

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

ELEVENTH DAY

September 13, 2012

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

Minutes Taken By

Alison Mahoney & Lucia Braaten - Court Reporters

Kim Castiglione - Legislative Secretary

Denise Weaver - Legislative Aide

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*(*The meeting was called to order at 9:50 A.M. *)*

P.O. LINDSAY:

Mr. Clerk, are you ready to call the roll? Would you call the roll, please.

MR. LAUBE:

Will do. And may I say it's good to see you in that chair again, Sir.

P.O. LINDSAY:

Thank you very much.

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

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

Here.

LEG. MURATORE:

Here.

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.

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LEG. D'AMARO:
Here.

LEG. SPENCER:
Here.

D.P.O. HORSLEY:
Here.

P.O. LINDSAY:
Here.

MR. LAUBE:
Seventeen.

Applause & Standing Ovation

P.O. LINDSAY:
All right. Thank you. Thank you very much. I was going to say, we're back to full strength and I heard seventeen; I had to look around to see who we were missing.

All right. Thank you for the applause, I appreciate that. If we could all rise for the salute to the flag led by Legislator DuWayne Gregory.

Salutation

The guest clergy today is going to be introduced by Legislator Gregory as well.

LEG. GREGORY:
Thank you, Mr. Presiding Officer. Ladies and gentlemen, this morning I have the honor of welcoming to our proceedings Dr. Vernon D. Shelton, Senior Pastor of the Holy Trinity Baptist Church in Amityville.

Born and raised in the Park Heights Community of Baltimore, Maryland, Dr. Shelton attended Coppin State University, an historically black college. There he earned a Bachelor's of Science and Criminal Justice. An accomplished athlete, Dr. Shelton played for Coppin's baseball team under former Baltimore Orioles outfielder Paul Blair. Dr. Shelton eventually went on to play baseball in the Maryland Semi-Pro Leagues.

Putting down his glove and picking up the Bible, he received and accepted the call to the preaching ministry at the age of 26. He gave his first sermon in 2002 at the Jerusalem Baptist Church. Dr. Shelton has a Master's of Divinity Degree from the Samuel DeWitt Proctor School of Theology at Virginia Union University Seminary. Dr. Shelton also has a Doctorate of Ministry Degree from the United Theological Seminary in Dayton, Ohio. From 2006 to 2010, Dr. Shelton served as the Senior Pastor of the New Hope Christian Baptist Church in Baltimore. On September 19th, 2010, Dr. Shelton was installed as the 10th Pastor of the Holy Trinity Baptist Church in Amityville. During the first year of Dr. Shelton's arrival, Holy Trinity experienced a significant growth, both spiritually and numerically. Over 150 disciples have joined the church since his installation, including 70 as candidates for baptism.

In addition to his membership and numerous community organizations in the Amityville area, Dr. Shelton is also a member of the Kingdom Association of Covenant Pastors under Bishop Walter S. Thomas, Sr., of the Eastern Baptist Association. Along with all the good work he does in the ministry, at home he is a devoted husband to his wife {Laprenna} and the proud father of Terrence,

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Monique, Mariah, Iona and Vernon, Jr. A firm believer that every aspect of life, ministry and baseball should be done with excellence, Dr. Shelton's favorite motto is, *"Excellence is not the standard but the minimum."*

So I have to ask you, Doctor, is it your prayer that's responsible for how both the Orioles and the Yankees have been playing lately?

*(*Laughter*)*

Because of the game-ending double-play call against {Deshera} the other day. That night it was just, some would say, unholy.

*(*Laughter*)*

They certainly haven't been in the playoffs since 1997, it looks like the Orioles are making a deal with the devil to get into the playoffs this fall. And before I forget, I understand we may have some visitors from Queens and true Met fans, they certainly have really -- their vocation really requires faith. My father is a diehard Met fan. I kid him, but in all seriousness, during the short time he has been on the Island, Dr. Shelton has become a valuable member of the Amityville community. Ladies and Gentlemen, please join me in giving a warm welcome to Dr. Shelton.

Applause

DR. SHELTON:

Let us pray. God, we thank you for your grace. We thank you that you did not give us what we deserve. We thank you for the honor and the opportunity to serve each community and County that's represented here today. We thank you for healing power. We thank you for how you have blessed us and given us strength. We know now that we're in some tough times, and with tough times requires tough decisions. So now we pray that you would just continue to be with our Legislative leadership as they make tough decisions for our County. We pray that you will be with them. We pray that you will touch the minds and the hearts of those who may not understand the decisions, that you would just give them resolve so they can support our Legislators as we continue -- as they continue to lead us and guide us through these tough times. We pray for our country, our President, and we also pray for our leadership here today. We thank you now. And it's in Jesus' name I pray, amen.

"Amen" said in unison

P.O. LINDSAY:

If I could please ask for everyone to remain standing for a moment of silence. During this month we remember all of the victims of the terrorist attack eleven years ago, on September 11th, 2001. Never forget, we are all Americans, no matter how great or how small. Every act of patriotism makes the nation stronger. Every act of kindness fills the nation's heart, and every act of service makes the nation more whole. God bless the souls of the 9/11 and God bless America.

Let us also remember all those military men and women, especially the ones from Suffolk County, who put themselves in harm's way every day to protect our country. With that, you can have a seat.

I want to start out by taking a privilege of the Chair and presenting four proclamations of my own. They're kind of special to me. I haven't been in this chair since mid-May, and I'm back and kicking again. And it's not without a lot of pain and strain and a lot of good nursing care, and I have so many people to thank for that. Certainly my family and certainly all of the people that help me through my recovery, and just your well wishes and cards and e-mails and everything else that

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came in to encourage my recovery.

I have to really -- I would be remiss. I have four proclamations for four very special people in the medical field who literally, in my opinion, saved my life. The first is Dr. Kenneth Rosenzweig who is my Radiation Oncologist. It takes an awful lot of people to put me back together. I guess I must be pretty complicated. But Dr. Rosenzweig gave me the good news on August 11th that I'm cancer-free.

Applause

Don't get all excited, it's for now. You know, for now. The cancer that I have is an occupational cancer, it's called mesothelioma, and it's a nasty, nasty cancer that seems to always come back. And they are working on all kinds of cures to prevent it from coming back and to provide ongoing treatment. And we don't realize how lucky we are, being in the New York vicinity, to be near some of the greatest physicians and hospitals probably in the world. Doctor Rosenzweig practices at Mt. Sinai Hospital in Manhattan, and we underwent treatments for radiation there five days a week for six weeks. So it was quite, quite an ordeal getting me in and out of there.

