

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

SEVENTH DAY

June 5th, 2012

Verbatim Transcript

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

Verbatim Minutes Taken & Transcribed By:

Alison Mahoney & Lucia Braaten - Court Reporters

*(*The meeting was called to order at 9:29 A.M. *)*

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

D.P.O. HORSLEY:

Good morning, everybody. Would all Legislators please come to the horseshoe? All right. Mr. Clerk, would you please call the roll.

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

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

Here.

LEG. MURATORE:

(Not present).

LEG. HAHN:

(Not Present)

LEG. ANKER:

Here.

LEG. CALARCO:

Present.

LEG. MONTANO:

Here.

LEG. CILMI:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Here.

LEG. NOWICK:

Here.

LEG. GREGORY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. SPENCER:

Here.

D.P.O. HORSLEY:

Here.

MR. LAUBE:

Fifteen.

P.O. LINDSAY:

(Absent).

MR. LAUBE:

Fifteen.

D.P.O. HORSLEY:

Legislator Muratore is here.

MR. LAUBE:

Sixteen (Not Present: Legislator Hahn - Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Okay. Good morning, everybody, and welcome to the General Meeting at Hauppauge of June 5th, 2012. And we are going to have our salute to the flag led by Legislator Dr. William Spencer. The invocation will be given by Reverend R. David Aldridge, Pastor, Central Presbyterian Church in Huntington Village, guest of Legislator William Spencer.

LEG. SPENCER:

This morning I have the privilege of introducing Reverend David Aldridge. He began his ministry at Central Presbyterian Church in Huntington on Thanksgiving Day in 2005. He received his Master's of Divinity at University of Dubuque Theological Seminary, and he's now in his 20th year in the Ordained Ministry. He served previously as a new Church Development Pastor, interim Pastor and Pastor in places such as Oklahoma, Wisconsin and Missouri. He has friendships throughout the world in places such as Kenya and Haiti, and he has also served as the bridge of Central Presbyterian Church to these international places.

He enjoys living in Huntington with his wife Sarah and they have two children, Emily and James. In addition to spending time with his family and two Border Collies, Reverend Aldridge also likes to run, write and play the guitar, which he does in Sunday services quite frequently.

Today we also have a very special treat that visiting us internationally from Kenya is Reverend David Githii who is also a friend and classmate of Reverend Aldridge at the University of Dubuque. Reverend Githii is the outgoing moderator of the Presbyterian Church of East Africa. He is from Kenya and is on a speaking tour in the United States. And as Reverend Aldridge is giving the prayer in English, he will be also giving the prayer in Kenyan. Reverend Aldridge.

REVEREND ALDRIDGE:

Thank you for your patience, thank you for welcoming us. It's an honor for us to be here. And if you would, please bow with us for prayer; let's pray.

**(*The following prayer was recited by
Reverend Aldridge in English & by Reverend Githii in Kenyan*)**

Almighty and ever lasting God, we praise you for who you are and for where you are. For you are seated both in the heavens and alongside the broken and the needy. You are great and gracious, God. Lord, we take for granted so much in our midst. The beauty of the Island, the sweetness of the seasons, the freedom within our nation. And we take for granted the many protections and provisions. And as citizens, we take for granted these public servants who have come to serve today.

Please forgive us for neglecting and for taking for granted so much, oh God. These servants, oh God, present themselves to you this day seeking to be faithful to their calling, desiring to be good stewards of your resources. We beseech you this morning here in this place to touch your servants who have come to serve this County. They have come to serve their neighbors, and above all they have come to serve you, oh God. We seek and pray for your hand of favor to rest gently and yet powerfully upon them as they labor for the common good of our land.

Please guide them by the light of your word and your holy spirit. Wash them in the blood of your holy son and grant to them your divine counsel, encouraging them to carry out and carry through the decisions they have made. Granted they might know that the close of the day, the things that they have touched have been touched by the hand of God. Lord God, we pray that you would grant safety into our streets and neighborhoods. We pray, oh God, that you would guide and provide for our Police and protect and supply our firefighters. Let families grow in their ability to hear and obey your divine voice and call. Grant, oh living God, increase in clean commerce, depth of creativity and virtue in the arts. God, grant to us, oh God, breath in our collective pursuit of truth in our schools. And grant, oh God, success in all our communal efforts to reach beyond the borders to embrace all the nations as they come and visit and enjoy this sparkling County. Lord God, we thank you for all your goodness to us. We offer this prayer in the divine name of your son. Amen.

"Amen" Said in Unison

D.P.O. HORSLEY:

To my Legislators, may we just again, and the audience as well, may we just stand for a moment of silence? Let us all remember all those men and women who put themselves in harm's way every day to protect our country and our freedoms, both home and abroad.

Moment of Silence Observed

All right. Again, good morning, everybody. And if I may, at this point in time I'd like to just pass this over to Legislator Spencer who has a commentary on the van you may have saw coming into the building today. Legislator Spencer, would you like to give us a little detailed run-through?

LEG. SPENCER:

Good morning. Thank you, Deputy Presiding Officer. I appreciate the privilege. This morning we are very fortunate. I reside in the 18th District, which is the home of the Vanderbilt Museum. And the Vanderbilt has been supported by this Legislature and the County and they are under a process of renovating where in October they will be unveiling their new Vanderbilt Planetarium. But today we have a very special treat for those of you who are here, is that they are debuting their mobile classroom which is a traveling planetarium. And this was donated by the American Museum of Natural History and today will be its first time on display for the public. So as you leave today, I invite you to step aboard the van. And the Executive Director, Lance Reinheimer, is here, he's available to give you a tour, he's in the back here to the left. And then they're going to remain for --

until lunch so when we break, I invite my colleagues in the Legislature to go out and to take a quick look at the van.

So it's a privilege for me to be able to share this wonderful news and I think the van will be visiting schools throughout the summer, leading up to the grand opening of the Planetarium in October. So thank you, Presiding Officer Horsley, for allowing me to speak.

D.P.O. HORSLEY:

Thank you very much, Legislator. Please bear with me one second.

Okay. We are now moving towards the portion of our agenda where we are giving out proclamations, which is -- which are all good things. And first up, we have Legislator Browning who will present proclamations to Shawn Mitchell of Ridge, Suffolk County Police Officers and community members of the Manorville Community Ambulance who were instrumental in saving the life of a 10-year old. Legislator Browning?

LEG. BROWNING:

Would all of you come up this way, and Alana of course. Mom, do you want to come up? And Legislator Romaine, Shawn is your constituent, and I do have Manorville Ambulance, if you would like to join us.

Good morning. I think many of you heard the story about Alana Kiceina. On April 25th, Shawn Mitchell of Ridge parked his truck on {Abbot} Avenue in Mastic, and thank God he happened to be in the right place at the right time. Soon after, he noticed 10-year old Alana and her mother Joan frantically shaking Alana's arm, and she was unresponsive. Shawn Mitchell immediately sprang into action and began administering CPR. Soon after, the Suffolk County Police arrived and took over the CPR for Mr. Mitchell. Patrol Officers Maureen {Berginyon}, Robert {Hughes} and Anthony {Sangamino}, along with COPE Officers David {Febrezio}, they took over the CPR. Officer {Berginyon} was able to restore Alana's pulse with the use of the defibrillator, which I think now we see why EMT training is so important for our Police Officers.

Manorville Community Ambulance responded and continued treatment on Alana while she was transported to Brookhaven Memorial Hospital in East Patchogue, and she was later transferred to Stony Brook University Medical Center, and again to Mount Sinai Hospital in Manhattan. Today, Alana is alive and healthy because of the efforts of Mr. Mitchell, the Police Officers and the Manorville Community Ambulance. And I'm proud to have the opportunity to honor all of these heroes here today.

Thank you.

Applause

And I know many of you, we read a lot about Alana in the paper and we're very happy to have you here today. Joan, would you like to say something, or Alana?

MS. KICEINA:

Thank you. I just want to thank you all. Without you, the efforts, she wouldn't be here today, and we're so blessed to have you all here and I thank you for everything. There's no words to express it.

Thank you.

Applause

LEG. BROWNING:

Alana? No? Alana's a little shy. But again, thank you to each and every one of you. Legislator

Romaine?

D.P.O. HORSLEY:

And thank you on behalf of all of the Legislature for your service. You guys do a great job. We appreciate it.

LEG. ROMAINE:

Likewise. I'd like to join with Legislator Browning in commending our Police Officers and the Manorville Community Ambulance who do a great job on behalf of all those who live in Manorville. And thank you for being in the right time at the right place and providing that type of care that allows this young lady to stand before us today, hopefully on the mend, getting better every day. And all you can say is God was watching out for you that day and all praise to Him and all praise to the talents of the men and women who He helped guide you in your hour of need. Thank you.

Applause

D.P.O. HORSLEY:

Thank you very much, Legislator.

LEG. BROWNING:

I believe I have more procs, but I guess I'll come back in for the next one.

D.P.O. HORSLEY:

Okay. Do you want us to wait for you or you want to,

MR. GRAVANO:

(Inaudible).

LEG. BROWNING:

Okay.

D.P.O. HORSLEY:

Kate, one thing we always learn is follow the photographer.

(*Laughter*)

LEG. BROWNING:

I do what I'm told.

D.P.O. HORSLEY:

They're the boss.

LEG. BROWNING:

Steve, you want me to go ahead and do the next one?

MR. GRAVANO:

Do the next one and then we'll do the photos.

LEG. BROWNING:

Okay. So, next we have the **William Floyd Mock Trial Team**. Do you guys want to come up and join me, please? We have our school principal, Mr. {Casiano} and Mr. Hennessy who is their instructor. And Mrs. Harrington is not here yet? Okay.

And I think many of you have seen the William Floyd Mock Trial before us before, and I'm here to congratulate them on being the Suffolk County Champions and the Long Island Regional Champions.

They went up to take 5th place in the New York State Team out of 350 teams. This is the third year in a row the team has won the Long Island Regional Champions. Their advisors are Elizabeth Harrington and William Hennessy. Mr. Hennessy, it's always good to see you. Mr. Hennessy has been an advisor to the William Floyd Mock Trial Team since 1985. During this time, the teams have won five Mock Trial State Championships, eight Long Island Regional Championships and four Suffolk County Championships. And with the mock trial and the work that they have done in William Floyd, we are seeing a lot of our students going into practice law. And I have to say, I was at an event one time and with -- it was a bunch of attorneys and the one of the attorneys works with her school district and she was asking me, "Well, where does your son go to school," and I said, "William Floyd," and she said, "Oh, Mock Trial, they're very good."

*(*Laughter*)*

So you guys have made a name for yourself. So I want to say congratulations to each and every one of you. Keep up the good work. I know you're not all seniors and we are going to look forward to having another good year with the Mock Trial. Congratulations.

Applause

We'll do a picture.

(Photograph Taken)

D.P.O. HORSLEY:
Congratulations to all.

Applause

All right. Next up for proclamations, we have Legislator Anker who will present a proclamation to the Global Awareness Club of Shoreham-Wading River. Legislator?

LEG. ANKER:

Actually, we have the *Global Awareness Fund* and we have *COPE Children's Fund*, if those organizations can please come up.

Originally I had met Kevin Mann when he was working, raising funds for their trip to Kenya; and it's interesting that we had a beautiful prayer from Kenya, Africa, and you guys are here today. Basically back in -- Hope Children's Fund is a global drive to try to create awareness and based on education, bring people to Kenya so they can help educate those folks there. There's an epidemic, of course, of AIDS and homeless children and, you know, we have so much here in our country. And through their efforts, and this is Hope Children's Fund, we're giving hope to the children that are there and raising awareness, and it's even as important for the people that are in Kenya as it is for the students, and that's where Shoreham-Wading River's Global Awareness Club comes in. We have some amazing students. These are kids. They are more responsible than most adults that I know, probably, but they're amazing kids. And they go to Africa. They take the long journey over there and they teach the children and the adults there on different aspects of, you know, work, craft making, and then they bring the products back here to Long Island and they raise funds in that way. And I have some beautiful crafts that I actually presented to my children for Easter. Instead of the Easter baskets with all the plastic eggs -- well, they got some of those -- but they got some amazing crafts, hand-made little giraffes and elephants, and my daughter absolutely loves animals and she was thrilled. So I'm glad I got to contribute in some way.

And again, I am so happy to be able to present them with some amazing proclamations. I was wondering if, Larry, would you like to come up here and just say just a couple of words, and Kevin,

about your organizations and some of your efforts?

MR. HOHLER:

Okay, I'm trying to keep it short. I taught in Kenya 30 years ago, 40 years ago and stayed in touch with one of my students who is now a school principal over there. When the AIDS pandemic hit in the late 90's, I had just retired from public school education and he asked me to help him to start a home to take some of these kids off the street because there were hundreds of them. We opened in '05, and then with the help of the Global Club at Shoreham-Wading River, we expanded our number from 18 to 79, we have 79 orphans off the street over there, and some of them are starting, if we can fund them, to college. And the Shoreham-Wading River kids had put aside \$1,500 that they have raised for one of our girls to go to college in Kenya, and that's a big achievement. So we really thank the Global Club for helping us out. Thank you.

Applause

LEG. ANKER:

Kevin, can you give us a few words about your organization at the Shoreham-Wading River High School?

MR. MANN:

Thank you. The Global Awareness Club at Shoreham-Wading River started in 1983 by two students who were interested in helping at Ethiopia with famine relief, and the tradition continues today. We're here to honor the co-presidents of the club, really, Samantha {Lockavera} and Patrick Pitts. Samantha has also been elevated to the role of a Board Director of Hope Children's Fund because of her work. They are chronologically seniors in high school, but we've really learned more from them than we've taught them. So we thank them very much for their service.

Applause

LEG. ANKER:

I have one more proclamation. Is Patti & Doug Wood here today?

There they are. Okay. Real quick, I know we've got probably a long day ahead of us. Grassroots Environmental Education. About, oh gosh, it was probably about eight, nine years ago I started community help and environment coalition. It because my grandmother had passed away from breast cancer and I just had my daughter four days after her passing. The cancer maps came out in Newsday, they said Long Island, the area that I live in, had the highest rate of breast cancer, if not in the State and the country. And I became very focused on trying to do something about it and that's why we're here, the Legislators are here, and we have quite a few advocates in the audience. I was focused on research and education. And as the Education Chair for the County, I am very aware that that's what it takes to get things done. You have to talk to people and convince them. And if you have the research and you have that information, things will move in the right direction.

Patti and Doug Wood are one of my most treasured mentors. They base their advocacy on health and environmental issues, on research and education. I believe they're both professors, I believe, and they're amazing, creative, thinking out of the box. When I was getting very frustrated with the State not coming back to our area to find out why we have the highest breast cancer rate, I went to Patti and Doug and they were already working with the State, they were publishing toxic -- what was it called?

MR. WOOD:

Toxic triggers.

LEG. ANKER:

Toxic triggers, and it was published by government saying our environment actually plays a role in our health, and that was the first time that I saw a document stating that. Before it was, "Well, maybe those chemicals will hurt you." You know, "Maybe there's something in our water." No, they had it, they did the research and they convinced our Governor at the time that this document needed to be published. And so I am absolutely honored to be here to honor them with a proclamation. Patti, would you mind coming up here and just saying a few words?

Applause

MS. WOOD:

Our mission at Grassroots Environmental Education is to educate the public about the links between common environmental exposures and human health. Here on Long Island, we live in a very fragile environment where what we do on an every day basis, the actions that we take have an impact on our air quality, our water quality, and actually the quality of our health, especially our children. So we are focused on our working in schools, in school environments, looking at chronic low level exposures. We're looking at certain areas of the Island, as Sarah said, where we have higher than normal breast cancer rates. I must say right here that Long Island does not have the highest breast cancer rates in the country, although we are -- although we are a very dense population here and it seems like we have a lot of breast cancer. But there are specific clusters, areas where there are higher rates and we look at some of the environment contaminants that are found in those areas that may be having an impact.

This is really an important, important area of research today where we acknowledge from all of our conventional institutions, our most conservative institutions that the environment does play a huge role in cancer and in other health problems that we're seeing today. So we thank you very much.

Applause

LEG. ANKER:

Okay. Thank you again. And I think -- who's our next one? We'll do our picture up front.

D.P.O. HORSLEY:

Thank you very much, Legislator. And we'll move this along, and congratulations to all.

Legislator Gregory, I understand you have a presentation to make to a Grace Varley for her exceptional heroic acts and achievements on behalf of our fellow Suffolk County residents.

LEG. GREGORY:

Thank you, Mr. Chair. Can I ask Alison and Grace to come forward? Earlier today we saw in Kate Browning's district and Legislator Romaine's district the efforts of some heroes. And it's always a pleasure to be amongst heroes, particularly today. This morning we have what I will refer to as a tiny hero.

Grace Varley, as you all may have read in Newsday recently, saved her younger brother's life by calling 911. The grandmother was at home with the children, the younger brother, who is two-years old, was choking on a chicken nugget. While the grandmother went to the child and tried to dislodge the chicken nugget, Grace, who learned earlier this year, she's in pre-K, from the Amityville Fire Department how to call 911 in an emergency, she went straight to the phone, called 911 and was able to answer all the questions in a calm and deliberate manner which allowed the Police Officer from the Amityville Police Department, which happened to be -- happens to be a neighbor of the Varley Family, to come to the home and rescue the brother. And it wouldn't have been without the efforts of Grace, and she certainly showed grace while she was on the phone that day. And as a

bigger sister, what else could you ask for, you know? Someone to do her efforts.

She's very shy, but we wanted to certainly recognize her. She's been recognized as well by State Senator Chuck {Fashillo} and State Senator Owen Johnson with the Liberty Medal at her school last week, and that just demonstrates the heroic efforts of this young lady. So we have two things for her today. We have a proclamation that we want to present to her, but we also wanted to encourage her to go into the medical field, so we have a little basket, a little bag here with a stethoscope and some band-aids and stuff to give to her. Oh, I see her smiling now, not so shy.

Applause

D.P.O. HORSLEY:

Congratulations. Next up for a proclamation is Legislator Calarco will present a proclamation to ***Nadin El-Gawish as a recipient of the SUNY Chancellor's Award.***

LEG. CALARCO:

Good morning. It's my pleasure to be here today to just recognize one of our outstanding students right here from our community college in Suffolk County, she attends our Ammerman Campus, Nadin El-Gawish.

Nadin received the SUNY Chancellor's Award for Excellence for the SUNY System here in New York State. And to just give you an idea of what that means, she's only one of 300 students to win this award for all 64 SUNY campuses across the State, and she did this representing Suffolk County Community College. So this is great -- well, quite an achievement by Nadin and we wanted to recognize her for that.

And to win the award, you have to fully integrate academics and extracurricular accomplishments and there is leadership, athletics, community service, the arts, campus involvement and career achievement. And Nadine is one of those well-rounded students that has been able to do this and really has shined at our college, earning a GPA of 3.9, being the Vice-President of the Honor's Club, a member of the Relay for Life Team Captain. And for those of you who don't know, Relay for Life just took place this weekend, it's a fund-raiser for the American Cancer Society to find a cure for cancer. She is a tour guide at the open houses, she's a volunteer for a safe haven for runaway teens where I think she's able to be a role model for many young girls at the safe haven there. She volunteers to raise money for St. Jude's Children's Hospital and also for the Guide Dog Foundation. So Nadine is really quite an active member.

And I know in a few minutes we might be -- we're going to be honoring some students of ours throughout the County who are receiving awards from BNL Science, and I think Nadine is somebody that they can all look to as a role model and someone they can try to achieve and mimic in the future. So Nadine, on behalf of the County Legislature, we want to congratulate you on your achievement.

Applause

D.P.O. HORSLEY:

Thank you very much, Legislator. And thank you and congratulations to Nadine.

Legislator Kennedy will present a proclamation to ***Daniel Emerson as a recipient of the SUNY Chancellor's Award.***

LEG. KENNEDY:

And good morning, Mr. Deputy Presiding Officer. Thank you so much. And to my colleagues and to the audience, today I have the great privilege to recognize a student from Suffolk Community College.

He's actually a Nesconset resident, right from our home town, and he is one of three Suffolk Community College students that received the SUNY Chancellor's Award, an award that was given to only some 60 students throughout the whole State of New York.

Daniel got the opportunity to travel to Albany where he was recognized by Chairwoman {Zinfer}. And I would just like to point out some of the many areas that Daniel's involved in. He has served as the President of the Amnesty International Club for the Suffolk Community College; he volunteers for the American Red Cross; he was an organizer for the Take Back the Night Rally; he has served as a tour guide for our Suffolk Community College, and he is a member of the Singers Select Choir. So Daniel truly is an ambassador for our community college, and as we all know, we'll be supporting them today with our Capital Program.

So I just thought it would be prudent to bring Daniel forward today to be recognized by the body and to say thank you for the great work that you do on behalf of us, Daniel. Thank you for your good job.

Applause

D.P.O. HORSLEY:

Congratulations, Daniel.

All righty. Next up is Legislator Spencer who will present proclamations to his constituent Judith Light in recognition of her being selected as one of Long Island's 50 Most Influential Women by Long Island Business News. And Doctor, may I add that she is your constituent and I'm very proud of her, but she is all of ours. She's been involved with so many things across Long Island and we're very proud of her as well.

LEG. SPENCER:

Thank you. Judy, would you please join me at the podium?

Judith White is the Managing Partner and co-founder of CJ Communication Strategies, a minority women's business enterprise in Greenlawn focusing on community outreach, media relations and publicity, marketing communications and many, many more issues that they address to clients on Long Island and the New York metropolitan area. Prior to launching CJ in 2002, Judith was Senior Account Executive in a prominent public relations firm where she served the needs of private, public and not-for-profit firms, as well as education in government organizations. For almost 30 years, Judith has served in many capacities on numerous professional and volunteer boards. She has received innumerable professional awards for her work. It gives me great pleasure to recognize Judith for being selected as -- by Long Island Business News as one of the 50 Most influential Women in 2012 for her business acumen and community involvement. Congratulations.

Applause

D.P.O. HORSLEY:

Congratulations, Judy. Job well done. We're proud of you.

MS. WHITE:

I'm just going to take a minute. Some of you have already been out to Brookhaven Rail Terminal to see Long Island's newest rail freight facility, actually only rail freight facility. I want to invite you all to come out and see it. It is a phenomenal thing. We're changing the way Long Island brings freight in and we have received our first loads of bio-diesel fuel and flour. And so we're bringing in consumer goods and would like any of you to come in and visit us because it's quite a -- quite a wonderful project. The Town of Brookhaven has been absolutely phenomenal, Supervisor Lesko has been wonderful. And so we'd like you all to come out and take a look at it.

D.P.O. HORSLEY:

Judy, it's like becoming my second home.

*(*Laughter*)*

All righty. Legislator, I understand you have also a second presentation to [Melissa Zammett Gonzalez and Erin Zammett Ruddy](#), both [cancer survivors](#).

LEG. SPENCER:

I cannot even begin to imagine what it would be like having one of my children diagnosed in their 20's with a life-threatening cancer, not to mention two daughters in a year. The extraordinary Zammett Family turned tragedy into inspiration.

Erin Zammett Ruddy is a seven-year survivor of Chronic Myelogenous Leukemia and the author of the acclaimed book [My So-Called Normal Life](#) published in 2005. She has chronicled her battle with CML in the award winning [Life With Cancer](#) column for Glamour Magazine where she was an Editor for eight years. Up until recently, she wrote a daily blog on Glamour.com that gave hope, laughs and support to thousands of young adults with cancer.

One year after Erin's diagnosis, Melissa, who was seven months pregnant at the time, was diagnosed with Hodgkin's Lymphoma. Eventually she had to endure a stem cell transplant. To celebrate Erin and Melissa's cancer-versaries, the sisters chose to take part in a ten-week long Man and Women of the Year Fund-raising Competition to raise money for Leukemia and Lymphoma Society of New York City. Their goal was to raise \$100,000 and they exceeded that goal. In addition, for her part, Erin was selected as the Society's Woman of the year. On behalf of the Suffolk County Legislature, it gives me great pleasure to recognize Melissa and Erin for their extraordinary fund-raising challenge and their steadfast courage in the face of diversity. Thank you.

Applause

D.P.O. HORSLEY:

Congratulations to both of you.

MS. ZAMMETT-STUDDY:

Thank you so much. I wasn't prepared to talk or anything, but I would just like to say -- no, I would. I would just like to say that this was a team effort. We raised \$178,000 in ten weeks, and that was largely due to people in all of your districts who came out of the woodwork for us. And we got everything from \$10 donations to \$1,000 donations, and every one of those made a difference to all of us.

And as a board member for the Leukemia/Lymphoma Society, I feel like I would be remiss not to mention the [Light the Night Walks](#) that happen in all of your districts in October and for everyone here to come out and support this because, you know, there are way too many sad stories out there. Melissa and I have very happy stories and we're happy to share that hope, but we're still working to make a difference in the lives of so many who don't have such happy endings as we have. So thank you so much for having us here today.

Applause

D.P.O. HORSLEY:

Again, congratulations.

All right, now we're moving to a proclamations that will be presented by grade to the 2012 Brookhaven National Laboratory Science Fair Winners. The Legislature takes great pride in celebrating the National Brookhaven National Laboratory Science Fair, because we're all about education and this is what we do the best in Suffolk County, and Brookhaven's a partner of this Legislature.

All right, the first is from Legislator Montano who is celebrating kindergarten, Mrs. Brereton's kindergarten class, Brentwood, East Kindergarten Center. Legislator?

LEG. MONTANO:

Thank you very much. Good morning, colleagues, members of the audience. I have the privilege of presenting the first proclamation for the Brookhaven National Lab contest, and it's a kindergarten class, the East Kindergarten Center from the Brentwood School District. Good morning.

MS. BRERETON:

Good morning.

LEG. MONTANO:

We have here Ms. Brereton who is the teacher and Michele Rogers who is the Principal of the school. And I'll just go through this briefly, I know we have many of them. These young scientists came up with this great project called *Hot or Not*. They wanted to see which spoon would get hot the quickest. Using a wooden, a plastic and a metal spoon -- who thinks of these things? I've got to be honest with you.

*(*Laughter*)*

They decided to put the spoons to the test. Their hypothesis was that the wooden spoon would heat up fastest because wood is used to make fire. A little bit of butter was placed on top of each spoon and a raisin was placed in the butter. The spoons were then placed standing in a glass of hot water. The children recorded what happened in ten minute intervals. After 20 minutes, they noticed that the butter on the metal spoon started to melt and slide down the spoon. They repeated the experiment with cranberries and got the same results.

*(*Laughter*)*

It's ingenious, I love it. The class concluded that the metal spoons got hot first because the heat from the water traveled up the spoon and made the butter melt. I just want to congratulate these young students. They are the future of Suffolk County and this community and probably all of this country. We want to thank you so much to the teacher and the principal and I'm very proud to represent the Brentwood School District. And this is what we are producing for our future. Thank you very much. Congratulations, all of you.

Applause

D.P.O. HORSLEY:

Thank you very much. And congratulations, gang.

LEG. MONTANO:

We have Angel, Catherine --

MS. BRERETON:

And Emily.

LEG. MONTANO:

And Emily representing the class. Thank you all.

D.P.O. HORSLEY:

The title of it was *Hot or Not*.

LEG. MONTANO:

Hot or not.

D.P.O. HORSLEY:

Okay.

LEG. MONTANO:

And it has nothing to do with fashion.

*(*Laughter*)*

D.P.O. HORSLEY:

Okay the first grade award will go to -- is Legislator Nowick's District, 1st grade, *Eva Scottodimaso from Kings Park, Fort Salonga Elementary School*. And we lost her.

Well, while we're doing that, maybe what I'll do is I'll do the 2nd Grade on behalf of Legislator Lindsay.

*(*Legislator Nowick enters the auditorium*)*

LEG. NOWICK:

The one time I get up.

D.P.O. HORSLEY:

Sorry, I didn't look to see if you were there.

LEG. NOWICK:

You want me to go up?

D.P.O. HORSLEY:

Yes, this is your grade. This is the 1st grade.

LEG. NOWICK:

Why don't I take over? Okay. I am fortunate enough to have three recipients. So this is the kindergarten? Kindergarten, okay.

MS.

First grade.

LEG. NOWICK:

First grade. And also, while I'm up here, could I have -- well, we have the William T. Rogers Middle School. Can I also have Fort Salonga Elementary School and Burr Intermediate School come on up? We're going to do this.

MR. GRAVANO:

In one fell swoop.

LEG. NOWICK:

You know, because we have such a busy schedule.

D.P.O. HORSLEY:

You're doing great.

LEG. NOWICK:

Okay. Is this the Fort Salonga Elementary School?

MISS KUJAWSKI:

Yes.

LEG. NOWICK:

And you're so beautiful. Come on up. We're going to bring everybody up because we know -- we know we're very busy today. I just want to say one quick thing. These proclamations and the Legislators in Suffolk County recognizing these young people, you know, you all know we have major problems in Suffolk County and throughout the United States and we have economy problems, but you are the future and I think you need to be recognized. You're going to be the people, the young people, the older people, you will be taking over. We need to recognize what you do. And these things are important and these put smiles on your parents faces and they put smiles on our faces and your teachers and your principals and Superintendents. So congratulations to all of you. Let me tell you what you have done, or let me tell the audience what you have done. Cupcake?

MISS KUJAWSKI:

I'm cupcake.

LEG. NOWICK:

You're the cupcake, alright.

*(*Laughter*)*

LEG. NOWICK:

Okay, then you are the roller coaster. Okay. *Eva Scottodimaso is a 5th grade student at the Fort Salonga Elementary School.* Eva's idea, and look how old Eva is, for her science project came about because she was afraid to ride on a roller coaster because she thought she would fall out. Even though her father told her she wouldn't and explained why, she wasn't convinced. In order to understand how centrifugal force works, she conducted her experiment with a marble and jello.

In a clear plastic cup, she put two layers of different colored jello representing the seat of the roller coaster, and in between the jello she put a marble which served as a rider. She spun each cup 20 times in its centrifugal force generator, another cup attached to a string. She observed that the marble moved down into the jello seat but did not fall out. And from this experiment, Eva learned that she's going to Hershey, Pennsylvania.

*(*Laughter*)*

Congratulations, Eva, and also to your parents. And to Dr. Agruso is here, the school Superintendant of Kings Park, it's always a pleasure to see you. Stay right there, we have a proclamation for you. Okay, we're going out in a minute to take some photos.

Next I want to bring up the 4th grade. Luke? Where are you, Luke? Oh, look at this handsome

young man. Luke Verity is a 4th grade student at the Burr Intermediate School in Commack. For his science project, Luke decided to find a natural repellent because his family uses only natural products. Luke ordered ants on-line, made your parents very happy, I'm sure.

*(*Laughter*)*

And designed his own ant farm because the one he purchased wasn't appropriate for his experiment. He wanted to learn how to repel ants, correct?

MR. VERITY:

Yes.

LEG. NOWICK:

This is really interesting, too, for all of you. It's summer and you're all finding ants, I'm sure, as clean as your houses are. He observed the ants in the new habitat and tried different foods to attract them on a testing area. He then introduced one of the natural repellents on to the testing area to see if the ants would still go for the food. His hypothesis was that cinnamon would work the best, and it did work well. However, cloves were the most effective at keeping the ants away from the testing area. Great idea. Luke observed how the ants reacted to each substance for an eight hour period. He then washed off the testing area and waited a few days before trying another substance. The ants would not return to the testing area after the clove trial, because I guess the clove scent wouldn't wash away. So he discovered that cloves are a great natural way to repel ants and recommends that you put them in the kitchen, which I think is a great idea. I mean, we're all finding ants this time of year. Congratulations. I am so impressed. And to your parents as well, you have to be impressed.

Applause

So you know what? Luke, what did you do with the ants? Where are the ants now?

MR. VERITY:

They died.

*(*Laughter*)*

LEG. NOWICK:

They died, okay. I didn't say it, you know.

Where's my 6th grader? Sophia, come on up with your family. Sophia, come around. Sophia Kujawski. We have our -- let's see, the school Superintendent is here again, okay, and you have your teacher, Mrs. Draft.

MS. DRAFT:

Hello.

LEG. NOWICK:

Come on up. Don't be afraid. Come here, cutie. Susan is a 6th grade student at the William T. Rogers Middle School and she's the --

MISS KUJAWSKI:

Sophia.

LEG. NOWICK:

Sophia. She's an avid baker. And you baked?

MISS KUJAWSKI:

Yes.

LEG. NOWICK:

Okay. You wish you had her up earlier because, and I'll tell you later. She's an avid baker, science enthusiast and environmentalist. Consequently, her project included developing a home baking method that will reduce the amount of resources consumed while producing the same delicious cupcake that she loved. Sophia found that the best design involved bending a slender, food-safe, metal turkey needle at a right angle and then stabilizing each hook with a strong magnet on the lip of the metal cake pan. You've got to pass this around to figure this out, because I don't know how she figured it out. But Sophia repeatedly found that her test cupcake baked two minutes faster than other ones. Because the hook was thin, it did not cause any damage to the cupcake. She concluded that by adding a simple conduction heating method -- not unlike you do with baked potatoes, right -- to her process, she could make a greener cupcake. Now, Sophia made cupcakes for the Legislature. Yeah!

Applause

Congratulations to her parents and her school Superintendent, Dr. Agruso, again, her teacher, and to all of you wonderful -- our future children. Come on out with me. I have a proclamation, follow me out.

Applause

D.P.O. HORSLEY:

All right. Thank you very much, Legislator. Very good.

I have the distinct honor of presenting Legislator William Lindsay's proclamation to 2nd grade. I have Brook Brown from Bohemia and John Pearl Elementary School. Is Brook here? Oh, great. Just so you know, gang, your Legislator is ill and he's recovering and we're sending him all his wishes. So I'm trying to take his big shoes over for the moment, but he's sorry that he couldn't be here.

I have the distinct honor of noting that Brook Brown is a 2nd grade student at the John Pearl Elementary in Connetquot School District. Brook's project was inspired by a desire to conserve energy and protect our environment from excess waste products. Brook is passionate about preserving the planet Earth and using household recyclable materials. After constructing box houses and wrapping each one aluminum foil, styrofoam or cardboard, Brook put the boxes into the freezer and then tested the temperature of the inside of each box every minute for ten minutes. Brook concluded that cardboard served as the best method for potentially keeping a house warm, and she discovered that recyclable materials found in our homes can be reused to conserve energy. I congratulate Brook Brown on her unique and wonderful achievement at the 2012 winner of the Brookhaven National Science Fair. Brook, congratulations.

Applause

We have a proclamation for you.

All righty. The 3rd grade will be presented by Legislator Kennedy. Hannah Fioramonti from Smithtown Pines Elementary School.

Come on up, and let's see if we can find Legislator Kennedy. There he is. Your Legislator is very busy.

*(*Laughter*)*

LEG. KENNEDY:

I don't know. What did you say, busy?

D.P.O. HORSLEY:

Busy; it wasn't nasty.

LEG. KENNEDY:

Good morning. And I'm happy to go ahead and have Hannah with us today, and the Fioramonti Family. Hannah, for her project, did something that is quite interesting and something that many of us know. Hannah took the hypothesis as to what a tiger salamander would prefer as far as the method to move through tunnels; is that correct?

MISS FIORAMONI:

(Nodded head yes).

LEG. KENNEDY:

And many of us who are involved in government know of the illustrious tiger salamander. It is an animal and a creature that is an endangered species and one that has had many projects changed in many different ways in order to provide an acceptable environment for them. So Hannah did a wonderful job for us in actually undertaking a study to see what was the best type of construction for a tiger salamander tunnel. And I'm trying to read this but I can't really make sense of it. Hannah, why don't you come on over here and tell us. What do tiger salamanders like best?

MISS FIORAMONI:

They like the cement tunnels best.

LEG. KENNEDY:

They like the cement tunnels best. So for all of us here in government and all our Town Supervisors are here about projects, let's just remember that, that the tiger salamanders like the cement best.

Look, all kidding aside, I think this is great to see that our youngsters right here from Pines Elementary School have taken up the quest for science, have taken up the quest for service to the community. And on behalf of this whole Legislature, we all want to say to you, Hannah, thank you so very much for the job that you did.
Thank you.

Applause

D.P.O. HORSLEY:

Next up I have Legislator Schneiderman who is going to be giving awards to the 5th grade.

Brendan Gregory from Riverhead, Raynor Country Day School.

LEG. SCHNEIDERMAN:

Thank you. Well, this certainly bodes well for the future of Suffolk County, having all these brilliant young residents of our County. The winner of the 5th Grade category at the Brookhaven National Laboratory Competition is Brendan Gregory. And Brendan -- it's interesting with all this rain we've been having, we're all getting ready for the summer, we're all buying our patio furniture. Brendan had the question, what type of wood would actually be the best-suited wood to hold up; which would be the least likely to rot? And I don't know, some of you may know this about me; in my prior life I was a science teacher, so this is a topic I think that I found interesting. How he approached it, the very controlled study, he looked at five or six different variables which he held constant and he soaked different types of wood for an exact period of time, five different periods I believe it was, and

then he compared the weight, trying to see which held the most, absorbed the most water, which absorbed the least water, and predicted that -- in his study that white oak and mahogany -- white oak being the best-suited wood and mahogany being the second best-suited wood -- would be the best for outdoor patio furniture.

And with this project, Brendan took 1st place for 5th graders. I congratulate you, Brendan.

Applause

I think you have a future ahead as a scientist, and you're already starting to contribute. So I brought with me a proclamation on behalf of myself and the County which details your project a little bit and congratulates you for your good work. And I know you have with you, you have your teachers here and your Mother Donna and your Father Bob is here. So they're all very proud of you and we're also very proud of you. Congratulations.

Applause

LEG. STERN:

Are there any other colleagues that have proclamations or presentations? No? Seeing none --

D.P.O. HORSLEY:

I'm good.

LEG. NOWICK:

You want to stop? This young girl brought in cupcakes.

D.P.O. HORSLEY:

Aw. That's what we needed, a cupcake break.

All righty. We're going to be moving into the public portion. Oh, I'm sorry, let me -- I am incorrect. What I would like to do first is move to -- if the Legislature doesn't mind, I want to do statements and presentations of Village, Town and State or Federal Elected Officials, this is number six on our agenda.

What we have here is we have Supervisor Lesko and Supervisor Croci who came down here to discuss the portion of our Capital Budget presentation today. If I could have -- maybe the best thing to do is have them sit at the table.

Thank you. Do the Supervisors need cupcakes? (*Laughter*).

My apologies to those speaking in the public portion. This is -- we do this as a courtesy for those elected officials who have very busy schedules, and we appreciate them coming down today. As you can see, we have Supervisor of Brookhaven Lesko, as well as Supervisor of Islip Croci and Deputy Supervisor -- Deputy -- what title? I'm sorry.

LEG. ROMAINE:

Chief of staff.

D.P.O. HORSLEY:

Chief of Staff. You knew Ed would correct me on that. Brian Beedenbender. A former colleague and Legislator, Brian Beedenbender. I guess what we'll do is, Legislator Lesko, why don't -- Supervisor Lesko, why don't we start with you, because B starts Brookhaven. And I mean no preference. Legislator -- Supervisor?

SUPERVISOR LESKO:

Thank you very much, Mr. Deputy Presiding Officer, Legislators.

I appreciate the opportunity to speak to you today about the Ronkonkoma Hub Project. And what we're asking for today is that the Legislature support including \$21 million in its Capital Budget which would fund the construction of the sewage treatment plant at Ronkonkoma. And if the Legislature does this today, it will be a historic moment for economic development in Suffolk County. It will mark the moment when this project becomes truly shovel ready, and it will mark the moment when the County joins the Towns of Islip and Brookhaven as leaders in this effort to transform not only Ronkonkoma but the entire region.

This is -- and I'm not alone in saying this; the Ronkonkoma Hub Project is the most exciting economic development project in the entire State of New York. It is transit-oriented development on steroids. You're talking not only proximity to the Long Island Expressway, but the centerpiece is the busiest rail station in the LIRR system, less than a mile away from a regional growing airport with unlimited potential. This is truly transformational and was recognized as such by the Regional Economic Development Council for the Long Island region and was one of the centerpieces of our winning strategic plan that won over \$100 million in economic development money in the State competition last year.

I just want to make a few points about funding and then I want to make a few points about process. Three key points about the funding of this project. One, this funding in terms of including the sewage treatment plant in the Capital Budget we believe will allow our master developer on the Brookhaven side, and likely the master developer on the Islip side, TriTech, to go forward and sign the Master Developer Agreement. And it allows us, then, to allow them to leverage this \$21 million investment into approximately \$350 million worth of private investment. That's a massive payback of public funds, if you think about that investment. And it should be emphasized that the debt service for this money will be paid by the new residents in the newly created sewer district. This will not be serviced out of the County's General Fund. This will be a dedicated, new separate source of revenues that would be funding this new debt.

The timing is critical, because if TriTech -- if we do not get this funding included in the Capital Budget, TriTech has informed us that they will not be in a position where they could get the financing to acquire the 50 acres on the Brookhaven side, which is all privately owned, and that would jeopardize their ability to sign the Master Developer Agreement this summer. So it really is the linchpin for a massive amount of economic activity on the back end.

The other reason it's particularly important is that the County has already received the \$4 million grant from the Regional Economic Development Council for the design of the sewage treatment plant and sewer district. That \$4 million is contingent upon this \$21 million being in place, so it really all goes together.

The -- I want to talk a little bit about timing and then I'll turn it over to my colleague, Supervisor Croci, to talk about the Islip piece. But this -- the timing is incredibly important. County DPW has been working very hard and very quickly to complete the mapping plan for the sewer district. We understand the draft of the mapping plan is in hand, it should be finalized this week. The moment it's finalized, the plan is to send the mapping plan to EFC for scoring and ranking so that we can make the district available for grant funding, primarily Federal and State grant funding, and that's the plan.

The design is now currently being bid out. We expect the design to be completed by the end of 2013, and at the same time construction contractors should be selected by the end of 2013. The financing needs to be in place for that to happen, as I understand it. And then the plan is to have shovels hit the ground with the selected construction company the very early part of 2014. So all of

this kind of, you know, depends on the timing here today.

And so hopefully you'll support this project. It really is also the culmination of years of effort, not just on the Brookhaven side in terms of land use planning but also on the Islip side with my good friend here, Tom Croci. It really -- and in terms of setting an example for the region, this is truly historic. The Towns of Brookhaven and Islip are now working shoulder to shoulder on this. We have an intermunicipal agreement in place. We're also working shoulder-to-shoulder with the County, with the DPW and we'd welcome the Legislator -- the Legislature to join that effort. There's some exciting developments on the south side and I will, with the Deputy Presiding Officer's permission, turn the microphone over to my colleague, Supervisor Croci.

D.P.O. HORSLEY:

Of course. And thank you very much, Supervisor. Supervisor Croci?

SUPERVISOR CROCI:

Well, thank you, Mr. Deputy Presiding Officer. To the members of the Legislature and my distinguished friends and colleagues in government. We serve at a very difficult time in government and I feel the weight on your shoulders. I think incumbent upon us at this time is to find the projects that we can that have the greatest impact for the least amount of money. We're looking for those projects that are truly transformative, and for every dollar spent will see an exponential effect economically.

You have no greater economic engine in Suffolk County than Long Island MacArthur Airport. It is collocated with the Foreign Trade Zone which is a County program that is also partnered with the Town of Islip. The Foreign Trade Zone has, in the last five months, seen an enormous amount of activity, going from about 90,000 square feet of vacant space in January down to 18,000 square feet in just four or five months. So we're seeing the kind of activity. The hub project and the ability to have a sewage treatment plant for MacArthur Airport and some of the surrounding industrial spaces, including the Foreign Trade Zone, changes the game. If you are looking -- in the military terms, we would say that we're looking for a force multiplier, a low cost or low tax solution that has exponential effects on the mission, on the outcome. This is such a project. This sewage treatment plant could be an economic force multiplier, not only for the hub project but for MacArthur Airport and the County. So I stand in support of this.

On the Islip side, it's incumbent upon us to be involved early so that the sewage treatment plant is engineered and constructed at an elevation sufficient to service the lower elevation side of the project, and that's the Islip side, the downhill side. So we need to be involved early in this process. And the capacity that we have discussed with Supervisor Lesko and Brookhaven of 100,000 gallons, initially, services the airport and some of the surrounding industrial areas; not only the existing capacity, but the perspective capacity.

When we talk to airlines and we try to present Long Island MacArthur Airport as a place they want to come and we try to present businesses that this is a place you want to locate, we try to make it attractive for the business, the businessperson, the board of directors that sitting weighing these decisions. And of course, right now our airport is serviced not by sewers but by standard cesspool. We need to -- if we're going to transform the area, if we're going to service not only the new residential and commercial and retail aspects of the hub, the other side of the tracks, Long Island MacArthur Airport, would be well serviced by such an investment by the County.

And finally I would say that we are -- we are all painfully aware that if we're going to develop in Suffolk County, sewers are a key. In every project we look at, this comes up. Islip is in a position now to reserve a capacity and start building upon a capacity a sewage treatment plant in an area that's crucial to the County. And we welcome not only this initial investment, but we're going to continually be coming to the County to have the conversations about sewage treatment plants and

how it will effect development, not only in Islip but in all of the County. And I thank you all for your time.

Applause

D.P.O. HORSLEY:

Thank you very much, Mr. Supervisor. And there are many of us on the Legislature who wholeheartedly agree with you on that matter. Chief of Staff Beedenbender, did you want to say anything?

MR. BEEDENBENDER:

I'm here in support. So I'm just sitting here --

D.P.O. HORSLEY:

There you go.

MR. BEEDENBENDER:

-- if the Supervisors want to ask me any questions.

D.P.O. HORSLEY:

Absolutely. That was the reason why I brought them up earlier, to enable us to answer any questions that the Legislators may have, and I will start with Legislator Barraga.

LEG. BARRAGA:

Good morning, and thank you both for being here. I just need clarification with reference to the debt service associated with these bonds. You're asking the County to issue \$21 million worth of bonds. And as I understand from your testimony, the debt service will be paid by the tenants who occupy the hub. Now, the question is how many years go by before you actually have tenants? If we issue serial bonds, who's paying the debt service in the interim?

SUPERVISOR LESKO:

I think the short answer is that the property owners would be paying the debt service, not the tenants. The tenants ultimately, when they inhabit the buildings, whether they be commercial or residential tenants, assuming that their for-rent properties, which it's likely to assume, then that cost will be passed through to them in terms of their lease payments. But initially, the property owner -- and the plan is for them, for the property owners to be new property owners, TriTech would be responsible for that debt service as part of their sewer district taxes.

LEG. BARRAGA:

So what you're telling me is that a major developer, in this case TriTech, will be responsible for paying the debt service associated with these bonds until the tenants occupy the hub.

SUPERVISOR LESKO:

Correct.

LEG. BARRAGA:

The County has no fiscal responsibility here.

SUPERVISOR LESKO:

That's my understanding, is that this would operate much -- well, it would operate like every other sewer district. It's a separate taxing authority and it would tax its residents for the service it provides.

LEG. BARRAGA:

Because I just want this on the record because, you know, as both of you know, our fiscal situation here is not good. And you know, we're dealing with a Capital Budget this afternoon which is roughly going to be \$26 million more than the County Executive originally proposed, and now this 21 million comes in at the last moment and I just want to make sure we're not on the fiscal hook for any of it.

SUPERVISOR LESKO:

I think I can assure you that you're not. We in Brookhaven operate under a brief strict debt cap. If that applied in this instance, this would fall outside of our debt cap because you had a separate, dedicated source of revenues that would service the debt. I think the same principle applies here.

LEG. BARRAGA:

So all you're here to do is to get approval on the 21 million. As far as any fiscal responsibility, it lies with the property owners and TriTech.

SUPERVISOR LESKO:

Yes.

LEG. BARRAGA:

Thank you.

SUPERVISOR LESKO:

I should also point out, Legislator Barraga, that to the extent other entities, whether it be the airport or corporations on the south side, on the Islip side that may want to expand and tie in to the plant, they may also service the debt pursuant to private contracts.

LEG. BARRAGA:

I don't care who services the debt, as long as it isn't the County.

*(*Laughter*)*

SUPERVISOR LESKO:

Fair enough.

D.P.O. HORSLEY:

Okay. Legislator Kennedy.

LEG. KENNEDY:

Thank you. Thank you, Legislator Horsley. Supervisor, thank you. Actually, both of you, thank you for being here.

My request, and I apologize if you spoke to this when I was out of the room, but my comments in Newsday today went to the practicality of being able to go through the administrative steps. As you know, sewer district formation is a very detailed process that's laid out in County law, and I was unaware of some of the work that's already been under way by Public Works Department. So in my mind, I did not believe that it was possible to actually have full district formation and authority to actually become shovel ready by December, 2013. So can you speak just a little bit to that time line and how, in fact, this may actually be achievable as far as the time process goes?

SUPERVISOR LESKO:

Absolutely, Legislator Kennedy. I appreciate the opportunity. The mapping plan is almost done, we expect it to be finished this week. I have to give Brian Beedenbender a tremendous amount of credit as well as County Executive Bellone and his staff, and Gil Anderson for moving that along incredibly quickly. The design RFP, I think the bidders have already responded to that RFP.

MR. BEEDENBENDER:

(Nodded head yes).

SUPERVISOR LESKO:

We expect that the design will be bid out and completed by the fourth quarter of 2013. At the same time, the process for bidding out the construction of the sewage treatment plant will happen in 2013. My understanding is the funding needs to be in place for that step to happen, and the plan is to have the construction contractor selected by the end of 2013 so that shovels can go in the ground as early as possible in 2013. My understanding is that this funding needs to be in place now in order for that whole process to be completed by the end of 2013.

LEG. KENNEDY:

So we do have the physical boundaries, the parameters that have been laid out at this point as to what area is going to compromise the sewer district. And then as Supervisor Croci had spoken about, there may be an opportunity for us to also have connection through contract connection as well?

SUPERVISOR LESKO:

Precisely. And actually the \$21 million figure came from that mapping plan exercise, that was provided to us by County DPW. But you're absolutely correct, the mapping plan process, the draft is done, we expect it to be finalized as early as this week. And as I mentioned previously, when that's done, we will immediately work with the County to forward that mapping plan to EFC for scoring and ranking so that to the extent there may be Federal dollars available and State dollars, that can pass through EFC to the sewer district.

LEG. KENNEDY:

So -- and you anticipated my next question. You've had some interaction with our Federal delegation at this point and there has been a general measure of support through our Congressmen and Senators?

SUPERVISOR LESKO:

Absolutely. Less than a year ago, I think it was about nine months ago, we met with Matt Driskel from EFC, along with Congressman Israel, Congressman Bishop and Supervisor Croci's predecessor, Supervisor Nolan. EFC was strongly supportive, explained the process of getting scored and ranked and they're waiting to receive the mapping plan so they can get that process started.

LEG. KENNEDY:

Okay. Well, I appreciate both of you being here today. Obviously I have long been a proponent of sewerage. I've had the benefit of working with you, Supervisor Lesko, right from my pretty much inception in 2004 for the Ronkonkoma Hub. And even though I may no longer be directly in the Ronkonkoma Hub, I'm still a supporter.

SUPERVISOR LESKO:

Thank you.

D.P.O. HORSLEY:

Your heart is at the hub.

LEG. KENNEDY:

Ah, there you go, Wayne. There you go.

D.P.O. HORSLEY:

(Laughter). Legislator D'Amaro.

LEG. D'AMARO:

Okay. Thank you, Mr. Deputy Presiding Officer. Good morning, Supervisor Lesko and Croci. Thank you for coming down and giving us some of your time this morning, a very important issue. And I agree with you, Supervisor Lesko, that this is a transformational project and it does need to move forward. I just had a few quick questions for the two of you just concerning what Legislator Barraga was speaking to, that it's not any tax -- County Operating Budget expense. What's your basis of understanding for that?

SUPERVISOR LESKO:

That's information, and Brian might be able to give you a little more detail, but my understanding is that's how the process typically works and that's how it's been explained by DPW in terms of how this process works. It makes sense to me because as you may know, we have two sewer districts, town sewer districts in the Town of Brookhaven.

LEG. D'AMARO:

Right.

SUPERVISOR LESKO:

In fact, TriTech was responsible for the construction of both of them; number one, up in the Stony Brook/Setauket area; number two, down in Shirley. And that's precisely how it works in those two districts.

LEG. D'AMARO:

The reason why I ask that question is, is there a possibility that when the sewer district is first formed and the bonds are floated -- and I understand it's the sewer district itself that's floating those bonds, they're not County bonds, per se, from our Capital Budget, and I do understand that the debt service comes from the district itself. But there's also an interplay with our Sewer Stabilization Fund as well, and has anyone had a discussion about whether or not the sewer -- the County Sewer Stabilization Fund would be impacted by this newly formed district, especially in the formative years?

