:**

So who sets the times themselves? If the DOT puts out recommended times, who actually sets those times?

**MR. FREDIANI:**

I'm not sure, but I would assume it would have something to do with how the cameras are set up, but I do not know.

**P.O. LINDSAY:**

LEG. CILMI, if you'll allow me. All of our red light cameras are on State-regulated intersections and the State DOT sets the times on the yellow/amber lights. It has nothing -- one system has nothing to do with the other.

**LEG. HAHN:**

Mr. Chair, we also have the Commissioner and --

**MR. NOLAN:**

Well, it's a public hearing.

**P.O. LINDSAY:**

I know, it's a public hearing.

**LEG. CILMI:**

Yeah. Well, listen, I just -- I just e-mailed one of our State Senators and an Assemblyman as well to ask him if he would look -- to ask them if they would look into those times that are set by DOT, because, I mean, I agree with you, if you -- especially if you have a -- you know, an 18-wheel truck driving down the highway at "X" speed, to give that truck the same length of time in a caution situation as, you know, a four-passenger vehicle, is -- seems ludicrous to me. So I think you're right, I think they should be at the yellow -- the caution light time should be expanded. And to the extent that we as a Legislature can request the State look into that, I think we should.

**D.P.O. HORSLEY:**

Okay. Thank you very much, Legislator. We're all good? Mr. Frediani, thank you very much for coming down here today. It's very much appreciated, and you've been very helpful. Okay. Patrick Gallagher.

**MR. GALLAGHER:**

Good afternoon. I spoke to you this morning, but during the recess, a few other things came to mind that haven't been mentioned, so I thought I would bring them to light. I learned a lot this afternoon listening to the AAA guy, he was very insightful. And I'm glad to see that most people agree that the system works, but it's just that yellow interval is what's causing the havoc.

I live on 347, near it, and I travel that road all the time, and due to the wonderful technology today where everybody's kind of carrying a cell phone that has a stop watch in it, I can tell you for sure that the red -- that the yellow interval on 347 for most of the lights is barely four seconds. For a few of them, it's like 5.2, three, four, something along those lines. And if it's, as you had mentioned, an older vehicle, a truck full of gravel. What if that truck's behind you? You know, I'm not slamming my brakes on, I'm just not going to do it.

The other thing that hasn't been mentioned, along 347 is a serious route for ambulances to travel to Stony Brook, and, you know, people aren't going to get out of that ambulance's way if they think they're going to get a ticket. As we've heard from a few people, there's not a lot of leeway for them to get out of that ticket or not pay the fine.

So I thought I would bring those points up. And also, I think delaying the expansion of the program until the date is in is a good idea. If you do go ahead and pass it, perhaps move it from Safety to Ways and Means. Thank you.

**D.P.O. HORSLEY:**

Thank you very much, Mr. Gallagher. The next card I have is Thomas Buttaro.

**MR. BUTTARO:**

Good afternoon. My name is Thomas Buttaro. You know me; been here before. I've dropped off numbers from Department of Motor Vehicle to all of you at last month's meeting and to the Safety -- Public Safety Committee last week. The numbers New York State Department of Motor Vehicle puts out, you can't argue that, it's black and white. This is what they teach the public. And if any standards you want to talk about contradict what they teach the public, what they license the public with, obviously, we're acknowledging we have a problem here. Anybody has any questions, I'd appreciate them.

**D.P.O. HORSLEY:**

Thank you very much, Mr. Buttaro. Thank you for coming down.

**MR. BUTTARO:**

Thank you.

**D.P.O. HORSLEY:**

All right. Last card I have is Harry Penn.

**MR. PENN:**

Okay. On the traffic light, I find that the traffic light sign should be on the wire, so the cars approach overhead wire. As of now, you don't know if it's behind you, on the side or not. So that's caused concern for me, that they all should be uniform on the wire over your head, so the public can see the first car and the cars behind you. Because, if not, you know, you don't know if you got a sign back there or not. Thank you.

**D.P.O. HORSLEY:**

Thank you very much, Mr. Penn. Does anyone else like to be heard on this? Alex?

**MR. STRAUSS:**

Alex Strauss, 184 Radio Avenue, Miller Place. Being a retired electrician, I might be able to help you on some of these questions, like who sets the timing on the lights.

When you get to put a traffic light up, there's certain standards you go by. They tell you exactly what time to set the clocks for, what time to set the lights for, and that's what you do. That comes from the State of New York. They tell you what your yellow is supposed to be, what your turning signal yellow is supposed to be. It's all laid out when you put the signal up. That should not be a problem. And, first of all, it does work.

There was a thing in the paper about what the efficiencies were. The only place where it did not bring down traffic accidents and people going through red lights was the right-hand turn into Roosevelt Field Shopping Center. The people didn't make the stop at the red light. And just like we saw the picture when they showed the red light camera thing before, that the Judge kept saying to the person, "Tell me when your wheels stop turning, tell me when your wheels stop turning, tell me when your wheels stop turning." Three times the guy went through the same light, made the same right-hand turn without stopping.

It's not a money-generator, it's to save lives. And if you don't believe that, sit sometime at a light and watch some of the people that do go through. On 347 and Jericho, I stopped at the light and I saw an SUV with four kids and a woman, had to be doing at least 65 miles an hour, didn't go through the yellow light, no, no. She waited for it to turn red, then went through it.

And as far as being told what the intersection is, if you look on the right-hand side as you're driving down the street, 300 feet from every intersection that has a light -- a red light camera on it, it tells you it's photo enforced. Three hundred feet from the intersection, that's the law, that's what they tell you to put the sign at. It's 300 feet from the intersection. We put it in. That's how I could tell you that that's where it is. Any other questions?

**D.P.O. HORSLEY:**

Thank you very much. We appreciate your comments. All right. Would anyone else like to be heard on 1362?

**MS. DALLAIRE:**

Thank you. Nanci Dallaire. I'm all for steps that will secure safety for citizens. I'm in full support of the plans to create more revenue, to get Suffolk County through these difficult days. I've always felt the red light cameras were good for -- good investment and the tickets would raise revenue.

I've been driving a long time to remember when a red light meant stop. But, unfortunately, my daughter, on the other hand, has been driving the entire time with the right-on-red rule being acceptable. And not to make any excuses, but she's picked up some bad driving habits, which many drivers are realizing that we must adjust. She's received three citations for making the right on reds without a complete stop. I know she'll learn, but she may go broke trying -- doing it. But we must be cautious.

My concern is that the red light revenue from last year was overestimated. I just want to not make the past mistakes of overestimating that revenue that we'll make, and let's not repeat those mistakes and make this revenue work for our County and the citizens. Let's be sure that these plans will produce before implementing the programs or projects that cost the County more than anticipated.

**D.P.O. HORSLEY:**

Thank you very much. We appreciate your comments. Anyone else like to be heard? Anyone else like to be heard? All right.

**MR. HARRINGTON:**

Good afternoon. My name is Tom Harrington. I've been before you in the past. Basically, safety on our roads is a concern of mine.

One of the Legislators before asked about the standards, Federal Highway Administration. If you'd like them, you can have them. They do specify standards for the yellow light timings, what they are supposed to be set at based on miles per hour of approaching traffic. It is also based on grade of road, whether up or down. So there are standards out there. It's a problem of compliance in Suffolk County. If anybody has any --

**D.P.O. HORSLEY:**

Thank you very much. Legislator Montano has a quick question.

**LEG. MONTANO:**

Yeah. I think you're referring to me in terms of asking about the standards; am I correct?

**MR. HARRINGTON:**

Yes.

**LEG. MONTANO:**

The question I have, then, if those standards are in play, who is responsible, if you know; what agency is responsible for implementing them?

**MR. HARRINGTON:**

Basically, it is covered under the New York State Vehicle and Traffic Laws. The State has to follow Federal mandates. Any counties or townships within the state have to follow the State guidelines. The State went online, I believe, in 2008, adopting the Federal standards for the traffic light timings for the Red Light Camera System.

**LEG. MONTANO:**

And once these red light cameras are installed, who is responsible for checking to ensure that they meet the standards? That's the only question I had.

**MR. HARRINGTON:**

That I am not positive of.

**LEG. MONTANO:**

Okay. Thank you.

**MR. HARRINGTON:**

I would venture to say it would probably fall under the jurisdiction that's implementing the red light cameras.

**LEG. MONTANO:**

Okay. Thank you.

**D.P.O. HORSLEY:**

Okay? Thank you very much. Would anyone else like to be heard on this? You've already been heard? Would anybody else like to be heard? Very good. We have I.R. 1362. Legislator Lindsay makes a motion to close; I'll make the second on it. All those in favor? Opposed? It has been closed.

**MS. ORTIZ:**

Seventeen. (Not Present: Leg. Gregory)

All righty. ***I.R. 1378 - A Local Law to strengthen safeguards for residents planned retirement communities (Romaine)***. Would anyone like to be heard on this? I have no cards. Would anyone like to be heard on this? Legislator Romaine, how say ye?

**LEG. ROMAINE:**

Motion to close.

**D.P.O. HORSLEY:**

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

**MS. ORTIZ:**

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

**D.P.O. HORSLEY:**

***I.R. 1387 - A Local Law to protect public health at*** -- thank you -- ***A Local Law to protect public health at Hookah Bars (Spencer)***. Would anyone like to be heard on this? No hookah? Okay. Anyone else like to be heard? Okay. We have a --

**LEG. SPENCER:**

Yes, yes.

**D.P.O. HORSLEY:**

Oh, yes. Good afternoon.

**MS. BENINCASA:**

Good afternoon. I'm Lori Benincasa. I'm the Director of Health Education for the Suffolk County Health Department. And Dr. Spencer had asked me to come before you today to tell you about some results we had when we tested carbon monoxide levels at two local hookah lounges.

The Tobacco Action Coalition of Long Island paid for carbon monoxide testing at two hookah lounges. We know that hookah lounges pose many public health problems, not only for the patrons, but also for the people that work there. It is one of the few places where tobacco use is still allowed indoors through an exemption in State and Local Law that allows for smoking in retail tobacco

establishments. The levels of carbon monoxide were reported to be high in hookah lounges, but we didn't have any real evidence.

We tested two lounges, one in Farmingville and one in Smithtown. A very reputable company did the testing. It was for four hours at each location. The first location -- actually, both of the locations on those particular evenings only were operating at about a third -- a fourth to a third capacity of what they usually operate at. At the first location, the carbon monoxide levels rose to 38 parts per million, which, if you have a home carbon monoxide detector, would alarm at 35 parts per million.

What we were looking at is to see if possibly the carbon monoxide levels in these establishments are high enough to get OSHA involved, because these are places where people are employed. OSHA regulations are 35 parts per -- I'm sorry, 50 parts per -- 50 parts per million over an eight-hour time average. So it would have to be at least 50 parts per million over eight hours, or it would -- it could be higher levels for a shorter period of time. The first hookah lounge, as I said, it was operating at very low capacity. The industrial hygienist who did the testing felt that probably over the course of an evening, when there were more than five hookahs lit, that the parts per million would exceed 50.

So carbon monoxide is a big problem at these hookah lounges, and carbon monoxide is a very big problem for health, because what happens is it takes the place of oxygen in the body and deprives the organs of the oxygen that they need.

**D.P.O. HORSLEY:**

Okay. Thank you very much. That was very informative. Legislator Spencer.

**LEG. SPENCER:**

So this was something that we had discussed. Could you stay at the podium, please?

**D.P.O. HORSLEY:**

Oh, I'm sorry

**LEG. SPENCER:**

Thank you. Thanks for coming in. That came up at the Department of Health. And one of the major concerns here is the employees that are -- that work at these establishments. And so, at the full capacity with the hookah lounges, they close the doors and they can have up to ten hookahs going. And what a hookah is is a line that they will light tobacco and you can -- they're different flavors, different scents, and you can have a mouth piece where you can inhale the tobacco. And people go there and they relax, they sit down and they spend an evening there. And again, the way that they get by the law is that they're --

**D.P.O. HORSLEY:**

Legislator, please ask a question.

**LEG. SPENCER:**

A significant portion of their revenue is derived from tobacco use. So my understanding, then, is that a typical carbon monoxide detector goes off at 35 parts per million; is that correct?

**MS. BENINCASA:**

Yes, in residential carbon monoxide.

**LEG. SPENCER:**

And where did we see -- in the test that you did, where did we reach 35, with two hookahs lit; is that what the data demonstrated?

**MS. BENINCASA:**

The lounge in Smithtown, where it got up to 38 parts per million, there was five hookahs lit. But on a typical weekend night, the owner told the person that was doing the testing that they may have up to 20 going at the same time.

If you don't know what a hookah is, it's an old fashioned water pipe, and five or six -- it's like a communal smoking activity. Five or six hoses can come off it and all of the people around it are smoking from the same water pipe. They get individual mouth pieces, but there's been a lot of concern because the hoses are not changed between people smoking, and there's been transmission of hepatitis, herpes, tuberculosis. Hookah smoking is really not a very good thing.

**D.P.O. HORSLEY:**

Okay.

**LEG. SPENCER:**

So what -- I'm sorry.

**D.P.O. HORSLEY:**

Sure, please.

**LEG. SPENCER:**

I have a couple of more, a couple of more questions. So, if this legislation passes as it stands, would you be in support with that, at least start to address the issue, saying that they need to have a working carbon monoxide detector on the premise? Would that serve -- would you support this legislation from at least your experience as a start to addressing this issue?

**MS. BENINCASA:**

I think it's a very good start. Like I said, there are a number of other problems with hookah lounges. The biggest thing is the exposure to the environmental tobacco smoke, which causes so many different problems. But, yes, I think that would at least be a very good start to protect the health of the employees.

**LEG. SPENCER:**

Thank you, Mr. Deputy Presiding Officer.

**D.P.O. HORSLEY:**

Okay. Thank you very much, Legislator Spencer. I hate to ask you what an old fashioned water pipe is in your thinking. But Legislator Stern?

**MS. BENINCASA:**

I'm talking about hundreds of years old.

**D.P.O. HORSLEY:**

Hundreds of years, of course.

**MS. BENINCASA:**

Yes.

*(\*Laughter\*)*

**LEG. STERN:**

Yes, thank you. I'm just trying to understand some of the science behind it. What makes the smoke so much more pronounced and so much more harmful than, say, straightforward cigarette

smoke or even cigar smoke?

**MS. BENINCASA:**

It's as harmful. It is a tobacco product. But if you look at studies that the Centers for Disease Control and the World Health Organization have done, a one-hour session smoking from a hookah pipe is equivalent to the amount of smoke you would get from smoking 100 to 200 cigarettes. It's very intense. The tobacco is heated up through charcoal, which also puts other contaminants in the air, and the amount of smoke is absolutely incredible.

**LEG. STERN:**

So it's not just the smoke, the residual smoke, it's the method that's used to produce the smoke that's a big part of the reason why it's so much more of a pronounced issue.

**MS. BENINCASA:**

And the sessions are so long. A regular cigarette you can smoke in five to seven minutes, but when people go to a hookah lounge, they smoke -- a session is about an hour, so it's constant smoking for one hour.

**LEG. STERN:**

And you had said that the standard setting, residential setting for a detector is 35 --

**MS. BENINCASA:**

Parts per million.

**LEG. STERN:**

-- parts per million. Over an eight-hour session, based on five units, you would -- it was speculation, but the professional that you were with speculated that it might rise as high as 50 parts per million over that eight-hour session. So is it your recommendation, then, that if there are detectors in all of these locations, that it be set at the residential setting of 35 parts per million?

**MS. BENINCASA:**

That -- yes. NIOSH also uses -- OSHA uses 50 parts per million over eight hours. NIOSH, which is the National Institute of Safety and Health, recommends it be set at 35 for employees, but the law hasn't caught up yet. So OSHA is only allowed to regulate for 50 parts per million.

**LEG. STERN:**

So, if a location then chose to have at least five of the -- of them, wouldn't you then effectively be imposing a ban if you're speculating that it's going to produce a reading of 50 and you're setting it at 35? It's essentially equivalent to a ban, isn't it?

**MS. BENINCASA:**

Well, they could take remedial measures. If the alarm goes off at 35, they can open doors, they can have a ventilation system. Right now, there's nothing to alarm or make people aware that the carbon monoxide levels are so high in the establishments.

**LEG. STERN:**

Is it your experience in these establishments that they don't have that type of a ventilation system?

**MS. BENINCASA:**

One of the places where the testing was done had a very good ventilation system, and the parts per million that read, even though that was a very low night, were under ten for all of the testing. So ventilation does work for carbon monoxide, not for the other particulates in environmental tobacco smoke, but it does remove the carbon monoxide.

**D.P.O. HORSLEY:**

Thank you very much, Legislator Stern. Legislator Montano.

**LEG. MONTANO:**

Thank you. I'm not aware of many of these bars here on Long Island, but I am aware that there are many in the city, and particularly in the Astoria area. And the question I have is, does the City -- if you know, does the City of New York have any similar regulations or any other jurisdiction where these type bars are prevalent? Are there any existing jurisdictions that you know of that have regulations such as this? Or maybe -- I don't know if you know, or Dr. Spencer, either one.

**MS. BENINCASA:**

I do know. Actually, there is legislation pending in the City Council. But we have at any given time between five and ten in Suffolk County. They only need a retail tobacco license, the same as any deli or gas station would have to sell cigarettes, so we don't even know that they're a hookah lounge until we do an inspection.

**LEG. MONTANO:**

Now, are all these bars inspected; is that part of the process?

**MS. BENINCASA:**

That's part of the Tobacco Enforcement Program that we do under State grant. Yes, we do inspect them.

**LEG. MONTANO:**

So, getting back -- if I may, please.

**MS. BENINCASA:**

Yes.

**LEG. MONTANO:**

Getting back to my question. You said that the City of New York has legislation which is pending in the City Council, is --

**MS. BENINCASA:**

That's correct.

**LEG. MONTANO:**

Do you know if that legislation is similar to what is proposed here, if it varies? Can you just explain that to me?

**MS. BENINCASA:**

It's not similar to what -- to carbon monoxide, it's about the smoking, and I don't recall all the details. Rockland County passed legislation that prohibits seating in retail tobacco establishments. So, if you're not -- if you don't allow seating, people are not really going to go into a hookah lounge and smoke for an hour or two. So, in fact, they have no hookah lounges in Rockland County

**LEG. MONTANO:**

All right. But maybe I'm unclear, then. Are there any jurisdictions that you know of -- Dr. -- maybe, Dr. Spencer, could you answer? This legislation -- apparently, there is some legislation in the City Council, but this particular legislation, is there anything that is in existence in any other jurisdiction that you are aware of that regulates the bar in the fashion that you are looking to -- and it's not a great regulation, but that does the same thing?

**LEG. SPENCER:**

Not that I'm aware of, no.

**LEG. MONTANO:**

Okay. All right. Thank you very much.

**D.P.O. HORSLEY:**

Thank you very much, Legislator Montano. Legislator Hahn.

**LEG. HAHN:**

I'm also wondering if you've ever tested neighboring establishments? I happen to -- my office happens to sit next to a cigar shop. And when I first took over this position, you could really smell the cigar smoke in our office. And I'm kind of wondering, well, A, if there's any monitoring of if this seeps through to neighboring businesses, and if there's any monitoring of that or a need for them to also have carbon monoxide detectors? Because, while they may be able to and be alerted to open the windows in the establishment itself, the neighboring establishment, you can't smell this, and I'm wondering if it does seep through to them. And then, just on the side, tell me about cigar smoke.

**MS. BENINCASA:**

Carbon monoxide doesn't last very long. It's pretty easy to get rid of it once it's ventilated. The exemption in State and Local Law allows retail tobacco establishments to have smoking. It's really the only exemption left where smoking is allowed indoors. We have about 30 tobacco shops left in Suffolk County, and one of them is the one adjacent to your office. I think they were exempted originally because they're a place where people would go in and sample tobacco products. I don't think that's really the case anymore. And I personally oppose the exemption for these places, because people do work in them, and we protect workers in every single other business, in restaurants, in bars and every place, except for this one loophole in the retail tobacco establishment.

**LEG. HAHN:**

My question was towards whether -- again, like I said, if the carbon monoxide detector goes off in the establishment itself, they can ventilate and disperse the carbon monoxide within the establishment. But if it seeps into neighboring establishments, they won't be alerted. So I'm just wondering, you know, if this is such a high level, and it could seep into the lawyer's office next door, and those employees have no idea that the carbon monoxide levels are -- you know, are raising there and that they need to open their windows, or whatever the case may be, I'm just wondering if there's ever been testing of how this travels to neighboring establishments.

**MS. BENINCASA:**

I'm not aware of any testing that's been done like that.

**D.P.O. HORSLEY:**

Okay? Thank you very much, Legislator Hahn. Anyone else like to be heard on 1387? Anyone else like to be heard?

**LEG. SPENCER:**

One more brief comment.

**D.P.O. HORSLEY:**

Yes.

**LEG. SPENCER:**

Brief, brief.

**D.P.O. HORSLEY:**

What I'll ask you is would you like to close this?

**LEG. SPENCER:**

Great. Can I make my brief comment?

**P.O. LINDSAY:**

Question, question.

**LEG. SPENCER:**

Question.

**D.P.O. HORSLEY:**

Any questions? We're not debating the issue here.

**LEG. SPENCER:**

Well, okay. All right.

**D.P.O. HORSLEY:**

Because you'll have time to do that.

**LEG. SPENCER:**

Okay. Fair enough. Motion to close. Thank you.

**D.P.O. HORSLEY:**

Okay. There's a motion to close.

**LEG. BROWNING:**

Second.

**D.P.O. HORSLEY:**

Second by Legislator Browning. All those in favor? Opposed? So moved. Thank you very much.

**MS. ORTIZ:**

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

**D.P.O. HORSLEY:**

***J.R. 1395 - A Local Law to clarify coal tar sealer prohibition (Lindsay).*** I have no cards. Would anyone like to be heard on 1395? 1395? Okay. Motion to close by Legislator Lindsay; I'll second the motion. All those in favor? Opposed? So moved, it is closed.

**MS. ORTIZ:**

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

**D.P.O. HORSLEY:**

***J.R. 1446 - A Charter Law to protect the County Legislature's Deliberative Law Making process (Montano).*** I have no cards. Would anyone like to be heard on 1446? 1446. Seeing none --

**LEG. MONTANO:**

Close it.

**D.P.O. HORSLEY:**

Legislator Montano has asked to have it closed. Anyone?

**LEG. CILMI:**

I'll second.

**D.P.O. HORSLEY:**

Seconded by Legislator Cilmi. All those in favor? Opposed? So moved. It has been closed.

**MS. ORTIZ:**

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

**D.P.O. HORSLEY:**

***I.R. 1472 - A Local Law to ensure honesty in gas price advertising (Presiding Officer).*** I have no cards, 1472. Would anyone like to be heard on 1472? Anyone like to be heard on 1472? That being the case, I don't see any. Legislator Lindsay has asked to have it closed; I'll second the motion. All those in favor? Opposed? So moved. It has been closed.

**MS. ORTIZ:**

Fifteen. (Not Present: Legislators Schneiderman, Montano and Kennedy)

**D.P.O. HORSLEY:**

All right. Thank you. Setting the date for the following Public Hearings, June 5th, 2012, 2:30, at the Rose Caracappa Auditorium, Hauppauge, New York.

The 2012-2013 Suffolk County Community College budget.

I.R. 1480 - A Local Law establishing registration requirements for Health Department expeditors (Browning).

I.R. 1486 - A Local Law to increase the membership and clarify jurisdiction of the Gabreski Airport Conservation and Assessment Committee (Schneiderman).

I.R. 1489 - A Local Law to improve the safety of vehicles used by child care providers that contract with the County, "Look Before You Leave Our Children Act" (Stern).

I.R. 1521 - A Local Law to prohibit smoking in County parks (Spencer).

I.R. 1522 - A Local Law to enhance provisions for enforcement of certain Consumer Protection Laws (County Executive).

I'll make a motion --

**P.O. LINDSAY:**

Second.

**D.P.O. HORSLEY:**

-- to accept the hearing date; second by Legislator Lindsay. All those in favor? Opposed? So moved. It has been -- the hearing dates have been set.

**MS. ORTIZ:**

Fifteen. (Not Present: Legs. Schneiderman, Montano and Kennedy)

**D.P.O. HORSLEY:**

All righty. I'll take a look at the -- everyone turn to Page 4, the Consent Calendar.

**LEG. ROMAINE:**

Motion.

**D.P.O. HORSLEY:**

I'll make a motion to approve the Consent Calendar, second by Legislator Romaine. All those in favor? Opposed? So moved. The Consent Calendar has been --

**MS. ORTIZ:**

Fifteen. (Not Present: Legs. Schneiderman, Montano and Kennedy).

**D.P.O. HORSLEY:**

-- passed. All righty. Are we ready to do your -- you want to take it out of order, or how do you want to do this?

**P.O. LINDSAY:**

Yeah. I'd like to start off with the agenda and -- okay. I'm going to make a motion to take 1452 out of order about the health care insurance. It's on Page 10.

**D.P.O. HORSLEY:**

Second.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Fifteen.

**P.O. LINDSAY:**

Okay. So it's now before us. And I'll make a motion to approve.

**D.P.O. HORSLEY:**

Second.

**P.O. LINDSAY:**

Second by Legislator Horsley. On the --

**LEG. ROMAINE:**

Motion to table.

**P.O. LINDSAY:**

Motion to table by Legislator Romaine. Do I have a second?

**LEG. MURATORE:**

Second.

**P.O. LINDSAY:**

Second by Legislator Muratore. On the question? Anybody want to talk about it?

**LEG. NOWICK:**

Yes.

**P.O. LINDSAY:**

Yeah, Legislator Nowick.

**LEG. NOWICK:**

I just had a few questions. It's not that I'm opposed, but I was reading the -- what looked to me like a new piece of legislation with some changes in it from the last -- the original, but I guess this is more for George. I'm not sure I understand how this would affect people that have been in County service for ten years and retire and probably plan to have health insurance paid for. Does this address retirees at all?

**MR. NOLAN:**

No, it doesn't.

**LEG. NOWICK:**

Well, do you know? Does anybody know how that would address retirees or what would happen? You know, maybe the sponsor would know. I think --

**P.O. LINDSAY:**

Retirees aren't covered in this bill. Retirees are exempt from paying anything.

**LEG. NOWICK:**

Okay. And what about the people that are working here now that haven't retired, but do have the service in and then retire like in five years? Because I know there's a lot of people in that situation here.

**LEG. BARRAGA:**

They would pay.

**LEG. NOWICK:**

When they retire they would pay?

**LEG. BARRAGA:**

Yes.

**MR. NOLAN:**

My understanding is this is just applying to the people that are active employees of the County.

**LEG. NOWICK:**

Well, is it in the bill that it's just active, or, George, can it be put in the bill? Just to alleviate some of the fear for people that are retired or are going to retire, just to put that word in; would that be a big deal?

**MR. NOLAN:**

Well, it's an amendment. It would be up to the sponsor if that was something he wanted to do or not.

**P.O. LINDSAY:**

I would take that as a suggestion, Legislator Nowick. And if it isn't clear, my intent was to leave retirees out of this altogether.

**LEG. NOWICK:**

And I know, I remember you saying that, and I wondered if that could be put in the bill just as a simple word.

**P.O. LINDSAY:**

Well, I would certainly agree to an amendment. You know, this is as a first step, it isn't supposed to go into effect until November. So I would still like to pass this, and I would be very happy to sponsor, or if you want to sponsor an amendment --

**LEG. NOWICK:**

Sure.

**P.O. LINDSAY:**

-- as far as retirees.

**LEG. NOWICK:**

Just to make it clear, I know there are a lot of people that might be concerned.

**P.O. LINDSAY:**

That would be fine by me.

**D.P.O. HORSLEY:**

Okay. Legislator Cilmi I think is next.

**LEG. CILMI:**

Yeah. Thanks, Mr. Chair. I have a number of questions which I posed to Ben Zwirn, who offered to speak on this issue at our Government Ops Committee meeting last week, and Mr. Zwirn attempted to answer some of my questions in an e-mail yesterday, but really didn't. So I thought I might redress those questions here at our meeting with the hope that either the sponsor, or cosponsor, or Budget Review, or the County Executive's Office, somebody could answer some of these questions. So I beg your indulgence, there's a number of them.

First of all, with respect to the percentage formulas that are proposed, can you -- can anyone tell me where exactly they came from? Are there other governmental entities that are using the 15, 20, 25% with the concurrent, you know, salary levels as a formula to determine what their employees pay into? I guess I'll address -- I'm not sure who -- if anyone can answer.

**MR. ZWIRN:**

Well, I know that there are different levels of percentages that are charged. I know New York State, for example, charges their State employees, and Legislator Barraga might be able to speak to that directly. And I know that these numbers are certainly in line with those. We've also looked at the private sector, at the U.S. Bureau of Statistics, which I can make copies of for you, what happens in the private sector, and these would be still more generous than what is paid in the private sector by employees, but I'll make those numbers available. That's a nationwide study of people in private industry.

**LEG. CILMI:**

You said you'd make them available. Are they numbers that you've had or --

**MR. ZWIRN:**

No, they're numbers that I got yesterday. They're numbers that I received yesterday.

**LEG. CILMI:**

I mean -- okay. I'm not sure if that was part of your response to me yesterday, but --

**MR. ZWIRN:**

My response was that the numbers seem to be perfectly in line and fair with respect to other numbers that we looked at, and that was my response to you. And I mentioned New York State, where the dividing lines seem to be between a Grade 9 and a Grade 10, on those titles, and they varied on the individual plan versus the family plan. I think it was 16% and 31% above grade titles 9, and below that I think it was 12% and 27%. They had just gone up in the last budget cycle, the Governor increased it, and was eventually signed off to by the -- by the unions that agreed to it and the State.

**P.O. LINDSAY:**

If I might, Legislator Cilmi.

**LEG. CILMI:**

Sure.

**P.O. LINDSAY:**

You know, just as one of the -- the author of this bill is that many of our local school districts have multi-tier systems, not so much built on salary, as the administrators pay one rate, the teachers pay another rate, and I think the clerical staff pay another rate with some of their contracts.

**LEG. CILMI:**

You know, I spoke with somebody last night from the Town of Islip, and some of their employees also contribute to their insurance. And the way they described it to me, there were two tiers to their contribution as well. They are not, however, self-insured, and they -- their setup, I think, is such that -- as far as I understand it, is such that it only applies to newer employees when it was enacted. I guess any new employee thereafter was -- you know, was asked to contribute and the others didn't have to. So I recognize that there are other governmental entities that are using this multiple tiered system. So I suppose, you know, my question as to whether or not it's legal, and, certainly, that's a -- you know, it's a valid question, I suppose, whether or not it's legal to charge, you know, one person "X" for a product or service, and charge another person, you know, "X" plus whatever. Just based on their salary or their ability to pay seems to me to be a little unfair, but I understand that it's done, so I suppose we're okay from a legal point of view there.

So my next question, then, is relative to the aggregate cost of our insurance, and I understand from Budget Review that it's something more than 300 million dollars, and that includes the cost to administer our program, as well as a variety of other factors. Can Budget Review, can you sort of summarize that for us?

**MS. VIZZINI:**

Yes. The Memorandum of Understanding among the unions and the representatives, management representatives through EMHP stipulates how the cost and the rate is established. It is the sum of most of the component pieces of the cost to administer the health insurance, the cost of all of us going to the doctor, hospital, what have you, less the personnel who work in that fund. It comes to roughly -- we did a quick calculation in anticipation of your questions -- 319 million dollars. That total cost is divided, then, by the number of people who benefit, the enrollees. There are right now over 21,000 enrollees, and that gives you a rate, which is a measure of the cost. If you were to ask me what does the County pay per head for employee, that's how we would derive that number. Seventy-eight percent of the workforce is covered with the family coverage, which our rate is close to \$16,000, and 22% is individual coverage, just --

**LEG. CILMI:**

So how did you determine -- how did you determine what the family coverage rate is versus the individual coverage rate?

**MR. ZWIRN:**

If I could jump in; Gail, could I?

**MS. VIZZINI:**

Yeah.

**MR. ZWIRN:**

This is, and I think -- I think I tried to respond somewhat to this yesterday, that the County uses an actuary with the Suffolk County EMHP, and they do an actual analysis of the usage and the cost every year. And then they do an analysis and that's how they establish the COBRA cost and the individual and family plan cost, what it actually costs the County, looking at all the members and how the service is used. So they came out with about 16,500 for the family plan, and about seventy-eight hundred dollars, roughly, for the individual. And it's governed in the agreement in EMHP, how they arrive at the rates.

**LEG. CILMI:**

Okay. I've been told that our plan is competitive with privately administered plans. And I guess "administered" is really not the right word, but private plans is probably the better description. Can we speak to that emphatically, you know, or is it just sort of anecdotal that we think our plan is competitive based on something that we looked at three years ago or four years ago? I mean, has there been any recent attempt to compare our plan with private plans that are offered? Has there been any attempt to look at the scope of our coverage to determine whether or not there could be certain, you know, benefits that we currently receive that we could reduce, that would significantly lower the cost? And, for that matter, in looking at the -- your cost per employee, has there been any thought given to offering employees different types of insurance, different levels of insurance coverage to maybe reduce their burden?

**MR. ZWIRN:**

We do now, there are choices.

**LEG. CILMI:**

Well, there may be now, but I'm asking in this proposal are there any?

**MS. CORSO:**

Yeah, nothing changes.

**MR. ZWIRN:**

Exactly. I'm just thinking, there's no -- it's just how we pay for this. Nothing's going to change with respect to the plans that are available.

**LEG. CILMI:**

Well -- but my point is that if I choose the -- you know, the Hyundai plan versus the Mercedes Benz plan, the Hyundai plan is theoretically less expensive, and, therefore, why would I want to pay the same amount as the Mercedes Benz plan?

**MR. ZWIRN:**

The answer is that we're still self-insured. And you would also be able to opt out of the plan, if you wanted. It was one of the questions that you asked me the other day.

**LEG. CILMI:**

Yeah, that's a question that I asked and you answered it quite directly, and you said, yes, an employee can waive this coverage, but I don't see that anywhere in the bill.

**MR. ZWIRN:**

They can do it now. This doesn't -- this doesn't --

**LEG. CILMI:**

Well, I understand that, but this is changing the way --

**MR. ZWIRN:**

This Legislature -- this legislation doesn't change that.

**LEG. CILMI:**

This legislation is requiring employees to pay into the cost of our coverage as exempt employees, it doesn't specifically say that employees may not have to pay into it if they -- if they -- you know, if they decline coverage.

**MR. ZWIRN:**

They currently can decline coverage, and I don't think this bill was designed to change that in any way.

**LEG. CILMI:**

But they currently don't have to pay for their coverage. So, while they can currently -- in other words, if I were to -- if this bill passes and it goes into effect, I may decline coverage, but this bill offers no mechanism by which I can opt out of having to pay for that coverage that I've declined to accept.

**P.O. LINDSAY:**

Maybe you could permit me again, Legislator Cilmi

**LEG. CILMI:**

Please, sure.

**P.O. LINDSAY:**

All this addresses is, as Mr. Zwirn was saying, is that the exempt employees would pay a part of the tab. There's -- I never wished or attempted to micromanage the health plan. I think EMHP has done a wonderful job, and I think it's a great mechanism, and it's very involved, and I never wanted to get into their business. I'm just trying to find a way that we don't have to lay off so many people, that we can come up with some other cost savings today rather than lay off people. It just makes sense to me that we offer, you know, all these great coverages and we can't afford to keep the people on because of the benefits that we provide. Having said that, health coverage is a potpourri of ways you can save money and add things. And one of the things, by being self-insured, you should operate a lot cheaper than if you're paying an insurance company, because there's -- nobody's making a profit off of it, what you spend is what your cost is. And when you talk to people, when they say, you know, "My insurance plan, I could go to eight different providers," they're all for-profit providers. So I'm not sure whether there's a way of doing that.