The next presentation is to Dr. Pass, Harvey Pass who is my surgeon who took out my lung and who, in his opinion -- he's kind of a dynamic type of guy. I had a second opinion and the second opinion said that I'm not a candidate for surgery, and it was kind of devastating to us because we knew that was my best shot. And Pass looked at everything and said, "I can do it," and he did do it. And I will always be eternally thankful to him for keeping his word.

And the next is the Dr. Lee Krug who is my oncologist who practices at Sloan Kettering, and I will be seeing him on an ongoing basis.

And the last person is Mary Hesdorffer who is a nurse who runs an organization called the Mesothelioma Foundation of the United States, and she advises people all over the country on best treatments and she has been really a savior to my family.

So I just felt it was appropriate that I, as well as the citizens of Suffolk County, thank these great doctors and nurses for putting me back together again and keeping me here hopefully doing good work for the citizens of Suffolk County for another year. So I thank everybody.

LEG. NOWICK:

We thank them, too.

P.O. LINDSAY:

Yeah, thank you.

Applause

First up, this is for proclamations, is Legislator Romaine.

LEG. ROMAINE:

I have several proclamations. The first one is for our County Clerk, someone that I've known for many, many years and have great respect for. I'd ask her to come up here, along with our Director of, I guess, Optical Imaging, Peter Schlusser. I see her Chief Deputy here, Nicole DeLuca, if you would like to come up as well.

One of the nice things about the County Clerk's Office that I enjoyed when I was there for many years --

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D.P.O. HORSLEY:

Ed, I think your mic is off.

MR. ORTIZ:

You don't have to hold it down.

LEG. ROMAINE:

Oh, okay. You fixed it. That's technology for you, and that's what I'm here to talk about today, technology.

The reason Judy is up here, along with Peter and Nicole, is because the County Clerk's Office was recently honored by the National Association of Counties for the design and implementation of Suffolk County's Public Assistance Real Property Repayment System. She has helped this County recover millions of dollars through this automated system that she set up. She's also up here because she won a second award, and that second award was *The Best of New York* that recognized Suffolk County's Unified Land Record Retrieval Kiosk, which they have throughout the office, as one of the best applications serving the public in the State of New York. And it was -- this was an honor bestowed by the Center for Digital Government & Government Technology. These two awards speak to the hard work, effort and the cutting technology. And I see Peter has one of the awards in his hand, *The Best of New York of the County Clerk's Office*.

So I want to commend them. And one of the rare things I get to do is to say thank you on behalf of a County to a friend who is also serving in public office. So we've named in my district, the 1st Legislative District, this as Judy Pascale Day, *Suffolk County Clerk Judy Pascale Day* for her achievement. Thank you, Judy.

Applause

MS. PASCALE:

Thank you, Ed. I just want to thank everybody. Obviously I'm the one that receives the award, I'm the one that -- even though Peter is holding it. None of this would have been possible without a dedicated staff. I am very blessed to have a great IT Director and a great IT staff. I'm very blessed to have a great management team. And I would be remiss if I didn't give a shout out to my AME employees, without whom none of this could be done.

Applause

They truly are the backbone of this County and they truly are the backbone of my office. As you know, we're all doing more with less, and that's why this is especially nice to receive recognition for this.

I'd also be remiss if I didn't thank Legislator Romaine, the former County Clerk, who taught me everything I know about the County Clerk's Office. Because a lot of this is the culmination of the sparks that he instilled in the office when he was there.

And obviously, I have to thank each of you for your tremendous support of my office. I can't remember a time when I've ever come to this body and asked for anything from my office and was turned down. You've been wonderful, you've been supportive and I truly appreciate it. Despite this depressed real estate economy, the County Clerk's Office continues to be the number one revenue producer, and we also just got *The Best of New York* out of the 62 counties. So the most money, *The Best of New York*, how do you beat that? Thank you very much.

Applause

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P.O. LINDSAY:

Congratulations, Judy.

MS. PASCALE:

Thank you. Welcome back.

P.O. LINDSAY:

Thank you.

LEG. ROMAINE:

Indeed, welcome back to our Presiding Officer. I'm going to enjoy looking at that chair and seeing you sit in it, Sir.

P.O. LINDSAY:

Thank you.

LEG. ROMAINE:

The next -- I'm going to ask Kate Browning, Legislator Kate Browning to join me in presentation of these awards. I'm going to ask three Park Police officers to come up. It's our smallest law enforcement service in Suffolk County, but they do one heck of a job. Gentlemen?

Each of these gentlemen were patrolling the Smith Point County Park after hours, no lifeguards. Two of them joined in one rescue and one effectuated the other rescue of people that were in distress in the ocean. They ran in, and but for their act -- efforts, there would be two people dead in Suffolk County. They saved two lives. One, in one attempt where the two worked together, the other one where they were able to save another life.

This is our smallest law enforcement unit in Suffolk County. When you see gentlemen like this, and there have been other instances this year where Park Police have saved lives, prevented accidents, it's a credit to their force and it's a credit to their service to Suffolk County. So [Matthew White](#).

Applause

[Kevin Spence](#).

Applause

Whose Dad recently retired, I just saw him last week, from Suffolk County. And [Phillip Archer](#).

Applause

Legislator Browning?

LEG. BROWNING:

Well, thank you for letting me join you. Because you do say it, we have -- it is the smallest unit, and when I look at how much area our Parks Police have to cover, it's pretty amazing that they can be at so many places.

And I have to give a special note, because I know Phil Archer very well from when he was in high school, he wrestled with my son. And he was a phenomenal young man, so I'm very happy to see that he's now a Police Officer, because we need more people like you guys. And a special thank you for what you do, because I know that many residents from my community are spending a lot of time at Smith Point and I'm glad to see that we have such great qualified young men working in our department. Thank you.

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LEG. ROMAINE:

We need more Park Police.

LEG. BROWNING:

Yes, we need more Parks Police.

LEG. ROMAINE:

Absolutely.

Applause

LEG. BROWNING:

I think I've got one. Is mine next?