SUPERVISOR LESKO:

I'll turn to Mr. Beedenbender here who might be able to answer that.

MR. BEEDENBENDER:

Legislator D'Amaro, I believe -- and I will speak to the extent that I know and stop when I don't -- that the district pays both the debt service on any bonds that are out, any capital bonds, as well as an administrative charge to the County for operation and maintenance, because I think in your question was a question about that. And the employees that do the operation and maintenance are paid for out of your operating budget, but each sewer district is charged a fee, you know, for their work, an administrative fee which is also paid by the property owners in the district.

As far as how this would relate to -- just exactly -- I'm having difficulty understanding exactly what you're looking for an answer to.

LEG. D'AMARO:

Yeah, sure. Let me see if I can explain it a little better. My understanding is that we have a stabilization fund that has been used successfully to limit increases within sewer districts to 3%. And as Supervisor Croci mentioned, these are very difficult times and we're all mindful about the impact that a new project can have, not only on just taxpayers but on the County budget, because ultimately it affects the taxpayers. So my question is whether or not this new district would eat into,

for lack of a better term, that stabilization fund, to what extent, and does it put at risk the limitation of the 3% for all the other districts?

MR. BEEDENBENDER:

Well, in terms of putting at risk, I would have to ask Budget Review. But in the general conceptual framework, this sewer district, if the County -- if it became formed, would be eligible like all other sewer districts for the protections that are included in the Sewer Stabilization Fund

LEG. D'AMARO:

Right.

MR. BEEDENBENDER:

However, I think initially in the beginning years, normally those pressures are felt and the dramatic increases would be experienced by residents of a sewer district in greater than 3% in those years when major repairs, major expansions or reconstructions are done. So given the fact that this is a new sewer district and beginning constructed in the beginning years, I think the pressures would be much less for this district to exceed 3%, because you're putting out the construction costs and it's a new plan. A lot of those plants that have been around for 10, 15, 20, 30 years, right now and in the past, have experienced dramatic needs for upgrading to new Federal standards and EPA and DEC guidelines. This plant obviously will be in conformance with all those existing guidelines so it won't need that work. So I think the extent to which that might be possible is much less than any other district.

LEG. D'AMARO:

Now, Supervisor Lesko, you had mentioned to Legislator Barraga that the debt service would be paid by the property owner. So has a projection been done that the property owner is in a position -- does the property owner know what that amount is going to be and is prepared to make that payment so that we don't have to rely on our Stabilization Fund?

SUPERVISOR LESKO:

I believe they have done that as part of their overall pro forma for the project, they've built the cost in. I mean, they have different models. Obviously what we'd like to do is to be able -- once we get scored by EFC, we'd like to be able to aggressively seek grant funding for some of this project. That's actually, again, precisely what happened at Brookhaven Town Sewer District No. 2. TriTech planned on servicing debt, that debt issued by EFC, and then Senator Schumer provided grant funding that was able to fund about half of that project. We can't count on that now, you know, that's on the come, but that certainly is going to be --

LEG. D'AMARO:

That's the plan.

SUPERVISOR LESKO:

Most of our efforts over the next 18 months is to try to obtain grant funding.

LEG. D'AMARO:

Sure. Okay. Well, when we get to the actual consideration of the Capital Budget here this morning or this afternoon, whenever it comes up on our agenda, I am going to ask our Budget Review Office to assure me that when this project comes on-line, and if we amend our Capital Budget and put the 21 million in for 2013, that we're not putting at risk everyone else's sewer rates to go higher; that's a concern that I have. And even if we do, there's still, you know, the give and take and the balance and the great regional activity that this will generate for local economy, so there's still a consideration to be weighed. But I'd like to hear from our Budget Review Office. And I think in fairness and full disclosure, you need to know what's on my mind when that comes up.

SUPERVISOR LESKO:

One thing, I mean, when you talk about the overall tax impacts, I would just -- with all due respect, I would suggest that you also consider the potential expansion of the tax base, the net assessed valuation, because obviously the assessed valuation of those properties on the north side are going to be positively affected, that could have an effect on the adjacent properties, both in Brookhaven and in Islip.

To the extent there's expansion in Islip of commercial property, that would also have an effect. And if this works as planned, you're going to create a really vibrant commercial known that's going to have impacts on sales taxes as well. So I think this is going to potentially have not just a \$350 million immediate economic impact in terms of the build-out of this, but probably at the end of the day you're talking about many hundreds of millions, if not billions of dollars of potential economic benefit that would obviously benefit the County.

LEG. D'AMARO:

Right, and that's a great point and a very valid point. It's something that we hope we can actually accomplish for all of our benefit.

Let me just switch gears real quick; and again, if you'll indulge me just for another minute or two. The driver, the reason behind putting the funding into the 2013 Capital line is so that the developer can go and acquire the property that's necessary; is that the main driver of this?

SUPERVISOR LESKO:

The main driver is exactly -- you've stated it exactly, it's so that the developer, TriTech, can sign the Master Developer Agreement with Brookhaven, start negotiations with Islip, get the financing in place, which is higher risk, more venture financing for the acquisition phase, and go and start those negotiations with those property owners in Brookhaven.

LEG. D'AMARO:

So it's really the lenders that are looking for this commitment at the end of the day. Well, TriTech is also in order to assure that they can move forward, and they want to see the government commitment as well.

SUPERVISOR LESKO:

Both. Exactly.

LEG. D'AMARO:

But wouldn't the land acquisition, the determination whether or not to go ahead with the land acquisition, really be based on the value of the property and whether or not it makes sense as a free-standing type of acquisition?

SUPERVISOR LESKO:

The way they describe it eloquently is that can't go forward unless they know they can flush the toilets, and that's -- and they won't go forward unless they know they can flush the toilets. And if they can't flush the toilets, they ain't going to buy the property, it's that simple.

LEG. D'AMARO:

My only point there was that when you buy the property and a lender makes a loan against that property, they're looking to the security and the value of the security, which in this case I assume would be the land. So --

SUPERVISOR LESKO:

Right. I don't believe the -- I don't believe the construction -- the construction -- I mean, pardon me, the funding of the sewer plant would have some effect, obviously, on the value of land, it would conceivably increase slightly the value of the land because now you have available sewerage. But I think your point is correct, that the security as part of that land transaction is the land itself; you're

right.

LEG. D'AMARO:

Right. And best case scenario, you do expect that these bonds would be floated in 2013?

SUPERVISOR LESKO:

That's the hope.

LEG. D'AMARO:

Okay. All right. Gentlemen, thank you very much for answering my questions. I appreciate it.

SUPERVISOR LESKO:

Thank you.

D.P.O. HORSLEY:

Thank you very much, Legislator. Legislator Spencer.

LEG. SPENCER:

Thank you, Supervisors. I, first of all, wanted to state that I think this is the type of thinking that we need for our County and I appreciate your hard work and your due diligence.

My concerns come with regards to looking in the future and there's a lot of assumptions that we have to look at. One is that, you know, we provide this money and so then there's the negotiations for land acquisition which -- and then there's the establishment of this sewer district which hasn't been established, and then it's looking at the future tenants that will come and occupy the space and then expanding the tax base. And I think that it's -- my concern is that there's a lot of calculation, it feels almost like we're going to land a capsule on the moon, that if one of these calculation is off-base. I'm just trying to figure out, one, my biggest concern is the time line in terms of establishing this district in a very short period of time, and my experience is that it's taken a longer period of time. I mean, I guess it's possible. So I'm just looking for reassurances, I guess, if it -- if you're wrong (*laughter*). If some of your projections are wrong, what happens to the \$21 million; what happens?

SUPERVISOR LESKO:

Well, I think the short answer is it doesn't get bonded. And the longer answer is that if you ask any developer, I think particularly ones that have the wherewithal to tackle projects of this size and magnitude, they would tell you that -- and no disrespect to our two towns, but they would tell you that the vast majority of the uncertainty lies in the town process, not the County process. The County process is pretty established in terms of creating sewer districts and that type of thing and managing them and the County does a fantastic job in that regard.

But the unique aspect of this project is that you have -- the Town of Brookhaven has spent the better part of five years in the land planning process. We've now unanimously appointed a master developer, and now we stand, like I mentioned, shoulder to shoulder with the Town of Islip in a rather historic relationship. So we've taken a lot of the uncertainty out of the equation in terms of the timing. Now we're on what amounts to a construction schedule. Could there be blips in the road, bumps in the road? Of course. I mean, nothing is certain. But we think and we're very confident that we will be able to get this done.

And the wonderful thing about the next real step in the process in terms of the County sewage treatment plant, County Sewer District, is you have a role in that as well. You can help us control that timing, along with the County Executive, because the ball is primarily in DPW's court. So if we get any sense that there's going to be some undue delay, we'll obviously kick and scream and we'll try to get that resolved.

LEG. SPENCER:

Thank you. Across the country, I think I was listening recently to public radio where they were looking at some of the infrastructure projects with regards to building prisons and municipalities invested and they assumed that an increase in 12% in the population and it only increased 6%, and so a lot of the municipalities went bankrupt.

I think what would be helpful for me as a Legislator in terms of making this decision, one would be to actually have some of those projections. I mean, I'm looking at \$21 million. I'm assuming the debt service on that is going to be approximately a million dollars a year, if -- I think that's somewhere around the ballpark. You know, it would be helpful for me to look at some of the developers' projections in terms of who would be leasing the space, the number of tenants, what that cost would be, what the potential tax cost would be, because it would help me. And it's nice to hear you say that we are confident; it would make me a lot more confident if I could kind of get some of that information in terms of detailing some of the projected revenues and expansion of the tax base.

SUPERVISOR LESKO:

And we can certainly do that. I mean, the hub plan calls for I think roughly 880 residential units, a couple of hundred thousand square feet of commercial space. I believe, and Brian can correct me if I'm wrong, that one of the steps in the process for creation of a sewer district is that the Comptroller certifies that the cost of the district can be paid for by the resident base. And I think -- so that's a formal step in the process and then Comptroller certifies that that can occur. And once you have that certification, you have a comfort level that addresses precisely your concern, I think.

LEG. SPENCER:

Thank you.

SUPERVISOR CROCI:

Could I respond?

D.P.O. HORSLEY:

Oh, yes, of course.

SUPERVISOR CROCI:

I just wanted to make a comment. Legislator, the other thing that I think we're talking around but we should probably mention for the record is this -- the magnitude and scope of this project is potentially one of the largest job creators that we'll see in certainly the next 20 years on Long Island. We have others in Islip that we're pursuing, but this is the most immediate. There's been an estimate thrown my way that every \$78,000 in these large construction projects equals one job. That's -- you know, when you're talking about hundreds of millions of dollars invested, that's a lot of permanent jobs that we're creating, both on the Islip side of Long Island MacArthur Airport, and then of course with the hub development on the northern side.

I'll throw also on to the fire that if you've read in Newsday recently about Federal government looking to consolidate some of its facilities, one FAA facility might be something that you're looking to consolidate, that kind of a project, the Long Island MacArthur Airport, I'm sure the government would want sewers in a building like that and we make ourselves more attractive, as a County and as a facility, if we're ready to go when they are.

LEG. SPENCER:

Thanks.

D.P.O. HORSLEY:

I love to hear that. Legislator Stern.

LEG. STERN:

Asked and answered. Thank you.

D.P.O. HORSLEY:

All right. Would anyone else like to ask a question? Legislator Muratore.

LEG. MURATORE:

Yes, thank you. First of all, to Supervisor Croci and Lesko and Chief of Staff Beedenbender, thank you for coming, and a great presentation. This is really mostly my district, and it is something like the Supervisor said and Brian said, that this is something the Island really needs. It's going to be a kick start, maybe for our economy and get us going. So there are a lot of tough questions, I hope we trust the people who answered the questions for us and I ask my colleagues to support this so we can finally get this moving and hopefully get Suffolk County back on the right track. So thank you, gentlemen.

D.P.O. HORSLEY:

Legislator Hahn.

LEG. HAHN:

I would just like to echo that. Economic development has to truly be priority one for all of us and I really thank you for, you know, bringing this forward.

D.P.O. HORSLEY:

Legislator Nowick.

LEG. NOWICK:

Just one question. Did you say in acres, or how many commercial businesses do you think?

SUPERVISOR LESKO:

The precise number is a little uncertain. They're talking about a hundred -- well, the plan, the Hub plan that was developed by the community, John and Tom were part of that process as well, calls for between a hundred and 200,000 square feet of retail. And then less than 100,000 square feet of office, and then I think it's almost 900 residential units. So that's the mix that's in the plan that was created by the community, the civic organization and so forth, and that's really the plan that we're working with.

LEG. NOWICK:

So that's zoned -- those are all zoned commercial, that's what the zoning is?

SUPERVISOR LESKO:

Well, actually it's a hodgepodge of zoning, kind of a byproduct of a bygone era. It's a mix of commercial and industrial zoning, very, very -- we only have, I think, one or two residences that are in the 50 acre mix on the north side. We're going to have to do a rezone on the Town Board's own motion. What we're contemplating is to go with a {form-based zoning concept}, it allows for flexibility with more of a focus on design standards and less on terms of specific uses on each parcel. It's rather innovative, it's been done all over the country but not done as much on Long Island, so that's part of the process as well.

We need a final concept from the developer in order to actually finalize the {form-bay zoning rezone}. Obviously, that can't happen until they know exactly what they want to build and where

they want to build it. And so that's all wrapped up in this whole process.

LEG. NOWICK:

Yeah. Because I seem to remember, in my days as a Tax Receiver, how important it was to have commercial and industrial. And I seem to remember years ago people saying they wanted to live in the Hauppauge School District because their taxes were lower. So hopefully one will offset the other.

SUPERVISOR LESKO:

That's the plan. I mean, I think I can say with confidence that TriTech has estimated this will be very much tax positive. And I think -- how that mix all plays out is somewhat to be determined, but I think this will be a very much tax positive development.

LEG. NOWICK:

And the jobs.

SUPERVISOR LESKO:

Well, actually I can speak to that. We've estimated, in connection with the Regional Economic Development Council submission, well over a thousand construction jobs, and then well over several thousand permanent jobs that should be created.

LEG. NOWICK:

Incredibly important to put people back to work.

SUPERVISOR LESKO:

I agree.

LEG. NOWICK:

Thank you.

D.P.O. HORSLEY:

This is going along swimmingly. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

First, thank you to the two Supervisors, the Supervisor from Brookhaven and from Islip, for coming down and not only explaining the importance of this project, but also the importance of the timing of this project.

And for the Legislature, you are being presented, through the Capital Budget Working Group, with actually three options. We've spun this project out of the Omni, so assuming that there may be an up or down vote on the Omni, this stands on its own. There are two ways to approve this. There was the original way the Omni group had looked at it, which was putting five million in '14 and the balance of 16 million in subsequent years; that is not what is being advocated for today by the two Supervisors. What they're asking for is option -- what I just laid out was option B. Option A, the first option, is to put all the money, the 21 million, into 2013 so it would be available should they be able to succeed in what may be a challenging timeframe, but if they are able to succeed, the money would be available to allow this project to be move forward. So those Legislators who are asking for us to support this, that's what they're -- it's option A, the entire amount, the 21 million in 2013.

D.P.O. HORSLEY:

Thank you very much, Legislator. And may I add that Legislator Schneiderman did an excellent job in chairing the Capital Working Group this year. And I do appreciate all the work that he's put in on

this and how quickly he turned around a very, very difficult question, putting \$21 million into the 2013 budget. Legislator Anker.
Thank you, though, Jay.

LEG. ANKER:

You had said -- you had mentioned earlier, now, if TriTech has this project, if they don't get to the point of full completion, would that 21 million -- how will it be proportioned to the development itself?

SUPERVISOR LESKO:

Well, I think it's a matter of timing. Once the \$21 million either gets spent in 2013 or obligated or whatever the technical term is in the County or it doesn't, and that goes to some of the earlier questions about the timeline. And we are being aggressive with our timeline, but it's not unrealistic based upon conversations we've had with DPW.

The relationship with TriTech is that once -- if the funding is in the County's Capital Budget, the next step is that -- and we're very close with them on our Master Developer Agreement. The next two steps in that regard involve the Town of Brookhaven finalizing our Master Developer Agreement, I believe Supervisor Croci is hopefully going to be authorized tonight to start negotiating on behalf of Islip, that's a separate track. Although I would know parenthetically that the two are interrelated because Supervisor Croci's Deputy Supervisor sat on our design committee that recommended TriTech as a master developer, as did Supervisor Nolan's Chief of Staff. So the -- and then really the next step for TriTech is to lock their financing in and go about the business of acquiring the private parcels, the private properties on the north side.

LEG. ANKER:

It's wonderful to see how much we're all -- we're all part of this, we're all working together. And it's great to see that not only is it government, it's community, it's business, and we're looking forward to as much -- well, as much progress, especially in the Ronkonkoma Hub area. My daughter lives in the city. She's -- we're back and forth to Ronkonkoma, you see so much activity there. It just needs something more to really get it going and this is it. And I want to, again, thank you for all the time and effort that all of you have spent on this particular project. So thank you for being here.

D.P.O. HORSLEY:

Thank you, Legislator. Legislator Stern.

LEG. STERN:

Thank you. In going through what some of the options were and Legislator Schneiderman taking us through what some of those options were and what some of the discussions were in the Capital Budget Working Group, the option that you're looking for, that you would like to see us support is the entire amount in the Capital Budget for 2013. There was another option that was proposed in the amount of \$5 million that would be in 2014 and everything else in subsequent years. My question is why is it not an option to have some type of significant amount in 2013 and then the remaining in subsequent years? Is that simply a TriTech financing issue, or is there some other reason why that would not be an option that we could even really consider?

SUPERVISOR LESKO:

I'm going to defer to more knowledgeable people in terms of the County process, I can just equate to the town's process. Bifurcating that type of capital project, I don't even know if we could go forward with the construction bidding process. And number two, I think that would still not allow TriTech to get its financing because, you know, 75% of the funding of the project would be subject to a later Legislative action, and that's why it's imperative that we have the entire amount in one authorization.

LEG. STERN:

Okay.

MR. BEEDENBENDER:

And I could add as well, Legislator Stern. The other thing we're dealing with here is this County has rather strict offset rules for its Capital Budget. Once you're in the budget year, to add something like this would be impossible. You'd have to cut \$21 million out, and I think some of the Legislators here have discussed how slim this budget is already, so to find a \$21 million offset would probably be impossible or next to impossible. So by putting it in now, you -- it's there. And best case, we're right and we use it; worst case, we're completely wrong, we never spend it and nobody -- nobody is the worse for wear.

So this gives us the opportunity, but that offset rule really makes it important that it's part of the original budget and not something we need to go amend at a later point. And separating it into those two years would require an amendment if we got to that point, would require an offset, which would be very difficult if not impossible to obtain. So I think that's another thing that's playing here as well.

LEG. STERN:

Thank you.

D.P.O. HORSLEY:

Okay, I think that -- I just want to -- just quickly, I have one quick question. First of all, let me just add that you guys make me proud. You represent your towns very well and I appreciate that.

I've got a quick question to Supervisor Croci. I understand the politics of how we're going to create the district, but it seems to me that we should start to look now about how do we extend it to MacArthur, how do we extend it to the industrial court, which I think is so important to get to the south of the plant, the projected plant. What is the town's future as far as in your vision on where we're going to get to include Islip parts into the actual district itself?

SUPERVISOR CROCI:

Certainly. Well, if the Presiding Officer were here today, he would say Holbrook, obviously.

D.P.O. HORSLEY:

(Laughter). I was going there, I think, but that's good.

SUPERVISOR CROCI:

Holbrook, just looking at the capacity of current restaurants, let's just take restaurant usage in Holbrook, about 20,000 gallons.

So if we're ever going to have the opportunity to give the businesses, particularly the restaurant industry which is a heavy user and require continual pump out expenses, we have to look at establishing in infrastructure along Railroad Avenue and then envisioning two lines that go down Smithtown Avenue and Lincoln Avenue, and that gives both sides of the airport and the hamlets of Ronkonkoma and Holbrook, as well as the industrial sector on both sides, the industrial space on the airport properties itself as well as on the outside, that gives you the future capability to tie in. And every time a user ties in, of course the County gets a fee, I understand. So that's -- that's our vision at the moment. Whether or not future users, future airlines or future industrial that are coming in are able to do that right now or whether they'll be able to do it in a couple of years is another matter. We need to ensure that we have that 100,000 gallon capacity now for existing users.

I would add that some of the corporations that have found Suffolk County very attractive are pharmaceutical companies and nutraceutical companies and we're having some very interesting

conversations with those that have come in recently and our existing partners such as Nature's Bounty near MacArthur Airport. But those kinds of manufacturing facilities are very interested in the sewers. Of course, the funding, as most companies are faced with right now, it's a priority to prioritizing where that fits in their overall budget.

But we need to be able to offer these capabilities to both the industries and then, in the future, residents. Because as we know, if we're going to protect our groundwater, particularly around Lake Ronkonkoma which is shared by both of our towns, we need to start looking at sewers in residential capacity. I mean, that's many years out, but this gives us the initial capacity, it gives us the infrastructure, and our vision of kind of an H that goes across the northern part of MacArthur and down Smithtown and Lincoln Avenue is where we're aiming.

D.P.O. HORSLEY:

I have faith that you can do it, Tom.

SUPERVISOR LESKO:

Could I add just briefly to that, just to --

D.P.O. HORSLEY:

Certainly.

SUPERVISOR LESKO:

I appreciate it, just so people understand the numbers. So the estimated need on the north side, on the 50 acre Brookhaven development hub, is approximately 400,000 gallons per day. Islip has estimated that its need at the airport and potentially into the Foreign Trade Zone is 100,000 gallons per day to start with. So Phase I would be able to accommodate a half million gallons per day, but the design of the plant envisions possible Phase II and Phase II expansion that could accommodate upwards of a million and a half total gallons per day.

D.P.O. HORSLEY:

Excellent. And may I add, if I may, that Chief of Staff Beedenbender, you've got to keep on top of all of us to make sure that this -- we get that expansion in that sewer district. You know, we've got to move this project.

MR. BEEDENBENDER:

My pleasure. With my pleasure.

D.P.O. HORSLEY:

Thank you very much. Anyone else? We're good? What we'll do is we'll vote upon this when we get to the Capital Budget later on in the day. Gentleman, we thank you very much. And again, we're very proud that you guys came down here and expressed your opinions and they certainly have made us all more enlightened.

SUPERVISOR LESKO:

Thank you very much.

SUPERVISOR CROCI:

Thank you.

LEG. CILMI:

Motion to extend the public portion.

D.P.O. HORSLEY:

There's a motion to extend the public portion. I'll second the motion. All those in favor? Opposed? So moved, the public portion has been extended.

MR. LAUBE:

Sixteen (Not Present: Legislator Browning - Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:

And we will move to the cards.

All right, the first speaker would be Tina Behnstedt. Tina? Why don't you come on up to the microphone. And on deck is Lori Green. Welcome.

MS. BEHNSTEDT:

Thank you.

D.P.O. HORSLEY:

You're going to have to push the button. And I'll do the same.

MS. BEHNSTEDT:

Thank you for letting me -- allowing me to speak today. I'm speaking on behalf of the proposed fare raise on Suffolk County Accessible Transit, SCAT.

What you're all going to do, if you don't mind me saying so, you're going to hit a community of individuals, people with disabilities, NC's who are on a fixed income, in their pocketbook. It is going to be very difficult for these individuals to pay \$4 a trip every time they use that bus. They're not using it just for doctors, they're using it to socialize, they're using it to go to services on Saturdays, because we don't run on Sundays. They're also using it to go to work. For an individual with a disability who is working is going to end up paying \$160 a month on top of their other expenses, so their budgets are all going to get cut. But besides the individuals who are working, our senior citizens, our people who are on SSDI, SSI, they're only making "X" amount of dollars. Social Security is not raising their income every month or every six months. Please, think about not raising SCAT fare from \$3 to \$4. Thank you.

D.P.O. HORSLEY:

Thank you very much, Ms. Behnstedt. Lori Green, and next up is Virginia Russell. Lori? No Lori?

MR. NOLAN:

Lori's gone.

D.P.O. HORSLEY:

Okay, thank you. Virginia Russell?

MR. NOLAN:

Virginia is gone.

D.P.O. HORSLEY:

Do you know these people? Virginia Russell, okay. Linda Kirk. Linda Kirk? And on deck is Susan Hodosky.

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

MS. KIRK:

Thank you so much for the opportunity to be here. I want to speak about the proposed doubling of -- I'm sorry -- the proposed increase for the SCAT for up to -- from \$3 to \$4. I am a big fan of SCAT. I have to tell you how much I appreciate it. I remember life before SCAT where there were

places I just couldn't get to. I live in Port Jefferson and I remember hearing about a work-related conference in Great River, and I said, "No, no way." Or if I was going to take a combination of bus and train, whatever, all I would need is for one of those little links in the chain to not happen, like a bus not seeing me or thinking to stop and passing me by for, let's say, my day to be ruined. So I want to speak personally of how much I appreciate SCAT.

At first I said, "Well, okay, everything has to go up," but I said, you know, there are people around -- I get chatting on -- with people on SCAT, because, you know, a 20-minute ride might be an hour-and-a-half because of routing, so I get chatting with people and a lot of the people are going for socialization, for shopping, for -- when I say "socialization", I'm talking about one of my neighbors, for example, who attends a program at Free. You know, this is not -- he's not bringing in an income, this is socialization for a young man who could need it, who could use it.

So, again, I want to mention, as my coworker, Tina, said, that this is a very steep increase. I understand about prices going up. But I also know that -- how much this is needed and how much people may not be able to avail themselves of it when the price goes up, if the price goes up. So, please, do think about how much it has meant, how much it's enabled people to get around, and how -- what an affect it can have on people if they're no longer able to afford it. Thank you very much.

D.P.O. HORSLEY:

Thank you very much, Ms. Kirk.

*(*Applause*)*

Susan Hodosky, and next up is Leroy Heyliger.

MS. HODOSKY:

Good morning.

MS. ORTIZ:

You have to hold the button while you're speaking.

MS. HODOSKY:

Okay. Good morning, Deputy Presiding Officer and Members of the Legislature. My name is Susan Hodosky. My title is Principal Financial Analyst, and I am currently the Director of Revenue for the Department of Health Services. Thank you for the opportunity to speak to you today in support of I.R. 1594, amending the 2012 Operating Budget to fully collect and account for revenue received by the Suffolk County Department of Health Services.

I understand that you are faced with extremely difficult decisions which need to be made with the best interest of all the constituents which you have been elected to serve. You all work hard to make the best research-based decisions for the residents of Suffolk County. I could stand here before you and stress to you the crisis that these layoffs will have on the individual lives of my fellow revenue staff members. Their lives will be ever changed by the affect of pending unemployment, but that will not help you make the difficult decisions.

I would like to give you some clear examples of what these people do for Suffolk County and what is at stake if they are not here.

The Revenue Unit had 22 budgeted positions in 2011. In 2012, seven of these positions are slated for abolishment, leaving us with 13 staff members. I.R. 1594 seeks to reinstate these seven positions. In 2011, the adopted revenue budget required \$60,198,828 in General Fund revenue. Included in the 60 million is Medical Examiner's fees, 400,000; patient care health center revenue, 29,600,000; public health, 2,900,000; tobacco enforcement fees and fines, 35,000; emergency

medical fees, 180,000; services for children with special needs, 13 million; public health nursing fees, 1.6 million; mental health, 4,820,000; drug and alcohol and substance abuse, 3,200,000; and other miscellaneous revenues of about 1.2 million.

The current staff of the Revenue Unit are a determined group of dedicated employees who worked hard in 2011 to reach the adopted revenue number of \$60,198,828, which resulted in the actual collection of \$60,013,964. That's 100% of adopted revenue. They hit their goal by 100%.

The seven positions slated for abolishment include five Account Clerk Typists, one Account Clerk, and one Clerk Typist. Two Account Clerk Typists work on Medicaid and third-party health insurance billing for the Early Intervention Program.

D.P.O. HORSLEY:

Ms. Hodosky, please, wrap it up.

MS. HODOSKY:

Absolutely. We will make every effort to continue and maximize revenue for the Department of Health Services, but the loss of 30% of the workforce will, unfortunately, have a negative effect. I believe you are risking a loss of up to four million dollars for seven employees, with a cumulative salary of \$260,000.

I ask you to support I.R. 1594, to restore the positions within the Revenue Unit to continue to bring in necessary revenue, which enables us to provide the services that we do for the residents of Suffolk County.

D.P.O. HORSLEY:

Thank you very much. We appreciate your comments.

*(*Applause*)*

LeRoy Heyliger, and on deck is Susan Odell-Pepe.

MR. HEYLIGER:

Good morning. I'm here as a Deacon of Unity Baptist Church in Mattituck.

MS. ORTIZ:

You just have to hold the button, sir, and keep your finger right there.

MR. HEYLIGER:

Oh, okay.

MS. ORTIZ:

There you go.

MR. HEYLIGER:

I'm here as a Deacon at Unity Baptist Church in Mattituck, Long Island, New York. My Pastor, Reverend Marvin Dozier, he's away at a Preachers Conference in Virginia with the Baptist -- National Baptist Association, and he asked me to represent him here in this -- and to read this letter to you. It's dated May 21st of this year and, "To whom it may concern: This letter" -- "this letter is in support of Ivy Brown's eligibility for the Affordable Housing Program. I have known Ms. Brown for over 15 years and serve as her Pastor at the Unity Baptist Church of Mattituck. Ms. Brown is a dedicated member of the church and a hard worker.

As you know, in March 2010, a disastrous Nor'easter hit Long Island. While many of us will

remember the storm and weather channels will report statistics on the fierce winds, some families are still faced with the consequences every day. This storm displaced Ms. Brown and her family, including her ninety-year-old father. While we watch flood images on television, Ms. Brown's family was forced to leave their home and sleep on the couches of family members. Many of their belongings were damaged and they were literally torn away from a home of familiarity and comfort. Despite this, Ms. Brown continued to pay mortgage on the unoccupied home until August 11th, 2011. In October of 2011, she struggled with the insurance company to finally pay off the mortgage, leaving an insignificant amount of money in escrow upon Ms. Brown.

The family is currently renting an apartment for over fourteen hundred dollars per month. This Affordable Housing Program would allow Ms. Brown to start over. Her perseverance through this tough time is admirable, but she needs this assistance. She's a hardworking County worker whose entire life has been altered because of a natural disaster.

I hope that you will strongly consider helping Ms. Brown and her family get back into a home. Sincerely, Reverend Marvin Dozier, Pastor."

And on a personal note, I would like to add that I've known Mrs. Brown for many years and she has been a great inspiration to me. As a retired military noncommissioned officer in the United States Airforce for 20 years, I have been on many humanitarian missions and assignments where we went into hostile areas. And as that picture back there depicts, we've rescued and provided aid. When I look into the eyes of that little boy, I see Mrs. Brown. And a few days --

D.P.O. HORSLEY:

Mr. Heyliger, will you please wrap it up?

MR. HEYLIGER:

Excuse me.

D.P.O. HORSLEY:

Thank you.

MR. HEYLIGER:

In a few days, we're going to be -- it's going to be 40 years since that Pulitzer Prize-winning photo was published of a little Vietnamese girl fleeing down the road from her burning home, which was hit by an inadvertent Napalm bomb. We've all seen it. It was in Newsday this past Saturday. This is -- to me, Mrs. Brown is an image of that little girl, displaced by a natural disaster. I look at that picture and I see the empathy that should be expressed in this case. Thank you very much.

D.P.O. HORSLEY:

Thank you very much, Mr. Heyliger.

*(*Applause*)*

Susan Odell-Pepe, and on deck is Louis Re.

MS. ODELL-PEPE:

Good morning, Presiding Officer Horsley, and Legislators, Legislative staff. My name is Susan Odell-Pepe. I'm a Suffolk County employee of Health Services. I would like to comment and give recommendations regarding the following resolutions: Resolution 1362. This is in regards to the additional red lights. I spoke about this once before in front of committee. It's in the 2012 Operating Budget for only 50 cameras, \$10,800,000. Currently, we have 50 in place in Suffolk County.

I don't understand how we can go ahead and see fit to spend additional money in our Operating

Budget that we don't have right now. We're trying to conserve, and they're their estimating that supposedly in 2011, for the 50 existing cameras, we're only going to get 17 million in possible revenue.

I'm still waiting for the Comptroller to come out with his audit of our Operating Budget. It hasn't been released yet as far as on the website. But in 2012, your projected revenue for ten -- I'm sorry, I'm a little nervous -- 100 lights, will be 22 million? So you're only saying that 50 additional lights is only going to generate another 22 -- another five million. How can that be? It's not cost effective. We don't have the money. These lights are to save lives, it's not to generate revenue for a stabilization fund to be used at the discretion of the Legislature and the County to help with our Operating Budget to offset our expenditures.

In addition, I'll make it really quick, there is two other resolutions, Resolution 1369, and -- Resolution 1369 and 1517. These are requesting serial bonds, one for 110,000 to go -- and then another one for 200,000. We don't have the money. They already have money in the Capital Budget for their equipment and they want more, two departments.

You know, everybody needs things, but do more with less, like everybody's stating. We have to be conservative. And, as stated earlier, we have to pick and choose what is priority for this County to succeed and to reduce our deficit, it's an imperative. County employees want to work together with Suffolk County Legislature to reduce our deficit and be productive employees and help.

And one more thing regarding -- one more resolution, 1381, asking for consultant fees for another serial bond. We have I.T. people working for the County right now that are knowledgeable and more than qualified to help you with your funding as far as to do a consulting. Thank you very much and I appreciate you listening.

D.P.O. HORSLEY:

Thank you very much.

*(*Applause*)*

Louis Re, and on deck is James Sodergren.

MR. RE:

Good morning. Louis Re, Department of Social Services. Last week I was working in the Coram Center. On patrol, I encountered a young man, his name was Darren. He was a 23-year-old special needs person with a history of mental illness. When I approached him he seemed particularly agitated that day, so I began talking to him and I asked him what was the matter. He's been in and out of housing, different shelters on and off. They really can't find a special place for him. When I asked him what was the matter, he was able to articulate to me that he was feeling suicidal and homicidal. I was able to calm him down because I know him.

I asked him about the abrasions on his neck. He showed me the luggage bag that he had, and he showed me how he took the strap off it and attempted to hang himself earlier that day. I took him into the back, took him into a secure area. My partner called an ambulance, and I sat there and I talked to him until the police showed up. When the police showed up, he was very frightened by the police, so I was able to talk to the police officer. I know him by name, he knows me by name. This young man carries around in his knapsack baseball cards. So we got out the baseball cards and we talked about the baseball cards, and the police officer came in, he talked about the baseball cards, and we got Darren to have some trust in the police officer. They called an ambulance, they took Darren over to CPEP that day and he got the help that he needed. That's what we do, that's what the security guards at Department of Social Services do. We intervene and we help people in crisis. How can you put a cost savings on helping someone that can't help themselves?

Got some good news this week. The Department of Labor called us up and they told us that the County Executive has a special plan for the DSS guards. So we went down there and the first thing they did was hand us out welfare packages. They told us to apply for food stamps and to apply for Medicaid. And the special part about it was they outlined the centers that we should go to that were closest to our houses.

It's too bad that the County Executive can't help us like he helped his secretary. Please, please consider putting our jobs -- reinstating our jobs. Thank you very much, I appreciate your time.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you, Mr. Re. James Sodergren, and Brian Celano on deck.

MR. SODERGREN:

Good morning, Legislature, and thank you for the opportunity to speak. My name is James Sodergren. I've been working for the County for 24 years. I'm also a volunteer fireman with the Central Islip Fire Department for 36-years. I'm also one of the elected Commissioners of the Central Islip Fire Department.

In place is something called the Taylor Law, which protects you folks up there, the residents of Suffolk County, from a union or a bargaining union agreement from striking. But the same Taylor Law protects the County employees who are working for the County and have a contract agreement with the County from getting terminated.

Now, a couple -- last month, the -- you voted to lay off three hundred and, I believe, fifteen people. It should really be like 294, because the 21 guards from Social Services aren't getting laid off, because in a layoff you've got an opportunity to come back. We're more like getting terminated, because once we're out, there's supposed to be a private company coming in to take our spot. That's not a layoff, that's a termination.

It's just sad. But usually things that happen -- good things happen in groups, so I'm just going to finish with Friday night Johan Santana pitched a no-hitter for the Mets, the first time in 50 years. The kids that I coach on the Junior Fire Department, 33 of them, took fifth place in the Lindenhurst Tournament. And the last thing, hopefully it's going to be a good thing, is Bill 1592, reinstating the security guards' jobs at Social Services. Thank you for your time very much. Thank you.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you very much, Mr. Sodergren. Mr. Brian Celano, and on deck is Ivory Brown.

MR. CELANO:

Thank you all for giving me the opportunity to speak. My name is Brian F. Celano. I've made two speeches prior, and I thank the Legislature for giving me the opportunity to speak once more.

All the public health nurses, the men I work with, and many other people in the County have brought up many brilliant ideas for the County to save money, such as increasing sales tax, lag payroll, whatever. I know from working here for 30 some-odd years that the -- to house P.A. recipients for housing, it costs up to \$4,000 monthly. I fear with all the money that is used for this purpose, this money can be used to save our jobs.

With all due respects, I feel that within the next ten days or so, we should know where we stand. I

fear for my fellow employees. If we are terminated, there are going to be a lot of people getting hurt, especially in the centers where we work. I've been doing this 30 some-odd years, I worked by myself, and I protected a lot of people that could have been seriously hurt, and I'm very proud to do it.

Please do the right thing and reinstate us. We will make you proud, and the County would be a safer place to work in. As I said in my past speeches, I would protect your wives and your children, even if I didn't possess a uniform, because it's the right thing to do. I want to continue to do my job because I am proud of what I do. In my heart I feel like I can't ignore that. Please give me the opportunity to do what I've been doing for so many years. And like a great American said, "A house divided will not stand." Thank you for giving me the opportunity to speak, gentlemen.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you, Mr. Celano. Ivory Brown, and Cesar Malaga on deck.

MS. BROWN:

I'm here for I.R. 1357. I'm Ivory Brown from 112 Horton Avenue. The March 2000 storm was devastating for me and my family. When I finally finished fighting with FEMA, my fire insurance company, my loan was paid off. I was left with approximately \$10,000. Affordable housing would benefit me in many ways, but most importantly, allowing me to buy a home such as I had before the storm. So my family and I begin again. This is what I have been praying for. Thank you.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you very much, Ms. Brown. Cesar Malaga, and on deck is Esther Ecklund.

MR. MALAGA:

Cesar Malaga, President of Hispanic American Association. It's very tough when we see a notice like the tough choices, you know, budget deficit, 149 million, 350 million, and things are getting bad. But I inform you, from various hearings here at the County Legislature for the last four years, that the County has to cut expenses, because the economic condition of our country and County is going to get worse.

I inform you that many residents will lose their jobs. Foreclosure will increase, and the County will receive lower revenues. It appears to me you ignore whatever we said, do not listen when we speak at these hearings.

It's sad that over 315 people who work for the County will be without jobs come July 1st. The County is decreasing the number of people who provide essential services to the residents of the County. Employees like nurses and others. The solution is not to increase County taxes.

Some of you want to sell the buildings for additional revenues and then lease those buildings from the new owners. This idea is impractical. It will require more money to rent or lease those buildings, because the new owner have to make profit for the purchase of the buildings.

We pay the highest tax rate here in Suffolk County. I should also indicate that many of the people in public office have their relatives working in the County and State jobs and receiving high salaries. Those jobs should be eliminated. Some of those jobs are patronage jobs, costing taxpayers great amount of money.

Now, we did not hear that you, the Legislators, are decreasing your budget. The Legislators spend over 11 million in 2008. A study I made of the Legislators' budget based in 2009 indicates that the

salary of a part-time Legislator is 89,109 to 105,352. Total cost to the County of Legislators' salaries is over 6.2 million. The salaries of your aides is from 44,892 to 105,672. The Legislators have three to four aides. The total cost of the aides' salary is over 3.2 million dollars. The Legislators have district offices, total cost, over \$790,329. I see you laughing about this data, but it's true. All these expenses are waste to our tax money.

The job of Legislators in Nassau, Suffolk and Westchester Counties are similar, it's not different. The Legislators' salary in Nassau County is 39,950; in Westchester is 49,200. They do not have aides like we do here in Suffolk County, no district office like the ones you have. That's waste of our tax money. New York Times made a survey of your offices in the Suffolk County Legislators. They found that residents do not, do not I would say, do not visit these offices. There was only just the one visit at the East End office during the year. The New York Times also asked about the salary of the County Legislators, why is it more than twice than Nassau?

D.P.O. HORSLEY:

Cesar, you're going to have to start wrapping it up. Thank you.

MR. MALAGA:

And Suffolk County Legislators. A Legislator replied, "You get what you pay for." We cannot continue to pay high salaries for part-time jobs. Legislature of Suffolk County should lower your salaries comparable to Nassau and Westchester. You should eliminate your aides and give up --

D.P.O. HORSLEY:

Cesar, you're going to have to start -- start wrapping it up.

MR. MALAGA:

Give up your -- just one second.

D.P.O. HORSLEY:

Thank you.

MR. MALAGA:

Give up the District Office. We could save over 8 million dollars and continue with the jobs that we have. Thank you for listening.

D.P.O. HORSLEY:

Thank you.

*(*Applause*)*

Esther Ecklund, and on deck is Peter Quinn.

MS. ECKLUND:

Thank you for giving me the opportunity to speak with you today. I'm here on behalf of the blind community. I'm asking that you please vote no for Resolution, I.R. 1464.

Little did I know when I was growing up on the South Shore of Long Island with my brothers that I would years later be diagnosed with a rare retinal degenerative disease that leads to blindness. I found out as I was raising my three children. About five years ago I had to find other ways of transportation. Fortunately, I'm able to use SCAT and Able Ride. But I know that to the majority of those riders, the raise of a dollar would be devastating. I don't see how the majority of those riders will be able to go find jobs in this economy in order to take care of that deficit in their personal budget. So, again, I'm asking you to please vote no on Resolution, I.R. 1464.

The other thing is that the tickets have gone up to \$2 with no warning as of a few weeks ago. It was a surprise to us all. So I guess that they are afraid that they're going to lose revenues a little prematurely before this might go into effect. So I thank you, and I pray that God will guide you in your decision to do the right thing. Thank you so much.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you very much, Ms. Ecklund. Peter Quinn, and on deck is Michele Lynch.

MR. QUINN:

Good afternoon, Legislators. My name is Peter Quinn from West Islip. I normally speak in high praise of this Legislature collectively and individually, and today, however, I'm annoyed. On two occasions I brought before this Legislature the potential for saving money by having a three-year moratorium on money going out the back door to businesses where they collect property tax abatement, sales tax eliminations, etcetera, ad nauseam, and I received no response. So I started calling Legislators and at least two of you said, "Why don't you put something in writing," so I did. As a matter of fact, I even wrote the resolution with ten "whereas" clauses and three "resolved" clauses. Only one person among the Legislators, LEG. ROMAINE, chose even to call me. And it seems to me, when I look at the ways in which Newsday wrote about the tough choices, that there were only limited amounts of income that would be raised by property taxes by laying off over 300 people. I think the property tax thing was about 10.2 million. The laying off the workers, over 300, would be 35 million.

So has anybody done a cost assessment of what the savings would be if we didn't use these -- our tax dollars to go out the door to businesses? Often, many of them do not create jobs, they only maintain them, according to the State statute. And it just seems to me prudent for you to be asking your Budget Review Office for an analysis of the amount of money that's going out the door to these companies and getting a -- Comptroller DiNapoli already wrote a report last year about IDAs, Industrial Development Agencies, of which he was hypercritical. That was in July 13th of 2011. I suggest some of you read it. You might come on board. And we can't -- and the disturbing thing is, when Newsday wrote this article, it only listed five ways in which you could save money. Well, I suggest to you that you could save over 100 million dollars annually from cutting off these perks to businesses, which would save the jobs of Suffolk County and enable you to operate effectively. I thank you very much.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you very much, Peter. Michele Lynch, and Garrett Hulett, I believe, is on deck.

MS. LYNCH:

Good afternoon. I'd first like to make a suggestion before I start. And the reason I'm here, I would like to see elected officials -- public transportation week two times a year so you can really see what it's like to take public transportation. The only way you do it is to live it.

I'm here on behalf of 1357, the law to straighten the Affordable Housing Transfer Program. 1199 SEIU is a member of LION, the Long Island Organizing Network, and they work with the residents, study the history and the geographical area of this neighborhood in Horton Avenue. LION worked with Federal, State, County and Town representatives. We were extremely gratified to have the cooperation of all levels of government working together. Congressman Tim Bishop was able to get FEMA funding. The previous County Executive and the present County Executive supported the project, and the intent was to straighten the Affordable Housing Transfer Program.

There's a FEMA deadline of June 20 -- June 30th. Legislator Romaine worked very hard on this legislation, which if a resident is displaced by a manmade or natural disaster, they would be given a priority on the County Housing Affordable List. Knowing there is a deadline, we're extremely disappointed when Ben Zwirn came before the Legislature two weeks ago on behalf of the County Executive asking to table to -- table the bill. There is no cost to the County. It is merely an amendment to the eligibility requirements. This would open up the pool to victims of natural disaster. As it stands now, if the Town does the Affordable Housing Project using land given to them by the County, the disaster victims have a preference. The change is, if the County does the project, the disaster victims will also have a preference. It offers options, but you still have to qualify for affordable housing. They're working with the Long Island Housing Partnership with all the residents.

We would hope today everyone has had a clarification on this and will vote to pass the legislation. Thank you.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you, Michele. Garrett Hullett, and on deck is Michael Finland.

MR. HULETT:

Thank you, Mr. Deputy Presiding Officer and members of the Legislature. My name is Garrett Hullett. I'm a former transportation employee. There's nobody -- well, I won't say nobody. There's probably only four people in the County that know more about SCAT than I do. And raising this fare up to a dollar on the most lowest income people of the County I think is absurd. There are many other ways that the money could be saved. There's programs out there from the Federal Government, there's grants from the Federal Government asking the State to pay what they should be doing, like they pay in Nassau County, and many other things that's too long to go into now.

I'm also a board member of Suffolk Independent Living Organization. We have four employees that ride SCAT on a daily basis, and probably over 150 members that use SCAT for related issues, and to raise this fare to them is unconscionable. And I'd really like you guys to take it into consideration and see if there's something that could be done.

I know what it costs the County to run this program. Okay? There's nowhere we're going to come close, and I understand that. So, if there has to be an increase, I know it's been -- I believe it was 1994 when the program was instituted where the fare was -- and there's not been an increase. So I would ask you to look at -- if you're going to raise the fare, raise it a more reasonable fare, 25 cents, 50 cents tops. You raised the fixed route fare 50 cents. You've raised the disabled fare on the fixed route buses 25 cents. So I'd like you to take that into consideration. Thank you for your time.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you, Mr. Hullett. Mr. Michael Finland, and on deck is Mary McLaughlin.

MR. FINLAND:

Good afternoon, everyone. My name is Michael Finland and I'm from Suffolk County AME. A difficult decision was rendered by the Suffolk County Legislature in late April of this year. It was decided by a vote to lay off 315 Suffolk County employees. As we all well know, these are tumultuous economic times. Concurrent to our fiscal deficit, Nassau County is in the midst of trying to get their own economic house in order.

We prefaced our gathering today with an invocation, one which was most decidedly appropriate for today's meeting. We acknowledged our public servants simply by virtue of the fact that they are "Laboring for the common good of the land." This singular sentence could most specifically be applied to the Suffolk County AME workers.

I am concerned, touched and moved by each of the individuals whose names are on the layoff list. I do not want to show partiality to any one particular work group because each employee is valuable, important, and needed.

I come from a police family. My father, grandfather and great grandfather were all New York City police officers. Keeping this in mind, I have an affinity for our security guards who serve in various sectors of Suffolk County government. They have a very dangerous job and they must exhibit extraordinary skill in performing that job. They must deal with serious situations and at times make split-second decisions. The idea that they are on this list is, to say the least, unnerving to me. We need to ameliorate this fiscal deficit to the best of our ability.

It is a time for each of us to come together and not to surrender into a total bifurcation or to lapse into a state of ennui. We are appreciative of the fact that County management has been in accord with AME regarding an early retirement incentive. We have a very tight window by which AME members will have to render one of the most vital and important decisions in their lifetimes. I'm glad that the County considered this proposal and is working with us in trying to save jobs.

Concurrent to this Memorandum of Agreement, we also have a review and assessment process being coordinated in which positions that are funded by outside sources could quite possibly be saved. We have made great inroads, but we have a long way to go in this process.

(*Timer Sounded*)

I'm about to wrap up. The clock is ticking, and we are rapidly approaching June 30th, the final cutoff date in which a large part of our workforce will be let go. I've had the opportunity to meet with and speak to many of those being affected by the layoffs. They're not just a number on a list, but they are real people who have lives, families, mortgages, health issues and other financial commitments and obligations. Our County is strong, and we have so much to offer the public we serve. In order to maintain County operations in an efficient manner, we need to continuously reassess the decision to lay off workers.

D.P.O. HORSLEY:

Mr. Finland, we have to wrap up, please.

MR. FINLAND:

Very quickly. Our great country continues to take great strides to expedite the recovery of our economic crisis, we must proceed with exploring alternatives to mitigate our financial dilemma. The AME employees are our backbone. Without them, our key and vital services will suffer. The lines of communication are now open. Let's maintain a degree of continuity and proceed with discussions with regard to looking into other cost-saving measures.

As I said the last time I appeared before you, the past does not equal the future. Let us remain steadfast.

D.P.O. HORSLEY:

Come on, Mr. Finland, time up.

MR. FINLAND:

Okay. I work assiduously in keeping governmental operations strong. I thank you for your time.

D.P.O. HORSLEY:

Thank you very much.

*(*Applause*)*

Mary McLaughlin, and Nanci Dallaire on deck.

MS. MC LAUGHLIN:

My name is Mary McLaughlin and I am speaking on behalf of the Suffolk County League of Women Voters regarding the redistricting procedures being followed to redraw the 18 Legislative Districts in Suffolk County.

When this Legislature voted on March 27th, 2012 to dissolve the nonpartisan Redistricting Commission, established by this Legislature in 2007, it not only eliminated a nonpartisan procedure for non-elected -- for non-elected officials to draw the new lines, but also the opportunities for public comment and consideration prior to the submission to this Legislature for final approval.

Now a resolution is being presented for public hearing today, I.R. 1527, with new lines for the 18 Legislative Districts, a fete accompli, if you will, with a proviso that says changes can be made if there are, quote, errors and omissions in Section 3. Who will find these errors? Anyone so aggrieved will need to appeal and a whole new procedure would be required.

The maps I picked up here in Hauppauge on May 23rd I later learned had been modified when I attended the May 30th Ways and Means Committee meeting. So I ask, are the list of election districts in I.R. 1527, the resolution for the hearing this afternoon, those in the bill laid on the table May 8th, or those that were not available until June 1st?

All the criticism by Legislators of the delays and difficulties encountered by the now defunct Redistricting Commission has been -- has not been corrected by the matter now being proposed in I.R. 1527 now before you. It seems to the Suffolk County League of Women Voters that this new resolution is a rush to complete redistricting without a full review being allowed for the public, concerned citizens and organizations. This is not in keeping with the general policy of this Legislature to legislate in an open, transparent way. Suffolk County League of Women Voters will have a more detailed statement at the public hearing this afternoon. Thank you for listening.

D.P.O. HORSLEY:

Thank you, Mary.

*(*Applause*)*

Nanci Dallaire, and on deck is Elliot Sperber.

MS. DALLAIRE:

Thank you. I would like to comment on a recent Newsday article, *Suffolk May Sell Care Facility*. And I'm disturbed that the County would contemplate making that expensive decision again. I'm surprised that the County always seems to have the money to hire consultants, this time to market the sale of the John J. Foley Skilled Nursing Facility. If we had hired a consultant five years ago to advise John J. Foley of ways to capture every Federal dollar this health care center deserves, or shown how to navigate a system to receive the State Aid it's entitled to, or help to search for the grants that can assist this health facility, maybe we would not need to hire a consultant to sell John J. Foley today.

This facility has struggled to survive through years of mismanagement and negligence, but John J. Foley has endured and is recovering. There is now an Oversight Committee and positive steps are once again proceeding to enhance operations. This is not the time to abandon that progress. Why would we not want to correct and adjust these programs and services before we look to sell and abolish them?