I agree with you, that many insurance plans say you don't want the coverage, you're going to save me some money, I'll pay another \$5,000 a year if you turn down coverage. Our plan has never done that because they never anticipated that. That's something that I certainly wouldn't object to if EMHP looked into that, because your liability or potential liability is based on the number of people that you cover. So every time you shed somebody that doesn't want your insurance, your potential liability should go down.

**LEG. CILMI:**

Right.

**P.O. LINDSAY:**

I mean, that's the economics of it, but -- and the other point, yeah, there's a lot of different ways of tweaking this. You could save money, not just by transferring the payment to the employees. You could save money by reducing the benefits, from, you know, the pharmaceutical benefit to the doctor's benefit. You could certainly shop it more to see if the marketplace will knock it down some more. And a lot of times you really do yourself a favor by putting it out to bid every couple of years just to keep everybody honest, you know? So this doesn't get into any of that. All this simply starts with is the concept that the exempt employees would pay part of the cost. And like I said to Legislator Nowick before, I think it's a start at this whole process, and I'm hopeful that it won't be the end of it and that it becomes a much better -- much better product at the end of the line.

**LEG. CILMI:**

So thank you, I appreciate that. I appreciate your intent, and your answer. It's just that I think a lot of these questions really deserve to be answered in the bill somehow, because there's some significant issues here. That while your intent, you know, is completely noble and well and good, the fact of the matter is that the silence of some of these issues in the bill, you know, leaves some of these things open to interpretation, and, you know, who knows down the road how they get interpreted. So, I mean, that's my concern. I have a couple of other questions and then I'll yield.

First, with regard to the wording of the bill itself, it says, and I don't have the bill in front of me, but it says something to the effect of that the employees shall be responsible for their cost of insurance. Well, you know -- of their health insurance benefits. So, the question is, you know, if I happen to have some sort of a catastrophic illness and my benefit, because of that, is very, very high, you know, that differs from somebody who may not have had that catastrophic illness. And, therefore, is the benefit less for that person compared to the person who had the catastrophic illness? And, therefore, does the person who has the catastrophic illness have to pay? And I understand it's not your intention to have it work that way, but, again, this is a question that begs in the bill, does that person end up paying more? If the person's total benefit is, say, \$100,000, you know, \$100,000 based on, you know, hospital stays, whatever, is there a percentage contribution based on that \$100,000 benefit, as opposed to a \$5,000 benefit of somebody who maybe went to the doctor for a checkup every six months? I understand the intent. My question is I don't think it's specified well enough in the bill. Can you speak -- can either the sponsor or the County Exec --

**MR. ZWIRN:**

I don't see it in the -- I don't see it in the bill.

**MR. NOLAN:**

I would just say that I think the Budget Review Office, Gail Vizzini, spoke to it, that, you know, the way the cost is going to be determined is the methodology that she just spoke about, which ends up with a family plan being about the 16,000, the individual plan seven or \$8,000, and then you take the percentage of that and that's -- and that's the way it's going to be applied and that was the intention.

**LEG. CILMI:**

Again, I understand the intention, I tried to make that clear. My worry is that it's not in the bill, and, therefore, it's susceptible to interpretation. Let me just finish with a couple of more questions. And I know all of us have other questions and I'll yield.

With regard to the Deputy County Executive's statement at the tail end of our Government Operations Committee meeting last week in which he declared that it was the County Executive's intention, despite the fact this is not the County Executive's bill, but that it was the County Executive's intention that whatever the unions were to accept in terms of a contribution, then the exempt employees would follow. Again, that's not in the bill. But even if it was in the bill, it begs

some additional questions. Well, does that mean all of the unions have to accept the same plan? What if the -- you know, one union accepts a 10% contribution, another accepts a 20% contribution across the board for all employees in that bargaining unit? Which does the exempt -- which does the exempt employees follow? You know, that's --

**MR. ZWIRN:**

It would -- our understanding is that it would be all the unions, one plan, one cost. The cost would be the same for all the unions, all the bargaining --

**LEG. CILMI:**

What do you mean by your understanding?

**MR. ZWIRN:**

I say that because it's not our bill, but our understanding, in cooperation with the Presiding Officer and Deputy, is there is one -- there will be one cost, there'll be one for every union, and the exempts.

**LEG. CILMI:**

Oh, you've read the bill?

**MR. ZWIRN:**

Yes.

**LEG. CILMI:**

Okay. I know it's not your bill. I know you expressed the County Executive's intention at Government Operations the other day.

**MR. ZWIRN:**

Right.

**LEG. CILMI:**

If you've read the bill, is it in the bill or is it not in the bill?

**MR. ZWIRN:**

It's not in the bill.

**LEG. CILMI:**

Okay. You know, I think -- well, I mean, what happens if none of the unions agree to any contribution? I mean, they're their own bargaining units. They can -- you might have the Sheriffs agree to one thing, you might have AME agree to something else or not agree at all. Is it the County Executive's position that everyone's going to agree to the same thing and that's it?

**MR. ZWIRN:**

This bill would still stay in effect.

**LEG. CILMI:**

Right. Okay. Thank you.

**P.O. LINDSAY:**

Legislator Barraga.

**LEG. BARRAGA:**

Ben, right now the County has self-insurance. And one of the reasons I think municipalities go for self-insurance is that they really avoid having to pay an insurance carrier premium, a premium. For example, if you participated with NYSHIP, the New York State plan, you'd have to pay an upfront premium, even though that plan is a very, very good one. The question, when I take a look at not so much this legislation, because this legislation really doesn't have a great deal in it other than the percentage rates that you'll be paying predicated on income and the effective date for different groups when this will take place. But you kind of wonder, as it goes into effect, and we are now paying into the system, doesn't that give the County an option possibly of taking that money and using it as a premium to join a NYSHIP, which is used by the State of New York in something like 800 different quasi-levels of government throughout the United States, and adopt their particular rate structure, which is a proven rate structure that's been around for many years, if the premium is going to go in that direction? Obviously, it will be contributing. It's self-insurance, you don't have a premium. Is the money going someplace else?

**MR. ZWIRN:**

If I can, three years ago the EMHP reviewed looking at NYSHIP again, and the plan that we have was preferred. They looked at prices and benefits, and while NYSHIP is a good plan, this plan was determined to be less expensive and more beneficial to the people who use it. It's reviewed every year. So, from that standpoint, if they could find a better system, that it's constantly under review.

**LEG. BARRAGA:**

Yeah. The only reason I bring it up is that when you participated in NYSHIP versus what we have now, there are greater economies of scale, greater probabilities and possibilities of reduction of rates because of the marketing power of NYSHIP. Very similar to, for example, like a school district that does individual purchasing and now aligns itself with ten other school districts to do group purchasing, there's empowerment there. All right? So this bill doesn't deal with that, but, certainly, I think when the premium is -- when the premiums are coming in, when people are paying into the system, those dollars are there, and someone in the administration may want to take a look in the future at the possibility of going with a regular insurance carrier, a fully insured plan.

The question also came up with reference to retirees by Legislator Nowick, and I think the Presiding Officer also made mention of it. You know, certainly, current retirees, based on this legislation, should not be affected. If I'm already retired, that was one of the considerations I took in play before I even submitted my papers, that I would get free health insurance. But after the different effective dates, and this particular bill is November 12th for the exempt employees, if at some point in time they're paying in as active employees and then they retire, my assumption is they would also have to pay as they're retired. They're not -- they're not going to get free health insurance once you start paying into the system. Think about that. Because it seems to be contrary to the intent of the bill. I think anybody who's currently retired or retires before November 1st, they get free health insurance. But after that, as I begin to contribute, and I retire say three or four years down the road, because I've been paying as active employee, I probably should be paying as a retiree at that point, I shouldn't be expecting to get it for free. Just think it over.

Is the intent of the Executive Branch or this legislation, once this goes into effect, people who accrue sick time, vacation time, can they use this if they have to pay once they're in retirement? For example, many municipalities allow people to accrue sick and -- like the State of New York, sick and vacation time, when you retire, you can utilize that towards your payment of your health insurance, which you have to pay for once you retire.

**MR. ZWIRN:**

It's not contemplated in this bill, Legislator Barraga, but as we move forward and negotiations open with all the other bargaining units in the County, that's something that should be addressed and

taken into account. And if it is agreed to, then it would also be agreed to with this legislation as well. But I know that's exactly what happens in New York State.

**LEG. BARRAGA:**

And there are some municipalities that have a buy-back program, where a person, you know, works for the County and they don't need the insurance. But, yet, they have a spouse who works someplace else and have full coverage, not with the County, but a private company. And those municipalities allow that person to not opt into their insurance, and pay them upwards of \$2,000 a year, as long as they stay out of their system. Hopefully, that's something that, you know, we'll look at as we move along, because as people participate, there's going to be somebody who says, "You know, I really don't need the insurance. My spouse was a Port Authority police person and they have coverage." So, if I don't participate, you're saving money, and shouldn't I get some sort of a buy-back provision? The same holds true I think when you have two people working for the County. There are some municipalities that will allow a principal and a subordinate, and maybe the spouse is the subordinate and they're allowed to get some sort of a buy-back provision as well.

The other question I have, and it's interesting, again, going back to self-insurance, the former Lieutenant Governor of the State of New York, Richard Ravitch, one of the things he was allowed to do as Lieutenant Governor was to do an in-depth analysis of what could be done in the State of New York to balance the budget, because they had such a tremendous imbalance, and he took a look at the whole question of health insurance. And I have his report, and what I found interesting, again, the difference between a self-insured and a designated plan, if I can quote, "As outlined above, there is a serious lack of transparency regarding local employee and retiree pay and benefits in New York." The majority of localities do not participate in NYSHIP. They contract for insurance or they self-insure, and, thus, are not subject, not subject to disclosure requirements of the Federal Employment Retirement Income and Security Act. As noted recently by the Governor's Task Force on Public Retiree Health Care, Chaired by Richard Berman, "There is little data available on these non-NYSHIP plans. Further, because they are exempted from ERISA, self-insured plans for public employees are subject to virtually no regulatory oversight. And because they are not operated by licensed insurers, need not provide various mandated for insured plans by New York State Insurance Law."

So that concerns me a bit when it comes to self-insurance. It concerned me less before I saw this bill, because our people are now going to be participating in the self-insurance program, and if they're not subject to the rules of ERISA, you know, I don't know. Maybe we should look into that a little bit. Maybe Ravitch's report is wrong, I don't know, but that's what -- I'm quoting from it.

**MR. ZWIRN:**

No. I think I have a copy of the report as well, but --

**LEG. BARRAGA:**

You got a copy of this report?

**MR. ZWIRN:**

Is this the Rockefeller Institute, where he --

**LEG. BARRAGA:**

Yeah.

**MR. ZWIRN:**

Yeah.

**LEG. BARRAGA:**

On the same track, kid. I'm surprised.

**MR. ZWIRN:**

Brilliant minds think alike, that's clear. But one of the things that as you have -- with EMHP, you have, you know, representation from management and from the bargaining units, so -- and I think now perhaps even the Comptroller has had a representative on board. So it is -- it is really out there in the light of day. I mean, it's not -- it is pretty transparent, the negotiations. I mean, you've got different groups, you know, with different interests who are going to have, you know, their interest at heart. And, as a result, you know, I think that makes for a healthy environment. It's not just picked by one individual and that person has --

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

**LEG. BARRAGA:**

No, I'll take your word for it. I just don't want a situation developing, you know what I'm talking about? Six or nine months from now we have all sorts of problems and somebody comes running in here and starts quoting this and wondering, you know, why we didn't do something.

**MR. ZWIRN:**

No, I take your comments very well.

**LEG. BARRAGA:**

Okay. Thank you.

**P.O. LINDSAY:**

If I can, if I could just expand on that a little bit. In my former job we used to have a self-insured health benefit fund. And you're right, we weren't covered by the State insurance fund because of that, but we were -- the IRS used to come in and audit us all the time, as well as the U.S. Labor Department. So it wasn't as if we didn't have oversight, they used to audit us regularly. Legislator Romaine.

**LEG. ROMAINE:**

Yes. We're having a debate about employees, in this case the exempts because the County can impose on them without any negotiations or discussions, or careful review, or answers to questions such as Legislator Cilmi or Legislator Barraga have offered; we can impose this on them. But in this debate, I have not heard anyone say that employees should not pay a portion of their health care benefits because of the economic crisis that we face; no one has said that.

But people have raised, and what I've heard raised and which I will raise, is continuous questions about this bill. However well intended, it's flawed, because it's lacking an adequate description of how this would work. And the problem is we saw two weeks ago a layoff list that ran through on a CN, and after the fact we're finding all types of questions, where 50, 60 people that are being laid off won't save this County one cent because they're being laid off in Sewer Districts or 477 funding or a hundred percent funding and we're saying, "Wow, if this had gone to committee, this could have been vetted."

I think that this bill is premature at this point. It's not going to be enacted til November. I would urge some of the intelligent suggestions that were raised by Mr. Cilmi and Mr. Barraga be considered, this bill be expanded.

Also, I have problems with language. In the language of the bill, it says exempt employees earning whatever will contribute whatever of the County cost for their health insurance benefits. Since we don't pay a premium, is their benefit their cost or is it that mythical analysis that was done by the actuary as an average cost? And since we're talking about cost, is this cost -- since we're only imposing it by this bill, not what we want to do in the future, not what we want to negotiate in the future, but now, this bill is only imposing it on the exempts. Have we done an actuary on just the exempts? Is that actuary rate or premium, if we're going to charge the average and not charge the actual? Because this bill reads that we would be charging them -- if you read it, in plain English it says we're going to be charging them their cost, not the actual, their cost; not the actuary's average cost. And is it the average cost of the exempts?

And when we start charging for health care, there are some that have spouses in the private sector or working for town government or State government that have health care. Suppose they opt out? Will that gross cost change, or will that jack up premiums for those who stay in? How many will opt out that have spouses that they can claim for their health benefit and opt out of the County because they don't want to pay towards the County? I'm interested in that and how that changes the actuary determination. And in this bill, can this be amended to say that it will be the average actuary expense? And is it of the exempts, or is it of all the County employees? These are questions I'm asking because I believe the bill is not comprehensive enough and fails the test to be implemented without other questions.

Now, let me just go to another statement. At the end of a long meeting of the Government Operations Committee, there was a statement made from Mr. Zwirn; *"Mr. Chairman, before we adjourn, I have one statement to make on the record. It has nothing to do with the bill that passed, that I promised I would put on the record. It was with IR 1452 which was discharged without recommendation. It's critical I get it on the record."* And this is what he said; *"It is with the health care bill. I just wanted to add whatever agreement, whatever is agreed to by the unions, the management and exempt employees will follow suit. There will not be a two-tiered system. There will be one, and the insurance contribution will be pre-tax for County employees. I just wanted to get that on the record."*

First of all, pre-tax, you can only agree to that in January, as you know. And there's not even a provision so we could use so employees could set up under Federal law health savings accounts so that they could take pre-tax money, put it aside, which, by the way, unlike flex-benefits, pre-tax benefits roll over from year to year. So they can't even put that aside, because although you made that statement, it can't be done till January and it's not in this bill. It is not in this bill, it would require another bill.

And then -- he said that at the end of the meeting where I have a bill, along with my colleague, John Kennedy, and I'll read that bill, the key section; *"Exempt employees, as defined, described and covered under this article, shall contribute to their health insurance benefit at a rate equal to the membership of the Suffolk County Association of Municipal Employees or any succeeding bargaining unit."* And it goes on to say, *"This resolution will supercede any earlier County resolution as it pertains to health insurance benefits for exempt employees."* Well, let me tell you something, that's exactly what Ben Zwirn said. But guess what? This resolution failed on a strict party-line vote. So don't say you're for it and not support it. This is a resolution that would enforce exactly what the County Executive and his representative said.

**MR. ZWIRN:**

Your bill, Legislator Romaine?

**LEG. ROMAINE:**

Yes.

**MR. ZWIRN:**

Your bill only applies to AME.

**LEG. ROMAINE:**

That's right. That's correct.

**MR. ZWIRN:**

We're not dealing with that. All the unions would have to be on board with ours in the negotiations, not just AME.

**LEG. ROMAINE:**

That's great. I'm happy to amend my bill to say that.

**MR. ZWIRN:**

But your bill -- I mean, you criticized the other bill, your bill is -- there's nothing in here.

**P.O. LINDSAY:**

I think Legislator Romaine is alluding to a bill he's introducing now.

**LEG. ROMAINE:**

Right, that's right. That's correct.

**P.O. LINDSAY:**

So I don't even want to entertain any discussion.

**MR. ZWIRN:**

I know, I have it. And if you look at it and I --

**P.O. LINDSAY:**

All right. But I -- that isn't before us now. All right?

**MR. ZWIRN:**

Okay.

**LEG. ROMAINE:**

So my concern is not that whether employees should contribute or not. I think with difficult fiscal times, that probably is something that we have to consider, and I think my colleagues understand that.

What we don't understand is there isn't enough sufficient clarity in this bill to cover some of the situations that were raised. In my view, that makes this bill less than enforceable and too vague, unprecise and not specific. So I would urge my colleagues and the sponsors to consider tabling this bill for one cycle. Allow each of the members of this Legislature to raise these questions with you by e-mail, sit with Counsel and go through it, refine your bill and add those provisions that would make it effective and more specific.

Thank you very much.

**P.O. LINDSAY:**

Legislator Muratore.

**LEG. MURATORE:**

Thank you, Mr. Presiding Officer. My questions are basically the same here. I mean, really, we all know contributing to our health insurance is coming down the pike, it's on the horizon. And the only

problem is I can't support this. This is not a fair and equitable plan.

I mean, what about -- to Mr. Zwirn. What about a married couple, or two married couples, living in Suffolk County, working for the County? Couple one, who was born on January 1st, the one person is making \$150,000 a year, the other spouse was born on December 31st, is making \$50,000 a year; combined income, \$200,000. A premium of \$4,000 a year, correct? Now, we have another couple, a person born on January 1st and making 50,000, the person born on 12/31 is making 150,000; their premium is only \$2,400. Why is -- they're both making \$200,0000, but is one paying more than the other, or less than the other?

I mean, there is -- how much time was taken to come up with this? You came up with three percentages and three grades of income. I mean, but it's so out of -- it's not fair. And you know who's going to be affected is the people sitting behind here, these young people that are just starting out. You know, they're going to -- their gross salary is going to be impacted the most. The people that are going to be the future Legislators sitting here and building this County and are going to be the ones that are probably going to leave here, be impacted the most and suffer the most. So, you know, we always talk about modifying, but why don't we do it now? Why don't we listen to Romaine? He's been around a while, and a few of the other Legislators here.

*(\*Laughter\*)*

And Let's put it back to committee and let's sit down and work it out. Because I want what you give the other unions. I want what you give to PBA, because I know that's going to be fair and reasonable to every union member. And that's what these people deserve behind here, they deserve to be treated fairly and not impartial the way we're doing it. They've done so much for this County.

We talk about health benefits. Look what they've done, you know, increase in co-pays, increase in the deductibles, generic instead of name brand. You know, you've got to go -- you've got to order 90 days ahead of time now. I mean, when are we going to stop taking from these people and doing the right thing? Let's sit down and do something now. Let's work at it. I thought we were over those days of things coming to this Legislature being stuffed down our throats? It's happening again now. You're sitting there, Mr. Zwirn, and you look a little confused and you don't have some of the answers for the other --

**MR. ZWIRN:**

I beg to differ, Legislator. With all due respect, I'm not confused. I'm just saying, I think if you want to find --

**LEG. MURATORE:**

I didn't say you were, I said you looked a little bit.

**MR. ZWIRN:**

I think if you want to find a reason not to support this, I think you can. But I think this is an important step as the County Executive goes forward with negotiations. As the Presiding Officer said, this is designed to save the County money and to save jobs.

**LEG. MURATORE:**

We can't do it till November.

**MR. ZWIRN:**

Right now it's a \$16,500 benefit for the family plan, as it's worked out, and almost \$8,000 for individuals. The private sector doesn't have anything like this. And small businesses across this

County are struggling and they're struggling to pay medical benefits. Taxpayers out there -- the school districts, as the Presiding Officer mentioned, school teachers, administrators, staff are paying into their medical plans across the County. The public has demanded it, and we're one of the last groups that haven't. We're trying to set an example. We can't impose it on anybody. We're going to negotiate it with the unions, all of the unions, not just AME. And when it comes back it will be a me-too, everybody will be on the same page. But this is important as a first step. Unlike Legislator Romaine's bill which puts it at the end, after the unions negotiate something, then we'll follow them. This is to show leadership from the front. And we've asked the Legislature to consider this; Legislator Horsley and Presiding Officer Lindsay have put this bill in. It is a critical stage, it is a message not only to all the bargaining units, it is a message to the people in Suffolk County that we understand just a small part of what they're going through.

**LEG. MURATORE:**

We're not saying not to do this, we're saying to take some time to do it the right way. It's not going to take effect till November anyway, so why can't we table it, send it back to committee? And like Romaine said, let's work on it as a group and come up with a good plan so we don't have these problems down the road and we don't have these questions to be answered or asked.

**P.O. LINDSAY:**

Okay. Legislator Kennedy.

**LEG. KENNEDY:**

I've been on a list all my life.

**P.O. LINDSAY:**

I didn't say what list.

**LEG. KENNEDY:**

Yeah, I know. Thank you, Mr. Chair. Many of my colleagues have brought up a lot of the points that I was going to try to address, so I think I'm going to try to just talk about the history and the equity and what we're being presented with today. And this is to the sponsors. You can stay there if you'd like, Mr. Zwirn, but I'm speaking to the sponsors of this bill.

EMHP was created in 1991, in the last meeting of the last year of the term of the last County Executive from the Town of Babylon, and it was done on a CN.

*(\*Laughter\*)*

It was IR 2109, and what it did is create a self-insured committee of which, interestingly, there were seats on that committee for the Chairman of Ways & Means, for the Chairman of the Personnel Committee.

**LEG. MONTANO:**

I didn't know that.

**LEG. KENNEDY:**

And for representatives throughout County government. We, this body that created EMHP, had a seat at the table, because it was the will of this Legislature to go forward with a better way to take care of our workforce. Some, what is it now?

**LEG. ROMAINE:**

Twenty.

**LEG. KENNEDY:**

Twenty plus years later? We're nowhere to be seen, nowhere to be found. And in my eight years in this chamber, I have never once ever seen anybody from EMHP as an advisor or an actuary, the name of which I learned only yesterday, Lockton, Lockton Associates; they're the ones we pay to advise EMHP to come up with rates and to come up with projections and to come up with coverage composition. They have an exhibit. It's supposed to be advisory every three months; not once ever, never. I defy anybody in this chamber to say they've ever been here once.

I'm going to ask, when we table this bill, that they come to Dr. Spencer's committee and they give us the basic nuts and bolts about how our insurance plan is derived. So with questions of my colleagues, Legislator Cilmi, Legislator Barraga, Legislator Muratore, all the Legislators around this horseshoe who have the right, duty and responsibility to know the inside and out of this plan before we vote to give anybody any kind of negotiating wedge or to know what it is that we're talking about.

There's a member of EMHP right there in the back, Vito Dagnello from the Correction Officers; he sat at the table time and time and time again. And while we pontificate and hypothesize, he knows full-well what goes on with discussion with coverage, what's gone on with Express Scripts, what's gone on with doctors in/doctors out, hospitals in/hospitals out. We are as if a group of 18 chasing our tail about nothing that we know the specifics of. Let's table this bill now, let's get the specifics before us, let's find out about the retirees, like Legislator Nowick brought up; or like one elected official pointed out to me, what happens with retirees between now and November? Are they affected, are they not? Nobody, nobody around this horseshoe can give an answer.

With all due respect, Mr. Zwirn, this is a bill that came out of this Legislature. It doesn't even have the County Executive's name on it. So I say to you sponsors, you should support a tabling and let this be a better bill that we can work with.

**P.O. LINDSAY:**

You're very loud, Legislator Kennedy.

*(\*Laughter\*)*

Legislator Hahn.

**LEG. HAHN:**

Thank you, Presiding Officer. I would like to echo the Presiding Officer's earlier statement that we are doing this because we want to avoid further layoffs. I don't know about the rest of you, but every call to my office, every e-mail I read, every speaker we heard from, not only today, last meeting, all through committee week, tore out my heart.

We want to avoid more layoffs. We saved 150 jobs by look -- redoing Levy's list, but it wasn't enough and it's devastating. We need recurring savings and recurring revenue to get through this. Two hundred seventy-five million dollar structural deficit. I don't know about you all here, but I'd rather we all give a little than another 315 or maybe many, many, many more give all. We do need to lead by example and we need to start today. We need everyone to come to the table today so we don't have those crowds. I don't want to go through this again because it's devastating. Thank you.

**P.O. LINDSAY:**

Legislator Gregory.

**LEG. GREGORY:**

Thank you, Mr. Chair. Just a few short years ago, our previous County Executive had submitted a similar proposal to this body which I did not support at that time, I didn't think it was necessary. But given the financial situation that we have now, I find that there's really no other alternative than to commit ourselves to at least stabilizing or attempting to stabilize the work force, as my colleague just stated, to prevent further layoffs, and I think this is the right approach. I don't necessarily subscribe to us passing this so that the unions can, you know, come up with their own agreement. You know, coming from a child -- coming from a family of a union home myself, like the General, I think the unions will negotiate what they want to negotiate. I think this is about doing the right thing, addressing the deficit, and I think it's the appropriate thing and the responsible thing that we do it.

I've done a little bit of research myself. The Kaiser Family Foundation, a notable national organization, did a study on this very same issue about health care contributions. And just to recite some of their statistics, for all large firms across the country, all large firms, what they consider large firms being 200 employees or more, 6% contribute 0% contribution to their health plan, that's for single coverage; 65% of their employees contribute up to 25% of their health care coverage; 27% contribute more than 25%; 1% contributes more than 50%.

Now, for family coverage, less than 1%, less than 1% for family coverage, this national study, contributes 0% to their health coverage; 50% contribute up to 25%; 40% contribute greater than 25 to 50%; and then you have 8% that contribute more than 50%. These are our taxpayers. These are our constituents that are making these contributions.

We have people that are saying, "Please raise our taxes," and you have people saying, "Well, why should you raise my taxes to pay for -- because you don't want to make a contribution to your health care," when the majority of them, 90, 70% of them are making some type of contribution to their health care. That's the dynamics that we're faced with today. Thank you, Mr. Chair.

**P.O. LINDSAY:**

Legislator D'Amaro.

**LEG. D'AMARO:**

Thank you. Okay. I'm supporting this bill and I want to thank the sponsors for introducing it. And I respect my colleagues' point of view here today, and we've heard a lot of discussion about this bill here today. But this is not the time to be tabling this bill. It's not flawed, it's clear, it's concise, it's simple enough, and it's certainly not premature. It's a starting point. It's a beginning. It's an opportunity to set a County policy requiring County management employees to contribute towards the cost of their health care; it's just that simple. Most taxpayers in the private sector are doing exactly that.

And I admit, up until now I would not consider doing this. I recognize that County employees have stepped up to the plate on numerous occasions, at least in my tenure here, and I recognize the impact that we're going to have on our County employees and their families. Fortunately, over the last several years we've been able to craft budgets to avoid exactly these types of measures, but at this point we're out of options. And I support this type of bill, contribution to health care, only as a last resort; contrary to many of the comments that we heard this morning that we always go to the employees first, I just don't agree with that.

So why do we need to pass the bill? First, as Legislator Hahn said, we need to avoid further layoffs. We all heard the testimony from our employees that are suffering. We heard it at this meeting, we heard it all through our committees, and I agree with Legislator Hahn, I don't ever want to sit that through that again. And if we don't act and make these tough decisions, more layoffs may very well

become a reality here in this County, and we'll be right back here listening to even more of this heart-breaking testimony. We cannot allow that to happen.

Second, this policy doesn't go into effect until November 1. This gives the County Executive the opportunity to negotiate, to go to the unions as they've shown a willingness to negotiate now. Dan Farrell even mentioned that today, they've already met preliminarily with the County Executive. Give them the opportunity to go to the table and hopefully they can come to an agreement and avoid further layoffs.

The bill doesn't go into effect until November 1.

The policy -- the need for this policy is just obvious at this point. We can debate all the nuance, we can talk about that, but in my mind, this is just a clear policy and the need for it is extremely obvious. Even with the recent layoffs, the County has a \$530 million deficit, a half of billion dollars, Ladies and Gentlemen. It is at risk of not meeting payroll. It's time to make those really tough decisions that we've been talking about for the last four years or five years or six years. And we're going to send that clear signal to our constituents, to the taxpayers of this County that we're prepared to protect them and stop kicking that proverbial can down the road. We cannot do that anymore.

Now, in the private sector, most working people contribute towards their health care. We in government need to do that, too; that's a pretty basic concept. In fact, in my opinion, I'll speak for myself here and say the public is demanding that we require employees to pay something and not have the taxpayers fund 100% of government employees' health care. Now, I recognize that our employees didn't cause the explosion in health care costs, but neither did those in the private sector and they're paying. The reality is we're being handed the bill that we have to pay in a fair way that keeps as many people employed as possible; that's why we're asking County employees to make a partial contribution.

I also believe, contrary to what some of my colleagues have expressed, that management employees should go first, and I agree with Mr. Zwirn, in setting this policy. It sets a tone for the union negotiations; those are crucial negotiations. We need to put our best foot forward now. And most importantly, it's going to avoid those future layoffs as management employees, and if unions don't agree, they're clearly at risk of further layoffs and we won't have much choice.

And then finally, the last point I want to make, contrary, again, to what I've heard some of my colleagues say here at the horseshoe, I believe the rates that are set by this bill are fair and I think they're more generous than what's happening in the private sector. For county employees earning \$50,000 or less, they will be paying \$97 per pay period for what is excellent health care coverage. That's well below what's being paid in the private sector and well below what's even being paid by the State employees. There's no question these rates are progressive. There's no question that these rates are fair.

President-Elect Dan Farrell, we heard him this morning, of AME. He said this morning that we should keep people employed and let them keep paying their mortgages; I completely agree with that statement. So if we pass this bill, we can avoid further layoffs, we can protect the jobs of our employees and set a clear policy that we expect all future County employees to pay something towards the cost of their health care to keep everybody in this County working. We've had plenty of time to consider the policy. We've been talking about this for years, it's time to act. So let's pass this bill. Thank you.

**P.O. LINDSAY:**

Legislator Cilmi, you want to talk again?

**LEG. CILMI:**

Just very briefly. Thank you, Mr. Presiding Officer. The problem here is that the signal is clear and the objective is clear, but if you put me on the edge of the Amazon with a blindfold on and you said, "Get to the other side," the objective is clear, but there ain't no way I'm going to make it, because there's no road map, I can't see. There needs to be details in this bill that just aren't there now. I agree with the objective. And I'm compelled, so as not to get lumped into some, you know, category, I'm compelled to state for the record, and I've said it before, that I completely agree that I should be contributing to my -- to the cost of my health insurance. I completely agree. And I agree that I'd be ready to do it today if the answers to my questions that I've posed were sufficiently answered, if some of the stuff that's ambiguous was in the bill, but the fact of the matter is it's not.

I'm not sure how this vote is going to go down. But like Mr. Kennedy, I implore the sponsors of this bill. The message won't be any less clear a month from now. Let's clean up the language of this bill. I am not trying to stall this for the purposes of stalling it. Let's clean up the language of this bill and let's get it done right the first time, recognizing that there may be amendments in the next couple of months, but at least we'll have a framework in which the majority of our questions have been answered in writing in the bill. Thank you.

**P.O. LINDSAY:**

Legislator Montano.

**LEG. MONTANO:**

Thank you. Ben? Ben Zwirn? Yeah, could you step up, Ben? I want to avoid -- there's been a lot said and I want to avoid in posturing because I think the votes have been counted already, we know how this is going to go down, Legislator Cilmi. But I do have some questions and some concerns.

Number one, from what I understand -- and correct me if I'm wrong -- the contracts that we have with the unions and the County have all expired; am I correct in that? They're all subject to renegotiation at this time?

**MR. ZWIRN:**

Yes.

**LEG. MONTANO:**

Okay. And there are approximately, what, six bargaining units that we have to deal with?

**MR. ZWIRN:**

Eleven. I think there are eleven.

**LEG. MONTANO:**

Eleven, okay; more than I thought. I thought there were six. You said eleven?

**LEG. BROWNING:**

Except for --

**MR. DAGNELLO:**

Some may end this decade yet without a contract.

**LEG. MONTANO:**

What was that Vito? I couldn't hear you. We're going to have to get --

**LEG. ROMAINE:**

Some haven't had a contract in this entire decade.

**MR. DAGNELLO:**

Since '07.

**LEG. MONTANO:**

Okay.

**LEG. BROWNING:**

'07.

**LEG. MONTANO:**

All right, I won't ask for the list, but let me just move on because I want to get through this.

Now, as I understand your -- the position of the Administration and the sponsors of this bill, is that by passing this bill it is going to give us somehow a bargaining position that we are going to take to the unions. And somehow the concept is that by passing this bill, we are enhancing -- we being the County, are enhancing our bargaining position and that we're going to impose this payment to all of the bargaining units that we have to deal with; is that correct?

**MR. ZWIRN:**

Only in part. There are real savings from this bill, about \$1.4 million --

**LEG. MONTANO:**

No, forget about the savings, I got that.

**MR. ZWIRN:**

Well, no, but that's -- but you're asking me what the purpose of this bill is, and part of it is there would be real savings --

**LEG. MONTANO:**

All right. Well, okay.

**MR. ZWIRN:**

-- that the County will recognize. Now, the other part --

**LEG. MONTANO:**

The financial rate -- Ben, you've been very subdued up til now, let's keep it there.

*(\*Laughter\*)*

I understand that it's \$1.2 million in savings, according to the fiscal impact statement; you put that on the record. So that is one component of the bill, which really doesn't take effect -- the money doesn't start to -- the savings don't start to accrue until November 1st for the exempts and January 1st of 2014 for the electeds; am I correct?

**MR. ZWIRN:**

Correct. But the savings would be --

**LEG. MONTANO:**

So from --

**MR. ZWIRN:**

-- till the end of 2013. I just want to -- it's not all going to be saved in 2012, clearly.

**LEG. MONTANO:**

Right, but we're not going to start -- you know, we're going off track. But we're not -- and I'm trying to make this shorter, but you're not helping me. We are not going to start saving, as I understand the bill, until November 1st of 2012 because it doesn't take effect until 2012; am I correct? November 1st?

**MR. ZWIRN:**

Correct.

**LEG. MONTANO:**

All right, so those savings are prospective savings for the future. But let's get back to the bargaining unit. You want to impose -- and by the way, I don't disagree with you. I think that the concept of employees paying into the bargaining unit is a concept whose time has arrived. The question I think we have before us is how do we get there collectively for all of the employees in the County of Suffolk? This bill only deals with exempts. I'm sorry, what was that, Bill?

**P.O. LINDSAY:**

No, I'm sorry.

**D.P.O. HORSLEY:**

We have ten that we counted.

**LEG. MONTANO:**

Ten what?

**P.O. LINDSAY:**

No, bargaining units. Go ahead.

**D.P.O. HORSLEY:**

Bargaining units.

**LEG. MONTANO:**

All right. I could care -- six, ten, eleven, that's not the point. The point is well made that you've got some work to do. And thanks for throwing me off-stride.