P.O. LINDSAY:

Legislator Hahn?

LEG. HAHN:

Hi, everybody. I am here to congratulate two of our K-9 officers, Officer William Krolikiewicz and Officer Sam Barreto and their K-9 companion Chase. Hi, Chase.

Applause

These are the officers and the K-9 officer who found Dr. Joe Nadler --

Applause

-- who went missing in Caleb Smith State Park while he was fishing. And so we want to say thank you to the officers, and especially thank you to Chase for -- Dr. Nadler is a constituent of mine and we're very thankful, with your persistence and you kept -- you know, you kept looking for him and you kept at it. And Chase, thank you for your attentiveness to what you -- and for a job very, very, very well done. Thank you. Thank you.

Applause

P.O. LINDSAY:

Legislator Hahn had a certificate for the dog as well.

*(*Laughter*)*

I'm glad she didn't try what she's been practicing for a week, is have the dog take it in his mouth.

*(*Laughter*)*

Next up is Legislator Browning -- no, she's doing the photos.

LEG. BROWNING:

I'm right here.

P.O. LINDSAY:

Oh, I'm sorry.

LEG. BROWNING:

Actually, go to the next one because I want Kara to come back.

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P.O. LINDSAY:

Yeah, don't -- skip one?

LEG. BROWNING:

Skip one.

P.O. LINDSAY:

Don't confuse me today.

(*Laughter*)

LEG. BROWNING:

I'll try not to.

P.O. LINDSAY:

Legislator Muratore.

LEG. MURATORE:

Good morning, everyone. You know, today we're very fortunate. We see what great people we have in this County and in this country. We saw the great doctors that worked on our Presiding Officer and brought him back to us and is making him healthy again. We saw the great work that Police Officers did, along with K-9, in finding the doctor that was lost in the woods.

You know, it's really my pleasure today to go in another direction, to go to people who honor our veterans, particularly our returning veterans. There's a great organization out there, it's called *Recycled Rides Program*, and they work with the business -- they work with businesses nationwide to locate, repair and present vehicles to veterans in need of reliable transportation for their families. As a matter of facts, just a week few weeks ago a returning veteran, wounded, came home, sleeping in his home one night, woke up and found out that his vehicle was stolen from his driveway. Recycled Rides immediately stepped up and within a few days had a vehicle all ready for him and his family so he could go on get a job and provide for his family. So it really is a wonderful, wonderful organization. That kind of -- you know, it stays under the radar, not too many people know about them. It's really a bunch of veterans. And I asked to come here today -- well, I would like to honor and thank the following individuals who participate in the *Recycled Rides for Veterans Program*. First of all, I'd like to call up **Dennis Sullivan**. Dennis?

Applause

Dennis Sullivan is the Chairman of the Recycled Rides Program. He is also not only active in that, but is the State surgeon in charge of all the VA hospitals; so you can see where his heart is. He really, really cares about our veterans.

I'd like to call up now **Joe Amodei**, the owner of Collision Centers of Long Island on Route 112 in Patchogue.

Applause

What his group does is they take the cars and they make them runnable (sic). They do the body work, they do the mechanical work, the interior work. And you would not believe that these are used cars when you see them, I had the pleasure going a few times to the presentation to the vehicles.

Next I'd like to call up Ed Kizenberger, the Executive Director for the New York State and Long Island Auto Body Association.

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He's kind of like the coordinator. I know he does most of the speaking at the events, so he's probably the smarter of the group.

*(*Laughter*)*

You know, a lot of this comes -- a lot of these vehicles come from the insurance companies. And I know State Farm, and I'm not giving a plug here, they work very heavily in this. And I'd like to call up Steven Wisotsky, he's an employee of State Farm Insurance.

Applause

And I'll last honoree today is Christopher Senior, the owner of Craftswood Auto Body, Inc, in Centereach, you know, in my home town, my home district. Again, he works with the vehicles, putting it back in shape. And I can't stress enough, you would not think that these are cars that were wrecked or that were, you know, impounded. From stem to stern, they're all fixed up, they're mechanically perfect. I know they even give gift certificates for gasoline. I think they help out with insurance the first year. So it really is -- you know, for all our veterans, we talked about them in the beginning, Legislator Lindsay asked that we pray for them. And you know what? Our prayers are answered when we have men like this who work so hard for our veterans.

So on behalf of this Legislature, all the people in this room and all the people in Suffolk County, I would like to say thank you very much. God bless you and keep up the good work. Thank you so very much.

Applause

I knew I could get him to talk.

MR. SULLIVAN:

Well, it's an honor to be here. And it's almost timely -- given what's gone on in the past 48 hours in Libya, sending our troops into the unknown -- to be recognized for the work that we do, really selfishly behind the scenes. We like to stay behind the scenes because we believe that the veterans are the ones that deserve the recognition. But our group is happy to do what we do and we thank you again for the honor of these proclamations.

Applause

P.O. LINDSAY:

Okay. Next up is Legislator Browning and Legislator Hahn to present a joint proclamation.

LEG. BROWNING:

Okay. I'd like to -- and I'm glad that Kara is with me today to see how successful -- not too long ago we passed the Narcan bill for our Police Officers to use, and very quickly it showed how successful this pilot program is.

I have with me today Police Officer Michael Alfieri who drives in the Mastic Beach area. His sector is in the Mastic Beach area. And on August 1st he responded to a call for a 27-year old man who was -- who had overdosed. And thanks to his quick actions and the use of Narcan, the 27-year old is still with us today. On August 21st, he was in the Mastic area and a man pulled him over, asked him for assistance for his wife who had overdosed. And thanks again to Michael Alfieri's quick actions, this gentleman still has his wife us with us.

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So I have a proclamation to say thank you for Michael Alfieri, to Michael Alfieri for his quick actions in saving two lives, and today there are two families who did not have funerals because of what he did. And again, thank you, Kara, for introducing the pilot program, because clearly this pilot program -- and I know not just in my district, but we have heard of other success stories in the areas in Suffolk County where young people have been saved because of Narcan. And I -- I'm remiss to mention, thank you, Legislator Kennedy, who was a very strong supporter of this program.

LEG. KENNEDY:

Glad it's working.

LEG. BROWNING:

Say again?

LEG. KENNEDY:

I'm glad it's working.