I do not understand the reluctance to recognize the full potential of John J. Foley, and to hear this County is willing to listen to any potential buyer is frightening. At a time when there is far too many complaints that our government is not doing enough for our returning veterans, Suffolk will once again decide to sell our County facility and abolish these health services? We have recognized these past mistakes. We have begun to address those errors and we can learn from them and keep moving forward, but we cannot afford to repeat those mistakes.

Other than the sale to Mr. Rozenberg or the callous decision to abolish our century-old facility, what other alternatives were entertained by our previous County Executive? And I ask our County Executive and his administration and this Legislature to give the John J. Foley the time needed, the fair chance necessary to prove that it is an asset for our County, and a comfort for our residents and their families who rely on these crucial County services. Remember that it is a 530 million dollar deficit we face. Even if we receive 200 million to forfeit our services, this County is still going to struggle with a 300-plus million dollar budget hole, but we will have sacrificed our County institution and shattered the security of many citizens who will suffer. And I hope the decisions made will be in the best interest of the people of this County.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you very much, Ms. Dallaire. Elliot Sperber, and on deck is Patrick Gallagher.

MR. SPERBER:

Yes. Hello, everybody. My name is Elliot Sperber. I'm the editor of J.J. Foley Free Press. I would like to say two things. Number one, that we maintain the SCAT bus fare, if not lower it, because you're making it very difficult for those who are disabled, especially our disabled veterans at Stony Brook who rely on the bus to get around, and the residents of J.J. Foley who find it indispensable. Also, I would like to say that it's very important to maintain J.J. Foley, because just think what would happen if there was another hurricane that was worse than the last one. Where would you house the residents who were found displaceable? So we need J.J. Foley, and we need first class employees to maintain it, and we need to keep the SCAT bus fares reasonable. Thank you very much.

D.P.O. HORSLEY:

Thank you, Mr. Sperber.

*(*Applause*)*

Patrick Gallagher, and on deck, Tom Buttarro.

MR. GALLAGHER:

I have something I need to share with you. Good afternoon. My name is Patrick Gallagher. I'm here to talk to you about 1362. If you do go ahead with this, I hope you'll be willing to share the same level of safety that we, in the Centereach area, have with the East End and with the area from Northport, Fort Salonga, and the entire South Shore. I hope they'll get the safety concerns that we're getting in the middle of the Island.

We need proper traffic engineering, not more cameras. They are currently not properly timed. I'm

passing around some information to show you measurements that I made myself this weekend. Because I live in that area, I can't get out of my house without going past these cameras. So I took the time, about almost two hours to time each light from Middle Country Road to Route 112. Not one of them meets the standard of 5.4 seconds set by the State DOT, not one, of 5.4 seconds. Now, listen, I'm not claiming a scientific study, I'm not claiming that there might be some fine errors in this thing, but the trend is clear. The cameras are at the -- where the cameras are, it's about five seconds. Where the cameras are not, it's about four seconds. What message are we sending to the drivers? Do I slam on the brakes or do I go? What I hope you'll do is slam the brakes on this program until you get the yellow intervals set correctly. Thank you.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you, Mr. Gallagher. Tom Buttaro, and on deck is Linda Hobson.

MR. BUTTARO:

Hello and good morning. My name is Thomas Buttaro and I'm a concerned citizen reaching out to you, Suffolk County Legislature, for help. You will be voting on Resolution 1362, a law to expand the County's traffic control monitoring system. Currently this system has many deficiencies, inconsistencies, and is being run in an unsafe manner. There are currently more questions -- *(brief pause due to volume of noise in auditorium)* I'm sorry.

D.P.O. HORSLEY:

Please, shh. Thank you.

MR. BUTTARO:

There are currently more questions than answers regarding this system. What guidelines are used to implement this system? What other protocols that are used in this system. There are many unanswered questions regarding how these traffic lights are timed. There are questions to why traffic lights on Suffolk County roads are not timed to a set -- to a set standard. Still, there are questions as to why the timing of these traffic lights differ from one light to the next. How can you, Suffolk County Legislature, expand a program with so many deficiencies? Wouldn't it be safer to fix the current program, tweak it to where there are no inconsistencies, bring uniformity to the timing of the traffic lights before you expand upon it? This is supposed to be a safety-driven, safety-initiated program. It does not appear to be that way to many people. It definitely does not appear that way to me.

According to Suffolk County Department of Public Works Chief Engineer, Bill Hillman, Suffolk County had asked the State to adjust the timing of the State's traffic lights after receiving complaints that these timings were way too short. According to Eileen Peters, a spokeswoman for New York State Department of Transportation, all of the red light camera intersections on State roadways have met their department's policy on setting traffic intervals since June of 2011. Bill Hillman told us last week at the Public Safety Committee hearing, that Suffolk County's traffic lights do not conform to the same policy. They eventually will meet the same standard, but Suffolk County is not mandated to make this adjustment as of now.

Suffolk County was good enough to point out deficiencies to the State regarding the State's timings. The State went and adjusted their lights at red light cameras and they now conform to standard. Why doesn't Suffolk County do the same for their traffic lights? This seems a bit hypocritical to me. If Suffolk County acknowledges a problem and does nothing to correct it, does that not make them negligent? Once again, the times that are used to determine the yellow interval on traffic lights directly contradict what New York State Department of Motor Vehicles teach the driving public. How can this be?

Last week at the Public Safety Committee meeting, Chief Engineer, Bill Hillman, gave a presentation on how yellow interval times are determined. His equation uses one second for perception and reaction time. New York State Department of Motor Vehicle teaches that the average driver's perception time is one-and-three-quarters seconds; reaction time is three-quarters to one second; brake lag is at least a half a second. This adds up to between three to three-and-a-quarter seconds before a vehicle even starts braking. How can our traffic lights be timed one way and our driving public taught and licensed another way? Does this sound safe to you?

A recent article in Newsday talks about the intersection where I received my summons. The article looked at a 70-day period just before New York State DOT adjusted their traffic light at this intersection and the 70-day period -- the 70-day period following the adjustment.

D.P.O. HORSLEY:

Mr. Buttaro, you're going to have to wrap it up pretty soon.

MR. BUTTARO:

A total of 15 seconds was added to the yellow interval. The result of this adjustment was over 68% reduction in infractions at this intersection.

This program has been in effect for going on two years. Has Suffolk County collected numbers regarding the success of this program? What are the numbers regarding accidents, are they down, have they remained flat or have they increased? Surely, Suffolk County Legislature has to examine these numbers --

D.P.O. HORSLEY:

Mr. Buttaro, please.

MR. BUTTARO:

-- if they are considering expanding the current program. Thank you.

D.P.O. HORSLEY:

And I appreciate all the work you've put into this, I mean, it hasn't gone unnoticed. Thank you.

LEG. NOWICK:

Mr. Deputy Presiding Officer, I'd like to make a motion to extend the public portion, just so we can finish up these cards. These people have been waiting.

D.P.O. HORSLEY:

Thank you very much, Legislator Nowick. I've just been advised by Counsel that -- as positive as that your motion, we don't need one, so we're just going to run it out until -- I've only got several cards left, so if the Legislature please, we're just going to extend this a bit. Okay. Linda Hobson, and Mary Finnin on deck.

MS. HOBSON:

Thank you. Hello. My name is Linda Hobson. I'm a resident and advocate for the residents of Horton Avenue. I'm here today to address Resolution 1357. I stand before you today two years and three months after the disastrous nor'easter that ran down Horton Avenue from the farmlands above as a mighty flood and destroyed all of our personal belongings, and caused total destruction of our homes. It was at this time that the residents of Horton Avenue said enough is enough. Many years of complaining of the constant flooding and expressing our concerns to the Town had ultimately caused us emotional despair.

The actual planning and construction of an elevated circle via a Federal grant without the proper pipeline drainage to allow the flooding -- for a flooding drain in an already flood-prone area, the

constant insecticides and pesticides running down from the farmland into our yards, the flooding of March 29th through 31st, 2010, made a public and ugly social justice come to light of a residential area that was deemed to be only agricultural. At this point, the uphill battle began.

Through our elected officials, faith-based organizations, Long Island -- and Long Island Network, the quest for social justice to get the Town, County, State and Federal Government to do the right thing began. On May 8th, 2010, at a LION Action meeting, we actually had our elected officials sign a letter to get Governor Paterson to write the letter that would get us our first denial, so that we could begin to move our plight forward. After many denials and public hearings, we finally received an approval from FEMA concerning a Federal mitigation grant on August 25th, 2011, through the relentless effort of Congressman Bishop. The grant will not only assist us to buy out the damaged properties, but it also brings millions of dollars of infrastructure money that will assist our local economy. It will also assist in demolishing this low-lying area of Horton Avenue and turn it into open space. The final phase of this project for the residents can -- as they can never be made whole due to no coverage for the valuables of personal belongings.

I ask you today to vote to assist the homeless homeowners of Horton Avenue to be able to relocate into new homes. These homeowners are not expecting a handout, but, rather, an opportunity to secure the homes that they once -- that they once owned. I thank you for supporting I.R. 1357.

D.P.O. HORSLEY:

Thank you very much, Ms. Hobson.

MS. HOBSON:

Thank you.

D.P.O. HORSLEY:

We appreciate you coming down.

*(*Applause*)*

D.P.O. HORSLEY:

Mary Finnin, and then Rose Van Guilder is on deck.

MS. FINNIN:

Good afternoon. I want to repeat for your information the mission statement for Suffolk County Department of Health services. It is to provide primary comprehensive care in a dignified and respectful manner, emphasizing preventive medicine, and providing diagnostic treatment and referrals to all, regardless of their age, race, sex, creed, color, national origin or ability to pay.

The cuts that are being proposed to the staff, and I'm speaking particularly to the cuts in nursing staff, public health nurses, clinic nurses, drug services, nursing home and other clinics, these services, as they are being proposed in cuts, the County will not be able to maintain its policy of providing the care for the public that is needed, the requirements to follow up on STDs and communicable diseases, to provide care for people with AIDS and other needs in their homes, to care for high risk women in pregnancies and newborns, drug treatment and AIDS care in the home and in the clinics.

We are looking at the loss of hundreds of years of clinical expertise and services in nursing alone, and in providing nursing care, many years of service to the Suffolk County community.

The loss of nursing positions -- I'm going to give a couple of examples, but in one case, the person, if -- in order to stay, she's got over 20 years on the County in another position, would take a \$25,000 pay cut. She's eligible to retire, but she's in a very important position and she may not because of her commitment to the public. I think it's unreasonable to even expect the nurses -- and

this came up at the last meeting. They said to a clinical specialist, who was a public health nurse and in pediatrics, "Well, there's positions over in the nursing home." The only position that might be available is an RN1. That's like an eight-grade downgrade, and they don't have any children to care for over there. So a nurse is a nurse is a nurse is a fallacy. We've got specialists in nursing in Public Health and in our clinics, and they have wonderful expertise, and we're going to have a drain in that expertise if those people leave.

I would like to propose that the Legislature put out a referendum for a tax of \$100 per household for at least one year, possibly two. This will cover your debt. It will maintain the programs. It will prevent the unemployment and all of the problems that the layoffs are going to cost. I think you still have to look at --

D.P.O. HORSLEY:

Ms. Finnin, you've got to start to wrap it up.

MS. FINNIN:

Okay. Efficient management and -- but your problem is revenue. And you had a speaker earlier today, we need the revenue. And even if it's a one-time, \$100 per household could cover these and still keep the people employed. To unemploy these people will increase the burden on the County with unemployment and other issues. Thank you.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you, Ms. Finnin. Now we're going to -- I've only got a couple of more. We're going to run it, probably about quarter-of, if I can just get through them. Rose Van Guilder, and Marc Herbst on deck. I believe Rose is out. I saw her through the window. Make sure she's not there. Marc Herbst. I don't see Marc. Is Marc here?

LEG. MONTANO:

He was here earlier.

D.P.O. HORSLEY:

Yeah, I saw him. Richard Meyer. Meyer? Richard, you want to -- this is Rose Van Guilder. Rose, come on up.

MS. VAN GUILDER:

Oh, I'm sorry.

D.P.O. HORSLEY:

That's all right. Come on, we're on a time frame here.

MS. VAN GUILDER:

I'm very happy to be here. Thank you.

MR. LAUBE:

Keep your finger on the button.

MS. VAN GUILDER:

On the button? You're giving me a second job. Good afternoon. Thank you. I am here to inform you about a matter that involves Suffolk County.

LEG. D'AMARO:

Excuse me. You need to speak into that microphone.

MS. VAN GUILDER:

Hi. My name is Rose Van Guilder and I would like to inform the Suffolk County Legislature that the West Sayville Golf Course does not currently have a netting that faces Montauk Highway. Errant golf balls have been hitting automobiles and are coming across to my senior citizen complex. Last year I had a golf ball that missed me by two inches on the head. One golf ball hit me on my foot. One golf ball entered my living room. Another golf ball hit another senior citizen and had to have his hand reconstructed. We in my complex collect golf balls and we give them to the Commissioner in a cookie tin. This is not what we want to do for a living.

We would like the -- we would -- I contacted Newsday and they wrote up an article concerning this issue. Steve Levy was very compassionate concerning this issue, and he asked that this netting be placed. I got an estimate of twenty-one hundred dollars. And I went over to the new Commissioner and he told me outright that he does not want to put it up. I am begging the Suffolk County Legislature to please find the funds and please place the netting, because someone is going to be seriously hurt and you're going to have a mega lawsuit. A person's life is worth many million dollars, and that is what is going to happen, or we may just put together a class action lawsuit. I'd prefer that this never happens.

But many, many windshields have been broken, and I have photographs in my possession that I will give you -- oh, by the way, she came back last week and there will be another article in a few weeks concerning this matter again. I have photographs here of many balls right in front of my apartment, and the man who had his hand reconstructed, where the netting is missing, and where the netting is existing. Commissioner Pavicic did put the netting up after I filed three police reports. He did put it up on the left and on the right and he left the center without netting. It is dangerous. And you -- oh, by the way, here's the one with --

D.P.O. HORSLEY:

Rose, you're going to have to start wrapping it up, please.

MS. VAN GUILDER:

Okay. I'm just begging you, please, put up the netting. This is the one where I brought over a cookie tin. And this is the golf cart where the Commissioner is directly across the street from me. Greg Dawson is not a very reputable man.

D.P.O. HORSLEY:

Okay.

MS. VAN GUILDER:

Thank you very much.

D.P.O. HORSLEY:

Thank you, Rose. We appreciate your comments.

*(*Applause*)*

All right. Richard Meyer, and Owen Durney on deck.

MS. VAN GUILDER:

Do you want all the photographs?

D.P.O. HORSLEY:

Give them to the Clerk.

MS. VAN GUILDER:

Okay. Thank you very much.

MR. MEYER:

Thank you very much. I appreciate your indulgence in extending the public portion very much. My name is Richard Meyer. I'm here on behalf of the Suffolk County Association of Municipal Employees and all its members. I want to take a moment to very briefly read to you a quote from one of your own committee meetings. It goes as follows:

"We will introduce, develop and implement a series of evidence-based decision-making, rethinking and reframing of operating assumptions, evaluating and improving government services to garner high quality performance results, and improve financial outcomes. We will certainly use data-driven decision-making and data-driven analysis to reconfigure roles, streamline operations and innovate. Of course, we will be doing this in conjunction with the Legislature, the County Executive's Office, and most importantly, quite frankly, our employees, which are our most valuable resource. This is going to be a joint effort. This is not going to be a matter of top-down site-based operation, this is going to be something that we're going to all work together on. The ultimate bottom line is to provide the best services we can for Suffolk County residents, while at the same time improving the work life experience of the employees that we have. The lifeblood of any organization is its employees. And I found that the most productive organizations, the most successful private and public organizations, quite frankly, treat their employees as human capital. And as we all know, capital is something we invest in, and we hope to reap rewards from that later."

This was said by Mr. Thomas Melito, County Executive Bellone's leader of his Performance Management Team.

AME is seeking ways to preserve this County's greatest resource. We believe it is axiomatic that every time a job is eliminated, every time, the people of this County receive less in service. It is critical that this body and this administration continue to work to preserve jobs and thereby preserve services. It is a disservice to the residents of Suffolk County and to its employees to try to solve the fiscal crisis by eliminating jobs.

A little over 148 years ago, this government of ours was beautifully defined as one that's recognized itself as of the people, by the people, and for the people. If you permit the elimination of County jobs, you literally stop being a government that is for the people of Suffolk County. Thank you.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you, Mr. Meyer. My last card at this point is Owen Durney.

MR. DURNEY:

The problem with being last is a lot of people cover the things that you planned on saying, but maybe I can reiterate.

I was here last week, I spoke in front of the Health Committee, some of you were here. And I know that there are a number of resolutions in front of you that are laid on the table today that will restore positions that are revenue-generating and grant-funded. One is also before you today, a CN that is going to restore the Water Quality Unit positions because you found funding. These are all good signs in the sense that there seems to be some movement and some compromise.

The reason why I bring up revenue, I keep bringing it up, is because I don't see or hear of it being discussed. LEG. ROMAINE brought it up at the Health Committee meeting last week a little bit, but these -- these layoffs are going to blow a hole in your revenue budget. So what's going to happen

is, is you're saving on the expense side, your giving up on the revenue side.

Many of you know, I have a Masters in Public Administration. Legislator Horsley, I read your bio, you do, too. So one of the things that I teach my students at CW Post is strategic planning, governing through study. That's kind of what Mr. Meyer just brought up, the fact that this list was put together with, obviously, no strategic planning whatsoever. And that's why you see all these resolutions coming in front of you trying to bring back positions, because after we open the barn and let all the horses out, now we're trying to corral them all back in. And rather than looking at what we were doing first and then ask and then -- you know, asking questions first, we decided to shoot first and ask questions later. I know I'm full of cliches today.

Really, what I'm coming here to say is, I mean, obviously I think what you should do, we talked about -- Mr. Barraga said rip up the list, and Mr. D'Amaro said keep the list. I think you should restore the list and do it the right way, because it's not going to cost you much more or -- in terms of loss, because, as I pointed out, your revenue side is going to take a big hit anyway. So the difference is, by keeping these people employed and doing this methodically and through strategic planning, rather than through taking a hatchet and just ripping up everything, is that you're not going to destroy the lives of not just the 315 people that are being laid off, but the other hundreds of people that are being bumped and retreated, and, more importantly, and most importantly I would think to you, the hundreds, if not thousands or tens of thousands, of your constituents that are going to lose services. So, I would restore everybody. I know that's not going to happen, but give it some thought as far as especially the ones that are 100% grant-funded, like the WIC positions, the revenue positions in the Revenue Unit.

*(*Timer Sounded*)*

I know, I'm wrapping it up, Mr. Horsley. The Revenue Unit who bring in millions and millions and millions of dollars every year, you're laying them all off. Who's going to bring in that money? And the nurses. We can't bill for visits if we're not visiting people. So how are we going to bring that money in? Because I haven't seen an adjustment on the revenue side of your budget. So thank you for your time. You have a lot of work ahead of you.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you, Mr. Durney. All right. Would anyone else like to be heard? We're good? I don't see any. I don't have anymore cards. I'll make the motion to close the public hearing -- portion, rather; seconded by Legislator Cilmi. All those in favor? Opposed? So moved.

MR. LAUBE:

Fourteen. (Not Present: Legs. Montano, Barraga and Kennedy. Absent: P.O. Lindsay).

D.P.O. HORSLEY:

We are recessed until 2:30.

*(*THE MEETING WAS RECESSED AT 12:43 P.M. AND RESUMED AT 2:28 P.M. *)*

D.P.O. HORSLEY:

Will all Legislators please come to the horseshoe. Mr. Clerk, will you please call the roll?

MR. LAUBE:

Will do.

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

LEG. ROMAINE:
(Not Present)

LEG. SCHNEIDERMAN:
Here.

LEG. BROWNING:
Here.

LEG. MURATORE:
Here.

LEG. HAHN:
Here, present.

LEG. ANKER:
Here.

LEG. CALARCO:
Present.

LEG. MONTANO:
(Not Present)

LEG. CILMI:
Yes.

LEG. BARRAGA:
Here.

LEG. KENNEDY:
Here.

LEG. NOWICK:
Here.

LEG. GREGORY:
Here.

LEG. STERN:
Here.

LEG. D'AMARO:
(Not Present)

LEG. SPENCER:
(Not Present)

MR. LAUBE:
Spencer?

D.P.O. HORSLEY:

He's here.

MR. LAUBE:

He's here. Horsley?

D.P.O. HORSLEY:

Here.

P.O. LINDSAY:

(Absent)

MR. LAUBE:

Fifteen -- fourteen. (Not Present at Roll Call: Legs. Romaine, Montano and D'Amaro. Absent: P.O. Lindsay)

D.P.O. HORSLEY:

All righty. Welcome back, everybody. We are now going to commence with the public hearings. The first public hearing is on the 2012/2013 Suffolk County Community College budget. I do not have any cards. Would anyone like to be heard on the College budget? On the College budget. All right. I'll -- we'll make a motion to -- I'll make a motion to close.

LEG. STERN:

Second.

D.P.O. HORSLEY:

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

MR. LAUBE:

Fourteen. (Not Present: Legs. Romaine, Montano and D'Amaro. Absent: P.O. Lindsay)

D.P.O. HORSLEY:

Okay. *Procedural Motion No. 7 - Authorization of a Ferry License and the setting of rates for Hampton Jitney, Incorporated, D/B/A "Peconic Bay Water Jitney."* I have two cards, I believe, on this, and the first one is Captain Cliff Clark. Captain Clark?

CAPTAIN CLARK:

Good afternoon. I think that's a mistake. We're not with that ferry, we're with the South Ferry Company.

LEG. SCHNEIDERMAN:

That's a different public hearing.

CAPTAIN CLARK:

Thank you very much.

D.P.O. HORSLEY:

Aha. We could figure that. And that would be for both you guys.

CAPTAIN CLARK:

Sure.

D.P.O. HORSLEY:

Yep. Okay. Make a motion to close, second by Legislator Cilmi. All those in favor? Opposed? So moved. Okay.

MR. LAUBE:

Fifteen. (Not Present: Legs. Montano, D'Amaro. Absent: P.O. Lindsay)

D.P.O. HORSLEY:

Thank you. And the next one is *Procedural Motion No. 10 - Authorization of alteration of rates for South Ferry Incorporated*. And this one is the one that you guys are here for.

CAPTAIN CLARK:

Yes, sir.

D.P.O. HORSLEY:

Mister -- Captain Cliff Clark.

CAPTAIN CLARK:

Thank you.

D.P.O. HORSLEY:

Welcome.

CAPTAIN CLARK:

Thank you. Hold it while I'm talking, okay. That shortens the speech, doesn't it? That's great. Can you hear me all right.

D.P.O. HORSLEY:

Yes.

CAPTAIN CLARK:

Okay, good. Thank you. Yes, I am Cliff Clark, and I am one of the owners of the South Ferry Company on Shelter Island. Thank you for hearing us today. We show up here every four to seven years with a request for some rate relief. This is one of those times.

We operate from Shelter Island to the Village of North Haven in the Town of Southampton. The ferry company has been in our family since 1714. We are the oldest continuous family-run ferry company by the same family in the United States, and one of the oldest of all ferries in the United States. We last applied for rates to this body in the end of 2007, which were approved in March of 2008. Since that time, we reinvested from that 2,896,000 of those dollars back into the company in tangible ways, which are demonstrated in the Budget Review report. However, last year, because of a variety of reasons, it is steadily declining. We lost \$167,559 from our operations in 2011. The big reason for this is a steady and continuous decline in traffic since prior to 2008, and also a steady and continued increase in the cost of fuel since 2004.

Our traffic from 2008, the number of cars we carried in 2008 was 62,000 more cars than we carried in 2011, so we declined 62,000 cars in that three-year period, and we declined by seventy-three hundred fifty-two trucks. Fuel from 2004 to 2011 rose an average of 21% per year. Back in 2004, it was 85 cents per gallon for diesel fuel that we bought in bulk. We had a 10,000-gallon tank that we filled up every five or six weeks and we were paying 85 cents a gallon. This Spring we paid \$3.85 a gallon for the same fuel. We use about 85,000 gallons of fuel a year to keep our operation going.

We need the increase for every reason that every other business needs to be able to stay in business with their capital and their cash flow. We have capital improvements to make, we have crews to care for. We -- only three times since I've been with South Ferry, and that was in 1976 when I came back, only three times have we not been able to give our crew a cost-of-living

increase. Two of those times have been in the last three years. We did not get one in 2011, we did in 2010, we could not in 2009. We never recovered from the tremendous impact of the fuel jump from 2003 to 2007. Even though we went for rates, we never recovered enough to really do the capital projects that we needed and to even take care of our crews with a cost-of-living increase. We have great people. We have many of them that have been with us 20, 25, 30 and more years. We have a fantastic crew. They understood the situation. They saw the traffic was down and they accepted it as good soldiers, and they have accepted that, but --

D.P.O. HORSLEY:

Captain, would you, please, start to wind it up?

CAPTAIN CLARK:

I'm sorry, I apologize.

D.P.O. HORSLEY:

No, it's okay.

CAPTAIN CLARK:

So we have an obligation to them, as well as to our ridership. The capital improvements, we need to put a new fuel tank in. We were required at the end of 2009 to remove our single-wall inground tank. We found it's going to cost \$350,000 to replace it, so we declined on that because we didn't have the money. Now we're paying 45 cents a gallon more for fuel just to have it delivered by trucks. I need to get another tank. We need new -- brand new platforms on the North Haven side. We need a spare boat engine. We have to put an emergency generator and many other projects. I'll go right through them now.

Our biggest increase that we're asking for in the car traffic is going to be to the one-way casual cash fare. That is basically your tourist, your visitor, your person that comes out maybe once a year, maybe twice a year. That is the largest increase we're asking for in the cars. We do that in order for them to help carry the deep discounts that we give for all other frequent users. Commuters from all over Suffolk County, wherever they are, can get a 70 or 71% discount. Others in various categories that frequently use it, if it's worth their trouble, can go from 39 to 64% off, and we have to have those cash fares up like that to support that.

D.P.O. HORSLEY:

Mr. Clark, excuse me. Do you have this in writing, that maybe we can have -- make copies of it and distribute to each of the members, because we really do have to wrap -- start wrapping this up.

CAPTAIN CLARK:

I apologize. Yes, I will stop there. The Budget Review Office agrees with our request for the finance -- for the money we're asking for, and we respectfully request that you look favorably upon it. And they do have a full report with all these details in it.

D.P.O. HORSLEY:

Thank you very much.

CAPTAIN CLARK:

Thank you very much, I appreciate it.

D.P.O. HORSLEY:

Thank you.

LEG. ROMAINE:

Mr. Chairman.

D.P.O. HORSLEY:

Oh, yes, Legislator Romaine.

LEG. ROMAINE:

Questions. We can ask questions, right, in this public portion?

D.P.O. HORSLEY:

You can.

LEG. ROMAINE:

I see you brought the whole complement with you. I see Bill is here, Mr. Moorhead's here, Trish is here, so you've got everyone from South Ferry. South Ferry is the oldest ferry in continuous operation by one family in the United States; is that not correct?

CAPTAIN CLARK:

Yes, sir, that's correct.

LEG. ROMAINE:

And when did you start operation?

CAPTAIN CLARK:

1714.

LEG. ROMAINE:

Thank you. In the review that was done by the Budget Review Office, the Budget Review Office recommended approval of this rate increase.

CAPTAIN CLARK:

Yes, that's correct.

LEG. ROMAINE:

Thank you very much. I believe what's going to happen today is I'm going to make a motion, Mr. Chairman, to recess this so we can have yet another hearing in Riverhead and then close it then, and then proceed to a vote after we've let it cure for an hour in Riverhead.

D.P.O. HORSLEY:

Yeah. I think we have problems with that because, apparently, we're going to do a CN, I'm just being told. But one of the things, we just got the report in just recently, it has to sit 15 days prior to closure.

LEG. ROMAINE:

It will be 15 days at our next meeting, and that's what we want to do. The reason I'm looking to do that is so that the Clark Family, which runs the ferry, doesn't miss the summer season, and particularly July 4th weekend, which is important to them in terms of having sufficient revenue. They've been losing revenue for the last two years. Let me just emphasize that. Mr. Clark, has your ferry actually run a loss for the last two years?

CAPTAIN CLARK:

Yes, it has, 167,000 last year. And we're very conservative in our bookkeeping. They're certified financials that we're talking about.

LEG. ROMAINE:

And what people may not realize -- I mean, I'll go home on the Long Island Expressway; to me, that's important. If they close the Expressway, I'd have a problem. I probably could take some side roads. But if they close the ferry, you have no way to get to Fire -- to Shelter Island, you only have the North and the South Ferries, so these ferries are very important to the Island. Thank you very much, Mr. Chairman. Thank you, Cliff. Have a good trip back.

CAPTAIN CLARK:

Thank you, Legislator Romaine.

D.P.O. HORSLEY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Thank you, Legislator Horsley. Cliff, I'm quite familiar with your operations. You do an excellent job and I appreciate it. Nobody wants to see you operate at a loss. You talked about shortfalls in cars and trucks, etcetera. Is that across the board or is that in your one way, as you called it, the casual fare? Because I would imagine those people on Shelter Island who use it, it's pretty -- got to be pretty consistent. They can't -- they live on the Island, they go on and off the Island, they have no choice but to take the ferry. But that shortage is it -- is that fall -- shortfall, is that in the more of the casual visitor?

CAPTAIN CLARK:

The shortfall, the workers are part of that also, because work is not happening on Shelter Island as much. So we're seeing it across the board. Our commuters daily, there are less of them because the economy is down. But I would say it's across the board, yes.

LEG. SCHNEIDERMAN:

One of the reasons why I ask is because if you live on Shelter Island and you want to get off Shelter Island, you really don't have a choice. You're going to be taking your ferry or North Ferry.

CAPTAIN CLARK:

Correct. The resident -- the residents on Shelter Island, the flow is about normal.

LEG. SCHNEIDERMAN:

Right. But if you are visiting, let's say, the Hamptons area, the North Fork, let's say you want to go from one -- the North Fork to the South Fork; you do have a choice, you either can go through Shelter Island through the ferry, or you can drive around. And there's got to be a certain price point where people make a decision. Maybe they don't, but it's worth analyzing, where they say, "Oh, well, now it's" -- you know, "what's it going to cost me between the two ferries?" It's \$30, 35, \$40 to go one way. Maybe they're going to now go drive around and take a little bit longer, but they're going to save themselves \$30, \$40. So have you done any analysis to see where your price point is where you get too high, then people stop coming?

CAPTAIN CLARK:

No, no, we have not. We have not done anything with that and don't really know how we'd go about that.

LEG. SCHNEIDERMAN:

Right. So just raising fees might actually not bring you in more revenue, that's the point I'm trying to make. Intuitively, it sounds like you just go up in price, we got to make more money. But it's worth analyzing that a little bit, to maybe talk to some of the riders and say, you know, "Would you continue to use the ferry at these prices," because they do have the choice.

CAPTAIN CLARK:

Well, the casual rider that comes to the Hamptons Inn and Shelter Island Inn, we don't get the sense that that's an issue, those that come once or twice a year, or whatever, we -- and because of our respect for the people you're talking about, the ones that have to use it, we have these 70, 71% discounts over --

LEG. SCHNEIDERMAN:

Right. Those are for your frequent riders.

CAPTAIN CLARK:

And those are the ones we really -- that's our traffic that would be affected by the price and that's why we keep those prices down. My sense, and it's anecdotal, my sense is that most of the people that come for that day trip and they have to spend now one way would be \$14 and \$1 for a passenger. I don't know how close we are to that break point.

LEG. SCHNEIDERMAN:

Right.

CAPTAIN CLARK:

But it's a -- I mean, every business has to think about that.

LEG. SCHNEIDERMAN:

Are you proposing changing your fares for that -- for the bulk tickets as well?

CAPTAIN CLARK:

Excuse me a second.

LEG. SCHNEIDERMAN:

Are you changing any other fares other than that casual -- you know, the one --

CAPTAIN CLARK:

Oh, yeah, we're changing -- our average change is going to be about 12.02%. The one way casual is up 16.6 in our application. So we're changing across the board somewhere between 12 and 15%.

LEG. SCHNEIDERMAN:

Right.

CAPTAIN CLARK:

All of them.

LEG. SCHNEIDERMAN:

It's just -- it's worth looking at, because if people do get priced out, it's just going to put more traffic on the roads, which is not necessarily in the interest of the North Fork or the South Fork.

CAPTAIN CLARK:

And if you have a suggestion, if you have any experience in that, or anybody does, we'd certainly be interested in looking at how that might be done. I don't feel like we're there now based on the fact that we're quite a bit lower than on the casual fares and otherwise in what North Ferry is now, and they don't -- their numbers are about the same as ours.

LEG. SCHNEIDERMAN:

It seems like the tourism economy seems to be doing pretty well in spite of the recession the last couple of years. So --

CAPTAIN CLARK:

Our tourist group is about flat, yeah.

LEG. SCHNEIDERMAN:

-- you know, to hear that you've had such a dramatic fall-off in riders, I'm wondering maybe there's other factors involved as well.

CAPTAIN CLARK:

Well, it's a good point and I don't have a good answer, I mean, a definitive answer on that.

LEG. SCHNEIDERMAN:

I think we had like an eight or nine percent increase in hotel tax over the last two years, so that seems to indicate that tourism is doing okay.

D.P.O. HORSLEY:

Legislator Romaine, back to you.

LEG. ROMAINE:

Yes. I just would point out that, number one, and I would check with Cliff, obviously, the East End is made up of a lot of different areas and some areas may be doing well, East Hampton, Southampton among them, but Shelter Island has seen a drop-off. In fact, just in the amount of truck traffic that has come on South Ferry, that has dropped somewhat over the last few years; is that not correct?

CAPTAIN CLARK:

Yeah, we're down 7,300 trucks, less than we were in 2008, and that's not construction trade and delivery.

LEG. ROMAINE:

Right.

CAPTAIN CLARK:

There's something going on there.

LEG. ROMAINE:

Yes.

CAPTAIN CLARK:

And the Supervisor of Shelter Island also would corroborate that --

LEG. ROMAINE:

Right.

CAPTAIN CLARK:

-- Shelter Island is kind of lagging behind the rest of Long Island. We got in trouble later and I think it's holding on longer.

LEG. ROMAINE:

And that's the problem, you entered the recession a little bit later. I should say for my colleagues that there was a public hearing held on Shelter Island, which was last night, on these ferry rates. Mr. Clark was very good and very patient and answered a whole host of questions. Craig from Budget Review Office was there, did a bang-up job. Supervisor was there with the Ferry Advisory Committee. It was fully televised, it was very good. And I will tell you, if I was in the ferry business, and I'm not, but I would do my analysis less on what's happening on the roads and traffic and more on my operational cost, which has to, obviously, be a business decision on what's going to

run the ferry. But thank you again for coming, Mr. Clark.

CAPTAIN CLARK:

And may I say that at the meeting, I think only two or three people spoke out with any pushback and it was answered. And there have been no letters to the editor and it's been in the paper for a month.

LEG. ROMAINE:

It's all been positive. It's all positive.

CAPTAIN CLARK:

Correct. That's what we're hearing. Thank you.

D.P.O. HORSLEY:

Thank you very much, Mr. Clark. I also have a card from Bill Clark. Bill?

MR. BILL CLARK:

Since Cliff went a little long --

D.P.O. HORSLEY:

You've got to come up.

MR. BILL CLARK:

I have nothing to add.

D.P.O. HORSLEY:

Just wave (Laughter). Okay. Thank you very much, Mr. Clark. And I'll make a -- well, actually, LEG. ROMAINE, do you want to make a moment -- motion to recess?

LEG. ROMAINE:

Well, you know, we could end this right now and close it and it would be easy, but the Clark Family has asked out of --

D.P.O. HORSLEY:

I understand that we can't, according to Counsel.

LEG. ROMAINE:

Right. So we will make a motion to recess, because the Clark Family wants this heard in Riverhead as well, which is to their credit and why they have such respect on the Island.

LEG. SCHNEIDERMAN:

I will second that motion.

D.P.O. HORSLEY:

That was a motion, I suspect. Motion to recess; seconded by Legislator Schneiderman. All those in favor? Opposed? So moved.

MS. ORTIZ:

Fifteen. (Not Present: Legs. Anker, Kennedy. Absent: P.O. Lindsay)

D.P.O. HORSLEY:

Fifteen, thank you. *1341 - A Local Law to amend the Prompt Payment Policy for all not-for-profit contract agencies (Co. Exec.).*

I do have several cards. Kathy Liguori.

MS. LIGUORI:

Good afternoon. My name is Kathy Liguori. I'm with Tutor Time Child Care Learning Centers of Medford and Middle Island. I thought today that I'd just take a moment of silence for my three minutes, because I really have not much more to say than the other two times that I spoke here about the prompt payment law. But I thought that that might upset you all, so I just thought I would reiterate that. I beg you to exempt child care from the amendment.

D.P.O. HORSLEY:

I'm not sure how I'd react to that, so we'll let you continue to talk.

MS. LIGUORI:

I'd like you to exempt child care from this amendment and to continue to pay us in the 30 days. The child care providers do -- the majority of them do enter all of the invoices for the Department of Social Services and it's time consuming. And, actually, just last week we received a letter to state that there are more enhancements to the program to make the processing of the invoices more efficient. There's a lot of things going on in child care and we can't take anymore hits.

Just last week, last Friday, I went on the State website only to learn that Suffolk County has lost \$144,000 to the 2012/2013 block grant allocation. We were hoping that we remained flat, and I guess that's considered flat. But it's important that you know that Nassau County received a 2.4 million dollar increase, and I wonder why that happened. I'm still deciphering through the allocation methodology, but I'd invite you to look at that.

Child care centers are closing. There's one in Smithtown that just closed. I'm learning that there's a Tutor Time that's closing in East Setauket, I just learned that today. I just don't know how much more child care can take. And the bottom line, it's the children, it's the children and the employees. And the multipliers are going to be negative effectively. You know, we all know how much child care produces as far as a positive to the economics of our -- of the spending.

So I'm ringing a hollow bell, but I just hope that you can exempt child care from these prompt payment amendments, being that we do all of the work. Thank you.

D.P.O. HORSLEY:

Thank you very much, Ms. Liguori. Just hang on one second. Legislator Nowick.

LEG. NOWICK:

Just a quick question. You may or may not know the answer, but I know one of the child care facilities closed down. I believe -- I thought it was in my district, but, actually, it's in Legislator Kennedy's district, but some of the people that go there were mine. They just disappeared and closed shop. Do you know when they closed down? Where -- I mean, they have people's money, from what I'm understanding, and they've disappeared. Do you -- are you familiar with the one in Smithtown at all that closed down?

MS. LIGUORI:

I'm just a little bit familiar with it.

LEG. NOWICK:

Okay. Just a little bit? You're saying that tongue in cheek or you know?

MS. LIGUORI:

The only thing that I know of them is that they haven't paid their rent in quite some time.

LEG. NOWICK:

Yep.

MS. LIGUORI:

I think since January, and --

LEG. NOWICK:

And I know there was a sign on the store last week and some of my constituents went with their children, and some of John's, Legislator Kennedy's constituents went. But some of the problem is that they have the money that the clients gave them, so I don't know if you know anything about that and you could help out.

MS. LIGUORI:

What I only know of the situation is really based on hearsay. However, from the State licensing program, as I looked into it, they were licensed for 34 children, so they were a very small program, and they were housed out of a -- the New York Avenue Elementary or the district office. And their rent was very much subsidized very different than the majority of other child care providers that have a real lease arrangement and pay, you know, a fair market value square footage arrangement.

So, again, I don't want to base on hearsay, but there's nothing worse than being frauded by paying for services and then not having the services provided and not having any way to seek a refund. And I would just advise those people to seek out the District Attorney, because it's -- child care, all we sell is trust. How do you do that to people?

LEG. NOWICK:

Thank you.

D.P.O. HORSLEY:

Thank you very much, Legislator Nowick. Legislator Romaine.

LEG. ROMAINE:

Very quickly. You get a class for day-care, you can't bill the County until the end of the month. At that point, for most of your clients, for children that you care for in child care, you've expended 30 days of service.

MS. LIGUORI:

Yes.

LEG. ROMAINE:

Then you put in the bill. Thirty days thereafter, if you're lucky, the County pays the bill. So you're 60 days from the day you first provided service before you get paid; is that not correct?

MS. LIGUORI:

That is correct.

LEG. ROMAINE:

And they want to take this 30 days and change it to what now?

MS. LIGUORI:

I don't know. The most recent thing that I did hear after the 15th hour of testimony at the prompt payment -- I'm sorry, at the Poverty Hearings for the Welfare to Work Commission, Legislator Gregory had said that the County Executive was going to amend it to 60 days.

LEG. ROMAINE:

Sixty days. So then that would be 90 days after you provided your first level of service. Most of the child care providers, correct me if I'm wrong, are not-for-profits?

MS. LIGUORI:

That's not true.

LEG. ROMAINE:

Okay. Most of the child care are for-profits. What is their financial condition of these child care -- in light of cuts to State Aid?

MS. LIGUORI:

We're small business operators --

LEG. ROMAINE:

Right.

MS. LIGUORI:

-- choosing either to operate as a Sub S or whatever.

LEG. ROMAINE:

Right.

MS. LIGUORI:

But our cash flow is our cash flow.

LEG. ROMAINE:

Right.

MS. LIGUORI:

We could be considered not-for-profits --

LEG. ROMAINE:

Right. --

MS. LIGUORI:

-- because --

LEG. ROMAINE:

You don't make a lot of profit is what I'm trying to emphasize.

MS. LIGUORI:

Absolutely and --

LEG. ROMAINE:

And this could upset your business model?

MS. LIGUORI:

Yes, it can. And when we got into -- when child care got into this in the first place, many of the child care providers had their -- had tax liens put against them by not -- for not being able to meet their payroll and pay their payroll taxes, so --

LEG. ROMAINE:

I remember. That's why we originally passed this law, to compel the County to pay its bills in

30 days. Look, I got to tell you, I understand where the County Executive's coming from, and I'm not going to be critical because I know he has a huge burden, but I don't think he's going to solve the burden by delaying payments to child care providers and driving some of the smaller ones out of business and making child care less available to -- for working mothers in Suffolk County. I just don't think that's the way it's going to get done.

D.P.O. HORSLEY:

Question, LEG. ROMAINE.

LEG. ROMAINE:

Yeah. Would you agree with me?

MS. LIGUORI:

I would agree with you, especially for the fact that the letters of approvals for these children are becoming more difficult to receive. We're getting letters of approval for two weeks and then the families can't come, only to receive the letters of approval a week-and-a-half later backdated, and the families could not go to work because they didn't have letters of approval.

LEG. ROMAINE:

They didn't have letters of approval, so they couldn't get child care. So, administratively, there's things that can be done to restrict payments to child care providers besides paying them, you know, late, which is unfortunate because child care is usually the one thing that mothers need if they're going to go to work and provide for their families. In this environment we have a lot of single mothers that are working, we have a lot of parents that the mother has to work just to make ends meet. But thank you, you're compelling. This is -- your testimony is compelling and I appreciate it very much. Thank you.

D.P.O. HORSLEY:

Thank you very much, LEG. ROMAINE. And remember, always question like jeopardy. Okay. Thank you very much. Oh, I'm sorry, Legislator Cilmi.

LEG. CILMI:

Thank you, Mr. Chair. I wanted to explore your remarks and your research a little bit that you talked about in terms of the -- it sounded like you said either reduction or only slight increase, or whatever, in terms of what we're getting from -- Suffolk County is getting from New York State, as compared to what Nassau County is getting. How deep did that research of yours go? I mean, do you know how much we received, how much Suffolk County received last year, and then compare it to what we're expected to receive this year and then again potentially next year? Do you know those numbers for Nassau County? Could you talk a little bit about that?

MS. LIGUORI:

It is exactly what I had said. Last year we had received 29-plus million. The difference that we received this coming year is \$144,000 less. Remember that in October of 2011 we ran out of money, so we borrowed against the next half year. I don't know where we are exactly with those claims, but we were hoping that we would get an increase because our need grew exponentially. We had an all time high of 6,000 children; we've cut. I would think that we're down to about 1,000 children; we've cut since then. We've cut from -- just from December, we were at 100 -- we were at 200% above the Federal poverty level. In January, when we ran out of the money and we had to borrow, we went down to 185% above the Federal poverty level. A month-and-a-half ago we went down to 150% of the Federal poverty level, and now we're going to go down to 125%. And please know that in order to live self-sufficiently in Suffolk County and pay for your own child care, you have to earn 452% above the Federal poverty level. It's crazy.

LEG. CILMI:

How do you contrast the -- I guess this is a reimbursement that we get from New York State. How do you contrast what we're getting in Suffolk with Nassau? What did they get last year and what are they getting this year?

MS. LIGUORI:

They got -- what I can say right now, without having the papers in front of me, and it's right on the State website, we can -- I can provide you any -- we can simply get those State allocations, but Nassau received a 2.6 million dollar increase for 2012 to 2013 over last year. It is all based on the State's allocation methodology and how claims are processed.

LEG. CILMI:

And what drives that process?

MS. LIGUORI:

I don't know. I don't know. They changed it. This will be the fifth time they changed it in the last six years, so we can't even budget from our State perspective. Our Department of Social Services can't even plan and budget appropriately like we would want to forecast, because they change it based on what they feel their needs are.

LEG. CILMI:

We know how you feel. Okay. I guess maybe the most appropriate place for a lengthier conversation about this would be in one of the committees, maybe Health or something, Social Services.

MS. LIGUORI:

I'd be happy to participate. I'd like to work cooperatively, but we -- even to concede, and some other child care providers would probably be upset with me to say, we can make concessions in some way, as Legislator Browning wants to make a Memorandum of Understanding. But when you don't hear anything and you don't know what you have to work with, it's -- like I said, we're ringing a hollow bell.

LEG. CILMI:

Well, I mean, I can appreciate what you're saying. I'm not a big fan of the prompt payment policies when they specifically select certain industries or groups of businesses to do it, because I think when you do that you harm everybody else in the County. But what I am interested in is the reasons why Suffolk County is losing funding and Nassau County seems to be gaining funding. So to the extent that you can provide some insight at some later date to that point, I would appreciate it.

MS. LIGUORI:

Okay.

LEG. CILMI:

Okay. Thanks.

D.P.O. HORSLEY:

Okay? Very good. Thank you very much, Legislator Cilmi. Anybody else? Are you're looking to close this?

LEG. BROWNING:

Recess.

D.P.O. HORSLEY:

Motion to recess.

LEG. STERN:

Second.

D.P.O. HORSLEY:

Second by Legislator Stern. Anything else? All those in favor? Opposed? So moved. It's been recessed.

MR. LAUBE:

Sixteen. (Not Present: Leg. Romaine. Absent: P.O. Lindsay)

D.P.O. HORSLEY:

All right. *I.R. 1480 - A Local Law establishing registration requirements for Health Department expeditors (Browning)*. Let's take a look. Yes, I do, I have 1341, I have Kathy Liguori. Is that --

LEG. CALARCO:

We just did that.

D.P.O. HORSLEY:

Didn't I -- I have two of them.

LEG. CILMI:

You have 1489. We're on 1480.

D.P.O. HORSLEY:

Oh, you know what I have? It's 1489 I have you for. You're the next one up.

MS. LIGUORI:

Go back?

D.P.O. HORSLEY:

Yeah, go back. Thank you very much. Sorry about that. All right. I don't have any cards on this.

LEG. BROWNING:

Okay. I've had some requests to make some changes to it, so I'll -- motion to recess for now.

D.P.O. HORSLEY:

Motion to recess by Legislator Browning; I'll second the motion. All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen. (Absent: P.O. Lindsay)

D.P.O. HORSLEY:

Okay. *I.R. 1486 - A Local Law to increase the membership and clarify jurisdiction of the Gabreski Airport Conservation and Assessment Committee (Schneiderman)*. I do not have any cards. Would anyone like to be heard on this matter? Would anyone like to be heard on this matter? That being the case, Mr. Schneiderman, how do you want -- what do you want to do with this?

LEG. SCHNEIDERMAN:

Motion to close.

D.P.O. HORSLEY:

Motion to close. Legislator Schneiderman, motion to close; I'll second the motion. All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen. (Absent: P.O. Lindsay)

D.P.O. HORSLEY:

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). And this time I think I am right. Kathy, this is where you're coming in. See, you were next. I wasn't wrong after all.

MS. LIGUORI:

See that? Once seen, for the record, my name is Kathy Liguori. I'm with Tutor Time Child Care Learning Centers of Medford and Middle Island. I'm here to speak about the legislation, 1480 --

D.P.O. HORSLEY:

Eighty-nine.

MS. LIGUORI:

Eighty-nine, Look Before You Leave Act. I've been in conversation with Legislator Stern's Office about this. It is about a device that would be put into a school bus for contracted child care providers that contract with Suffolk County. It's an alarm device that if -- once the bus is unattended, with you can't turn the bus off until you go to the back of the bus and press the button and then it will release the ignition to shut the bus off.

And while I am very much in favor in a Look Before You Leave Act to keep children safe, I'm discouraged for the fact that it's just a device that would have to be purchased, it's not fail safe. And as child care providers, we do provide bussing for some of the children for field trips, and we do it safely and we have systems in place, matching name to face, and every single step of the transition. And I'm just concerned for the fact that this may prevent people from actually looking for the children and making sure that they're counted, and that their faces match their counts, and that they look under the seats and any little place where a child can possibly hide by sitting on the bus.

Many of the child care providers that do provide bussing or have buses are the teachers that drive the bus; they get there CDLs. We're not bus drivers that only -- they're the only one that remains on the bus. They leave the bus with the children, our teachers, so it's really very difficult.

And most importantly, I'm concerned about the operation of the bus in itself, because sometimes if these type of devices upset the ignition system or something, then we can't start the bus or shut off the bus. And the services that we provide to the children could be disrupted, whether we have to have someone get them, relieve, other transportation if we can't get the bus started. There's just so many different things.

So, again, I've been in conversation with Legislator Stern, and I just wanted to speak about it.

D.P.O. HORSLEY:

Thank you very much, Kathy. Any questions of Ms. Liguori?

LEG. MONTANO:

I have one.

D.P.O. HORSLEY:

Okay. Legislator Montano.

LEG. MONTANO:

Hi. I was just curious. You talked about the cost; do you know what the cost of the device is to install?

MS. LIGUORI:

I don't exactly. I was told it could range anywhere from \$150 to \$500.

LEG. MONTANO:

Maybe the sponsor, Steve, Legislator Stern?

LEG. STERN:

Yes, through the Chair. It could be purchased for as low as \$65.

LEG. MONTANO:

Okay. Thank you.

D.P.O. HORSLEY:

Okay. Thank you very much. Anyone else? Would anyone else like to be heard on this? I don't have any further cards. Would anyone else like to be heard on this? Mr. Stern, what do you want to do?

LEG. STERN:

Motion to recess.

D.P.O. HORSLEY:

Motion to recess; I'll second the motion. All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen. (Absent: P.O. Lindsay)

D.P.O. HORSLEY:

All righty. *1521 - A Local Law to prohibit smoking in County Parks (Spencer)*. I do have a card, Patricia Bishop Kelly. Welcome.

MS. KELLY:

Thank you. Good afternoon. My name is Pat Bishop Kelly. I'm retired Director of Public Information and Education with the Office of Health Education for the Suffolk County Department of Health Services. I'm formerly the Director of Advocacy for the American Cancer Society on Long Island.

For the past decades my chosen life's work has been in service to public health and its positive impact on our society, both now and in the future. And so it was without reservation that I wholeheartedly support Resolution 1521, sponsored by Legislator Spencer, a Local Law to prohibit smoking in County parks and beaches.

Now, aside from the ugliness of the discarded cigarette butts littering our parks and beaches, there are real fiscal and public health concerns associated with these discards.

First, from a purely taxpayer perspective, litter is expensive. It costs taxpayers to have our beaches and parks constantly cleaned and swept of the associated litter dropped by careless smokers. The easiest solution is prevention. By not permitting smoking, there will be less litter to clean up, thus reducing cost to taxpayers in Suffolk County.

The second concern -- and by the way, I'm having some of my comments and some photos distributed for your information. The second concern is from a public health perspective. Tobacco smoke is a Class A carcinogen. It's in the same toxic category as asbestos, radon and benzene. The toxic effects of secondhand smoke have been proven and are irrefutable. No one should be exposed to cancer-causing chemicals just because they want to enjoy the beauty and the experience our public parks and beaches offer.