To get back to this, though, you're now at the point where these -- the particular people that are affected by this particular bill is the list of exempts. And I would take issue with the point that was made that these are management positions. I have the list of exempts that are here, it runs -- it runs 14 pages. Your breakdown of the 15, 20 and the 25%, you know, your cutoff points, those making 150 constitute less than one and a half pages of the 14 pages. Those under 50,000 constitute less than one page. The bulk of the employees that are on this list, the large bulk, are in that category of 50 to \$150,000, and I think -- and those are the ones that are going to be impacted. And by the way, they're not management; you've got attorneys on there, you've got a couple of low-level Aides, you've got a whole lot of positions which I'm not going to go into. But the question and then the problem that I have with this bill, and you mentioned this earlier -- do you need time to --

**MR. ZWIRN:**

No, go ahead. I was just getting the statistics that you're citing. We broke it down, so I have all those numbers.

**LEG. MONTANO:**

Okay. So we're not in disagreement on those numbers, so we don't need to repeat them, right?

**MR. ZWIRN:**

No, I just wanted to get them so that I could -- you're going by pages, I can give you numbers. But go ahead, I didn't mean to interrupt you.

**LEG. MONTANO:**

Well, pages, numbers, you know.

**MR. ZWIRN:**

I didn't mean to interrupt.

**LEG. MONTANO:**

It's all right; we do it all the time, Ben.

Now, earlier I thought I heard you say that this bill, while intended to give us the bargaining position that we so crave with the unions, if, in fact, we don't achieve the objective, which is to ensure that all employees of all of the ten, eleven bargaining units don't contribute, the exempts, under this bill, would still be required to pay for health care come November 1st, and the Legislators come January 1st of 2014, and that will continue; is that your position?

**MR. ZWIRN:**

Yes.

**LEG. MONTANO:**

Do you think that is fair? To simply have -- if you're not successful in negotiating with the unions the concessions that you're looking for, then -- and let's assume that that's unanimous, and I'm hoping that it's not. Then the only employees that are going to be paying into their health care are this list of 14 pages that are on, you know, the exempts. Do you think that's fair, and is that your intent?

**MR. ZWIRN:**

Are you asking me my personal opinion?

**LEG. MONTANO:**

No, I'm asking you the official position of the Administration.

**MR. ZWIRN:**

The County Executive's position is that this bill would stay in effect. And fairness is a relative term, but yes.

**LEG. MONTANO:**

All right. So you seek to impose this irrespective of your success in the bargaining unit, with the bargaining unit. It's not conditioned upon the bargaining units coming forward and contributing to their health care benefits in any way, shape or form.

**MR. ZWIRN:**

That's correct.

**LEG. MONTANO:**

All right. Well, you don't have my support. Thank you.

**P.O. LINDSAY:**

Legislator Muratore.

**LEG. MURATORE:**

I just need something clarified. If we pass this there'll be no layoffs; is that what was said? Was I -- did I hear that right?

**MR. NOLAN:**

No.

*(\*Laughter\*)*

**LEG. MURATORE:**

No? You're sure?

**LEG. ROMAINE:**

Good try.

**MR. ZWIRN:**

You can read back the record, but I don't think anybody said that.

**LEG. MURATORE:**

Okay. I just wanted to make sure. I thought --

**MR. ZWIRN:**

I think we're trying to avoid -- we're trying to avoid future layoffs. And if the unions did agree to this particular program, you would be seeing a savings of approximately 30, \$32 million annually, recurring, which is a lot of layoffs.

**D.P.O. HORSLEY:**

And it could be negotiated.

**LEG. MURATORE:**

Again, my colleagues, I guess they don't understand me. I'm not saying I don't support this, I just want it to be tabled and to be put together in a fair and amicable way. I mean, it's got to be right for everybody and it's not right. There's so many questions that have to be answered and, you know, it's all what-if now. Well, they'll have to shave in the morning and put their eye liner on, that's it.

**P.O. LINDSAY:**

Legislator Nowick.

*(\*Laughter\*)*

**LEG. NOWICK:**

I just couldn't understand what he just said, it took me off-guard.

*(\*Laughter\*)*

**P.O. LINDSAY:**

Good. Don't, don't go into it.

**MR. ZWIRN:**

I would just say, somebody ought to check Legislator Muratore's coffee.

*(\*Laughter\*)*

**P.O. LINDSAY:**

You don't shave, so just go ahead.

**LEG. NOWICK:**

You know what? It's all been said, it's getting late, but I do have to make one thing clear. I don't want to see layoffs, I never did want to see layoffs. It's not that I'm not in support of this. In fact, this doesn't even go into effect until the end of my term, it's got nothing to do with that. It's long overdue, the time has come. Possibly two weeks ago, if we had tabled the original layoff bill, maybe the concessions would have been made. But be that as it may, I just want to make it clear, I do believe in this. It is time.

We are just, some of us, saying this bill is a gray bill. There's no -- it is not -- there's so many questions that I've heard Legislator Romaine and Legislator Cilmi and many of my colleagues ask. All I'm saying is, yeah, let's put this bill and make it right and then pass it in, what, two weeks, three weeks? What's the difference? If it's right, that would be good legislation.

**P.O. LINDSAY:**

Legislator Kennedy.

**LEG. KENNEDY:**

I said before some of the concerns that I had, and I spoke directly to you, Mr. Chair, and to the Vice-Chair.

You know, Mr. Zwirn, just said something that was very poignant and very telling. And he said that the County Executive identified that if there was full participation by the unions, we could see some \$32 million worth of recurring savings. I'd ask, and I'd ask through the Chair and I'd ask Mr. Dagnello again, has anybody gone to EMHP and asked for \$32 million worth of recurring savings? There are any number of ways to effectuate a cost differential on a plan. Co-pays can be raised, full price for prescription drug coverage; there are a myriad number of ways to point to employee participation and cost for health care.

This resolution locks us into a plan that was built on a cost benefit analysis that was done 25 years ago. It is hitching a wagon to something that's a promise, a whim and a dream and nothing that we routinely do here. We don't act on hypothesis and hyperbole. We try very hard to act on the actuals.

My colleagues have talked about lay offs. None of us want to see lay offs. I don't want to see them, I've gotten calls. I'm out knocking on doors to try to find jobs for County employees right now. But we are willfully creating a class of second-class County employees who have no voice at that EMHP table, other than this one time that we act on their behalf. And as I pointed out before -- yes, rather loudly -- none of us ever once has sat at that EMHP table. It is a mystery. Yet we're being asked to take this action today and I believe it's premature and it's on a piece of legislation that needs work.

I'm begging you, I'm imploring you. One cycle is not going to compromise the hand of the Exec and it's going to take -- and I'll pledge to work with you around the clock to get it better, but I think it needs some work on it and I'll support the tabling. Thank you.

**LEG. MONTANO:**

Is there a tabling motion?

**P.O. LINDSAY:**

Yes. Legislator Romaine.

**LEG. ROMAINE:**

Yes, just to reiterate. Despite the talking points of some of my colleagues on the other side of the aisle, no Legislator has spoken against employees contributing to their health benefits; that is not the issue. The issue is the bill before us and whether it, in fact, addresses all, or at least most, of the questions concerning health care.

Legislator Kennedy raised a good point. I heard repeatedly from Mr. Zwirn, when he represented Mr. Levy, how Mr. Levy had extracted \$15 million in concessions from the unions from the EMHP. If they could do 15 million, how much more for 32 million? What other things could be considered? There are a number of questions, such as can we set up a health savings account so people can pay in pre-tax? Now, Mr. Zwirn said absolutely, but we can't do that til January, it's not incorporated into the bill.

There were a number of other questions about how the actuaries, which were supposed to come to -- before this body every three months who have never shown up, have calculated their rates. Suppose a great number of exempts have secondary coverage with spouses that they choose to utilize? Does the actuary recalculate and does the expense go down or the expense go up for those that remain? I mean, these -- I think these are compelling questions.

The questions that Legislator Barraga and Legislator Cilmi raised, Legislator Muratore, Legislator Nowick about retirees. I'm reading this bill, I don't know if this applies to retirees. Suppose someone retires between now and November; will they be contributing to their health insurance? What about the retirees that are already retired? I can't find it in this bill what we do with them. There are so many unanswered questions.

This plain vanilla bill doesn't deal with the complexities of health care. The issue is not should people contribute or not; I think we're beyond that and we know that issue. And I don't think there's anyone -- if I'm wrong, please stand up and disagree with me, that things there shouldn't be a contribution by employees, elected officials, exempts, everyone towards health care. But how much? When? How it's to be applied? How the rates are to be determined? I mean, these are the unanswered questions. I think there were significant questions raised that can't be answered by this bill. What we're saying is table this, put a revised bill in so it can be considered at the June, I think it's June 5th meeting? Put a revised bill in, clean up this bill so that it stands for something.

I understand the concept; you want to squeeze the unions, that's why you want to pass this bill. But let's not pass bad legislation. Let's not say the concept outweighs the fact of what the law will read. Let the law address the issues before us, because this is the law we'll live with. And you can promise to revise it, but once you enact it, it is the law. Give some consideration to tabling this for one cycle so that some of these questions can be raised. No one that I know here is opposed to contributions, that's not the issue. The issue is the crafting of this bill and how comprehensive it should be. Right now I don't think it meets that test.

**P.O. LINDSAY:**

Legislator Browning.

**LEG. BROWNING:**

I can make it real short. Just real quick. In the bill it says that exempts -- like, for example, our Legislative Aides -- George, this is probably a question for you. It's in effect in November. However, the electeds, it doesn't happen until 2014, and I'd like an explanation why. And, also, if, in fact, this does happen come November 1st for the exempts, what can we do as elected officials to join in with our employees? Because I'm not going to do something -- or I'm not going to have my staff do something that I'm not willing to do. So what can I do to make sure that come November 1st I will be joining them and paying for my health benefits?

**MR. NOLAN:**

Let me see if I've got all the questions. Correct, it doesn't go into effect until November 1st. The reason it doesn't apply to the electeds is because of the principal that you can't decrease an elected official's compensation during the middle of their term. But as we've done in the past with, like, the lag payroll, elected officials voluntarily can participate in these same programs, and we've done that with the lag payroll. I believe we certainly can do that with the health plan. I don't know if -- I know in terms of salary, Legislators can turn down salary increases unilaterally, they don't need a resolution. I'm not sure what we do with the health benefits, but certainly we could devise something where electeds, before they're required to under this resolution, could pay in for their health benefits in the same percentages as the exempt employees.

**LEG. BROWNING:**

Okay. Thank you.

**P.O. LINDSAY:**

Legislator Montano. Oh -- yeah, Montano.

**LEG. MONTANO:**

Just very quickly. I just wanted to put out one point, and it had to do -- it has to do with the list of names of the exempts. And as I said earlier, and this is to Ben and the Administration, there are many employees there that really are not management. You know, some of them are low-level appointees.

**LEG. ROMAINE:**

ADA's.

**LEG. MONTANO:**

And some ADA's, you know, who by nature should be exempt. A lot of them are not high paid. But they're the only -- they're the only employees, as I understand, in this County that do not have the benefit of representation by a bargaining unit.

Now, management I understand, you know, it's a different category. But this exempt list really doesn't do justice to the separation of lower level employees who perform, you know, day-in and day-out functions and management employees who have other responsibilities and are treated differently. And I would agree with my colleagues, I don't think that the votes are there to table it, but I think this bill is flawed. I think it needs to be redone and I think you need to reconsider your philosophy as to whether or not this is really the way to go at this time, Ben.

**P.O. LINDSAY:**

Legislator Spencer.

**LEG. SPENCER:**

As someone that spends my life involved with health care and dealing with the business side of things and listening to the comments of my colleagues, they're very valid points that they're making with regards to issues we look at. People that are impacted, does that change their participation? Does it change the utilization of services? Does that change the cost structure? And if I thought that if we tabled it for one cycle that we would be able to come to some epiphany that would sort out these issues, but we know that health care is complicated, it's intricate, and a lot of these things we're not going to be able to resolve. And I realize the legislation is simple, but that's the beauty of it, that it is simple from the standpoint is that we are in a crisis. And you can imagine what it takes -- and again, you know, we all have different specialities, but I always look at -- I can only compare it to what I do. Sometimes I have the benefit of taking a very complex patient and being able to decide how different factors and their anatomy, I can really just wrap myself up in a circle

and not get anything done, but occasionally I'll come to a scene where there's an accident and the patient is bleeding and I need to take action. We are in a crisis here. And I agree with Legislator Hahn, that for me, you know, I took no solace that we were able to save 150 jobs. We had to layoff, or potentially layoff, 315, and each one of those represents a family. And for me, and I've never lost this as a physician, it's gut-wrenching, it's very difficult.

Our Executive needs to negotiate now, he needs the tools now to move forward. I don't think tabling this for a cycle is going to bring some sort of, again, sunlight on this where we'll be able to decide and have this sorted out. Yes, it's not perfect. Yes, there's work to be done, and there will be a chance for us to do that. But in terms of a fierce urgency of now this body needs to make tough decisions, we need to move forward, we need to keep it simple and we need to be decisive if we are going to save our government and save jobs. So thank you.

**P.O. LINDSAY:**

Thank you. Legislator Stern.

**LEG. STERN:**

Thank you, Mr. Presiding Officer. Just very briefly. I agree with Legislator Spencer. I think one of the big positives of this legislation is that it is straight forward.

I've listened to my colleagues and particularly their concerns that they've raised regarding this bill. I found, by the way, most compelling Legislator Nowick's concern that she raised about the applicability to retirees and the fact that it would not apply to retirees and only to those working. I heard some say that perhaps there might be some clarification coming down the line, that's certainly something that I would strongly support.

I look at the language of the bill, however, and I see in Section 1 that it clearly speaks, the language clearly speaks to exempt employees, exempt employees and lays out the categories in terms of their current earnings. So I find comfort in that, it clearly speaks to current employees rather than retirees. I would support a clarification going forward. But certainly I think that we can all feel comfortable that the language as it currently exists in this bill is certainly enough to proceed and so I'm comfortable with that.

**P.O. LINDSAY:**

Legislator Horsley.

**D.P.O. HORSLEY:**

Yes. This has been a very positive debate, we've worked hard. But at the end of the day, what this is all about, what this is all about is sending a message of leadership, a message of leadership and a message that we are concerned for the taxpayers of Suffolk County. That's what this is about. We are making and stating a message and that's what -- and that's what this vote is today about.

So with that, Ben, I have -- Ben, where are you? I'd like you to take back a message to the County Executive for me. All right?

**MR. ZWIRN:**

Yes.

**D.P.O. HORSLEY:**

And I know it's come up, Legislator Kennedy has mentioned this, others. That the fact that this Legislature does not have a seat on the EMHP Board, I would like to have the County Executive, illicit his support, with this Legislature to make sure that this body is represented as it should be on EMHP Board. Would you do that for me?

**MR. ZWIRN:**

Yes.

**D.P.O. HORSLEY:**

And I'm hoping that you can deliver, because it is something that is very important for this body.

**MR. ZWIRN:**

*(Laughter)*. I can bring the message back; I promise you I can deliver that.

**P.O. LINDSAY:**

Okay. Okay, I think we've talked this out. We have a motion to table and a motion to approve. The tabling comes first. Madam Clerk, roll call, please, on the tabling first.

*(\*Roll Called by Ms. Ortiz - Chief Deputy Clerk of the Legislature\*)*

**LEG. ROMAINE:**

Yes to table.

**LEG. MURATORE:**

Yes to table.

**LEG. SCHNEIDERMAN:**

No to table.

**LEG. BROWNING:**

No.

**LEG. HAHN:**

No.

**LEG. ANKER:**

No.

**LEG. CALARCO:**

No.

**LEG. MONTANO:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. GREGORY:**

No to table.

**LEG. STERN:**

Nope.

**LEG. D'AMARO:**

No.

**LEG. SPENCER:**

No.

**D.P.O. HORSLEY:**

No.

**P.O. LINDSAY:**

No.

**MS. ORTIZ:**

Seven.

**P.O. LINDSAY:**

Motion to approve.

*(\*Roll Called by Ms. Ortiz - Chief Deputy Clerk of the Legislature\*)*

**P.O. LINDSAY:**

Yes.

**D.P.O. HORSLEY:**

Yes.

**LEG. ROMAINE:**

Pass.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

No.

**LEG. HAHN:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. CALARCO:**

Yes.

**LEG. MONTANO:**

No.

**LEG. CILMI:**

Abstain.

**LEG. BARRAGA:**

I'm sorry, did you call my name?

**MS. ORTIZ:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

No.

**P.O. LINDSAY:**

That was to approve, Tom.

**LEG. BARRAGA:**

I know.

**P.O. LINDSAY:**

Okay.

**LEG. BARRAGA:**

I know what I'm doing.

**P.O. LINDSAY:**

Okay.

**LEG. BARRAGA:**

It's a bad no vote. It's a bad no vote.

*(\*Roll Call Continued by Ms. Ortiz -  
Chief Deputy Clerk of the Legislature\*)*

**LEG. NOWICK:**

No.

**LEG. GREGORY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. SPENCER:**

Yes.

**LEG. ROMAINE:**

Yes.

**MS. ORTIZ:**

Thirteen.

**P.O. LINDSAY:**

Okay. If we go to page six, *Resolutions Tabled to May 8th:*

First up is *1206-12 - 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) (County Executive).*

**LEG. CALARCO:**

Motion.

**P.O. LINDSAY:**

Motion to approve by Legislator Calarco. I'll second it. Is there anybody who wanted to debate the issue, anybody want to comment?

**LEG. MONTANO:**

Yeah. How much is that?

**P.O. LINDSAY:**

We have a question, maybe do you know?

**MR. LIPP:**

Yes, it's \$72,950. It would be paid out of the pay-go portion of the Quarter Cent Program of Open Space.

**P.O. LINDSAY:**

Okay. I don't know who asked that, but --

**MR. NOLAN:**

Montano.

**P.O. LINDSAY:**

Oh, okay. Okay, any other questions? Ms. Green, do you have anything to comment on it; no? Okay.

**MS. GREEN:**

I'm here for you.

**P.O. LINDSAY:**

All right. Okay. All in favor? Opposed?

**LEG. MONTANO:**

Opposed.

**P.O. LINDSAY:**

Abstentions?

**MS. ORTIZ:**

Seventeen (Opposed: Legislator Montano).

**P.O. LINDSAY:**

*1209-12 - 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). (County Executive).*

**LEG. BROWNING:**

Motion to approve.

**P.O. LINDSAY:**

Motion to approve.

**LEG. BROWNING:**

I'd like to ask a question.

**P.O. LINDSAY:**

All right, let me get a second first. Do I have a second?

**D.P.O. HORSLEY:**

Second.

**P.O. LINDSAY:**

Second by Legislator Horsley. Go ahead.

**LEG. BROWNING:**

No, just that the bill had been tabled on a couple of occasions. I just want to make sure that there is no issue with it. I don't even remember why it was tabled, but I know it's part of the Master List.

**MS. GREENE:**

It's part of the Mastics/Shirley Conservation Area and we're ready to move forward.

**LEG. BROWNING:**

Okay. So, good to go.

**P.O. LINDSAY:**

Okay. Any other questions; no? All in favor? Opposed? Abstentions?

**LEG. BARRAGA:**

Opposed.

**LEG. CILMI:**

Opposed.

**LEG. MONTANO:**

Opposed.

**MS. ORTIZ:**

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

**P.O. LINDSAY:**

*IR 1210-12 - 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) (County Executive).*

**LEG. ROMAINE:**

Motion to table.

**LEG. CILMI:**

Second.

**P.O. LINDSAY:**

Motion to table by Legislator Romaine. Seconded by Legislator Cilmi. All in favor? Opposed? Abstentions?

**MS. ORTIZ:**

Eighteen.

**P.O. LINDSAY:**

It stands tabled.

*1234-12 - Directing the Department of Social Services to close the sex offender trailer in Westhampton, Town of Southampton (Schneiderman).* Do I have a motion?

**LEG. HAHN:**

Motion to recommit.

**LEG. GREGORY:**

Second.

**LEG. SCHNEIDERMAN:**

Motion to approve.

**P.O. LINDSAY:**

Okay, we've got a motion to approve. Do I have a second to the approve reso?

**LEG. HAHN:**

Motion to recommit to committee.

**P.O. LINDSAY:**

I have that from Legislator Browning. Do you wish to second that, Legislator Hahn?

**LEG. BROWNING:**

No, she said it.

**P.O. LINDSAY:**

I know. But Legislator Hahn, I have a motion to recommit; would you like to second that motion?

**LEG. HAHN:**

It was my motion to recommit.

**MR. NOLAN:**

It was her motion.

**P.O. LINDSAY:**

Oh, it was your motion to recommit. I thought it was --

**LEG. BROWNING:**

No, it was Kara.

**P.O. LINDSAY:**

I'm sorry. It's getting late in the day.

**LEG. CALARCO:**

We have a motion to approve?

**P.O. LINDSAY:**

Yeah, we have a motion to approve but I don't have a second, right?

**LEG. ROMAINE:**

Second.

**P.O. LINDSAY:**

Second by Legislator Romaine. I have a motion to recommit and I'll second the recommitment, all right?

**LEG. CALARCO:**

May I ask a question?

**P.O. LINDSAY:**

Sure, Legislator Calarco.

**LEG. CALARCO:**

Legislator Schneiderman, I thought I had saw an article earlier this week that this issue had been resolved and that the County Executive and the Supervisor have come to an agreement to relocate the shelter shortly?

**LEG. SCHNEIDERMAN:**

The County Executive has agreed to move the Westhampton trailer, which is literally next to the 200 units of senior housing, back a little bit more than a quarter of mile, about seventeen hundred feet, as an interim measure until the new program is established. And he's committed to closing that -- both that trailer and the one in Riverside at the County jail by the end of the year. This would close it at an earlier date. I take the County Executive at his word and I think that's reasonable what he's asking for is to close it at the end of the year. Of course, my residents, you know, would like to see it closed sooner, the sooner the better. So I'll support closing it within 60 days, but I certainly understand an effort to put this issue back into committee as well.

**LEG. CALARCO:**

Okay. Thank you.

**P.O. LINDSAY:**

Okay. We have two motions before us, recommit would go first. I guess we'll do a roll call.

**LEG. ROMAINE:**

It's going to be recommitted.

**P.O. LINDSAY:**

All right. All in favor of recommitting? Opposed?

**LEG. SCHNEIDERMAN:**

Opposed.

**LEG. ROMAINE:**

Opposed.

**P.O. LINDSAY:**

Abstentions? Okay, we've got two opposed.

**MS. ORTIZ:**

Sixteen (Opposed: Legislators Romaine & Schneiderman).

**P.O. LINDSAY:**

It stands recommitted.

***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 to approve.

**P.O. LINDSAY:**

Motion to approve.

**LEG. HAHN:**

Second.

**P.O. LINDSAY:**

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

**LEG. BARRAGA:**

Opposed.

**LEG. KENNEDY:**

Opposed.

**LEG. NOWICK:**

Opposed.

**LEG. ROMAINE:**

Opposed.

**MS. ORTIZ:**

Fourteen (Opposed: Legislators Barraga, Kennedy, Nowick & Romaine).

**P.O. LINDSAY:**

On the accompanying *Bond Resolution, 1273A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$300,000 bonds to finance the cost of construction of a village square in the County right-of-way at the intersection of CR 80 and CR 46, Shirley(CP 6421.310)*, same motion, same second. Roll call.

*(\*Roll Called by Ms. Ortiz - Chief Deputy Clerk of the Legislature\*)*

**LEG. BROWNING:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. ROMAINE:**

No.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. MURATORE:**

No.

**LEG. ANKER:**

Yes.

**LEG. CALARCO:**

Yes.

**LEG. MONTANO:**

(Not present).

**LEG. CILMI:**

No.

**LEG. BARRAGA:**

No.

**LEG. KENNEDY:**

No.

**LEG. NOWICK:**

No.

**LEG. GREGORY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. SPENCER:**

Yes.

**D.P.O. HORSLEY:**

Yes.

**P.O. LINDSAY:**

Yes.

**MS. ORTIZ:**

Eleven.

**MR. NOLAN:**

It fails.

**P.O. LINDSAY:**

It failed?

**MR. NOLAN:**

The Bond failed.

**Budget & Finance:**

**P.O. LINDSAY:**

Okay. Next up is we got ***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).***

**LEG. D'AMARO:**

Motion to approve.

**P.O. LINDSAY:**

Motion to approve by Legislator D'Amaro. Second by Legislator Gregory. On the question, Legislator Romaine.

**LEG. ROMAINE:**

Yes, I understand that some people attempted to do this because of the financial situation that the County is facing. I would simply say the 5-25-5 rule was put into effect so we did not take on debt needlessly. I do remember in the last administration we were actually asked to bond out a project for \$4,000 at the Westhampton Airport. That's what you get when you waive this. These -- this 5-25-5, use of live for five years, \$25,000, below that you shouldn't bond, it should be Operating.

Unless you have these financial rules -- these were put into place for us to try to keep debt down. There is a concern about debt. There's also a concern about our fiscal situation. This is something that I think probably -- I understand the reason why, because we have a cash flow problem, and there may be a more compelling reason this year than any other year, but I have to tell you, all we're doing is encouraging debt for small little projects that really should be funded out of Operating.

**LEG. D'AMARO:**

Wayne? Bill?

**P.O. LINDSAY:**  
Legislator Hahn.

**LEG. HAHN:**

I don't want to belabor this point, but we don't have cash and sometimes there are things that have to get done.

**P.O. LINDSAY:**

Okay. Legislator D'Amaro.

**LEG. D'AMARO:**

Yeah, just very briefly. I don't think it's encouraging the County to incur additional debt, it's just waiving a rule. And if we're going to bond for something that would meet the parameters of the 5-25-5 rule, we'll have an opportunity to talk about it right here. So it just gives us a little more flexibility in dealing with our bonding as opposed to using cash which we simply don't have, and it's only for one year.

**P.O. LINDSAY:**

Anybody else? Seeing none, okay, we have a motion to approve and a second. All in favor? Opposed? Abstentions?

*"Opposed" said in unison by various Legislators*

**MS. ORTIZ:**

Twelve (Opposed: Legislators Romaine, Muratore, Barraga, Cilmi & Kennedy - Not Present: Legislator Montano).

**P.O. LINDSAY:**

*1379-12 - Amending the 2012 Operating Budget to provide funding for the Sag Harbor Historical Society (Schneiderman).*

**LEG. SCHNEIDERMAN:**

Motion.

**P.O. LINDSAY:**

Motion to approve.

**LEG. HAHN:**

Second.

**LEG. BROWNING:**

Second.

**P.O. LINDSAY:**

Second by Legislator Browning. I just have one question; this is just moving money from one --

**LEG. SCHNEIDERMAN:**

It's Hotel/Motel.

**P.O. LINDSAY:**

I know that, but it isn't adding on a new --

**LEG. SCHNEIDERMAN:**

No, no, it goes from the East Hampton Historical to the Sag Harbor Historical.

**P.O. LINDSAY:**

Thank you. Okay, all in favor? Opposed? Abstentions?

**MS. ORTIZ:**

Seventeen (Not Present: Legislator Montano).

**P.O. LINDSAY:**

***1393-12 - Amending the 2012 Operating Budget and appropriating funds in connection with bonding a settlement for a Bus Liability case (County Executive).***

**LEG. D'AMARO:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator D'Amaro. I'll second it, and I have a question. How much? Yeah. 150; is that right?

**MR. LIPP:**

Yes, 150.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Seventeen (Not Present: Legislator Montano).

**P.O. LINDSAY:**

Okay. On the accompanying Bond Resolution, ***1393A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$150,000 bonds to finance the cost of the payment of a settlement in a Bus Liability Case)***, same motion, same second. Roll call.

***(\*Roll Called by Ms. Ortiz - Chief Deputy Clerk of the Legislature\*)***

**LEG. D'AMARO:**

Yes.

**P.O. LINDSAY:**

Yes.

**LEG. ROMAINE:**

No.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

No.

**LEG. HAHN:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. CALARCO:**

Yes.

**LEG. MONTANO:**

(Not present).

**LEG. CILMI:**

No.

**LEG. BARRAGA:**

No.

**LEG. KENNEDY:**

No.

**LEG. NOWICK:**

No.

**LEG. GREGORY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. SPENCER:**

Yes.

**D.P.O. HORSLEY:**

Yes.

**MS. ORTIZ:**

Legislator Montano?

**LEG. MONTANO:**

I had bus settlement, bus liability settlement.

**LEG. ROMAINE:**

On the Bond, it's the Bond, not the resolution.

**LEG. MONTANO:**

How much do you have?

**MR. NOLAN:**

Eleven.

*(\*Laughter\*)*

I'll vote no and then I'll make a motion to reconsider because I missed the conversation.

**LEG. ROMAINE:**

There was no conversation.

**LEG. MONTANO:**

Give me -- I'm sorry.

**LEG. CALARCO:**

Before you call the vote.

**LEG. MONTANO:**

Before you call the vote, don't call the vote; give me the page number, because I had to excuse myself for a second.

**MR. NOLAN:**

Page eight.

**P.O. LINDSAY:**

You want to reconsider?

**LEG. NOWICK:**

I do.

**LEG. MONTANO:**

Let's reconsider. Would you do that?

**P.O. LINDSAY:**

Okay. Legislator Nowick, you want to make a motion to reconsider?

**LEG. NOWICK:**

Yeah, I need to make a motion to reconsider.

**MR. NOLAN:**

They haven't called the vote, you can change your vote.

**P.O. LINDSAY:**

You can change your vote.

**LEG. NOWICK:**

Yeah, I can change my vote. I'm going to have to vote yes.

**LEG. MONTANO:**

Well, could I -- if I'm the last vote, can I make a motion to pass on this for a couple of minutes and then get back to it? Because I haven't voted yet.

**P.O. LINDSAY:**

That's fine. We'll pass over it.

**LEG. MONTANO:**

Yeah. Give me the page and the bill, and I apologize. Give me the bill number.

**P.O. LINDSAY:**

It's page eight, it's 1476.

**MR. NOLAN:**

No, 1393A.

**P.O. LINDSAY:**

Oh, 1393A, I'm sorry.

***IR 1476-12 - Adopting an Omnibus County Economic Savings Plan for Fiscal Year 2012 (County Executive).***

**LEG. D'AMARO:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator D'Amaro.

**D.P.O. HORSLEY:**

Second.

**P.O. LINDSAY:**

Second by Legislator Horsley.

**LEG. CILMI:**

On the motion.

**P.O. LINDSAY:**

On the motion, Legislator Cilmi.

**LEG. CILMI:**

I guess this is a question for Counsel. In several places in this bill it says in various forms, "*Authorizes the County Executive to utilize all lawful means available to him to,*" blah, blah, blah, blah, blah.

What exactly does that mean?

**MR. NOLAN:**

Well, it does -- it does depend on, I think, the context, the particular examples. For example, I'm looking at the fourth RESOLVED clause which says, "*The County Executive is empowered and authorized to utilize all the lawful means available to him to commence an exploratory process that would lead to conversion of one or more of the health centers to FQHC.*" So that basically means he can do anything that's lawful to have an exploratory process.

**LEG. CILMI:**

Okay. But my question is we wouldn't expect him to do anything that's unlawful, so the question is is it to do anything within lawful means without the Legislature's further authorization, or is it -- you know, is a lawful means -- let's say, for example, that the County Executive is, you know, lawfully permitted to, you know, do XYZ with the authorization of the Legislature; does this preauthorize the County Executive to do those things or --

**MR. NOLAN:**

It --

**LEG. CILMI:**

-- do you still have to come back to the Legislature because that's what's lawful?

**MR. NOLAN:**

Again, it really -- it's legal talk, you know, all lawful means. It's basically authorizing to do what the language that follows says he can do. So he can do an exploratory process, but if he wanted to convert a health center to FQHC status down the road after the exploratory process is done, that would have to come back to us. Like for the red light safety program, it says, *"Use all lawful means available to enlarge the Red Light Program,"* but we have to pass a Local Law to do that.

**LEG. CILMI:**

Okay. So this isn't giving him blanket authority to do things that normally the Legislature would have authority over; correct?

**MR. NOLAN:**

I think it's -- from the language I've seen, the things that he has to come back to us for he still has to come back to us for. I think the language was crafted in such a way that he's not usurping our authority in advance.

**LEG. CILMI:**

Does -- Mr. Zwirn, do you concur with that?

**MR. ZWIRN:**

Absolutely. I think he is reaching out to see that he has Legislators' support and they're encouraging him to go forward with these matters because the Legislature would want him to do this.

**LEG. CILMI:**

But in no way -- if any of these things require Legislative approval, in no way is he trying to --

**MR. ZWIRN:**

Circumvent the -- no.

**LEG. CILMI:**

-- avoid that Legislative approval.

**MR. ZWIRN:**

Absolutely not.

**LEG. CILMI:**

Okay. Thank you.

**P.O. LINDSAY:**

Okay. Legislator Romaine.

**LEG. ROMAINE:**

Normally we don't comment on the drafting of this legislation, and I know that George did not draft it. But these RESOLVED clauses read as WHEREAS clauses and refers to things that have already been voted on. This is probably one of the most confusing pieces of legislation from a structural standpoint that I've seen. I don't know who drafted this, but they drafted RESOLVED clauses which should have been WHEREAS clauses, because they're resolving actions that have already taken place. And, you know, I looked at this and I just scratched my head and I said who put this together? Maybe Ben can answer that and why it turned out the way it did.

**MR. ZWIRN:**

I can't answer the question as to who was the author who actually wrote this.

**LEG. ROMAINE:**

Under pain of perjury or pain of something (*laughter*).

**MR. ZWIRN:**

No, not pain of anything. I don't -- I think what the County Executive is trying to do in this legislation, and he's talked to Legislators and changes were made to this piece of legislation at the request of certain Legislators, that Tobacco Securitization, for example, was removed from this.

**P.O. LINDSAY:**

No.

**MR. ZWIRN:**

Not this one?

**P.O. LINDSAY:**

The Tobacco Cessation.

**MR. ZWIRN:**

I'm sorry, Tobacco Cessation money, I stand corrected. And we took out -- and we -- with the living wage, we cushioned it as opposed to eliminating it. So there was input from the Legislature as this was crafted. I'll find out who the author was and I'll send him your regards.

*(\*Laughter\*)*

**P.O. LINDSAY:**

Legislator D'Amaro.

**LEG. D'AMARO:**

Yes, thank you. We passed this bill unanimously out of the Budget Committee last week, and this is the first, I guess, what we've been calling phase I, Mr. Zwirn --

**MR. ZWIRN:**

Yes.

**LEG. D'AMARO:**

-- of our budget mitigation plan. I think it's a good plan. But these are the easy, tough decisions. Stay tuned, there's, I'm sure, a lot more to come. And I'm, first of all, asking that, you know, we become a part of that process as well. I think by making the Legislature part of this particular phase, I think we're pretty much on board with this today, at least I hope that we are.

But I just wanted to get on the record, we heard from the Blue Ribbon Panel earlier in the year about the projected budget deficit being a lot worse and then the Comptroller, Mr. Sawicki, came in and explained to us that even the 2011 deficit was I think more than double than what was originally thought. So in making this phase I, I just want to get an idea of where they're landing, do you have the numbers, what are we saving in each of the three years that we've been talking about.

**MR. ZWIRN:**

Yes. If we extend the Federally Qualified Health Center status to one additional health center, we've talked to Hudson River, they want to get the first one up and running before they consider another one, but hopefully they would consider another one, that would be a million dollars in savings in

2013. With the Red Light Safety Program, there would be additional revenue of \$1 million in 2012, an additional \$6 million in 2013 by adding another 50 intersections, so I have a total of about a hundred. If we get a traffic violations and ticket surcharge, the net revenue increase would be \$13 million over a two-year period. The Employer Contribution Stabilization Program, which is amortizing the pension costs, is \$66.8 million, and on the Emergency Medical Airlift charged to a third party, they believe it would be \$2 million in 2012 and \$4 million in 2013; and of course, these are projected savings.