LEG. BROWNING:

We are all very glad it's working. So with that, I have a proclamation for Officer Michael Alfieri. Thank you very much for your actions. And I have to say, he's a great Police Officer in the 7th Precinct.

Applause

LEG. HAHN:

And in case it wasn't clear, we've had, I believe it's five already, five saves, and two of them Officer Alfieri was involved in. And thank you to Lynne Nowick as well and Greg Moran for their -- all their work that they have done on this issue. And I think we do -- I think already we have shown that this should be expanded throughout Suffolk County and we will be working in the future. But thank you, Officer Alfieri. I'm so glad that you restocked after the first save (*laughter*). It really is a tremendous thing. So thank you very much.

Applause

P.O. LINDSAY:

Okay. Next up is Dr. Spencer, Legislator Spencer, for the purpose of a proclamation.

LEG. SPENCER:

I would like to ask if Officer Fred Uvena would please come to the podium. Suffolk County is proud to recognize people who care enough about their neighbors and community to go above and beyond every day. On August the 5th, 2012, *Bay Constables Fred Uvena, Tim Lutz and Stephen Taylor* responded to a call that was first described as a suspected boating while intoxicated when a 47-foot sailboat collided with an anchored vessel in Huntington Bay. While Tim piloted the patrol boat, Fred boarded the victim's boat and found a 54-year old man disoriented, combative with slurred speech, and ultimately losing consciousness. After quickly surveying the situation, Fred recognized that the man was exhibiting all the signs of a diabetic-related incident. With assistance from Tim, Fred secured an airway and administered oxygen to the victim. Meanwhile, Stephen remained on shore to assist local fire departments and ambulance to get the victim to Huntington Hospital.

On behalf of the Suffolk County Legislature and all the residents of Suffolk County, I would like to convey our sincerest thanks and appreciation and recognize the prompt response of these three gentlemen which resulted in the life of a boater being saved. Thank you.

Applause

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I would like to ask if Bryan Proctor would please come to the podium. Brian Proctor. All right. He was here earlier. So I'll come back to him if I see him come back into the room. Thank you.

P.O. LINDSAY:

Legislator Montano for the purpose of a proclamation.

LEG. MONTANO:

Thank you. Thank you, Mr. Presiding Officer, members of the Legislature. Bill, I'm very glad to have you back here today --

P.O. LINDSAY:

Thank you.

LEG. MONTANO:

-- and joining us. My congratulations to all the others that have received proclamations today, our veterans and those that have been instrumental in saving lives.

I'd like to go in a different direction also. September is *National Hunger Action Month*. This is a time of year when agencies like Island Harvest, Feeding America and many others ask you to lend your voice to the continuing fight against hunger. And why do we need to speak out and fight hunger in America? Because nearly 49 million people in America struggle with -- who struggle with hunger often do so in silence. They live in our communities, they're our neighbors, our coworkers, our friends, and yet their struggles go, in many cases, unheard.

According to the United States Department of Agriculture, 16.7 million children under 18 in the United States live in this condition, unable to consistently access nutritious and adequate amounts of food necessary for a healthy life. Forty states, 20% or more of the child population in 40 states in D.C., Washington D.C., live and in food-insecure household -- households in 19 -- in 2009. In recognition of Hunger Action Month, I would like to acknowledge *Island Harvest* and its *President and CEO, Randi Shubin Dresner*, and the entire Island Harvest team for their continued service to all of our communities and for the outstanding job that they do to feed those who might otherwise go hungry.

I want to point out that Island Harvest has been around since 1992 when they were founded, and in that time they have given out over 71 million pounds of food. Please join me in honoring --

Applause

Seventy-one million pounds; that's a lot of food.

Applause

Randi, on behalf of the Legislature, myself and all our members, we would like to honor you and your organization and the many others, particularly in this month, for a job well done. Thank you, Randi.

MS. SHUBIN-DRESNER:

Thank you very much. I'm honored to be here today and to recognize September as *Hunger Action Month*, hunger awareness month. I accept this proclamation on behalf of the 300,000 people right here on Long Island who are accessing food from our network. And of that number, you mentioned children, 110,000 live right here on Long Island who depend on food from the Hunger Relief Network every single day.

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And so recognition is important. Education is really critical, because we need to end hunger and childhood hunger right here on Long Island. Thank you.

Applause

LEG. MONTANO:

Thank you.

D.P.O. HORSLEY:

Legislator Cilmi for a moment of proclamation.

LEG. CILMI:

Yes. Thanks, Mr. Presiding Officer. Just very, very quickly. I don't have a proclamation to present today, but a few months ago I came before this body and introduced you to a young lady from East Islip by the name of Cari Roccaro. You may remember that Cari was a high school senior at the time and was selected to represent the United States on the Women's Under 20 Soccer Team.

So Cari went through the qualifiers and the team made it to the World Cup, to the Women's Under 20 World Cup as a result of winning their qualifying matches. Well, the Women's World Cup was played a week or two ago in Japan, and I'm very, very proud to say that in the quarter final match and in the semi-final match and in the final match, all of which were victorious for the United States, Cari played every minute of every one of those games.

She graduated high school this year. She's off to Notre Dame to play soccer at Notre Dame. She is the youngest player on that Women's Under 20 National Team. Watch for this young lady in the future, folks. She will no doubt be in the Olympics, she will no doubt be part of the first team that competes for the actual Women's World Cup in the future. I'm exceedingly proud. She's a very humble young woman and I'm pleased to talk about her a little bit today. Thank you.

Applause

D.P.O. HORSLEY:

Legislator Kennedy for purposes of a proclamation.

LEG. KENNEDY:

Good morning. And I am going to go in a little bit of a different direction, although it's going to come back to what Legislator Gregory so graciously did for us this morning.

I'm here to recognize three of our competitors for the Pitch, Hit and Run Contest that we had in early April, and I'm going to ask Christian Michael and { Kaitlyn Puzzo } and Evan { Slewinski } to join me here at the podium. These three young people competed excellently in a nationally-sanctioned Pitch, Hit and Run Contest sponsored by Major League Baseball and by Aquafina. And it occurs to me that we had a minister who was a baseball player here this morning who inspired us with his prayers. And being a lifelong Mets fan, I will tell you, we'll take the divine guidance with the first no-hitter in 50 years, and a 20-game winning streak for one of our pitchers for sure.