The third concern is toxic litter. Contrary to popular belief, cigarette butts are not made out of fluffy white pieces of cotton, but, rather, they're made of cellulose acetate, which is a plastic film, the same stuff our photos and movie film is made of. Cellulose acetate is not biodegradable and does not break down over time. While a quick look at a cigarette butt looks like a neatly trimmed piece of cotton, the exact opposite is true. Under magnification, these little plastic fibers protrude in an untidy manner from the top of the filter. These little pieces break off and are inhaled when they are -- when they land in the lung tissue, they become embedded and provide a rich environment for the development of chronic lung diseases.

These discarded butts are also bacteria factories containing disease-causing bacteria and viruses from their former users. Very often children pick up these disease factories and play with them or put them in their mouths, thus creating a potential public health crisis. How often have we watched our children playing in the park or on a beach and watched in horror as they proceeded to pick up a cigarette butt and attempt to put it in their mouths? The screams from concerned parents are universal.

I strongly urge you to support this important public health initiative. It's good for our County budget, it's good for our public health, and it protects children from toxic litter. It also keeps our parks and beaches clean. Thank you.

D.P.O. HORSLEY:

Thank you very much. Thank you very much, Ms. Kelly Bishop. Would anyone -- is there anyone else? Legislator Spencer.

LEG. MONTANO:

I have one question.

D.P.O. HORSLEY:

Sure.

LEG. SPENCER:

I understand there's more speakers. I'll hold my question. Thank you.

D.P.O. HORSLEY:

Very good. Legislator Montano.

LEG. MONTANO:

You have more speakers?

D.P.O. HORSLEY:

Yes, I do.

LEG. MONTANO:

Quick question, maybe to the sponsor. I'm looking at the bill. I don't see the penalty provision. Is there a -- what's the penalty, assuming somebody -- if we pass this and someone violates it?

LEG. SPENCER:

At this particular point, we're looking really more to create the awareness. I've worked this out with Parks Department in terms of not causing them to have to expend a lot of resources on enforcement. So, at this point, we're just empowering them, if someone's smoking, to be able to go up to them and say, you know, "It's against our policy, put it out." And then without compliance, then they would be asked to leave the park.

LEG. MONTANO:

Okay. That's fine with me. Thank you.

D.P.O. HORSLEY:

Thank you very much, Legislator. The next card I have is for Lori {Benicasa}. Benincasa. I'm sorry.

MS. BENINCASA:

I'm also speaking in favor of I.R. 1521. With very few exceptions, all of our indoor areas are now smoke-free. And you may be wondering, do we really need to make outdoor areas smoke-free? And my answer to that would be yes for two reasons. Number one is the United States Surgeon General said there is no safe level of exposure to environmental tobacco smoke. So even outdoors being exposed to tobacco smoke causes significant health harms to a child that has asthma, to someone that has COPD. They shouldn't have to be subjected to environmental tobacco smoke while sitting on the beach.

The other reason that it should be banned in beaches is because the tobacco industry spends nearly a million dollars a day in New York State trying to portray their products as glamorous, as social, people can smoke together, and all of their ads show people having a wonderful time smoking. When children see that smokers have to be outside the beach, they have to leave their families enjoying a day at the beach and go to a parking lot to smoke, it sends a very powerful message that this activity is not social, it's not glamorous and it's not a normal activity, and that's the message we want to send to our kids.

And I will say that laws like this, based on the last question, do mostly become self-enforcing with very few exceptions. We've had very good compliance with the 50-foot bans, for instance, around buildings. For the most part, people know what the laws are and they comply, and the people that don't, when they're asked nicely to please step away from the building because the law prohibits them smoking within 50 feet, they do. So there really shouldn't be a lot of issue with enforcement. Thank you.

D.P.O. HORSLEY:

Okay. Thank you very much, Ms. Benincasa. Michael Seilback.

MR. SEILBACK:

Good afternoon. My name is Michael Seilback. I'm the Vice President of Public Policy and Communications for the American Lung Association of the Northeast. We've strongly supported smoke-free parks and beaches across the state, and we certainly support this legislation. The fact is that all Suffolk County residents have the right to breathe clean air, especially at our public parks and beaches, places where families recreate.

To add to the points that have been made, children's lungs -- children breathe in about 50% more air than adults do because their lungs are smaller, so they're being exposed even more to these toxic substances. And I have two young kids who do enjoy the Suffolk County parks and, you know, my kids are always picking up and about to put in their mouths these cigarette butts, old cigarette butts that are toxic. And, you know, as a father, but -- and certainly on behalf of the Lung Association, it's something that I think is from a public health perspective very important.

Over 200 municipalities across New York State have already passed smoke-free parks and beaches, including New York City. We've heard questions about, you know, how do we enforce this, how do we -- if Central Park can do this, certainly Suffolk County can do this.

Additionally, New York City just celebrated their one year anniversary of their law, and they found that two-thirds less litter have been found in their parks and beaches, and their Health Department has observed two-thirds less smokers in their parks and beaches, and this isn't due to some kind of rowdy enforcement. There's been only literally a few dozen tickets given on this issue.

So smoke-free laws are self-enforcing, they work. It's important for public health. And, certainly, with public education that we know you all do, and our friends in the media will certainly do, it becomes the norm. So we strongly urge you to pass this law and we appreciate your consideration. Thank you.

D.P.O. HORSLEY:

Thank you very much, Mr. Seilback. It was good seeing you again. Kathleen Valerio.

MS. VALERIO:

Good afternoon. I'm here today on behalf of my--

MS. ORTIZ:

You just need to hold the button.

MS. VALERIO:

I'll start again. Hi there. My name is Kathleen Valerio. I am a health educator and Peer Education Program Coordinator with Stony Brook University, and I'm here today first and foremost to say thank you, thank you to all of you for reconsidering and restoring the funding. Certainly, Legislator Spencer, I can't thank you enough. I know how vital the programs are on our campus. And I'm here also to urge you to further support efforts to de-stigmatize those who are trying to quit, trying to quit and trying to adhere to the law that I hope you implement today, and make it less popular, less of a social norm for someone to be seen on our beaches, and certainly anywhere in a public place here in Suffolk County. I applaud and appreciate the fact that you are making a stand and a visible, visible sign to those who are considering quitting that it's not to be tolerated. You recognize that second and third-hand smoke are absolutely, positively impairing the health of our future generations.

So I thank you all so very much for restoring the funding. And I am very proud to say we already have 17 students signed up to quit smoking through the program that, again, you restored funding to, my thanks and appreciation. And again, I urge you to further support this legislation. The science, the research will support everything that those that spoke before me said, so I'm not going to repeat the science supporting this. But I urge you as a parent, as an educator, and as a health education specialist to, please, continue to support this effort. Thank you.

D.P.O. HORSLEY:

Thank you very much, Ms. Valerio. Would anyone else like to be heard on this? Would anyone like to be heard on 1521? We're all good? Legislator Spencer, for purpose of comment, as well as your motion.

LEG. SPENCER:

Certainly, I appreciate the speakers that came up today and your insight. I did have a question that I wanted to either direct towards Ms. Kelly or Lori, either one, and that is, is there evidence that indicates that secondhand smoke outdoors is as dangerous as secondhand smoke indoors? Is there any -- is there a certain radius, or is there any information that can -- or can you address that question?

MR. SEILBACK:

There's no question that secondhand smoke is a public health danger. For someone with asthma, all it takes is to walk through one cloud of secondhand smoke, and that could be enough to trigger an asthma attack and send someone to the hospital. We also know that secondhand smoke leads to 2500 deaths a year here in New York, 3,000 cases of lung cancer across the country a year, secondhand smoke. So, yeah, it absolutely does. There's -- if you're smelling it, you're breathing it, you're inhaling it and it's affecting your lungs, so absolutely.

LEG. SPENCER:

Thank you very much.

D.P.O. HORSLEY:

Okay. Legislator, what would you like to do with this, then?

LEG. SPENCER:

I'm satisfied. I'd like to make a motion to close.

LEG. D'AMARO:

Second.

D.P.O. HORSLEY:

Closed it is; seconded by Legislator D'Amaro. All those in favor? Opposed? So moved. All righty. Let's move on.

MR. LAUBE:

Sixteen. (Not Present: Leg. Nowick. Absent: P.O. Lindsay)

D.P.O. HORSLEY:

J.R. 1522 - A local law to enhance provisions for enforcement of certain Consumer Protection Laws (Co. Exec.). I did not have any cards on this. Would anyone like to be heard on it? Would anyone like to be heard? It's my understanding that the food processing?

MR. PEARSALL:

Industry.

D.P.O. HORSLEY:

Food industry is interested in coming down to our next meeting in Riverhead to speak on this matter, so I will make a motion to recess.

LEG. CALARCO:

Second.

D.P.O. HORSLEY:

Seconded by Legislator Calarco. All those in favor? Opposed? So moved. It has been recessed.

MR. LAUBE:

Sixteen. (Not Present: Leg. Nowick. Absent: P.O. Lindsay)

D.P.O. HORSLEY:

Thank you. The next bill up is **1527**, which I have a number of cards here, ***a charter law to reapportion Suffolk County Legislative districts (Lindsay)***. And the first card is from Sandra Thomas, and the next one up is Lisa Scott.

MS. THOMAS:

Good afternoon. My name is Sandra Thomas and I'm the President of the Concerned Taxpayers of Wheatley Heights/Dix Hills Civic Association, Incorporated. I say that so that you know that I have sanction to speak for the community. I'm here in opposition to the proposed reapportionment of moving the 90th Legislative District -- ED, into -- out of the 15th Legislative District into the 17th Legislative District. The 90th ED is a portion of Wheatley Heights community which separates then our community. Right now, Wheatley Heights, in its entirety, is in the 15th Legislative District.

We feel by moving the 90th ED out of our -- out of the 15th Legislative District dilutes our voting strength and our representation, and it isolates us from supportive community. We feel that this is a violation of the 19th Civil -- our 1965 Voting Rights Act, we feel, which says that community strength cannot be diluted through gerrymandering or reapportionment.

We are concerned that this move that moves one portion of my community outside of the community to another Legislative District does diminish our strength. And not to be redundant, but as a community and as a leader of a community that advocates for the entire community, I would be forced to interface with more than one Legislative representative. We're concerned that oftentimes these measures are made to protect voting districts. And we wanted to know why our community -- was your intent to split our community and strengthen your election ability, or what the intent was. The concern is, is that this is damaging to Wheatley Heights, this is not in our best interest, and we do feel that this is a violation of Federal law.

D.P.O. HORSLEY:

Thank you very much, Sandy. It's always a pleasure to see you, and thank you very much for your comments. Would anyone like to be heard on this to Sandy? You want to -- no? Good?

LEG. GREGORY:

Thank you, Mr. Vice Chair. Hi, Sandy -- excuse me, Ms. Thomas. So is your opinion that to split the districts in this fashion would dilute the influence, the voting influence of the community?

MS. THOMAS:

That's absolutely correct. We feel that in splitting Wheatley Heights -- Wheatley Heights is one entire community. It can't be looked at as one ED or -- but our particular circumstances is that the entire area of Wheatley Heights is in the 15th Legislative District and, therefore, our advocate is you. If the Legislative District in Wheatley Heights is split, then you no longer are our sole advocate, we'd have to interact with many advocates. Our concern is, is that that dilutes our voting strength and our ability to advocate and my ability to advocate for my community. And so we feel that there may be other formulas that can assist in the reapportionment of whatever you have to do, but we feel that this has a direct and profound impact on the Wheatley Heights community.

LEG. GREGORY:

Now, you stated for the record that you are the President of the local civic association. How long have you served in that capacity?

MS. THOMAS:

As the President, ten years. As a member of the civic association, serving as the parliamentarian, 30.

LEG. GREGORY:

And it's your experience that the Wheatley Heights community has never been split in this fashion or has -- I'm not sure of the history, but has the Wheatley Heights community ever been split in reapportionment?

MS. THOMAS:

To my knowledge, having been on the Board since 1980, so that would be 32 years, that Wheatley Heights has always had one representative in terms of -- well, when I first -- when we first started, I wasn't even sure if there was a Legislature, I think it started, but we've never been split like this. But since we act as an entire community, that we're just not individual ED's, but we are an entire community, and that I represent that entire community, even though I happen to live in the 90th ED that's being reapportioned. I represent the entire community of Wheatley Heights and that does diminish my ability to advocate for the needs of our community.

LEG. GREGORY:

Because, as the leader of that community, and actually living in the district, then it's my understanding that it's -- I would say the majority, or at least a good portion of your Executive Board lives in this district, ED 90, as well. You would have to advocate for your community with two Legislators, you know, because they'll be split between two Legislative Districts; is that correct?

MS. THOMAS:

That's correct.

LEG. GREGORY:

Okay. All right. Thank you.

D.P.O. HORSLEY:

Thank you very much, Legislator. We have another question here from Legislator Cilmi.

LEG. CILMI:

Yes. Thanks for coming. I want to know if you're aware that there are many hamlets within Suffolk County that were once represented by one Legislator, but now will be represented by more than one Legislator as a result of the redistricting, and, in fact, there are many hamlets that have been represented by more than one Legislator?

MS. THOMAS:

I'm not sure if those hamlets have a civic association that has the population and the support and the cohesiveness as my community, I don't know that. I can say to you that I represent Wheatley Heights from one end to the other, that we are a civic association with more than 350 paid members, that we interface with the County, with the Town, and with the State in concerns that affect Wheatley Heights as an entirety. I don't know about other communities or hamlets that may be split. I'm not sure if their civic associations are as strong, or as visible, or as vocal as ours, but I can say to you that my responsibility in advocating for Wheatley Heights is to advocate for Wheatley Heights as a whole.

LEG. CILMI:

What would you say as a representative for so long, and God bless you for your service to the community there, and this absolutely -- I mean, I'm nowhere near that area at this point in my district, so it doesn't really impact me directly, but I'd be interested to know what are the top three concerns in your community right now?

MS. THOMAS:

The top three concerns in our community is that our local farmer not be able to subdivide his property, and the sewers, the possibility of sewers.

LEG. CILMI:

In favor of sewers?

MS. THOMAS:

Excuse me?

LEG. CILMI:

You want sewers?

MS. THOMAS:

At this point --

LEG. CILMI:

And you don't want the farmer to subdivide the community.

MS. THOMAS:

That's right.

LEG. CILMI:

Okay.

MS. THOMAS:

On a critical environmentally sensitive piece of property. And I think the third is the beautification and sustaining of our community, that's right now.

The other concern that we do have in Wheatley Heights is that now we are going to be in a new Congressional District, so that's another representative, represented by someone who we think is not sensitive to us. And those become issues when you have representation that you feel can't relate to you.

LEG. CILMI:

I can appreciate all of that. Thank you very much for your answers.

D.P.O. HORSLEY:

Thank you very much, and I see things haven't changed. Legislator -- no, Sandy, we have one more -- we have a couple more questions here. Legislator Montano.

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

LEG. MONTANO:

Hi there. Good seeing you again. I don't know if you can answer this, but I was just curious. You're talking about one particular ED within Wheatley Heights; am I correct?

MS. THOMAS:

That's correct.

LEG. MONTANO:

All right.

MS. THOMAS:

I understand there are many of yours.

LEG. MONTANO:

There are, and we will get to that, but not at this moment. What I was going to ask you was you mentioned the Voting Rights Act, and -- do you know -- and I don't know if you would know, what is the population of that particular ED; does anyone have the answer to that? All right.

And then the other question I would ask -- we don't have that in front of us, we'll find out. The other question I would have is what is the deviation rate in that particular 15th LD? Does anyone know the answer to that? I know that there was a sheet that was passed around, I don't have mine in front of me, and those are two factors that, you know, could interplay in terms of how you reshape the district. Because we don't want to go beyond a certain deviation rate and I don't know how many people are actually in that particular ED which would effectuate, assuming that it were put into the proposed 15th ED -- LD, would it bring us to a deviation rate that was so much higher than we're allowed, or would it decrease another -- those are the questions you have to ask, and we'll find out.

MS. THOMAS:

Well, I have the Voting Rights Act in front of me.

LEG. MONTANO:

Oh, no, I'm familiar with the Voting Rights Act; that I am.

MS. THOMAS:

But I can tell you that according to the Board of Elections, as of yesterday there are 790 voters in the 90th ED. I was not able to get the demographics. My understanding was is that numbers were too high in some Legislative Districts and that those numbers have to come down, I'm not sure what that is.

LEG. MONTANO:

Well, one of them is mine. In other words, my district had too much population, so we had to lose some ED's. The question is where they get taken from, and that's essentially the question I was asking you. I would understand that you don't know technicalities of this because you didn't propose the map. But before I vote on it, I will ask those questions.

MS. THOMAS:

Right. But that dilutes your power-based voting strength as well; that's what I believe.

LEG. MONTANO:

Yes.

MS. THOMAS:

And so that's why there's a major concern for me. We -- I didn't want to stand up here because I wrote down other Legislative Districts and ED's that I thought were close to the 17th since I was told that the 17th ED had to bring up its numbers.

LEG. MONTANO:

Seventeenth LD?

MS. THOMAS:

That's right, 17th LD, I'm sorry. But then I said that it's not appropriate for me to sit here and point out other Election Districts that should probably go somewhere else. Although I was showing Wayne the map because, you know, I know that there are formulas. But I think that this formula, the way it's written or the way it was done this time, disproportionately affects my community in a more significant way and it dilutes our strength and our ability to advocate for ourselves as a community, as a whole.

LEG. MONTANO:

Okay.

D.P.O. HORSLEY:

Sandy, don't go anywhere, we have more questions. Legislator Romaine.

LEG. ROMAINE:

Yes. First of all, thank you so much for coming today to talk about this. I wish I could say, as a Legislator, I had been solicited and my advice had been sought on the new plan that was put forward. But let me ask you this; would you agree that splitting communities are a mistake?

MS. THOMAS:

I believe that communities should go as a whole in any Legislative District, because that give that community power.

LEG. ROMAINE:

That would be music to the ears of my constituents. Calverton is split in my district, Eastport is split in my district, East Moriches is split in my district, Center Moriches is split in my district, East Yaphank is split in my district.

D.P.O. HORSLEY:

Questions, LEG. ROMAINE, please.

LEG. ROMAINE:

Ridge is split in my district, Shoreham is split in my district, Wading River is split in my district. Did you know all those splits could take place in one district?

MS. THOMAS:

No.

LEG. ROMAINE:

That's the question. Thank you.

*(*Laughter*)*

D.P.O. HORSLEY:

All right. Thank you very much, LEG. ROMAINE. Mr. Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. You bring up some important issues. As a matter of fact, you may hear that Hauppauge is split as well, and there will be some folks that may speak about some of the concerns there. But I want to go to what you spoke about as far as Wheatley Heights, I guess, being kind of a group that speaks in unison and what, in fact, you may have done over the map that's been in place for these last ten years. I would imagine that there have been issues that the Wheatley Heights community has taken a position on at the town level or at the State level.

MS. THOMAS:

Oh, absolutely.

LEG. KENNEDY:

Or even at the Federal level. The Wyandanch Rising Project is not that far away from where Wheatley Heights is; I would imagine your community had some perspective or something to share. And in a similar fashion, there must have been a variety of different things that you came forward on that would have impacts to your community.

MS. THOMAS:

Absolutely. I will just tell you that in our March quarterly meeting at our civic association, we had a presentation on Wyandanch Rising. Now, Wheatley Heights, the majority of Wheatley Heights is in the Half Hollow Hills School District and is a little bit away from Straight Path and the Wyandanch Rising Project, but we're interested in our adjacent community in things that happen there. I can

say to you that more than a hundred residents from Wheatley Heights came to that presentation. So I'm not talking about little civic association meetings.

I can say to you that in March of 19 -- of 2002, Wheatley Heights, the farmer that we're concerned with who wanted to subdivide his property on a special groundwater protection area and he wanted to do a sewer treatment plant and 492 apartments, that the residents of Wheatley Heights showed up at Town Board with more than 450 residents, a lawyer, an engineer for a sewer treatment plant and an engineer for traffic. So I can say to you that our -- at that time also it was under my presidency. So I can say to you that as the spokesperson for Wheatley Heights, that the Wheatley Heights community as a whole is interested in its surrounding areas, is interested in its welfare and they do show up.

LEG. KENNEDY:

Well --

MS. THOMAS:

And I think Wayne can attest to that.

LEG. KENNEDY:

And I appreciate that. And clearly, in all those issues you spoke about, you know, that there is significant County involvement, be it for the installation of the main coming up for Wyandanch Rising, or for that matter setting an STP is something that's overseen by our Health Department. So I appreciate the fact that you're here and talking about the importance of the community being able to have representation within a Legislative district. Thank you.

D.P.O. HORSLEY:

Thank you very much, Mr. Kennedy. We have also other speakers. Lisa Scott. Thank you very much, Sandy.

MS. SCOTT:

Can I defer to him if they're on the same subject?

MR. NOLAN:

No, he's got to have a card.

D.P.O. HORSLEY:

No, you have to fill out a card.

MR. SPENCER:

Oh, I came in late.

D.P.O. HORSLEY:

Well, I have about five or six or more.

MR. NOLAN:

You can still get a card.

D.P.O. HORSLEY:

Go get a card.

MR. SPENCER:

I'll fill out the card while I'm talking.

MS. ORTIZ:

You have to wait until you're called.

D.P.O. HORSLEY:

No, no, no. Lisa's on record as being number two.

MR. SPENCER:

I'm very anxious.

*(*Laughter*)*

D.P.O. HORSLEY:

Your time will come. Lisa?

MS. SCOTT:

Before I commence, I just want to mention that Nancy Marr will be speaking after me and she's got all the data with her, so she can answer Mr. Montano's question.

D.P.O. HORSLEY:

I do not have her down next, I have Stacy Berkowitz.

MS. SCOTT:

All right. Well, we'll be doing some disconnects --

D.P.O. HORSLEY:

Sooner or later we'll catch up, I'm sure.

MS. SCOTT:

Okay. Thank you very much. Thank you very much. My name is Lisa Scott, I'm the President of the League of Women Voters of Suffolk County. On March 27th, the League of Women Voters was in attendance in this auditorium. A majority of you voted at that time to kill the commission appointed in 2011 and take responsibility yourselves for redrawing the County Legislative District lines.

Before that vote, however, we heard you, our Legislators, speak out with passion about the need to continue to embrace the goal and process of nonpartisan reapportionment. You reiterated your commitment to the ideals. We left severely disappointed at your abandoning the commission, but hopeful that work that you took back amongst yourselves would be guided by these expressed ideals. But here we are, two months later, those lofty statements apparently were never meant to be more than platitudes, it appears. New district lines have been drawn behind closed doors and data for review and evaluation has not been made public.

Government has an obligation to all of its citizens. Transparency is critical in holding elected officials accountable. When you voted to kill the commission, you could have used the best practices that were included in that original 2007 legislation to guide the process in 2012; we see no evidence that that's happened. In fact, in your haste to make up for lost time, you're rushing to solidify lines without due diligence, open inspection and a lot of public comment.

Numerous questions have arisen in our review of the maps that have been drawn. Some numbers don't correlate, demographic and communities of interest groupings are not clearly discernable. Your proposed legislation covering the new maps also leaves the door open for closed-door map corrections. We believe you have only one course of responsible action as our elected Legislators;

be open, transparent and treat your constituents as intelligent, engaged citizens. Make the maps widely available, hold more public hearings, respond to the public comments and hold off a vote on the legislation and maps until at least 60 days from now. The Suffolk County Legislative election will be held in 17 months from now; that's plenty of time to be transparent and responsive to your voters' concerns.

As we've said, let the voters choose their elected officials. Its not for you to choose your voters. Thank you.

Applause

D.P.O. HORSLEY:

Thank you very much, Ms. Scott.

MS. SCOTT:

I have copies.

MR. LAUBE:

Thank you.

D.P.O. HORSLEY:

Thank you. Stacy Berkowitz, and on deck is Eileen Mass.

MS. BERKOWITZ:

Hi. I'm here also to oppose the redistricting of Hauppauge. I'm the President of the Board of Spring Meadows. Our community is housed in this district and I'm speaking for the over 200 residents that live in our community. I'd like to take this opportunity to say that we are unequivocally and vehemently opposed to dividing Hauppauge.

It seems more and more we see examples of our elected officials locally, State and Federally who get into office and forget that they are there to serve the people. It becomes more about the public opportunities and personal agendas. Mr. Kennedy, who is our current representative, has one focus and that is to aid and assist anyone in his district who needs help. He is a shining example of what every politician should aspire to be. It would be a great loss for us to lose him as our representative. The proposed new Legislator is based 20 miles away while Mr. Kennedy is based in our town. Our elected officials are charged with responsibility to work towards the unification of communities, not dividing them apart. Splitting our town into two Legislative Districts serves no purpose other than political. It effectively diminishes our voice and our strength.

It will surely create dissension between Smithtown and Islip residents and politicians alike, as needs -- as the needs and objectives for the towns of Smithtown and Islip are not always aligned, the results of which becomes the burden of all the residents and businesses who have the misfortune of choosing to live in a town that is now divided.

I humbly request that when you are deliberating this very important issue, you cast your -- before you cast your vote, you ask yourself the question that every politician should ask themself (sic) before questioning -- before casting every vote; who is best served by approving this proposal?

LEG. ROMAINE:

Mr. Chairman?

D.P.O. HORSLEY:

Thank you very much, Ms. Berkowitz.

LEG. CILMI:

Question.

D.P.O. HORSLEY:

Oh, we have a question. Legislator Cilmi.

LEG. CILMI:

Stacy, thanks for coming. I appreciate your remarks very much. I, too, have at least three hamlets in my Legislative District that were -- or are, I should say -- unified now, but will be split as a result of this plan. But what I'm interested in is with respect to yourself personally and with respect to Hauppauge, what would you say are the three most important issues? Aside from having one Legislator to represent your community, what are the three topic issues to you and to Hauppauge now?

MS. BERKOWITZ:

I think that our -- all of our municipalities should fall under the same Legislative District. I think that our schools, our police, our fire, everybody should have one representative to go to, it's less confusing. And not only -- you know, our community ran into an issue not so dissimilar where we were in a position where a partnership that we had was -- the two ends weren't aligned. And so when you have part of a town in Smithtown and part of a town in Islip, those two towns obviously are going to seek the best interest of those two towns. Those best interests oftentimes are not in the same best interest as each other. We then become the middle ground and there's knob for us to -- nobody for us to lead us.

LEG. CILMI:

I appreciate that. But really what I was looking for is in terms of concerns of the -- other than the redistricting issue and whether or not you should be unified or not unified, what are the three most important issues to you as a taxpayer and as a resident of Hauppauge?

MS. BERKOWITZ:

I think that we should have a -- be able to have a vote that's not diluted. I think that we should have a voice and the voice should be carried with equal weight amongst the same as other communities.

LEG. CILMI:

Okay. Thank you.

MS. BERKOWITZ:

You're welcome.

LEG. ROMAINE:

Mr. Chairman?

D.P.O. HORSLEY:

Yes.

LEG. ROMAINE:

A quick question; actually, this is for our Clerk. I know that I received a copy of a letter from the Peconic Lake Estates objecting to the redistricting. Have you circulated that letter to all Legislators?

MR. LAUBE:

No, I haven't. I have it on file right now, I can e-mail it.

LEG. ROMAINE:

I think it would be good to be e-mailed so they could understand some of what this lady was speaking about --

MR. LAUBE:

Absolutely.

LEG. ROMAINE:

-- about Hauppauge and the desire of Hauppauge, which is split between two towns, to be together as one community so that their voice can be heard. The same is true with Peconic Lake Estates which is split somewhat between Riverhead and the majority of which is in Brookhaven. I understand that split and I hear you loud and clear from this position. I wish we had -- colleagues on the minority side had some input in this, we might have been able to achieve the objectives of our majority.

D.P.O. HORSLEY:

LEG. ROMAINE, this is a public hearing, please. You know better. Okay. Thank you very much, Ms. Berkowitz. Eileen Mass?

MS. MASS:

Hi. My name is Eileen Mass. I live at 11 South Equestrian Court in Hauppauge. I am here today to -- I'm woefully unprepared because I don't know a lot about where we would go on the Islip side. But I would like to speak to the fact that for many years I've been a PTA as well as a school advocate, and I'm re-harkening to a day that I went in to Senator Ramos' Office to speak to him about the needs of the Hauppauge School District. And while we were there, he was very nice, he was very truthful and said, *"The issues that you have in Hauppauge are very important. However, the needs of my Central Islip School District are much different and much more difficult. So thank you very much for coming, Mrs. Mass, but your needs are different."*

Smithtown and Islip are part of the Hauppauge School District, and right now we are combined in one area of that district and our needs are very similar. I don't know what the needs of the school districts would be in the reapportionment. If I would be told, *"Thank you, Mrs. Mass, for coming, but the difficulties of another school district are much different,"* and that concerns me.

I'm also concerned about the fact that over the years, that Smithtown Islip residents, as part of the school district, go through this equalization rate and it's very hard for people to understand when they're doing their school taxes the equalization rates and the perception that one side is paying more than the other side. And I think, again, Hauppauge is split into two towns and that perception is, well, Islip's paying less, Smithtown's paying less. People don't understand that it equals out eventually, they don't really get that. And I think here, again, we would have a situation where we're split again. So we're split between Flanagan and Ramos, we're split between the Town of Islip and the Town of Smithtown and now we would be split again. We have no main street in the Hauppauge School District, in the Hauppauge area. The schools are our main street, and two of our schools would be Town of Smithtown, two of them would be Town of Islip -- I mean three of them would be Town of Islip. If you reapportion Legislatively, three of us will be in the town -- the new Legislative area and two of us would be again.

I ask that you not keep splitting us up. It's really difficult to explain to people the needs of many when we're trying to all speak together as one.

D.P.O. HORSLEY:

Thank you very much.

LEG. CILMI:

Question, Wayne?

D.P.O. HORSLEY:

Oh. Excuse me. Ms. Mass? We have a question.

LEG. CILMI:

Thanks for coming, Ms. Mass, appreciate it.

MS. MASS:

No problem.

LEG. CILMI:

And I would encourage you, as this process goes forward, certainly reach out to Legislator Kennedy. And if you have any questions --

MS. MASS:

I will.

LEG. CILMI:

You know, personal questions for me, by all means, call my office.

So my question to you is the same as the question I posed to the previous speaker. If you could choose two or three issues, other than specifically related to this redistricting or community unification, three specific issues that are of the utmost concern to you as a taxpayer, what would they be?

MS. MASS:

I think for me, in the Islip area of Hauppauge, three of the issues would be we have an asphalt plant, the Suffolk Asphalt Plant which has a tremendous amount of -- all I know is that the smell is horrendous for people who live in that area, as well as I'm sure carcinogens. The Hauppauge/Islip/Central Islip Volunteer Ambulance site where they want to choose and that has been an issue. As well as a person who has a lot of ties to Hauppauge School District, the needs of the Hauppauge School District are paramount to me.

LEG. CILMI:

Okay. Thank you very much. I appreciate it.

MS. MASS:

You're welcome.

D.P.O. HORSLEY:

Thank you very much Ms. Mass.

MS. MASS:

All right. Thank you.

D.P.O. HORSLEY:

All right. The next speaker is past-Chief, Ronald Bail?

LEG. CILMI:

Bar.

D.P.O. HORSLEY:

Bar, I'm sorry. My apologies, Chief.

MR. BARZ:

Presiding Officer Horsley, County Legislators, there was a letter sent out to each one of you in reference to a request from Board of Fire Commissioners. I am a past Chief, past Chairman of the

Hauppauge Fire District. The letter states, *"Please be advised, the Hauppauge Fire District is opposed to any legislation that would split our community into two different Legislative Districts. The current proposal would drastically reduce our community ability to voice an issue that would impact our neighborhoods. Please let the record show that we are in favor of keeping the 12th Electoral District unified and in tact."*

On my own behalf, as a 42-year living in the hamlet of Hauppauge, I have seen Hauppauge grow from a very rural community into a very industrial-type community. Namely so, we have 3800 homes and have the largest industrial park on the eastern seacoast, probably in the United States in our district, covered by a volunteer fire department. Not for the representation of the 12th District, as the young lady had spoken before, we are split between two towns and a individual. The only local voice we have that represents our community is the 12th Electoral District.

Mr. Kennedy has been a help to us in the years he's been in there. Andrew Crecca also has been a help to us in the years prior to this. All our Legislators have come from our district and have the voice of our district as concern. We are split now again. We found out, I also do a lot of work on the Federal side, that we are split between two Congressional Districts now, namely Congressman Tim Bishop on our north side, Congressman Peter King on our south side.

Again, our Senatorial Districts and Assembly Districts are also split. The only true voice we have in our whole community is the 12th Legislative District, and that is it. We have had it. We are tired, we are being split, torn apart by two different towns. The only voice we do have is our Legislative District. And the fire department and myself, we are definitely vehemently against 1527. Thank you.

Applause

D.P.O. HORSLEY:

Thank you very much, Chief.

LEG. CILMI:

Wayne?

D.P.O. HORSLEY:

Legislator Cilmi.

LEG. CILMI:

Hey, Ron. Again, just to get a sense, what are the three top issues, aside from this redistricting issue, to you personally.

MR. BARZ:

The biggest topic I have and the biggest topic for any of the concern is our industrial park. Our industrial park has done many numerous changes in the years that I've been here. If you go to the RCA property, 25 years ago there were antennas there, now you have close to 1100 buildings and businesses within that area. We have a living population of about 38,000 people. Our daytime population is over 160,000 people. As you have seen, the area has grown. Exit 55, the ramp has been made bigger, the bridges have all been made bigger. This community is growing and growing and growing and growing. We have no say outside, again, of our 12th District. Fortunately we do have a Congressman who did listen to us and that was Peter King, helped me with Congressman Israel and Congressman Bishop. But again, that is our biggest concern. Our area is growing and growing and growing, to the point of where they're putting houses up on little spots, anywhere where they can find them.

Hauppauge is unique. Hauppauge is different than any other community you can possibly have, and

that is my main concern and the concern of the fire departments. Because as you know, the largest loss 12 years ago in the United States was in that industrial park when the American Tissue Factory went up. Two weeks after that we had another fire. I had numerous fires when I was chief in here and it's constantly going. And the hazards that are up here are unique. And Like I say, we only have one voice and that is the one voice of the 12th Electoral District that takes care of us.

D.P.O. HORSLEY:

Okay. Thank you very much, Chief.

MR. BARZ:

Thank you.

D.P.O. HORSLEY:

Michele Brosnan?

MS. BROSNAN:

Michele Brosnan. I've been a resident here -- I have to hold it? For 46 years I've lived in Hauppauge and I have seen it grow in a kind of helter skelter way. But I really feel that Albany is making a very huge mistake in not considering where Hauppauge is located. It is the center of Suffolk County, just about. We have State buildings, we have County buildings, our school's in two towns. We have no continuity except for the 12th District legislation (sic). And at this point, I don't have much more to say because I think these other people have covered it. And we have the big industrial area, too. So I would hope that Albany would reconsider what is about to happen to us, because we don't want to be loss for the cause. Thank you.

D.P.O. HORSLEY:

Thank you very much, Ms. Brosnan. Nancy March?

MS. MARR:

Okay. First I would like to give answers to some of the questions that were asked before, Mr. Montano is not here right now. Oh, yes, he is, okay. District 15 lost 1,324 people to District 17; on the other hand, it received 2,258 people from District 14. So the question that was asked is exactly why I'm here, because I don't understand how all of these lines were drawn and I think that the public needs to know.

As Chairperson of the terminated Reapportionment Commission, I had hope that we would have the opportunity to inform and educate the public about what districting is all about, creating competitive districts that guarantee each person an equal vote. We did not have that opportunity. We could not even hold our first public hearing because we never had a full commission. Now we're asked to support Resolution 1527 which states that the plans were drawn ensuring fair and equitable representation for all the people, constituencies and communities of Suffolk County. It includes a clause authorizing the County Clerk, at the request of any person or candidate to correct any omissions, overlaps, erroneous notifications that might have occurred in the mapping.

This resolution completed the task of equalizing the number of residents in each district, which was step one. The information that I received with the maps -- and I have a lot of information that I appreciate having from Mr. Pearsall, however it does not have population numbers, so I'm not sure that the district numbers are equalized. The lists with each district were originally in census tracks; the Board of Elections corrected them to make them Election Districts. How do I know that the population figures are now?

What was the strategy in equalizing the districts? Why were Election Districts added or subtracted in almost every district? I think District 3 is the only one that didn't receive a new Election District, and she did lose some. Was there a plan behind the changes that move voters from one Legislative

District to another, from one Legislator to another; and if so, what was it? Might there have been better ways?

Town lines were observed in some cases, but what about communities of interest? Are we still in compliance with the Voter Rights Act? I have no reason to believe that we're not, but the many ED's that were moved between Districts 16, 17 and 18 make me want to know more. Our commission would have been required to hold a series of hearings in both Hauppauge and Riverhead. That would have had made it possible to share with voters large maps, like the one in your lobby, showing the changes. Is it too expensive to do that? Is it too time-consuming?

I know that you all have a lot on your plates, but missing an opportunity to involve voters in a process that affects their lives is something that's important to do. Have we missed the possibility that we might win the trust of voters about the election process and restore a confidence in government that so many people feel has diminished. I do believe that we should delay the acceptance of this redistricting until the communities have had a better chance to understand what the changes are. Thank you.

D.P.O. HORSLEY:

Thank you very much, Ms. March. Oh, wait. Ms. Marr? Ms. Marr?
We have a question.

MS. MARR:

Sorry.

D.P.O. HORSLEY:

We have a question.

LEG. CILMI:

Hi.

MS. MARR:

Hi.

LEG. CILMI:

Thanks for coming, and certainly for all the work that you did and the research that you're still doing. Do you have those gain and loss numbers for each Legislative District.

MS. MARR:

Yes?

LEG. CILMI:

Could you share the numbers that you have, please, for the 10th Legislative District?

MS. MARR:

I can't say that everything is exactly accurate because it is very hard to go through all these maps.

LEG. CILMI:

I'm sure. The approximates are fine.

MS. MARR:

And some of them have tiny numbers on them.

LEG. CILMI:

We won't hold you to them.

MS. MARR:

District 10 gained 32,000 -- no, I'm sorry. Yeah, 32,417 people, lost 27,103. Your gains were mostly from Districts 8, 9 and 12 and your losses were 9, 11 and 16.

LEG. CILMI:

Thank you.

MS. MARR:

So looking at the maps, one wonders why certain places were chosen, why the lines are different, and there may be good reasons, but I think people need to know that.

LEG. CILMI:

We do wonder.

D.P.O. HORSLEY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. Nancy, I would just like to take the opportunity -- I know this public hearing is about this map that's in front of us now. But as I did in the past, I would like to take the opportunity to thank you again for all the work that you in particular did, and actually that the league has done, for what really has been an extremely frustrating process. But nevertheless, you know, from the very start, the league always had, I think, the best interest of the Electorate across the board at heart. And the fact that you're being compelled to go through these calculations, trying to give some logic to what seemed to be relatively huge swings in population from different areas, I think raises even more so some of the questions, certainly a question in the minority here. None of my colleagues had any input on this process whatsoever. So like you, we are equally mystified. But thank you for the work you've done.

MS. MARR:

I also should say that we appreciate that it was done quickly, and that it needed to be done. But I agree, I'd like to know more about it. Thank you.

D.P.O. HORSLEY:

Thank you very much, Ms. Marr. The next speaker is Lavena Sipes. Lavena?

UNKNOWN AUDIENCE MEMBER:

She had to leave.

D.P.O. HORSLEY:

Had to leave. And lastly, Frank Spencer. Hello, Frank. Welcome, and thank you for understanding before.

MR. SPENCER:

Okay. And thank you very much. Okay. I'm sorry for interrupting before. I was at the doctor's and I came in late and I saw Sandy at the microphone, so I was glad that I left the doctor's office. I knew I wouldn't have to say very much because I knew that Sandy would say it? So the first -- you hardly have to write what I'm going to say, you can just put, "He wanted to say what Sandy said."

*(*Laughter*)*

I am here because I am in 90 and I'm here because I'm from Wheatley Heights and Wheatley Heights is my home. Wheatley Heights is my family. I came to Wheatley Heights to find that home, that family.

I retired from my job and I originally came from North Carolina and I was trying to find a place that would be home and family. I picket Wheatley Heights, and now I guess I'm being told that I won't -- I'm going to be kind of thrown out of that family and that home that I found that I called Wheatley Heights, and I don't want that to happen. I don't want to go to North Carolina; I've been there.

So when I saw Sandy standing there and I didn't know what was going on, I didn't know the order, I thought I'd make my order because I wanted you to know that I was willing to come from the doctor's office, and a lot of other people from Wheatley Heights would be willing to come from any place, because we love our community. And we don't just love our community, we love how we are made up. We love our leadership. We really love our Legislator, and I really love my leader back there. And if you take me away from my Legislator and my leader, I don't know what I'm going to do. I tell you, I don't want to go back to North Carolina. I've been there before and I like Wheatley Heights better.

But now to get into the real pieces of it, I have no idea why it's being done. And I'm not asking for an answer today because I'm sure I would get -- you're going to have to give Sandy an answer, and Sandy, I will be listening for the answer. Thank you very much.

D.P.O. HORSLEY:

Thank you very much, Mr. Spencer.

Applause

All right, that is the last card I have. Would anyone else like to be heard? Would anyone else like to be heard? There being -- oh, is that a yes?

UNKNOWN AUDIENCE MEMBER:

On that number?

D.P.O. HORSLEY:

On this number, yes. That being the case --

LEG. ROMAINE:

Motion to recess.

LEG. CILMI:

Second.

LEG. KENNEDY:

Second.

D.P.O. HORSLEY:

We have a motion to recess by LEG. ROMAINE and seconded by Legislator Cilmi. I'll make a motion to close.

LEG. BARRAGA:

Second.

D.P.O. HORSLEY:

Seconded by Legislator Barraga.

LEG. KENNEDY:

On the motion to recess, Mr. Chair?

D.P.O. HORSLEY:

On the motion.

LEG. KENNEDY:

On the motion. The motion to recess is something very simple. Again, I'll harken back to what was laid out in prior legislation that laid out both East End and West End hearings and an opportunity for the public to come forward, to speak and to at least give some comment. This issue will impact the shape and the composition of this body and the representation for this County for the next decade. I do not see why East End voters should be -- and I'm certainly going to yield to my colleagues from the East End, but it's about an opportunity and a notice to be heard. I think that's the least that voters should be able to have. I'll yield.

D.P.O. HORSLEY:

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

LEG. ROMAINE:

Yes, I obviously want to concur with John Kennedy. As you know, as many people might know, when Mr. Levy was County Executive he certainly wasn't someone that I considered a close friend by any shot of the imagination.

*(*Laughter*)*

D.P.O. HORSLEY:

I'm shocked at that comment.

*(*Laughter*)*

LEG. ROMAINE:

However, however, sometimes ideas trump those type of disagreements. And one of the ideas that trump that disagreement was the idea that we should do a nonpartisan redistricting. And when Mr. Levy proposed it, I came on as a cosponsor, because I believed that was the way that we should set the stage in terms of redistricting.

I concur with Nancy Marr. And I did so, I didn't know where we would be now because Mr. Levy proposed it five years ago in 2007, I didn't know whether Republicans would have the majority or the Democrats or whatever. But it's clear now, Democrats have the majority, they drew these lines. I'm not going to characterize these lines as bad or unfair or anything of that nature. The only thing I would say is that the minority, Republican Minority had no opportunity for input, no opportunity like, "Oh, guys, this is the lines that we drew, what would you suggest?" Because I think that some of the suggestions probably would have -- whatever your goal was, and I won't state it because I don't want to put words or attribute motives to my colleagues in the majority, but whatever it was, you probably could have met that goal and still done some of the things that might have been requested in terms of fine-tuning the map.

But I will say this, you close this hearing today and not allow the residents of the East End to have at least a voice? I mean, I know the rush to judgment here, to ensure what you believe would be a permanent majority; I understand politics. But at least give the East End a voice in this. At least have a hearing on the East End to allow East End voters to come. That was the intent. Whenever we brought up the commission, we had a hearing both on the West End and the East End.

I would urge my colleagues, no matter how quick their rush to judgment is on this procedure, to

recess this to Riverhead. And then if you vote to close, I'll be happy to join you because then you will have had a hearing on both ends of the County and it will be fair in terms of at least allowing people to speak. Don't shut this down now. It's not going to look good in the end and this is going to make it look worse. Don't shut this down now, because that majority may be more fleeting than you think. Thank you.

Applause

D.P.O. HORSLEY:

Thank you very much, Legislator Romaine. I just wanted to remind you that the vote that will be taken on the redistricting will be in Riverhead. Legislator Montano.

LEG. MONTANO:

Actually, I just had a question for Counsel. If this hearing is closed and somehow there was an amendment to the proposed lines, would the public hearing have to be reopened?

MR. NOLAN:

It would depend on the nature and the extent of the change.

LEG. MONTANO:

Well, for instance, what Sandy said; if we took an ED from one LD and changed it and put it back into -- I think you said the 15th, and then took one ED, I think it was from the League of Women Voters said that another ED had been moved. If we made that -- if we close this hearing today and that kind of change was proposed and made into an amendment, would we have to reopen the public hearing?

MR. NOLAN:

So you're basically saying if you flip two districts between --

LEG. MONTANO:

If you change the map. If you change the districts.

MR. NOLAN:

Like I said, our rule is if there's a substantial change to a bill after the public hearing is closed, then we have to reopen the public hearing. So again, if you're moving one Election District into a different LD and maybe switching another ED back into the one you moved it from, you know, in my opinion that would not be substantial enough to require the reopening of a public hearing. But that ultimately is a determination of this body, what constitutes a substantial change. But my opinion, that type of change wouldn't require a public hearing, but bigger changes to the map I think would.

LEG. MONTANO:

All right, so that's where I'm going. If we changed one ED -- or actually you can't change one, you'd have to change two -- that probably, in your opinion, would not be substantial. But what if we made more -- at what point does it become substantial, is what I'm asking?

MR. NOLAN:

I don't --

D.P.O. HORSLEY:

We'll find out.

MR. NOLAN:

Yeah, I don't really want to say. I'd have to see what the changes are, then I would give you an opinion based on what was being proposed. I think if you did much more than what you're

proposing, then I think you're getting more towards it being substantial and requiring a public hearing to be reopened.

LEG. MONTANO:

All right. So if we close the public hearing today and we have one in Riverhead, we would then have to reopen the hearing to make substantial changes; am I correct in that?

MR. NOLAN:

If you close it today and you have substantial changes, then we would have to reopen the public hearing.

LEG. MONTANO:

Okay.

D.P.O. HORSLEY:

All right. Question on the motion, Legislator Cilmi.

LEG. CILMI:

I would just suggest that even with one ED changing, which would theoretically be two ED's changing, those changes are substantial to the people in that ED or in those ED's. So I think any change would require a reopening of the public hearings at that point.

D.P.O. HORSLEY:

Thank you very much, Legislator Cilmi. Let me do this. I think this is an appropriate time, that I want to go with -- I want to talk to the Legislature, through Counsel, about the time schedule in which we are under in direction towards closing this matter. George, would you just enlighten us on what our dates are; what we have to hit before this foreclosure?

MR. NOLAN:

When we changed the law recently to basically eliminate the Reapportionment Commission and return the power to draw the lines to this body, that law also included a provision that we had to complete the reapportionment within 120 days after the State completed their redistricting process. That would make it -- the day we have to complete this by under our law is July 13th. So if we don't adopt a plan at our next regular meeting on June 19th, then the only way we're going to make that deadline is by using a Special Meeting.

LEG. KENNEDY:

What, for the redistricting?

LEG. MONTANO:

Well, no.

D.P.O. HORSLEY:

Yeah, that's true.

LEG. MONTANO:

No, it's not true. What it is is that this is my law and what it said, and it's been kicked around quite a bit since we initially passed it. And I'll just remind everybody, I was the one that brought the lawsuit in 2003 that drew the lines or forced the drawing of the lines. But if we don't pass the district lines within 120 days of the State lines, then I believe, Counsel, that all that is required, then, is for the County Attorney to move in Federal Court for the appointment of a Special Master; am I correct in that?

MR. NOLAN:

That's what's going to happen. If we don't make the deadline, then the County Attorney is supposed to seek that.

LEG. MONTANO:

Right. But while that is pending, I mean, I think this is where you and I disagree as attorneys. While that is pending, there is still an opportunity for the Legislature to propose lines and pass lines, which would then obviate the need for the Special Master so long as those lines don't violate the Voting Rights Act. And I think we may have some disagreement on that, George.

MR. NOLAN:

Well, all I said, Legislator Montano, was that under our Statute, we have that 120 days to comply with the Statute. If we don't make that deadline, then the County Attorney would seek a Special Master. The Legislature may seek to adopt lines after that point, but I think you would agree it would be a lot messier at that point.

LEG. MONTANO:

That I would not agree to. I mean, we're not going to debate the legal issues, but I appreciate the commentary.

D.P.O. HORSLEY:

Thank you very much, Legislator Montano. Legislator Kennedy.

LEG. KENNEDY:

George, the -- I'm going to take issue with the way you're presenting this, too, to be quite candid with you. Because if we harken back to what the prior legislation was, there was a provision in there, if there were not lines adopted by the commission, for the County Attorney then to go ahead and petition and request a Special Master; that never happened. That never happened under the prior legislation. So the fact to characterize this now for the balance of this body that if there is not some kind of adoption by July 13th, that it is somehow an automatic act that on July 14th Judge Cohen is going to be there in front of a Federal Judge to go ahead and adopt lines. It's just flat out wrong. That is not the case at all. It lies within the law that there's the possibility, but I'll go to what Legislator Montano spoke about, there's the opportunity for public hearing on the East End and an adoption of the lines. Whether they change or not, the issue here is is the opportunity for the public to be heard. How far are we going to go to jam this map down people's throats?

MR. NOLAN:

Legislator Kennedy, I don't think I was characterizing it in any special way. I'm just telling you what the law says, that under our current Statute, the law says we should adopt it within 120 days of when the State does it.

LEG. KENNEDY:

Right.

D.P.O. HORSLEY:

Thank you very much. Legislator Nowick.

LEG. NOWICK:

I have a question that's probably a day late and a dollar short. But sometimes if you don't ask the question, or sometimes when you do ask the question people say, "Yeah, I wanted to ask that."

So George, enlighten me. In the spirit of full disclosure, when did -- how did the -- who was on the committee? How did the committee meet? Who met and did these lines? Were the lines taken from the original commission and then just tweaked a little? How -- who was on -- first of all, I'm going to ask, were there a group of Legislators that met?

LEG. MONTANO:

Not me.

LEG. NOWICK:

Because I don't remember getting a call on this.

*(*Laughter*)*

LEG. ROMAINE:

Neither do I.

LEG. NOWICK:

But my phone's been out of order, so.

*(*Laughter*)*

Just so I can understand.

MR. NOLAN:

Legislator Nowick, when we passed the law that abolished the existing commission and returned the power to the Legislature, it didn't set forth any particular procedure as to how the Legislature should go forth, it just says the Legislature should adopt lines. Legislator Lindsay gave me the Election Districts, this is his proposal, I put it into bill form. So how the map was drawn, I don't know. He gave me the numbers of the Election Districts at a certain point and that's the bill.

LEG. NOWICK:

Well, one of the reasons I ask is because it is a lot of work and I know the commission did a lot of work. So how did they do it so fast? Was there ten people on the committee; does anybody know on this side?

LEG. D'AMARO:

Anybody could put in a bill.

*(*Laughter*)*

LEG. ROMAINE:

I don't think they want to discuss it.

D.P.O. HORSLEY:

Well, do you want to be heard?

LEG. MONTANO:

You want me to tell you what the procedure was for some of us?

LEG. NOWICK:

I would.

LEG. MONTANO:

Okay.

LEG. NOWICK:

Let me check my phone, though, hold on.

LEG. MONTANO:

No, it wasn't a phone call, not to you. I'll tell you quite frankly. I received a phone call to go to Democratic headquarters and pick up a copy of my new district, and I refused to go. My Legislative Aide went and picked up the district and then I came back and I made some suggestions on some changes and they were incorporated; it's that simple.

LEG. CILMI:

Fascinating.

D.P.O. HORSLEY:

Okay. With that, have we spoken our way out of this? We're going to have -- we have a motion on the floor to recess which comes first, and I will call --

LEG. CILMI:

Motion to close comes first.

D.P.O. HORSLEY:

No, recess comes first. I'll call a roll call vote.

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

LEG. ROMAINE:

Yes to recess to Riverhead.

LEG. CILMI:

Yes.