**LEG. D'AMARO:**

Right. Okay. And then as we mentioned earlier, this was not eliminating now, the amended version doesn't eliminate the living wage subsidy, it's more like phasing it out over a couple of years. It restored the Tobacco Cessation funding, I believe, as well.

**MR. ZWIRN:**

Yes, we did.

**LEG. D'AMARO:**

So that is no longer part of the mitigation measures.

**MR. ZWIRN:**

That's correct.

**LEG. D'AMARO:**

And I know that there's also some savings attributed to more efficiencies with Workers Compensation medical costs as well.

**MR. ZWIRN:**

They're expecting a net savings of \$2 million for 2012 and four and a half million dollars for 2013. There's some -- there are expenditure reductions as well, including one that was not that popular but the Health Smart Program was a net savings of \$550,000 in 2012 and \$550,000 in 2013; some of the tough decisions that were made. And again, we also reduced the appropriations for the living wage subsidy, but we didn't remove all of it until 2013.

**LEG. D'AMARO:**

I appreciate you putting that on the record. I think it's important, just for transparency purposes, that as we work towards this \$530 million number, or at least try to get partially there, that we keep track of the numbers and what we believe the projected savings and revenues are going to be. So, thank you. Thank you, Mr. Presiding Officer.

**P.O. LINDSAY:**

Legislator Montano.

**LEG. MONTANO:**

Thank you. Ben, two issues on this item here. The first one is the reimbursement for the medical airlift?

**MR. ZWIRN:**

Yes.

**LEG. MONTANO:**

Okay. Is that feasible? I mean, how does that work? What are you going after, the third party coverage?

**MR. ZWIRN:**

Yes. Where we can get it, yes, third party coverage.

**LEG. MONTANO:**

Where you can get it.

**MR. ZWIRN:**

That's correct.

**LEG. MONTANO:**

What do you anticipate savings on that?

**MR. ZWIRN:**

Two million dollars in 2012 and --

**LEG. MONTANO:**

How much?

**MR. ZWIRN:**

Two million.

**LEG. MONTANO:**

Revenue, right. You believe that that's realistic? Okay. And on the other issue having to do with the living wage, you phased out over the two years by reducing appropriations to 200 million? I mean, to 200,000?

**MR. ZWIRN:**

Yes.

**LEG. MONTANO:**

And what were the appropriations, 300,000; is that what I'm reading here?

**MR. ZWIRN:**

They reduced it to \$300,000 in --

**LEG. MONTANO:**

I'm sorry, I can't hear you, Ben.

**MR. ZWIRN:**

They reduced it by \$300,000 in 2012 and \$300,000 in 2013.

**LEG. MONTANO:**

And it was my understanding that the not-for-profits were sort of consulting with you and they said that this was something that they could live with?

**MR. ZWIRN:**

That's correct.

**LEG. MONTANO:**

And who was the entity that was negotiating this? Was this individual not-for-profits or did they have an umbrella group that was doing this?

**MR. ZWIRN:**

I don't recall who negotiated, but it was discussed. And they said they understood the County's situation, but if they could do it in a gradual reduction, they would learn within two years to be able to account for that loss of revenue.

**LEG. MONTANO:**

And you don't believe that making these cuts are going to basically impact these not-for-profits to the extent that some of them will not be able to retain employees or retain services; is that what you're telling me?

**MR. ZWIRN:**

We hope not.

**LEG. MONTANO:**

You hope not.

**MR. ZWIRN:**

There's no way of knowing for sure. They said they could live with it, at least the ones that we spoke with, and I think it was a representative group. Originally we were going to eliminate the entire subsidy and then we -- after talking to them, they agreed that we could do it over a period of two years and give them a chance to wean off of it.

**LEG. MONTANO:**

You know, when you combine this kind of cut, you combine, you know, a bill that we discussed earlier that was introduced to eliminate the prompt payment. You know, I hope you understand the impact that you're having on small agencies and the types of services that we need, because these bills are impacting the kinds of services that affect poor people and, you know, you can't work on Long Island without a living wage. We fought long and hard to get these living wage, you know, appropriations and you're coming in here and you're cutting stuff that I don't like to cut. You know, I probably will support this, but I'm going to put you on notice that these are not the kinds of cuts that I can stomach, all right? You know, you've got to hit where the fat is, not hit the weakest points. And I think you're -- you know, I think that's where you're going. So, you know, it disturbs me to see this kind of, you know -- air-lifting, you know, people in accidents and getting third party benefits, I applaud you for that. But cutting living wage? You know, I have some issues with what.

**MR. ZWIRN:**

Well, with respect to the -- I don't want to --

**LEG. MONTANO:**

Go ahead. That was just my comment, this is not public hearing, this is -- you know, we're allowed to comment.

**MR. ZWIRN:**

But we had no problem recessing the prompt payment bill that was pending as a public hearing so that we can correct it. There are some -- Commissioner Blass said that they think they can do 45 days. So we're --

**LEG. MONTANO:**

Right, within reason.

**MR. ZWIRN:**

So we're going to work with the different groups and amend the bill so as long as we can comply and everybody is on the same page, we can make those changes, we're glad to do it. So we're

working with everybody.

**LEG. MONTANO:**

Right, but you understand the message. I mean, the reality is that I'm looking at these cuts and I'm very -- I'm not very comfortable.

**MR. ZWIRN:**

I understand.

**LEG. MONTANO:**

Okay. Thank you.

**P.O. LINDSAY:**

Okay. All right, we have a motion and a second, Madam Clerk; is that correct?

**MS. ORTIZ:**

Yes, Sir.

**P.O. LINDSAY:**

Okay. All in favor? Opposed? Abstentions?

**MS. ORTIZ:**

Seventeen. Oh, I'm sorry, 18.

**LEG. SCHNEIDERMAN:**

You want to go back to the Bond?

**P.O. LINDSAY:**

Yes. Legislator Nowick, do you want to make that motion to reconsider now?

**LEG. NOWICK:**

I thought we didn't have a vote.

**LEG. MONTANO:**

No, we didn't reconsider, we passed over it.

**P.O. LINDSAY:**

Right, we didn't need a motion to reconsider. So I'll go back to the Bond, 1393A. We have a motion and a second. Roll call.

**MS. ORTIZ:**

Do the roll call again?

**P.O. LINDSAY:**

Yes.

**MR. NOLAN:**

We'll have a fresh vote.

**LEG. MONTANO:**

Yes, because we didn't announce the last vote.

**MS. ORTIZ:**  
Legislator D'Amaro?

**LEG. D'AMARO:**  
I'm sorry. What bill is this on?

**MS. ORTIZ:**  
We're back on the roll call.

**P.O. LINDSAY:**  
It's the Bond, 1393A, the accompanying Bond to --

**MR. NOLAN:**  
The settlement.

**P.O. LINDSAY:**  
-- the settlement, the bus settlement that there was --

**LEG. D'AMARO:**  
I got it.

**P.O. LINDSAY:**  
Yeah. It isn't a reconsideration because she never called the vote.

*(\*Roll Called by Ms. Ortiz - Chief Deputy Clerk of the Legislature\*)*

**LEG. D'AMARO:**  
Okay. I vote yes on the Bond.

**P.O. LINDSAY:**  
Yes.

**LEG. ROMAINE:**  
On the bond? No.

**LEG. SCHNEIDERMAN:**  
Yes.

**LEG. BROWNING:**  
Yes.

**LEG. MURATORE:**  
No.

**LEG. HAHN:**  
Yes.

**LEG. ANKER:**  
Yes.

**LEG. CALARCO:**  
Yes.

**LEG. MONTANO:**

Yes.

(\*Laughter\*)

**LEG. CILMI:**

No.

(\*Laughter\*)

**LEG. BARRAGA:**

No.

**LEG. KENNEDY:**

No.

**LEG. NOWICK:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. SPENCER:**

Yes.

**D.P.O. HORSLEY:**

Yes.

**MS. ORTIZ:**

Twelve.

**P.O. LINDSAY:**

Okay. 1112 --

**MS. ORTIZ:**

I'm sorry, that's 13. I apologize.

**P.O. LINDSAY:**

Thirteen, yeah.

***1112-12 - Appointing Peter Fox Cohalan to the position of County Historian for the County of Suffolk (Presiding Officer).***

**LEG. ROMAINE:**

Motion.

**P.O. LINDSAY:**

Who made the motion?

**MR. NOLAN:**

Romaine.

**P.O. LINDSAY:**

Okay. Motion by Legislator Romaine.

**D.P.O. HORSLEY:**

Second.

**LEG. BARRAGA:**

Second.

**P.O. LINDSAY:**

Second by Legislator Barraga. Any discussion?

**LEG. BARRAGA:**

Yes.

**LEG. MONTANO:**

*(Laughter)*, we're going to discuss this?

**P.O. LINDSAY:**

No. You want to talk about this?

**LEG. BARRAGA:**

Yeah.

**P.O. LINDSAY:**

Go ahead.

**LEG. BARRAGA:**

Just on a lighter note, because I wasn't sure if Judge Cohalan would be here or not. I brought in a copy of the Islip Bulletin dated February 24th, 1977, and there's a photo in the lower left-hand corner of then Islip Town Supervisor Peter Cohalan swearing in the newest Town Clerk for the Town of Islip, and the guy on the left, believe it or not, is me. So I'm going to pass this photo around, if for no other reason to show you that I did, at one time, have a head of hair.

*(\*Laughter\*)*

I'd like it back, though.

**LEG. MONTANO:**

Does that make you historical, Tom?

*(\*Laughter\*)*

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Eighteen.

**P.O. LINDSAY:**

Wow *(In response to the photo)*.

**D.P.O. HORSLEY:**  
The General (*laughter*).

*(\*Laughter\*)*

**LEG. MONTANO:**  
I met you back then.

**P.O. LINDSAY:**  
Did you call the vote?

**MS. ORTIZ:**  
Yes, I did.

**P.O. LINDSAY:**  
Okay. *IR 1386-12 - To appoint Diana Cherry-Holmes as a member of the Suffolk County Citizens Advisory Board for the Arts (Spencer).*

**LEG. SPENCER:**  
Motion to approve.

**LEG. D'AMARO:**  
Second.

**P.O. LINDSAY:**  
Motion by Legislator Spencer. Second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

**MS. ORTIZ:**  
Eighteen.

**P.O. LINDSAY:**  
*1459-12 - Appointing Joanne M. Minieri as a Director of the Suffolk County Economic Development Corporation (County Executive).*

**LEG. MONTANO:**  
Didn't we do that on a C of N?

**LEG. NOWICK:**  
No, no, no, that was the IDA.

**D.P.O. HORSLEY:**  
No. That was the IDA, this is the EDC.

**LEG. MONTANO:**  
Oh, okay.

**P.O. LINDSAY:**  
Okay. Motion by Legislator Schneiderman. Do I have a second?

**D.P.O. HORSLEY:**  
Second.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Eighteen.

**P.O. LINDSAY:**

*1460-12 - Appointing Kevin M. Harvey as a Director of the Suffolk County Economic Development Corporation (County Executive).*

I'll make the motion.

**LEG. STERN:**

Second.

**P.O. LINDSAY:**

Second by Legislator Stern.

**LEG. SPENCER:**

On the motion?

**P.O. LINDSAY:**

On the motion; yes?

**LEG. SPENCER:**

They're Co-Directors?

**MR. NOLAN:**

There's five Directors.

**P.O. LINDSAY:**

There's five Directors. Yeah, he's on the Board.

**LEG. SPENCER:**

All right.

**D.P.O. HORSLEY:**

Yeah, and it mirrors the IDA Board.

**LEG. MONTANO:**

Is this new or is this --

**P.O. LINDSAY:**

No.

**MR. NOLAN:**

We created it a couple of years ago.

**LEG. SPENCER:**

Okay. Thank you.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Eighteen.

**P.O. LINDSAY:**

*1367-12 - Appointing member to the Suffolk County Community College Board of Trustees (Anne Shybunko-Moore) (Anker).* Do I have a motion? Legislator --

**LEG. KENNEDY:**

Motion.

**P.O. LINDSAY:**

Legislator Anker, do you want to -- it's your reso.

**LEG. ANKER:**

I'll make a motion.

**LEG. CILMI:**

I'll second.

**P.O. LINDSAY:**

Okay. Seconded by Legislator Cilmi.

**LEG. MONTANO:**

Quick question.

**P.O. LINDSAY:**

Yes. On the question, Legislator Montano.

**LEG. MONTANO:**

Yeah, which vacancy is this? Is this Ernie --

**LEG. ANKER:**

This is for Suffolk Community College Board of Trustees.

**MR. NOLAN:**

Ernie Mattace.

**LEG. MONTANO:**

Ernie Mattace is the --

**MR. NOLAN:**

Yeah.

**LEG. MONTANO:**

Okay. He was here earlier.

**LEG. ROMAINE:**

Why is he being let go?

**P.O. LINDSAY:**

He's moving to -- we have a motion coming up to move him to the IDA.

**LEG. ROMAINE:**  
Oh.

**LEG. MONTANO:**  
Are you serious?

**P.O. LINDSAY:**  
Yeah.

**LEG. MONTANO:**  
No, I'm not looking at you. Forget it, I'm looking at Wayne.

**P.O. LINDSAY:**  
Okay. And I believe she came before committee.

**LEG. ANKER:**  
Yes, she did.

**P.O. LINDSAY:**  
Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

**MS. ORTIZ:**  
Eighteen.

**P.O. LINDSAY:**  
*1461-12 - Appropriating funds in connection with infrastructure – College Wide (CP 2149)(County Executive).* You want to do this?

**D.P.O. HORSLEY:**  
Sure.

**P.O. LINDSAY:**  
Motion? You want to make the motion?

**D.P.O. HORSLEY:**  
Yes, motion.

**P.O. LINDSAY:**  
I'll second the motion.

**LEG. KENNEDY:**  
On the motion, Mr. Chair?

**P.O. LINDSAY:**  
Yeah, Legislator Kennedy.

**LEG. KENNEDY:**  
Can I just confirm from somebody in the audience? I know I see we have Commissioner Anderson here. This is a Bond that will have 50% participation from the State?

**COMMISSIONER ANDERSON:**  
Yes. I spoke with George Gatta earlier and confirmed that the money is in place, the State -- it's in the State, the Governor's budget and it's ready to go.

**LEG. KENNEDY:**

Okay. And this is being done for -- is this facilitating that modification on the Solar Panel contract, or is this just general work throughout the college?

**COMMISSIONER ANDERSON:**

This is general work throughout -- you know, for the college, especially the grant. It will facilitate paving at the Grant Campus. And then, you know, depending on the outcomes of discussions, hopefully, you know, we'll put the solar panels at that campus.

**LEG. KENNEDY:**

Well, I can tell you firsthand the Grant Campus definitely needs to be paved. Okay, thank you. Thank you, Mr. Chair.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Seventeen (Not Present: Legislator Gregory).

**P.O. LINDSAY:**

Okay. The accompanying *Bond Resolution, 1461A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$5,150,000 bonds to finance a part of the cost of infrastructure improvements for Suffolk County Community College - College Wide (CP 2149.110 And .310)*, same motion, same second. Roll call.

*(\*Roll Called by Ms. Ortiz - Chief Deputy Clerk of the Legislature\*)*

**D.P.O. HORSLEY:**

Yes.

**P.O. LINDSAY:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. CALARCO:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. SPENCER:**

Yes.

**MS. ORTIZ:**

Eighteen.

**P.O. LINDSAY:**

On the bottom of the page, *IR 1463-12 was discharged by petition, it's 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 (County Executive)*. I'll make a motion.

**LEG. D'AMARO:**

Second.

**LEG. HAHN:**

Second.

**P.O. LINDSAY:**

Second by Legislator Hahn. On the motion, Legislator Montano.

**LEG. MONTANO:**

Yes. Ben, I just want to put on the record, we had a conversation earlier on this. And I signed the petition to discharge, but as we discussed earlier -- and by the way, I did speak to the County Executive on this. I signed the petition on the condition that there would be an agreement between the college and the County Exec or the Administration before the bill was filed. And we spoke yesterday and I asked you about that because I hadn't had a chance to call you earlier and you represented to me -- you know, I'm not trying to put you on the spot, I'm just laying out the facts for the record. You represented to me that this bill would be withdrawn and it's not. And, you

know, like I said, my signing the discharge was conditioned upon certain acts that did not take place, and that's very disturbing. This is not the first time that I felt that the conversations that we've had were in a way -- not in a way, were misleading or at least not followed through. And, you know, I don't want to have that working relationship, and I think you understand that very clearly. And I'm not coming down on you, I'm just stating this for the record so that we don't have any further miscommunications.

I have since spoken to the County Executive. I've spoken to Dr. McCay and I've spoken to Lou Petrizzo with respect to the resolution, so I'm going to support it. But these kinds of issues will only create tension, you know, and we don't need that. So I'm going to ask you respectfully -- this is not the first time, this is the second time; the first one's on me, the second one's on you. I don't want to do it on -- you know, a third time. And I think we're clear, and you know I'm not -- this is not directed at you. We have honest, sometimes, disagreements.

**MR. ZWIRN:**

We discussed this earlier and I -- as soon as I learned that the situation had changed, I notified you as fast as I could.

**LEG. MONTANO:**

And I appreciate that and I respect you for it.

**MR. ZWIRN:**

But I don't disagree with what you said.

**LEG. MONTANO:**

*[The following testimony was taken and transcribed by  
Donna Catalano - Court Stenographer]*

**MR. ZWIRN:**

The President of the College is okay with this. This allows the County Executive to enter into negotiations with the college and enXco to move it from the transit-oriented development site in Ronkonkoma to the Community College. Nothing will go forward unless the college agrees with this. This is not something the County Executive can do unilaterally. The problem is that we are under time constraints. And to wait to the June meeting will just be too long. There's a lot at stake here. Again, this is giving the County Executive the opportunity to negotiate with the college. It's not imposing his will or position on the college. The Board of Trustees will have, you know, plenty to say about what happens. If they don't enter into an agreement with their approval, it won't happen. But he is asking to give him the authorization to go into these negotiations with enXco and the college to see what he can do in the next couple of weeks so we can save time on this. If we went to June, he said there's so much at stake, he doesn't want to wait another minute.

**LEG. CILMI:**

So since you really spoke to somebody else's concerns and not my concerns, I'll specifically ask you the questions again. First of all, does this bill authorize the County Executive to negotiate an amendment to the existing contract with enXco, or is this a new contract with enXco?

**MR. ZWIRN:**

It would be an amendment, because we're changing -- we're not changing the lease agreement, we're just changing the site of one of the locations that they had agreed to, moving it from Ronkonkoma to the Community College Campus.

**LEG. CILMI:**

Well, the site was in the lease agreement, wasn't it?

**MR. ZWIRN:**

Yes.

**LEG. CILMI:**

So we are changing --

**MR. ZWIRN:**

It's an amendment to the original agreement.

**LEG. CILMI:**

Right. So will there be any change in the amount of revenue that the County sees as a result of this change?

**MR. ZWIRN:**

I'm advised it will be negotiated, Legislator Cilmi, if there is a change, because of the change of location.

**LEG. CILMI:**

Would the details of that negotiation and the subsequent amendment to the contract come back before this Legislature for approval?

**MR. ZWIRN:**

I believe it will, absolutely. I'll ask Counsel. That's my understanding.

**MR. NOLAN:**

I don't think it would, to be honest with you.

**MR. ZWIRN:**

Well, we'll bring it back. I thought we would bring it back either way for approval, but if it's not necessary --

**LEG. CILMI:**

Is that your promise that you'll bring it back? Is that your intention that you'll bring it back? What exactly -- apparently there was an intention with Legislator Montano that didn't happen, so I just want to make sure that we understand exactly what's going to happen here. Will it come back or will it not come back?

**MR. ZWIRN:**

I'm not sure it will come back for a vote, but it certainly will come back with the information to the Legislature.

**LEG. CILMI:**

Okay. Well, coming back with information is different than coming back for a vote. As you know, when this contract was initially contrived, the Legislature approved it based on a certain set of circumstances. So now that you are asking for authorization to negotiate an amendment to the contract, it seems to me reasonable that the County Executive or that the new contract should have to come back to us for the same authorization, particularly if it means that there's going to be some change to the amount of revenue that the County receives from enXco on the leasing of these facilities. Do you agree?

**MR. ZWIRN:**

I hear you, and I'll bring it back. I can't -- I can't agree on behalf of the County Executive, because I haven't spoken to him specifically about this.

**LEG. CILMI:**

Do you have any idea what the change in revenue to the County would be?

**MR. ZWIRN:**

No.

**LEG. CILMI:**

Is it safe to say that the amount of revenue to the County will decrease as a result of this revision?

**MR. ZWIRN:**

I would think that during the negotiations that might very well occur, but I don't not know for sure.

**LEG. CILMI:**

The revenue that we were scheduled to receive from enXco based on our original contract was in our budget, was it not?

**MR. ZWIRN:**

Yes, part of it was, because it's an annual payment. I think it was eight and a half million dollars over the life of the contract, but I think it was 40 --

**LEG. CILMI:**

Roughly \$450,000 a year, roughly.

**MR. ZWIRN:**

Okay.

**LEG. CILMI:**

So my question is if we're losing part of that revenue, regardless of how insignificant somebody might think it is, will there be an offset provided? And how can we authorize this contract negotiation not knowing what that offset will be?

**MR. ZWIRN:**

Let me check with County Executive if I can get him on the phone now. Maybe we can pass over this one, because that's a fair question, and I don't know the answer.

**LEG. CILMI:**

Let me ask one or two other questions that you might want to question the County Executive about?

**D.P.O. HORSLEY:**

How long will that take you?

**MR. ZWIRN:**

We'll try him right away. Go to the next item, I'll come back with an answer one way or the other immediately.

**LEG. CILMI:**

We talked at the committee meeting about the need for recurring ongoing revenue for the County, we talked about the possibility of the County installing, without County employees, solar carports, maybe, you know, entering into a contract directly with the Community College to do so. I had

asked at the time whether or not that was plausible, and I was told that it was. Commissioner Anderson suggested that the investment might be 50 or so, \$60 million. And I talked briefly about the Capital Budget and Program. And I reminded everybody on the committee that the revenue that enXco is going to receive as a result of their contract with LIPA was \$120 million.

So if the project is going to cost us \$60 million and the revenue is \$120 million, I recognize that this was not a deal between us and LIPA at the time, but my point is this, that's 100% profit. That's \$60 million that would have been a bit of help to the County. And yet we are being asked to approve an amendment to this contract knowing full well that we could do the work ourselves and recognize that sort of profit ourselves, but instead, we're just going to give it away to enXco. Do you have a response to that?

**MR. ZWIRN:**

Let me respond to the first two questions, because I have answers to that, then I'll come back. The answer is yes, there will be an offset if there's a reduction in revenue to the budget. And yes, this will come back to the Legislature for their approval, an amendment to the contract we have with enXco. So you will get the final say over it.

**LEG. CILMI:**

Whose opinion is that?

**MR. ZWIRN:**

The County Executive's Office, it came from the 12th floor.

**LEG. CILMI:**

Okay. If you could proceed and answer the second question.

**MR. ZWIRN:**

You mean the third question.

**LEG. CILMI:**

Third question, which is why wouldn't we do this ourselves so that we could realize some recurring significant revenue ourselves as opposed to giving the money to a company that's based in France?

**MS. BROUGHTON:**

Hi. I'm Lisa Broughton, and I've been serving as the County's Energy Director since late in 2008. I went through a process in 2008 with the Real Estate Department, Department of Public Works, what was then Environment and Energy and myself from Economic Development and sought parcels that could be used for that. And I went through an entire process to see if, in fact, we could do what you are saying and if we could come up with that kind of money. It's really closer to an \$80 million investment upfront for the company. And that upfront capital cost prevents us even from doing kilowatts on our roofs. It's a very expensive front-loaded proposition to do solar power.

And then without the LIPA purchase -- power purchase agreement, it becomes virtually impossible. It does not work out that we as a County could afford to do that. So even going forward now, there is a second LIPA RFP coming out that will enable landowners like us, like firehouses and such -- to do it ourselves, we would not have the capital cost upfront. I think the number, \$80 million, is beyond any other Capital Budget item that this body has discussed.

**LEG. CILMI:**

Even so, I think if the bond holder -- if the market were to see, you know, 100% or an 80% or a 60%, you know, first year return on investment profit, I think -- I think that investment speaks for itself regardless of how much the initial upfront cost would be. Let me ask you another question.

So the Commissioner of Public Works said to us that we have very few of these areas left that we could actually install these solar carports on. Would you concur with that?

**MS. BROUGHTON:**

In order to get megawatts, multiple megawatts, yes.

**LEG. CILMI:**

So, again, why are we giving up the Community College parking lot when we could use that for ourselves for our own solar development project?

**MS. BROUGHTON:**

I think it speaks to your concern about the loss of revenue on the eight and a half million over 20 years. So if we can substitute part of the megawatts by going to the Community College, that will certainly go toward the mitigation and keep the County whole. That's what we're trying to do. With this resolution, there are two things; one is to keep the good clean energy job creation program. And if you will indulge me, I have to let this body know, because I haven't spoken to you in a while, that we have done something incredible with this project. I get calls from around the region and the country with energy directors saying, "How did you do that? How did that work?" And I show how the power purchase agreement made it possible, but they are in awe of the fact that we are now the landowners on the largest distributed energy project in North America, the largest distributed solar energy project.

So I congratulate you again. And refocus this to realize that what we're trying to do is have another what will ultimately be a clean energy project at Ronkonkoma, because the amount of CO2 that we can reduce by having a transit-oriented development at that particular site with the airport and the train, so we are trying to achieve two goals.

**LEG. CILMI:**

So in the first instance, to my initial question, you said that this is trying to make the County whole for the revenue lost for giving up the Ronkonkoma Train Station as a site for these solar carports. But to me, you would rather have a thousand dollars in your hand than a hundred dollars in your hand, and this is going to get us a hundred dollars. Whereas, if we use the parking lot ourselves, we can get a thousand dollars. I'm just using numbers here.

And to your second point about all of these admirers about this project, they're not going to pay our plowing bills. If, God forbid, there's a terrible winter and there's a lot of snow, getting under those carports is going to be a disaster.

Last thing I'll ask. I read in the newspaper -- and we always believe the newspapers -- but I read in the newspaper that the deal that's being negotiated -- actually I have two other questions. The deal that's being negotiated with the Community College is such that they will receive some rent money for the use of their parking lot for these carports, but they'll also receive a portion of the revenue that comes from the generation of power. Do you know anything about that?

**MS. BROUGHTON:**

I don't believe that that's true, but it's possible that our reporter misstated that.

**LEG. CILMI:**

We're not receiving any of that revenue presently; is that correct?

**MS. BROUGHTON:**

Not from selling the power, no. It's straight lease payments, and that is my understanding. Again, all of my numbers are being negotiated.

**LEG. CILMI:**

Now, this is my last question. There was talk again in the paper of enXco trying to recuperate some costs for the resiting of the solar carports for changing the location from the Ronkonkoma Train Station to the Community College. Are you aware of that negotiation?

**MS. BROUGHTON:**

No, I'm not.

**LEG. CILMI:**

Mr. Zwirn, are you aware of that negotiation?

**MR. ZWIRN:**

No, Legislator Cilmi, I'm not. And again, I would just ask you if you can approve this to give the County Executive the full authorization to go forward.

**LEG. CILMI:**

I understand, but I have a direct question. There have been delays. And, you know, we could look back at the resolution that originally created this deal, but there are very specific stipulations in that contract as to when the solar carports should have been installed. And the fact is that they weren't installed by those deadlines that were agreed upon. Nobody, to my knowledge, ever went back to enXco and said, "Pay us for your lack of compliance with this contract." So this would allow the County Executive to negotiate a settlement with enXco that could include some sort of a fee or reduction in our revenue based on the fact that they now have to resite these solar carports.

**MR. ZWIRN:**

Yes.

**LEG. CILMI:**

Well, I am opposed to that. This whole deal, while I appreciate Ms. Broughton's presentation and I appreciate the fact that we, you know, are seen as leaders in this industry, the deal was terrible for the ratepayers of LIPA. And to allow -- to give the County Executive the authority to negotiate a contract without any stipulations -- and I appreciate the fact that he's saying that it will come back to us, and I will look forward to that, particularly because there's got to be an offset if there's going to be lost revenue. But I can't support this at this time. In fact, I'd like to make a motion to table.

**P.O. LINDSAY:**

First of all, does anybody second the tabling resolution? No. We have Legislator Montano.

**LEG. MONTANO:**

No. I'm all right.

**P.O. LINDSAY:**

Legislator D'Amaro.

**LEG. D'AMARO:**

Thank you. I just want to -- Legislator Cilmi raises some, I think, valid considerations, however, I think we need to give the County Executive -- this County Executive in particular is very mindful of what the impact is of losing revenue. So I have real faith in the fact that when these negotiations occur, that will be minimized. And, Ben, just to reiterate one more time, this is something that would be negotiated, but then brought back to the Legislature to review and say yes or no. So we will have that opportunity to review many of the considerations that Legislator Cilmi, my colleague, is raising, and I think some of the them are quite substantial.

There's a flip side to it also. And the flip side is that the whole reason this is coming about is because the Ronkonkoma site -- at least it's my understanding -- the Ronkonkoma site is also vital to our budget, to economic development, to our local economy. And we want to free that up and be able to move forward there. So while we may be put in a negotiating position where we take a small hit, I think the up side in freeing the Ronkonkoma site would far outweigh the hit that we may take in these lease negotiations, which we'll have an opportunity to review anyway.

**MR. ZWIRN:**

I agree. And both Supervisor Lesko of Brookhaven and Supervisor Croci of Islip are in support of not using the Ronkonkoma site for these solar panels.

**LEG. D'AMARO:**

I think for obvious reasons, because who would want to bind us to that site at this point knowing the plans that are starting to materialize and how vitally important that hub is going to be to our local economy. So we really don't have time to really debate this any further, because if we're going to eventually agree with the College and this Legislature is going to approve that, this is, in effect, time sensitive. You still have to go through a whole negotiating process, and then you get into the fall. The parking lot may just be impossible to deal with in the fall when the classes start again. So I think we should move this forward today.

**P.O. LINDSAY:**

Anybody else on the issues? I just would like to support this reso. And I think it has more to do with timing than anything else, is that the contractor and the College -- I know going forward with this project wants to do it while the campus is closed over the summer months parking, because parking is at a premium then.

With all due respect, I disagree with Legislator Cilmi and maybe Commissioner Anderson. I don't see how we could do this work ourselves inhouse. The solar industry is an industry that's exploding, and it's very specialized. I don't think we have the personnel or the expertise to do this in a timely manner, and it has to be done in a timely manner. So I would urge that we move forward with this, that we can schedule this work for this summer and put some of our local people back to work for the summer. So with that, we have a motion to table but we don't have a second, is that right? And we have a motion to approve. So the approval goes first. Roll call.

**(ROLL CALLED BY RENEE ORTIZ - CHIEF DEPUTY CLERK OF THE LEGISLATURE)**

**P.O. LINDSAY:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. CALARCO:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. CILMI:**

No.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. SPENCER:**

Yes.

**D.P.O. HORSLEY:**

Yes.

**MS. ORTIZ:**

Seventeen.

**P.O. LINDSAY:**

I missed something before. I was asked earlier today, and it slipped my mind, if we could take Home Rule Message Number 12, which is in the manilla folder, out of order for the simple reason that they are anxious to get it to Albany, certainly not tonight, but I guess first thing in the morning. They don't want to wait to June, because they don't want to take the chance that the State Legislature won't have time to act on it. So I'm going to motion to take out of order **Home Rule Message 12, and that Home Rule Message requesting the New York Legislature to amend the General Municipal Law, the Vehicle Traffic Law and the Criminal Procedure Law to create a Traffic and Parking Violations Agency in Suffolk County.**

**LEG. CALARCO:**

Second.

**P.O. LINDSAY:**

And Legislator Calarco has seconded the motion. On the question, this is just to take it out of order. So on the motion to take it out of order, all in favor? Opposed? Abstentions?

**MS. ORTIZ:**

Eighteen.

**P.O. LINDSAY:**

It's now before us. Motion by Legislator Calarco, seconded by Legislator Cilmi. Legislator Romaine, on the issue.

**LEG. ROMAINE:**

Very quick question. As I recall, the original proposal called for a ten dollar surcharge, which is now included in the current bill, yet that estimate was included in the estimate for the County Executive in his budget mitigation plan. Does that change the estimate for the savings for the budget mitigation plan put forward by the County Executive?

**MR. ZWIRN:**

Yes. The answer would be yes.

**LEG. ROMAINE:**

How does that change it, by what amount?

**MR. ZWIRN:**

I'll have to get that -- I don't have in front of me.

**LEG. ROMAINE:**

Approximately.

**MR. ZWIRN:**

I don't have that with me.

**LEG. ROMAINE:**

So the budget mitigation plan is mitigating a little bit less of the budget problems.

**MR. ZWIRN:**

The ten dollar surcharge, yes.

**LEG. ROMAINE:**

Thank you.

**P.O. LINDSAY:**

Legislator Schneiderman and Montano.

**LEG. SCHNEIDERMAN:**

Are there any other changes in the Albany bill besides their removal of the \$10 surcharge?

**LEG. CALARCO:**

No. That's the latest change, the result of the State Senate. They have a policy they're not going to approve anything that allows any kind of taxes or fines or surcharges or anything of the sort by anybody, so that was removed from the version. So we are not going to get that out of this bill.

**LEG. SCHNEIDERMAN:**

In terms of revenue, most of the revenue I think was not in the surcharge, but having the bureau -- they would, instead of going to the State, would come back to the County.

**LEG. CALARCO:**

Correct. I believe the big portion of the money that was going to come into this program is the fact that we are now administering the Traffic Violations Bureau, so we are going to keep the bulk of the fines that are levied -- well, we have to still remit a portion of the State, we get to keep a bulk of it, as opposed to it all currently all going to State.

**LEG. SCHNEIDERMAN:**

And that money is going to move into the General Fund.

**LEG. CALARCO:**

That will go into the General Fund and help us mitigate our budget problems.

**LEG. SCHNEIDERMAN:**

Thank you.

**LEG. CALARCO:**

New recurring revenue.

**P.O. LINDSAY:**

Anything else? Yes, Legislator Montano.

**LEG. MONTANO:**

I guess you know about this, Calarco. All right. This revenue -- but the revenue -- was this included in the Governor's budget this year, or when does this take effect.

**LEG. CALARCO:**

I believe the State version take effect this year, and we get it do it the places. Obviously we'll have to pass our own resolution to establish it and establish this bureau, but I think we get to do it rather immediately. Ben may have the better answer for that.

**LEG. MONTANO:**

Ben, give me the procedural aspects of this. We send this up to Albany, you anticipate that the Senate and Assembly is going to pass it?

**MR. ZWIRN:**

We're hoping.

**LEG. MONTANO:**

Oh, you're hoping.

**MR. ZWIRN:**

The Senate in the past has passed this every year we've asked for it. It's been jammed up in the Assembly. And we're hoping this year -- it was not in the Governor's budget.

**LEG. MONTANO:**

That's the question I had. My understanding was that it was not in his. So how does that effect us?

**MR. ZWIRN:**

Well, if it was in the Governor's budget, it makes it an easier lift naturally. The problem is that the State will be giving up revenue to the locality as opposed to going to the State. It sort of reverses the revenues. The \$10 million the State takes, we'd be getting that. And the three million dollars that we've been getting goes now to the State.