But to turn to these three young competitors, it points out how our youth so often demonstrate their proficiency, their willingness to compete and their excellence by stepping forward, and that's certainly something all of us here on the Legislature can recognize. And we say to each and every one of you, congratulations and thank you for jobs well done.

Applause

D.P.O. HORSLEY:

All righty. We'll be moving right now to a very special event that we take under consideration every year, a **Volunteer Recognition Program for Fire Fighters and EMS Personnel**. This was established as a Volunteer Recognition Program for fire fighters and EMS personnel whereby each Legislator has the opportunity to formerly nominate one person in his or her district for the outstanding service to the community as a fire fighter or EMS worker. At today's General Meeting, we'll read into the record the names and a brief description of each district's designated volunteer. Any presentation of the proclamation was done in each individual district, but if any recipients are in the audience, please stand when your name is announced to be recognized. Thank you. And this just may take me a minute or two, so please give them your due because certainly they're our honorees and very important to all of our Legislators.

VOLUNTEER FIRE FIGHTERS & EMS OF THE YEAR - 2012

For **Legislator Romaine: Elio Zapparata**. Legislator Romaine, are you here? Legislator Romaine has selected Elio Zapparata as his volunteer on behalf of all the volunteers who fought for the Manorville Wild Fire on October 9th and 10th. Elio is the Chief of the Manorville Fire Department and served as Incident Commander for the fire. Through his effective leadership, the seventh largest wild fire in the State history was brought under control and completely extinguished within 48-hours, protecting dozens of homes in the immediate area. The residents of the 1st Legislative District thank Chief Zapparata and all the volunteers who respond for a job well done. Thank you, Chief. Congratulations

Applause

Legislator Schneiderman: Karen Haab. First Lieutenant Karen Haab is not only a long-time leader of the EMS Service in the Springs Fire Department, but is also a fire fighter with the department. She joined the department eleven years ago as an EMT, then an A-EMT, and later to become an active fire fighter. In 2012, she was recognized at the Annual inspection Dinner as Emergency Medical Service Personnel of the Year. In 2005, Karen was named Fire Fighter of the Year from the department. Considering her role with EMS as a hobby, while spending time at the beach recently, she used her expertise to receive a beach goer who went -- to revive a beach goer who went into cardiac arrest close by. The man showed no signs of life and she began to administer CPR until the ambulance service arrived, ultimately saving the man's life. Congratulations to Karen Haab.

Applause

Legislator Browning. Hang on, sorry for that delay. **Legislator Browning** has awarded **Francis Reynolds**. In the early morning of July 3rd at 1 PM, Francis Reynolds, a member of the Mastic Beach Ambulance Company, was driving along Neighborhood Road in Mastic Beach when he witnessed a man being assaulted on the side of the road by a small group of people. He immediately pulled over and got between the victim and his assailants. Francis informed him that he called the Police and began physically pushing them off of the victim while being hit himself. He was forced to flee the scene in his car when the assailants began throwing bottles. He then drove around the block and returned to the victim immediately, having scared off the perpetrators. He immediately began administering first aid while he waited for the Police and the EMS to arrive. Frank's actions saved this man from further harm and may have very well saved his life. Congratulations to Francis Reynolds, our hero.

Applause

Legislator Muratore: Michael Cosgrove. Michael Cosgrove has been a member of the Selden Fire Department for 15 years and holds the rank of Lieutenant of the Truck Company 1. On July

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3rd, Mr. Cosgrove was the first at the scene of a house fire in his neighborhood where he saved multiple lives. He sustained two -- 2nd and 3rd degree burns during the heroic rescue, and after just six weeks of recovery returned to full duty at the fire department. Congratulations to Michael Cosgrove.

Applause

Legislator Hahn: Port Jefferson Fire Department, to the entire department. Legislator Hahn has selected the Port Jefferson Fire Department as the 5th Legislative District's volunteer of the Year for providing 125 years dedicated service to the community. The Port Jefferson Fire Department is comprised of five companies with a membership of approximately 107 personnel. The fire department covers the Village of Port Jefferson with a population of approximately 8,000 people and the Village of Belle Terre with a population of just under 1,000 people. For 125 years, the volunteers of the Port Jefferson Fire Department have been there in their neighbor's time of crisis and have served with valor and bravery. Congratulations to the Port Jeff Fire Department.

Applause

Legislator Anker: Kyle Reitan. Kyle Reitan has been a volunteer EMT with the Miller Place Fire Department since February, 2009, and is the youngest member to hold the title of EMS Company 2nd Lieutenant, which he was nominated for in 2009. Kyle has been presented with the Firemen's Association of the State of New York, FASNY, EMS Provider of the Year Award for his life-saving response to a motorcycle accident on Yaphank Road in Miller Place last year.

On August 22nd, 2011, Kyle arrived on the scene of an accident and noticed a severely injured motorcyclist lying on the ground. He pushed to the patient's side and performed head and neck stabilization and manual breaths. After the patient was stabilized, he was transported to Stony Brook University Hospital by helicopter. On September 5th, the Miller Place Fire Department received a phone call from the motorcyclist brother thanking Kyle for keeping his brother alive until additional emergency personnel arrived. Congratulations to Kyle.

Applause

Legislator Calarco: Michael Grecco, III. Michael Grecco, III, has been with the Patchogue Fire Department close to 20 years and is a Third Generation fire fighter. Recently he has taken it upon himself to design and execute the department's 9/11 Memorial. Now on display outside the building, Michael incorporated a piece of steel given to the department from the World Trade Center, did all of the landscaping himself and honored the three members from the Patchogue community who lost loved ones in the WTC in this memorial. He has pledged to maintain the memorial as well. Legislator Calarco and the Fire Chief, Joe Perri, feels Mike Grecco is a true public servant, committed to his community. Congratulations, Michael.

Applause

Legislator Lindsay. You're good with this? You want me to read it for you?

P.O. LINDSAY:
Go ahead.

D.P.O. HORSLEY:

Paul J. Marotta. Paul J. Marotta joined the Lakeland Fire Department in November, 1992, and he is currently the organization's Chief of Department. Paul is a member of several rescue teams and is a New York City Fire Fighter in Engine Company 235 and he is a journeyman electrician with Local 25.