LEG. SPENCER:

No to recess.

LEG. D'AMARO:

No.

LEG. STERN:

No.

LEG. GREGORY:

No.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. MONTANO:

Yes.

LEG. CALARCO:

No.

LEG. ANKER:

No.

LEG. HAHN:

No.

LEG. MURATORE:

Yes.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

No.

D.P.O. HORSLEY:

No.

P.O. LINDSAY:

(Absent).

MR. LAUBE:

Six.

D.P.O. HORSLEY:

Six, the motion fails. Motion to close. Roll call.

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

D.P.O. HORSLEY:

Yes to close.

LEG. BARRAGA:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

No.

LEG. KENNEDY:

No.

LEG. CILMI:

No.

LEG. MONTANO:

No.

LEG. CALARCO:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

No.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

No.

P.O. LINDSAY:

(Absent).

MR. LAUBE:

Ten.

LEG. SPENCER:

Eleven.

LEG. MONTANO:

Eleven.

D.P.O. HORSLEY:

Mr. Clerk?

LEG. MONTANO:

Go ahead, say it.

MR. LAUBE:

I get ten; Schneiderman, Browning, Hahn, Anker, Calarco, Gregory, Stern, D'Amaro, Spencer, Horsley as yes.

D.P.O. HORSLEY:

Barraga.

LEG. BARRAGA:

And myself.

MR. LAUBE:

Barraga. Sorry, there's eleven.

D.P.O. HORSLEY:

I didn't forget you, Tom. The motion passes to close. We're off to Riverhead.

Okay. I'm going to be **setting the date for the following Public Hearings for June 19th, 2012, at 2:30 P.M. at the Maxine S. Postal Auditorium in Riverhead;**

IR 1528, a Local Law to ensure advanced planning for emergencies by nursing homes, long-term care facilities and group homes for the disabled ("Prepared To Protect Our Most Vulnerable Citizens Act");

IR 1577, a Local Law to require public notification of sewage contamination in Suffolk County;

IR 1586, a Charter Law to ensure the independence and integrity of the County Ethics process;

IR 1601, a Local Law to update the County's Domestic Partnership Registry;

IR 1602, a Local Law to update and strengthen the County's responsible bidder statute;

And also IR 1291, a Local Law to modify requirements for contract agency funding.

MR. NOLAN:

We're reopening that hearing.

D.P.O. HORSLEY:

We're reopening that hearing.

MR. NOLAN:

So make a motion.

D.P.O. HORSLEY:

So I will make a motion to set the hearings. Seconded by Legislator Cilmi; you good with that?

LEG. CILMI:

Yes.

D.P.O. HORSLEY:

All those in favor? Opposed? So moved. Those hearings are now set.

MR. LAUBE:

Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:

I'll make a motion to approve the **Consent Calendar**.

LEG. BARRAGA:

Second.

D.P.O. HORSLEY:

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

MR. LAUBE:

Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:

On to the Capital Budget.

LEG. ROMAINE:

Tabled resolutions.

MR. NOLAN:

We're going to do Capital Budget.

D.P.O. HORSLEY:

Would everyone please get their packets out. It's in our regular folders and it's labeled *Index to 2013-15 Capital Program & Budget Amendments*.

Okay, you guys ready? All right, everybody, we're ready to move on? We're good? Okay.

What I'd like to do now is I'd like to have Ms. Vizzini give us a little presentation, an overview of the Capital Budget for 2013-15.

MS. VIZZINI:

Thank you, Mr. Deputy Presiding Officer. If you would like to follow along during this process, the Index details each of the capital -- each of the 35 Capital Projects that are included in the Omnibus Resolution, and it also details the college projects as well as the standalone resolutions for the remainder of the changes.

As far as the Omnibus, the Working Group has put forward minor modifications to the proposed Capital Program for 2013-2015. The Omnibus, if adopted in its entirety, would add \$26.2 million in 2013, that is \$16 million in bonds and \$9.6 million in Federal aid for a Federally-funded road project that's 80% Federal. 2014 we increase by 3.8 million and 2015, 1.3 million.

D.P.O. HORSLEY:

Thank you very much, Gail. Are there any questions of Gail? Yes, Legislator Barraga.

LEG. BARRAGA:

Yeah, just on the overall.

D.P.O. HORSLEY:

On the overall, sure.

LEG. BARRAGA:

May I speak?

D.P.O. HORSLEY:

Yes. I'm sorry, Legislator Barraga.

LEG. BARRAGA:

I just have some concerns with reference to the Capital Budget. The County Executive's original proposal was \$129.9 million.

MS. VIZZINI:

In 2013.

LEG. BARRAGA:

Yeah, that's right. No, Gail, I'm just going to speak, you know.

MS. VIZZINI:

Oh, I'm sorry, I thought you were asking a question.

LEG. BARRAGA:

No, no. His original proposal was 129.9 million, and then this adjustment to the Capital Budget which we're going to vote on now is an additional 26 million in 2013, bringing it up to \$155.9 million. And then, of course, if we take a look at what will happen this afternoon with the additional sewer debt to the Capital Budget, that's another 21 million. So the total is 176.9 million, which is about 13 or 14 million more than the adopted budget, Capital Budget of last year.

In fact, when you take a look at what he has originally proposed versus what's going to be passed from a cumulative perspective, it's an additional \$47 million. And if my memory serves me right, last year's County Executive budget proposal for a capital -- the capital portion was \$107 million. By the time the Legislature got finished with it, it came in at 164 million, or a \$57 million increase. This budget comes in at 129 and is going out at 176 for another 47 million. So the last 12 months over two Capital Budgets we've increased it, from a Legislative perspective, by \$104 million, which is a tremendous amount of money when you take a look at the dire fiscal situation the County is in. Because there is a direct relationship between a Capital Budget in terms of most of that budget being funded by bonding and the principle and interest that has to be paid off on the bonds. It isn't as if you have a Capital Budget and somewhere within that budget there is a fund to pay the principal and interest associated with the additional bonding associated with the Capital Budget. That principle and interest comes out of the operating budget. So the more you increase the debt, the more feasibility of having a negative effect on that operating budget.

And if we take a look at the budget, the Operating Budget in terms of the deficit for 2011, '12 and '13, you know, you're talking hundreds of millions of dollars, and the figure being used is 530 million. But if you take a look at 2011, the figure is not 30 million, it was 60 million, so you might be up to about \$590 million. So it's like we're operating in two different spheres here, as if the Capital Budget is something completely separate from the Operating Budget and has no effect on it whatsoever. And that certainly is not the case, because the principle and interest associated with the bonding portion of this additional funding has to come out of that -- in my judgment, has to come out of the Operating Budget, and yet we face very, very serious challenges in that area. I think that's one of the reasons why the County Executive put in a \$129.9 million budget and he's saying, "Look, you know, I'm taking a look at all the projects and all the priorities and I really want to concentrate on these areas at this amount of money. Because as you continue to increase it, it has a negative effect on the operating budget over here."

Plus, as we move into 2014, I believe, the whole question of the Tobacco Securitization really comes home to roost, because it almost dissipates to nothing and we wind up in and of itself having roughly like a 24% increase in our debt service, even if we don't do any of this. So there's a real negative fiscal effect here, and I would hope the members realize this as they sit and talk about an increase for 2013 of 26 million and if the Omnibus I goes through over a period of three years, based on what's being presented to us there's an increase of \$36 million. If you go with Omnibus I and Omnibus II over three years, there's an increase of 61.1 million. Frankly, Ladies and Gentlemen, we just can't afford that. It's crazy to do this, because in many cases it's going to have such a negative effect on the Operating Budget. And we have really only began, through Phase I, to meet that challenge. And even there, when you take a look at Phase I, at least 100 million plus has to do with

the amortization of pensions and fine tuning different departments and agencies, decisions that could be made quickly, but it's an extremely difficult situation. And we shouldn't exacerbate this because adding another 26 million to the Capital portion because that debt service, you know, has to be paid through the Operating Budget. Plus the fact that, you know, if I recall correctly, there's already approximately 2 billion authorized in debt service in the County, of which 640 million is authorized but as yet unissued for various different reasons. And if that 640 million was to be issued over the next four years, that would equal like normal service debt, service borrowing, if nothing else happens, for the next four years.

So I know the intentions on the part of the members in the Working Group is positive and favorable. But again, it comes down to another 26 million as it did last year with another 57 million. The money is just not there. You know, it's not something that we can afford to do because of the negative effects from an operating budget perspective that we face. And I would ask that, you know, efforts be made maybe to take a second look at this before we actually take a vote and go back to granting the County Executive his original proposed Capital Budget, 129.9 million and leave it at that. Thank you.

D.P.O. HORSLEY:

Thank you very much, Legislator Barraga. Legislator Schneiderman is next.

LEG. SCHNEIDERMAN:

Thank you, Legislator Horsley. First I would like to start by thanking our Presiding Officer, Bill Lindsay, for asking me to chair the Working Group. I'd also like to thank the Working Group, Legislator Calarco and Legislators Hahn, Horsley & Kennedy. And also, you know, our County Executive had put together a pretty solid Capital Program, so I'd like to thank County Executive Bellone for that.

For the most part, we agreed with what the County Executive put into the document. There are some disagreements, the college is probably the largest area where we disagreed. The Hub, the Ronkonkoma Hub project which was not in the County Executive's budget but has come to our attention that needs to be in the budget, so we presented that as well. I certainly want to thank our Budget Review Office for their very thorough and hard work; Gail Vizzini leading that, but also Robert and Roz and Benny and the others. They did a great job, and for the most part we agreed with their recommendations. It was very comprehensive and I would say 95% of what we have in front of us is BRO recommendations.

What we did as a Working Group is we tried to establish priorities. We started with maintaining the County's infrastructure. We find that when you don't maintain roads and bridges, it just ends up costing more later on to repair these things. And not having solid infrastructure is a detriment to our economy, so maintaining that infrastructure was paramount. We also wanted to leverage funds such as the college where we had 50% money coming from the State, many projects with Federal funding, 80% funding, where we could put people to work without spending a lot of County funds.

We also looked at operational savings, like energy efficiency. So where we might be adding to debt service, that's true, we are actually seeing more in operational savings than we're spending on debt service. So it may look like a high number in terms of the Capital Budget, but the overall effect to the taxpayer is positive in terms of lowering the operating cost.

We also looked at spurring economic growth, putting people to work, creating jobs. We split things up a little bit, so we have the college as one vote, we have the -- these other projects, the main Omnibus and then the Hub, which I mentioned, is a separate vote. We presented two options there for the consideration, one with the money all in '13 and one with it -- some money in '14 and the rest, the balance in subsequent years. Remember, this is a planning document. You get an

opportunity with each of these to vote separately on whether to authorize or not when they come. We tried to present an honest assessment of what the County's needs are, such as with the jail. If we don't finish the jail, we have to send prisoners to other areas. If we don't get variances, there are costs associated with that.

So we looked at what we felt were the honest costs and we tried to put them into what we thought was a planning document. And we did this in very much a bipartisan way with early outreach to every Legislator. And some of you put in ideas and projects that were incorporated others were not, but nothing was viewed in a partisan way, everything was viewed on its merits based on those priorities. And I think what we put together with BRO's help is a pretty solid Capital Program, so I hope you'll support it. Thank you.

D.P.O. HORSLEY:

Legislator Schneiderman, while you wrap that up, I just wanted to thank you very much for your role in chairing this committee. You did an excellent job, very officious and it moved along smoothly and I'm very proud to have served under your chairmanship. Legislator Romaine.

LEG. ROMAINE:

Yes, I want to acknowledge the analysis that Legislator Barraga did, I thought it was pretty comprehensive and hit a number of salient points. I just want to add also to what my colleague Jay Schneiderman said. This is not like the Operating Budget. When you vote on the Operating Budget, you're voting on things that are in the budget that's going to be spent. You're not voting on a budget, you're voting on a plan. Your vote today will expend exactly zero cents. Not one penny will be expended by a vote today.

What you do do is you put in place a plan. Some, most of the items in that plan will come forward at some time in 2013 and you will be asked to vote to appropriate the money. That means everything in this plan, if it has any life at all, has to come before us one item at a time for a vote. And I know that Legislator Barraga is going to exercise the same type of fiscal conservatism that we all should have as we vote on each one of these items. But if it's not in the plan, it's very hard, unless we're going to amend the Capital Budget after the fact, to bring something forward. And even when it's appropriated. It doesn't mean the project is going to get done. You have five years to expend something once it's been appropriated. And there are even some items that we'll adopt in this plan that we won't even appropriate money for next year. So to act as if it's the total sum of the money that we're going to spend? It's probably not exactly accurate.

And then again, during the year we may amend the Capital Budget and put things in, not spend on some, spend on others. This is a plan that we vote on today. It's not like the Operating Budget. We will not spend a penny today. What we're saying, this is our plan for 2013, '14 and '15, and by the way, some of these items will come up in 2013, most of them, and you'll have an opportunity to vote whether to appropriate the money or not. And the great thing about that is if it's going to be bonded, and most of these items are, you're going to need 12 votes. So it's just not a simple majority. It's a simple majority to adopt the plan, but it's a two-thirds majority next year to appropriate for the money.

So I just want to keep that kind of in perspective. All we're doing today is saying are these items worthy to be in a plan. Then as we're in it in the middle of next year, and we have a better feeling for the finances, we can decide whether that plan, some of the items in that plan are worth while and we should appropriate the money, and maybe some of them, considering the situation, aren't as worthy at that time and we don't appropriate it. And even the Administration from year to year has failed to bring forward appropriating resolutions, and you've seen things in a plan not be done at all. So I think it's good to keep in perspective what the vote today is about, it's about a plan. It don't mean this plan, because we vote for it, is going to be done a hundred percent, it doesn't mean the money is going to be appropriated. It simply means we have a plan, and I think a plan is always a

good thing to have.

D.P.O. HORSLEY:

Thank you very much, Legislator, and you are always educational.

I just wanted to quickly -- Gail, would you just -- excuse me, guys. Would you just run through the numbers on the -- those environmental questions, the energy saving initiatives? Because I think it might be good for not only the Legislature to know what we have done, but for the press as well. Because a lot of these were in the remediation program which we were touting at the beginning of the year with -- with County Executive Bellone, and I think they're worth just going through them and what we have already discovered. Because we have started this energy savings program not only in this building but over in the Dennison and we have had great successes, and so we believe this is going to bring more monies back than the actual expenditure. Ms. Vizzini, can you do that?

MS. VIZZINI:

Yes. The specifics of that are the County has Capital Project 1664 which is the energy conservation at various County facilities. Joe Schroeder of the Budget Review Office has been very instrumental in working with Public Works to effectuate and target what upgrades and energy efficiencies can be implemented in these buildings. The idea there is to expend the money in order to save in the Operating Budget.

So based on our analysis, in addition to what's already in the County Executive's proposed plan, the Omnibus would add \$250,000 in planning and 5.7 million in additional construction for projects in '13 and an additional 2.6 million for projects in '14. Once these energy efficient projects are completed, it's anticipated that on a recurring annual basis the Operating Budget will save \$2.8 million each year.

D.P.O. HORSLEY:

And that's something to be applauded for.

LEG. SCHNEIDERMAN:

That's net.

MS. VIZZINI:

Net of the debt service.

D.P.O. HORSLEY:

Net of the debt service, yes. Legislator D'Amaro?

LEG. D'AMARO:

Thank you. I just want to -- Legislator Romaine made precisely the points that I wanted to make. He's absolutely right, it's a planning document. We have an opportunity to consider each and every project given the fiscal situation of the County at the time as they come up during the year and make an independent decision whether or not that project should be bonded, and whether taxpayers should be paying interest on the bonds for that project. So I don't want to reiterate everything that he said, I think he hit it right on the head, but I want to highlight it.

D.P.O. HORSLEY:

Yeah, me, too.

LEG. D'AMARO:

Now, remember today, as you did, the Deputy Presiding Officer pointed out the energy savings so you get a return, we heard from two Supervisors this morning who came to us, Supervisor Lesko

and Supervisor Croci, Brookhaven and Islip, and asked the County to put up, what was it, 21 or 26 million --

LEG. BARRAGA:

Twenty-one.

LEG. D'AMARO:

-- for sewers for the Ronkonkoma Hub Project, and one of the arguments they made quite strenuously was the return on the investment, creation of jobs, pumping up the local economy. In fact, once that comes on-line, you'll see an increase in sales tax to this County, you'll see an increase in property tax. So I think it does a disservice to analyze this Capital Budget which is a planning document just by crunching numbers. You know, whether we add 20 million or go down 20 million from what the County Executive proposes is really irrelevant. It's really his vision and then this body's vision of what projects we think might come forward in the coming year. And the beauty of a Capital Budget is with get another opportunity during that year to completely reassess the project, completely reassess the economic situation and make it a whole new independent decision whether or not to go forward.

So we can talk all day about dry numbers, whether it's up, whether it's down, but we are not spending any money here today. And Legislator Romaine hits that right on the head, we are only putting in projects so we have the option next year to decide whether or not, in the balance and considering all the factors, whether or not a particular project should go forward. And for that reason, I have every intention of supporting the amendments.

And by the way, I want to compliment Legislator Schneiderman as well and all the members of the Working Group for really, really conscientious job that you did. I know that they were very mindful of the economic times that we're in, but yet they're also very mindful of we can get a lot of bang for our buck in the Capital Program, and they did a wonderful job. Thank you.

D.P.O. HORSLEY:

Thank you very much for your eloquent words. Legislator Cilmi.

LEG. CILMI:

Thank you. Gail, if you could, the way you so eloquently and cogently presented the numbers with respect to those one or two items, with respect to the energy efficiency, have you done a similar analysis as far as the entire -- the entire breath of Budget Amendment No. 1? What's the cash positive or negative on it on an annual basis when you compare the debt service to additional revenue from some of these projects?

MS. VIZZINI:

We don't have that level of detail for each of the line items in the Omnibus. I would like to point out --

LEG. CILMI:

Aggregate.

MS. VIZZINI:

Aggregate?

LEG. CILMI:

On the aggregate, for the whole -- for each -- for just Budget Amendment No. 1.

MS. VIZZINI:

Budget Amendment No. 1 would -- well, first of all, just to clarify, the impact on the first year, we actually reduce the County Executive's proposed program by \$7 million.

LEG. CILMI:

In Budget Amendment No. 1.

MS. VIZZINI:

From the current adopted program, the first year is \$7 million less than the current program we're operating with.

LEG. CILMI:

But not compared to the County -- the new County Executive's proposed.

MS. VIZZINI:

Not compared to -- no. That's correct, because he reduced it more, right.

LEG. CILMI:

Right. Okay.

MS. VIZZINI:

As we indicated in our report, there is some legitimate question as to right-sizing a Capital Program. And you can see from their Certificate of Necessity that's presented before you, we have some emergency bridge work that needs to be done. And because the Capital Program is so lean, we need to cannibalize an 80% Federally-funded project, we need to take the County's share away, which means we will not be able to go forward on that 80% project; we're probably not ready to go forward, which is part of it. So there is -- it's a value judgment and a policy decision as to big, small, up, down, what have you.

Generally speaking, we try to maintain the infrastructure. We try to do the energy efficiencies, we try to promote the economic development. The precise quantified impact of each of the projects, the extent to which we do that, we don't get to that level of detail.

LEG. CILMI:

Fair enough. But I'm not asking you for each of the projects listed individually in Budget Amendment No. 1. Rather, I'm asking you for the total cash flow implications, or the cash flow implications when you look at the totality of Budget Amendment No. 1.

MR. LIPP:

Well, I think what you mean, you're referring to like what the debt service would be, perhaps

LEG. CILMI:

The annual --

MR. LIPP:

Debt service.

LEG. CILMI:

The annual debt service as compared to -- for example, we talked about the energy efficiency thing. There's a positive cash flow associated with making those investments, which is, you know, nice when that happens, but we all recognize that that won't always happen. But I'm interested in knowing what that is for the whole Budget Amendment No. 1.

MR. LIPP:

Okay. So just to try to be brief, since we didn't really do a full analysis of what you're asking, in 2013 there's a \$26.3 million increase. However, the County bite really is the bond money, serial bonds, that would be the 16.1 million. And if you do the analysis, you make a few assumptions what interest rates are, blah, blah, blah, it's probably about one and a quarter million a year, the debt service, say over 18 years. What we're sizing the energy efficiency is about the same on an annual savings basis if we're able to do that. I'm not sure if I made that clear or not, though.

LEG. SCHNEIDERMAN:

It's a break-even.

LEG. CILMI:

So one point -- what was the number you used?

MR. LIPP:

What would happen is from the -- hypothetically, the serial bond money, the B money, excluding sewers which are captive audiences --

LEG. CILMI:

Right.

MR. LIPP:

We would be issuing hypothetically a maximum of 16.1 million in 2013. The debt service would start on that the following year, 2014, and based upon some assumptions, long-term average of 18 years, it would be one and a quarter million a year at today's interest rates plus a small kicker for growth. And to the extent that that would be the case, we'd start in 2014, that debt service, even though we do admittedly have serious problems in 2014, at least our projections, and what -- the way we were sizing, the way Joe Schroeder sized the energy savings from the couple of Capital Projects that we're putting in, it's probably pretty close in terms of the savings on an annual basis.

LEG. CILMI:

So what you're saying is that the energy savings as a result of however many projects specifically deal with those efficiency items in here, the savings from those items more or less equals the debt service of the entire Budget Amendment No. 1?

MR. LIPP:

Yes, that's what I'm saying.

LEG. CILMI:

Okay. Thank you.

D.P.O. HORSLEY:

I hope the press heard that.

MR. BRAND:

Huh?

D.P.O. HORSLEY:

Not sexy, but it's amazing. So there you go. Legislator Schneiderman, did you want to have one more last word before we vote on this?

LEG. SCHNEIDERMAN:

I wonder, Robert, do you have a breakdown on a per taxpayer per person? Who does this come down to if we actually did all these things? Not even considering the operational savings which could

potentially lower the property tax.

MR. LIPP:

Yeah, actually it's in the fiscal impact statement; \$2.62 per year is our estimate for the average homeowner, residential homeowner impact.

LEG. SCHNEIDERMAN:

About \$2, all right. You know, it's also -- it's hard to quantify a lot of things. I think you asked a really good question, Legislator Cilmi. But in terms of like with the Ronkonkoma Hub, we don't know what the sales tax generation to the County is going to be. You know, fixing a road, having good roads in the County in terms of -- does that make a business more likely to locate here or not? Those are things we'll never be able to precisely predict. But you certainly hope that there are positive economic impacts to maintaining infrastructure or creating infrastructure that is positive for economic growth.

D.P.O. HORSLEY:

All right. Thank you very much, Legislator, and thank you for pointing that out to us.

All right, so what I -- first of all, I don't think we have a motion. I'll make a motion to approve item number one; is that --

LEG. STERN:

Second.

D.P.O. HORSLEY:

Seconded by Legislator Stern. You guys pretty good on this, do we need a roll call? Okay.

LEG. SCHNEIDERMAN:

Roll call.

D.P.O. HORSLEY:

You want a roll call? Okay. Roll call.

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

D.P.O. HORSLEY:

Yes.

LEG. STERN:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yeah.

LEG. CALARCO:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

(Absent).

MR. LAUBE:

Sixteen.

D.P.O. HORSLEY:

All right, thank you very much.

Item No. 2. Gail, maybe you might want to say a few words about this, this is the college budget. I know some of the gang in the back are awaiting anxiously on our vote for the Capital Budget for the college. If you just want to maybe go through it with us real quick?

MS. VIZZINI:

This budget amending resolution is dedicated to the college projects. As you are aware, two of the projects that had been in the Adopted Capital Program were discontinued, and in this manner the County Executive was able to reduce the size of the 2013 and his recommended Capital Program. So this amendment includes the restoration of the renovation of Kreiling Hall, and upon the recommendation of the Budget Review Office and the college also embraced the idea, the funds -- the funds are not restored to 2013, but rather to 2014. It's workable for the college, it falls within the five year SUNY funding plan and the amount for that is shared, \$3.1 million shared equally between the State share and the County share.

The Health and Sports Facility at the Eastern Campus is also restored. It is a \$16.7 million construction project. It had been in earlier years, the funding is now restored back to 2014; that is shared equally by State funding and the County share.

There are traffic problems at the Ammerman Campus. There is the inclusion of -- a modest amount for -- we advanced planning money in 20 -- to 2013 from subsequent years. It had been in the County Executive's plan but it was in a subsequent year category, and in light of the incidences, the planning is advanced to 2013 and the construction in 2014.

There are two smaller projects, they have to do with a plant operations building at the Grant Campus. The funding is included in 2014, it's \$250,000 in planning and 3.4 million in 2015 for the structure. And similarly, a warehouse building for the storage at the Eastern Campus, planning of \$50,000 in 2013 and \$630,000 that covers the construction and the modest amount for equipment in 2014.

D.P.O. HORSLEY:

Thank you very much, Gail. Legislator D'Amaro?

LEG. D'AMARO:

Thank you, Legislator Horsley. To the Budget Review Office; Gail, I just want to confirm that of the five amendments we're considering with respect to the college, that the fact is for 2013, which is next year, the only amounts eligible to be appropriated would be 50,000 on the traffic circle project and another 50,000 on the warehouse building; is that correct?

MS. VIZZINI:

That is correct.

LEG. D'AMARO:

Okay. So, you know, once again we're in the position of really restoring most of these projects to 2014 and beyond, more for planning purposes and also to keep the commitment on the books to assist the college in obtaining the aid that would come, I believe, from the State of New York. Is that the purpose of putting it or representing it that way in the Capital Budget?

MS. VIZZINI:

Yes. My understanding, the college actually presents the Omnibus to SUNY to demonstrate the sponsor's support while we wait for the adopted Capital Program.

LEG. D'AMARO:

And just to reiterate to my colleagues once again that we don't have to go into the merits of the college and our obligation to keep the infrastructure there in the proper state of repair, but it's also putting most of these projects into later years, not next year, just for the purposes of helping these projects to move along. And we'll have that second bite at the apple, once again, should it really come to fruition and we'll have an opportunity and a debate at that time to appropriate.

I do think that I was one of the individuals on the committee during the committee process and the budget hearings to question whether or not we needed all of these projects and the necessity for them. I think the college had made a very, very good case for how each of these projects would be beneficial to our community college system here in the County. And the fact that we're keeping these projects alive by putting most of the authorizations into 2014 and beyond gives us certainly more ample opportunity down the road to evaluate whether or not they should go forward, considering all the factors including the economy at the time. So I'm going to support each of these resolutions. Thank you.

D.P.O. HORSLEY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Well, first I want to thank the college for coming to the Working Group meeting with us and explaining all these projects. You know, 2013 is a challenging year debt service wise for the County. And although a lot of these projects were in 2013, by moving it to 2014, it gives us a little more time and it gives us a whole nother Capital Budget to look at it.

You know, some of these actually will help generate some revenue for the college through Reynolds, and I do want to -- you know, facility-types of fees. I did want to point out that what does effect our 2013 budget is what the college in their budget is asking for in terms of the County contribution, and they are not asking for a penny more than what we currently give them and I think that is a show if good faith. What they are asking for, though, are these projects to be shown in their planning document so that they can continue to get that money from the State to match us, and I think what they're asking for here is quite reasonable to maintaining our community college system. So I hope you'll support it.

D.P.O. HORSLEY:

Thank you very much, Legislator Schneiderman. I don't have a -- I don't see any further discussion at this point. Legislator Anker, would you like to make a motion?

LEG. ANKER:

I make a motion.

D.P.O. HORSLEY:

Second on the motion?

LEG. D'AMARO:

(Raised hand).

D.P.O. HORSLEY:

Legislator D'Amaro. Why don't we do a roll call.

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

LEG. ANKER:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. CALARCO:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

(Absent).

MR. LAUBE:

Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:

All right, the motion passes. Thank you. That's great. Congratulations in the back of the room. Job well done.

Applause

D.P.O. HORSLEY:

All right. We're now moving on to the third page of the Index, Budget Amendment No. 3. Do I have a motion on Budget --

LEG. ROMAINE:

I'll make a motion to approve.

D.P.O. HORSLEY:

Okay. This, of course, is the Homeowners Septic System Replacement Incentive. There's a motion to approve. Is there a second?

LEG. MONTANO:

On which one?

D.P.O. HORSLEY:

Number three, item No. 3.

LEG. KENNEDY:

I'll second.

LEG. BROWNING:

Explain.

D.P.O. HORSLEY:

Second by Legislator Kennedy. Any discussion on the -- first of all, I'd like --

LEG. MONTANO:

Explanation.

LEG. SCHNEIDERMAN:

Please.

D.P.O. HORSLEY:

Okay. Gail, you want to tell us what this is?

MS. VIZZINI:

Sure. Budget Amending Resolution 3 provides a million dollars in 2013. And in 2014, using Assessment Stabilization Reserve money, consistent with the legislation that you passed that \$2 million of the excess of the 140 million could be dedicated for the replacement of septic systems.

(*THE FOLLOWING WAS TAKEN BY LUCIA BRAATEN-COURT REPORTER AND TRANSCRIBED BY KIMBERLY CASTIGLIONE-LEGISLATIVE SECRETARY*)

D.P.O. HORSLEY:

Okay? Okay? Got it?

LEG. MONTANO:

Yeah, I got it. This was considered by the Committee and not included.

D.P.O. HORSLEY:

That's correct. Legislator Hahn.

LEG. HAHN:

Yes. I have a question. Replaced with what? Is there like a standard for --

LEG. ROMAINE:

Yes.

LEG. HAHN:

-- nitrogen reduction?

LEG. ROMAINE:

Thank you for asking that question. The reason this was put in, obviously we're doing a lot for sewers, but the overwhelming majority of this County is not sewered. They operate off cesspools or

septics or both. What this would do is provide a million dollars in 2013, in 2014 consistent with the legislation I believe Legislator Horsley sponsored, where two million dollars was put aside for individual systems. This would deal with pre-1973 cesspools, no septic, pure cesspools, pit's in the ground, and say to anyone on a voluntary basis, if you are going to replace them and would like to replace them with an alternative system, such as been approved by the Health Department, such as Nitrex or Best, that can reduce nitrogen to five milligrams per liter.

LEG. HAHN:

You set that standard, the five milligrams per liter?

LEG. ROMAINE:

Yes, five milligrams per liter. Then that would be used as an incentive with the County paying half the cost as an incentive up to \$10,000 for these systems. These systems can be used individually, they can be used in a neighborhood to serve several homes, so that's why \$10,000 is the limit. I believe that this is a drop in the bucket, but at least it's a tip in the hat to 70% of this County that is not on sewers. These are ancient cesspools which are simply pits in the ground. This would give us an opportunity to incentivize voluntarily people replacing them with systems that will denitrify and not create the problems for our groundwater and our surface waters.

LEG. HAHN:

Is it first come, first serve or is it by priority --

LEG. ROMAINE:

First come, first served. The rules would be established by the Health Department, but it would be first come, first serve. And the other thing is you have to live in a nitrogen sensitive zone.

LEG. HAHN:

Okay.

LEG. ROMAINE:

Which is defined as a zone within 1,000 feet of a tributary or major body of water, bay or the sound, something of that nature. If you live within 1,000 feet of that, then it's more likely that your cesspool waste is getting that much faster and contaminating not only the groundwater, but our surface waters as well.

LEG. HAHN:

And this money would come from Assessment Stabilization Reserve Fund? -

LEG. ROMAINE:

Stabilization, as provided by Legislator Horsley's legislation.

LEG. HAHN:

Okay. And -- but --

D.P.O. HORSLEY:

I could explain the legislation, but why don't we just go through some of the questions.

LEG. HAHN:

I'm sorry. You acknowledged me to ask questions, right?

D.P.O. HORSLEY:

I did. Okay. You're asking questions of the sponsor?

LEG. HAHN:

Yes.

D.P.O. HORSLEY:

I got lost there with his loquaciousness.

LEG. HAHN:

No. I actually was asking questions of him.

D.P.O. HORSLEY:

Okay. I'm sorry, please.

LEG. HAHN:

But if you want to add to what he said.

D.P.O. HORSLEY:

No, I don't at this point. I will, though, in a second. But, please, go ahead.

LEG. HAHN:

My final question was about where the funding is from and how it fits in with what you did.

D.P.O. HORSLEY:

I'm -- okay. The Chair refers to the sponsor, who refers to the Chair. The Sewer Stabilization Fund has written into the language of the law that there are two million dollars to be set aside for septic systems. They are in the process now of putting together an application process and how the system is going to work. We've had many meetings at this point and we're about complete.

LEG. HAHN:

So my question was --

D.P.O. HORSLEY:

This two million dollars will be set aside for doing just exactly what LEG. ROMAINE wants to put in. I think he's adding another million to the two.

LEG. HAHN:

Oh. Are you adding another million to the two?

LEG. ROMAINE:

No. It's the two million; one million in 2013 and one million in 2014.

LEG. HAHN:

Okay.

D.P.O. HORSLEY:

I think he's going to get a reduction, then, is what he's asking for, and I certainly don't want to hurt the East End.

LEG. HAHN:

Well, that's kind of -- my question was is this necessary, given what you've already done?

D.P.O. HORSLEY:

Simple answer, no. Legislator D'Amaro.

LEG. D'AMARO:

Yeah. Thank you, Mr. Deputy Presiding Officer, for that clarification. I wanted to ask the Budget

Review Office to educate me a little further. If the money from the Assessment Stabilization Reserve Fund that we're talking about in Legislator Romaine's bill were not passed today, if this bill were not passed today, what other purpose could these funds be used for, if any?

LEG. ROMAINE:

None.

MS. VIZZINI:

Well, you recall the legislation where it's not quite a one-third two-thirds split, but the excess of the 140 million of the assessment stabilization.

LEG. D'AMARO:

Right. Yeah, I do recall that.

MS. VIZZINI:

Right. Five-eighths three-eighths split. And of that, there is a piece for the septic systems, which was on or about the two million dollar mark. So depending on how the budget treats the money, the two million will be reserved for that, or it would be made available in the future.

LEG. D'AMARO:

So the original legislation that was passed that spoke to the excess over 140 million really put this funding aside for this particular purpose?

MS. VIZZINI:

Theoretically speaking, yes.

LEG. D'AMARO:

Okay.

MS. VIZZINI:

But there has to be much like the distribution of the rest of the money, there will be some sort of mechanism and some sort of criteria that will have to be developed.

LEG. ROMAINE:

I assume that would be done at the time we appropriate it, since this is only a plan.

LEG. D'AMARO:

Okay. So having passed that legislation in the past, I would assume that the County and DPW is already working on an implementation plan for this, so we are moving forward already.

D.P.O. HORSLEY:

We are moving forward. We've had many meetings and they're Chaired by Commissioner Lansberry.

LEG. D'AMARO:

All right. It's a worthy project certainly, but I don't know that this particular resolution is needed.

D.P.O. HORSLEY:

I'm almost fearful that this may reduce the amount of monies that would go to the sewer systems or septic systems.

LEG. D'AMARO:

Because it's a moving target.

D.P.O. HORSLEY:

Yes, it's two million, approximately.

LEG. D'AMARO:

Yeah. Okay. Thank you.

LEG. HAHN:

Lansdale.

D.P.O. HORSLEY:

Lansdale. You can tell I'm getting tired. Let's see. Legislator Schneiderman, you're on the list.

LEG. SCHNEIDERMAN:

I have several questions as well. The last thing you were talking about really was my first question having to do with that committee. You have a committee that's trying to establish these standards

--

D.P.O. HORSLEY:

Yes, that's correct.

LEG. SCHNEIDERMAN:

--for how this money is going to be spent. So this kind of jumps ahead of that committee.

D.P.O. HORSLEY:

It does.

LEG. SCHNEIDERMAN:

And you raise an interesting point because I think right now there's two million available, currently. This would almost say that only one million is available in '13.

D.P.O. HORSLEY:

Yes, you may get a cut now because of this.

LEG. SCHNEIDERMAN:

So it would lower the amount available in '13. Now, also, maybe this is a question for Gail, but because this is sewer stabilization, this is that assessment reserve, we are not bonding here, so this is something you actually could amend the Capital Program during the year to do, is it not, without an offset, because it's assessment stabilization?

MS. VIZZINI:

Yeah. Theoretically, we have considered a money -- you don't need an offset because it's cash.

LEG. SCHNEIDERMAN:

Two final questions. One is the sponsor maybe needs to answer, but 1973, I didn't understand what was special about 1973. A lot of the cesspools and septic systems that were put in beyond 1973 are basically the same technology, nothing's really changed in the conventional septic system world. Maybe they didn't have the septic tanks in some cases.

LEG. ROMAINE:

That's it, bingo.

LEG. SCHNEIDERMAN:

But those systems that were put in after 1973 in these environmentally sensitive zones still only reduce nitrogen at best to ten parts per million, which is maybe okay for groundwater but not okay for the bays and harbors. This is why I think the committee needs to weigh in here, because it might not be enough to just create this 1973 threshold.

And the last thing, and this is -- I think is an interesting point. I remember, I think it was Dick Amper from the Pine Barrens Society, who maybe filed a lawsuit regarding our use of this money to begin with. I don't know if that's ever been resolved, but can we even spend this money yet or do we have to wait for that lawsuit to be resolved so we know whether we can spend it.

D.P.O. HORSLEY:

I would defer to Counsel. I'm not sure of the status of that lawsuit.

MR. NOLAN:

I don't think it's -- to my knowledge, it's not been decided, but we can move ahead with the program, we can spend the money.

LEG. SCHNEIDERMAN:

If we lose the case, do we have to give the money back?

MR. NOLAN:

It would depend on what the court says, but I doubt it. And we're going to win that case.

D.P.O. HORSLEY:

Here-here. Okay. All right.

LEG. SCHNEIDERMAN:

All right. I'll rely on the advice of Counsel.

D.P.O. HORSLEY:

Ed, did you want to explain the difference in 1973? I don't want to get too protracted.

LEG. ROMAINE:

Very quickly. Before '73, you didn't have septic, so what you had was a plain, simple cesspool. Septics came in -- actually after 1972 septic came in, so essentially you have a cesspool. With a cesspool and septic it wasn't ten milligrams. You get it between 40 and 50 milligrams per nitrogen. Without a septic, it's even higher than that, and that's why the old cesspools are such a danger in terms of nitrate infiltration of groundwater and surface water.

D.P.O. HORSLEY:

This goes with my talking points on sewers that cesspools, and septic systems even, in many ways are one step above an outhouse.

LEG. ROMAINE:

That's right.

D.P.O. HORSLEY:

Who else wants to speak on this? We're good? Okay. We have a motion to approve. Let's roll call.

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

LEG. ROMAINE:

Yes.

LEG. KENNEDY:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

No.

LEG. SPENCER:

Excuse me, I'm no. I change my vote. I apologize.

LEG. STERN:

No.

LEG. ROMAINE:

Mixed signals.

LEG. SPENCER:

Mixed signals.

LEG. GREGORY:

No.

LEG. NOWICK:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. CALARCO:

No.

LEG. ANKER:

No.

LEG. HAHN:

No.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

D.P.O. HORSLEY:

No.

MR. LAUBE:

Nine. (Presiding Officer Lindsay not present)

D.P.O. HORSLEY:

You guys are killing me, right, exactly. Even after the analogy to an outhouse. Okay. *Item Number 4*, do we have a motion, which is *Reconstruction of CR 17, Carleton Avenue, Town of Islip*.

LEG. MONTANO:

Yeah, I'll make a motion.

D.P.O. HORSLEY:

Legislator Montano makes a motion. Is there a second on the motion?

LEG. CILMI:

I'll second it.

D.P.O. HORSLEY:

Seconded by Legislator Cilmi. Any discussion?

LEG. MONTANO:

Yeah. Quick question, Gail. Just there's a bill on 1491 that would take the money out, is that --

MS. VIZZINI:

You're talking about the rescinding of the bond resolution that's on the agenda?

LEG. MONTANO:

Yes.

MS. VIZZINI:

Basically what happened was we appropriated and authorized the bonding twice.

LEG. MONTANO:

Oh, okay.

MS. VIZZINI:

Resolution 223 and 224 already did it.

LEG. MONTANO:

So this only --

MS. VIZZINI:

It cleans it up.

LEG. MONTANO:

It cleans it up.

MS. VIZZINI:

You can only do it once. As far as this is concerned, Legislator Montano's desire to restore Phase III

to this project. It had been continued -- discontinued, rather, in the recommended Capital Program, so we include \$750,000 for land acquisition in '13 and the construction for Phase III is two million dollars in subsequent years.

LEG. MONTANO:

Okay. All right. Take your vote.

D.P.O. HORSLEY:

Anybody else? Legislator D'Amaro.

LEG. D'AMARO:

Yeah. It just seems like a worthy project. I'm just questioning, maybe through the Chair to Legislator Schneiderman, why this was not included through the Working Group process?

LEG. SCHNEIDERMAN:

Did DPW recommend this, do you know, Gail?

MS. VIZZINI:

It's my recollection that Public Works did not request funding because it's anticipated that the project may be ultimately cost prohibitive.

LEG. MONTANO:

Would you explain that, when you say cost prohibitive, if I may? I'm sorry, Jay.

MS. VIZZINI:

Actually, the more appropriate term would be cost effective. So they did not ask for Phase III to be restored. I think it has to do with the land acquisition costs. They did do an environmental -- you recall that they did the early intervention program where they mitigated what they thought to be the more crucial that could be mitigated in a cost effective manner.

LEG. MONTANO:

This project was moved up and had Federal dollars, did it not?

MS. VIZZINI:

We have to check on that.

LEG. SCHNEIDERMAN:

Legislator D'Amaro had asked me the question and my recollection in the discussion is, you know, I guess there was problems with traffic flow and this third phase goes beyond solving the traffic problems. I don't remember exactly what it entailed, but I don't think it was as necessary once the traffic mitigation was completed. Maybe it's plantings, maybe it's sidewalks, I'm not sure. Gail, do you have the details?

MS. VIZZINI:

The description that was provided when we had the description for Phase III was reconstruction of the intersection at 17 Wheeler Road and Motor Parkway, which would add capacity, improve traffic flow and decrease the congestion.

LEG. SCHNEIDERMAN:

That's the project itself, but is that Phase III or is that the entire thing? That's Phase III?

MS. VIZZINI:

That was Phase III.

LEG. SCHNEIDERMAN:

Maybe Commissioner Anderson can explain. He's walking in.

LEG. MONTANO:

Bill is here and Gil is here.

LEG. SCHNEIDERMAN:

Perfect timing.

D.P.O. HORSLEY:

Gentlemen, I don't know where you were hiding, but welcome.

LEG. MONTANO:

That's the term, they were hiding.

LEG. SCHNEIDERMAN:

We are discussing the reconstruction of C.R. 17, Carleton Avenue.

LEG. MONTANO:

I think it was Lou's question.

D.P.O. HORSLEY:

The question is -- Lou, do you want to repeat it?

LEG. D'AMARO:

It just seems like this was a worthwhile typical type of road project that we usually include in the Capital Budget, and I had asked through the Chair, Legislator Schneiderman, who headed up the Working Group, why this was not included. Seeing it as a stand-alone leads me to believe that there's a significant reason why this was not included in the proposed and then in the Omni Bill that we put together. If you could speak to that.

MR. HILLMAN:

Certainly. We are presently issuing an RFP to take a second look at the intersection. If that -- if the results of that study come back that the intersection does need to be improved, we would then enter it into the -- it was our intention to enter the funds into the Capital Program at that time.

LEG. D'AMARO:

I see. So this just may be premature in a sense?

MR. HILLMAN:

Yes. I can't say that the project won't move forward, I can't say it will move forward either, so yes.

LEG. D'AMARO:

Right. I think we're saying the same thing.

MR. HILLMAN:

Yes.

LEG. D'AMARO:

Okay. Thank you. I appreciate the answer.

D.P.O. HORSLEY:

Legislator Montano?

LEG. MONTANO:

Yeah. You're doing the RFP for the third phase or you're reconsidering? I'm not quite sure I'm getting this.

MR. HILLMAN:

The original study was actually from 1997 or '98.

LEG. MONTANO:

Okay. Let me ask you this, I'll jump forward. If the RFP comes back that it should be done, you're saying then you'll entertain the project, but where's the money, or where should the money be put, or how are you going to get the money and when are you going to propose it for?

MR. HILLMAN:

If the study determines that the intersection improvements are required, we would, at the next opportunity, enter --

LEG. MONTANO:

You mean next year?

MR. HILLMAN:

Next year, assuming the study is complete by January, which it likely will be. In January we would -- the Department would request funds for --

LEG. MONTANO:

This coming January? I'm sorry.

MR. HILLMAN:

Yes, this --

LEG. MONTANO:

So the study --

MR. HILLMAN:

I'm sorry. The next January.

COMMISSIONER ANDERSON:

2014.

LEG. MONTANO:

Okay, that's where I'm confused, because if the study's going to be complete by this January, then you would need the money for next year, would you not?

MR. HILLMAN:

Well, the study -- I'm sorry, I'm confusing you.

LEG. MONTANO:

That's okay. We're not pounding, we're just asking.

MR. HILLMAN:

The study will not be complete this January. We will have the consultant up and running by this January, and then a year later we'll be done. So January of '14 we will this study complete. If it's determined that the intersection does need to be improved, we would then be looking at putting the money in for '15, I think.

LEG. MONTANO:

Well, doesn't this put the money in subsequent years anyway?

MR. HILLMAN:

I don't know which it does, I'm sorry.

LEG. MONTANO:

Well, it says 750 for land acquisition in 2013, and two million for construction in subsequent years, as previously adopted to complete Phase III of this project.

COMMISSIONER ANDERSON:

Right, but without the study, I mean, you know, the acquisition itself, if the land acquisition is required, is going to take a couple of years on top of the study and before you actually get to construction, so --

LEG. MONTANO:

Well, what if we had put the project in for subsequent years. Gail, could that have been done?

MR. HILLMAN:

I'd say that's a reasonable compromise.

LEG. MONTANO:

Can it be amended now, George?

MR. NOLAN:

Yes.

LEG. MONTANO:

So why don't we do this? Why don't I make an amendment? And because you're sending out the RFP and we don't know when you're going to get to it, why don't we leave the project in the Capital Budget in subsequent years, and we may never get to expend it, because we don't know what it's going to take. But rather than take the project out altogether doesn't make sense because this is Phase III of two phases. So if I can make -- with permission of the Chair or the Counsel, if I can make an amendment to --

MR. NOLAN:

Delete the 750 for planning and just leave the two million for --

LEG. MONTANO:

Yeah. What Counsel is suggesting is to delete the 750 for land acquisition in 2013 and put it into subsequent years, along with the two million. And then we solve the problem, because in subsequent years we may not expend this, but I don't want to kill a good project. Can I -- did anyone listen to that? Can I get a second?

LEG. SCHNEIDERMAN:

I still have questions on the -- guys. One question through the Chair?

D.P.O. HORSLEY:

Legislator Schneiderman, I think I've totally lost this one. Okay, go ahead.

LEG. SCHNEIDERMAN:

This is Phase III, so obviously there's a Phase I and a Phase II. And this was initially what, a traffic flow improvement type of project. Can you explain what Phase I and Phase II was and what is left

at this intersection to do potentially?

MR. HILLMAN:

Phase I and II were actually combined, but the project reconstructed Carleton Avenue from Suffolk Avenue up to almost the Long Island Expressway to New York State Route 111. It widened it, it created a shoulder for bicycles, sidewalks for children and pedestrians. There's a school within that section, a high school, so it was an excellent project. However, it was a Federally aided project, and due to time constraints we had to eliminate all right-of-way acquisition. So this intersection, to improve it, we would need right-of-way acquisition to add turn lanes. So -- but the study was back from 1998, so we have some concerns on its -- I don't want to use the word validity, but I will, accuracy, so we need to just take a quick second look at it, and assuming we still need to move forward with it, we will.

LEG. SCHNEIDERMAN:

So for the most part have the traffic flow issues in this area been solved by the work that's been done so far?

MR. HILLMAN:

Yes, other than at this intersection. And I'll say that with the caveat of the study will determine if the intersection is operating and will operate in the near future and at an acceptable level.

LEG. SCHNEIDERMAN:

All right. So we're not even sure that we have a problem at this intersection?

LEG. MONTANO:

No, that's not --

LEG. SCHNEIDERMAN:

Or we might have a problem?

MR. HILLMAN:

Correct. Our study will --

LEG. SCHNEIDERMAN:

We might have a problem in the future as the population grows.

MR. HILLMAN:

That's included in our study, but the study -- we feel that there is some congestion. We know there's some congestion at the intersection. We're trying to quantify the level of congestion and identify if it's appropriate to move forward with the project at this time.

LEG. SCHNEIDERMAN:

That's probably what Gail's -- the comment about cost effectiveness came up earlier, the bang for the buck, but we don't know yet how bad the problem is.

D.P.O. HORSLEY:

Okay, please, let's have order.

LEG. SCHNEIDERMAN:

And how much it will be solved through whatever it may cost, but that the study will show that.

MR. HILLMAN:

That's correct.

LEG. SCHNEIDERMAN:

All right. So I could support putting the money in subsequent years. Is that an appropriate amount of money?

D.P.O. HORSLEY:

I think what we've done, let me just do -- we have to have an order here. Legislator Schneiderman, are you complete?

LEG. SCHNEIDERMAN:

I just wondered if we're going to amend this thing let's just do it right. Is that the appropriate amount for subsequent years?

COMMISSIONER ANDERSON:

At this time it's an appropriate amount. It's a place-saver. I mean, certainly it can be adjusted with, you know, subsequent capital programs, but yeah, it at least holds it.

D.P.O. HORSLEY:

With that, Legislator Cilmi.

LEG. CILMI:

A tangential question. You mentioned that you're going out with an RFP to study the traffic at this intersection. Is that something we always go out to RFP for or do we do any studies ourselves? And --

MR. HILLMAN:

We do do smaller traffic studies in-house. Larger ones we tend to go out to consultant on.

LEG. CILMI:

How much would something like this typically cost, roughly?

MR. HILLMAN:

A complete study might run 200, 250,000.

LEG. CILMI:

What's exactly involved?

MR. HILLMAN:

Collecting traffic data, volumes on various times of the day. Also looking at accident patterns, pedestrian volumes, other projects in the area, other development in the area that might impact the capacity of the intersection. Plugging that all into a traffic model and then coming up with projected levels of service and then analyzing those levels of service to determine if the intersection needs improvement. And if it does need improvement, they would then also come up with scenarios, do we need a left turn lane, do we need a right turn lane, do we need two additional through lanes.

LEG. CILMI:

Over what length of time is that study typically conducted?

MR. HILLMAN:

Typically about a year.

LEG. CILMI:

A year. Do we have the expertise in-house to conduct these sorts of studies in general? I mean, do we do them as extensively as somebody would offer from an RFP?

MR. HILLMAN:

We have the expertise. However, the volume, the workload, would be prohibitive for us to do all of it in-house.

LEG. CILMI:

How many people would it take in order to conduct this particular study, do you think? I mean -- is it somebody -- one person sitting there for a year? Is it three people, is it ten people? Just give me a rough idea.

MR. HILLMAN:

Two traffic engineers.

LEG. CILMI:

Two traffic engineers. Okay. So two traffic engineers. What do our traffic engineers make typically in the County?

MR. HILLMAN:

At a mid-entry to mid-level, 60 -- 60, \$70,000.

LEG. CILMI:

Okay. I would ask you then to, you know, let's have some discussion. This may be if we need to do it in the Public Works Committee. There's no reason why we should pay somebody a quarter of a million dollars to do something that we can do in-house. It doesn't seem like it's a cost effective way to use our resources.

LEG. D'AMARO:

Would that include benefits?

MR. HILLMAN:

No.

D.P.O. HORSLEY:

Okay. Thank you very much on that issue. First of all, let's do this. Legislator Montano wants a clarification on the issue, and then I will refer to Legislator Kennedy. If you'd make this quick, please.

LEG. MONTANO:

John, would you just indulge me? I just want to be clear on the intersection what -- just reiterate the intersection that we're talking about.

MR. HILLMAN:

The intersection of Carleton Avenue and Motor Parkway.

LEG. MONTANO:

Okay. Just let me explain why I asked that question. There is no intersection at Carleton Avenue and Motor Parkway. Carleton Avenue at Suffolk Avenue becomes Wheeler Road, and that's always been the problem explaining this project. It's the intersection of Wheeler Road and Motor Parkway, which is where the 7-Eleven is, which is where the bank is, I forget the name of --

D.P.O. HORSLEY:

Bank of America.

LEG. MONTANO:

Bank of America now. It's Baskin-Robbins, 7-Eleven. John, you know what I'm talking about now?

There is no Carleton Avenue at Motor Parkway. I just want to put that on the record. John, go ahead.