There are some other counties that are asking for this as well. So there is a reluctance on some members of the Legislature up in Albany to give up State revenue to localities at this particular time. We are hopeful that it will pass out of both Houses. If it does, then this year we'll begin setting it up, and that's going to be some out-of-pocket expenses before we start seeing revenue come in next year.

**LEG. MONTANO:**

So it has to pass and then be approved by the Governor. So we're not going to see this really until next year.

**MR. ZWIRN:**

Well, you know how Albany works probably better than everybody except for Legislator Barraga. But, you know, we're just hoping that they'll pass it while they're in session so they don't have to come back in session at the end of the year after the election. We're just trying to do everything we can to try to get it through.

**LEG. MONTANO:**

It's not a done deal. And my understanding was that it wasn't in the Governor's budget, so it did not look like we would get this revenue, you know, as quickly as we would like. That's the point I'm making, and you are concurring with that.

**MR. ZWIRN:**

Yes, I am.

**LEG. MONTANO:**

Thanks, Ben.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Eighteen.

**LEG. KENNEDY:**

Mr. Chair.

**P.O. LINDSAY:**

Yes, Legislator Kennedy.

**LEG. KENNEDY:**

If I can request that we take 1380, it's in the Government Operations Committee, out of order. We have --

**P.O. LINDSAY:**

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**LEG. KENNEDY:**

-- residents that have been patiently waiting since we actually started at 9:30 this morning, which I was unaware of. We do have Dr. Quinn here as well. I'm going to make a motion to take it out of order if we can.

**P.O. LINDSAY:**

Okay. We have a motion to take 1380 out of order, seconded by Legislator Montano. All in favor? Opposed? Abstentions?

**MS. ORTIZ:**

Eighteen.

**P.O. LINDSAY:**

Okay. **1380, amending the 2012 Operating Budget and transferring emergency medical positions from the Department of Health Services and Fire Rescue & Emergency Services to the Police Department (KENNEDY)** is before us.

**LEG. KENNEDY:**

Okay. I'm going to make a motion to approve, if I can, Mr. Chair.

**LEG. MONTANO:**

Second.

**P.O. LINDSAY:**

Seconded by Legislator Montano. Okay. It's before us. Anybody want to talk about it? I'll take the mic. I'm opposed to this transfer, because it reverses something that we did in the budget, and I think the reasons that we did in the budget were purely financial. Nobody wanted to lay anybody off, but we did layoff a couple of these folks, and we transferred two of the others to emergency -- to the Health Department, I believe, to do -- to join a group of other trainers to pool our resources to increase our ability to not -- come on, Legislator Montano, let's go -- to approve ability not only to train Police Officers, but to train Emergency Services responders all over the County. It seems very logical.

I had questions for quite a while about at one time, I guess we had a force of five people over there training just Police, and whether we were using that personnel in the best, most economic way going forward. So I cannot support this. I will stick to our original budget. And I question -- there's going to be some revenue loss if this passes, and how is that going to be filled, Legislator Kennedy?

**LEG. KENNEDY:**

Okay, Mr. Chair. Thank you. I appreciate the opportunity to talk about this. You are correct, we did struggle and labor long and hard when we started the budget process last November, which seems like it's still not ending. However, there are never things that have actually gone on. One very significant intervening factor, Mr. Chair, is the backhand resolution that Legislator Hahn and I cosponsored, and I applaud her for taking the lead on it. And as you well know, that resolution authorizes our Police Officers to be able to administer a lifesaving anti-opiate {AGGANIST} to save lives.

The other thing I've been able to find out -- and through the Chair, I'd ask if Dr. Coyne could come forward -- one of the assumptions we had in our Budget Working Group I would offer to you, I believe was an erroneous assumption, and we should have it probably confirmed through BRO. The \$300,000 of avoided overtime, in fact was not something that was being incurred and Dr. Coyne has explained at great length how our Police Officers, not only the cadets are being trained, but they have a very ambitious training schedule for our existing Police Force to have them certified as EMTs.

Through the Chair, if he would speak to that. Doctor Coyne, could you just explain a little bit about what the trainers are doing in the academy at this point?

**DR. COYNE:**

Thank you very much. The trainers are currently educating the recruit class, the police recruit class. They are about midway through. They are training them at the EMT level. Training our officers as EMTs, since which we've done since 1989, has -- generates revenue for the County. Currently, in 2012, we have the most robust retraining plan we've had. We have 26 recertification classes scheduled for our Police Officer, in addition two recruit classes; the part-time recruit class and the full-time recruit class currently there. And if we have another recruit class at the end of the year, they'll fall into that one also.

Based on the projections of the number of people we will train this year, the County will receive \$336,000 in revenue from New York State. It's a per capita-per student -- it's a per capita-per student reimbursement. The resolution that passed in November, in the fall, was based on the fact that there would be police overtime savings of \$337,000, I believe, I don't have it in front of me. That was the approximate figure.

I think it's important to know that there's no police overtime incurred in the training of our Police Officers for EMTs, whether as originals or recertification. The Police Officers themselves, the students do not get overtime for attending training, and their absence from the precincts or their respective commands is not covered by -- it's not permitted. There's no overtime authorized to cover the absences from the precincts or their commands. So the expense control that was postulated -- actually when we looked at it, that does not materialize.

**P.O. LINDSAY:**

I just have some questions. I mean, the first question I have, Doctor, under what authorization did you go forward to train these cadets at EMT level? It was directed in the budget that they would be trained as first responders.

**DR. COYNE:**

The budget doesn't speak to the level of the training. The resolution that passed said that the FRES Commissioner and the Health Commissioner and the Police Commissioner will agree or will decide on the level of training. Never was there any decision made to reduce their training to certified first responder status.

**P.O. LINDSAY:**

Ms. Vizzini, do you agree with that?

**MS. VIZZINI:**

That was the intent, to modify the number of hours in the classroom. However, the Resolved Clauses authorized the three department to develop protocols to provide for the transition.

**P.O. LINDSAY:**

Okay. So we missed something, because the intent was to reduce the training to first responder.

**MS. VIZZINI:**

I will check the actual language, but we may not have been specific in our intent.

**P.O. LINDSAY:**

I guess we have to be more specific from now on.

**DR. COYNE:**

Mr. Presiding Officer, the Police Commissioner -- we reviewed the budgetary resolutions very carefully. If we had --

**P.O. LINDSAY:**

You mean the last Police Commissioner? We don't have a Police Commissioner now.

**DR. COYNE:**

Commissioner Weber, the acting Police Commissioner. Sorry for that statement. If we were to change the level of certification from EMT to first responder, the revenue generated for the same numbers that I just spoke about for Calendar 2012 would go from 336,000 to approximately 41,000, for a loss of 294,000 for training at the lower level.

**P.O. LINDSAY:**

Okay. Do we -- when your patrolmen go in for recertification, do they do that off the clock or are they paid for that?

**DR. COYNE:**

No. Officers are paid in our department for training, no matter what the training is, whether it's firearms or --

**P.O. LINDSAY:**

Yeah. But the point is first responder training takes less hours than EMT training. So there's more Police Officers on the street than sitting in the classroom.

**DR. COYNE:**

The certified first responder training is approximately the same. It's about five days. And the EMT --

**P.O. LINDSAY:**

We had this discussion, Dr. Coyne, in that office over there across the hallway, and you were told you were wrong then.

**DR. COYNE:**

Sir, I'm just telling you -- the original training for an EMT is four weeks. The original training for a CFR is approximately eight days. So it's eight days versus 20 days. EMT is 20 days. They CFR is eight to nine days. The recertification training, which they go through every three years, which is recurring -- you know, it's every three years for certification, is the same hours -- basically the same hours for recertification for CFR and EMT.

**P.O. LINDSAY:**

Again, I'll go back to the conversation we had across the hallway here that that isn't true.

**DR. COYNE:**

Sir, I made the point that day when we had the discussion back in December that the recertification -- the time requirement is approximately the same for EMT and CFR. The difference in the beginning, the original training that the recruits are going through now, it would be somewhat shorter for CFR than it would be for EMT.

**P.O. LINDSAY:**

Somewhat. That somewhat is about 12 days in the original training.

**DR. COYNE:**

Yes, 12 days.

**P.O. LINDSAY:**

I'm certainly not equipped to argue with you, because I don't have the numbers in front of me, but I just think that you're dead wrong on this. And I think if we reverse this position, it's going to cost us money. I don't know -- you know, you said that there isn't an overtime cost, but if those patrolmen on are the clock, how do we fill those positions on the street?

**DR. COYNE:**

For most of the training that we do, we don't authorize overtime.

**P.O. LINDSAY:**

Okay. Then how do you do it? If you don't pay for it with overtime, I'm sure we don't have enough Police Officers to backfill those slots.

**DR. COYNE:**

The coverage has to be adequate in the precincts for them to spare an officer to go in training.

**P.O. LINDSAY:**

How many officers need to be recertified at this point?

**DR. COYNE:**

I don't have that exact number in front of me.

**P.O. LINDSAY:**

It was around 700, right?

**DR. COYNE:**

No, sir, it's not that high. I believe we had about 40% that needed recertification, they lapsed for a short period of time.

**P.O. LINDSAY:**

How many Police Officers do we have?

**DR. COYNE:**

To catch up with that number, that's why 2012 has been our biggest year for scheduling retraining. We have 26 recertifications scheduled, classes.

**P.O. LINDSAY:**

How many people are in the class?

**DR. COYNE:**

Approximately 23 to 25.

**P.O. LINDSAY:**

So you're talking over 400 right there. And this new legislation to administer this drug, are we going to carry -- are we going to have these drugs in the patrol cars?

**DR. COYNE:**

Yes.

**P.O. LINDSAY:**

Now our patrolmen are going to have a bag with hyperdermics and drugs in a patrol car.

**DR. COYNE:**

There will be no hyperdermics. The only ones who carry --

**P.O. LINDSAY:**

Well, how do you administer the drug then?

**DR. COYNE:**

The {medcatine} -- there are about 18 officers, they're advanced life support paramedics or EMT critical care.

**P.O. LINDSAY:**

Oh, so only MedCare is going to be able to administer this drug?

**DR. COYNE:**

No, sir, I was explaining the difference. They carry injectable narcan. EMTs -- this is a pilot program that we've entered into with the Department of Health, and we're partnering with Albany through the State Department of Health to roll out a pilot program so that the narcan will not be administered by injection. It will be administered by a nasal inhaler, an atomizer, into each nostril. We're going to roll it out into certain commands. It's a trial. This is a pilot project that may go on for one to two years. And if it meets success, Albany may approve it, and then we will roll it out for the rest of the County.

**P.O. LINDSAY:**

Okay. Do our officers need any special training to administer this nasal spray?

**DR. COYNE:**

Yes, they do. There's a requisite training that -- in fact, we just received the materials today from the New York State Department of Health. It's approximately a two hour training. And the officers must be EMTs to administer the medication. CFRs are not permitted to administer internasal narcan.

**P.O. LINDSAY:**

Okay. The pilot program, how many people are going to be trained?

**DR. COYNE:**

I don't have the exact figure. It will be three precincts. I would expect somewhere around 400 to 450 officers will have to be trained.

**P.O. LINDSAY:**

Is there going to be any change as far as what our patrolmen are equipped with in the patrol cars as far as for the EMT training, or will it just continue to carry oxygen and the defibrillator?

**DR. COYNE:**

As far as the narcan goes?

**P.O. LINDSAY:**

No. No. I mean, an EMT is qualified to administer drugs and to do a lot of other things. And one of the points that I've made right along is we don't carry that -- most of that stuff in a patrol car. The only thing we carry is oxygen and the defibrillators. So are we going to equip our patrolmen with what normal EMTs would carry?

**DR. COYNE:**

In the patrol cars, we carry oxygen, suction, an AED unit, a trauma bag, some units have splints, some units in high populated areas have maternity kits. We carry oral airways. In fact, we carry more equipment in the patrol car than most first responders who may show up at the scene before the ambulance gets there.

**P.O. LINDSAY:**

That's something new then. I mean, we used to just carry in the patrol cars the oxygen and the defibrillator.

**DR. COYNE:**

No. We carry blood pressure cuffs, stethoscopes, AEDs, defibrillators, trauma bags and I mentioned the other equipment.

**P.O. LINDSAY:**

All right. I'll turn it back to you, Legislator Kennedy. Where is he? Okay. Legislator Browning.

**LEG. BROWNING:**

I didn't think it was my turn. One of things that I know wasn't brought up, because I know with the EMT stuff, we're kind of focusing on that, but the guys who do the EMT training also do the fit tests, which is something that I think was not brought really to your attention. And it's my understanding that --

**P.O. LINDSAY:**

It takes 20 minutes to do a fit test.

**LEG. BROWNING:**

But how many do we do in a year, that's my question.

**DR. COYNE:**

As the Presiding Officer mentioned, there were two layoffs and we had a position abolished in February of this year. One year ago today, we had seven instructors in the Police Academy teaching EMT. Today, we have four, four positions. In addition to training, all of the officer EMTs have a very, very, very vigorous schedule. We also are charged with doing all the OSHA-mandated testing for the year. Every officer who carries a gas mask, and that's every patrol officer has to have a gas mask in his car, goes to a computerized fit testing in the academy. It's very labor intensive. It takes 20 minutes. There's a lot of documentation, there's medicals that go with it -- you know, that go with it, and it's computerized. So this takes a substantial amount of time when they're not teaching. We test about 1200 to 1500 officers per year in addition to training all of the EMTs.

**LEG. BROWNING:**

Okay. I guess we've lost you a little, but I just want to make sure. I know it says 20 minutes, but you're talking about 1200 to 1500 a year is what you do in between the EMT refreshers.

**DR. COYNE:**

Yes. In addition to the EMT training, we do the OSHA required fit testing of gas masks for all of the Patrol Division.

**LEG. BROWNING:**

Okay. Thank you.

**P.O. LINDSAY:**

Anything else?

**LEG. KENNEDY:**

The only thing I would offer to you, Mr. Chair, is that I think, you know, in many respects, in this one area, we have come a significant way from where we were last September. Quite frankly, the benefit that all of us are going to realize by having law enforcement personnel trained in this area is going to really be a benefit to all. They are the only medical coverage on the barrier beaches, not only the M-Cat team, but many of our direct law enforcement officers.

And, you know, every one of us sees the lifesaving work that our Police Officers do. Just recently, I guess a week ago, we had a young girl out in Mastic, I believe, who was saved from a cardiac event while choking. So we have a complicated budget. We've wrestled with it all day. I think in this case, we're fortunate to be able to go forward and have our officers continue with training. Sorry about that.

**P.O. LINDSAY:**

Anybody else?

**LEG. KENNEDY:**

Motion to approve.

**P.O. LINDSAY:**

You already did. You already did. We have a motion to approve and a second. All in favor? Opposed? Abstentions? I'm opposed.

**LEG. BARRAGA:**

Opposed.

**P.O. LINDSAY:**

Opposed.

**MR. LAUBE:**

Sixteen.

**P.O. LINDSAY:**

Go back to page nine.

**D.P.O. HORSLEY:**

All righty. I think we have taken all the controversial out, right. Let's roll through this. Environment, Planning and Agriculture.

**1047, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Harbor Cove property - Town of Brookhaven) (SCTM Nos. 0200-977.60-04.00-014.001 and 0200-977.60-04.00-014.002) (CALARCO).**

**LEG. CALARCO:**

Motion.

**D.P.O. HORSLEY:**

Motion by Legislator Calarco, seconded by Legislator Schneiderman. All in favor? Opposed? Abstentions?

**LEG. CILMI:**

Opposed.

**LEG. BARRAGA:**

Opposed.

**MR. LAUBE:**

Sixteen.

**D.P.O. HORSLEY:**

**1212, Authorizing the acquisition of Farmland Development Rights under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) for the Harold E. Goodale, Jr., Harold E. Goodale and Gene E. Goodale property - Goodale Family Farm - Town of Riverhead (SCTM Nos. 0600-085.00-02.00-003.000 p/o and 0600-085.00-02.00-005.005 p/o) (COUNTY EXEC).**

**LEG. ROMAINE:**

Motion.

**D.P.O. HORSLEY:**

Motion by Legislator Romaine.

**LEG. SCHNEIDERMAN:**

Second.

**D.P.O. HORSLEY:**

Second by Legislator Schneiderman.

**LEG. D'AMARO:**

Motion to table.

**LEG. GREGORY:**

Second.

**D.P.O. HORSLEY:**

Motion to table by Legislator D'Amaro, seconded by Legislator Gregory. Okay. Tabling motion goes first.

**LEG. D'AMARO:**

Just on the motion, if I can.

**D.P.O. HORSLEY:**

Yeah, sure. On the motion.

**LEG. D'AMARO:**

We discussed this at length for several cycles in the committee as well. And we're seeing more and more of this in the Farmland Development Rights Purchase Program where we're buying farmland, but we're carving out or cutouts, as we call them in the committee, cutouts of certain acreage of the parcels, usually the acreage that's fronting on the road or three or four acres that would support farm use behind it.

This particular property, I think it's four acres that was carved out, if I'm not mistaken. And what I would like to do is table this now to give the Planning Department an opportunity to go negotiate with the owner to see if we can get some sort of commitment or covenant even that the acreage that we're not buying the development rights from will continue to service the farming use. The purpose of the Farmland Development Program is to preserve farming in Suffolk County, and that's

a noble and a good cause. We have an opportunity here to enhance that program by instituting some kind of agreement or covenant to ensure that the front four acres of this parcel will support the back larger parcel and ensure that it continues to be farmed.

So, again, the reason why I want to table this today is just to give an opportunity for our Planning Department to go back to the negotiating table or to the offer or however they need to do that to see if we can't marry the two parcels together. And I think that better meets the goals of the Farmland Preservation Program that we have here in Suffolk County.

I also want to note that the owner of this parcel was kind enough to come to the committee and discuss with us. This is not an intention here to single out this particular owner. In fact, during the last committee meeting we saw several more parcels that will be coming up for a vote that have cutouts, and I think that going forward, we need to consider this, we need to consider whether or not we're going to marry the cutouts to the farming purpose. And if we do it by covenant, keep in mind that if in some point in the future it make sense not have the parcel married and not have that covenant covering the smaller parcel, requiring that it service the farming purpose, we can always lift the covenant. We have the authority to do, because we'd be imposing it, and we're the beneficiaries of the covenant.

So I think the policy would make sense. I'm meeting with Commissioner Lansdale, Director Lansdale to discuss this a little bit further. Either Monday or Tuesday of next week we're setting that up. And until that happens, I'd like to keep this tabled to see if we can't, you know, make a positive step in the right direction in ensuring that the parcel is -- the smaller parcel is supporting the larger parcel for the farming purpose.

**D.P.O. HORSLEY:**

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

**LEG. ROMAINE:**

What Legislator D'Amaro has put forward would be a major change in farmland policy in this County that started off in 1975. Through the years, when we developed -- when we buy the development rights -- so this is not an issue of I'm going to vote against it because I don't like open space or I don't want to buy farmland or anything like that. That's not this issue. That -- when we get the full resolution, if it isn't tabled, you can vote against. So for those who don't like land acquisitions, put that aside for a second.

The issue here is the use of private property and property rights. Every single farmland preservation coming up this year recommended by the Farmland Preservation Committee have cutouts. Why? Because over the years, the County has been extremely restrictive on development of farm rights. You can't do a lot of things on development of farm rights. You are restricted in terms of a whole host of activities; you certainly can't build a house on developed farms, you can't -- it's very difficult build a barn, it's very difficult to get any type of permission to do anything on preserved farmland.

So what do farmers do? This farm is I guess 40 acres, 41 acres. It's the 36 acres and change of the farmland -- by the way, that's only part of this farm. This farm is bisected by County Road 105, for those who know where that is. The rest of his farmland is on the other side of that road. So maybe altogether, the farm has about 100 acres. He has carved out four acres that he doesn't want to sell to the County. Why? Because there's a house on it, because there's a barn on it, because he'd like to maybe in the future put a cheese processing plant for some of the things that he does, which he will not be allowed to do if he sells us the development rights.

So he said, "You know what? You want to buy my development rights, I want you to buy them, but not all of my farm, because I need a few acres, because my house is on there, a barn is on there, and I want to" -- I think he came forward and said he wants to put a cheese processing facility there.

This is a question how Farmland Development Purchase Program should work. Obviously, we want to make the development rights as restrictive as possible. But when you do that, the farmer is saying, "Wow, I can't do anything with that land except farm it. If I want to build a barn or an out-structure or house or there's land, and I have a house on it and I want to put my kid's house on it, I can't do that. So, yeah, take all my farm except this little parcel." They're called cutouts. "Leave that alone, because I don't really want to sell that. I want that for myself, because that's my property rights. And I don't want to feel that because I participated in this program, I have to give away my property rights, because I still want to be able to develop that little portion of area that I can, because if I put it all under farmland development, I won't be able to do that." That's the issue.

I know Legislator D'Amaro is chomping at the bit, but his committee listened to the argument, and by a four to one vote, rejected that argument, and that's why it's before us today. The Farmland Committee, which meets now under Chapter 8, once a year, they considered 26 farms, they recommended nine. All nine have cutouts. Why? Because the farmer knows if he sells his whole farm, he can't build a house on it, he can't build a barn on it, he can't do those things on that land. That's why there's cutouts. That's why there's cutouts in 95 to 99% of all farmland development rights that we've been purchasing over the last couple of years.

So what Legislator D'Amaro by a very clever maneuver to table, he has raised actually the issue of where we're going with a program that we started in 1975, purchasing farmland so we can preserve farmland. If this is passed, I doubt very few farmers will participate in the program. And it's also a clear signal to everyone that this Legislature is going to move in to try to control other people's property that we don't own, we haven't bought or even bought the development rights for. But because we're buying their other development rights, now we're going to not let you use this little portion of your property that we didn't buy, that you didn't want us to buy, and we're going to abrogate your property rights. I just think it's a slippery slope. I think it's the wrong idea, and I think it will defeat the purpose of preserving farmland. Thank you.

**D.P.O. HORSLEY:**

Legislator Romaine, just quickly -- so the farmer could put a strip mall on the front and a farm in the back, would that be a possibility?

**LEG. ROMAINE:**

Well, as you know, he owns the property.

**D.P.O. HORSLEY:**

I'm not saying he is.

**LEG. ROMAINE:**

In this particular case, he said he has no interest, and I happen to know that. But above and beyond that, having served, as you have in the Town of Babylon -- were you ever on the ZBA or the Planning Board?

**D.P.O. HORSLEY:**

I ran it.

**LEG. ROMAINE:**

There you go. As you know, Town Boards determine zoning, sometimes they change zones. Zoning Boards gives variances. Planning Boards certainly do site plans. So he'd have to go through that whole process of doing whatever as well as get a permit out of the Department of Health Services. So that's above and beyond our control. But all of a sudden, just because we brought his development rights over here, we want to control his land over there. That's a stretch. That's an abrogation of property rights for an individual. That's the issue here. I mean, that's why I don't think this should be tabled. And then all of us -- those who support farmland preservation can vote for it. Those who don't can vote against it. But this tabling is not about farmland preservation, although it will affect it, this is property rights. Thank you.

**D.P.O. HORSLEY:**

Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

First, I'm pleased to see this acquisition because it is a -- what I consider, you know, a true farm. We've seen a lot of sod farms and tree farms, but this is a family farm, food farm. This idea of cutting out property, and I think Legislator Romaine really hit this right on the head -- it's a property rights issue. This program, the Farmland Development Rights Program was designed not as a scenic vista program, it was designed -- it's kind of unique in a sense that it was designed to protect an industry, the agricultural industry and keep people farming, an industry that was disappearing from Suffolk County.

You know, we may see a 100 acre parcel come in, but the guy who owns it or the woman who owns it or the entity that owns it doesn't want to sell all of it, only wants to sell 75 acres for farming. What they do with their remaining 25 is not our business. It's not for sale, it's not our purview. So I think we have to look at the land that's available for sale, which doesn't include this front cutout, and we have to say, "Is it worthy of purchase for farmland?" And I think in this case it clearly is.

I think we're going down that slippery slope when we start telling the landowner that the parcel he doesn't want to sell us we want to put covenants on. And certainly if we did, it would change the entire value of the purchase here. We'd obviously have to pay more money because we're taking money because we're taking value away from his other property. And I think it's the wrong direction to do. I respect your opinion, Legislator D'Amaro. But I think this one we ought to move forward with and not send the wrong message to the farmers. We do have our Planning Director here, Sarah Lansdale. And Sarah, if you could step forward for a moment to the podium just to confirm what I said is accurate in terms of describing how this parcel came before us.

**D.P.O. HORSLEY:**

That was through the Chair, by the way.

**LEG. SCHNEIDERMAN:**

Through the Chair. And this is the Planning Department's position to move forward with this.

**DIRECTOR LANSDALE:**

The Planning Division's position is, first, that this is a vegetable farm. And we are currently researching Legislator D'Amaro's points that are raised -- that he raised in committee. And I am meeting with him in the next couple of days to go over it.

**D.P.O. HORSLEY:**

Okay. Legislator D'Amaro.

**LEG. D'AMARO:**

Okay. I don't know where to start, because contrary to what I've heard, I think that tabling this bill and giving the Planning Department an opportunity to explore a covenant is showing support for this program. It's making the program better. It's not about property rights. No one is compelling the owner to sell their property. It's a negotiation. We have the money. This particular property is \$2 million of taxpayer money. And I think we have an obligation when we spend that kind of money to preserve farming, that we have to cut the best deal we possibly can for the taxpayers, for the people that are funding the program.

I'm not taking away property rights, I'm not condemning the property. I'm not saying you have no choice. I'm saying we're going to negotiate and we're going to cut the best deal we can before we hand you the \$2 million of taxpayer money. I don't think that's so unreasonable.

Is it a fundamental change to the program? Maybe. I think that's a positive step here. If your goal is to preserve farming, especially as you go further east in Suffolk County, then you want to assure that the parcel that's cutout will always support the farming purpose that the taxpayers are paying for. It just makes eminent sense to me that our position should be to protect and enhance that program as best we can.

So I do not agree that tabling this bill shows a lack of support for farmland preservation. I think it's just the opposite, as a matter of fact. A covenant is not -- I don't know the word -- Legislator Romaine, what did you call it? What kind of -- trick or something or maneuver or something you called it that I was doing? I forgot. But anyway, this is common stuff.

**LEG. ROMAINE:**

Can I respond?

**LEG. D'AMARO:**

I just forgot what you termed it, a maneuver?

**D.P.O. HORSLEY:**

What nasty thing did you say?

**LEG. D'AMARO:**

I'm not done. Hold on. I apologize. All I'm saying is that --

**LEG. ROMAINE:**

I'll speak when he is finished.

**LEG. D'AMARO:**

That's fine. All I'm saying is that a covenant -- Legislator Horsley chaired the Babylon Zoning Board as I did, I don't remember who was first and second. This is common stuff. It's not unusual to ask someone to say, "If we're going to buy your property to promote a County program to preserve the farm, then can you give us the covenant to make sure that the front parcel will service the back parcel that enhances the farming purpose?" This is common.

And remember, I'm just going to repeat one more point, that we lift the covenant. If a legitimate reason comes out that an application was made to this Legislature, to a sitting Legislator at the time, that the covenant is no longer needed or warranted or things -- situation changes, economic development, whatever it may be, we can simply listen to the arguments and remove the covenant.

I don't understand why when we cut the best deal we possibly can when we have the negotiating position and before we pay funds to any owner, not this particular owner, but any owner. This is a positive thing for this development preservation program. Thank you.

**D.P.O. HORSLEY:**

Thank you, Legislator D'Amaro. The alleged nasty comment, what was it?

**LEG. ROMAINE:**

I'll simply say we are taking away their property rights when we purchase farmland development rights. We are being extremely restrictive. Nothing can be built on that property, very limited uses can be put other than farming to that property, which is why farmers carve out. What Legislator D'Amaro would do is have us buy their house, because their house is on the cutouts. Most of the time these farmers have their house and their barn on the cutout. And most of the time they usually take a little bit extra in case their children need a house, and that's reason for cutouts. We're not allowed to buy houses and structures, that's why it's cut out. That's why all of these farms have these cutouts.

Again, he is proposing by a tabling motion an effort to disassemble the farmland preservation effort of this County that started 37 years ago. So I'm very concerned by the motion to table. I think it strikes right at the heart of the program. And whether you support land acquisitions or not of farmland development, I would hope that you would support the right of the farmer to at least enjoy the property rights on land that he doesn't want to sell to the County, and not say to the County, "Oh, you want my house, you want my barn, you want any of my outbuildings, that's why I carved it out, you have to pay the price, but then I'll have to move out and it will be empty?"

**D.P.O. HORSLEY:**

Okay. I was looking for one word. Legislator Hahn.

**LEG. HAHN:**

Legislator D'Amaro -- Legislator D'Amaro is actually winning me over with his arguments. He's making some very good points, and I'd like to make some of my own.

**LEG. D'AMARO:**

And I have more if you'd like to hear them.

**LEG. HAHN:**

I'm okay with making a fundamental change to the program. I think often there are programs that are great, and they can be improved. I don't agree that this is about property rights, because we buy those rights. If we negotiate a covenant, it's negotiated with the owner. So this is not a taking away of anything. This is them agreeing to a covenant.

This is going to be difficult on this property, because we've already negotiated. You know, I would like -- I would very much like to work with you and Director Lansdale and others on, you know, future negotiations throwing in some sort of covenant that would say, "You know, you can't put up a strip mall. You can put up a farm stand, or you could put up a barn or a dairy process center or anything to do with farming, but not a strip mall or not a restaurant or not, you know, X, Y and Z."

And I think that should be worked into every future farmland development negotiation trying to work in whatever we can get. And if we have to pay for a little bit extra because you're removing a right that would have as-of-right -- if they had an as-of-right right to build a strip mall and we're taking away, then you pay a little bit extra in ETRB and the appraisers would figure out whatever that is worth.

However, I don't think if the owners say no, it means that we shouldn't buy the 36 acres, because those 36 acres are very valuable as farmland; they're valuable for the vista, they're valuable for protecting the farm. So I think you are bringing up a very important and a very good point. You could, by doing this, and us rethinking cutouts and considering covenants will absolutely improve the program and help maintain the farming industry and help us protect against more strip malls, etcetera.

I just am concerned and would maybe want to hear what it would mean on this -- you know, we're so far along here. We'd have to go back appraisals and just rethink, because those four acres will be less valuable if there's -- we already determined the value for the 36 acres. If they add a covenant on to the four, they will be less valuable, and so they will need to be compensated for that. So I'm kind of curious as to how you envision that in your mind.

**LEG. D'AMARO:**

Sure. If I may respond briefly, through the Chair.

**D.P.O. HORSLEY:**

Legislator D'Amaro, I have Legislator Gregory that's been waiting. Legislator Gregory.

**LEG. GREGORY:**

Thank you Mr. Chair. I will be short given the time. I agree with Legislator D'Amaro's concerns. I did actually vote for this bill in committee. I have to confess, I was in and out of the discussion, so I missed some of it. But I do agree with Legislator D'Amaro's premise, the basis of his concern.

We do have recommendations coming from the Farmland Preservation Committee, which if I recall correctly, there are cutouts or exclusions up to 11 or maybe even 16 acres. Certainly an exclusion that size would affect the vista, if you will, and certainly be plenty of room for development. So I think there is a concern that -- that can be addressed, that will, I think, improve the intent of this program.

And I think it should be addressed. I will be supporting the tabling motion. Thank you.

**D.P.O. HORSLEY:**

All right. We have just --

**LEG. D'AMARO:**

Just two very brief points if I may.

**D.P.O. HORSLEY:**

As long as it's nice.

**LEG. D'AMARO:**

It will be nice. Always nice. I just want to make two very brief points that, you know, obviously, the County would not be buying the cutout. The County would simply be negotiating some type of covenant or agreement with respect to how that parcel that is still owned by the owner could be used going forward, and we'd be getting that agreement in exchange for handing over a substantial fund of taxpayers' funds. And I think that enhances the program.

The other point I want to make is that keep in mind that the covenant can accommodate any and all uses that the owner wishes to use the property for going forward as long as it relates to farming or if they want to use it for a residence and they're living there. I mean, we're not going into this negotiation to be unreasonable. We're going into this negotiation to ensure that the farm use continues. And I think that a covenant and the wording of that covenant can be easily negotiated between the County and the owner in an amicable way to ensure that accommodates all the uses

that are anticipated by the owner and that's supporting the farm use.

So I think that would be a win-win for the County as well as for the owner. And for that reason, I'd like to give Planning an opportunity to go back and negotiate with the owner, and then we can talk about a policy going forward. Thank you.

**D.P.O. HORSLEY:**

Very good. Thank you very much. That's the last of my list. We will call -- have a roll call on this tabling motion first.

**(THE ROLL WAS CALLED BY TIM LAUBE - CLERK OF THE LEGISLATURE)**

**LEG. D'AMARO:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. ROMAINE:**

No.

**LEG. SCHNEIDERMAN:**

No to table.

**LEG. BROWNING:**

(Not present).

**LEG. MURATORE:**

No.

**LEG. HAHN:**

Pass.

**LEG. ANKER:**

No.

**LEG. CALARCO:**

Yes for one cycle.

**LEG. MONTANO:**

Pass.

**LEG. CILMI:**

No.

**LEG. BARRAGA:**

No.

**LEG. KENNEDY:**

No.

**LEG. NOWICK:**

No.

**LEG. STERN:**

Yes.

**LEG. SPENCER:**

Yes.

**D.P.O. HORSLEY:**

Yes for one cycle.

**P.O. LINDSAY:**

(Not present).

**LEG. HAHN:**

Um, I'm going to say yes for one cycle.

**LEG. MONTANO:**

No, no to table.

**MR. LAUBE:**

Seven.

**D.P.O. HORSLEY:**

It's been approved -- seven, I'm sorry.

**MR. LAUBE:**

Seven.

**D.P.O. HORSLEY:**

Motion to approve.

**(THE ROLL WAS CALLED BY TIM LAUBE - CLERK OF THE LEGISLATURE)**

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

(Not present).

**LEG. MURATORE:**

Yes.

**LEG. HAHN:**

Pass.

**LEG. ANKER:**

Yes.

**LEG. CALARCO:**

Yes.

**LEG. MONTANO:**

Pass.

**LEG. CILMI:**

No.

**LEG. BARRAGA:**

No.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. GREGORY:**

No.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

No.

**LEG. SPENCER:**

No.

**D.P.O. HORSLEY:**

Yes.

**P.O. LINDSAY:**

(Not present).

**LEG. HAHN:**

Yes.

**LEG. MONTANO:**

No.

**MR. LAUBE:**

Ten.

**D.P.O. HORSLEY:**

We will look at the process.

**1373, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) – Open Space component - for the C. Barnes and K. Barnes property – Aspatuck Creek Town of Southampton - (SCTM No. 0900-359.00-01.00-012.002) (COUNTY EXEC).**

**LEG. CILMI:**

Motion to table.

**D.P.O. HORSLEY:**

I have a motion to table. Is there a second on the motion?

**LEG. NOWICK:**

Yes.

**D.P.O. HORSLEY:**

Second on the motion to table.

**LEG. SCHNEIDERMAN:**

Motion to approve.

**D.P.O. HORSLEY:**

Motion to approve by Legislator Schneiderman. Is there a second?

**LEG. ROMAINE:**

Second.

**D.P.O. HORSLEY:**

Second on motion to approve by Legislator Romaine. On the motion.

**LEG. CILMI:**

Just very briefly, the reason I offered a motion to table on this is that this is less than an acre of property, and the cost is \$375,000. To me, that seems quite excessive.

**D.P.O. HORSLEY:**

All right.