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In 2011, under Paul's leadership as the Chief of the Lakeland Fire Department, received honorable mention for Suffolk County's Agency of the Year awarded by the regional -- the Suffolk Regional Emergency Medical Services Council, REMSCO. Congratulations to Paul Marotta.

Applause

Legislator Montano: Troi Mosby. Mr. Mosby, a member of the Central Islip/Hauppauge Volunteer Ambulance Corps, responded to a 34-year old female in cardiac arrest. With the assistance of his crew, he was able to regain a pulse prior to the arrival at the hospital and this young woman eventually walked out of the hospital several weeks later. Congratulations to Troi Mosby.

Applause

Legislator Cilmi: Robert Weidmann. Robert Weidmann, a volunteer fire fighter from the Islip Fire Department, is also a fireman in the New York City Fire Department. In December, 2011, Fire Fighter Weidmann responded to a fire in Crown Heights where several people were trapped on the top floor of a three-story brownstone. Along with another fire fighter, Robert entered the top floor where both men became trapped themselves. Robert suffered 2nd and 3rd degree burns over 50% of his body. Fire fighter Weidmann was released from Cornell University Burn Center three months later, in March of 2012, as he continued his recovery. He is now back on the job protecting our families and homes. He is a true hero. Congratulations to Robert Weidmann.

Applause

Legislator Barraga. And also -- now **Legislator Kennedy: Gerald Melvin, Richard Gehrt, Matthew Kondenar and Douglas Hansen.** Legislator Kennedy is proud to honor Fire Fighters Gerald Melvin, Richard Gehrt, Matthew Kondenar and Douglas Hansen who are all 50-year members of the Smithtown Fire Department. Legislator Kennedy, on behalf of all of the residents of Smithtown, would like to thank them for their bravery and dedication.

Applause

Legislator Horsley, a guy I know. Legislator Horsley is honored to recognize **all of the brave men and women, fire fighters and EMT's in Babylon, North Babylon, Lindenhurst, North Lindenhurst, East Farmingdale and West Babylon Fire Departments.** They are all true heroes who risk their own lives to keep our Suffolk County citizens safe.

Applause

The political way of doing it.

Legislator Gregory: Joseph Mazza. Ex-Chief of the Wyandanch Fire Department, Joseph Mazza has been a member of the fire department for 75 years and is the oldest, living, active member. He is quoted as saying, *"I remember that it looked more like an ice delivery wagon than anything else."* He is a wealth of knowledge and information, an asset to the department and from both historical and policy standpoint. Congratulations to Joseph Mazza.

Applause

Legislator Stern: Kris Tillis. Kris Tillis is a 19-year member of the Dix Hills Fire Department and served as Lieutenant of the Engine Company 2. Kris doesn't just run into fire, he also plunges into ice and helped rescue Mickey -- "Mikey", their runaway horse who became trapped in a neighbor's

frozen swimming pool this past winter. Wow. He is this year's recipient of the Terry Farrell Fire Fighter of the Year Award presented annually in the memory of Dix Hills Fire Department Chief and FDNY Rescue Company for Fire Fighter Terry Farrell who was tragically killed in -- at the World Trade Center on 9/11. Congratulations to Kris Tillis.

Applause

Legislator D'Amaro: Michael Pastore. Legislator D'Amaro is honored to name Michael Pastore of the Huntington Manor Fire Department as the District 17 Fire Fighter of the Year. The former Chief and current Commissioner joined the Huntington Manor Fire Department in 1985 and also has been -- held the position of the Lieutenant, Captain, 3rd Assistant Chief, 2nd Assistant Chief and 1st Assistant Chief. He received the Fire Department's Chief Peter A. Nelson Award as Man-of-the-Year in 2011. A proud Walt Whitman High School Graduate, ex-Chief Pastore continues to give back to his community every day. He is involved with many different charities and organizations and was instrumental in establishing the annual Cops v. Firemen Charity Softball game which began 24-years ago and has raised nearly 100,000 for local causes. Congratulations to Michael Pastore.

Applause

Legislator Spencer: Andrea Golinsky. Since October, 1973, Andrea has unselfishly donated her time to the Huntington Community First Aid Squad, an all-volunteer ambulance corps established in 1967, which responded to more than fifty-seven hundred calls just in 2011. Andrea, who serves as an active liaison between the squad and the community, has served as the Chief of the squad and is currently on the Board of Directors. Congratulations to Andrea Galinsky.

Applause

All right? That completes our honorees and we want to -- all of us collectively congratulate them. And they truly are the heroes of Suffolk County and we appreciate all that they provide us, all the safety issues that they provide us throughout the year. So congratulations to all of the 18 recipients.

Applause

All righty. I wanted to just quickly mention, before we move on, that I, too, as all of my colleagues, welcome back my personal hero, Presiding Officer Lindsay.

Applause

I had to add that because that's heart-felt and he is truly a great mentor, and I appreciate him every day more and more.

All right, we are going to -- oh, if I may, just something that we were remiss in. I wanted to mention someone who should have been included in the moment of silence this morning, and that is, of course, Ambassador Stevens who passed in Libya, as well as those Americans that were savagely murdered in Libya. And we wanted to mention them as well in our moment of silence this morning. We thank you -- we thank them for their service.

Moment of Silence Observed

Thank you very much, and we're sorry for the initial omission.

All right. We are moving now to the public hearing (sic) portion of the agenda (**Public Portion**). We have an extensive list of folks that want to speak this morning. Of course, everybody will have an opportunity to speak for three minutes. This will be going on -- I'm not sure if we're going to be

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able to get to them all this morning, but we will certainly get to as many as possible. All right. Legislator, you want to -- is it possible you can maybe help me out with this?

LEG. CILMI:

Sure. Absolutely.

D.P.O. HORSLEY:

Thank you very much. The first speaker is Connie Keperth who is -- I believe Connie is -- she's a Town Councilwoman. Yes, I know that to be true. And we're asking Connie to come on up. Connie, welcome.

COUNCILWOMAN KEPERT:

Thank you so much. Good morning to everybody. I'm here to speak about the Brookhaven Rail Terminal, proposed acquisition of 230 acres of Suffolk County land that does lie in my district, in the community of Yaphank.