D.P.O. HORSLEY:

Thank you very much for your clarification. John, please.

LEG. KENNEDY:

I just -- I want to go back to the assessment of whether or not the work that's been done, which actually is the southernmost end of my district, has addressed the traffic issues. It has improved the corridor for traffic to move in, but it hasn't reduced the stacking that you get, particularly during rush hour. As a matter of fact, going through that intersection any time from 3, 3:15 in the afternoon onwards, you get multiple vehicles stacking both north and south, and even to a certain extent on CR 67 on either side. So there's clearly a rationale or justification for a second look here.

COMMISSIONER ANDERSON:

Absolutely. Again, I would state what Bill stated earlier, that the project was forwarded originally as two phases because we had to meet the Federal timeline, so we got away from the acquisition that would have been needed to improve that intersection. So again --

LEG. KENNEDY:

All right. Well, it's worth it.

D.P.O. HORSLEY:

Okay. So where are we at, Legislator?

LEG. MONTANO:

We have an amendment on the floor.

D.P.O. HORSLEY:

I don't think we've actually done that officially.

LEG. MONTANO:

Which needs a second.

LEG. KENNEDY:

Second.

LEG. CILMI:

I second.

LEG. KENNEDY:

I'm seconding it.

LEG. MONTANO:

So then we have an amendment that will move this project into subsequent years.

MR. LAUBE:

Who do you want the second?

LEG. KENNEDY:

(Pointed at Cilmi)

LEG. SCHNEIDERMAN:

Two million in subsequent years.

LEG. MONTANO:

All right. You know, we'll forget about the acquisition for now because that can be resolved in a subsequent Capital Budget project; am I correct, gentlemen?

COMMISSIONER ANDERSON:

Yes.

LEG. MONTANO:

So let's keep the project alive with a two million appropriation in subsequent years. That will be the amendment.

D.P.O. HORSLEY:

Okay. We do have a second, Legislator Cilmi has made a second. Did we get rid of the first motion, though.

MR. NOLAN:

No. We need to take this procedural vote to allow the amendment to the resolution, then we'll vote on the amendment.

D.P.O. HORSLEY:

Okay. But we're -- the first thing is we've got to get rid of the first --

LEG. MONTANO:

We need a vote on the amendment.

LEG. SCHNEIDERMAN:

Vote on allowing the amendment, that's the first thing.

LEG. MONTANO:

Yes.

D.P.O. HORSLEY:

We'll make a -- we have a motion. Let's call the vote. All those -- everyone understand it?

LEG. MONTANO:

Yes.

D.P.O. HORSLEY:

Okay. You're saying that, but I'm not sure anyone else does.

LEG. SCHNEIDERMAN:

This is the motion to allow the motion -- allow this to be amended.

D.P.O. HORSLEY:

Okay. There we go, and that has a second on that. All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen. (Not Present: P.O. Lindsay)

D.P.O. HORSLEY:

Okay. Thank you. So now make your second motion.

LEG. MONTANO:

Now I make a motion to approve the amended motion.

D.P.O. HORSLEY:

Which is to put this in the subsequent -- two million dollars in subsequent years.

LEG. MONTANO:

Simply two million in subsequent years.

LEG. CILMI:

And I'll second it.

D.P.O. HORSLEY:

I think we've already got that second, but that's what it is, by Legislator Cilmi. All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen. (Not Present: P.O. Lindsay)

LEG. GREGORY:

Opposed.

D.P.O. HORSLEY:

We do have an opposition there. Legislator Gregory opposes.

MR. LAUBE:

Sixteen. (Not Present: P.O. Lindsay; Opposed: Legislator Gregory)

D.P.O. HORSLEY:

Okay. Well, that was easy. *Number 5, real property integrated Land Information System.* Gail, go ahead, tell us what this is.

MS. VIZZINI:

Yes. At the request of the Director of Real Property Tax Services, Penny came to the committee meeting and Legislator Montano requested that we add these final upgrades to the Real Property Integrated Land Information System. It basically adds additional data so that the software users can access parcel ownership and parcel outlines on a real time basis. It also would provide some online verification where we would dovetail with the County Clerk's Office, and it's anticipated as the Director has been able to do from other upgrades, to generate additional revenue and that was part of the justification for the additional funds.

D.P.O. HORSLEY:

Okay. If you may. Why don't we get a motion on the floor? Is there a motion?

LEG. MONTANO:

I'll make the motion.

D.P.O. HORSLEY:

Motion by Legislator Montano. Is there a second on the motion?

LEG. HAHN:

Second.

D.P.O. HORSLEY:

Legislator Hahn seconds the motion. On the motion, Legislator Montano.

LEG. MONTANO:

Yeah. What I wanted to do was ask the Chairman of the committee why this was not included in the omnibus. Was it considered and not included or -- because I know that Penny came before the committee and that's -- and what I had said was that if it doesn't get included in the omnibus, then I would introduce the stand alone, but I would have preferred it to have been included in the omnibus. Was there a reason why it was not? If you remember.

LEG. SCHNEIDERMAN:

I do remember discussing it so I know we did consider and we did not support it, right, Gail?

MS. VIZZINI:

(Nodded in the affirmative).

LEG. SCHNEIDERMAN:

I'm trying to remember the reasons why we didn't support it.

D.P.O. HORSLEY:

Is this where we yell we have no money?

LEG. CALARCO:

I think if I could add in, Legislator Kennedy is not here, but he had -- sitting on the Task Force, Legislator Kennedy?

LEG. KENNEDY:

Yes.

LEG. CALARCO:

We're dealing with the Integrated Land Information System for Real Property and I remember discussing this at Work Group, and you had some concerns about both the system and our ability to implement it given our current shortage of staffing. I think that's why we decided not to include this in the budget?

LEG. KENNEDY:

Well, you are correct, Legislator Calarco, that I did point out that in three weeks from now we're going to whack four recorders, and so I wondered who would be left in the office to actually go ahead and put this wonderful piece of software into effect, that is true. It is something that Legislator Romaine, back when he was he was County Clerk Romaine and I was the official examiner, talked about 13, 14 years ago. It's one of those things that there's a great concept and its implementation is like trying to pass through the eye of a needle. So, you know, at this point, in light of where we're at with our budget constraints, I was reluctant to support it, absolutely. That is the case.

D.P.O. HORSLEY:

Okay. We have a motion to approve. Anything else? Kara, Legislator Hahn.

LEG. HAHN:

But doesn't what applies to everything else apply to this, that if -- like we would have to actually appropriate the dollars later to buy it, and so they could come before us and tell us whether or not they have the staff to implement.

LEG. ROMAINE:

Or we had the wherewithal.

LEG. HAHN:

Right, because this is sort of an efficiency thing, too, isn't it, in a way?

LEG. ROMAINE:

Yes, it is.

LEG. KENNEDY:

No doubt about it.

LEG. HAHN:

Okay.

D.P.O. HORSLEY:

Is there anyone else on this? We're all good. All right. Let's approve. We have a motion to approve. Why don't we have a roll call?

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

LEG. MONTANO:

Yes.

LEG. HAHN:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

In deference to the Working Group, no.

LEG. STERN:

No.

LEG. GREGORY:

No.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Pass.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. CALARCO:

No.

LEG. ANKER:

No.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

No.

LEG. ROMAINE:

Yes.

D.P.O. HORSLEY:

No.

MR. LAUBE:

Eight. (Not Present: P.O. Lindsay)

D.P.O. HORSLEY:

The motion fails. All righty, let's move on. Yes?

LEG. KENNEDY:

Tim, I was supposed to be a yes. You didn't come back to me.

MR. LAUBE:

I'm sorry, Legislator Kennedy. I'd forgotten the pass.

LEG. NOWICK:

Somebody else passed.

MR. LAUBE:

No, one person passed.

LEG. KENNEDY:

It's still yes.

MR. LAUBE:

All right. So the total is nine.

D.P.O. HORSLEY:

It still fails. Okay. We have a -- Legislator Stern would like to be heard on Item Number 6.

LEG. STERN:

Thank you, Legislator. I am withdrawing Budget Amendment 6.

D.P.O. HORSLEY:

Okay.

MS. VIZZINI:

Mr. Chairman, Budget Amendment 6 and 7 both are in conflict with the fact that we passed the omnibus.

D.P.O. HORSLEY:

So we cannot vote for it.

LEG. CILMI:

I'll withdraw seven.

D.P.O. HORSLEY:

All right. We're falling fast. Good. There we go. Item Number 8.

LEG. BARRAGA:

Mr. Chairman, can I just make a comment? The next seven items are all Mr. Cilmi's. I don't know if it will affect the vote, but today is also his birthday.

*(*Laughter*)*

So be very kind.

LEG. NOWICK:

You old softy, you.

D.P.O. HORSLEY:

We're going to deny them with love.

LEG. D'AMARO:

Tom, we're going to follow your lead, Tom.

LEG. CILMI:

I appreciate that love, thank you.

D.P.O. HORSLEY:

Show me the love.

LEG. CILMI:

Yeah, show me the love all right.

D.P.O. HORSLEY:

Okay. So is eight in conflict also?

MR. NOLAN:

No, we could vote on it.

D.P.O. HORSLEY:

We can vote on eight.

LEG. CILMI:

I'm going to make a motion to approve eight.

D.P.O. HORSLEY:

Is there a second on the motion?

LEG. CILMI:

It's my birthday, Tom.

LEG. BARRAGA:

I'll second the motion.

D.P.O. HORSLEY:

On the birthday seconds the motion. Okay. We have a motion to approve. Gail, you want to take a whack at explaining this?

MS. VIZZINI:

Budget Amending Resolution 8 executes across the board 10% cuts in all funding that -- in the 2013. It's not in conflict with omnibus, because anything in omnibus was removed.

D.P.O. HORSLEY:

Okay. Very good.

LEG. CILMI:

And this is -- if I may --

D.P.O. HORSLEY:

Please.

LEG. CILMI:

Mr. Chairman.

D.P.O. HORSLEY:

It's your birthday.

LEG. CILMI:

This is an effort to send a message that we've year after year after year we've asked our employees to do more with less. We've cut 5%, 10%, the County Executive has cut year after year after year. And we continue to cut and ask our employees to do more with less. This is an effort to say to those who would bid on County projects that we're asking them to do more with less as well.

D.P.O. HORSLEY:

Thank you very much. Eloquent on your birthday. Legislator D'Amaro.

LEG. D'AMARO:

Thank you. To Budget Review Office, just so I understand the bill first. Gail, anything that's not amended by the omnibus that we just passed, any other remaining project would then be cut by 10%, is that what this bill does?

MS. VIZZINI:

It's non-aided projects, no sewers. It's no aided roads, just anything that would be, you know, totally a General Fund debt service expense.

LEG. D'AMARO:

Okay. Have we done an analysis whether or not a 10% cut in each of those projects would leave them underfunded?

MS. VIZZINI:

No, we have not done an analysis.

LEG. D'AMARO:

Okay.

LEG. HAHN:

Can we call in Gil?

LEG. D'AMARO:
Excuse me?

D.P.O. HORSLEY:
Well, let Gail finish what she was going to say.

LEG. CILMI:
While Gail is figuring out things over there, I'll just add --

LEG. D'AMARO:
Can I just --

LEG. CILMI:
Again, this is a planning. To Legislator D'Amaro's question specifically, this is -- remember, this is a planning document, so we're just planning for 10% less if --

LEG. D'AMARO:
All right. Well, the point I wanted to make, Legislator Cilmi, was that we --

D.P.O. HORSLEY:
Let's not debate it.

LEG. D'AMARO:
We had the Working Group work meticulously and focus on project amounts, the merits of each project and this bill seems to just kind of work -- directly contrary methodology to a Working Group. It doesn't consider the projects case by case, it doesn't consider the merits of each project, informally rank them in your mind. It really, I think it might be fair to say, will take some very good projects that should not be cut 10% and just cut them anyway. So we went through that process. The Working Group came up with a work product, and I'd like to think of that as using the scalpel instead of the hatchet. All right? So that's one of the problems I have with an across the board cut. If we didn't do an analysis with the Working Group where we considered each project on its merits, then I might be inclined to agree with an across the board cut as a different approach, but I don't think you should do both. I think we've already set the priorities.

And it's also, frankly, contrary to all the work done by the Budget Review Office and the 450 page document that they produced with respect to these projects. So although I wouldn't forever rule out doing an across-the-board cut, that is a tool that we have, I don't think you do a Working Group, pass an omnibus, and then go ahead and just hack off another 10%, because I think that's contrary to all the work that's come before it.

D.P.O. HORSLEY:
Legislator -- I've got other people. Legislator Cilmi and then I'm going to go to Legislator Schneiderman and Hahn.

LEG. CILMI:
If I may just briefly disagree. This is really not in contrary to our Budget Review Office's or the Working Group's analysis of the projects that they think and that we think should be planned for, but rather, all it says is that, and it has absolutely nothing to do with priorities, it has absolutely nothing to do with saying this project's, you know, worthy or not worthy. All it says is that if we're planning on spending a million dollars, let's say, on a road improvement, and if we're going to go out to an RFP and we're expecting to spend a million dollars on this road improvement, and I would think that

Budget Review is -- and the Working Group are taking numbers that are presented to them from the various departments that require these capital projects. That we're saying here when we go out for that RFP, don't plan for the million dollars, plan for 900,000 and make it work for \$900,000.

We've asked our employees to do certain things year after year after year, day after day, for less money than we believe, you know, we budgeted for these positions for less money than we believe they cost to actually provide these services. So this is just to say to our -- to all the folks who are doing this work, the work's important, we'd like it done, but we'd like it done for less money.

D.P.O. HORSLEY:

Okay.

LEG. D'AMARO:

If I could just very quickly respond to that.

D.P.O. HORSLEY:

Lou, why don't we wait. I've got a list here and then we'll come back. I understand you want to react to it. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

It's been stated several times today this is a planning document and the numbers that are presented by the various departments, DPW and many of these infrastructure projects, I have no reason to believe that they artificially inflate their projections or, you know, pad their numbers in any way. These are all going to be competitively bid and through a very aggressive process. Hopefully the numbers will come in 10% lower, maybe more, but there's so many variables. Sometimes there are cost overruns, the cost of materials, asphalt, the cost of fuel. These things move or they're all over the map.

So I think it's an honest assessment, as I've said before, in terms of the cost of these projects. So, you know, if you're going to cut 10% out of the Capital Budget, I'd almost rather see you just eliminate 10% of the projects if you could find non-worthy projects. But to just say somehow they're going to magically get done at, you know, 90% of the estimated cost, you know, with luck, in the competitive bidding process, they will. But I think to just lower that number wouldn't paint a really fair picture of what the anticipated expenses are, and I'd rather this document reflect reality.

D.P.O. HORSLEY:

Okay. Legislator Hahn. Thank you, Legislator Schneiderman.

LEG. HAHN:

Is it possible to build 90% of a bridge? What happens?

LEG. D'AMARO:

It is, but don't drive over it.

D.P.O. HORSLEY:

Did you want to go further? That was well put.

LEG. HAHN:

No, that's really all I want to say. And if anybody wants to order pizza, let me know.

D.P.O. HORSLEY:

Sure, I like that. Legislator Gregory.

LEG. GREGORY:

Thank you, Mr. Vice Chair. I think some points -- very well said points have been made by Legislator D'Amaro and Legislator Schneiderman, and obviously Legislator Hahn's short comments, but as a former procurement officer myself, who has been in charge of putting out competitive bids, you know, planning on a million dollar road project is just a plan. When you put it out to bid, it's open to the free market. You can get bids for 1.1 million or 1.2, you can't control that process. And as very much like Legislator Schneiderman said, you know, there are a lot of variables. You know, the material costs and labor costs, all those things fluctuate that can affect your plan or your budgeted amount for that particular project. So I understand the intention, but I think that it doesn't -- you know, this way does not serve your intentions, so I certainly will not be supporting this.

D.P.O. HORSLEY:

Thank you very much, Legislator Gregory. And Legislator D'Amaro, I'm sorry I cut you off before.

LEG. D'AMARO:

Oh, that's fine. The -- my only point was back to Legislator Cilmi. I hear what you're saying, but consider this. You know, taking this hatchet approach with the 10%, you may actually be killing projects, worthwhile projects, because when you lower the funded amount by 10% or the project amount in the Capital Budget by 10% and put it out to bid, if it's really not feasible to do it that way you may get no response. So again, I'm just trying to highlight the fact that if we're going to take the time to go project by project and assess this and Department of Public Works is going to take the time to put in realistic numbers, I don't think there's a need to go to that kind of, you know, meat cleaver effect of budgeting as opposed to the scalpel, which we're trying to work with here.

I do agree with you about more with less and we've been asking an awful lot of our employees, but this may very much have the effect of killing jobs when those projects are underfunded and don't go forward. That would be a concern I have. And I don't know if they would or they wouldn't, and that's the point, that no real analysis has been done. Budget Review Office has not done any analysis. I don't know how many projects would be near death because we cut 10% out of it. So at this point I can't endorse this approach or support this bill.

D.P.O. HORSLEY:

Thank you very much, Legislator. Legislator Browning

LEG. BROWNING:

I could make it real short. I'll give you an example. William -- the Montauk Highway project in my district. The anticipated cost actually came in much less, and a lot of it to do with the economy. So I think that when we put things out to bid we're supposed to put it out and accept the lowest, most responsible bid. So to say to somebody, okay, you're the lowest most responsible bid, but now we want you to cut it 10% more, I don't know if that's necessarily a good idea. But like I said, Montauk Highway in my district, it was a multi-million dollar project and it did come in -- the bid wind wound up coming in significantly lower than what we anticipated.

D.P.O. HORSLEY:

Okay. Thank you very much, Ms. Browning. I just want to just -- one last comment on this. I don't think there was anyone else who wanted to speak. I've got to tell you, if we do cut these 10% and they come in as we expected them and as they are estimated to be, where are we going to find those offsets next year? It is really going to be a tough thing to do. So I think we should be mindful of that when we look at this bill. Okay. I think we have the motion set to approve. Roll call.

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

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. SPENCER:

No.

LEG. D'AMARO:

No.

LEG. STERN:

No.

LEG. GREGORY:

No.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

No.

LEG. MONTANO:

No.

LEG. CALARCO:

No.

LEG. ANKER:

No.

LEG. HAHN:

No.

LEG. MURATORE:

Yes.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

No.

LEG. ROMAINE:

No.

D.P.O. HORSLEY:

No.

P.O. LINDSAY:

(Not Present)

MR. LAUBE:

Four. (Not Present: P.O. Lindsay)

D.P.O. HORSLEY:

All right. The motion fails and that is rejected. The next -- the next is *Number 9, improvements to the Vanderbilt Museum Planetarium.*

MS. VIZZINI:

Conflict.

D.P.O. HORSLEY:

It is conflicted out. Legislator Cilmi?

LEG. CILMI:

Withdraw.

D.P.O. HORSLEY:

Okay. *Number 10, improvements --*

LEG. CILMI:

Withdraw.

MS. VIZZINI:

Conflict.

D.P.O. HORSLEY:

Withdraw as well. Now Number 11 is good, right? *Number 11, renovations at Historic Blydenburgh Park.*

LEG. CILMI:

This was in Budget Review's list of recommendations. Obviously, it was not included by the Working Group. I'd be, you know, eager to hear what the reasons were on both sides.

D.P.O. HORSLEY:

Okay. We're going to need a motion first.

LEG. CILMI:

Motion.

D.P.O. HORSLEY:

We've got a motion to approve renovations to Historic Blydenburgh Park. Is there a second on the motion? Is anyone paying attention?

LEG. NOWICK:

You're losing control here.

D.P.O. HORSLEY:

I know, I know. It was after the birthday announcement I got lost. Is there -- someone wants to --

LEG. CILMI:

I'll withdraw it.

D.P.O. HORSLEY:

The motion is withdrawn, I think out of desperation. Just kidding. Okay. Number 12, is that a

conflict?

LEG. CILMI:

Withdraw, yes.

D.P.O. HORSLEY:

Withdraw.

LEG. CILMI:

Thirteen, withdrawn. And 14 is -- do we need to withdraw 14, Gail?

MS. VIZZINI:

No. It actually would have conflicted with your other resolutions seven and eight, but since they failed this is not in conflict.

LEG. CILMI:

Okay.

D.P.O. HORSLEY:

Do you want to be heard? You want to withdraw?

LEG. CILMI:

Yes, unless somebody else wants to make a motion to approve.

LEG. MONTANO:

No.

D.P.O. HORSLEY:

Okay. That has been withdrawn --

LEG. CILMI:

I'll withdraw.

D.P.O. HORSLEY:

-- as well. All right. Let's move to *Item Number 15, the Ronkonkoma Hub Sewer Project*, which we've heard a great deal about this morning. I'll make the motion to approve Number 15.

LEG. MURATORE:

Second.

D.P.O. HORSLEY:

Seconded by Legislator Muratore.

LEG. KENNEDY:

On the motion, which one is 15, is that for the full 21?

D.P.O. HORSLEY:

That's the full 21 in '013.

LEG. KENNEDY:

Okay.

D.P.O. HORSLEY:

Let me just -- let me just do this. I want to make a quick statement first. You have a question?

LEG. MONTANO:

Well, I just want to be clear. They made a presentation, they said we had Option A or Option B, so 21 is Option A and the other one is the B?

LEG. SCHNEIDERMAN:

Fifteen is option A, which is all the money in '13.

LEG. MONTANO:

Okay.

LEG. SCHNEIDERMAN:

The twenty-one million. Number 16 -- if 15 passes, 16 is then conflicted.

LEG. MONTANO:

That's the question. Thank you.

LEG. SCHNEIDERMAN:

It is over. What the two Supervisors were requesting was Number 15.

LEG. MONTANO:

Right.

D.P.O. HORSLEY:

Right, 15. I just want to make a quick statement about this. For the last two-and-a-half, three years, whatever it may be, we have been dealing with a vicious recession. And the -- this bill is the other side of the coin. This is a bill where we can -- an amendment to a budget amendment, this is a budget amendment to grow the economy of Suffolk County. This is a bill that is showing Suffolk County that we are behind a transformational project that is going to create jobs, it is going to improve an area, we're saying to people that we cannot only -- it's not only a cutting Legislature, it is looking at the side of growth, and this is a bill to that end. And I'll make that motion to approve. Is there a second on the motion?

LEG. STERN:

Second.

D.P.O. HORSLEY:

Second by Legislator --

LEG. D'AMARO:

On the motion.

D.P.O. HORSLEY:

Okay. All right. We're good. Yes, Legislator --

LEG. SCHNEIDERMAN:

Just one comment.

D.P.O. HORSLEY:

Legislator Barraga I think is first.

LEG. D'AMARO:

Just put me on the list, please.

D.P.O. HORSLEY:

Sure.

LEG. SCHNEIDERMAN:

Wayne.

LEG. BARRAGA:

On a personal level I certainly support, and hopefully this will be a tremendous success as far as the Ronkonkoma Hub is concerned. As was pointed out this morning, it's been made very clear that the principal and interest associated with the bonds will not be a County responsibility. By the same token just a word of caution, and I'm going to support this and I want it to succeed.

But many years ago I sat around and listened to very learned people who had a tremendous amount of expertise talk about a project, and the terminology that I'm hearing today was very similar then, economic growth, thousands of people going back to work, Long Island will be energy free and we can do this project for 250 million dollars. And in the end it cost us 5.5 billion; it was the Shoreham Nuclear Power Plant. Things went awry, yet intentions were very, very good at the time.

Several years later I sat in a room with a group of people, very learned individuals, who told me about a project that was going to have economic growth, put thousands of people back to work, give us sewers in a good portion of Suffolk County; it was known as the Southwest Sewer District, and the whole project could be done for about 150 million dollars, and in the end it was a fiasco that cost better than a billion dollars.

I understand the major developer is Tritec. I've never really heard too much about them other than the last several months there's been a great deal of press about these people. They have quite a bit of experience. But I would hope that each Supervisor has someone specifically assigned to this project, because I didn't find out about this so-called bump in the road, this 21 million dollars, until this morning when I picked up the paper and I read Rick Brand's column in Newsday.

MR. BRAND:

I'm here for you.

*(*Laughter*)*

LEG. BARRAGA:

I'm sorry, what did he say?

LEG. KENNEDY:

He's here for you, Tom, he's here for you. Just helping us out.

LEG. BARRAGA:

The point I'm making, there has to be a word of caution. You don't want to wake up every week reading Brand's column about another bump in the road for the Ronkonkoma Hub.

*(*Laughter*)*

The way to try to avoid that is to make sure that the Town Supervisors, because they're in the forefront of this, especially the Town of Brookhaven, has someone specifically assigned to work very closely on this project so that, you know, we don't find ourselves in a couple of years pointing fingers at individuals as to why this project didn't turn out the way it was supposed to.

D.P.O. HORSLEY:

Thank you for your caution. Legislator D'Amato.

LEG. D'AMATO:

Thank you. And I agree with Legislator Barraga. It's a very worthwhile project. We all want it to succeed, especially the housing component I think is refreshing. We need to move in that direction as well. However, I did have a question that I raised while both Supervisors were here this morning and I'd like to address it now to the Budget Review Office. And my concern is that, what I'm trying to confirm, rather, is that if this project moved forward on the time line that was presented this morning, the best case scenario this could actually -- the sewer district could be formed by the end of the year, the project can begin to move forward, the bonds can be floated very soon after that. We -- my understanding is we have an assessment -- Sewer Assessment Reserve Fund, stabilization fund, that has been successfully used, at least during my tenure here, to stabilize sewer rates for all the other sewer districts, and many of us do have sewer districts within our Legislative Districts. And I just need to know that should this project come on line as quickly as was presented this morning, that that stabilization effort would not be hampered. In other words, what's the impact on the stabilization fund if this project moves forward?

MS. VIZZINI:

We're calculating up the debt service that the district would incur on an annual basis. So worst case scenario, if -- well, best case scenario is it does move forward. The district is able to pay the debt service. There's a lot of unknowns. I have no idea how many ratepayers are going to be in the district. I don't even know whether there's an outside chance that -- right now the funding is scheduled in bonds, meaning that the debt would be paid for by the ratepayers. Assessment Stabilization Reserve could be available depending on how the future protocols are set, because right now you have to be a county district and you have to be a district for more than I believe -- you have to be a district for two years before you're even eligible for Assessment Stabilization Reserve Funds. So there are a lot of unknowns in answering this question. However --

MR. LIPP:

The debt service on 21 million would be probably about 1.6, 1.7 million a year for say 18 years. That being said, if that was established going forward, which it can be, the rates could be sized to take that into consideration. But as Gail said, it's hard to tell what all of the operating and maintenance costs and everything would be and whether or not there would be perhaps sticker shock in future years that would require Assessment Stabilization Reserve money.

LEG. D'AMATO:

Right, and if there were -- excuse me. And again, you know, we're all hoping for best case scenario, but I think we need to go into this with our eyes open. And the question becomes, for example, Southwest Sewer District. I mean, how do we go back to those ratepayers and tell them when we approved this particular district, or at least put it in the Capital Budget and everything moved forward and everyone was euphoric over that moving quickly. The end result was there wasn't sufficient funding to stabilize all the districts to the tune of 3%, which is what I think historically we've been doing. What I'm hearing, I think, today is that we just don't know if that's the case or not. That's a little disconcerting to me. I don't know -- is there any way we can get a clearer picture of whether or not, you know, you're doing a lot of good over here, but you're also maybe doing some harm on the other end.

MS. VIZZINI:

I'd like to make reference to a memo that we issued in July of 2011, basically had to do with the change -- capping the Assessment Stabilization Reserve at the 140 million, and providing relief to the General Fund and relief to the septic systems and relief to the construction of new sewers.

LEG. D'AMATO:

Right.

MS. VIZZINI:

We don't know at this point the extent to which there may be some eligibility from that criteria for a project such as this. There's just, again, too many unanswered -- lots of questions but not a lot of answers.

LEG. D'AMARO:

Gail, you mean the excess might be available also?

MS. VIZZINI:

I don't know.

LEG. D'AMARO:

You don't know. Okay.

MS. VIZZINI:

That's a question that needs -- should be -- I mean, if we proceed with, you have to be a district for two years, so you can't -- you're not eligible for relief.

LEG. D'AMARO:

Right.

MS. VIZZINI:

To mitigate the debt service. The question then is can the district afford the debt service on the necessary bonds.

LEG. D'AMARO:

Right. And the two years, you know, will run very quickly if the timeline is completed as we hope it would be, very quickly. And all of a sudden here we are two years down the road, this new district is now eligible, you know, what is the impact on the reserve fund and does it negatively impact the other districts that are depending on that reserve fund?

MS. VIZZINI:

Well, in this memo at this time, we projected into the future and the smaller districts that are old and need work and do not have a large number of ratepayers, they will begin their cycle of depleting funds from the Assessment Stabilization Reserve, and there's a legitimate question as to the extent that they are able, unlike Southwest where there are so many ratepayers and so many connection fees and other sources of revenue, whether the smaller districts are really able to pay back on a timely basis. So I really can't give you any guarantees. It's a policy decision.

Again, it's a planning document. There is, you know, based on the discussion, there's a lot of support. There may be support to go after Federal funding or other bonding mechanisms, but it will be a policy decision in terms of when this sewer district would be eligible for any type of stabilization, and you've got all the other districts competing for a small chunk from them as well.

LEG. D'AMARO:

Right. And I appreciate you giving me that opinion. I know you that you like to be precise, but sometimes we just cannot be because there are too many variables here. But again, that two years will run quickly, and I don't want to be faced with a situation where we're raising or not stabilizing for the same effect that we have been today. Because, again, many of us represent residents that have these sewer districts within our Legislative Districts. And what's the balance in that stabilization fund today?

MR. LIPP:

By definition it would be 140 based upon the bill that was passed last year that would split up the excess over that. There's like 156 million coming in this year I think, so it would go down to 140 by definition.

LEG. D'AMARO:

Okay. Thank you.

D.P.O. HORSLEY:

Okay. Thank you very much. Legislator Gregory.

LEG. GREGORY:

I think Legislator D'Amaro asked a lot of the questions I was thinking about, but just a little bit more clarity, if you can, through the Chair, to BRO. Now, this bill asked to pretty much authorize 21 million in serial bonds. It's not going to be immediate.

MS. VIZZINI:

Sewer district.

LEG. GREGORY:

Sewer district, right. So in the short-term, the negative impact is -- you know, if you want to look at it that way, is it's an increase into the Capital Program, but not necessarily an increase in spending.

LEG. D'AMARO:

Right.

LEG. GREGORY:

Right. Now, on the negative side of what Legislator D'Amaro was referring to, there's a -- once we trigger and actually put the -- let the bonds out, there's a short window of construction and actually taxing the ratepayers to subsidize the debt service for those bonds which is, you know, what I would think 12 months, right? How immediate do you have to start paying off the bonds after their --

MS. VIZZINI:

The following year. It usually doesn't kick in until the following year.

LEG. GREGORY:

Right. So, at a minimum, it's 12 months, well -- following fiscal year?

MR. LIPP:

(Nodded in the affirmative).

LEG. GREGORY:

Okay. So it could be three months. Okay. So if -- but the Town, you know, the Town Supervisors Lesko and Croci, are saying that the developer needs this in order to get the financing that he needs in order to move forward with the project. So it seems pretty clear that the project won't go forward unless we do this, but we're not sure if in the end what the time frame of the project is. And that could be troubling to the reserve fund.

MS. VIZZINI:

Well, we won't dip into the Assessment Stabilization Reserve Fund until this project is eligible for those funds.

LEG. GREGORY:

How do you make up -- I mean, you can't -- I mean, I'm not -- you know, I'm not all that familiar with constructing a sewer facility, but I would imagine it's -- you know, it's not going to, you know, it's a year at least.

COMMISSIONER ANDERSON:

If I may, just as far as time line. At a best case scenario, everything goes according to plan, which is bound to happen sooner or later, you know, early 2014 we'll have a shovel in the ground. Figure 18 months, two years beyond that, beginning of 2016 we'll have it completed. So at that point, now, you know, the bonding has to be -- has to be repaid. Two years beyond that is when -- two to three years actually beyond that is when we normally would allow a new district to access the Stabilization Relief Fund. As Gail said, it is a policy decision, but we're really looking at if the policy remains the same, you know, 20 -- what 2018, 2019? Yeah.

LEG. GREGORY:

But the question I have is what happens in that 24 to 36 month time frame where shovel in the ground, the project's completed, but the bonds have already been let and you have to pay it that next following fiscal year.

COMMISSIONER ANDERSON:

Right. The district -- the entities within the district have to pay that bond back, whatever the rate is they establish.

D.P.O. HORSLEY:

I believe, if I may interrupt, the Supervisors -- Supervisors said that Tritec would be responsible.

LEG. GREGORY:

Okay.

COMMISSIONER ANDERSON:

Yeah, for that portion, yes.

LEG. GREGORY:

Okay. All right. Thank you. That's all.

D.P.O. HORSLEY:

Okay. Legislator Calarco.

LEG. CALARCO:

I just wanted to add here, and I can respect my colleagues' concerns about how this project may impact existing sewer districts and their ability to tap into the reserve fund to help mitigate any unexpected or large increases that they might -- in cost that they might incur and to make sure that their ratepayers aren't experiencing any major increases. But the rarity is, is that ultimately at some point in time down in the future, whether it's two years from the completion of this project or 20 years from the completion of this project or 40 years, there's a very strong chance that this new district is going to need some Assessment Stabilization Reserve Fund assistance like every other existing sewer district we have. But we are starting to embark on a new strategy here in the County to try to create sewer districts, new sewer districts, to expand because we realize that they're vital to our economy and vital to growing Suffolk County in a positive way.

If we hold this over the head of this particular project in the Ronkonkoma Hub, which has great promise, then we're going to have to hold that same standard over the head of every other district, whether it's in Mastic or Center Moriches or Deer Park or anywhere else we're looking to create new sewer districts. So we have to take that into consideration and I think that at the end of the day, at least from my perspective, I want us to see us grow our sewer districts and create new districts.

And I think the Legislature made a very wise decision last year to expand the ability to use our Assessment Stabilization Reserve Funds to create new districts and to help expand our capacity in Suffolk County. And I think that if we start worrying about whether or not that's going to limit the ability of other existing districts to tap into that reserve fund, then I think we have to reverse course.

D.P.O. HORSLEY:

Legislator Stern. Thank you.

LEG. STERN:

Thank you, Legislator Horsley. So at the time of creation of the actual sewer district is going to be several years away. We heard that there's going to go through construction and that's going to take a couple of years and we get to a point where it goes through the process, and those of us who have followed the possible creation of new sewer districts throughout our County have spent some time studying what all of those factors would be. It's a very lengthy process with an awful lot of steps, a lot of checks and balances, a lot of oversight. But in the interim we're on the verge of creating standards to be able to determine how we access the Sewer Stabilization Fund.

I guess my question, maybe for George, as we go through that process of setting these standards, and determine that it applies to those sewer districts that are currently in effect, is that a policy that years down the road we might be able to change and if we can, are we able to develop a new policy that might apply to this particular district that may differ from the other districts that have already been in and already complied with the standards that we are about to introduce?

MR. NOLAN:

Just so I'm clear, you're talking about the Assessment Stabilization Reserve Fund, the money that's used to keep taxes in the existing districts. I really think that's a policy that was adopted not by the Legislature, I don't believe, I think it's been the DPW Sewer Agency policy.

LEG. STERN:

That's something that they're working on now.

MR. NOLAN:

Right. You know, I think if the Legislature ever said otherwise, that would be the policy. So the short answer is yes, I think we could change the policy down the road if we wanted to.

LEG. STERN:

And would we be able -- if we're able to change that policy, would it have to be an across the board policy that would apply to all of the sewer districts or can we look at this particular sewer district at the time years from now, perhaps the newest district, and impose a policy that might treat that one differently than all the others that have come before it?

MR. NOLAN:

Well, I think you'd be saying are we going to treat this new district different than other new districts. I think we'd have to have a reason, you know, a pretty compelling reason to treat them differently than everyone else.

LEG. STERN:

Which may ultimately be the case based on the facts and circumstances at the time, that seems to be many of our concern, but we're trying to determine what may happen in the future years from now and we just don't know that. But if I'm hearing you correctly, the answer is, based on the facts and circumstances at the time as this is going through consideration, as it's going through its approval process to become a sewer district, we may choose to impose the policy as it exists or as to this particular district might be able to look at perhaps a new and different policy, again, based on

the situation at the time.

MR. NOLAN:

Right. We passed a law that created the fund so we could amend it. I would -- just a caveat. Just treating one particular district differently I think might be a little dicey. But as a general rule, you know, the Legislature does something with ten votes, the County Executive signs it, that's the law, it's presumed legal, and you can go with it.

LEG. STERN:

Ultimately, it is a policy decision that we can make at the time. All right. Thank you.

D.P.O. HORSLEY:

Legislator D'Amaro.

LEG. D'AMARO:

A couple of points, quickly. First of all, I reject the premise that asking the impacts and trying to get whether there would be negative impacts on others already in the district means that we need to reverse course and not encourage sewers. I just completely reject that. I think it's important that we ask these questions because even with the case of the Deer Park/North Babylon/Wyandanch and West Islip Sewer Study that's happening now, which I sponsored and was passed by this body and signed by the County Executive, I've always said that the first thing we need to do is say what's the cost to ratepayers, whether you're in the district or outside the district.

I think I can support this project now, and the reason is that this is again going into the Capital Budget and it would come back to this Legislature for a vote in order to appropriate; is that correct at this point?

D.P.O. HORSLEY:

Yeah.

LEG. D'AMARO:

So I think these are very substantial and legitimate questions as to what the impact is going to be on other ratepayers, if any, there may be none, and I think it would give us to get further along on the time line so that Budget Review and the professionals that we rely on maybe would have more information at that point to determine what those impacts would be. And certainly, when it comes time for appropriating these funds, I would ask the same questions. But today as a matter of planning, I think I can do this and support this bill, but I think these are very, very legitimate questions for many of us that have sewer districts within our Legislative Districts, and simply asking these questions, in my mind at least, doesn't say that you're not advocating for sewers in Suffolk County. I think it's quite the contrary.

D.P.O. HORSLEY:

I've always known you to be very supportive of sewers, Lou, and I don't think that's ever changed or wavered, nor do I think anyone else believes that to be true. Legislator Kennedy.

LEG. KENNEDY:

I just want to point out something that my colleagues have heard and something that I've gone through on behalf of a district in formation for -- well, I'm in eight years and it was actually started by my predecessor, Galleria Sewer District 4, Suffolk County Sewer District 4, which is a district that even as of today is still not finalized yet. And it was specifically because of the steps that went on where there was a hearing and there was a proposed rate and then there was a decision on the behalf of the then administration to change the methodology for calculating the individual rate for participants, which took what was an acceptable 400, \$450 a year rate for resident members, it's all residences, and by virtue of an administrative decision that involved the then Executive's Budget

Office and some decisions in Public Works, took that rate and raised it to as much as \$1,250. It was not a decision that occurred in this body, but it was something that has as of today still made it an impossibility to actually formalize that district. Now, that was newly constructed town homes and independent homes that were actually in the sales prospectus represented as coming with a municipal sewer district. And yet, as we speak today, we're still -- I am still attempting to work with Public Works to fine tune and to get at what would be an actual acceptable rate for the residents.

Beyond just the individual thing that I'm trying to advocate, the point that I bring out here or try to bring forward to the questions that both of you are posing actually, I think, is that the ability to set the rate and to access the stabilization fund has been critical to formulation, because in dealing with Public Works, the policy has been that the district must be self-sufficient through resident contribution for at a minimum, 24 months, I believe it is. Isn't that it, Gil?

COMMISSIONER ANDERSON:

We usually do a 2 to 3-year period where we review the records so that we get an adequate idea of what the cost would be to the County, correct.

LEG. KENNEDY:

Okay. So my point to you is, is while I believe and I intend to support the Ronkonkoma Hub, there are a number of administrative decisions embedded in this that I think warrant all of us looking at how it is going to be applied going forward. Nobody made that decision in this body to have that two-year window prior to access of the -- stabilization fund, and I believe that's something, if this is going to warrant, you know, significant decision, then it's incumbent on us to take a look at it and decide amongst us how it works best for all of our constituents.

D.P.O. HORSLEY:

Okay. I think that finishes -- no, it doesn't. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I know it's getting late. I'll try to go quick. I actually thought I was on the list from a while ago. Gail's not in the room, but maybe Rob can answer my question. First, Assessment Stabilization doesn't belong to any particular sewer district. It's taxpayer money, it comes from the quarter penny if I'm correct, and it's used to stabilize rates, as Legislator D'Amaro mentioned. The proposal before us doesn't use any Assessment Stabilization, it uses all bonds within that sewer district. And I think it has also been the policy of the County in the past that when a sewer district does use Assessment Stabilization Funds that they do pay it back like a revolving fund; is that correct, Robert?

MR. LIPP:

That's correct, but there isn't any clear time schedule and there are lots of districts that haven't paid as of yet.

LEG. SCHNEIDERMAN:

Okay. So I had had a conversation with Brian Beedenbender prior to today, and I questioned that whole timing piece. I was very concerned that we would be considered reckless for adding all this money in 2013 knowing we had, you know, debt issues and concerns coming forward, and I really didn't believe that they possibly could spend this money in 2013, that all these pieces would not come into place. Yet we do have, you know, Supervisor Lesko and Supervisor Croci both saying it is possible. They're telling us their master developer can't get the financing to move forward with the project unless it's shown here. We do get another crack at this because we have to actually authorize the borrowing in 2013. But to create that sewer district, those property owners within that sewer district will have to support this knowing that they are taking on a debt obligation of 21 million dollars. So there's going to have to be local buy in to this before we actually borrow. And it doesn't

place a burden on the general County taxpayer. In fact, they get the benefit of the sales tax that's generated by this project.

So I'm going to support it because the two highest elected officials for these two towns are saying if we don't do it, it could scuttle this project and I certainly don't think Suffolk County Legislature should be an impediment to economic development in the County, although I cannot imagine how they're going to do it in this time frame, I don't want to be standing in the way either, particularly knowing it's not going to hurt the taxpayer of the County, only positive impacts ultimately if they do succeed.

COMMISSIONER ANDERSON:

If I may.

D.P.O. HORSLEY:

All righty.

COMMISSIONER ANDERSON:

Can I just say one thing?

D.P.O. HORSLEY:

Yes. Commissioner.

COMMISSIONER ANDERSON:

Just one real quick question. The intent of putting the money into 2013 is we believe, again, you know, everything moving forward as it should, we should be able to break ground in the beginning of 2014. Therefore, we need to have the money in place and appropriated before we go out to bid, so that would put it into 2013. And that's the reason for needing it in next year's, you know, budget.

LEG. SCHNEIDERMAN:

You know, and should this fail, which I don't think it will, we did provide the backup plan, which is plan B, which is a resolution that will follow.

D.P.O. HORSLEY:

That is correct. And I may add, just so everyone knows all the conversations we had, that Mr. Beedenbender also has told me that he will keep us up-to-date on all meetings and all future movements of the district so that we are kept abreast all throughout the process and throughout the year. So with that, we are going to take this historic vote. Roll call.

LEG. SCHNEIDERMAN:

We need a motion and a second. You have it, all right.

MR. LAUBE:

For BA 15?

D.P.O. HORSLEY:

For BA 15.

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

D.P.O. HORSLEY:

Yes.

LEG. MURATORE:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. CALARCO:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

(Not Present).

MR. LAUBE:

Seventeen. (Not Present: P.O. Lindsay)

D.P.O. HORSLEY:

Congratulations, gang. I think we moved the ball forward. I'll make a motion to withdraw 16. Just withdraw it. Seconded by Legislator Cilmi. All those in favor? I guess we don't even need it, but all in favor? Opposed? So moved.

LEG. D'AMARO:

Okay. Motion to adjourn.

D.P.O. HORSLEY:

I wish we could adjourn.

LEG. MONTANO:

Second.

*(*Laughter*)*

MR. NOLAN:

You did the Consent Calendar, right?

MR. LAUBE:

Yes.

D.P.O. HORSLEY:

Tabled Resolutions.

LEG. MONTANO:

Yes.

D.P.O. HORSLEY:

All right. Let's move on and let's be civil. *1210 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - Open Space component - for the Omni Ventures Inc. Property - Saw Mill Creek addition - Town of Riverhead (SCTM No. 0600-131.00-01.00-003.000).*

LEG. CILMI:

Motion to table.

D.P.O. HORSLEY:

We have a motion to table. Is there a second on the motion? I'll make the second motion to table.

LEG. MONTANO:

Make a motion to table, you'll second the motion to table.

D.P.O. HORSLEY:

I thought that's what I said. Okay. All those in favor? Opposed? So moved?

MR. LAUBE:

Seventeen. (Not Present: P.O. Lindsay)

D.P.O. HORSLEY:

1357 - Local Law to strengthen the Affordable Housing Transfer Program for homeowners displaced by a natural disaster.

LEG. ROMAINE:

Motion to approve.

LEG. SCHNEIDERMAN:

Second.

D.P.O. HORSLEY:

We have a motion to approve, seconded by Legislator Schneiderman. All in favor? Opposed? So moved. It's been approved.

MR. LAUBE:

Seventeen. (Not Present: P.O. Lindsay)

D.P.O. HORSLEY:

Boy, I tell you.

LEG. ROMAINE:

They waited.

D.P.O. HORSLEY:

Guess who else's birthday it is?

LEG. ROMAINE:

It's Linda Hobson's birthday.

D.P.O. HORSLEY:

There you go. Linda, congratulations.

(*Applause*)

All righty. ***1361 - To amend requirements and composition of Women's Advisory Commission.***

LEG. STERN:

Motion to table.

D.P.O. HORSLEY:

Motion to table. Is there a second on the motion?

LEG. GREGORY:

Second.

D.P.O. HORSLEY:

Seconded by Legislator Gregory. All those in favor? Opposed? So moved. It's been tabled.

MR. LAUBE:

Seventeen. (Not Present: P.O. Lindsay)

D.P.O. HORSLEY:

1450, Authorizing transfer of surplus County monitors to RSVP. Mr. Kennedy?

LEG. KENNEDY:

I'm going to make a motion to approve, Mr. Chair.

LEG. ROMAINE:

Second.

D.P.O. HORSLEY:

And seconded by LEG. ROMAINE.

LEG. HAHN:

Cosponsor.

LEG. KENNEDY:

On the motion. I would encourage all my colleagues to go ahead and feel free to contact my office if there's anybody in their district, whether it's individuals or entities. As I had said, RSVP supplies to seniors throughout the whole County, so I'll be happy to assist.

D.P.O. HORSLEY:

We have a motion to approve. All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen. (Not Present: P.O. Lindsay)

LEG. HAHN:

Tim, cosponsor.

LEG. ANKER:

John, I have a bunch of Boy Scouts who are working on this particular thing about getting some computers. Is this -- could we work together on that?

LEG. KENNEDY:

Absolutely. I'm quite certain, as a matter of fact, we can connect them over with RSVP and I'm sure they would fall into the parameters.

LEG. ANKER:

Wonderful. Thank you.

LEG. KENNEDY:

Okay. No problem. Thank you.

D.P.O. HORSLEY:

I'm glad we could handle that. That's great. ***1464, Implementing new bus fares for the Suffolk County Accessible Transit (SCAT) Paratransit Bus System.***

LEG. SCHNEIDERMAN:

Motion to table.

LEG. CILMI:

Motion to table.

D.P.O. HORSLEY:

We have a motion -- I think Schneiderman said first and seconded by Cilmi.

LEG. D'AMARO:

Motion to approve.

D.P.O. HORSLEY:

Motion to approve by Legislator D'Amaro. I need a second on the motion. Second to approve. Anybody? You had the second by Legislator Anker. Okay. The motion to table goes first. On the motion.

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

LEG. SCHNEIDERMAN:

You know, in light of the testimony today and the public portion and how this is going to affect the disabled population, many of whom are -- this may be quite a burden paying that additional dollar, none of the other fees have gone up by a dollar, this is -- the highest we raised the fee was 50 cents in this transportation system. You know, I would look, I think, more favorably on a 50 cent increase than a dollar increase and, you know, that's something -- a conversation that probably should happen with the County Executive.

So I think tabling it is appropriate at this juncture.

D.P.O. HORSLEY:

Thank you. Is that something that you're going to be putting in as a bill then, Mr. Schneiderman?

LEG. SCHNEIDERMAN:

No, I'd rather not raise the fees at all for the SCAT service. But if they are going to go up, I think, you know, 50 cents would be a more appropriate adjustment.

D.P.O. HORSLEY:

So if this bill was tabled, what your message will be to the County Executive is to put this in for --

LEG. SCHNEIDERMAN:

Try again, but for a lesser amount.

D.P.O. HORSLEY:

Okay, I got it. All right.

LEG. D'AMARO:

On the motion.

D.P.O. HORSLEY:

On the motion.

LEG. D'AMARO:

Just so I can explain my motion to approve. I believe that this was part of the Phase I Budget Mitigation Plan that we had originally passed right here, and it's my understanding that this rate has not been raised since 1994.

I am certainly sensitive, as everyone else is, to the plight of the individuals that we're affecting, but these are the tough decisions. These are the times that we're living in, and it's a very difficult thing to do. But given the fact that the rate has not gone up since 1994 and that, in fact, I believe the actual cost to provide a ride is roughly \$40, we're still providing a great service to individuals who choose to use this particular County service at what I believe is a reasonable price. Will it have an impact, a negative impact? Yes, I will openly admit that. But then again, laying off 300 County

employees also has an impact, so there's no good choices here. And the fact that we supported this in the Budget Mitigation Plan I think almost encumbers or commits us at this point to back it up and pass this bill today.

D.P.O. HORSLEY:

On the motion, Ms. Anker?

LEG. ANKER:

I remember having a conversation with some of the employees that run the SCAT system and there were concerns, because I have constituents that had issues as far as getting -- being able to get rides going back and forth from Middle Island to Huntington to get medication. It's a very, very valuable service. But what's happening with this particular service is that some of the riders, they're taking advantage of it and they're calling in, so we're paying \$40 per ride for Suffolk County to go to these people's homes and they're not there and they don't need the rides. And we're really spending a lot of extra money on rides that aren't even being used, so we do need to look into this particular situation. But again, I would -- I'd like to hear from other Legislators and their perspective of this resolution.

D.P.O. HORSLEY:

Okay. Ms. Browning?

LEG. BROWNING:

Yeah. You know, I have constituents that I know ride the SCAT bus to get to work, one of them in her wheelchair. It's her only mode of transportation, she has very limited income and I know that dollar is going to kill her. It's going to be just way too much for her. And I don't think it's fair to raise the fares on people like that who do use the bus, who legitimately need it, because of those people who take advantage and don't show up. So, you know, I can't support -- it's not just a dollar increase, for her it's a \$2 a day increase, \$10 a week. They cut her food stamps so, you know, she's already been cut in a lot of other places.

D.P.O. HORSLEY:

Ms. Browning, may I ask a quick question? I know it's out of order, but just quickly. Would you support Legislator Schneiderman's suggestion of 50 cents?

LEG. BROWNING:

I think the 50 cents could be a reasonable compromise.

D.P.O. HORSLEY:

Okay. Who did I -- Legislator Gregory.

LEG. GREGORY:

Just so that everyone knows, I've been in talks with the Administration and they're looking to make some changes to the bill. So I would request that we table it at this time.

D.P.O. HORSLEY:

An excuse.

LEG. D'AMARO:

Well, is there anyone here from the Administration to speak to that? I would like to know what's being talked about and what's processed. I mean, I'm certainly open to compromise.

D.P.O. HORSLEY:

We almost forgot you were there, Ben, you've been so quiet today.

MR. ZWIRN:

Yeah, I have been quiet. It was refreshing, even for me.

*(*Laughter*)*

But with respect to this, I mean, Legislator Anker has made a point, it's \$40 a ride. And as Legislator D'Amaro said, it was part of the mitigation plan that was approved by the Legislature. We also know that this is a heavy lift because it's a group that, you know, we're very sensitive to that we don't want to punish in any way, and that's not what this is. I think there was some discussion that I heard just a little bit about, Legislator Gregory mentioned to me, I think, as she was passing by where we were sitting before. I had spoken to Deputy County Executive Jon Schneider.

First of all, the bill is really badly titled. This is not an absolute fare increase, that's not what you're voting on here today. You're voting having Public Works have a hearing, a public hearing to determine whether the fare should be increased. And I think the dollar figure was what was used in the resolution, but that's not necessarily what would happen. I think there has been some historical precedent where there was an increase in fees by -- after a public hearing and the Legislature took action to reduce those fees even though, again, that's not what you were voting on in this bill, it is badly titled. This is just for a public hearing to be held by Public Works to determine if a fare increase should be done. We are willing to go back and amend the bill with a new title to reflect what the bill really does. I don't know about reducing the -- putting a cap perhaps on any potential increase in the fare, but we can go back and talk about it.