**LEG. SCHNEIDERMAN:**

Just on the motion. I think this had a score of 33, it has a partnership with the Town of Southampton, and it's part of a larger area that we have been working to preserve. And if the Planning Director wants to add to that, through the Chair.

**MS. LANSDALE:**

It's actually a rating of 46.

**LEG. SCHNEIDERMAN:**

Forty-six, sorry.

**MS. LANSDALE:**

And it's 33 acres. And it's part of a larger assemblage that the County is currently acquiring in Aspatuck Creek in the Town of Southampton.

**D.P.O. HORSLEY:**

But it was one acre, right?

**LEG. ANKER:**

It's .96 acres.

**D.P.O. HORSLEY:**

Oh.

**MS. LANSDALE:**

It's within the flight path of Gabreski Airport, immediately south of the airport.

**LEG. MONTANO:**

Meaning what? What does that mean, it's in the flight path? Do planes land on this?

**MS. LANSDALE:**

No, it's immediately south of the airport, so airplanes are taking off and landing in the area. And it's an important natural area. And it's at the headwaters of Aspatuck Creek.

**LEG. MONTANO:**

Explain to me the aerial dynamics of why it's important if planes are flying over it.

**MS. LANSDALE:**

It reduces the -- thank you for the opportunity to answer the question.

**LEG. MONTANO:**

Be my guest.

**MS. LANSDALE:**

It acts as a buffer, as a noise and sound buffer, for areas -- for neighbors in this area.

**LEG. MONTANO:**

Oh, so we're buying it so that they can't hear the planes.

**MS. LANSDALE:**

Well, that's one aspect, but there's also --

**LEG. MONTANO:**

Okay. Give me a better reason.

**MS. LANSDALE:**

Let me just go through the rating sheet. It's received points because it contains tidal and freshwater wetlands, it received eight points for that. It is a buffer area also for tidal wetlands.

**LEG. MONTANO:**

Let me ask you this, Sarah, in all seriousness, you know, to cut to the chase, this is adjacent to what, preserved property and then homes?

**MS. LANSDALE:**

Yes, that's right. It's part of a larger assemblage of 50 acres that the County as well as the Town of Southampton are currently purchasing.

**LEG. MONTANO:**

And how many homes abut, if you know? If you don't know, you don't know. I mean, what is the acreage per home there?

**MS. LANSDALE:**

I can answer the first question. Three homes currently abut the proposed acquisition, but part of the larger assemblage, there's more than 50 homes that abut this entire assemblage of more than 50 acres.

**LEG. MONTANO:**

Now, this one acre, I would assume that the zoning would not allow development there anyway; am I correct?

**MS. LANSDALE:**

Let me look for that answer. Hold on one second.

**LEG. MONTANO:**

Okay. Because it's less than an acre, right?

**LEG. SCHNEIDERMAN:**

It's a buildable lot.

**LEG. MONTANO:**

What was that?

**LEG. SCHNEIDERMAN:**

This is a buildable lot. This is not a Pine Barrens lot, it's a buildable lot.

**LEG. MONTANO:**

It's a one acre-buildable lot?

**LEG. SCHNEIDERMAN:**

Yes, that's my understanding.

**MS. LANSDALE:**

Yes, that's what it looks like from the aerial, that this parcel is larger than the adjacent residentially-zoned parcels.

**LEG. MONTANO:**

So it can be developed is what you're saying.

**MS. LANSDALE:**

It appears that way. I don't have the information, but looking at the aerial, yes.

**LEG. MONTANO:**

And we're paying over 300,000 just for this one lot? Three seventy-five? All right. No more questions.

**LEG. SCHNEIDERMAN:**

I'm sorry. We're paying half of the 375, correct? And the town is paying the other half.

**D.P.O. HORSLEY:**

We have a motion to table and approve, right? The tabling motion goes first. Roll call.

**(THE ROLL WAS CALLED BY TIM LAUBE - CLERK OF THE LEGISLATURE)**

**LEG. CILMI:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. ROMAINE:**

No.

**LEG. SCHNEIDERMAN:**

No.

**LEG. BROWNING:**

Pass.

**LEG. MURATORE:**

Yes.

**LEG. HAHN:**

I'm sorry. Is this a tabling motion?

**MR. LAUBE:**

Correct.

**LEG. HAHN:**

No to table.

**LEG. ANKER:**

No.

**LEG. CALARCO:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. GREGORY:**

No.

**LEG. STERN:**

No.

**LEG. D'AMARO:**

Yes.

**LEG. SPENCER:**

No.

**D.P.O. HORSLEY:**

No.

**P.O. LINDSAY:**

(Not present).

**LEG. BROWNING:**

No.

**MR. LAUBE:**

Eight.

**D.P.O. HORSLEY:**

Motion to approve.

(THE ROLL WAS CALLED BY TIM LAUBE - CLERK OF THE LEGISLATURE)

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

No.

**LEG. HAHN:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. CALARCO:**

Yes.

**LEG. MONTANO:**

No.

**LEG. CILMI:**

No.

**LEG. BARRAGA:**

No.

**LEG. KENNEDY:**

No.

**LEG. NOWICK:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

No.

**LEG. SPENCER:**

Yes.

**D.P.O. HORSLEY:**

Yes.

**P.O. LINDSAY:**

(Not present.)

**MR. LAUBE:**

Eleven.

**D.P.O. HORSLEY:**

All righty. Let's move on. **1384, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - Open Space component - for the Hughes property - Hubbard County Park addition Town of Southampton - (SCTM Nos. 0900-149.00-02.00-035.000, 0900-149.00-02.00-041.000 and 0900-149.00-02.00-042.000) (COUNTY EXEC).**

**LEG. SCHNEIDERMAN:**

Motion.

**D.P.O. HORSLEY:**

Motion by Legislator Schneiderman.

**LEG. ROMAINE:**

Second.

**D.P.O. HORSLEY:**

Seconded by Legislator Romaine. I have a motion to approve. Anything else.

**LEG. MONTANO:**

Yeah. How much is this?

**D.P.O. HORSLEY:**

On the motion.

**LEG. CILMI:**

One hundred and eleven thousand dollars for 1.1 acres.

**D.P.O. HORSLEY:**

Okay. Anything else? All right. We have a motion to approve. All in favor? Opposed?

**LEG. MONTANO:**

Opposed.

**LEG. BARRAGA:**

Opposed.

**LEG. D'AMARO:**

Opposed.

**MR. LAUBE:**

Fourteen (P.O. Lindsay - not present).

**D.P.O. HORSLEY:**

The motion has been approved. 1388 we've already done. **1389, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - Open Space component - for the Bivona property - Pine Barrens Core - Town of Southampton (SCTM Nos. 0900-277.00-08.00-020.000 and 0900-279.00-01.00-002.000) (COUNTY EXEC).** Do we have a motion?

**LEG. SCHNEIDERMAN:**

Motion by Legislator Schneiderman, seconded by Legislator Browning.

**LEG. MONTANO:**

On the motion.

**D.P.O. HORSLEY:**

On the motion.

**LEG. MONTANO:**

How much?

**MR. NOLAN:**

Sixty eight thousand dollars.

**LEG. MONTANO:**

And how much property?

**MR. NOLAN:**

Three point two acres.

**D.P.O. HORSLEY:**

Okay. We're good? So we have a motion to approve. All in favor? Opposed? So moved.

**LEG. BARRAGA:**

Opposed.

**LEG. MONTANO:**

Opposed.

**MR. LAUBE:**

Fifteen (P.O. Lindsay - not present).

And you have my full respect on this, and thank you for being upfront with me.

**P.O. LINDSAY:**

Legislator Cilmi.

**LEG. CILMI:**

Yes, thanks, Mr. Chair. We had some discussion about this bill in committee; obviously it was tabled in committee, which I guess necessitated the discharge petition. Ben, do you have any further answers for me as to my line of questioning during committee?

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

**1438-12 - Appointing Sarah S. Anker as a member of the Suffolk County Soil and Water Conservation District (Presiding Officer Lindsay).**

Oh, let's beat up on this one (*laughter*).

**LEG. ROMAINE:**

Motion.

**D.P.O. HORSLEY:**

Motion by Legislator Romaine.

**LEG. CALARCO:**

Second.

**D.P.O. HORSLEY:**

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

**MR. LAUBE:**

Seventeen (Not Present: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**

Okay. **1441-12 - Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Buckner property - Town of Huntington) (SCTM No. 0400-212.00-02.00-041.000) (Stern).**

**LEG. STERN:**

Motion.

**D.P.O. HORSLEY:**

Motion by Legislator Stern.

**LEG. D'AMARO:**

Second.

**D.P.O. HORSLEY:**

Second by Legislator D'Amaro. On the motion, anybody? Okay. All those in favor? Opposed? So moved.

**LEG. CILMI:**

Opposed.

**LEG. BARRAGA:**

Opposed.

**LEG. MONTANO:**

Opposed.

**MR. LAUBE:**

Fourteen (Opposed: Legislators Montano, Barraga & Cilmi - Not Present: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**

*1442-12 - Reappointing Philip Schmitt as a member of the Suffolk County Soil and Water Conservation District (Presiding Officer Lindsay).*

**LEG. ROMAINE:**

Motion.

**D.P.O. HORSLEY:**

Motion by Legislator Romaine. Second by Legislator Cilmi. All those in favor? Opposed? So moved.

1473 --

**MR. LAUBE:**

Seventeen (Not Present: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**

I'm sorry. Thank you.

*1473-12 - To appoint member of County Planning Commission (Kevin G. Gershowitz) (County Executive).*

**LEG. ROMAINE:**

Motion.

**D.P.O. HORSLEY:**

Legislator Romaine, on the motion.

**LEG. KENNEDY:**

Second.

**D.P.O. HORSLEY:**

Second by Legislator Kennedy. All right. Everybody good? All those in favor? Opposed? So moved.

**MR. LAUBE:**

Seventeen (Not Present: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**

Go Kevin.

*1474-12 - To appoint member of County Planning Commission (John Paul Whelan) (County Executive).*

**LEG. SCHNEIDERMAN:**

Motion.

**D.P.O. HORSLEY:**

Motion by -- I'm sorry, who was that, Calarco?

**MR. NOLAN:**

Schneiderman.

**D.P.O. HORSLEY:**

Oh, Schneiderman.

**LEG. SPENCER:**

Second.

**D.P.O. HORSLEY:**

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

**MR. LAUBE:**

Seventeen (Not Present: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**

Thank you.

**Government Operations, Personnel, Housing & Consumer Protection:**

***1349-16 - Designating individual agents of the Suffolk County Society for the Prevention of Cruelty to Animals as Volunteers of the County of Suffolk for the purposes of providing reasonable indemnification (Spencer).***

**LEG. D'AMARO:**

Motion to recommit.

**LEG. HAHN:**

Second.

**D.P.O. HORSLEY:**

Motion to recommit, okay. Is there a second on the motion?

**LEG. HAHN:**

*(Raised hand).*

**D.P.O. HORSLEY:**

Seconded by Legislator Hahn. Anything else? We're all good? We have a motion to recommit.  
All those in favor? Opposed? So moved.

**LEG. BARRAGA:**

Opposed.

**LEG. CILMI:**

Opposed.

**LEG. KENNEDY:**

Opposed.

***"Opposed" said in unison by Legislators***

**LEG. CILMI:**

Motion to approve.

**LEG. BARRAGA:**

Second.

**LEG. MONTANO:**

Wait, wait, wait. We're on recommit here.

**D.P.O. HORSLEY:**

Whoa.

**LEG. D'AMARO:**

Let's get a vote.

**LEG. MONTANO:**

We got the vote.

**LEG. ROMAINE:**

Roll call.

**D.P.O. HORSLEY:**

You don't have a count on it?

**LEG. MONTANO:**

Did you get your count?

**MR. LAUBE:**

I'm getting it now.

**D.P.O. HORSLEY:**

Okay, let's do a roll call. That's fine. On the motion to recommit.

**LEG. MONTANO:**

You don't have the votes.

**D.P.O. HORSLEY:**

The motion to recommit. We're going to have a roll call. Good; go.

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

**LEG. D'AMARO:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. ROMAINE:**

No.

**LEG. SCHNEIDERMAN:**

Pass.

**LEG. BROWNING:**

No.

**LEG. MURATORE:**

No.

**LEG. ANKER:**

Yes.

**LEG. CALARCO:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. CILMI:**

No.

**LEG. BARRAGA:**

No.

**LEG. KENNEDY:**

No.

**LEG. NOWICK:**

No.

**LEG. GREGORY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. SPENCER:**

No.

**D.P.O. HORSLEY:**

Yes.

**P.O. LINDSAY:**

(Not present).

**LEG. SCHNEIDERMAN:**

No.

**D.P.O. HORSLEY:**

Okay?

**MR. LAUBE:**

Eight.

**D.P.O. HORSLEY:**

All right, so the motion fails. Do I have another motion?

**LEG. CILMI:**

Motion to approve.

**LEG. MONTANO:**

Motion to table.

**D.P.O. HORSLEY:**

I have a motion to approve by Legislator Cilmi.

**LEG. BARRAGA:**

Second.

**D.P.O. HORSLEY:**

Second by Legislator Barraga.

**LEG. D'AMARO:**

Motion to table.

**LEG. HAHN:**

Second.

**D.P.O. HORSLEY:**

We have a motion to table by Legislator D'Amaro. Seconded by whom?

**MR. NOLAN:**

Hahn.

**LEG. D'AMARO:**

On the motion.

**D.P.O. HORSLEY:**

Legislator Hahn. Okay. On the motion?

**LEG. D'AMARO:**

On the motion. This is granting indemnity for a not-for-profit company in Suffolk County. It is not a road that I think -- I believe we should be going down at this point. Listen to all the debates we had in committee, listen to all the debates we had today, listen to the employees. We're talking about finding -- we're arguing today about how are we going to restore employees? Can we restore employees?

How are we going to get the money? What's the offset? What's the priority? But when that debate's all said and done, we're going to open the door to potentially hundreds of millions of dollars of potential liability for an organization we have absolutely no control over at all; that are armed, I might add. I mean, it's ludicrous to say you're protecting and thinking about County taxpayers when you're going to give a not-for-profit company that doesn't even have a contract with the County of Suffolk full indemnification.

We indemnify the bus company, by the way; we're required to do that by State law. Over the last four or five years, that's cost County taxpayers over \$7 million; \$7 million from that indemnification. And here we are again saying to an organization that, by the way, has substantial assets based on their most recent tax filings, a million dollars in assets, \$660,000 in cash on the line, cash in the tax -- on their tax return where they could buy their insurance and operate like every other not-for-profit in this County.

I think they do a wonderful job. I think it's great that they take the County referrals, I think they should continue to do that. But you don't want to go down the road of granting indemnity to companies outside of County employees or those we have a direct contractual relationship with and we're mandated by State law to indemnify. That is not a wise use of the County's position and it will certainly -- I want to see everybody take the bonding vote when the litigation comes and it gets lost by the SPCA because some kid got killed, all right, God forbid that happens, but something happens where we have a severe, severe liability, I want to see who's going to vote no on that Bond. It's

the wrong way to go.

**D.P.O. HORSLEY:**  
Legislator Montano.

**LEG. MONTANO:**

Yeah, I think it was well said, it's the wrong way to go. The Ways & Means Committee -- Robert, do you have any idea -- not idea. Do you know offhand how much we've already bonded this year in settlements?

**MR. LIPP:**

I'm not sure this year, but I know it was like nine million total last year.

**LEG. MONTANO:**

We're already in the hole for \$9 million.

**MR. LIPP:**

No, that was last year, nine million. We averaged about four million over the last five years.

**LEG. MONTANO:**

We're pretty close to it, I would think. I haven't done the math. But the other point is that this bill came before the Legislature a while back and it was defeated, and at the time there were no pending lawsuits against the agency. Now, I don't know if all of you received the same letter I got which was basically condemning my vote for not authorizing the indemnification. But since then, if you've looked at Newsday, they have just been served with papers in a major lawsuit, all right, for some action. And for us to assume indemnification, as was said, of a not-for-profit I think is ludicrous, because we're not -- as a self-insurer, we have no limits. If they should get hit for a \$20 million verdict or a 10 or a \$50 million verdict, we're going to have to do -- we're going to have to pay that. So for us to approve this bill, I also think along the lines of Legislator D'Amaro, would be ludicrous; speaking both as a Legislator and as an attorney.

**D.P.O. HORSLEY:**

All right. I've got to just make a quick comment. I have some reservations about this as well, simply because they were not -- it appeared to me that they were not up front about the two lawsuits in which they had. I mean, we asked them point blank, *"Do you have any litigation against you,"* and the answer I heard was, *"No."*

**LEG. MONTANO:**

Well, they didn't -- if I may interrupt? They didn't have it, but they sure knew they were going to get it.

**D.P.O. HORSLEY:**

Boy, that's deceptive at best.

**LEG. MONTANO:**

I can't argue with that.

**D.P.O. HORSLEY:**

Legislator Spencer.

**LEG. SPENCER:**

Again, the thought process that went into this for me was that I respect what they do, and it does seem to be unique and they do provide a very valuable service. I did have the same concerns with

regards to indemnifying them, and my major reason was the fact that they carry guns. In any other agency that carries a gun, public safety agency, we do have some sort of oversight with this Legislative body. Now, what I mean by that is that we have a Police Commissioner, we have a Public Safety Committee and there is an indemnification committee that we look at with every other agency. So that's what distinguishes the SPCA from a normal volunteer agency. I think that in some aspects they are a volunteer agency. I consider giving them indemnification excluding use of firearms where it would protect their services.

So my legislation, with making them have the baseline insurance, I was using the baseline insurance because in order to have insurance, in order to qualify, you have to have qualifications to be able to get that, whether or not you're a doctor or anything else. And so we were just providing the access. I can see the concern with regards to just the blanket indemnification with no limits. Maybe we can adjust the bill to indemnify excluding the use of firearms or something like that. So I -- after considering it, as the sponsor of this motion, I would table it to have a chance to tweak it and work with the County Executive, and I'd like to offer a motion to table.

**D.P.O. HORSLEY:**

Okay. I think we already have one, right?

**LEG. MONTANO:**

Yeah. Can I say something?

**D.P.O. HORSLEY:**

Yeah. The only thing that I -- just to add to that. I would like to see if we had some sort of contractual relationship with them.

**LEG. SPENCER:**

Absolutely, that's important. Because we're also indemnifying them against acts of commission or omission. So once we're indemnifying them, we're kind of like 007, we're giving them a license to kill. We're saying we're indemnifying your actions, regardless of what you do, so I do have major concerns with regards to that. Not that they -- I think they are well trained. I think that they have the appropriate experience in terms of how to be peace officers. But we have no legislative oversight like we do with the Sheriffs and the Probation Officers and the Police. So I hope that requiring the baseline insurance would serve as kind of a buffer, but I do see the concerns of my colleague -- colleagues. And I think the Executive's Office, I would be curious to find out from Ben, my understanding is that they would veto this if approved, is my understanding from the Executive's Office. Can you give us some direction, Ben? Through the Chair, if I could?

**D.P.O. HORSLEY:**

Through the Chair. Ben, do you want to -- do you have any comments on this?

**MR. ZWIRN:**

Yeah, I think the County Executive would echo many of the concerns Legislator D'Amaro has raised and Legislator Montano. I mean, these guys -- this organization, they carry guns, they look like Police Officers, their uniforms are almost identical to Police Officers.

We have no control over them as a County; they answer to their Board of Directors and that's it. And I think that you're just asking for trouble, a heap of trouble if this goes forward. I mean, they're financially probably in better shape than the County. I mean, they have more cash on hand --

**D.P.O. HORSLEY:**

Which doesn't say much.

**MR. ZWIRN:**

I'm just saying, but they had -- the numbers that Legislator D'Amaro cited were ones that we got from the Comptroller's Office on their last tax returns. I mean, they do a lot of fundraising. This is a very slippery slope. I know they sound like -- they're a good organization and they've got a lot of PR, but if you talk to the control officers in the different towns, you don't get the same kind of support that you get from some groups that testified the other day. By and large, the ones we spoke with, there was nobody who was in favor of their organization, they do not call them in. The Police Department has stated they will answer those calls, along with Town Control Officers, and that wouldn't be a problem.

**D.P.O. HORSLEY:**

Yes. Legislator Romaine?

**LEG. ROMAINE:**

Yeah, I'm listening to my colleagues, it's pretty clear where this debate is going. I just would raise some points for people to think about. Obviously, the SPCA, Dr. Spencer's bill required them to have, I think, \$2 million worth of insurance; correct me if I'm wrong, Doctor?

**LEG. SPENCER:**

That's correct.

**LEG. ROMAINE:**

And then the County would indemnify. The reason that they came to us is because we've done this in the past. The other reason they came is because without this insurance, they're liable individually, not only as an organization.

So this -- the SPCA does many things. One of the things they do is investigate animal cruelty. So what I will tell you, and I certainly have heard them say this a couple of times, I don't know if it's true or not, but they have indicated without this, some type of coverage, and I would certainly encourage Dr. Spencer to work with them, they will not do that function, which is fine. They have other functions that they do that they can concentrate on; adopt-a-pet, things of that nature.

The question then becomes who investigates -- yeah, we're going to table this, if you would just let me finish my thing, because I'm raising questions that I think we should think about. Who is going to investigate cases of animal cruelty? Now, the last time I looked, there were about 3,000 cases a year. Right now, whatever it would cost to indemnify them is a fraction of what it will cost the Police District, the five towns and the nine villages that have their own police forces, to investigate the animal cruelty. Either that, or animal cruelty will not go investigated, in which case we will see in a matter of months animal activists -- and we all remember them from the puppy mill bill -- coming back to visit us, that there isn't people adequately charged or staffed to investigate these cases of animal cruelty.

So what I would say to you, whatever action you take today, you better be prepared financially to have a plan in place. And by the way, not only the Police District, the nine villages and the five towns that have their own Police Departments, and give them the good news that they are now on their own, they're now responsible for investigating animal cruelty. And I can guarantee you that police costs will rise and/or animal cruelty cases will not be adequately investigated. Just a thought, as you vote, on this to understand that there's a cost no matter what we do; in fact, there's a much greater cost if we have Police Officers investigating animal cruelties.

**LEG. D'AMARO:**

Wayne?

**D.P.O. HORSLEY:**

Yes. I'm sorry. Yeah, Legislator D'Amaro, real quickly. Maybe we can get this moving.

**LEG. D'AMARO:**

Okay. Look, very quickly, if an organization that can afford to buy their own insurance, that has a mission, one of their missions is to protect against animal cruelty, when they have \$660,000 in cash sitting in the bank and they don't want to go out and buy their own insurance, and because of that --

**LEG. ROMAINE:**

No, they're buying insurance.

**LEG. D'AMARO:**

-- allow animal cruelty to go forward in Suffolk County. Then you know what? I don't want to support this organization at all. I think that's a ludicrous argument, frankly.

**LEG. MONTANO:**

Did you have me down?

**D.P.O. HORSLEY:**

I do. You still want to go if we table it?

**LEG. MONTANO:**

Well, I'd like to table it to a date certain. When's our last meeting?

*(\*Laughter\*)*

**D.P.O. HORSLEY:**

We have a motion to table on the floor.

**LEG. ANKER:**

I'll second.

**D.P.O. HORSLEY:**

I think we have the motion, right? And a second?

**MR. LAUBE:**

You have a motion and a second to table and a motion and a second to approve.

**D.P.O. HORSLEY:**

All right.

**LEG. D'AMARO:**

Mr. Deputy Presiding Officer, if I may. To Counsel, if there were a will to reconsider the motion to recommit, I mean, the sponsor has stated on the record that he wants to explore this a little further, and maybe perhaps, I'll let him speak for himself, the committee might be the best place to do that. So if we reconsider that.

**D.P.O. HORSLEY:**

Oh, were you on the winning side? *(Laughter)* I think he probably was, I'm sure he was.

**LEG. SPENCER:**

Yes. Again, my intent is to figure out a way to keep the services of the SPCA. It's a matter of doing it responsibly.

**D.P.O. HORSLEY:**

Right.

**LEG. SPENCER:**

Period. It's not a question of animal cruelty, are there qualifications, are -- I want their organization to be well run. It's a question of how do we spend taxpayers' money. And obviously there is an issue that they're coming to us for indemnification, that the industry recognized there's an increased risk in the industry.

**LEG. HAHN:**

So Legislator Spencer, are you making a motion to reconsider the recommittal?

**LEG. SPENCER:**

Yes.

**LEG. HAHN:**

Okay.

**LEG. SPENCER:**

I would like to then --

**D.P.O. HORSLEY:**

Okay. We have a motion -- the motion being made to reconsider the recommitment.

**LEG. MONTANO:**

Right.

**D.P.O. HORSLEY:**

Did I get that right?

**LEG. SPENCER:**

Yes. I could support that.

**D.P.O. HORSLEY:**

Okay. And I'll second the motion. All those in favor? Opposed?

So moved. It is now under consideration again, the motion to recommit. I got it.

**LEG. D'AMARO:**

Motion to recommit, I'll make the motion. Oh, so it's before us.

**LEG. MONTANO:**

It's already before us.

**D.P.O. HORSLEY:**

Dr. Spencer, would you like to make a motion to recommit? Yeah, we do have to --

**LEG. SPENCER:**

Motion to recommit.

**D.P.O. HORSLEY:**

Okay. Then seconded by Louis -- by Legislator D'Amaro. Okay, we have a motion to recommit. We have a motion to table. We have a motion to approve. Recommit comes first?

**MR. NOLAN:**

Yes.

**D.P.O. HORSLEY:**

Okay, recommit.

**LEG. KENNEDY:**

Can you get another motion? Come on.

*(\*Laughter\*)*

**D.P.O. HORSLEY:**

Recommit comes first. You guys are working me hard (*laughter*). We have a motion to recommit again. Okay.

**MR. LAUBE:**

I need the motion and the second on that.

**D.P.O. HORSLEY:**

Doc Spencer and Lou D'Amaro on the recommit.

**MR. LAUBE:**

Got it.

**D.P.O. HORSLEY:**

Okay. All those in favor of recommitting, please raise your hand. How's that, good? Looks like that's a winner.

**LEG. CILMI:**

Opposed.

**D.P.O. HORSLEY:**

Opposed?

**LEG. BARRAGA:**

Two opposed.

**MR. LAUBE:**

No, I keep going around and people are lowering their hands.

**MS. ORTIZ:**

Who's opposed?

**D.P.O. HORSLEY:**

We've got two.

**MR. LAUBE:**

Fifteen (Opposed: Legislators Cilmi & Barraga - Not Present: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**

All right. It's recommitted.

Whew, boy, this is a tough day.

**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).**

Legislator Romaine, this is your bill.

**LEG. ROMAINE:**

Motion.

**D.P.O. HORSLEY:**

Motion by Legislator Romaine. Is there a second on the motion?

**LEG. MURATORE:**

Second.

**D.P.O. HORSLEY:**

Second by Legislator Muratore. Are there any other motions?  
We're all good?

**LEG. GREGORY:**

Motion to table.

**LEG. MONTANO:**

On the motion?

**D.P.O. HORSLEY:**

Motion to table by Legislator Gregory.

**LEG. D'AMARO:**

Second.

**D.P.O. HORSLEY:**

Second by Legislator D'Amaro. We have a motion to table as well as approve. Mr. Montano, on the motion.

**LEG. MONTANO:**

Yeah. No, I just have a note on my file here, no fiscal impact; is there a fiscal impact on this?

**MR. LIPP:**

No, there is no fiscal impact. It's just a matter of reprioritizing the people that would --

**LEG. MONTANO:**

There's no impact or no statement?

**MR. LIPP:**

There's no -- well --

**LEG. MONTANO:**

Does it have a fiscal impact?

**LEG. ROMAINE:**

No cost to the County.

**MR. LIPP:**

There's no cost to the County.

**LEG. MONTANO:**

No, that's not my question. Does it have a fiscal impact statement?

**MR. LIPP:**

As far as I understand, but I'll check to make sure.

**LEG. MONTANO:**

Okay. That's my point; if it doesn't have one --

**D.P.O. HORSLEY:**

We can't vote on it, right.

**LEG. MONTANO:**

Right, I'm just asking a procedural question.

**D.P.O. HORSLEY:**

And the answer is?

**LEG. HAHN:**

(Sneezed).

*"Bless You" said in unison*

**D.P.O. HORSLEY:**

That's the first thing we've agreed upon tonight.

*(\*Laughter\*)*

**LEG. MONTANO:**

Is there a fiscal impact statement?

**MR. LIPP:**

Yes, there is.

**MR. NOLAN:**

He has a fiscal.

**D.P.O. HORSLEY:**

He has a fiscal impact statement; gold. Okay. We have a motion to table. The tabling motion comes first.

**LEG. SCHNEIDERMAN:**

Wait a minute. On the motion.

**D.P.O. HORSLEY:**

Oh, on the motion. Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

I want to make sure I understand this bill, because I remember when we first did this and there were flood victims and we were making the 72-h Program available to them, even though they might may not have otherwise qualified. Now, this seems to say, well, now even if they get Federal insurance money, I guess to rebuild their homes, we're still giving them land through our 72-h Program? I don't really understand that. So if maybe --

**D.P.O. HORSLEY:**

So is this the double-dipping --

**LEG. SCHNEIDERMAN:**

Maybe the sponsor can explain this to me.

**D.P.O. HORSLEY:**

Double-dipping in housing issues?

**LEG. ROMAINE:**

Yeah. This is a -- no, this isn't double-dipping. This is a general thing that affects anyone that is dislocated or displaced by a natural disaster, that they would get a priority on our affordable housing list.

More specifically, this legislation, endorsed by LION, is for the residents of Horton Avenue. Their houses were flooded out and they're uninhabitable and their houses will be destroyed and become parkland. And many of these are low to moderate income residents that now would be eligible for affordable housing, should they choose to participate in an affordable housing program, and they would be given priority because they have been displaced by a natural disaster. This has been endorsed, again, by LION, for those who know that organization. This is a --

**LEG. SCHNEIDERMAN:**

That was the first bill. But what does this --

**LEG. ROMAINE:**

This is the bill. This is the bill.

**LEG. SCHNEIDERMAN:**

How has it changed from the original?

**LEG. ROMAINE:**

It hasn't changed. It gives them priority for affordable housing, and the County is looking to do affordable housing, affordable housing programs supported by our County Executive in the Riverhead area.

And the people that would get priority in that development would be the people displaced from the destruction of their homes on Horton Avenue.

**D.P.O. HORSLEY:**

Legislator Browning?

**LEG. BROWNING:**

Yeah, just one quick question for Ed. As far as the homeowners are concerned; did they have homeowner's insurance and was there -- did they --

**LEG. ROMAINE:**

Most of them -- some of them did not have homeowner's insurance, some of them did not -- did. I am not sure because, as you know, if you don't have flood insurance, and if you don't live in a flood zone, and they don't live anywhere near bodies of water, that was all flooding that came off the farms in that heavy downpour of 2010 on March 29th through the 30th when we had very heavy flooding and they got flooded out very badly, mold set in, their houses were uninhabitable. They've waited for two years, they've been living with relatives and friends. Many of them are low to moderate income.

**LEG. BROWNING:**

Right.

**LEG. ROMAINE:**

And all this is doing is saying to anyone, but specifically to the people on Horton Avenue, you've been displaced and dislocated by a natural disaster not of your making, your home has been destroyed, can't be rebuilt, you have an opportunity to be at the top of the list in the affordable housing program, should affordable housing become available. And it is my understanding that the County Executive is working very closely to promote an affordable housing program in the Riverhead area in which these people could partake. This gives them the opportunity to go to the top of that list as people who have been waiting two years since their home has been destroyed.

**LEG. BROWNING:**

So what happens --

**D.P.O. HORSLEY:**

Okay, please. Quickly.

**LEG. BROWNING:**

If they do have homeowner's insurance and they get -- you know, they get reimbursed for that --

**LEG. ROMAINE:**

Hopefully they will be spending that because, as you know, the affordable home -- affordable housing program is not for free. The County has a price; you've got to pay the price for the house. And they've already agreed, I think, whatever monies they're going to get, they're going to use towards the Affordable Housing Program.

**LEG. BROWNING:**

Okay.

**D.P.O. HORSLEY:**

Okay? Very good. Legislator Gregory I think is next, and then D'Amaro.

**LEG. GREGORY:**

Thank you, Mr. Chair. I am familiar with LION, so message sent, message received. But as a County-wide policy, I have concerns with the question that Legislator Browning just brought up. The way I understand the bill is these people are covered by a State or a Federal program or a homeowners insurance, they would still be the recipient of land throughout --

**LEG. ROMAINE:**

No, they'd be a recipient of money, money.

**LEG. GREGORY:**

Right.

**LEG. ROMAINE:**

In this particular case.

**LEG. GREGORY:**

Right, right, right. So, you know, I think given the property that we own in our 72-h Program, you know, providing opportunities for those that are -- that have very limited resources, if any. That's why the program was designed. I think it would be better used as a policy to provide land through the 72-h Program for those, not those that have an opportunity to procure land via just the real estate market.

Because if someone lives in this area, and it doesn't necessarily mean that they're not of means, they just have been displaced because of this natural disaster. This program is meant for affordable housing and I think that it's important that we maintain the properties that we have in our inventory or seek to transfer to agencies that provide those housing opportunities in the program and not to someone who has an opportunity to be compensated in another means. Thank you.

**D.P.O. HORSLEY:**

Okay? Legislator D'Amaro. Let's move this along.

**LEG. D'AMARO:**

This bill contorts the 72-h program.

**LEG. GREGORY:**

That's what I meant to say.

**LEG. D'AMARO:**

What we're saying, and I think what this bill does, is it displaces people who legitimately should participate in the 72-h Program, the people that we're trying to help, the people that should be in the program and that our County policy targets. And it's saying if someone doesn't even fit the parameters of this program but happens to have been subjected to the natural disaster, we all voted to give them a priority, I understand that. This bill goes further. It says, if you're in that position, *"Oh, and by the way, if you got fully compensated for the home that you lost, you're still going to displace the individuals that are looking for their workforce housing."* I don't understand why there's even a need at that point when people have been compensated by insurance or a Federal program, a State program, however they're being compensated, why there is a need to displace those who can't afford to buy a home. Why would you change the program at that point? So I'm not going to support this bill. I'm going to support the motion to table.

**LEG. ROMAINE:**

Mr. Chairman, could I hear from the County Executive's representative whether he supports this bill or not?

**D.P.O. HORSLEY:**

Through the Chair.

**MR. ZWIRN:**

I think at this stage, Mr. Chairman, I would like to see this bill tabled for a cycle so we can answer some of these questions, or get some of these questions answered. It does seem a bit contorted if you're going to have people who receive a benefit from having their houses, you know, with insurance to get a priority on a 72-h when there are people who don't have that advantage. Even though it's as a result of a disaster, they have insurance, they can go out and perhaps buy something else on the market, where there are other people who are really desperate for the program. I just think there are some questions that could be answered better. There are some

organizations that support this bill, maybe they can come in and testify as to the reasons behind it. But I will be back here in the beginning of June and at this particular -- on this particular bill, I would request it be tabled.

**D.P.O. HORSLEY:**

Okay. We have -- everybody good? We have a motion to table and a motion to approve. Roll call on the table.

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

**LEG. GREGORY:**

Yes to table.

**LEG. D'AMARO:**

Yes.

**LEG. ROMAINE:**

No.

**LEG. SCHNEIDERMAN:**

I'll table for one cycle.

**LEG. BROWNING:**

No.

**LEG. MURATORE:**

No.

**LEG. HAHN:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. CALARCO:**

Yes.

**LEG. MONTANO:**

To table?

**LEG. CALARCO:**

Uh-huh.