As with every application, there are positive and negative aspects of this one. I'm going to start with the positive aspects. The positive aspects of this application include a reduction in long-haul trucks on Long Island roadways. BRT has projected that the rail terminal will take 40,000 trucks off of Long Island roadways, and that's a good thing for the quality of our air, for traffic congestion and for decreasing transportation costs of Long Island businesses. Decreasing transportation costs will allow many businesses to grow and hire additional workers. Finally, the sale of the property, as you all well know, will help Suffolk County balance its books without painful layoffs.

That's all positive. And some of the reasons why the 30-acre original site had the support of local civic organizations. But there is a negative side to this ledger. Although the long-haul truck traffic will diminish, truck traffic around the facility will increase and will increase exponentially. With BRT's expansion into the 90-acres it already owns to the east of their current facility, and its potential expansion into the 230 acres of Suffolk County owned property, this enormous expansion will impact the roads, air quality and quality of life of local communities. And I have been informed that the largest rail transfer facility in the United States is 243 acres, and that is in California. So this will become the largest rail transfer facility in the United States.

Another point I want to stress here today is that the additional 230 acres of County-owned property is located within the 10 to 25-year contributing area of the Carmans River corridor. To protect this pristine river corridor, Supervisor Mark Lesko formed a task force which proposed to dedicate \$30 million for the acquisition of open space within the contributing area of the Carmans River. That's a lot of money. It's money the town does not have. We, too, are in tough financial straits. To me it makes little sense for the Town of Brookhaven to ask taxpayers to incur substantial debt to buy property within the Carmans River corridor while another level of government is selling property within that same corridor.

Applause

At the Yaphank Civic meeting, Planning Director Sarah Lansdale stated that the 230 acres in question scored only 12 points out of 100 for open space acquisition. That leads me to one of two conclusions; either the Supervisor's task force was totally off-base, or the County's calculation is totally off-base.

Applause

They both can't be right. I, therefore, respectfully request that you take another look at that score.

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I also respectfully request that all Legislators consider carefully that the Town of Brookhaven may have no jurisdiction over this facility. Therefore, the protection of surrounding communities is in your hands. To those Legislators considering approval, covenants and restrictions need to be a part of the contract. Large buffers between the farm and the 230 acres should be required. There should be no access onto local roadways. The transportation of hazardous materials should not be permitted. Decking that ensures spill containment should be required. And as the town did with the original stipulation, the transportation of solid waste should be banned.

Applause

I also respectfully request that you consider dedicating other surplus land within the Carmans River corridor to open space preservation.

D.P.O. HORSLEY:

Town Councilwoman, respectfully, we'd like you to please finish up.

COUNCILWOMAN KEPERT:

I'm finishing this last little sentence. These actions will reduce but will not, by any stretch of the imagination, eliminate the very real impact that this facility will have on Yaphank and other nearby communities.

So on behalf of the communities which I represent, I ask that when you make your decision today, that you consider more than just dollars and cents. Consider the residents whose neighborhoods, homes and health will be impacted by your decision today. And I also request that you move to table this decision so you can add those covenants and restrictions to any contract that you are seeking to consider today. So thank you very much. Thank you for your time.

D.P.O. HORSLEY:

Thank you very much, Councilwoman. I'm taking out of order a person who apparently has a health issue and would like to speak. Doreen Kenny. Doreen? And on deck is Claire Goad.

MS. KENNY:

I'm Doreen Kenny --

D.P.O. HORSLEY:

Doreen. Yeah, you're going -- help her with the mic.

MR. NOLAN:

It's on.

D.P.O. HORSLEY:

It's on?

MS. KENNY:

Is this good?

D.P.O. HORSLEY:

Okay.

MS. KENNY:

My voice is a little bit off. Thank you for having me come up and speak early. I'm here because of Legislator Stern taking the initiative to have a street-naming for my son Jacob who I lost in Iraq in 2003. I raised Jacob in Babylon Village and that's where he lived most of his life before joining the war after 9/11. It would mean so much to me to see a street named after my son. I cannot tell

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you what the initiative means to me. I was promised when Jacob was killed that he would never be forgotten from a grateful nation. I see that as we approach the 9th anniversary of his death. So I thank you for your consideration you will give on the street-naming. Thank you. Thank you, Legislator Stern.

Applause

D.P.O. HORSLEY:

Thank you very much, Ms. Kenny.

MS. GOAD:

Hi.

D.P.O. HORSLEY:

Excuse me, one second. Ms. Kenny, God bless you and, you know --

MS. KENNY:

Thank you.

D.P.O. HORSLEY:

God's speed.

MS. KENNY:

Thank you.

D.P.O. HORSLEY:

Thank you, Claire. I'm sorry for holding you off there. Claire Goad. And on deck is Steven Goad.

MS. GOAD:

We bought our home in Southaven 44 years ago. We chose Southaven because it was a good school district and with the Wertheim National Wildlife Refuge to the south and Southaven Park to the north, it was the most country we could find without moving further east. It had clean air and good water, which was important because we all had well water. Then over the years came the town landfill, Grucci Fireworks and Long Island Compost. We no longer have clean air and we are dealing with a leachate plume from the landfill, the Grucci plume and the Long Island compost plume. As a result, almost everyone has paid for public water and we are breathing in the particulates in the air.

And with a sale, Suffolk County is planning to make it even worse for the communities in this area; Bellport, Brookhaven, Yaphank and Southaven. We expect our elected officials to protect our health and safety. We ask that you postpone the vote until a SEQRA is completed and you read the Air Quality Study done by the California Air Resources Board around an intermodal rail yard in Commerce, California. It shows that cancer risks are definitely higher, up to five miles from the site, due to diesel emissions from locomotives and trucks.

If this land is, in fact, sold to Oakland Transportation, it would become the largest intermodal rail yard in the United States which would result in lasting health impacts on our communities. We realize that the County needs money to balance the budget, but it shouldn't be at the expense of the residents who live in the surrounding communities. Please remember, you represent us. The 231-acres belongs to us, the taxpayers, and you do have the responsibility of protecting our health and safety.

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Are you aware that Oakland Transportation will not have to do an environmental review because they are already in business and this purchase would be considered an expansion of the Brookhaven Rail Terminal's 28-acre site? Are you aware that they are clear-cutting the 88 acres they already own in addition to the 28-acre site, without going through an environmental review or applying for permits? If they are clear-cutting 88 acres, why do they need more such as the 231? Perhaps because their goal is to become the largest intermodal rail yard in the United States. Are you aware that there are no protections or specifications in the contract of sale? Are you aware that the hours of operation are from 4 AM to 4 PM? Are you aware that there are no restrictions on what kind of materials can be brought into this facility?