But we appreciate Legislator D'Amaro and Legislator Anker recognizing that we did make this part of our mitigation plan, that we think that the fare increase would be reasonable with respect to the actual cost that is being subsidized. And again, these are some of the tough decisions and there are going to be tougher decisions to be made down the road, but it's the Legislature's call at this point. It's not extremely time sensitive as of right now, but we would have -- if we had our druthers, we would have hoped that it would have been passed by now.

D.P.O. HORSLEY:

Okay. Thank you very much. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

First of all, SCAT's not perfect -- it's true, Legislator Anker -- but there's far more right with it than wrong. And, you know, there are some things that are coming into the mix that I think we ought to consider. One is we got more {STOA} money than we thought, so there is potentially -- you know, we talked about the County Executive's Budget Mitigation Plan, we didn't know then that the State was going to give us additional funds for {STOA}; that may help the situation. Also, the SCAT is heavily Federally funded. It's part of the ADA requirements, and I'm not sure we need to pass all the burden down this way. I think we need more information here.

In terms of the no-shows, which is an important efficiency, we can do things better, if we didn't have to drive the SCAT bus to people's homes and find they're not there. So we are putting in place a new policy. We're changing the reservation system so that people are making reservations much closer to the time; right now it's seven days in advance, it's going to go down to, I believe, three days in advance. That should lower the number of no-shows considerably so that we have a bus available for those people who need it when they need it, and that's been a part of the problem. It's actually part of the Federal regulations, you're supposed to have a zero percent unavailability. So if somebody needs SCAT transportation, it's supposed to be there; nobody is supposed to be denied a trip. And the problem is we do have some denials because of all these no-shows. So we're trying to close that gap, and that may save money, too, in the SCAT system. So I think we basically should get more information. We should table this and revisit it at the next meeting.

D.P.O. HORSLEY:

Legislator spencer.

LEG. SPENCER:

I am concerned that we have certain areas and fees that we haven't increased in almost 20 years. And when we do that, we box ourself into a corner where we don't keep up with the actual cost of the service that we're providing and then slowly have holes in terms of the budget to be able to provide a particular service.

I'm extremely sensitive to those people who use the SCAT service and I think that perhaps a dollar increase at one time could be shocking for them. But I think that part of the reason that we may be in the position is that those fees haven't increased in almost 20 years and there's nothing that we see in our economy that the cost hasn't gone up with cost of living in 20 years. So I do think we have to address it, whether or not we do a 50 cent increase and then visit it later. But if at this particular point, when we see the crisis that we're in fiscally, if we're not able to address this issue now, then I don't know when we will have the opportunity to do that. So I am concerned about not addressing this now.

D.P.O. HORSLEY:

Legislator D'Amaro, I think you were waiting.

LEG. D'AMARO:

Yeah, I just want to make a quick point. Ben, do you know if this legislation, if approved, would -- I mean, you're right, it authorizes a public hearing by the Department of Public Works to get much -- many of these questions answered to allow the public an opportunity to be heard, and I think he can answer some of the questions that maybe Legislator Schneiderman had. But would this direct a hearing on a \$1 increase or nothing or up to \$1?

MR. ZWIRN:

I think it would be open, but I think that there is -- I think they're looking to go no higher than a dollar.

LEG. D'AMARO:

So the increase would be capped at a dollar, but it's possible that it could be less than the hearing recommends.

MR. ZWIRN:

Yes. And as I said, there has been -- I believe there has been precedent where after the public hearing, the fare was raised to a level that the Legislature was not happy with and the Legislature took it upon themselves to reduce or eliminate the increase.

LEG. D'AMARO:

It almost seems like a better way to proceed where we authorize up to \$1. You know, we don't want to -- you know, we talk about gaps in service. We're not in a position to really make the evaluation as to why that's happening. Maybe some level of increase is warranted, and there are many, many factors that are going into that. But if this only sets the public hearing where many of those questions can be raised, debated and then answered, I think the best course of action today would be to vote yes for this and send it on its way to the next process. And I think what you're saying is if it comes out to an increase that's unacceptable, we would have the opportunity to reject that increase.

MR. ZWIRN:

I believe that has happened in the past, several administrations ago, where there was an incident

where there was an increase and the Legislature eliminated it. It was just a -- it was a political decision made, policy decision made by the Legislature.

LEG. D'AMARO:

Right. There could be a finding of no increase. I mean, DPW is administering this, they're going to hold the hearing, and it's really the interplay between the service provided, the cost to the County, what residents can afford to pay and all the other factors that would go into that. But this would only authorize the hearing to take place, we're not specifically imposing the increase.

MR. ZWIRN:

The bill title is very poorly worded. It looks like you're voting for a fare increase with this legislation and that's not what you're doing. But it is not -- we did not draft it properly.

LEG. D'AMARO:

I would just encourage everyone to consider that maybe the best course of action here is to send this on its way and let the hearings take place and that information, all those questions be answered and then make a decision.

D.P.O. HORSLEY:

Legislator Barraga.

LEG. BARRAGA:

I understand the concept of the hearing. But I take a look at this particular increase in the context that it's part of the stage one mitigation measure and \$162 million. Now, for the three years involved, 2011, '12 and '13, the overall revenue generation from this increase is \$94,000, roughly 47,000 for '11 and '12 and another 47,000 for 2013.

MR. ZWIRN:

No, four hundred seventy thousand.

LEG. SCHNEIDERMAN:

Four hundred seventy-one thousand.

LEG. BARRAGA:

I'm sorry. Four hundred and seventy thousand, all right, for each, for 2011 and '12 and 2013, 470,000. I guess the question is if you start nitpicking every single one of these and you either reduce them or eliminate them, where is your offset? I mean, you still have an overall \$530 million deficit to close. The question is as you may knock out something or reduce the cost in terms of SCAT or move away from a ferry surcharge or whatever it may be, as you start going down each one of these, where do you find the revenues that you no longer are willing to impose based on this Phase I Mitigation Plan?

So, I mean, if it calls for a public hearing, so be it. I am not normally, as Mr. Schneiderman would tell you, I'm dead set against fare increases for buses, but in the case of a mitigation concept here, you've got to get this 162 million, if you want to stick to it, somewhere. And if you're going to nitpick every single one of these, you know, in the end, if you eliminate one thing, you've got to come up with something else to offset it, to close the gap.

D.P.O. HORSLEY:

Okay. Legislator Cilmi.

LEG. CILMI:

Thank you. My problem with this is really that the bill calls for the holding of a public hearing, but

then it gives the Director of Transportation the authority to come up with a fare increase on his or her own. The position that, well, then, you know, if the Legislature didn't like it, we could go and -- we'd probably have to enact a bill -- Counsel, correct me if I'm wrong, but we'd probably have to file and enact a bill rescinding or altering in some way that fare increase. I would suggest that that's really like putting the cart before the horse. And that this bill, more appropriately, should call for the public hearing and then have a bill come forward to the Legislature suggesting a fare increase based on the information that was received during that public hearing, rather than giving this individual, this employee of the County, an unelected employee of the County the authority to increase the fare. I don't know if it caps it at \$4 or not, but if it does, that's a 25% -- sorry, that's a 33% increase in the fare. I just think it's a lot of authority for an unelected employee to have carte blanche from this body when we're used to being the ones that approve and authorize increases such as this.

MR. NOLAN:

Legislator Cilmi, I would just say this has pretty much been standard operating procedure over time, that we've authorized the hearing and inherited in that is the authority to, after the hearing, raise the fare. So that is the way we've done it, but --

LEG. CILMI:

It doesn't make it right.

MR. NOLAN:

-- it's not the way that you suggest.

LEG. SCHNEIDERMAN:

And can I add that you cannot legally go above the \$4, so it is capped in the sense that you can't charge more than double your general fare. So if the general fare is \$2, four is the most you can charge for the SCAT transportation.

D.P.O. HORSLEY:

We're good? Legislator Anker. Legislator Anker, you're up.

LEG. ANKER:

Okay. I have concerns, again, with the wording of it, like -- and I would like to put it through one more cycle, just to make sure. Because when we vote on something, you know, people are going to read this and they're going to say, you know, implementing; it's not actually implementing, it's starting a public hearing. So that's my concern.

Also, I'd like more information about how much Federal funds we do get from SCAT. I'd like information as far as from SCAT itself, what they're going to do about the issue of the no-shows, because that really is a huge issue. If we can put it through one more cycle, I think all of us would feel very comfortable with this. And, you know, I do support, we do need to go across the whole -- everyone needs to be part of the burden that we're up against. So I'm going to pull my second and I'd like to see it going through one more cycle.

D.P.O. HORSLEY:

All righty, the second has been pulled from the approval. Is there a second on the approval?

LEG. SPENCER:

I second the approval.

D.P.O. HORSLEY:

Seconded by Legislator Spencer. Okay, so we have an approval and a tabling motion. Tabling motion goes first. Roll call.

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

LEG. SCHNEIDERMAN:

Yes to table.

LEG. CILMI:

Yes.

LEG. SPENCER:

No.

LEG. D'AMARO:

No.

LEG. STERN:

No.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. MONTANO:

Yes.

LEG. CALARCO:

No.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. HORSLEY:

No.

P.O. LINDSAY:

(Absent).

MR. LAUBE:
Eleven.

D.P.O. HORSLEY:
All right, the tabling motion passes. It's tabled.

All right, here we go. Speed is the essence here.

Budget & Finance, page six:

1491-12 - Resolution of the County of Suffolk, New York, rescinding the Bond Resolution No. 1197-2011 adopted December 20, 2011 which authorized the issuance of \$400,000 bonds to finance the cost of planning for intersection improvements on CR 17, Carleton Avenue/Wheeler Road, Town of Islip (County Executive).

LEG. CILMI:
Motion.

D.P.O. HORSLEY:
That's a motion to approve?

LEG. CILMI:
Yes.

D.P.O. HORSLEY:
Second on the motion?

LEG. CALARCO:
Second.

D.P.O. HORSLEY:
Second by Legislator Calarco. All those in favor? Opposed? So moved.

MR. LAUBE:
Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:
Education & Information Technology:

1515-12 - Appropriating funds in connection with Fiber Cabling Network and WAN Technology Upgrades (CP 1726) (County Executive). Do I have a motion?

LEG. CILMI:
Motion to approve.

D.P.O. HORSLEY:
Motion to approve. Is there a second on the motion?

LEG. CALARCO:
Second.

D.P.O. HORSLEY:
Second by Legislator Calarco. All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:

With that, we have a pending Bond Resolution *(1515A - Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$100,000 bonds to finance the cost of the fiber cabling network and WAN Technology upgrades (CP 1726.514), same -- same --*

LEG. CILMI:

Same motion.

D.P.O. HORSLEY:

Same motion, same second. Boy, I'm getting tired.

LEG. ROMAINE:

Same vote.

D.P.O. HORSLEY:

Roll call.

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

LEG. CILMI:

Yes.

LEG. CALARCO:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yeah.

LEG. BARRAGA:

Yes.

LEG. MONTANO:

(Not present).

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

(Absent).

LEG. MONTANO:

Yes.

MR. LAUBE:

Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Okay. Moving along, *Environment, Planning & Agriculture:*

*1381-12 - Amending the 2012 Capital Budget and Program and appropriating funds in connection with the Environmental Quality Geographic Information and Database Management System (CP 4081)
(County Executive).*

LEG. ROMAINE:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Romaine.

LEG. CALARCO:

Second.

D.P.O. HORSLEY:

Second by Legislator Calarco. On the motion? Legislator Cilmi.

LEG. CILMI:

Yeah, just a question. We're spending about -- some of this money to pay a consultant, I think. Can anyone tell us why we're paying -- anybody from the Administration?

D.P.O. HORSLEY:

Ben?

LEG. CILMI:

Can you explain why we're paying a consultant I think \$100,000?

D.P.O. HORSLEY:

We're on 1381.

MR. NOLAN:

Ben?

LEG. CILMI:

If anyone could explain it quicker, that would be good.

D.P.O. HORSLEY:

Mr. Commissioner?

COMMISSIONER ROGERS:

Good afternoon. This isn't why I was here, but with regard to this particular issue, we would like to bring in a consultant for simply the first part of this Capital Project who has a specific background in wastewater management, to be able to present us with an appropriate direction to take so that we can make a determination as to whether or not the remainder of these funds can be used in-house and we can look to develop the project in-house as opposed to having to go outside.

LEG. CILMI:

Is there any reason why we don't have employees with the expertise to make that determination?

COMMISSIONER ROGERS:

I can't really speak to that other than that I don't believe that we feel that we do.

LEG. CILMI:

I'll make a motion to table.

D.P.O. HORSLEY:

All right, we have a motion to approve and seconded, now we have a motion to table. Is there a second to the tabling?

LEG. KENNEDY:

Yeah, I'll second on the tabling.

D.P.O. HORSLEY:

Second on the table, Legislator Kennedy. All right, we have two motions, tabling motion comes first. Roll call.

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

LEG. CILMI:

Yes.

LEG. KENNEDY:

Yes.

LEG. SPENCER:

No to table.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yeah.

LEG. GREGORY:

It's to table.

LEG. D'AMARO:

Oh, no.

LEG. CILMI:

To table, guys.

LEG. D'AMARO:

No; sorry.

D.P.O. HORSLEY:

And this is a 14-vote motion.

MS. VIZZINI:

Twelve.

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

LEG. STERN:

No.

LEG. GREGORY:

No to table.

LEG. NOWICK:

Yes.

LEG. BARRAGA:

Yes.

LEG. MONTANO:

(Not present).

LEG. CALARCO:

Can I get clarification; how many votes does this take to pass?

MR. NOLAN:

The resolution itself says that it's changing the method of financing and needs three-quarters vote, that's 14 votes.

MR. LIPP:

But the tabling -- correct me if I'm wrong, the tabling would be only ten, though?

MR. NOLAN:

Yes, tabling is ten.

D.P.O. HORSLEY:

So we could lose both of these very easily (*laughter*).

LEG. ROMAINE:

That's right.

LEG. CALARCO:

I'm going to vote to table this, in deference to my colleague. And I'd like Mr. Rogers to look to see if we can do this completely in-house.

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

LEG. ANKER:

No to table.

LEG. HAHN:

No.

LEG. MURATORE:

Yes to table.

LEG. BROWNING:

Yes to table.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. HORSLEY:

Yes, otherwise I think we're going to lose this thing.

P.O. LINDSAY:

(Absent).

MR. LAUBE:

Ten.

D.P.O. HORSLEY:

Ten.

LEG. ROMAINE:

Mr. Chairman?

D.P.O. HORSLEY:

Yes.

LEG. ROMAINE:

Just a quick question on this. Obviously I'm supportive of this type of work, but I have a better feel

for the County workforce. There's some very competent people in the County, and I would strongly suggest that the Administration have a conversation with the new person over at IT and see if we can undertake this in-house. My understanding of the expertise that we have in the County makes me a little bit more confident that this might be able to be done in-house. And maybe we could hear a more specific report about those talents availability at our next meeting. Thank you.

D.P.O. HORSLEY:

All right. Next -- yes, we tabled it. 1481 -- apparently the tabling doesn't need 14; we're sending mixed signals over here.

1481-12 - Amending Resolution No. 1027-2006, accepting and appropriating 80.1% State grant funds from the New York State Department of Environmental Conservation to the Suffolk County Department of Health Services for the support of the Peconic Bay Estuary Program (County Executive).

LEG. ROMAINE:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Romaine.

LEG. CILMI:

I'll second.

D.P.O. HORSLEY:

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

MR. LAUBE:

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

D.P.O. HORSLEY:

1493-12 - Amending the Adopted 2012 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2012 Capital Budget and Program, and appropriating funds in connection with the Islip Regional Shellfish Hatchery (CP 7180)(County Executive).

LEG. CILMI:

Motion to approve.

D.P.O. HORSLEY:

Motion to approve by Legislator Cilmi. Is there a second on the motion?

LEG. BARRAGA:

Second.

D.P.O. HORSLEY:

Second by Legislator Barraga. All those in favor? Opposed? It's been approved.

MR. LAUBE:

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

D.P.O. HORSLEY:

1500-12 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - Open Space component - for the

Mallins and Estate of Entenmann property - Beaver Dam Creek - Town of Brookhaven (SCTM No. 0200-974.00-02.00-011.000) (County Executive).

LEG. BROWNING:

Motion.

D.P.O. HORSLEY:

Who said that, Browning? Motion to approve. Second on the motion?

LEG. HAHN:

Second.

D.P.O. HORSLEY:

Second by Legislator Hahn. All those in favor? Opposed?

So moved, it's been approved. Thank you.

MR. LAUBE:

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

D.P.O. HORSLEY:

1516-12 - Amending the Adopted 2012 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2012 Capital Budget and Program, and appropriating funds in connection with stormwater remediation to Watchogue Creek (CP 8240) (County Executive).

LEG. CILMI:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Cilmi.

LEG. SCHNEIDERMAN:

Second.

LEG. D'AMARO:

Second.

D.P.O. HORSLEY:

Seconded by Legislator D'Amaro. All those in favor? Opposed?

So moved.

MR. LAUBE:

Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:

All right, *Government Operations, Personnel, Housing & Consumer Protection:*

1494-12 - Accepting and appropriating additional WIA Funds from the New York State Department of Labor for the Workforce Investment Act (WIA) Program (County Executive).

LEG. KENNEDY:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Kennedy. Is there --

LEG. CALARCO:

Second.

D.P.O. HORSLEY:

Second by Legislator Calarco. All those in favor? Opposed?

So moved.

MR. LAUBE:

Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:

1495-12 - Accepting and appropriating supplemental dislocated worker funds from the New York State Department of Labor for the Workforce Investment Act (WIA) Program (County Executive).

LEG. KENNEDY:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Kennedy. Second on the motion?

LEG. NOWICK:

Second.

D.P.O. HORSLEY:

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

MR. LAUBE:

Seventeen (Absent: Presiding Officer Lindsay).

Health Services:

D.P.O. HORSLEY:

1387-12 - Adopting Local Law No. -2012, A Local Law to protect public health at hookah bars (Spencer). Doc?

LEG. SPENCER:

Motion.

LEG. D'AMARO:

Second.

D.P.O. HORSLEY:

Motion to approve. Seconded by Legislator D'Amaro. All those in favor? Opposed? So moved.

LEG. CALARCO:

Cosponsor.

D.P.O. HORSLEY:

Cosponsor by Calarco.

MR. LAUBE:

Seventeen (Absent: Presiding Officer Lindsay).

LEG. GREGORY:

Cosponsor.

D.P.O. HORSLEY:

All right, we're good?

LEG. HAHN:

I'll cosponsor that, too.

LEG. ANKER:

Cosponsor.

LEG. SCHNEIDERMAN:

Cosponsor.

LEG. SPENCER:

Thank you.

D.P.O. HORSLEY:

Go hookah. All rightly, you're good? You got enough?

MR. LAUBE:

I got them.

D.P.O. HORSLEY:

Okay, *1395-12 - Adopting Local Law No. -2012, A Local Law to clarify coal tar sealer prohibition (Presiding Officer Lindsay).*

LEG. ANKER:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Anker.

LEG. HAHN:

Explanation, please.

D.P.O. HORSLEY:

I'll make the second on it. The explanation to the coal tar sealer prohibition; Counsel?

MR. NOLAN:

Yes, we passed a law earlier banning the sale and use of coal tar sealers within the County of Suffolk. Legislator Lindsay did not intend for the law to apply to the manufacturer of that product within the County and for sale outside the County. I believe the Department of Law interpreted it that it did prohibit the manufacture, so we're clarifying the original law to make it clear that it does not ban the manufacture of the product in the County.

LEG. HAHN:

Through the Chair, if I may?

D.P.O. HORSLEY:

You may.

LEG. HAHN:

Are you taking speakers?

D.P.O. HORSLEY:

Yes.

LEG. HAHN:

We determined that this is a very dangerous carcinogenic substance that we don't think should be applied on driveways and parking lots in Suffolk County. I just don't think we should be making it here either.

D.P.O. HORSLEY:

Okay.

LEG. ROMAINE:

Then vote against it.

D.P.O. HORSLEY:

Well, there you go.

LEG. HAHN:

I will.

D.P.O. HORSLEY:

Well, that was a sensitive solution by LEG. ROMAINE.

LEG. ROMAINE:

Yes.

LEG. CILMI:

If I may?

D.P.O. HORSLEY:

Yes, Legislator Cilmi.

LEG. CILMI:

Legislator Hahn, you know, asked a question that I was prepared to ask, which is why is it okay that we sell it to other places to, you know, contaminate -- and I was against this when we voted for it, by the way. But why are we -- why is it okay for us to manufacture the product and sell it to other locations to place on their driveways and roads and contaminate their ground, but it's not -- I just don't -- do you know? I mean, have you spoken to -- I hate to --

D.P.O. HORSLEY:

I think it's jobs, jobs, jobs.

LEG. CILMI:

Jobs? So it's okay to --

LEG. HAHN:

Yeah, but can't they make another one -- the other one? There's a perfectly fine alternative and

can't they make that?

D.P.O. HORSLEY:

It is not illegal.

LEG. NOWICK:

Vote, let's go.

LEG. HAHN:

I'm sorry?

D.P.O. HORSLEY:

It's not illegal to manufacture this product.

LEG. HAHN:

Well, only if we pass this.

D.P.O. HORSLEY:

I would argue that. Yes, Legislator D'Amaro.

LEG. D'AMARO:

Well, I just want to make the point that Legislator Cilmi is right, it's a regulation. We're regulating demand by prohibiting it in Suffolk, but do you want to regulate demand and supply?

LEG. CILMI:

What's good for the goose.

LEG. D'AMARO:

I mean, is it illegal to manufacture this substance? No.

D.P.O. HORSLEY:

No.

LEG. D'AMARO:

Are there businesses currently doing the business of manufacturing the substance in Suffolk County? Yes. Do we now want to regulate them to the extent of extinction?

LEG. HAHN:

Wait, wait, wait.

LEG. CILMI:

I don't.

LEG. D'AMARO:

Okay. I don't either.

LEG. HAHN:

Right now it is illegal to manufacture it because the law we passed made it so, that's why we're passing this.

LEG. D'AMARO:

That was not the intent by the sponsor, nor my intent when I supported the resolution.

MR. NOLAN:

Right. I mean, I interpret the current law to be that it did not prohibit the manufacture of the

product, but in my conversations with the County Attorney, they're taking that position. So we thought the best path was to clarify the law and make it clear that it doesn't apply to manufacture. And when I talked to Legislator Lindsay about this change, he said that this is his intent, and always was.

D.P.O. HORSLEY:

Okay. I've only got a motion -- you want to get into this, okay. Legislator Montano?

LEG. MONTANO:

No, I was just going to say, someone ought to speak to the people that are doing this, because I can't get my driveway tarred because of this issue.

*(*Laughter*)*

I'm first on the list and I'm still waiting because they didn't understand what the heck was going on.

D.P.O. HORSLEY:

It just shows the power of this Legislature.

LEG. MONTANO:

Exactly. And I'm a Legislator and I can't get it done.

D.P.O. HORSLEY:

Boy, I tell you. Legislator Hahn.

LEG. HAHN:

Is there any environmental damage being done at the manufacturing facility? I mean, are there byproducts of this that -- you know, there were a lot of issues with this, that's why we banned it going down because it is, you know, a product that shouldn't be getting into our environment. And if we're making it here, there could be those added issues as well.

D.P.O. HORSLEY:

Well, I think it's -- we got a clear case of either approving it or not approving it.

LEG. NOWICK:

That's right.

D.P.O. HORSLEY:

Legislator Gregory.

LEG. GREGORY:

Just if I can. You know, this bill was a policy that we chose to make locally about the ingredients in coal tar sealant. If we were to ban the manufacturing of it, we're imposing that policy on other municipalities that are not of the same thought process and I don't think that's right.

D.P.O. HORSLEY:

Well, it sounds like you're on one side of this issue then. Okay.

LEG. CILMI:

Call the vote.

D.P.O. HORSLEY:

Okay. We have a motion -- do we have -- we don't have a motion to table, do we?

MR. NOLAN:

No.

D.P.O. HORSLEY:

Just a motion to approve; I guess it's an up or down. Okay, we have a motion to approve. Let's have a roll call.

"No" said in unison

LEG. CILMI:

No, just do a vote.

D.P.O. HORSLEY:

No, we don't need a roll? Okay. All those in favor to approve?

LEG. CILMI:

Opposed?

LEG. NOWICK:

Oh, in favor.

MR. LAUBE:

You usually say "against" or "opposed".

LEG. HAHN:

Raised hand.

D.P.O. HORSLEY:

Opposed?

MR. LAUBE:

Opposed, raise your hand.

LEG. HAHN:

(Raised hand).

MR. LAUBE:

That's it? Sixteen (Opposed: Legislator Hahn - Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Okay (*laughter*). Boy, I got lost in that one.

1448-12 - Authorizing the drilling of wells on County parkland for firefighting purposes (Romaine). LEG. ROMAINE?

LEG. ROMAINE:

Motion.

LEG. SCHNEIDERMAN:

Second.

D.P.O. HORSLEY:

And second by Legislator Schneiderman.

LEG. MONTANO:

Explanation.

D.P.O. HORSLEY:

Mr. Montano, an explanation, asked for an explanation.

LEG. MONTANO:

Yeah, please.

D.P.O. HORSLEY:

LEG. ROMAINE.

LEG. MONTANO:

A short one.

LEG. ROMAINE:

Yes, and Counsel can add anything I leave out. What this is, it gives the authorization for FRES and Planning and Parks to come up with possible locations for fire wells.

When we fight fires in the Pine Barrens, there's no water mains there. So unless you have a pond that can draft water from, you bring your pumper truck to the road and wait til the fire burns to the road. What we're looking to do is pick -- we have well drillers that drill wells every single day to check on contamination. What we'd like to do is have them use -- to drill, once the locations have been decided and a plan has been put in place, four or five wells throughout the Pine Barrens in key locations where there isn't water nearby. So if a fire breaks out, all you have to do is get a brush truck in there with a generator and some hose and you can fight the fire there without waiting for it to burn to the road. So that's the purpose of that.

Obviously, the fire departments that I've spoken with -- Riverhead, Manorville, Wading River and the surrounding fire departments, Ridge -- are in favor of this because it gives them another tool. This does not actually authorize the installations per se, it sets a plan in motion to determine where the locations would be. And we're talking about a handful, not a lot, less than four or five, and they would be located in areas where obviously there's fire trails, a brush truck can get in with a generator, attach it to the well, attach a hose and fight the fire from there without waiting for it to burn to the road.

D.P.O. HORSLEY:

Okay. I think that's a good explanation. Legislator Montano, did you have any further questions?

LEG. MONTANO:

Yeah, it sounds like a good explanation. What's the cost factor? I couldn't get up the financial disclosure.

LEG. ROMAINE:

We don't have a cost factor because right now we drill wells in-house every day.

LEG. MONTANO:

May I ask Mr. Zwirn to weigh in, Mr. Horsley?

D.P.O. HORSLEY:

Sure, you can weigh in. What do you have to say?

LEG. MONTANO:

Do you have any idea on the cost factor?

MR. ZWIRN:

Yes, I do, Legislator Montano. And this has been done in the Pine Barrens, primarily in the Flanders area. It's a special well that they drill, it's one that does not have electricity, a pump that's going to pump it out. It's got to be a very shallow well so the fire department can put their -- and they have to be designed at the right diameter for the hoses to go down and be able to pump it right out. It's about \$2,000, two to \$3,000 per well. If they have to go electric, get a pump down there and find electricity to run it, it's about \$18,000. So we would be looking to do the ones that are -- I mean, this bill, it doesn't do any harm, but we do it anyway. And there's been a task force assembled since right after the wildfires in Manorville that has this on the agenda and they're starting to work with the Ridge Fire Department, Manorville, and Riverhead Fire Department are the ones that were most interested. So it would be about -- they're thinking that maybe six wells, but they've got to be near the roads, they've got to be -- and they've got to be in very shallow wells.

LEG. MONTANO:

So I'm gathering you have no opposition to the resolution?

MR. ZWIRN:

We could do it anyway, but the bill certainly doesn't do any harm.

LEG. MONTANO:

Okay. Thank you.

D.P.O. HORSLEY:

Okay. We have a motion to approve. All those in favor? Opposed?
So moved.

LEG. CALARCO:

Cosponsor.

LEG. HAHN:

Cosponsor.

LEG. BROWNING:

Tim, cosponsor.

D.P.O. HORSLEY:

Did you get all that, Tim? Do you want them to raise their hands, stand up; what do you want them to do?

MR. LAUBE:

Got you. Anybody over here? Got it.

D.P.O. HORSLEY:

You're good? All right.

MR. LAUBE:

Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Parks & Recreation:

1018-12 - Amending Resolution No. 918-2011, establishing A Historic Structure Pilot Program and directing the Department of Parks, Recreation and Conservation to issue a Request For Proposals (Gregory).

LEG. GREGORY:

Mr. Vice Chair, I'm going to make a motion to table at this time.

LEG. CILMI:

Second.

D.P.O. HORSLEY:

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

MR. LAUBE:

Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:

1451-12 - Renaming the County Park in Montauk and designating the Third House (Schneiderman).

LEG. CILMI:

Motion to table.

LEG. SCHNEIDERMAN:

Motion to approve.

D.P.O. HORSLEY:

Are you serious?

LEG. CILMI:

Yes.

*(*Laughter*)*

D.P.O. HORSLEY:

Okay, let's get the motion done. Legislator Schneiderman, motion to approve. Is there a second on the motion?

LEG. GREGORY:

Second.

D.P.O. HORSLEY:

Second by Legislator Gregory. We have a motion to table. Legislator Cilmi, maybe you're serious. I didn't mean to laugh at your joke.

LEG. CILMI:

No, I'll withdraw my motion to table.

D.P.O. HORSLEY:

Okay.

LEG. D'AMARO:

I was going to second it.

D.P.O. HORSLEY:

Okay. You have -- is there anyone on the motion? Does anyone want to speak?

LEG. BROWNING:

No.

D.P.O. HORSLEY:

Okay. All those in favor? Opposed? So moved, it's been approved.

MR. LAUBE:

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

D.P.O. HORSLEY:

Public Safety:

1362-12 - Adopting Local Law No. -2012, A Local Law to expand the County's Traffic Control Monitoring System (Presiding Officer Lindsay).

LEG. D'AMARO:

Motion to approve.

D.P.O. HORSLEY:

Motion to approve by Legislator D'Amaro.

LEG. BROWNING:

Second.

D.P.O. HORSLEY:

Second by Legislator Hahn, was that?

LEG. HAHN:

(Shook head no).

D.P.O. HORSLEY:

No?

LEG. BROWNING:

(Raised hand).

D.P.O. HORSLEY:

Browning, okay. Okay, we have a motion to approve. Everyone good with that? All those in favor? Opposed? So moved.

MR. LAUBE:

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

D.P.O. HORSLEY:

1369-12 - Appropriating funds in connection with the purchase of heavy-duty equipment for Sheriff's Office (CP 3047) (County Executive).

LEG. BROWNING:

Motion.

LEG. D'AMARO:

Second.

D.P.O. HORSLEY:

Okay. Do we have a motion to -- who made the motion to approve on that?

MR. NOLAN:

He's got it.

LEG. BROWNING:

I did.

D.P.O. HORSLEY:

You got it? And we have a second?

LEG. D'AMARO:

Yeah, I second.

D.P.O. HORSLEY:

Okay. All those in favor? Opposed? So moved.

MR. LAUBE:

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

D.P.O. HORSLEY:

All right, we have a pending Bond Resolution on this *(1369A - Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$110,000 bonds to finance the cost of the purchase of heavy duty equipment for the Sheriff's Office (CP 3047.517)*, same motion, same second all right? Roll call.

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

LEG. BROWNING:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

(Not present).

LEG. CALARCO:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

(Absent).

MR. LAUBE:

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

D.P.O. HORSLEY:

All righty.

1485-12 - Declaring May "Motorcycle Safety Awareness Month" in Suffolk County (Calarco). Got a motion by Legislator Calarco. Second by Legislator Muratore. All those in favor? Opposed? So moved.

MR. LAUBE:

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

D.P.O. HORSLEY:

1517-12 - Appropriating funds in connection with the purchase of heavy duty vehicles for the Police Department (CP 3135)(County Executive).

LEG. KENNEDY:

Motion.

LEG. BROWNING:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Kennedy. Second by Legislator Browning.
All those in favor? Opposed? So moved.

MR. LAUBE:

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

D.P.O. HORSLEY:

Same motion, same second on the pending Bond Resolution *(1517A - Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$200,000 bonds to finance the cost of purchase of heavy duty vehicles for the Police Department (CP 3135.526))*. Roll call.

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

LEG. KENNEDY:

Yes.

LEG. BROWNING:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. CALARCO:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

(Absent).

MR. LAUBE:

Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Very good.

Public Works:

1502-12 - Amending the 2012 Capital Budget and Program and appropriating funds in connection with FFY2012 resurfacing of CR 111, Daniel Roe Highway from the vicinity of NY 27, Sunrise Highway to the vicinity of I-495 Westbound access ramp; and CR 105, Cross River Drive from the vicinity of NY 24 to NY 25, Towns of Brookhaven, Riverhead and Southampton (CP 5599, Phase I, PIN OT2490).

LEG. SCHNEIDERMAN:

Motion.

D.P.O. HORSLEY:

There is a motion by Legislator Schneiderman. Second on the motion? I'll make --

LEG. MURATORE:

(Raised hand).

D.P.O. HORSLEY:

Legislator Muratore makes the second. All those in favor?

LEG. CILMI:

On the motion.

D.P.O. HORSLEY:

Aye, aye, aye.

LEG. CILMI:

Sorry, just very quickly to Budget Review. This is about six-and-a-half million dollars, I believe; is any of it aided?

MR. NOLAN:

Eighty percent, yes.

LEG. CILMI:

Eighty percent?

MR. LIPP:

Yes, 20% local cost, 80% aided.

LEG. CILMI:

Thank you.

D.P.O. HORSLEY:

Okay. All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Same motion, same second on the pending Bond Resolution *(1502A - Amending the 2012 Capital Budget and Program and appropriating funds in connection with FFY2012 resurfacing of CR 111, Daniel Roe Highway from the vicinity of NY 27, Sunrise Highway to the vicinity of I-495 Westbound access ramp; and CR 105, Cross River Drive from the vicinity of NY 24 to NY 25, Towns of Brookhaven, Riverhead and Southampton. (CP 5599, Phase I, PIN OT2490).* Roll call.

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

LEG. SCHNEIDERMAN:

Yes.

LEG. MURATORE:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. CALARCO:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

(Absent).

MR. LAUBE:

Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:

1504-12 - Amending the 2012 Capital Budget and Program and appropriating funds in connection with FFY2012 resurfacing of CR 46, William Floyd Parkway from the vicinity of Moriches Middle Island Road to the vicinity of NY 25A, Town of Brookhaven (CP 5599, Phase III, PIN OT2488) (County Executive).

LEG. BROWNING:

Motion.

D.P.O. HORSLEY:

Do I have a motion? Who said that?

LEG. BROWNING:

I'll make the motion.

D.P.O. HORSLEY:

Okay, by Legislator Browning.

LEG. BROWNING:

Ed?

LEG. CALARCO:

Second.

D.P.O. HORSLEY:

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

MR. LAUBE:

Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Thank you. Same motion, same second on the pending Bond Resolution,
(1504A - Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$5,356,250 bonds to finance the cost of the resurfacing of CR 46, William Floyd Parkway from the vicinity of Moriches Middle Island Road to the vicinity of NY 25A, Town of Brookhaven (CP 5599.312)). Roll call.

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

LEG. BROWNING:

Yes.

LEG. CALARCO:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

(Absent).

MR. LAUBE:

Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Very good.

1505-12 - Amending the 2012 Capital Budget and Program and appropriating funds in connection with FFY2012 resurfacing of CR 97, Nicolls Road from the vicinity of the LIRR Tracks (Furrows Road) to the vicinity of NY 27, Sunrise Highway; and CR 19, Waverly Avenue/Patchogue-Holbrook Road from the vicinity of NY 27, Sunrise Highway to Broadway Avenue, Towns of Brookhaven and Islip (CP 5599, Phase IV, PIN OT2489) (County Executive).

LEG. CALARCO:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Calarco.

LEG. BROWNING:

Second.

D.P.O. HORSLEY:

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

So moved. Same motion, same --

MR. LAUBE:

Sixteen (Not Present: Legislator D'Amaro - Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Thank you. Same motion, same second on the Bond ***(1505A - Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$7,750,000 bonds to finance the cost of the resurfacing of CR 97, Nicolls Road from the vicinity of the LIRR tracks (Furrows Road) to the vicinity of NY 27, Sunrise Highway; and CR 19, Waverly Avenue/Patchogue-Holbrook Road from the vicinity of NY 27, Sunrise Highway to Broadway Avenue, Towns of Brookhaven and Islip (Phase IV) (CP 5599.313).*** Roll call.

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

LEG. CALARCO:

Yes.

LEG. BROWNING:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

(Not present).

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

(Absent).

LEG. D'AMARO:

(Not present).

D.P.O. HORSLEY:

1506-12 - Authorizing the County Executive to request a public hearing from the New York State Department of Transportation and execute an agreement with the Metropolitan Transportation Authority (MTA)/Long Island Railroad (LIRR) for entry upon lands owned by railroads, in connection with the reconstruction of CR 3, Pinelawn Road in the vicinity of the Wellwood Avenue crossing, Town of Babylon, Suffolk County, New York (CP 5510)(County Executive). Guys from Babylon?

LEG. GREGORY:

Motion.

LEG. STERN:

Second.

D.P.O. HORSLEY:

Legislator Gregory makes the motion. Seconded by Legislator Stern. All those in favor? Opposed? So moved.

MR. LAUBE:

Sixteen (Not Present: Legislator D'Amaro - Absent: Presiding Officer Lindsay).

LEG. GREGORY:

Cosponsor.

D.P.O. HORSLEY:

1507-12 - Appropriating funds in connection with rehabilitation of various bridges and embankments (CP 5850)(County Executive).

LEG. BROWNING:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Browning.

LEG. CILMI:

Second.

D.P.O. HORSLEY:

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

MR. LAUBE:

Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Thank you. Same motion, same second, *(1507A - Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$2,900,000 bonds to finance the cost of the rehabilitation of various bridges and embankments (CP 5850.324).* Roll call.

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

LEG. BROWNING:

Yes.

LEG. CILMI:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. MONTANO:

Yes.

LEG. CALARCO:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

(Absent).

MR. LAUBE:

Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Very good.

1508-12 - Amending the 2012 Capital Budget and Program and appropriating funds in connection with the County Share for participation in the installation of a closed loop signal system on various County Roads (CP 3309, PIN 075993)(County Executive).

LEG. HAHN:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Hahn. Seconded by Legislator Schneiderman.
All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Same motion, same second (*1508A - Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$1,375,000 bonds to finance the cost of the installation of a closed loop signal system on various County Roads (CP 3309.314).* Roll call.

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

LEG. HAHN:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. CALARCO:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

(Absent)

MR. LAUBE:

Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:

1509-12 - Appropriating funds in connection with intersection improvements on CR 97, Nicolls Road, Town of Brookhaven (CP 5512) (County Executive).

LEG. HAHN:

Motion.

LEG. SPENCER:

Second.

D.P.O. HORSLEY:

Motion by Legislator Hahn. Seconded by Legislator Spencer.
All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Same motion, same second (*1509A - Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$1,150,000 bonds to finance a part of the cost of intersection improvements on CR 97, Nicolls Road, Town of Brookhaven (CP 5512.311)*). Roll call.

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

LEG. HAHN:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. CALARCO:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

(Absent).

MR. LAUBE:

Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Very good.

1510-12 - Appropriating funds in connection with Riverhead County Center Power Plant upgrade (CP 1715)(County Executive). Anybody?

LEG. CALARCO:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Calarco. Second -- I'll make the second on the motion. All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Same motion, same second (***1510A - Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$1,000,000 bonds to finance a part of the cost of the Riverhead County Center Power Plant upgrade (CP 1715.115 and .315).*** Roll call.

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

LEG. CALARCO:

Yes.

D.P.O. HORSLEY:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

(Absent).

MR. LAUBE:

Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Very good.

1511-12 - Appropriating funds in connection with energy conservation at various County facilities (CP 1664) (County Executive).

LEG. ANKER:

I'll make a motion.

D.P.O. HORSLEY:

Motion by Legislator Anker.

LEG. CALARCO:

Second.

D.P.O. HORSLEY:

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

MR. LAUBE:

Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Same motion and same second on the Bond, *(1511A - Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$3,267,766 bonds to finance the cost of energy conservation improvements at various County facilities (CP 1664.117 and .319).*
Roll call.

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

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

(Absent).

MR. LAUBE:

Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Very good.

1512-12 - Appropriating funds in connection with the Elevator Controls and Safety upgrading at various County facilities (CP 1760)(County Executive).

LEG. CALARCO:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Calarco. Seconded by Legislator Schneiderman. All those in favor? Opposed?
So moved.

MR. LAUBE:

Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Same motion and second on the Bond, ***(1512A - Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$225,000 bonds to finance the cost of construction for the elevator controls and safety upgrading at various County facilities (CP 1760.317).***

Roll call.

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

LEG. CALARCO:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

(Absent).

MR. LAUBE:

Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:

1513-12 - Appropriating funds in connection with replacement/cleanup of fossil fuel, toxic and hazardous material storage tanks (CP 1706) (County Executive).

LEG. HAHN:

Motion.

LEG. ROMAINE:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Hahn. Seconded by Legislator Romaine.
All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Same motion, same second on the Bond, *(1513A - Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$200,000 bonds to finance the cost of replacement/cleanup of fossil fuel, toxic and hazardous material storage tanks (CP 1706.331)*. Roll call.

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

LEG. HAHN:

Yes.

LEG. ROMAINE:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. CALARCO:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

(Absent).

MR. LAUBE:

Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Good?

Okay, ***1514-12 - Appropriating funds in connection Civil Court Renovations and addition – Courtrooms, Riverhead (CP 1130). (County Executive).*** Riverhead guys, anything?

LEG. ROMAINE:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Romaine.

LEG. SCHNEIDERMAN:

Second.

D.P.O. HORSLEY:

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

MR. LAUBE:

Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Same motion, same second on the Bond, ***(1514A - Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$1,100,000 bonds to finance a part of the cost of the construction of Civil Court renovations and additions in Riverhead (CP 1130.310).*** Roll call.

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

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yep.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. CALARCO:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

(Absent).

MR. LAUBE:

Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Very good.

Page nine, *1518-12 - Amending the 2012 Adopted Operating Budget and the 2012 Capital Budget and Program and accepting and appropriating funds in connection with the Sewer District No. 21 SUNY - Improvement Project (CP 8121) (County Executive).*

LEG. HAHN:

Motion.

D.P.O. HORSLEY:

Motion by -- that was Legislator Hahn, right?

LEG. HAHN:

Yes.

D.P.O. HORSLEY:

I'll make the second. All those in --

LEG. MONTANO:

Explanation, very quickly?

D.P.O. HORSLEY:

Certainly.

LEG. MONTANO:

In other words, what's the amendment, and are we moving monies?

MR. NOLAN:

It's transferring \$250,000 from a Fund 221 unreserved fund balance into this particular project, so it's moving cash into the project.

LEG. MONTANO:

From an unreserved fund?

MR. NOLAN:

That's what -- yes.

LEG. MONTANO:

Okay.

D.P.O. HORSLEY:

Okay. We have a motion to approve. All those in favor? Opposed?
So moved.

MR. LAUBE:

Sixteen (Not Present: Legislator Nowick - Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Excellent.

1519-12 - Authorizing the filing of a grant application for Federal Fiscal Years 2010 and 2011 Section 5307 Formula Funds for mass transportation projects for Suffolk County Transit (County Executive).

LEG. MONTANO:

Motion.

LEG. HAHN:

Motion. Second.

LEG. SCHNEIDERMAN:

Second.

D.P.O. HORSLEY:

Okay, Legislator Montano makes the motion. Second by Legislator Schneiderman. All those in favor? Opposed? So moved.

MR. LAUBE:

Sixteen (Not Present: Legislator Nowick - Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Excellent.

1520-12 - Authorizing the filing of a grant application for Federal Fiscal Year 2012 Section 5309 Bus and Bus Facilities Program Funds on behalf of the Town of Southampton (County Executive).

LEG. SCHNEIDERMAN:

Motion.

LEG. ROMAINE:

Second.

D.P.O. HORSLEY:

Motion by Legislator Schneiderman. Seconded by Legislator Romaine.

All those in favor? Opposed? So moved.

MR. LAUBE:

Sixteen (Not Present: Legislator Nowick - Absent: Presiding Officer Lindsay).

LEG. SCHNEIDERMAN:

Cosponsor, Tim.

D.P.O. HORSLEY:

Got it?

1524-12 - Permitting the East Islip Fire District to purchase fuel from the County (County Executive). Legislator Cilmi?

LEG. CILMI:

Motion.

D.P.O. HORSLEY:

Cilmi was it?

LEG. CILMI:

Yes.

D.P.O. HORSLEY:

Okay. Seconded by -- Cilmi, and Barraga doesn't get in there often, let's do that.

*(*Laughter*)*

LEG. CILMI:

Tim, make sure I'm a cosponsor on this, please?

MR. LAUBE:

Got it.

D.P.O. HORSLEY:

Okay. We have a motion to approve. All those in favor? Opposed?

So moved.

MR. LAUBE:

Sixteen (Not Present: Legislator Nowick - Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:

1525-12 - Appropriating funds in connection with the rehabilitation of parking lots, sidewalks, drives and curbs at various County facilities (CP 1678) (County Executive).

LEG. BROWNING:

Motion.

LEG. SPENCER:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Browning. Seconded by Legislator Spencer.

LEG. HAHN:

On the motion?

D.P.O. HORSLEY:

On the motion.

LEG. HAHN:

I just have a question for the Commissioner. I just want to make sure that the department is looking at the green methodology standards and looking for grants when we're doing these parking lots, etcetera.

COMMISSIONER ANDERSON:

Yes, we do. I think, based on previous discussion, we do that wherever we can, you know, aim to follow the green standards, provided we have enough room and width and obviously funding.

LEG. HAHN:

Excellent. Thank you.

COMMISSIONER ANDERSON:

You're welcome.

D.P.O. HORSLEY:

Okay. We have a motion to approve. All those in favor? Opposed?
So moved.

MR. LAUBE:

Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Same motion, same second on the Bond *(1525A - Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$1,750,000 bonds to finance the cost of the rehabilitation of parking lots, sidewalks, drives and curbs at various County facilities (CP 1678.322))*. Roll call.

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

LEG. BROWNING:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. CALARCO:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

(Absent).

MR. LAUBE:

Seventeen (Absent: Presiding Officer Lindsay)

D.P.O. HORSLEY:

Thank you.

Veterans & Seniors:

1378-12 - Adopting Local Law No. -2012, A Local Law to strengthen safeguards for residents of planned retirement communities (Romaine).

LEG. ROMAINE?

LEG. ROMAINE:

Motion.

LEG. SCHNEIDERMAN:

Second.

D.P.O. HORSLEY:

Motion to approve.

LEG. KENNEDY:

Second.

D.P.O. HORSLEY:

Second by Legislator Schneiderman.

LEG. HAHN:

Explanation?

D.P.O. HORSLEY:

Explanation.

MR. NOLAN:

Go ahead, it's your baby.

LEG. ROMAINE:

Yes. We passed several laws regarding planned retirement communities, and if those laws are violated there are fines. What this law does, this law prevents those fines against management for

violating County Law to be passed along in the monthly maintenance fees to the residents of that community, because that would kind of be counterproductive. Management is violating a law. These are senior citizen communities where the management owns the land, but the seniors own the homes that the land is on.

D.P.O. HORSLEY:

Okay, we have an explanation.

LEG. ANKER:

Can I have a comment?

D.P.O. HORSLEY:

You may. Legislator Anker.

LEG. ANKER:

I just want to clarify. Now, this is only for mobile homes, or is it also for like Leisure Village and some of these other --

LEG. ROMAINE:

No, it isn't for Leisure Village, because in Leisure Village I believe that is either a -- I think Leisure Village is either a condominium or a town house, an HOA, and they own the land in which they sit. These are for areas where they don't own the land on which they sit; prime example of that would be Greenwood Village in Manorville.

D.P.O. HORSLEY:

Probably the only place in Suffolk County that has this situation. Legislator Spencer.

LEG. SPENCER:

Is there a situation -- I mean, does this law get in the way of business? Does it get in the way -- does it prevent people, are there situations where it would be appropriate to pass on these costs? How do you distinguish what is abuse in terms of fees that are being passed on versus what is appropriate?

LEG. ROMAINE:

The way you determine that is by going back and looking at the laws that this Legislature has passed in the past that apply to these communities, because these communities are run by management, not by the homeowners. The homeowners may own the home, but they don't own the land that they're sitting on. And obviously, they have difficulty because, for example, in Greenwood Village, you're paying five or \$600 a month, or you go to sell your home, you tell the new owner we're raising it to a thousand dollars, which is exactly what's happening. Which means that by changing the rules, the management has deprived these people of equity in their homes.

We've asked for an explanation, and this is in court now. The County passed a law that said you can only charge what you can show reasonably relates to the expenses of running the community, you can't make up numbers just to rob people, and obviously that's being litigated now. We believe we're going to win that litigation. My concern is when the firm, management firm, continues to ignore this in their fine, that they don't pass the fine along to their very victims.

LEG. SPENCER:

Who makes that reasonable determination in terms of what --

LEG. ROMAINE:

The law is specific that you have to spell out your expenses and provide opening of the books. I'll give you a specific example. In Greenwood Village, for example, you go to sell your home, they say,

"Well, the new owner is now going to pay eleven hundred dollars a month just for maintenance." Now, I've got to tell you, Greenwood Village is not a luxury community, it's a very basic community with very basic services. And essentially there are seniors there that are trying to sell their homes. These homes are now selling for 15 to \$20,000 because they've been robbed of their equity because who's going to pay a thousand dollars a month?

LEG. SPENCER:

I agree and kind of understand what you're saying. My concern a lot of times, and we see this in our retirement system and everywhere else where there are particular tiers. Being someone that has built these communities in the past, as Chairman of a housing authority, a lot of times what happens is that the common charges for the people who are original residents stay very fixed. It's very hard to pass on fees, but as there's turnover, then you may see some jump in those fees where you almost have kind of a tiered system in a situation where you are able to make up, again, those common charges that you need to take care of the community.

LEG. ROMAINE:

The person that I wish was here that could explain this far better than I could is our former County Attorney, Christine Malafi, who was a great help to me in drafting this legislation and pursuing. We have several court actions, one from the company against the County and one by the County against the company. And unfortunately, this is the third or fourth year that this court is dragging on. But what I was afraid of is we win the battle and lose the war, because all of a sudden we win the battle, they refuse to comply with the laws to open their books and demonstrate reasonableness or anything else, and as a result they then pass these fees along, fines along to the very homeowners who were being victimized to begin with. That's my concern, that's what this law would prevent.

LEG. SPENCER:

Thank you.

D.P.O. HORSLEY:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you. Through the Chair, Ed, if I could just clarify a few things, a couple of questions. And I think I recall the original bill and we debated it and I think I did support it as well at the time.

LEG. ROMAINE:

Yes, you did.

LEG. D'AMARO:

This bill is a little different. This -- what exactly is it prohibiting the owners or the landlords from passing on, what exactly can you not pass on?

LEG. ROMAINE:

Yes. You cannot pass on any fines that a court or the County would impose for violation of County Law.

LEG. D'AMARO:

Okay. So if a fine is assessed and it's upheld --

LEG. ROMAINE:

Yes.

LEG. D'AMARO:

-- that cannot be passed on. How do you know if that fine is being passed on? It would be in the

form of a common charge increase?

LEG. ROMAINE:

It would be in the form of an increase.

LEG. D'AMARO:

But how do you know the increase is relating back to the fine?

LEG. ROMAINE:

Simply because one of the laws that you did vote for, Lou, requires them to open the books or demonstrate the reasonableness of their monthly maintenance charges.

LEG. D'AMARO:

But that's a different determination.

LEG. ROMAINE:

Well, if you're opening your books and then you say, "Okay. What is this expense for? Because you've itemized what all the other expenses are that you have that make up the monthly fee. What is that number?" "Oh. Well, that's for the fine that we're factoring in."