**LEG. MONTANO:**

Yes.

**LEG. CILMI:**

No.

**LEG. BARRAGA:**

No.

**LEG. KENNEDY:**

No.

**LEG. NOWICK:**

No.

**LEG. STERN:**

Yes.

**LEG. SPENCER:**

Yes.

**D.P.O. HORSLEY:**

Yes.

**P.O. LINDSAY:**

(Not present).

**MR. LAUBE:**

Ten.

**D.P.O. HORSLEY:**

All right, it's been tabled.

All right, 1380 and 1452 were done, right?

Okay, we're in Health, Page ten.

***1363-12 - Approving the appointment of Albert J. Rizzi to the Suffolk County Disabilities Advisory Board – Group D (Schneiderman).***

**LEG. SCHNEIDERMAN:**

Motion.

**D.P.O. HORSLEY:**

Legislator Schneiderman makes the motion. Seconded by -- I'll make the second on it. All those in favor? Opposed? So moved.

**MR. LAUBE:**

Seventeen (Not Present: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**

***1439-12 - Directing the Department of Health Services to establish a County Comprehensive Cancer Information Website (Muratore).***

Mr. Muratore?

**LEG. MURATORE:**

Motion.

**LEG. CILMI:**

Second.

**D.P.O. HORSLEY:**

Motion made by Legislator Muratore. Second by Legislator Cilmi. All those in favor?

**LEG. GREGORY:**

Motion to table.

**D.P.O. HORSLEY:**

Motion to table.

**LEG. D'AMARO:**

Second.

**D.P.O. HORSLEY:**

Seconded by Legislator D'Amaro.

**LEG. CILMI:**

List me as a cosponsor on this, please.

**D.P.O. HORSLEY:**

We have a motion to table. On the motion?

**LEG. D'AMARO:**

Mr. Chair, if I may, on the motion?

**D.P.O. HORSLEY:**

Yeah, on the motion.

**LEG. D'AMARO:**

My seconding of the motion to table is really for discussion purposes. I just -- I'm not a member of the Health Committee, and I just would like to -- through the Chair, if the sponsor could just fill me in a little bit on whether or not this is something that's already being done, is it duplicative, is it something that can be easily be done by the County at no cost to the County?

**D.P.O. HORSLEY:**

Legislator Muratore?

**LEG. MURATORE:**

Thank you. There's no cost. You know, we're working in conjunction with the Health Department, just moving this along. I know with all that's going on with cancer in this County -- you know, like I said at the committee meeting, I'm a cancer survivor, I know what it is to experience that. We have our Presiding Officer going through the ordeal right now. I spoke to the doctor about it, the more that we know, the more we educate people about it, the sooner it's detected, the sooner it's prevented, the sooner it's cured. So what's wrong with partnering up with a whole bunch of people and getting this done as soon as we possibly can?

**D.P.O. HORSLEY:**

Okay. Is that satisfactory to you?

**LEG. D'AMARO:**

Yes, thank you. Through the Chair, to the sponsor; Legislator Muratore, thank you. I appreciate that.

**D.P.O. HORSLEY:**

Legislator Stern.

**LEG. STERN:**

Yes, through the Chair. Legislator Muratore, what is your -- what do you envision here? What kind of -- and I apologize because I was not at the committee either. But what is your vision for the type of information that's going to be displayed on the website? I guess specifically my question is, is this original information that is going to be generated by our County personnel, or is it taking information that might be available from other sources and just bringing it into one comprehensive website?

**LEG. MURATORE:**

I would hope it would be a potpourri of everything, you know, everything brought together using the State, using the County, using the Federal Government and putting all, as much current information as we can into the site as soon as we can; as soon as it becomes available it goes on to the site.

**LEG. STERN:**

Who then -- through the Chair. Who coordinates it? Who determines what type of information should be posted, who's responsible for the upkeep and the maintenance? Who's responsible for determining when old information should come down and new information should go up?

**LEG. MURATORE:**

The Health Department.

**LEG. STERN:**

The department overall? Have you been able to identify who within the Health Department might have that responsibility?

**LEG. MURATORE:**

Well, I would leave that to the Commissioner's choosing, I mean, I'm going to put him in charge of that, who he deems has the expertise to gather the information and post it.

**D.P.O. HORSLEY:**

Legislator Montano.

**LEG. MONTANO:**

Yeah, to the sponsor, a quick question. The way I'm reading this, this establishes a web page linked to the Department of Health Services on cancer information. But I would suspect, and I understand the reason you introduced the bill and the worthy cause. But would it not be possible to have, on the Department of Health Services website, a link to information from other sources; would that be less of -- number one, would that work? In other words, as opposed to posting it in our website where we may be repeating, have on our website a link to other websites so that people can access information that's already there.

**LEG. MURATORE:**

We have one.

**LEG. MONTANO:**

We have one.

**LEG. MURATORE:**

Well, if you read the RESOLVED, "The Department of Health Services shall determine what information and resources shall be appropriate to include on the comprehensive cancer website."

They can put whatever they want on it.

**D.P.O. HORSLEY:**

Okay. Legislator Gregory.

**LEG. GREGORY:**

Oh.

**D.P.O. HORSLEY:**

Oh, I'm sorry. Did you finish, Legislator Montano?

**LEG. MONTANO:**

Oh, yeah.

**D.P.O. HORSLEY:**

Okay. Legislator Gregory. Sarah first?

**LEG. GREGORY:**

Is it my turn?

**D.P.O. HORSLEY:**

Your turn.

**LEG. GREGORY:**

All right, thank you. I'm not a member of the Health Committee, but I did sit in. And it was my recollection, and maybe the Chair of the Health Committee can refresh my memory or tell me if I'm wrong, that Dr. Tomarken was at the committee, he said that the department is already in the process of putting together their own website or information as it relates to a comprehensive cancer information link; is that correct?

**LEG. SPENCER:**

That is correct. And he did indicate that he was working with Legislator Muratore to kind of encompass his idea with that website.

**LEG. GREGORY:**

So if the department is already in the process of doing what this legislation calls for, I don't really see the need for this legislation.

**LEG. MURATORE:**

This just codifies it; it just brings it together.

**LEG. GREGORY:**

Okay. Considering that -- and the Doctor has been a very vocal advocate, as others, about the health cuts -- not an advocate, but has voiced concerns about how the Health Department has seen tremendous cuts in their budget and personnel during the recent layoffs. You know, for them to duplicate services that are already -- that they're already underway I think is, you know, unnecessary given, you know, the constraints that we're dealing with today. So that's why I'll support tabling.

**LEG. MURATORE:**

We're not duplicating, we're codifying here. There is not a duplication.

**D.P.O. HORSLEY:**

All right, let's not go back and forth. Okay, Legislator Gregory. Legislator Anker.

**LEG. ANKER:**

Okay. I brought this up again at the Health Committee, and from what I'm seeing with the website for the Cancer Awareness Task Force, which I was on prior to being a County Legislator, it is more or less the same type of website. You know, again, I spoke with Amy Yuchatz, she was the head of the Cancer Awareness Task Force and, you know, to incorporate, I guess, the Health Department information, but they -- I believe this information is already available. And again, if you can explain the difference between -- because, again, I'm looking at your legislation and then what we already have available and I still don't understand the difference of what we have compared to what your legislation's recommending.

**LEG. MURATORE:**

Is the website up?

**LEG. CALARCO:**

Yeah. I'm looking at it right now.

**LEG. MURATORE:**

Well, it wasn't up, the Doctor said it wasn't up on the committee day.

**LEG. ANKER:**

No, it's been up. I've been on the Cancer Awareness Task Force for a number of years, and I remember every month we would add new information, pretty much what you have. That's why I don't understand why Dr. Tomarken, during the Health Committee, said that this was something different because, again, from what I'm looking at the website and from what your bill is describing, it's pretty much the same, the same stuff.

**D.P.O. HORSLEY:**

Okay?

**LEG. ANKER:**

But I do admire your ability to look into ways to promote cancer awareness because, again, it is so important that we, you know, create awareness of what people can do to reduce their risk of cancer.

**D.P.O. HORSLEY:**

All righty. We have a --

**LEG. MONTANO:**

What motion do we have?

**D.P.O. HORSLEY:**

We have a motion to table and a motion to approve. The tabling motion goes first. Roll call.

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

**LEG. GREGORY:**

Yes to table.

**LEG. D'AMARO:**

Yes.

**LEG. ROMAINE:**

No to table.

**LEG. SCHNEIDERMAN:**

Yes to table.

**LEG. BROWNING:**

No to table.

**LEG. MURATORE:**

No to table.

**LEG. SCHNEIDERMAN:**

Change mine to a no to table.

**D.P.O. HORSLEY:**

All right, we're making progress here. Keep going.

**LEG. HAHN:**

No.

**LEG. ANKER:**

Yes.

**LEG. CALARCO:**

Yes.

**LEG. MONTANO:**

No.

**LEG. CILMI:**

No.

**LEG. BARRAGA:**

No.

**LEG. KENNEDY:**

No.

**LEG. NOWICK:**

No.

**LEG. STERN:**

Yes.

**LEG. SPENCER:**

No.

**D.P.O. HORSLEY:**

No.

**P.O. LINDSAY:**

(Not present).

**MR. LAUBE:**

Five.

**D.P.O. HORSLEY:**

Okay, the tabling motion fails. Motion to approve.

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

**LEG. MURATORE:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. CALARCO:**

Yes, cosponsor.

*(\*Laughter\*)*

**LEG. ROMAINE:**

After voting to table? Come on.

*(\*Roll Call Continued by Mr. Laube - Clerk of the Legislature\*)*

**LEG. MONTANO:**

To approve? Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes, cosponsor.

(\*Laughter\*)

**LEG. SPENCER:**

Yes, cosponsor.

**D.P.O. HORSLEY:**

Yes.

**P.O. LINDSAY:**

(Not present).

**MR. LAUBE:**

Seventeen (Not Present: Presiding Officer Lindsay).

**LEG. ROMAINE:**

Cosponsor.

**LEG. BROWNING:**

I will as well.

**LEG. STERN:**

Tim?

**D.P.O. HORSLEY:**

All right. It's been approved. God, you guys.

**Human Services:**

***1361-12 - To amend requirements and composition of Women's Advisory Commission (Stern).*** Legislator Stern?

**LEG. STERN:**

Motion to table.

**D.P.O. HORSLEY:**

Motion to table; oh, all right.

**LEG. D'AMARO:**

Second.

**D.P.O. HORSLEY:**

Second by Legislator D'Amaro. All those in favor? Opposed? So moved, tabled.

**MR. LAUBE:**

Seventeen (Not Present: Presiding Officer Lindsay).

**Parks & Recreation:**

**D.P.O. HORSLEY:**

*1360-12 - To facilitate the development of Smith Point Marina, Shirley. (Browning)*

**LEG. BROWNING:**

Motion.

**D.P.O. HORSLEY:**

Legislator Browning, to approve?

**LEG. BROWNING:**

Yes.

**D.P.O. HORSLEY:**

Is there a --

**LEG. CALARCO:**

Second.

**D.P.O. HORSLEY:**

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

**LEG. CALARCO:**

Renee, cosponsor.

**MR. LAUBE:**

Who was the motion and the second on that one again? I was catching up.

**D.P.O. HORSLEY:**

Browning/Calarco.

**MR. LAUBE:**

Thank you. Seventeen (Not Present: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**

*1392-12 - Authorizing use of Meschutt County Park by the Suffolk Bicycle Riders Association for its Bicycle Rally Fundraiser (County Executive).* Motion by whom?

Legislator Schneiderman. Seconded by?

**LEG. BROWNING:**

Second.

**D.P.O. HORSLEY:**

By Legislator Browning. All those in favor? Opposed? So moved.

**MR. LAUBE:**

Seventeen (Not Present: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**

*1399-12 - Authorizing use of Smith Point County Park for Mercy Center Ministries, let's know this one, 5K Race (Browning).*

**LEG. BROWNING:**

Motion.

**LEG. CALARCO:**

Second.

**D.P.O. HORSLEY:**

Motion by Legislator Browning, second by Legislator Calarco. All those in favor? Opposed? So moved.

**MR. LAUBE:**

Seventeen (Not Present: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**

*1402 - Authorizing use of Smith Point County Park property in 2012 by the Mastics-Moriches-Shirley Community Library's Family Literacy Project (Browning).*

**LEG. BROWNING:**

Same motion.

**D.P.O. HORSLEY:**

Legislator Browning, and same second by Legislator Calarco. All those in favor? Opposed? So moved.

**MR. LAUBE:**

Seventeen (Not Present: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**

*1370-12, Public Safety, Authorizing the Sheriff's Office to increase its fleet by one (1) prisoner transport bus by retaining a bus scheduled for decommission (County Executive).*

**LEG. BROWNING:**

Motion.

**LEG. CALARCO:**

Second.

**D.P.O. HORSLEY:**

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

**MR. LAUBE:**

Seventeen (Not Present: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**

*1372-12 - Appropriating funds in connection with the upgrade and reinforcement of Hauppauge Tower (CP 3238)(County Executive).*

**LEG. KENNEDY:**

Motion.

**D.P.O. HORSLEY:**

Motion by Legislator Kennedy.

**LEG. NOWICK:**

Second.

**D.P.O. HORSLEY:**

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

**MR. LAUBE:**

Seventeen (Not Present: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**

**1372A**, we have a pending Bond Resolution (*Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$310,000 bonds to finance a part of the cost of an upgrade and reinforcement of Hauppauge Tower (CP 3238.310 and .510)*). Roll call.

**MR. NOLAN:**

Same motion, same second.

**D.P.O. HORSLEY:**

Same motion, same second. Roll call.

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

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. CALARCO:**

Yes.

**LEG. MONTANO:**

(Not present).

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. SPENCER:**

Yes.

**D.P.O. HORSLEY:**

Yes.

**P.O. LINDSAY:**

(Not present).

**MR. LAUBE:**

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

**D.P.O. HORSLEY:**

Okay. *1397-12 - Authorizing the Suffolk County Sheriff's Office to incorporate motor vehicles obtained through the Federal Asset Forfeiture Program into the existing fleet (Browning)*. Legislator Browning?

**LEG. BROWNING:**

Motion.

**D.P.O. HORSLEY:**

Motion by Legislator Browning. Second by -- I'm sorry. Who was it?

**MR. NOLAN:**

Calarco.

**D.P.O. HORSLEY:**

Calarco. We have a motion and a second. All those in favor? Opposed? So moved.

**MR. LAUBE:**

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

**D.P.O. HORSLEY:**

*1398-12 - Authorizing the Suffolk County Sheriff's Office to incorporate motor vehicles obtained pursuant to DWI seizures into the existing fleet (Browning).*

**LEG. SPENCER:**

Motion.

**D.P.O. HORSLEY:**

Same motion, same second?

**LEG. CALARCO:**

Yep.

**D.P.O. HORSLEY:**

All those in favor?

**LEG. D'AMARO:**

Before you call that vote, Mr. Deputy.

**D.P.O. HORSLEY:**

Yes.

**LEG. D'AMARO:**

Could I just ask Counsel for an explanation of this bill?

**D.P.O. HORSLEY:**

You may.

**MR. NOLAN:**

This is one of those resolutions we have to do to allow the Sheriff's Department to basically increase the fleet by two vehicles. Legislator Browning amended the original version of the bill to indicate that the vehicles would be used for undercover law enforcement operations, be retained at no cost to the County, and that said vehicles would constitute a temporary expansion of the fleet and would not be replaced at the end of their useful life.

**LEG. D'AMARO:**

All right. Well, if I may, through the Chair to the sponsor, I'd like to know if there's a need for these vehicles, why the limitation on not replacing them at the end of their useful life? I mean, do we know if we have a need at the end of their useful life?

**LEG. BROWNING:**

Actually, we do. I had -- actually, a Deputy Sheriff did come in and see me. The vehicle he currently is driving is a 1999 with a lot of miles on it. What I basically want to see was to make -- and he needs a replacement. The one that he is driving needs to be mothballed, or however you want to call it. And I do want to make sure that, you know, if these guys who are on the cases, they're the ones that usually get the vehicles, I want to make sure that it goes back to the people who work on the case and that they're the ones who are going to receive the vehicles. And again, there was some concern about increasing fleets because of our budget. So what I said was that I would amend the bill so that they could have the vehicles, and they do have to rotate them because they can't continually drive the same vehicle all the time; they do have to be rotated for their own safety. So I did say that I would amend it to make sure that we're not expanding the fleet on a permanent basis and that these ones would be accepted, but there is no requirement to replace them.

**LEG. D'AMARO:**

Well, I just want to point out that, as we all know, the Sheriff is an independently elected official, County-wide in Suffolk County. And this legislation is telling the Sheriff, if you have a vehicle put into your fleet through the seizure process, that you can only use it for a limited purpose and we're not going to replace it at the end of its useful life, even though at the end of its useful life he may not only have a need for this vehicle to be replaced, but maybe two more like it. And I don't understand why he would put that type of restriction into legislation and tie the hands of the Sheriff on how you can use your vehicle and know in the future whether or not it needs to be replaced.

**D.P.O. HORSLEY:**

Mr. Sharkey, you want to come on up and maybe enlighten us on how the Sheriff feels on this issue?

**CHIEF SHARKEY:**

I will say that this -- there was extensive work through the committee process on this resolution. And the fact of the matter is that we need the vehicles and we're willing to accept the language in the resolution in order to get them into operation.

**LEG. D'AMARO:**

Through the Chair, if I may ask a question or two. But if you had your preference in running the department and knowing the needs of the department, would you rather not limit it strictly to undercover use?

**CHIEF SHARKEY:**

That's the current need.

**LEG. D'AMARO:**

That's the current need. So is that a yes or a no?

**CHIEF SHARKEY:**

The answer --

**LEG. D'AMARO:**

My other question is that --

**LEG. MONTANO:**

I didn't get the answer, I'm sorry.

**LEG. D'AMARO:**

I'm sorry.

**D.P.O. HORSLEY:**

Let him answer the question.

**LEG. D'AMARO:**

Oh, I'm sorry. Was he going to answer? I'm sorry. I apologize. Yeah, go ahead.

**CHIEF SHARKEY:**

It's a change from the original resolution that we submitted. However, we find the language acceptable because we need the vehicles.

**LEG. D'AMARO:**

Okay. So what I think I'm hearing is that you're willing to compromise because otherwise you feel that you won't get the vehicle.

The other point I want to make is do you know sitting here today if you're going to have to replace this vehicle at the end of its useful life?

**CHIEF SHARKEY:**

It's likely that we will.

**LEG. D'AMARO:**

That you will need to replace it.

**CHIEF SHARKEY:**

It's likely we will. However, we found these vehicles to be accessible free of charge to the County, and our intent would be, looking forward, to look for the same opportunity to occur again so that it would not incur another cost to the County.

**LEG. D'AMARO:**

No, I understand that. But, I mean, the vehicle could always be replaced again through the DWI Seizure Program.

**CHIEF SHARKEY:**

That's what I said, we would looking for an opportunity to do that.

**LEG. D'AMARO:**

Yeah. Again, I just find these to be unnecessary restrictions on the use of the vehicle. We don't know what the future holds as far as whether it needs to be replaced. I don't know why we're limiting the use of a vehicle in the Sheriff's Department to undercover purposes. I mean, we're Legislators, we're not law enforcement, the Sheriff is independently elected, he's law enforcement. I don't know why we're micromanaging this department in this fashion. I want the department to get the vehicles, I will support this bill. However, I think that this is not good policy. I think we should rely on the Sheriff to know the needs of the Sheriff's Department.

**D.P.O. HORSLEY:**

Legislator Montano?

**LEG. MONTANO:**

Yeah. Legislator Browning, I had stepped out of the room. Could you just briefly -- when I came in you were explaining a point. Could you briefly reiterate the second RESOLVED clause, the reason for that? Why is it -- and I guess that's the question that Legislator D'Amato has, why is it being limited to undercover law enforcement?

**LEG. BROWNING:**

Okay. These vehicles are seized --

**LEG. MONTANO:**

No.

**LEG. BROWNING:**

Okay. The second and third -- I can see --

**LEG. MONTANO:**

The second and third, just very quickly.

**LEG. BROWNING:**

Let me tell -- what happens is the vehicles, the undercover officer is on a case and when a vehicle is seized, I think some of them are in the case of DEA. The officer who's involved in the case, whether it be the Sheriff's Department or Suffolk County PD, that's the office where the vehicles will go to.

**LEG. MONTANO:**

You mean the officer that's investigating the case is going to get the vehicle?

**LEG. BROWNING:**

They have what they call a {DAG} form-- {DAG} form; am I correct?

And it's filled out to the department that was involved in the seizure, in this case being the Sheriff's Department. We are talking about expanding fleets. And when you expand a fleet, say you have 110 vehicles --

**LEG. MONTANO:**

Right, but you're going down the question and I get that. I just wanted -- I didn't want you to repeat this to the entire Legislature, I think they heard that.

**LEG. BROWNING:**

Okay. So basically this bill is saying that the undercover officers are the ones who will get to use the vehicles.

**LEG. MONTANO:**

On the case that they're working on.

**LEG. BROWNING:**

Not necess -- no, no, these are seized from a case that they worked on.

**D.P.O. HORSLEY:**

Okay.

**LEG. BROWNING:**

So they get to have the vehicles.

**LEG. MONTANO:**

It's a little strange to me.

**D.P.O. HORSLEY:**

Okay. Well, they --

**LEG. MONTANO:**

I'm not done yet, please.

**D.P.O. HORSLEY:**

Okay.

**LEG. MONTANO:**

A while back the DA's Office was -- not the present DA, but years back, there was an issue with the DA's Office in terms of the use of seized vehicles.

**LEG. ROMAINE:**

Pin-stripes.

**LEG. MONTANO:**

What was that?

**LEG. ROMAINE:**

Pin-striping.

**LEG. MONTANO:**

What do you mean pin-striping?

**LEG. ROMAINE:**

They pin-striped the cars.

**LEG. MONTANO:**

They pin-striped it, they were driving BMW's, Mercedes, all these expensive cars; you know about that issue?

**CHIEF SHARKEY:**

I'm familiar with it. I would say it's slightly before my time.

**LEG. MONTANO:**

Now, does that --

*(\*Laughter\*)*

You mean I'm older than you? Okay.

**CHIEF SHARKEY:**

You don't look older than me.

**LEG. MONTANO:**

Ah, thank you for the compliment, but I'm sure I am. But let me ask you this, seriously. Does that still go on now? Those vehicles that are seized, are they still used by DA personnel and other law enforcement personnel? I'm not up on the policy, that's why I'm asking you.

**CHIEF SHARKEY:**

I can only speak to you as the usage of the vehicles that we have, and there are specific parameters on the usage of vehicles over certain values that are directed by the Federal Government. If you have a luxury vehicle that's valued over \$50,000, it must be used in an undercover capacity only. So there's limitations that are --

**LEG. MONTANO:**

I see. So those limitations are already in place.

**CHIEF SHARKEY:**

That are made by the Federal Government.

**LEG. MONTANO:**

I'm sorry, what was that, Mike?

**CHIEF SHARKEY:**

These limitations are in place, these are rules from the Federal Government.

**LEG. MONTANO:**

These are the Federal Seizure Laws that you're referring to; am I correct?

**CHIEF SHARKEY:**

Yeah, there's guidelines as to what you can use seized property for.

**LEG. MONTANO:**

Okay. And you will be following those guidelines, of course.

**CHIEF SHARKEY:**

Yes.

**LEG. MONTANO:**

Okay, thank you.

**D.P.O. HORSLEY:**

All right. Legislator Hahn, real quick.

**LEG. HAHN:**

If the Sheriff makes a case in the future that they need to replace the vehicles that, you know, we're allowing them to have now, can they come back to us and make the case to us and we can pass a law?

**D.P.O. HORSLEY:**

Sure.

**LEG. HAHN:**

You know, to answer Lou D'Amaro --

**D.P.O. HORSLEY:**

You can sponsor it.

**LEG. HAHN:**

Legislator D'Amaro, we -- yes, we could if we saw fit, you know, overturn that clause with an act of the Legislature.

**D.P.O. HORSLEY:**

Okay. I think we have just one motion, is that right?

**MR. NOLAN:**

Correct.

**D.P.O. HORSLEY:**

All those in favor? Opposed? So moved, it's been approved.

**MR. LAUBE:**

Seventeen (Not Present: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**

*1454-12 - Appropriating funds in connection with the Palm AFIS (Automated Fingerprint Identification System) (CP 3503)(County Executive).*

**LEG. CALARCO:**

Motion.

**LEG. BROWNING:**

Motion.

**D.P.O. HORSLEY:**

Motion by Legislator Calarco. The second was Legislator Browning. All those in favor? Opposed? So moved.

**MR. LAUBE:**

Seventeen (Not Present: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**

*1454A, we have a pending Bond Resolution (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$1,022,080 bonds to finance the cost of the Palm AFIS (Automated Fingerprint Identification System) (CP 3503.510).* Roll call vote.

**MR. NOLAN:**

Same motion, same second.

**D.P.O. HORSLEY:**

Same motion, same second. Roll call.

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

**LEG. CALARCO:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. ROMAINE:**

Pass.

**LEG. SCHNEIDERMAN:**

Pass.

**LEG. MURATORE:**

Pass.

**LEG. HAHN:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. MONTANO:**

Pass.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. SPENCER:**

Yes.

**D.P.O. HORSLEY:**

Yes.

**P.O. LINDSAY:**

(Not present).

**LEG. ROMAINE:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. MONTANO:**

Yes.

*(\*Laughter\*)*

**MR. LAUBE:**

Seventeen (Not Present: Presiding Officer Lindsay).

**LEG. MONTANO:**

I passed because he passed. I voted yes because you voted yes.

**D.P.O. HORSLEY:**

Oh, boy, you guys are contrarians tonight.

**Public Works & Transportation:**

**D.P.O. HORSLEY:**

*1333-12 - Enhancing and strengthening County Beautification and Litter Control Programs (Schneiderman).* Legislator Schneiderman?

**LEG. SCHNEIDERMAN:**

Motion to approve.

**D.P.O. HORSLEY:**

Motion to approve. Is there a second on the motion? I'll make the second to approve.

**LEG. D'AMARO:**

Motion to table.

**D.P.O. HORSLEY:**

Motion to table, Legislator D'Amaro. Is there a second on the motion?

**LEG. STERN:**

Second.

**LEG. CILMI:**

I'll second the tabling motion.

**D.P.O. HORSLEY:**

Legislator Stern or Cilmi. Okay, Legislator Cilmi; we'll give it to Legislator Cilmi, second on the motion. Okay, so we have a motion to table.

**LEG. SCHNEIDERMAN:**

On the motion?

**D.P.O. HORSLEY:**

On the motion; yeah, I figured.

**LEG. SCHNEIDERMAN:**

So this came through the Department of Public Works who are here. I thank them for their patience, they've been here for a number of hours.

Basically, we had a lot of not-for-profits that are participating in our adopt-a-spot, adopt-a-road, adopt-a-highway type of programs. They usually plant flowers or they do some litter clean-up, it's part of a beautification type of program. And these small not-for-profits have been asked to provide a certain level of insurance. They're not working in the roads, they're on the green areas on the side of the roads. No greater danger than somebody walking along a sidewalk along a County road. And we're losing these organizations and these programs because they can't post that insurance. And so this does not exempt the Median Program; Adopt-a-Median still would have to be a licensed landscaper with the full insurance requirements, and if Commissioner Anderson or the Chief Engineer, Bill Hillman, wanted to add to that. But this is so that we don't have to use our guys to do this and it would save the County I think a tremendous amount of money to have these organizations helping us out. I think we're all familiar in our districts, we have beautification associations that do this.

**D.P.O. HORSLEY:**

Legislator D'Amaro.

**LEG. D'AMARO:**

Yeah, I just want to point out again that I made the motion to table on this bill because, once again, here we are with organizations, not-for-profits that are kind enough to try and help keep our County litter-free, but yet here we are saying to them, "You don't have to have insurance," once again. So let's throw it on the backs of the County. Anything can happen when you're working near a road, whether you're in median or not, anything is possible. Anyone who is an attorney here knows everyone is getting sued, including the County.

The appropriate thing to do here is that not-for-profit organizations, once again, we have no control over those not-for-profit organizations or how they operate or what they're doing out there or who's responsible for the, have they been trained, who are these folks; we have no idea. We have no idea at all, but we're going to say, "You know what? Go ahead. And if you want to work on a County roadway, you don't have to have insurance either." It's irresponsible, it's just that simple. It's not difficult for a not-for-profit to procure insurance, they do it all the time. It's really -- most of them have insurance already, it's a simple endorsement of the County onto the policy. So that's why I made the motion to table.

**LEG. SCHNEIDERMAN:**

Apparently it is difficult. And we're not talking -- these are not people carrying guns, these are people planting flowers. Commissioner Anderson, if you could explain that?

**COMMISSIONER ANDERSON:**

No. Essentially, I would just, you know, restate what Legislator Schneiderman said. You know, we are constantly asked to have these not-for-profit groups come help, you know, put up signs, clean the roads, put in flowers. We've --

**LEG. MONTANO:**

Gil, I can't hear you.

**D.P.O. HORSLEY:**

Guys, shhhh.

**COMMISSIONER ANDERSON:**

Oh, okay, sorry. Is that better? You know, we're constantly asked by these groups, as well as by the Legislators, to facilitate this type of, you know, events where a non-profit group can come and maintain a side of a road. And it's similar to -- and I'm not disagreeing -- I'm not arguing against the need for insurance, but it is a burden for a lot of these not-for-profits. And we are starting to chase them away because we do mandate insurance. It's the same area as somebody walking down the street would be walking in as well, so that's why we felt it was worthwhile trying to create this legislation.

**D.P.O. HORSLEY:**

Okay? Legislator Cilmi.

**LEG. CILMI:**

Yes, thanks. Maybe Counsel could speak or the sponsor could speak to this. I understand that there's something in here that would allow the not-for-profits to avoid -- there's like a \$250 fee that we normally charge for-profit businesses to purchase these signs. Is that -- but that would be waived for the not-for-profits; is that true or am I misreading something?

**LEG. SCHNEIDERMAN:**

If a landscaper wanted to put a sign up that he had beautified that area, there is a \$250 fee that goes to the general budget and DPW designs the sign and places it. I believe the bill doesn't ask for

that fee from the not-for-profit, if that's what you're asking.

**LEG. CILMI:**

So it would be waived for the not-for-profit?

**LEG. SCHNEIDERMAN:**

It's waived.

**COMMISSIONER ANDERSON:**

Correct.

**LEG. CILMI:**

So I guess to Budget Review; how much is in our Operating Budget for that sign revenue?

**MR. LIPP:**

I'm not sure.

**LEG. CILMI:**

And it's really -- I mean, I'm not -- you know, you don't have to tell me exactly what it is. The fact is that we do have money in our budget for that revenue.

**MR. LIPP:**

Yes.

**LEG. CILMI:**

And my concern is that if we say that this is free for non-for-profits --

**D.P.O. HORSLEY:**

Everybody, a lot of chatter.

**LEG. CILMI:**

Is every one of these signs on the road going to start popping up for not-for-profits and there's not going to be any, you know, for-profits left that are -- you know, do we lose all of that revenue? I'm just -- it's a question.

**MR. LIPP:**

I would think that there's a certain demand out there for profits to put up their signs in terms of advertising, and I don't think that this would preclude them from doing that.

**LEG. SCHNEIDERMAN:**

I actually -- and Commissioner, you can correct me. I don't think in the past --

**D.P.O. HORSLEY:**

Through the Chair.

**LEG. SCHNEIDERMAN:**

I don't think in the past we charged a fee for the signs for the landscapers, so we have actually a new revenue source that's attached to this bill. I think that's the only difference here. In the past the not-for-profits could put up their signs and the landscapers could put up their signs and there wasn't a fee for anybody.

**LEG. CILMI:**

Is that true; so there was no fee at all and now there is?

**COMMISSIONER ANDERSON:**

There was never a fee, correct.

**LEG. CILMI:**

So it's a new fee.

**COMMISSIONER ANDERSON:**

Correct.

**D.P.O. HORSLEY:**

All right.

**LEG. CILMI:**

But not for not-for-profits.

**COMMISSIONER ANDERSON:**

Correct.

**D.P.O. HORSLEY:**

Okay. Is there anyone else who would like to be heard on this?

Kara, did I pass over you.

**LEG. MONTANO:**

No, but you passed over me.

**D.P.O. HORSLEY:**

Would you like to speak? Please.

**LEG. HAHN:**

Can we get the volunteers to sign, you know, waivers? Hold harmless or whatever?

**COMMISSIONER ANDERSON:**

Yeah, certainly. As part of the agreement, yeah.

**LEG. HAHN:**

Can we do that?

**COMMISSIONER ANDERSON:**

Yep.

**LEG. HAHN:**

Thank you.

**LEG. D'AMARO:**

Wait a minute. What does that -- what would the waiver do?

I don't understand.

**COMMISSIONER ANDERSON:**

I mean, it would be some form of indemnification that if --

**LEG. D'AMARO:**

From who, the not-for-profit?

**COMMISSIONER ANDERSON:**

From the not-for-profits, yeah.

**LEG. D'AMARO:**

So let me get this right. So the County says, "You don't need insurance," to the not-for-profit.

**COMMISSIONER ANDERSON:**

But you're not going to hold them --

**LEG. D'AMARO:**

Right? The not-for-profit for some reason is found responsible for the wrong -- for an injury, let's say. Okay? So how does a waiver fit into that? How does that protect the County? I don't understand that.

**LEG. HAHN:**

No, no, no. I meant that the person volunteering agrees, you know, kind of not to sue the County if they get hurt while they're doing it.

**LEG. D'AMARO:**

Yeah, but what if it's not the person who's doing the work that gets injured? The County is going to be responsible for that if we don't require the not-for-profit to have the insurance.

**LEG. MONTANO:**

These are real possibilities.

**D.P.O. HORSLEY:**

All right? Okay, Legislator Montano, you want the last word on this?

**LEG. MONTANO:**

Well, I'll make it very brief. I mean, you know, with what we're going on, some of us think that these are trivial points that are being raised by Legislator D'Amaro and myself and others, but I have to assure you, Gil, that they're not. And, you know, whenever you -- you're considering these things, you have to consider the possibility of exposure to the County which translates to exposure to the taxpayer. Yeah, we're coming up with hypotheticals, we're lawyers, we're technical and all that. But the reality is that these are some very serious considerations, particularly when we are self-insured and we are an easy target. And that's why, you know, these things come up and, you know, I don't think that they're being well thought out, to be quite honest with you. They sound like great ideas on the surface until ten years down the road when you're retired and I'm somewhere else, someone gets -- comes in and says, "Oh, we've got to bond a \$5 million settlement because someone screwed up somewhere and someone got injured, a third party, an accident or something, and I just don't think -- you know, I think we ought to do a better job. So I'm going to have to agree with Legislator D'Amaro on, you know, these kinds of issues. And this is not the first time we discussed it a little while ago with the SPCA, you know. We're going down a field I think we ought not to go down, and I'll leave it at that.

**D.P.O. HORSLEY:**

There is a motion to table and there is a motion to approve. I think we've argued this one out. Tabling motion goes first. Roll call.

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

**LEG. D'AMARO:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. ROMAINE:**

No.

**LEG. SCHNEIDERMAN:**

No.

**LEG. BROWNING:**

No.

**LEG. MURATORE:**

No.

**LEG. HAHN:**

No.

**LEG. ANKER:**

No.

**LEG. CALARCO:**

No.

**LEG. MONTANO:**

Yes.

**LEG. BARRAGA:**

No.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. GREGORY:**

Yes to table.

**LEG. STERN:**

Yes.

**LEG. SPENCER:**

Pass.