LEG. D'AMARO:

All right. So if -- if I'm -- if I feel that the fine is being passed on to me, as a tenant, I guess.

LEG. ROMAINE:

Right. They know how much they're getting and they have contracts. Right now their contract, it's another issue with the Attorney General, but right now most of the contracts call for four and a half percent, four and a half percent each and every year increase, which they call cost of living, whether it's a cost of living or not, for people who don't go to sell; when you go to sell, they jack it up to whatever they want. But those -- that cost of living you know what it is, you're told at the beginning of the year. They could not do a special assessment unless they explain what that would be.

LEG. D'AMARO:

So the increase is already fixed --

LEG. ROMAINE:

Yes.

LEG. D'AMARO:

-- in the lease agreement. So passing on a fine would stand out a lot more.

LEG. ROMAINE:

Absolutely.

LEG. D'AMARO:

There's no -- there's no business discretion as to what the rent is, or it's not adjusted, it's fixed by contract?

LEG. ROMAINE:

It's fixed by contract. What happens, and the only time that that changes is if you go to sell, what they then do is whatever your common charges are, for a lot of these people they just double and say, "Tell anyone that wants to buy, that's the new common charge."

LEG. D'AMARO:

But this law wouldn't apply in that case.

LEG. ROMAINE:

No, that doesn't apply in this case.

LEG. D'AMARO:

Okay. All right, that's what was confusing me a little bit. Because there, then it's just really the marketplace, that's not passing on a fine.

LEG. ROMAINE:

Right, that's correct. Well, it's not the marketplace.

LEG. D'AMARO:

Well --

LEG. ROMAINE:

They are the marketplace.

LEG. D'AMARO:

Right. Okay. My last question is let's say that there is clearly a violation, the fine is imposed and it's passed on. What is the tenant's course of action; who enforces that?

LEG. ROMAINE:

Well, in this case the County Attorney's Office enforces this if we pass this law.

LEG. D'AMARO:

Well, but I'm not sure that the County -- I mean, I think this may give the owners a right of action, but I'm not sure that the County Law Department can represent a private citizen in litigation.

LEG. ROMAINE:

They won't be representing a private citizen, they will be enforcing County Law.

LEG. D'AMARO:

No, no. But who would bring the action?

LEG. ROMAINE:

If -- okay, I'm going to try to follow what I believe you're setting up as a hypothetical scenario. Let's say the management firm violates County Law, the County brings an action, the Court agrees with the County; yes, he violated this law. The Court imposes a fine. That fine then is transferred because management attempts to avoid paying it by adding it to the monthly maintenance charges. The County becomes aware of that action, it's verified. The County Attorney's Office then can bring an additional action requiring the Court to have the management firm cease and desist.

LEG. D'AMARO:

Okay. Could I just ask our Counsel; George, if you've been following this? Would it be permissible at that point for the County to bring that cause of action under this law, if it were to become law, on behalf of a private tenant?

MR. NOLAN:

The law states that, first of all, any homeowner injured or damaged by a violation of this law can bring an action to recover damages.

LEG. D'AMARO:

Right, I would think that would be the normal course of action.

MR. NOLAN:

But the County -- the law says the County Attorney can commence an action to restrain, prevent and/or enjoin a violation of this law or a continuation of a violation. So I think in order -- the person who would go to get damages would be the homeowner, the County Attorney can bring an action to stop the owner of this community from violating the law.

LEG. D'AMARO:

Okay. The goal is obviously for the aggrieved party to get an order lowering the fine being passed on. I mean, it's about the money, so --

MR. NOLAN:

Well, they can bring an action to recover money that was charged unlawfully.

LEG. D'AMARO:

Right.

MR. NOLAN:

A homeowner could try to get that back.

LEG. D'AMARO:

But that would -- that cause of action would lie solely within the homeowner, for the homeowner. The County would not be in a position of seeking damages on behalf of a private citizen.

MR. NOLAN:

Right. I think the County can move to stop the operator of the community from violating the law. But in order to get that money back that's unlawfully charged, I believe the homeowner would have to bring the action.

LEG. D'AMARO:

Is it permissible for the County, the Department of Law to -- well, I guess it's permissible in the sense that you're not seeking the damages, you're seeking an injunction. Injunctive relief enforcing a County law by the County itself; is that what you're saying?

MR. NOLAN:

Right, and I think the County has brought such an action.

LEG. D'AMARO:

Yeah, okay. So the point I'm making to the sponsor, Legislator Romaine, is that if there is -- if this law passes and there isn't a passing on of this fine to the homeowner, it doesn't relieve the homeowner of the obligation to bring a lawsuit; in fact, they would have to if they want to recover the improper amount that's imposed. Is that your understanding of this?

LEG. ROMAINE:

My understanding is exactly that. And it would be up to the County to go to court to get management to cease and desist from doing these actions.

LEG. D'AMARO:

Uh-huh

LEG. ROMAINE:

It gives us the ability to go into court so that we can do that. Most of these people don't have much money. They probably aren't going to seek an attorney, they probably aren't going to go into court

and they're going to rely, hopefully, on the County to at least try to get an injunctive relief for them.

MR. NOLAN:

Can I just add, by the way, just so it's clear that the law does provide for civil penalties for violations of the law which the County can also seek, and I guess that would be the money that Legislator Romaine would try not to see passed on to the homeowners.

LEG. D'AMARO:

Okay. I appreciate the sponsor taking the time to answer my questions. You know, I supported the original bill that you passed, Legislator Romaine, and I guess this is the final step.

LEG. ROMAINE:

Right.

LEG. D'AMARO:

In trying to trying to cover all the bases, so to speak. Okay. Thank you.

D.P.O. HORSLEY:

Okay. What do we have on this; do we have a motion to approve?

MR. LAUBE:

Yes, you do.

D.P.O. HORSLEY:

Yeah, we do, right? That's it.

LEG. MONTANO:

Do you have a second?

D.P.O. HORSLEY:

And we do have a second, right? Good?

MR. LAUBE:

Yes.

D.P.O. HORSLEY:

All right. We have an approval and a second on the motion, 1378. All those in favor? Opposed? So moved, it's been approved.

MR. LAUBE:

Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:

All right.

LEG. BROWNING:

I apologize. We do have DPW here and I was going to do it before this bill, this one we just did, but I'd like to take resolution -- it's a Bond Resolution, 1273B out of order.

LEG. ROMAINE:

Second.

MR. NOLAN:

It's in the manila folder.

LEG. BROWNING:

It's in the manila envelope, yes.

D.P.O. HORSLEY:

This is the Gil Anderson relief bill; get him out? *(Laughter)*

LEG. BROWNING:

Just in case there were any questions.

LEG. ROMAINE:

1273B.

LEG. BROWNING:

1273B, Bond Resolution for the --

D.P.O. HORSLEY:

All right, we have a motion by Legislator Browning to take it out of order.

LEG. CILMI:

Second.

D.P.O. HORSLEY:

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

So moved, it's now being taken out of order.

MR. LAUBE:

Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:

We are now looking at ***1273B (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).***

Do we have a motion on the Bond Resolution?

LEG. BROWNING:

Motion to approve.

LEG. ROMAINE:

Second.

D.P.O. HORSLEY:

Motion to approve. Seconded by Legislator Romaine. Boy, it's good to see such congeniality.

LEG. BROWNING:

Kum ba yah.

D.P.O. HORSLEY:

All right, there you go. Everyone is good on this?

LEG. D'AMARO:

Hold on.

D.P.O. HORSLEY:

Let's go. Roll call.

LEG. D'AMARO:

What are we voting on, please?

LEG. MONTANO:

The Bond.

LEG. BROWNING:

It's a Bond Resolution for the corner of Montauk Highway and William Floyd Parkway.

MR. NOLAN:

If I could -- I'll just explain that at the last meeting this Bond Resolution was defeated after we had approved the appropriating resolution for \$300,000 for a project, I guess, in Legislator Browning's district, and this -- the Bond Resolution is back before us for another vote.

LEG. D'AMARO:

Thank you, I have it. Thank you.

D.P.O. HORSLEY:

Okay, roll call.

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

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. CALARCO:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

(Absent).

MR. LAUBE:

Seventeen (Absent: Presiding Officer Lindsay).

LEG. BROWNING:

Thank you, Gil. Thank you, Bill.

D.P.O. HORSLEY:

Show me the love, I love to see it. And Gil, I guess you can go.

MR. NOLAN:

No, a CN.

D.P.O. HORSLEY:

Oh.

LEG. BROWNING:

Oh, really?

D.P.O. HORSLEY:

After all that?

LEG. BROWNING:

Is there -- how many more is there? Why don't we just let them get out of here?

MR. NOLAN:

No, no.

D.P.O. HORSLEY:

All right, let's just go. Let me just complete this, please.

Ways & Means, before you distract me again:

1404-12 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Brookhaven (SCTM No. 0200-787.00-07.00-007.000) (County Executive).

LEG. MONTANO:

Motion.

D.P.O. HORSLEY:

I have a 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 (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:

1406-12 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Stephen J. Paterson III and Long Island Pine Barrens Water Corp. (SCTM No. 0600-085.00-03.00-033.000) (County Executive).

LEG. MONTANO:

Motion.

LEG. CILMI:

Second.

D.P.O. HORSLEY:

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

MR. LAUBE:

Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:

1407-12 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Mark M. Cirillo (SCTM No. 0900-045.00-01.00-039.000) (County Executive).

LEG. MONTANO:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Montano.

LEG. CILMI:

Second.

D.P.O. HORSLEY:

Second by Legislator Cilmi.

LEG. D'AMARO:

On the motion?

D.P.O. HORSLEY:

Okay, on the motion.

LEG. D'AMARO:

If anyone from the Administration is here that could answer this, or maybe committee chair, Legislator Montano. I had passed a resolution a few years back that required parcels such as this to be considered for workforce housing and to go through the auction process. Do you know if this property was considered through that procedure?

LEG. MONTANO:

I don't know. I do recall the conversation, but I can't answer that question. All I know is that after an explanation from Real Estate, it wasn't deemed to be something that would fall into a category where we could sell it. Is there anyone -- let me look up the bill. Ben, do you remember this one?

MR. ZWIRN:

No.

LEG. MONTANO:

It sort of was pro forma. There were some questions asked on it. Is this the one that's landlocked or something?

LEG. NOWICK:

It's a small piece.

LEG. MONTANO:

A small piece.

MR. ZWIRN:

I can't recall. If you want to -- I mean, it's not time-sensitive.

If you want to table it, we have another meeting coming up and a very short turnaround. I mean, that would be okay, too, I'll get some more information on it. I wasn't at the Ways & Means Committee this week.

LEG. MONTANO:

To be honest with you, I understand Legislator D'Amaro's questions, but I think it was fully vetted by the committee.

MR. ZWIRN:

Well, knowing you as the Chairman of that committee, you have been a stickler with respect to Local Law 13's.

LEG. MONTANO:

Yeah, we do ask how much, why, etcetera, etcetera. I just don't recall specifically at this moment; it's eight o'clock.

LEG. D'AMARO:

Yeah, no, fair enough. The bill that I'm referring -- the procedure I'm referring to, though, would have required that a substandard parcel go out to bid in a workforce housing setting, and the intent there was to spread the burden -- maybe burden is probably the wrong word, but spread workforce housing evenly throughout communities in Suffolk County. You don't often see this happening in Southampton and I would really like to know whether this bill was considered for that procedure; and if not, because there was some discretion within that bill. If not, why not?

LEG. MONTANO:

Okay. If you want to table it --

D.P.O. HORSLEY:

Would you like to make a motion to table?

LEG. D'AMARO:

Just so -- you know, I think it --

LEG. MONTANO:

Yeah, I have no problems.

LEG. D'AMARO:

I think it would be prudent.

LEG. MONTANO:

If I had the dimension here, and I don't have them, I would tell you, and there was an explanation. But as long as it's not time-sensitive, we're okay.

LEG. D'AMARO:

And I appreciate that and I think it would be prudent to do it also because as a reminder that we are still focused on the workforce housing aspect of that bill and we would like Real Estate to continue vetting them through that program.

D.P.O. HORSLEY:

Very prudent.

LEG. MONTANO:

Okay.

D.P.O. HORSLEY:

Okay, I'll second the motion on the table. All those in favor?

MR. LAUBE:

Who was the motion?

D.P.O. HORSLEY:

The motion was by Mr. D'Amaro.

MR. LAUBE:

Thank you.

D.P.O. HORSLEY:

Okay. All those in favor? Opposed? So moved, it is tabled.

MR. LAUBE:

Seventeen (Absent: Presiding Officer Lindsay).

LEG. D'AMARO:

Thank you.

D.P.O. HORSLEY:

1446-12 - Adopting Local Law No. -2012, A Charter Law to protect the County Legislature's deliberative law-making process (Montano).

LEG. MONTANO:

I'll make a motion to table.

D.P.O. HORSLEY:

Mr. Montano is making the motion to table.

LEG. CILMI:

Second.

D.P.O. HORSLEY:

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

MR. LAUBE:

Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:

To the manila folder. We did the first one.

Okay. In the manila folder, the first one is Bond Resolution *1336B- Bond Resolution of the County of Suffolk, New York, amending Bond Resolution No. 317-2012 heretofore adopted on April 24, 2012, authorizing the issuance of \$250,000 bonds to finance a part of the cost of the improvements to Environmental Recharge basins. (CP 5072.311).* Maybe, George, you might want to explain.

MR. NOLAN:

I do see Ben Zwirn there, but I believe this one is just to reflect -- to correct a prior Bond Resolution. The prior Bond Resolution didn't state the entire cost of the project, so I believe this is just being corrected to reflect the entire cost of a project. It doesn't change the amount of any appropriation or anything like that.

MR. ZWIRN:

That's correct. These were -- the Bonds that went out were accurate, but the total cost of the projects were changed and this is to reflect -- it doesn't cost the County any more, these were technical corrections. In the Bond world, these have to be accurate, but nothing went out to the public and the taxpayers aren't affected. But they are technical corrections, there are four Bonds that all of them have a -- the total cost was not reflected properly in the original resolution.

D.P.O. HORSLEY:

Okay, very good. Are you guys all right with that?

LEG. MONTANO:

Just a quick question. These aren't on the agenda; why is that? Is there a procedural thing that I'm missing?

MR. NOLAN:

Because it's a Bond Resolution, they came in late, they don't have to go through the committee process. Like any Bond Resolution, they can come straight into the packet and be voted on. It does need a roll call.

D.P.O. HORSLEY:

That was my question.

LEG. D'AMARO:

What is the number of the Bond we're considering?

LEG. ROMAINE:

1336.

D.P.O. HORSLEY:

1336B. Okay, are you guys good? Okay, I'll make a motion to approve Bond Resolution 1336B.

LEG. HAHN:

Second.

D.P.O. HORSLEY:

Second by Legislator Browning. Roll call.

LEG. BROWNING:

It was Hahn.

LEG. ANKER:

It was Hahn.

LEG. CILMI:

Hahn.

D.P.O. HORSLEY:

Was that Hahn? Boy, I'm really losing it.

LEG. MONTANO:

No, I made the same mistake.

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

D.P.O. HORSLEY:

Yes.

LEG. HAHN:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. CALARCO:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

(Absent).

MR. LAUBE:

Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Thank you.

Now we're on ***1523B - Bond Resolution of the County of Suffolk, New York, amending Bond Resolution No. 431-2012 heretofore adopted on May 8, 2012, authorizing the issuance of \$700,000 bonds to finance a part of the cost of the reconstruction of CR 16/Horseblock Road, Town of Brookhaven (CP 5511.211).*** Same motion, same second?

MR. ZWIRN:

Mr. Chairman, if we could table this just one cycle?

LEG. MONTANO:

Motion to table.

LEG. CILMI:

Second.

D.P.O. HORSLEY:

Motion to table by Legislator Montano. Legislator -- and seconded by Legislator Cilmi. All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:

All right. Before I get rattling, you good with this one?

MR. ZWIRN:

I'm good with the rest.

D.P.O. HORSLEY:

Okay, okay.

This is Bond Resolution No. *1623A - Bond Resolution of the County of Suffolk, New York, amending Bond Resolution No. 1147-2011 heretofore adopted on December 20, 2011, authorizing the issuance of \$50,000 bonds to finance a part of the cost of improvements to newly acquired parkland (CP 7145.311)*. Legislator -- anybody?

LEG. MURATORE:

(Raised hand).

D.P.O. HORSLEY:

Muratore. Seconded by?

LEG. ANKER:

Where is this parkland?

LEG. NOWICK:

Is that in --

D.P.O. HORSLEY:

Hang on, let me get the second on this. How about Legislator Nowick, it's a park. Okay, we have a motion to approve. On the motion; what is it?

LEG. MONTANO:

Project 7145.

LEG. BROWNING:

Where is this?

LEG. ANKER:

Where is the parkland?

MR. ZWIRN:

I don't know; somewhere in Suffolk County.

*(*Laughter*)*

LEG. HAHN:

It better be.

LEG. D'AMARO:

Are we raising the cost of this project from 50,000 to \$200,000.

MR. ZWIRN:

No, that money had been appropriated but it wasn't reflected in the Bond Resolution. That money had been expended and that's why we're doing this technically.

LEG. D'AMARO:

After the fact.

MR. ZWIRN:

After the fact.

LEG. MONTANO:

No, it's seven -- a County project?

LEG. CILMI:

It's County-wide.

D.P.O. HORSLEY:

Oh, it's County-wide, it's a bunch of them.

LEG. ANKER:

Okay.

LEG. MONTANO:

Oh, is that what it is?

MR. NOLAN:

You have a motion.

D.P.O. HORSLEY:

Okay, yes, we have a motion. Okay. Roll call.

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

LEG. MURATORE:

Yes.

LEG. NOWICK:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. CALARCO:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

(Absent).

MR. LAUBE:

Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Very good.

Okay, this is Bond Resolution **1624A - Bond Resolution of the County of Suffolk, New York, amending Bond Resolution No. 1151-2011 heretofore adopted on December 20, 2011, authorizing the issuance of \$50,000 bonds to finance the cost of improvements to water supply systems in County Parks (CP 7184.311)**. Same problem, apparently. Okay, we have a

motion by Legislator Anker. I'll make the second on the motion. Roll call.

LEG. HAHN:

But does this go up to 1.3 million?

MR. NOLAN:

What it is is the last resolution we did was for \$50,000, but in the recitals of the resolution, this was -- there were other appropriations earlier, so the total cost of the project was much higher. It didn't state that in the original Bond Resolution, now it's standing up properly, but the \$50,000 appropriation that was underlying this Bond Resolution is the same, it's not changing. It's really a technical correction.

LEG. HAHN:

Okay.

D.P.O. HORSLEY:

Okay. Roll call.

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

LEG. ANKER:

Yes.

D.P.O. HORSLEY:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. CALARCO:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

(Absent).

MR. LAUBE:

Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:

All right, thank you very much.

The next we have is *Home Rule Message No. 13-2012 - Requesting the State of New York to enact amendment to the Retirement and Social Security Law, in relation to performance of duty disability retirement allowance for Deputy Sheriffs employed by Suffolk County (Barraga).*

It's my understanding --

LEG. BARRAGA:

Motion to table.

D.P.O. HORSLEY:

-- that this is going to be tabled?

LEG. BARRAGA:

Yes.

D.P.O. HORSLEY:

Okay. Legislator Barraga has a motion to table.

LEG. BROWNING:

Second.

D.P.O. HORSLEY:

Legislator Browning seconds the motion. All those in favor? Opposed? So moved, it's been tabled.

MR. LAUBE:

Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Okay, apparently I don't need the second revised copy that's next in your file.

Okay, and last we have, in the manila folder, *Procedural Resolution 11-2012 - To set a public hearing for the inclusion of new parcels into existing Agricultural Districts in the Towns of Brookhaven, East Hampton, Huntington and Southold.*

LEG. ROMAINE:

Motion.

LEG. CALARCO:

Second.

D.P.O. HORSLEY:

Motion by Legislator Romaine. Seconded by Legislator Calarco. Anyone need an explanation? You guys are good? All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen (Absent: Presiding Officer Lindsay).

*(*The following testimony was taken by Lucia Braaten - Court Reporter*)*

D.P.O. HORSLEY:

All right. Let's move to the red folder. I see that, Ben, it is appropriately thin.

All right, the first *Certificate of Necessity*, Introductory Resolution *1584-12 - Amending the 2012 Capital Budget & Program and appropriating funds in connection with emergency repairs to various bridges and embankments (CP5850) (County Executive)*.

LEG. HAHN:

Fix those bridges.

D.P.O. HORSLEY:

Okay. Is that a motion?

LEG. HAHN:

Yes.

D.P.O. HORSLEY:

Okay. Motion by Legislator Hahn. Seconded by Legislator Schneiderman. On the motion, everybody good? Okay. All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:

All right, IR *1584A - Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$1,600,000 bonds to finance the cost of emergency repairs to various bridges and embankments (CP 5850.325)*. Same motion, same second on the -- for the bonds. Roll call.

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

LEG. HAHN:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. CALARCO:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

(Absent).

MR. LAUBE:

Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Okay. The next one is -- I've been advised that you should -- your top of your copy should say "Revised 6/5/12 at 4:10."

MR. NOLAN:

1639 is the number.

D.P.O. HORSLEY:
1639 is the number.

LEG. HAHN:
Motion.

D.P.O. HORSLEY:
Okay. We got a motion. Who said that?

LEG. HAHN:
(Raised her hand).

D.P.O. HORSLEY:
Legislator Hahn. Seconded by?

LEG. ANKER:
Second.

D.P.O. HORSLEY:
Legislator Anker.

Okay. The title is on this one - *Amending the 2012 Operating Budget to preserve Suffolk County's ability to conduct and evaluate groundwater investigations.*

LEG. KENNEDY:
Wait. Could I ask Ben a question?

D.P.O. HORSLEY:
Sure.

LEG. HAHN:
So what happened at 4:10, Ben?

MR. ZWIRN:
There was --

LEG. ROMAINE:
They corrected it for the second or third time.

MR. ZWIRN:
Yeah. There was a correction with respect to Frank Castelli. He had been -- inadvertently had been put in a budget line in the Health Department and he is in Economic Development, so we had to make that correction.

D.P.O. HORSLEY:
Okay. That does sound like a problem. Legislator Kennedy.

LEG. KENNEDY:
And does this take care of everybody that was in the Well Driller Unit? There was a resolution that was out there, we had -- that had five of them. There was the HEO, the well driller, the laborer, and there were two hydrogeologists, I believe, that make up that unit. There was an assistant

hydrogeologist and a hydrogeologist. Are they both back in?

MS. VIZZINI:

Yes.

LEG. KENNEDY:

Okay.

D.P.O. HORSLEY:

Yeah. Gail, is there anything else you'd like to comment on this?

LEG. ROMAINE:

I'd like to. I'd like to.

MS. VIZZINI:

I can answer any questions.

D.P.O. HORSLEY:

Okay. All right?

LEG. MONTANO:

1639?

D.P.O. HORSLEY:

1639. This is okay.

LEG. MONTANO:

Can I have --

D.P.O. HORSLEY:

Excuse me?

LEG. MONTANO:

I was going to ask for an explanation.

D.P.O. HORSLEY:

Ben, you want to just give a quick explanation?

MR. ZWIRN:

Yeah. What we're doing is restoring --

D.P.O. HORSLEY:

Then we'll go to Legislator Romaine.

MR. ZWIRN:

Restoring positions that could be funded by 477.

LEG. MONTANO:

Okay.

MR. ZWIRN:

As opposed to the Operating Budget.

LEG. MONTANO:

Got you.

D.P.O. HORSLEY:

Okay. Let me just first -- I know that LEG. ROMAINE is going to get in and add more to this, but I wanted to thank Doc Spencer in his involvement in helping to put a lot of these people back into this. There was a lot of work behind the scenes and getting everybody moving in the same direction. And I do appreciate it, Doc Spencer. Nice job and he should be thanked for it, and so should those people that are in here. Legislator Romaine.

LEG. ROMAINE:

Yes. For the record, I'm definitely going to support this. I think it's a good idea. Not only do I think it's a good idea, I drafted the resolution. And not only did I draft the resolution for this, Gail Vizzini will conform her office received a telephone call last week because I had suggested in an article that Paul wrote for Newsday that instead of the County Executive reinventing the wheel, he simply put his name on my resolution. Well, the Budget Office was kind enough to call I think John Schneider and Ms. Corso; is that correct, Gail? You got that telephone call from them?

MS. VIZZINI:

I've been working cooperatively with Connie.

LEG. ROMAINE:

Right.

MS. VIZZINI:

I shared with you --

LEG. ROMAINE:

Right.

MS. VIZZINI:

-- to confirm that you were on board with what was happening.

LEG. ROMAINE:

Right. They said that they would, in fact, adopt my resolution and the County Executive would put his name on it. Of course, it had to be tabled by his supporters in the committee so his name could go on my resolution, which, by the way, I had offered from the very get-go, and then, lo and behold, that did not happen. So, although I'm a supporter of this and I certainly don't need the credit, I certainly would say to our County Executive, so much for your bipartisan cooperation. It's very clear that this comes as close to bill-napping as I have seen. And you know what, I've been in politics a long time and I've understood one thing. You can play the games, but at the end of the day, if the deed gets done, that's enough, and the deed is getting done. I'm going to support it, but I'm going to be far more reluctant to work in any collaborative or cooperative fashion with our County Executive in the future. It's very interesting --

MR. ZWIRN:

You mean it's going to get worse?

*(*Laughter*)*

LEG. ROMAINE:

Worse? I got to tell you --

D.P.O. HORSLEY:

Don't go there, Ed. Don't --

LEG. ROMAINE:

Things can always get worse.

D.P.O. HORSLEY:

It doesn't --

LEG. ROMAINE:

Hopefully they won't.

D.P.O. HORSLEY:

It doesn't.

LEG. ROMAINE:

It won't. But this is -- this is worthwhile doing. This will make sure that a number of good people who do great service to this County are saved and at no expense to the County general budget, and we'll be able to fund them out of 477.

D.P.O. HORSLEY:

May I just --

LEG. ROMAINE:

So with that, thank you.

D.P.O. HORSLEY:

May I just add a comment to Mr. Romaine's? I thanked Doc Spencer and I -- and with all sincerity, because there was a lot more to this than what you're saying, because you just weren't there, Ed. But the fact -- but the fact is --

LEG. ROMAINE:

Why not? Why not?

*(*Laughter*)*

D.P.O. HORSLEY:

I wouldn't go there and I don't care. All I want to say is thank you very much for putting this resolution together. You are just -- you did a wonderful job, and I appreciate your efforts in saving those employees also. So it is a -- it is bipartisan effort to help --

*(*Applause*)*

-- our employees who we all care about.

LEG. ROMAINE:

This can be a partisan effort. I'm sure that's what you would love to believe.

*(*Laughter*)*

D.P.O. HORSLEY:

Okay. Legislator Schneiderman, I think. I had a whole bunch of people try to call me, but I had to say that first and I lost --

LEG. SCHNEIDERMAN:

Well, there's a whole bunch of us -- Mr. Zwirn, when I have your ear. I'll wait.

D.P.O. HORSLEY:

Ben, we have -- you're on demand.

LEG. SCHNEIDERMAN:

Okay. There was a whole bunch of us right from the start who actually were advocating for using 477 funds to try to save some of these positions, though, in the past, many of us have fought against it when times were different, with the hope that they'd go toward brick and mortar positions -- the brick and mortar -- sorry -- projects, including Legislator Romaine. We've all had hoped for that, but times have changed and we hate to see people being laid off. And I was having conversations myself with the Administration about doing exactly this. I cosigned on with Legislator Romaine's bill as a backup plan. I was told that the Administration was working on the same thing, but more comprehensive and that there'd be more positions. So I'd like --

MR. ZWIRN:

I have to answer, please.

LEG. SCHNEIDERMAN:

I would like to know whether --

LEG. HAHN:

No, it's not the same thing.

LEG. SCHNEIDERMAN:

Whether the bill that the County Executive has put forth, which also has my name on it, both do.

MR. ZWIRN:

But it had -- but it had Legislator Romaine --

LEG. SCHNEIDERMAN:

Is it more comprehensive?

MR. ZWIRN:

Legislator Romaine asked for his name to be removed from this piece of legislation, that's an absolute fact. His name was on here as a cosponsor, which the County Executive said that he would do. The original bill that Legislator Romaine had did not have four positions that had been added to this one. He --

LEG. SCHNEIDERMAN:

So it is more comprehensive, which is my question.

LEG. HAHN:

Yes, yes.

MR. ZWIRN:

It's more comprehensive and it was easier for us to do this inhouse --

LEG. HAHN:

Yeah, because we all worked on this.

MR. ZWIRN:

-- than it was to have this thing go all over the place.

D.P.O. HORSLEY:

It just shows how Legislator Romaine is just selfless.
(*Laughter*)

LEG. SCHNEIDERMAN:

When it was in committee --

MR. ZWIRN:

But Legislator Romaine specifically asked for his name to be removed as a sponsor on this bill.

LEG. ROMAINE:

Because the County Executive's bill --

LEG. SCHNEIDERMAN:

Excuse me. I think I have the -- hold on, hold on, I have the floor for a second. So I voted to table the bill that I was on in committee based on the Executive Branch saying that the bill that they were bringing forth was more comprehensive, would be more positions funded for 477, and, in fact, there are four additional positions. Okay? I wanted to make that absolutely lucid. You have the floor now, Romaine, I guess, I think.

D.P.O. HORSLEY:

I'm not sure who is, but I know Mr. Montano wanted to at one point. Are you still looking on being on the list?

LEG. MONTANO:

Just as an aside, because, Legislator Romaine, I read your comments in Newsday where you offered to allow the County Executive to be a cosponsor of your bill. I just want to remind Ben. Do you remember this issue that we had with the prior administration, where that would be impermissible? In fact, we had a rule that -- I don't want to go into it now, but the bill has to be introduced in accordance with the Charter, and the County Executive cannot be a cosponsor of a bill introduced by a Legislator. It reads -- this bill reads correctly, "Introduced by the Presiding Officer at the request of the County Executive," but you can't have County Executive cosponsoring a Legislator's resolution. It would be the improper format. But I don't want to discuss it now, it's like 8:15.

LEG. ROMAINE:

I know. I just would tell you we had a private discussion through Gail Vizzini where I said, "Absolutely, let the County Executive do a CN, just put my name on the bill." I didn't realize that the entire Democratic Caucus was going on the bill.

LEG. MONTANO:

Well, no, my name wasn't put on the bill, Ed.

LEG. HAHN:

I don't think because the entire Democratic Caucus was on for this.

LEG. MONTANO:

You know, my name wasn't put on the bill.

LEG. ROMAINE:

I feel sorry. Somehow we got --

LEG. MONTANO:

Why do you feel sorry?

D.P.O. HORSLEY:

Guys.

LEG. HAHN:

Hold up.

LEG. MONTANO:

Come on, let's get out of here.

LEG. HAHN:

Hold up.

LEG. SCHNEIDERMAN:

Legislator Romaine could cosponsor it on the floor --

D.P.O. HORSLEY:

We're losing our selfless attitudes.

LEG. SCHNEIDERMAN:

-- but I don't think he's ever done that before.

D.P.O. HORSLEY:

Okay. I have a gavel. Okay. Let's do -- let's do a vote on this thing. Okay?

LEG. D'AMARO:

Now, wait a minute. Wait a minute.

D.P.O. HORSLEY:

All those in favor?

LEG. D'AMARO:

Hold on, hold on, hold on, hold on. I would like to be recognized.

D.P.O. HORSLEY:

All right. Legislator D'Amaro.

LEG. D'AMARO:

Yeah, because I want to ask about the merits of the bill. I don't want to debate --

D.P.O. HORSLEY:

That's fine.

LEG. D'AMARO:

-- whose name's on it, not on it.

D.P.O. HORSLEY:

All right. Good for you.

LEG. D'AMARO:

Although this is a more comprehensive bill. But, anyway, I just want to ask, what is the cost of doing this, and for how long are we doing this? What's the impact to the 477 Fund?

MR. ZWIRN:

The cost of the -- for the estimated salaries and benefits through the end of 2013 is projected to be 2.7 million dollars. And the estimate --

LEG. D'AMARO:

So, for --

MR. ZWIRN:

So the estimated savings in the General Fund are \$303,000 in 2012 and \$683,000 in 2013.

LEG. D'AMARO:

Okay. So there's a net -- there's a net cost to the 477 Fund of over two million dollars. Gail, is that correct?

MS. VIZZINI:

Yeah, it's a -- that's correct.

LEG. D'AMARO:

All right. And what's the balance in the 477 Account, roughly?

MS. VIZZINI:

There is -- I think we're in the neighborhood of a two million dollar fund balance.

MR. LIPP:

Going forward, the actual fund balance on an annualized basis above and beyond what's in the Operating Budget already is like 1.2, 1.3 million a year.

LEG. D'AMARO:

So I'm a little -- just I know it's late, but if this -- to fund these positions for an entire year would be close to five million; is that correct? Isn't it six months is two-point something, or is that for one year?

MR. ZWIRN:

It's for more than a year.

MS. VIZZINI:

I think it's --

LEG. D'AMARO:

Here's my point.

MS. VIZZINI:

It's 1.2 million.

LEG. D'AMARO:

My point is, you know, do we have the recurring revenue to continue -- I want to -- I want to vote for this bill, but I just want to ask, when we're putting together the budget for next year, do we have funds available to continue with these positions? I understand we're funding now out of 477. That account doesn't seem to be able to support these positions next year, so is this just a stopgap? You know, what's the intent here? Are we going to --

MR. ZWIRN:

The original intent --

LEG. D'AMARO:

-- annually fund this from 477?

MR. ZWIRN:

We're going to review it. This is going to be for the next 18 months.

LEG. D'AMARO:

Oh, it's 18 months?

MR. ZWIRN:

Eighteen months, and then we're going to review on a budget --

LEG. D'AMARO:

So this appropriation.

MR. ZWIRN:

-- on an annual basis to see if it could --

LEG. D'AMARO:

This appropriation today will fund these positions out of 477 for the next 18 months.

MR. ZWIRN:

Through 2013, yes.

LEG. D'AMARO:

Through 2013. Okay. And the impact to that fund -- that will deplete the fund, is that correct?

MR. ZWIRN:

Yes.

LEG. D'AMARO:

It will deplete the 477 Account?

MR. LIPP:

Well, there's still a fund balance that could be vetted out of a few million dollars.

LEG. D'AMARO:

A few million.

MR. LIPP:

That being said, the annual addition could be close -- could be zero, the annual addition. I don't have the exact totals here, but it will be close to that.

LEG. D'AMARO:

All right. I just remember we even considered bills that would limit using salaries or charging salaries the 50% of the total appropriations. There were all kinds of things, but I guess times have changed. All right. So just so we're going in with our eyes open.

LEG. HAHN:

Yes.

LEG. D'AMARO:

This is going to basically deplete the 477 Account.

LEG. HAHN:

Legislator Horsley.

D.P.O. HORSLEY:

I was told that we had some left for some projects.

LEG. HAHN:

Yes. Legislator Horsley, can I?

D.P.O. HORSLEY:

Yeah, Legislator Hahn.

LEG. HAHN:

Because we all were part of this and all knew that using 477 funds was something we could do for these positions, we -- as Chair of the Environment Committee, I have had long discussions about how much is left and about the concern that -- just that concern. And I think it is a good idea that it's a temporary use of these funds for salaries. I do think you're Right, I do think times are changed right now. Excuse me. And I do think that these positions are so critical that it is a water quality use when we have to -- but there is the fund balance money of four -- three-and-a-half million that can be used towards the projects for -- during these 18 months.

MR. LIPP:

Yeah, yes.

LEG. D'AMARO:

Yeah. I take no issue with that, Legislator Hahn. In fact, I supported doing this three years ago to give relief to our Operating Budget. So, we're fortunate that we have the funding to do it today.

D.P.O. HORSLEY:

Okay.

LEG. HAHN:

And there were a very large number of us that went to the County Executive immediately with, you know, the idea of using this money for these positions, and so I think it has been a group effort.

D.P.O. HORSLEY:

Very good. Yes, I agree. All right. We have a -- we have a motion to approve. All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen.

D.P.O. HORSLEY:

We saved some folks.

MR. LAUBE:

Not 17, 15.

D.P.O. HORSLEY:

1640-12 - Authorizing a retirement incentive for employees in Bargaining Units 21, 30, and 24 (Management, Confidential, and Board of Elections) exclusive of Suffolk County Community College Employees (County Executive). I'll make the motion to approve this.

Legislator Muratore seconds the motion.

LEG. MONTANO:

On the motion.

D.P.O. HORSLEY:

On the motion.

LEG. MONTANO:

I believe I have to recuse myself; am I correct, Counsel?

MR. NOLAN:

Well, you --

LEG. MONTANO:

I have a relative that works at the Board of Elections, so am I required to recuse myself?

MR. NOLAN:

If that person is otherwise eligible to retire and could take advantage of this.

LEG. MONTANO:

I don't know, I'm going to recuse myself anyway.

MR. NOLAN:

If not, then you wouldn't have to.

D.P.O. HORSLEY:

All right, one more time on that determination, because I would be in the same boat.

MR. NOLAN:

This only applies to people who are eligible to retire.

D.P.O. HORSLEY:

Okay.

MR. NOLAN:

So if the person who --

D.P.O. HORSLEY:

So I'm not in that position.

MR. NOLAN:

If you have a relative who is not eligible to retire, then it wouldn't impact them and --

D.P.O. HORSLEY:

Okay.

MR. NOLAN:

-- and you wouldn't have to recuse yourself.

D.P.O. HORSLEY:

And that's on the record.

LEG. MONTANO:

I have no way of knowing, so I'm just going to -- I'll be safe.

D.P.O. HORSLEY:

Okay. Legislator Barraga?

LEG. BARRAGA:

Ben, can you clarify something for me? Let's say a person is age 62 and they have the age and they have the years of service, but they wind up retiring and get the free health insurance until Medicare eligible. What exactly -- when I read that, it looks to me like when they get to 65 and they have to apply for Medicare A and B, does the health insurance, the free health insurance continue as a supplemental or what is that, for the rest of their lives?

MR. ZWIRN:

Yes; the answer is yes.

LEG. D'AMARO:

That's the way it works, Tom.

LEG. BARRAGA:

Okay. I just wanted to make sure.

LEG. KENNEDY:

I've got a question, too.

D.P.O. HORSLEY:

Legislator Cilmi first.

LEG. CILMI:

Yes. Ben, is this the -- is this the resolution that's referenced in -- there was a -- and you may not have seen it, but there was an update on the AME website with reference to, I believe it was this policy and the fact that for every three persons who took this thing, you may reconsider one person on the layoff list. Is this the same bill; is this the bill that's kind of relative to that?

MR. ZWIRN:

I can't answer that, Legislator. I didn't see the website.

LEG. CILMI:

That doesn't mean anything to you.

D.P.O. HORSLEY:

That is -- it's my understanding on the AME, that was an offer as part of the administrative negotiations with AME, and so that was part of the agreement, my understanding.

D.P.O. HORSLEY:

Well, my --

MR. NOLAN:

For them.

LEG. CILMI:

The question I have, if that's the case, the question I have is when you read the AME notice on their website, it said that the County Executive has agreed -- I'm paraphrasing, forgive me, but it said the County Executive has agreed to remove one name off the layoff list for every three individuals who retire based on this bill, as long as the 2012 deficit mitigation, you know, projections are realized, or something to that effect.

D.P.O. HORSLEY:

No, I think what it was, my recollection -- if I may jump in, Legislator.

LEG. CILMI:

Please.

D.P.O. HORSLEY:

Is that if it reaches a number of 68 million in numbers of people who accept the early retirement, then that three-for-one would go into effect.

LEG. CILMI:

Okay.

D.P.O. HORSLEY:

And they were projecting -- they were projecting that that number would never be reached.

LEG. CILMI:

Who was projecting?

D.P.O. HORSLEY:

The Administration, that was my understanding, because that's a huge number.

LEG. CILMI:

Okay. So you're saying that the -- I wish my computer was still open, but are you saying that AME -- you don't know what I'm talking about with respect to that AME notice then.

D.P.O. HORSLEY:

I don't know about that notice, no.

LEG. CILMI:

I know -- I see Rich here, you're here, and are you able to answer that question?

MR. MEYER:

No, I'm afraid not.

LEG. CILMI:

You're afraid not, okay. Has anyone here seen what I'm talking about?

LEG. ROMAINE:

I saw it but I don't have it in front of me. Obviously, I assume the union negotiated with the County Executive, and I assume that they thought by early retirements, if there was sufficient numbers of early retirement, they would be able to save some people from being laid off. But that's -- you know, that's the extent of my knowledge on that. And I understood it was like three-for-one; that for every three people that would be retiring, they would save one job.

Now, if you're telling me no, that isn't the case, there's a threshold that they have to meet first before that kicks in, and according to the Administration, that threshold will never kick in --

LEG. CILMI:

Well, that's my question, Legislator Romaine.

LEG. ROMAINE:

Well, if that's the case, I mean, that's our Deputy Presiding Officer indicated that, obviously the union negotiated a deal that --

D.P.O. HORSLEY:

I was not part of the negotiations. That's just -- I'm taking that secondhand.

LEG. ROMAINE:

That's secondhand. Okay.

LEG. CILMI:

Ben, you have no knowledge of any of this?

MR. ZWIRN:

With the conversation that you're having, the only thing that I believe could be is that before any restorations would be made, we would have to achieve the salary turnover savings that was budgeted and adopted in the 2012 budget.

LEG. CILMI:

Which was?

MR. ZWIRN:

Well, I think the total number for all funds was I think for \$68 million.

LEG. ROMAINE:

So you don't think that number is going to be reached?

MR. ZWIRN:

Well, I don't think anybody would know, but it's a big number. It was a large number that was put in the budget. I mean, it was one of those things I think that you questioned as Legislators when the budget came over, and I think you may have changed that number at some point, but that was the number that was out there. It's the turnover savings.

LEG. CILMI:

Okay.

MR. ZWIRN:

It's the turnover savings number that was budgeted that I think they're trying to reach before they do any restorations.

LEG. CILMI:

Thanks to the quick work of Gail Vizzini, I have the official Memorandum of Agreement from the County Executive's Office in front of me and it is hereby stipulated and agreed, one, two and three, "The County agrees to reduce the number of positions to be eliminated on July 1, 2012 on a one-to-three basis." Let's see, and it looks like based on those brackets, am I correct? There's a bracket on here that says, "If the terms set forth below are met and \$68 million in turnover savings occur in 2012, for every three members that retire, one position being eliminated shall be restored." It looks to me that that was eliminated and instead says, "By the number of employees who voluntarily separate from service between June 15th, 2012 and June 30th, 2012. However, only after the County has realized the turnover savings contemplated in the 2012 budget of approximately \$68 million from retirements, attrition," etcetera. "Both parties desire to offer this incentive to AME members to further reduce the County payroll and to provide said employees," blah, blah, blah, blah, blah. So, apparently this was agreed to by both parties, but there is a \$68 million turnover savings threshold.

LEG. ROMAINE:

Could I ask a question? I believe a similar Memorandum of Agreement was negotiated by the

County Executive. And the PBA, the Detectives and the Superior Officers; did they also have in their agreement the \$68 million turnover savings as a codicil to their agreement?

MR. ZWIRN:

You're asking me? I don't believe so, no.

LEG. ROMAINE:

So this agreement that was negotiated with AME is different from the agreement given to the PBA, the Detectives and the Superior Officers.

MR. ZWIRN:

Well, the PBA did not get any restorations when they retired. I mean, so there's differences in that sense.

LEG. ROMAINE:

The cadets weren't restored? I thought the cadets were going to be laid off and as a result of these retirements, the cadets at the academy were going to be saved.

MR. ZWIRN:

That was at the request of members of the Legislature, they did not want uniform personnel to be eliminated.

LEG. ROMAINE:

But that was not part of any written agreement.

D.P.O. HORSLEY:

All right, I think we're -- we can research this tomorrow. Where are you going with this, Ed? It's an agreement.

LEG. KENNEDY:

Wait, wait.

D.P.O. HORSLEY:

All right, Legislator Kennedy may have one more question. Come on, let's move on this.

LEG. KENNEDY:

That would be nice since I sponsored this bill and I appreciate that. And I'm thrilled that everybody's bill-napping this one. But for Ms. Vizzini; didn't we reduce those turnover savings when we went from the recommended to the adopted?

MS. VIZZINI:

Yeah, the \$68 million number comes from the recommended budget. And the Budget Review Office explained to you that there's not enough money in the salary lines even to pay people after the layoffs. So we did mitigate it to some extent, we restored \$14 million into the various salary lines.

LEG. KENNEDY:

Now -- all right, so then let me just ask one other number, and obviously we're not part of what the ultimate negotiation was.

But what is the amount that was projected to be saved by these 315 being separated on July 1?

MS. VIZZINI:

Yeah, that's still in the ballpark on a gross basis of \$11.3 million.

LEG. KENNEDY:

Okay. Okay. So then, Ben, my simple question to you is how did we go from what was the objective with this bill, be it whatever the Exec brought, the things we excluded, but how did we go from either 11.4, or even a reduced amount, to a total of 68 million in turnover savings?

MR. ZWIRN:

I think they were looking at the turnover savings number for the year, that they could achieve that. Without achieving the number that they had -- that was in the budget, they could not restore people. I mean, there's no money, there's no money, those people have to be off the payroll and gone. If we did it another way, if you come up with revenue -- it was just one of those things that even though the budget is balanced on paper, there's no revenue. I mean, we had to borrow money from the community college this year just to make payroll.

LEG. KENNEDY:

We'll borrowing from everybody, I understand that. All right.

D.P.O. HORSLEY:

Legislator Nowick.

LEG. NOWICK:

Yeah. Just after listening to Legislator Montano recusing himself because the Board of Elections was in there, I believe I must do the same thing because I have a relative at the Board of Elections who is eligible for retirement.

D.P.O. HORSLEY:

Legislator D'Amaro.

LEG. D'AMARO:

So there's a trigger amount before this becomes effective, is what we're saying.

MR. ZWIRN:

Before restorations could be --

LEG. D'AMARO:

Before restorations; oh, okay. So the retirements can happen.

MR. ZWIRN:

Yes.

LEG. D'AMARO:

But before any positions are restored, there's a threshold amount that needs to be reached.

MR. ZWIRN:

Has to be saved, yes.

LEG. D'AMARO:

I just want to ask this question; what is the projected -- I mean, the County offers early retirement as a savings measure. What is the projected savings from this bill?

MR. ZWIRN:

In this bill, for 2012, for just the exempts, it's \$211,238 for 2012, 4423 -- \$423,155 for 2013 and \$142,395 for 2014.

LEG. D'AMARO:

Is there -- putting aside whether or not you reach the threshold and can do restorations, just looking

at the early incentive retirement program, is there a limitation on the backfill?

MR. ZWIRN:

That I don't know. I know what you're saying and I don't have the answer to that.

LEG. D'AMARO:

So does anyone care if there's a limitation on the backfill? I mean --

MS. VIZZINI:

It's not implicit in the document.

LEG. D'AMARO:

It's not stated in the document. So we're, in effect, offering an early incentive retirement program to a select group of employees who can take the incentive and not have to worry about ever being -- ever paying for health care post retirement, but then we could go out the next day or the next week or within the next several months and rehire into all of those positions again without any cost savings. So there's no expressed limitation on the rehiring aspect of this.

MR. ZWIRN:

I don't believe so.

LEG. D'AMARO:

Now, the one-to-three ratio is only about avoiding layoffs or restoring those who are slated to be laid off. Separate from that is an Early Retirement Program that will allow individuals to retire, but there's no limitation on restoring other people into those positions.

D.P.O. HORSLEY:

He's probably figuring not signing SCINS, then.

LEG. D'AMARO:

Well --

D.P.O. HORSLEY:

I don't know. I'm not -- I'm just --

LEG. D'AMARO:

I mean, why are we -- why are we offering -- why not keep the employees who are there? I don't understand the motivation from the County's perspective to offer an early retirement when we're just going to go out and rehire into these positions anyway. We're just giving something, but what are we really getting in return if we're not getting a cost savings?

D.P.O. HORSLEY:

By saying he's going to rehire them immediately.

LEG. NOWICK:

But if we can hire people who lost their jobs and the others could retire, everybody's happy.

LEG. D'AMARO:

Well, but the point is that we're giving --

D.P.O. HORSLEY:

We're bringing in less money. There could be a lot of things.

LEG. D'AMARO:

Well, the point is we're giving up something. We're giving up on a prospective basis the ability to have those who have retired contribute to their health care. And, okay, I can accept that, but what are we getting in return if we're just going to go out and refill those positions?

LEG. KENNEDY:

We're shedding people at the top end of the salary scale. The Social Services Center Directors who have called or the senior stenographers from the D.A.'s Office, many who are making 60, 70, 80, \$90,000 a year who have the inducement to separate. And, A, they'll be a real hard question whether they're going to be replaced period; or B, if they are replaced, they'll be with people who will enter at the lower end of the salary scale. So the savings is the delta between the high-end folks exiting and whomever gets brought in.

LEG. D'AMARO:

Well, but except you can rehire into the title at that salary with the experience.

LEG. KENNEDY:

But the prudent thing to --

LEG. D'AMARO:

Or someone can move up into those positions. My point is that the way --

D.P.O. HORSLEY:

Guys, we're going to have a debate here between each other, so why don't you --

LEG. D'AMARO:

Well, no, this is an important point.

D.P.O. HORSLEY:

Okay.

LEG. D'AMARO:

Because if we're going -- at least in my experience here, when we've offered early retirement, one, we look at certain individuals who we feel should not be offered the incentive; I don't think that's been done; and two, put a limitation on the backfill. Because if we're not going to save anything, then why are we giving away something? It's just -- and I can't get an answer to this.

MR. ZWIRN:

Well, I think with the --

LEG. D'AMARO:

I mean, I'm all for it, but are we saving any money, or are we just giving away something again?

MR. ZWIRN:

No, I think the savings that are indicated in the Fiscal Impact Statement are the savings that they're looking to achieve. And while they haven't talked about backfill, I mean, I haven't done the analysis, but I can't imagine there's going to be any backfill with those kinds of projected savings. If those savings were not -- but I understand your point.

LEG. D'AMARO:

It should be written into the bill and the analysis should be done now as to who's eligible, what positions should not be offered and what the limitations are on backfill and then you'll achieve the savings. That's my point.

And I have to tell you, I think I raised this issue a month ago when we talked about this, and it's

very disappointing to me to see that it's drafted in such an open-ended manner, because it leaves open a very -- it leaves open the possibility that we -- at the end of the day we achieve no cost savings here.

D.P.O. HORSLEY:

Okay. We have a motion to approve, right; is that correct?

MR. LAUBE:

Yes.

D.P.O. HORSLEY:

It's been a while. And we don't have any other motions, right? Okay, we have a motion to approve. You guys ready on this? All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen.

LEG. MONTANO:

Recuse.

D.P.O. HORSLEY:

Recusals?

MR. LAUBE:

Recusals.

D.P.O. HORSLEY:

Oh, yes, I'm sorry. Legislator Nowick and Legislator Montano.

LEG. SCHNEIDERMAN:

I thought there were three.

D.P.O. HORSLEY:

I don't have someone of retirement age.

MR. LAUBE:

Fifteen (Recused: Legislators Montano & Nowick - Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:

I'm going to make a motion to waive the rules and lay on the table the following resolutions:

Introductory 1622, Public Works.

MR. NOLAN:

And set the public hearing.

D.P.O. HORSLEY:

And set the Public Hearing for 6/19 at 6:30 in Riverhead; 1625, EPA; 1626, Public Works; 1627, Public Safety; 1628, Public Safety; 1629, Public Works; 1630, Public Works; 1631, Public Works; 1632, Public Safety; 1633, Economic Development; 1634, Economic Development; 1635, Ways and Means; 1638, Ways and Means; 1641 -- did I miss one? I didn't see it. All right, there's a 1637, and where is that? Ways and Means, is that right?

MS. PASTORE:

Yes.

D.P.O. HORSLEY:

Okay. So 41 is the next one, then?

MR. NOLAN:

1642 ist he next one I got.

MS. PASTORE:

Forty-one.

MR. NOLAN:

Forty-one.

D.P.O. HORSLEY:

1641, Ways & Means; 1642, Ways & Means; and that's it?

MR. NOLAN:

Just get a second.

D.P.O. HORSLEY:

All right, may I have a second on the motion led by Legislator Barraga. All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen (Absent: Presiding Officer Lindsay).

D.P.O. HORSLEY:

We're adjourned.

*(*The meeting was adjourned at 8:35 P.M. *)*

{ } - Denotes Spelled Phonetically.