**D.P.O. HORSLEY:**

No.

**P.O. LINDSAY:**

(Not present).

**LEG. SPENCER:**

Yes.

**MR. LAUBE:**

Eight.

**D.P.O. HORSLEY:**

All righty, the motion to table fails. On the approval motion;  
Roll call.

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

**LEG. SCHNEIDERMAN:**

Yes.

**D.P.O. HORSLEY:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. CALARCO:**

Yes.

**LEG. MONTANO:**

No.

**LEG. CILMI:**

Pass.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

No.

**LEG. NOWICK:**

No.

**LEG. GREGORY:**

No.

**LEG. STERN:**

No.

**LEG. D'AMARO:**  
No.

**LEG. SPENCER:**  
Yes.

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

**LEG. CILMI:**  
No.

**MR. LAUBE:**  
Ten.

**D.P.O. HORSLEY:**  
Ten. It passes; wow.

Okay, *1366-12 - Amending Resolution No. 40-2012, establishing a Blue Ribbon Panel to examine restructuring all County-owned sewer districts into one consolidated district (Horsley)*. I'll make a motion to approve.

**LEG. CILMI:**  
I'll second it.

**D.P.O. HORSLEY:**  
Second by Legislator Cilmi. Does anyone need an explanation?  
We're good?

**LEG. ROMAINE:**  
This is a study?

**D.P.O. HORSLEY:**  
Yes, this is a study. This is an existing committee that we haven't -- hasn't been formalized as yet.  
What it will do, this is a --

**LEG. ROMAINE:**  
Is there a cost involved?

**D.P.O. HORSLEY:**  
No, no cost. No cost and this is misnamed. This has already been approved, what is listed here.  
What we wanted to do is add on another question to the committee to seek out whether or not there's any synergies between the Suffolk County Water Authority and --

**LEG. ROMAINE:**  
Add one more question.

**D.P.O. HORSLEY:**  
Okay.

**LEG. ROMAINE:**  
Add the question for a separate sewer authority, either to be operated by a sewer authority or to be operated in a combined authority of the Water Authority and a sewer authority; talk about that. A sewer authority established could take over the municipal of 32 -- the 23 municipal sewer districts,

assume the debt from the County, and that's almost half the County debt, pay us for the asset. We would guarantee the Stabilization Fund which has a 140 million, and any other revenues that would flow from the Quarter Percent to guarantee the rate. And we would make the sewer authority or sewer Water Authority be inheritor of that codicil from the 185 private sewer treatment plants so that the County could take them over, that would then fall to the authority if they wish to take over, upgrade and expand those plants and provide additional service. So if you want to add that question, I'm all ears, because that's a question that will get us money, relieve us of debt and give us reoccurring revenue and provide probably a better operation for the sewer system.

**D.P.O. HORSLEY:**

I'm not sure I thought of it quite that way, but yes, that's pretty much what this would be doing.

**LEG. ROMAINE:**

I'm happy to talk to the Blue Ribbon Panel.

**D.P.O. HORSLEY:**

Very good. And I would welcome you out to the Blue Ribbon Panel, if I ever get a --

**LEG. D'AMARO:**

Legislator Horsley, on the motion?

**D.P.O. HORSLEY:**

Yes, on the motion.

**LEG. D'AMARO:**

I wanted to ask, just through the Chair. Legislator Romaine, that's a very intriguing idea.

**D.P.O. HORSLEY:**

Thank you.

**LEG. D'AMARO:**

I just wanted to ask you if we did that. It's certainly something that we should explore. Would the County be guaranteeing the debt, even though we wouldn't own the debt; is that the way it works?

**LEG. ROMAINE:**

Just off the top of my head, I would assume the authority would assume the debt. When the Water Authority was created, there really was no public municipal water. There was a -- there were some municipalities that had water.

**LEG. D'AMARO:**

If I could just interrupt you. I'm not talking about the Water Authority. If you did a sewer agency.

**LEG. ROMAINE:**

Well, it's a similar situation.

**LEG. D'AMARO:**

Right. Well, the only point I want to make, I'm not looking -- it's really not germane at this point, but I just want to make the point that when you take debt off the books and guarantee it --

**LEG. ROMAINE:**

I never said guarantee it.

**LEG. D'AMARO:**

Well, that's what I'm saying, but I don't see how you get it off the books without guaranteeing it. That's the kind of stuff that like ENRON did to get everybody into a lot of trouble. It's off the balance sheet but yet you're still responsible for it, so we'd have to be careful with that.

**LEG. ROMAINE:**

No, I never said guarantee it. Obviously there's debt associated with the --

**D.P.O. HORSLEY:**

Guys, this is my bill and I never said about any guarantees or anything else like that. All we want to do is just look at it, whether there's any synergies between the Suffolk County Water Authority and sewerage, because water and sewers across the country have synergies; that's what we're looking at, to see what makes sense. So just -- the motion is to approve. All those in favor? Opposed? So moved. Please, come on, you guys. You guys are crazy tonight.

**MR. LAUBE:**

Sixteen (AMENDED VOTE: Seventeen - Not Present: Presiding Officer Lindsay).

1366-12 - Amending Resolution 40-2012, establishing -- I did that one, okay.

***1371-12 - Appropriating funds in connection with median improvements on various County roads (CP 5001) (County Executive).***

**LEG. CALARCO:**

Motion.

**LEG. ANKER:**

Second.

**D.P.O. HORSLEY:**

Motion by Legislator Calarco. Seconded by Legislator Anker. All those in favor? Opposed?

**LEG. ROMAINE:**

Opposed.

**D.P.O. HORSLEY:**

So moved.

**MR. LAUBE:**

Sixteen (Opposed: Legislator Romaine - Not Present: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**

On the accompanying Bond Issue, ***1371A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$450,000 bonds to finance the cost of median improvements on CR 19, Patchogue-Holbrook Road, from the vicinity of the Long Island Expressway to the vicinity of Waverly Avenue (CP 5001.315), same motion, same second.***  
Roll call.

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

**LEG. CALARCO:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. ROMAINE:**

Pass.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. MONTANO:**

(Not present).

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

No.

**LEG. KENNEDY:**

No.

**LEG. NOWICK:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. SPENCER:**

Yes.

**D.P.O. HORSLEY:**

Yes.

**P.O. LINDSAY:**

(Not Present).

**LEG. ROMAINE:**

Yes.

**MR. LAUBE:**

Fourteen (Opposed: Legislators Barraga & Kennedy - Not Present: Legislator Montano & Presiding Officer Lindsay).

**D.P.O. HORSLEY:**

Approved.

***1391-12 - Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 11 – Selden and Island Green Associates (BA-1634) (County Executive).***

**LEG. MURATORE:**

Motion.

**D.P.O. HORSLEY:**

Motion by Legislator Muratore. Seconded by?

**LEG. CALARCO:**

Second.

**D.P.O. HORSLEY:**

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

**MR. LAUBE:**

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

**D.P.O. HORSLEY:**

***1450-12 - Authorizing transfer of surplus County monitors to RSVP. (Kennedy).***

**LEG. KENNEDY:**

Motion.

**D.P.O. HORSLEY:**

Legislator Kennedy makes the motion. Seconded by -- I'm sorry, Romaine was that?

**LEG. ROMAINE:**

Yes.

**D.P.O. HORSLEY:**

Seconded by Legislator Romaine.

**LEG. GREGORY:**

Motion to table.

**D.P.O. HORSLEY:**

Who was that? I'm sorry.

**LEG. GREGORY:**

(Raised hand).

**D.P.O. HORSLEY:**

Legislator Gregory makes a motion to table. Is there a second on the tabling motion?

**LEG. CALARCO:**

Second for discussion.

**D.P.O. HORSLEY:**

Legislator Calarco makes the seconding on the tabling. Okay. On the motion.

**LEG. GREGORY:**

On the motion. I just -- in this bill there's a lot of computer monitors. I think there's 74 computer monitors; to the sponsor?

**LEG. KENNEDY:**

Yes.

**LEG. GREGORY:**

I think that this is -- you know, there are rare occasions where, you know, as Legislators we are given the opportunity to provide surplus equipment to not-for-profits within our district. I think with these numbers in this bill, I think it would be more appropriate to have -- to allow more Legislators the opportunity to provide these monitors to our various not-for-profits in the district instead of having it all go into one district. That's the reason for my tabling motion.

**LEG. KENNEDY:**

And I can appreciate that sentiment. But what I will share with you is that RSVP is a County-wide organization, and I have probably sponsored maybe half a dozen resolutions, moving equipment, to RSVP.

Those of you that are familiar with the RSVP Program know that this is all volunteer seniors who actually recondition the equipment when it's received and then take the PC's and provide them to senior citizens throughout the County. RSVP actually serves all 18 of our districts. And at this point, they've probably put somewhere in the neighborhood of around fifteen hundred to 2,000 units to seniors who would have otherwise no ability to go ahead and utilize e-mail or the Internet or any of the other things that folks do these days off of computers.

So while RSVP is physically located actually in my colleague's Legislative District right on the corner of Old Willets, only about a half mile from here, they actually do service the whole County as far as the recipients and many of us around the horseshoe know them well. So that's the purpose for the motion to approve.

**LEG. GREGORY:**

And just in response, quickly. You know, I don't deny that they may serve entire communities, at least from what I'm told they have volunteers from various areas within the communities. My -- the basis of my comment was the ability to provide equipment to various organizations throughout the district, throughout the County, not just one organization that may or may not service all areas within the County.

**LEG. KENNEDY:**

Okay.

**LEG. D'AMARO:**

Wayne?

**D.P.O. HORSLEY:**

I believe, Legislator Calarco, did you want to speak on this?

**LEG. CALARCO:**

Yeah, I just wanted to echo the comments by Legislator Gregory. I know that you've actually sponsored several of these resolutions, Legislator Kennedy, to RSVP, and it seems that any time we have any surplus computer equipment whatsoever, it goes straight to RSVP. I know they're a terrific organization, they do great work, I don't blame you for advocating for them. But it seems that we're not allowing this equipment to be utilized by any other not-for-profits that I'm sure might be able to utilize maybe just two or three of these --

**LEG. KENNEDY:**

Okay.

**LEG. CALARCO:**

-- monitors or other computer equipment we have surplus.

**D.P.O. HORSLEY:**

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

**LEG. KENNEDY:**

Yeah, sure.

**LEG. D'AMARO:**

Through the Chair, I'd like to ask Commissioner Anderson a question on this. Because I assume it's the DPW, Department of Public Works, that declares these computers surplus. Gil, is that correct?

**COMMISSIONER ANDERSON:**

Yes. Through the Department of Purchasing, yes.

**LEG. D'AMARO:**

Through Purchasing --

**COMMISSIONER ANDERSON:**

Correct.

**LEG. D'AMARO:**

-- which is under the Department of Public Works.

**COMMISSIONER ANDERSON:**

Correct.

**LEG. D'AMARO:**

Not computers, I misspoke; it's 74 surplus flat-panel monitors.

**COMMISSIONER ANDERSON:**

Right.

**LEG. D'AMARO:**

Right. Now, in a prior bill, Legislator Cilmi was talking about waiving the \$250 fee; it's a small amount, but it has an impact. Flat-screen monitors. I mean, the technology hasn't advanced past -- why are we not auctioning or selling this equipment if it's functional? Why -- I mean, I understand when we have older computers, because that technology changes, but it seems to me flat screen panel -- flat-panel monitors are something that could probably bring something in at an auction. What's the reasoning behind that?

**COMMISSIONER ANDERSON:**

Again, I would imagine, not being -- my finger was off. Not being familiar with the actual components, I would envision that there wouldn't be an awful lot of resale value. So they were declared surplus because generally when you do something like that, you have to go out and you would do an e-waste type of program, you're swapping some things for -- you know, you're trying to basically break even. There's no real resale value on these and I would assume that IT, who would have jurisdiction over the actual units, would be the ones who would have declared that.

**LEG. D'AMARO:**

Do we conduct periodically an auction of property that the County has owned or owns?

**COMMISSIONER ANDERSON:**

Correct, yes.

**LEG. D'AMARO:**

We do. So if this were bundled as one lot to be sold and auctioned, you may very well be right, it may not have much value. But then again, you know, if they're relatively newer or functional, you may have a business out there in a tough economy that says you know what, I can go out and get 70 computer screens for a very nominal amount, which in my mind would help business as well. So I think that that is something we should explore as well. We need to turn over every stone while we're looking at this County budget, and I think this one is -- maybe should get a little more attention whether or not we can auction these panels as opposed to just giving them away.

**D.P.O. HORSLEY:**

Legislator Anker.

**LEG. ANKER:**

I'm just curious, did you -- have you checked with the IT Commissioner, you know, to see -- to find out the value of these particular monitors, or maybe some previous computer equipment?

**COMMISSIONER ANDERSON:**

No.

**LEG. ANKER:**

Do you think you could do that? You know, if we tabled this for now, maybe see what other -- what value there is to this?

**COMMISSIONER ANDERSON:**

Normally, whatever we're selling, something like this, it's basically junk, there's no real resale value. I can certainly check, but it's like similar to our cars when we auction off our vehicles; they're done. You're really -- there's not much left of them and you're trying to just sell them for parts.

**LEG. ANKER:**

You don't happen to have any hubcaps for an Impala, do you? Mine were stolen the other day *(laughter)*.

**D.P.O. HORSLEY:**

Okay, Legislator Kennedy has an announcement.

**LEG. KENNEDY:**

Yeah. Look, folks, I'll table this. As my colleagues have pointed out, you know, absolutely positively, I'll admit firsthand there's been a significant amount of surplus equipment that was either in non-working order or needed rehab that we collectively have all put through RSVP that has gone

to all our districts. But if there is some inherent value, Legislator D'Amaro makes a good cause, a good case, and certainly Legislator Gregory. I do not want to go ahead and have RSVP be perceived as somehow favored over other more worthy community things. The hour is late. I withdraw the motion to approve.

**D.P.O. HORSLEY:**

He's withdrawing the motion. Is the second withdrawn as well? I don't remember who did --

**MR. NOLAN:**

We don't need it.

**D.P.O. HORSLEY:**

We don't need it, good to hear. All right. So we have a motion to table. All those in favor? Opposed? So moved.

**MR. LAUBE:**

Seventeen (Not Present: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**

All right, *1455-12 - Appropriating funds in connection with the purchase of Public Works Highway Maintenance Equipment (CP 5047) (County Executive).*

**LEG. SCHNEIDERMAN:**

Motion.

**D.P.O. HORSLEY:**

Motion to approve by Legislator Schneiderman. Seconded by?

**LEG. CALARCO:**

Second.

**D.P.O. HORSLEY:**

Legislator -- who said that? Calarco; all right, Calarco's good.

**LEG. HAHN:**

Okay.

**D.P.O. HORSLEY:**

Okay. We have a motion to approve? All those in favor? Opposed? So moved.

**MR. LAUBE:**

Seventeen (Not Present: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**

All right. Same motion, same second on *1455A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$2,042,000 bonds to finance the cost of the purchase of Public Works Highway maintenance equipment (CP 5047.530));* roll call.

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

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. CALARCO:**

Yes.

**LEG. ROMAINE:**

Yes

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

No.

**LEG. NOWICK:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

No.

**LEG. SPENCER:**

Yes.

**D.P.O. HORSLEY:**

Yes.

**P.O. LINDSAY:**

(Not present).

**MR. LAUBE:**

Fifteen (Opposed: Legislators Kennedy & D'Amaro - Not Present: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**

All right, the motion passes.

***1456-12 - Amending Resolution No. 908-2005 in connection with the reconstruction of CR 3, Pinelawn Road, Town of Huntington; PIN 075987 (CP 5510)(County Executive).***

**LEG. SPENCER:**

Motion.

**D.P.O. HORSLEY:**

Motion by Legislator Spencer, seconded by Legislator Gregory. All those in favor? Opposed? So moved.

**MR. LAUBE:**

Seventeen (Not Present: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**

***1457-12 - Amending the 2012 Capital Budget and Program and appropriating funds in connection with the intersection realignment of CR 3, Pinelawn Road/Wellwood Avenue with Conklin Street and Long Island Avenue, Town of Babylon; PIN 075656 (CP 5510)(County Executive).*** Motion by Legislator Gregory. I'll make the -- I'll do the second on that. All those in favor? Opposed? So moved.

**MR. LAUBE:**

Seventeen (Not Present: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**

The pending Bond Resolution, same motion, same second. Roll call on the pending Bond Resolution, ***(1457A, Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$400,000 bonds to finance the cost of Engineering in connection with intersection realignment of CR 3, Pinelawn Road/Wellwood Avenue with Conklin Street and Long Island Avenue, Town of Babylon (CP 5510.112).***

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

**LEG. GREGORY:**

Yes.

**D.P.O. HORSLEY:**

Yes.

**LEG. ROMAINE:**

No.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

No.

**LEG. HAHN:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. CALARCO:**

Yes.

**LEG. MONTANO:**

Pass.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes

**LEG. SPENCER:**

Yes.

**P.O. LINDSAY:**

(Not Present).

**LEG. MONTANO:**

Yes.

**MR. LAUBE:**

Fifteen (Opposed: Legislators Romaine & Muratore - Not Present: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**

All righty. *1458-12 - Appropriating funds in connection with dredging of County waters at various locations (CP 5200) (County Executive).*

**LEG. BROWNING:**

Motion.

**D.P.O. HORSLEY:**

Motion by Legislator Browning.

**LEG. CALARCO:**

Second.

**D.P.O. HORSLEY:**

Seconded by -- who said that? Legislator Spencer. All those in favor? Opposed? So moved.

**MR. LAUBE:**

Seventeen (Not Present: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**

Same motion, same second on the pending Bond Resolution **1458A** (*Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$1,350,000 bonds to finance the cost of the dredging of County waters (CP 5200.120, .446 and .511)*). Roll call on the pending Bond Resolution.

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

**LEG. BROWNING:**

Yes.

**LEG. SPENCER:**

Yes.

**LEG. BROWNING:**

Save the Forge River.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. CALARCO:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**D.P.O. HORSLEY:**

Yes.

**MR. LAUBE:**

Seventeen (Not Present: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**

Okay, the motion is passed.

***1464-12 - Implementing new bus fares for the Suffolk County Accessible Transit (SCAT) Paratransit Bus System. (County Executive).*** Legislator Schneiderman, do you want to -- no? Anybody?

**LEG. D'AMARO:**

Motion to table.

**D.P.O. HORSLEY:**

Motion to table. Is there a second on the tabling motion?

**LEG. HAHN:**

Second.

**D.P.O. HORSLEY:**

Second by Legislator Hahn. We have a motion to table. Are there any other motions? Okay, the tabling motion would go first anyway. All those in favor of the tabling motion? Opposed? So moved, it's been tabled.

**MR. LAUBE:**

Seventeen (Not Present: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**

***1465-12 - Amending the 2012 Capital Budget and Program and appropriating funds in connection with the purchase of replacement public safety vehicles (CP 3512)(County Executive).***

**LEG. BROWNING:**

Motion.

**D.P.O. HORSLEY:**

Motion by Legislator Browning. Second by Legislator Schneiderman.

**LEG. MONTANO:**

On the motion?

**D.P.O. HORSLEY:**

On the motion.

**LEG. MONTANO:**

Yeah, could someone explain from Public Works why it was discharged without recommendation?

**D.P.O. HORSLEY:**

Commissioner?

**LEG. MONTANO:**

What was the issue?

**MR. ZWIRN:**

I can respond. Legislator Montano, it was because we had to wait for the 5-25-5 waiver --

**LEG. MONTANO:**

Oh, okay.

**MR. ZWIRN:**

-- before we could do it.

**D.P.O. HORSLEY:**

Okay. Does that satisfy you, Legislator?

**LEG. MONTANO:**

It answers my question.

**D.P.O. HORSLEY:**

It answers your question, that's what we're looking for. Okay. So we have a motion to approve. All those -- Legislator D'Amaro.

**LEG. D'AMARO:**

Commissioner, if you don't mind. Thank you. Just a little more detail on the public safety vehicles; how many, what are they used for?

**COMMISSIONER ANDERSON:**

This resolution authorizes appropriation of 2.5 million for the purchase of approximately 91 replacement vehicles for various public safety departments within the County. You want to know actual numbers?

**LEG. D'AMARO:**

Are we talking Police vehicles, Sheriff vehicles, or are we talking about something different?

**COMMISSIONER ANDERSON:**

Both, actually; Police and a couple of Sheriffs in there, as well as a couple of vehicles for the Parks Police.

**LEG. D'AMARO:**

Okay. And the offset, I just want to make sure you're aware that it's taking from, I'm sure you are, County Road 3 Pinelawn Road project I believe is moving forward. Is that an acceptable offset?

**COMMISSIONER ANDERSON:**

Yes. But at this point --

**D.P.O. HORSLEY:**

Guys, a lot of chatter.

**COMMISSIONER ANDERSON:**

Yes. But at this point, we're not ready for the construction funding and we will be next year.

**LEG. D'AMARO:**

Well, but have the estimates been done and is there sufficient funding after this offset for the project to move forward, or do we need to address that in the Capital Budget process again?

**COMMISSIONER ANDERSON:**

I believe we'll have -- you mean put it back into 2013, in the Capital Program?

**LEG. D'AMARO:**

Well, in other words, is this excess funding in the County Road 3 project? Because it's my understanding that it's not.

**COMMISSIONER ANDERSON:**

Well, again, this is -- this project is 80% Federally funded, so I believe the next year --

**LEG. D'AMARO:**

Right. But my question is is the County share that's going to be left remaining after the offset sufficient to -- based on our estimates, to get the project completed, or are we taking this as an offset and we're underfunding the County Road 3 project and we need to put that back in the Capital Budget process and has that been proposed in the proposed Capital Budget? I mean, I don't want to shortchange this project.

**COMMISSIONER ANDERSON:**

Okay. You can't use the bonded portion until you've used the Federal portion, so they kind of go together.

**LEG. D'AMARO:**

All right, but that really doesn't answer my question. Because if the County Road 3 project is going forward, this Legislature adopted a budget, a Capital Budget for that project based on the recommendation, I'm sure, of your department, but now we're taking 2.5 million from that budget. So is it then leaving that project underfunded based on the department's recommendations and based on the department's estimates of the cost of that project to the County? I mean, I'm not against buying the public safety vehicles, but I'm certainly not going to sacrifice the County Road 3 project to do it. We should be addressing this, then, in the Capital Budget.

**MR. HILLMAN:**

Next year there will be Federal aid for this project, and at that time you can -- you will be able to appropriate the 80% portion. And the bonded portion is not necessarily needed to be within the budget, because anything over 50% aided does not need to be within the budget. So next year, not even having it in the budget, the Legislature would still be able to appropriate and approve full funding for the CO 3 project, as long as the Federal Aid is available.

**LEG. D'AMARO:**

Okay. But if the Federal aid's not available, then we will not be able to go forward with this project.

**MR. HILLMAN:**

That's correct.

**LEG. D'AMARO:**

As opposed to the way the Capital Budget is set up now where we would go forward.

**MR. HILLMAN:**

That is correct, but the Fed --

**LEG. D'AMARO:**

That's not acceptable to me.

**MR. HILLMAN:**

But here's the catch; we can't appropriate the Federal portion now and you can't -- they're joined at the hip. The Feds won't give us the money.

**LEG. D'AMARO:**

The Federal Government is more broke -- well, they can print money, so maybe they're not as broke as Suffolk County. But to make this project, which is ready to go, dependent on the materialization of Federal Aid when we already set the priority here that it's going either way --

**MR. HILLMAN:**

No, we can't set that priority. The Federal --

**LEG. D'AMARO:**

No, I mean the Legislature did in our budget.

**MR. HILLMAN:**

Oh.

**LEG. D'AMARO:**

We budgeted sufficient funding based on DPW recommendation to get this project going and completed. We're now taking back a substantial portion of that bonding authorization or authority and hoping that the Federal funding materializes for it.

**MR. HILLMAN:**

But we can't appropriate the funds because the Feds --

**LEG. D'AMARO:**

I understand that.

**MR. HILLMAN:**

The project is not ready to move forward and the Feds will not authorize it to move forward.

**LEG. D'AMARO:**

I understand that. But even if it were ready to move forward, there's no guarantee that you're getting the Federal funding, right?

**MR. HILLMAN:**

It's on the tip, so it's as much of a guarantee as I can give.

**LEG. D'AMARO:**

It puts me in a very bad position of having to support a bill for public safety vehicles, which we need and I don't dispute that, but at the expense of doing a very substantial project that's within my Legislative District and making that project now more uncertain than when the Legislature approved the Capital Budget.

**MR. HILLMAN:**

I completely understand your point. But my counter to that is that you can't appropriate the funds for CR 3 at the present time anyway. Even if you wanted to you can't do it because the Feds won't allow us to move forward with it.

**LEG. D'AMARO:**

Right, so we'll have to put it back in in the Capital Budget for next year. It just -- it lessens the priority or it lessens the position of that Capital Project, whether you can appropriate the funds now or not. That Capital Project is going to be \$2.5 million less unless we change something in the Capital Program this year. So I'm not going to support this for that reason, I'm just not.

**D.P.O. HORSLEY:**

Okay.

**LEG. D'AMARO:**

I can't believe that we can't find another offset for public safety vehicles in a project that's I think already in the design phase, Gil, if I'm not mistaken.

**COMMISSIONER ANDERSON:**

It is.

**LEG. D'AMARO:**

I mean, you know, what are we doing? I'm not disputing at all the need for public safety vehicles, but this project's already on the drawing board.

**MR. LIPP:**

Just as a clarification. Basically what he's saying is correct, is that we're not going to move forward with the project until the Federal aid occurs. Let's say it occurs during 2013; we don't need it in the Capital Program, we could have a resolution because it's more than 50% aided, or at least 50% aided, a resolution can come forward. Whenever that aid comes, let's say tomorrow, after we pass this resolution hypothetically, that the aid comes through, then the next cycle the County Executive can do a CN or could just lay a resolution on the table and it can be added to the Capital Program simply because it's at least 50% funded.

**LEG. D'AMARO:**

Right, but that would require an amendment to the Capital Budget.

**MR. LIPP:**

We just need a --

**LEG. D'AMARO:**

And by the way, by removing --

**MR. LIPP:**

It would need the resolution without an offset.

**LEG. D'AMARO:**

All right. There you go, so now you have to find another offset.

**MR. LIPP:**

No, without an -- you don't need an offset is the point.

**LEG. D'AMARO:**

Right. But by removing this funding now, it's also showing the Feds less of a commitment to the project as well, which is another concern that I have.

**MR. LIPP:**

That, they would have to answer that.

**COMMISSIONER ANDERSON:**

No, we're moving fully forward with this project. In fact, you know, legislation was voted tonight on, you know, continuing the design.

So, you know, the commitment is there by the County. This is just taking advantage of the funding that's available right now to procure the Police vehicles that we need.

**LEG. D'AMARO:**

Well, I understand that -- maybe I'm not fully comprehending what you're trying to say, but what I can say is this. The design phase, we've already started this project. The Capital Budget was adopted to fund this project to a certain extent with a County commitment and we're now pulling back on that commitment.

I support the public safety aspect of this, but I am not going to support raiding this particular Capital Project, especially -- if it wasn't moving forward and you sat or you stood here, Commissioner Anderson, and told me, "We don't know when we're ever going to start this," I could understand that, but that's not the case. This is not that type of an offset. So, go ahead.

**D.P.O. HORSLEY:**

Okay? We're good. All righty. Right now we have just a motion to -- we have both?

**MR. NOLAN:**

To approve.

**D.P.O. HORSLEY:**

Just approve. All those in favor? Opposed?

**LEG. D'AMARO:**

Opposed.

**D.P.O. HORSLEY:**

So moved.

**MR. LAUBE:**

Sixteen (Opposed: Legislator D'Amaro - Not Present: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**

Okay. Same motion, same second on the pending Bond Resolution, ***1465A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$2,500,000 bonds to finance the cost of the purchase of replacement Public Safety vehicles (CP 3512.510 and .511).***

Mr. Clerk, please call the roll call.

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

**LEG. BROWNING:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. CALARCO:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

No.

**LEG. SPENCER:**

Yes.

**D.P.O. HORSLEY:**

Yes.

**P.O. LINDSAY:**

(Not present).

**MR. LAUBE:**

Sixteen (Opposed: Legislator D'Amaro - Not Present: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**

Okay. Thank you very much.

**Ways & Means:**

***1312-12 - Adopting Local Law No. -2012, A Local Law to make a technical change to Tax Map Verification fees (Presiding Officer Lindsay).***

**LEG. MONTANO:**

Motion.

**D.P.O. HORSLEY:**

Motion by Legislator Montano.

**LEG. CILMI:**

Second.

**D.P.O. HORSLEY:**

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

**MR. LAUBE:**

Seventeen (Not Present: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**

***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).***

**LEG. MONTANO:**

Motion.

**D.P.O. HORSLEY:**

Motion by Legislator Montano. Second by Legislator Cilmi. All those in favor? Opposed? So moved.

**MR. LAUBE:**

Seventeen (Not Present: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**

***1405-12 - Sale of County owned real estate pursuant to Section 72-h of the General Municipal Law - Incorporated Village of Lindenhurst (SCTM No. 0103-025.00-03.00-109.000)(County Executive).*** I'll make the motion.

**LEG. MONTANO:**

Second.

**D.P.O. HORSLEY:**

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

**MR. LAUBE:**

Seventeen (Not Present: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**

***1424-12 - Approval of auction rules for the disposition of surplus property acquired under the Suffolk County Tax Act (County Executive).***

**LEG. MONTANO:**

Motion.

**D.P.O. HORSLEY:**

Motion by Legislator Montano, second by Legislator Cilmi, all right? All those in favor? Opposed? So moved.

**MR. LAUBE:**

Seventeen (Not Present: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**

***1433-12 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act The Polish National Catholic Church of the Holy Cross (SCTM No. 0800-062.00-03.00-001.000)(County Executive).***

**LEG. MONTANO:**

Motion.

**D.P.O. HORSLEY:**

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

**MR. LAUBE:**

Seventeen (Not Present: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**

***1434-12 - Sale of County owned real estate pursuant to Local Law No. 13-1976 Francis J. Pellegrino and Maeve R. Pellegrino (SCTM No. 0905-009.00-01.00-026.000)(County Executive).***

**LEG. MONTANO:**

Motion.

**D.P.O. HORSLEY:**

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

**MR. LAUBE:**

Seventeen (Not Present: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**

***1437-12 - Amending Resolution No. 851-2004 and authorizing the issuance of a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of Southampton, Suffolk County Tax Map No. 0900-021.00-02.00-050.000, pursuant to Section 40-D of the Suffolk County Tax Act (County Executive).*** Legislator Montano, would you like to make that motion?

**LEG. MONTANO:**

I don't live in Southampton, but I'll make the motion.

**D.P.O. HORSLEY:**

Sure, why not. And Mr. Cilmi, you want to do the second on that?

**LEG. CILMI:**

Why not?

**D.P.O. HORSLEY:**

Okay. All those in favor? Opposed? So moved.

**MR. LAUBE:**

Seventeen (Not Present: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**

To the manilla folder. We have several ***Procedural Resolutions:***

The first one, ***Procedural Resolution No. 10-2012 - To set a public hearing regarding the authorization of the alteration of rates for South Ferry Inc. (Presiding Officer Lindsay).***

**LEG. SCHNEIDERMAN:**

Motion.

**D.P.O. HORSLEY:**

Motion by Legislator Schneiderman.

**LEG. ROMAINE:**

Second.

**D.P.O. HORSLEY:**

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

**MR. LAUBE:**

Seventeen (Not Present: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**

***Procedural Resolution, apportioning the Mortgage Tax by the County Treasurer.***

**MR. NOLAN:**

No. 9.

**D.P.O. HORSLEY:**

***No. 9***, rather, I'm sorry.

**LEG. ROMAINE:**

Second.

**D.P.O. HORSLEY:**

Legislator Romaine makes the motion to approve.

**LEG. SCHNEIDERMAN:**

Second.

**D.P.O. HORSLEY:**

Seconded by Legislator Schneiderman. All those in favor? Opposed?

So moved.

**MR. LAUBE:**

Seventeen (Not Present: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**

All right. We're moving to the red folder, the CN's. All right, there are not too many. They've been very friendly with us on this issue. *Certificates of Necessity:*

*1501-12 - Authorizing, empowering, and directing the Suffolk County Department of Economic Development and Planning to file a grant application pursuant to the New York State County Agricultural and Farmland Protection Planning Grant Program for matching State funds to develop an update to the Suffolk County Agricultural and Farmland Protection Plan (County Executive).*

**LEG. SCHNEIDERMAN:**

Motion.

**D.P.O. HORSLEY:**

Motion by Legislator Schneiderman. Seconded by Legislator Calarco. All those in favor? Opposed? So moved.

**MR. LAUBE:**

Seventeen (Not Present: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**

We have a *CN on 1523-12 - Amending the 2012 Capital Budget and Program and appropriating funds in connection with acquisition of lands for the reconstruction of CR 16, Portion Road from Ronkonkoma Avenue to CR 97, Nicolls Road, Town of Brookhaven (CP 5511.11 PIN 075598) (County Executive).*

**LEG. MURATORE:**

Motion.

**D.P.O. HORSLEY:**

Motion by -- I missed who.

**LEG. MURATORE:**

(Raised hand).

**D.P.O. HORSLEY:**

By Legislator Muratore, and seconded by Legislator Browning.

**LEG. MONTANO:**

On the motion, very quickly.

**D.P.O. HORSLEY:**

On the motion.

**LEG. MONTANO:**

Yeah, Ben, is this like -- we had this issue I think at the last meeting on the C of N. Is this a companion property or something? I didn't want Gail to sit here all day without having a chance to talk.

**MS. LOLIS:**

Thank you. It's a -- well, I'll put it this way; it's the same attorney, same attorney, different Capital Project.

**LEG. MONTANO:**

But the same issue, he's going to file a judgement, okay.

**MS. LOLIS:**

Same issue, two weeks, he won't wait the six weeks.

**LEG. MONTANO:**

Okay, good.

**D.P.O. HORSLEY:**

Okay?

**LEG. MONTANO:**

He's doing his job.

**D.P.O. HORSLEY:**

We have a motion to approve. All those in favor? Opposed? So moved.

**MR. LAUBE:**

Seventeen (Not Present: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**

Okay, we have a *Bond Resolution, 1523A (Bond Resolution of the County Of Suffolk, New York, authorizing the issuance of \$700,000 bonds to finance a part of the cost of the reconstruction of CR 16, Portion/Horseblock Road, Town of Brookhaven (CP 5511.211)*, same motion same second. Roll call.

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

**LEG. MURATORE:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. CALARCO:**

Yes.

**LEG. MONTANO:**

Yeah.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. SPENCER:**

Yes.

**D.P.O. HORSLEY:**

Yes.

**P.O. LINDSAY:**

(Not present).

**MR. LAUBE:**

Seventeen (Not Present: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**

Okay. To the yellow folder, *Late Starters:*

**1524 --** I'll make a motion to waive the rules and lay on the table, seconded by Legislator Kennedy. All those in favor? Okay, let's go with it; Public Works, 1524, Public Works. Okay, 1525 to Public Works & Transportation; 1526 to Ways & Means; 1527 to Ways & Means and set the public hearing to June 5th at 2:30 in Hauppauge. All in favor? Opposed? So moved.

**MR. LAUBE:**

Seventeen (Not Present: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**

I think that's it, right?

**MR. NOLAN:**

That's it.

**LEG. ROMAINE:**  
Motion to adjourn.

**D.P.O. HORSLEY:**  
Okay, we're adjourned.

*(\*The meeting was adjourned at 9:39 PM\*)*

*{ } - Denotes Spelled Phonetically*