Last but certainly not least, I am President of Friends of Wertheim National Wildlife Refuge. As you know, the Carmans River flows to the refuge on its way to the Great South Bay. This property is in the watershed of Carmans River. Two years ago the County spent \$80,000 devising a plan to return the Robertson Duck Farm in Southaven to its natural habitat without impacting Carmans River. Yet today you are considering voting on selling 231 acres within the watershed without a SEQRA; in other words, without a plan in place that would not have an impact on Carmans River which you have already spent \$80,000 to protect. This clearly doesn't make sense.

D.P.O. HORSLEY:

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

MS. GOAD:

Okay. I would respectfully ask that you postpone the vote, protect our health in our communities, have a plan, have a SEQRA done, get two more appraisals for this property, and please research the answers to all of our questions. Thank you.

D.P.O. HORSLEY:

Thank you very much.

Applause

Steven Goad. And on deck is Robert Eatz.

MR. GOAD:

Thank you very much. As Legislators Romaine and Browning know, Claire does all the talking for me and she's just informed me that she said it all. Thank you.

*(*Laughter*)*

Applause

D.P.O. HORSLEY:

Thank you very much, Steve. Robert Eatz. And on deck is Richard Cloonan.

MR. EATZ:

Good morning. My name is Robert Eatz. I'm here to dispute the budget for the County of Suffolk. I understand that there has to be a budget, but it should be balanced immediately. It should not take years to balance a budget. This budget is, from what I've seen so far, and this is my opinion, is unattainable for this County. This County is in debt for a half of billion dollars. There's no room for increases in salaries or benefits for any County position, much less the particular point of order I'm speaking on, in the Police Department.

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I understand that they do a reputable job, and I have no qualms with that, but this County cannot afford increases. It's just beyond the point of financial balance. The base salary in Suffolk County for a year, for a person in this County, is \$58,000. The base salary for policemen will be \$200,000 at the end of this particular contract.

Now, that means that two policemen will be equal to the President's salary of the United States. It's incomprehensible. It's not only, I would say, that the Police Department has a problem. The whole County has to freeze any increases. Anything above \$58,000, which is the means for people in Suffolk County, should be recognized as excessive. I would say a level of \$80,000 would be appropriate; beyond that, it gets out of hand.

If you could freeze this budget at an \$80,000 level for this County, I could see people in this County accepting a tax increase. You cannot keep on this path, because this path is totally going to bring you to bankruptcy. There's no other way. I don't understand how it can be approved and I don't understand how it could even be presented? It has to be fiscal responsibility in this County. And this Legislature is responsible for balancing this for the people of Suffolk County. I don't see it happening. I don't see people speaking out against this budget or the increases in this County. And I have to come up and say I'm ashamed, I'm really ashamed of how it's handled. It's just not responsible. It's not responsible for the people of this County, and they deserve better. And every one of you's should look into this thing with open eyes and eliminate any fluff that's in this budget and balance it.

D.P.O. HORSLEY:

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

MR. EATZ:

Thank you. That's all I have to say.

D.P.O. HORSLEY:

Thank you very much. We do appreciate your comments.

Applause

Richard Cloonan, and on deck is Pete Quinn.

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

MR. CLOONAN:

Good morning. I've had the pleasure of meeting some of you at the Coram Civic Association meetings.

My name is Richard Cloonan, a licensed captain for the State of -- actually, a Coast Guard licensed captain and a State Boating Safety Instructor.

I'd like to just speak on Bill 1797. A couple of things that I read, I applaud what you're trying to do. You're trying to get people trained, and if I'm reading this correctly, you're trying to get the State to accept some responsibility here.

On Section 3 of the bill, in Section 3 requirements, Part A, I would hope you would consider changing the language a little bit. Instead of -- instead of "No resident of Suffolk County shall operate a pleasure vessel in the waters of Suffolk," change it to, "Anyone operating a vessel in Suffolk County waters." There's a loophole here where people could come in from other states, other counties, and avoid the certifications that you're trying to put into place here. So that is one change that, hopefully, you will consider.

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Secondly, as an instructor, and I've taught many classes over the years, I've been teaching for the State for almost ten years, the biggest issue I have in trying to teach classes is securing facilities. If you're going to pass this, please, try to work with us to use maybe County buildings, government buildings, et cetera. I have a very difficult time trying to get places that will allow us to bring 30 or 40 people in and do a boating safety class. You're doing the right thing. You want the people educated, but, please, work with the instructors, people like myself, who are trying to basically give you what you're asking us to do. It is very difficult right now.

I teach in a lot of public libraries and some yacht clubs, but when you try to get other facilities, they want proof of insurance, they want a lot of things that, as an independent, I can't -- I can't accrue that expense to try to meet their requirements.

And, thirdly and finally, if you're going to pass this, please, and, again, I think it's a good idea, make it a calendar date that is easy for the residents to remember. If you pass it and it comes into effect a year from September 10th, September 9th we're going to have panic next year because all these people are going to realize they don't have it. This is what happened over the summer. It was made mandatory July 1st in Virginia and a lot of Virginia residents didn't realize that it couldn't get the training. Make it January 1st of 2014, make it October 1st, make it a date that people will remember and realize they have to have the training by. And I'm hoping you will consider January 1st of 2014, because it will also give instructors like myself more time to be able to teach the classes, get the people educated, and ultimately make the waterways safer.

One other thing before I wrap up, I can tell you all the classes that I teach. When I'm finished, I have probably half the class comes up to me and says, "When are you teaching part two of this? We've got the basics, we'd like the advanced now." Right now, that's not available, but the demand is there from the public. Just help us teach the class and meet their demand. Thank you very much.

(Applause)

D.P.O. HORSLEY:

Thank you very much, Mr. Cloonan. It's good seeing you again, by the way. Just I would like to make a motion to extend the public portion.

LEG. CILMI:

Second.

D.P.O. HORSLEY:

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

MR. LAUBE:

Fifteen. (Not Present: Legs. Muratore, Montano and Lindsay)

D.P.O. HORSLEY:

Peter Quinn, and on deck is Lance Reinheimer.

MR. QUINN:

Good morning, Members of the Legislature. My name is Peter Quinn from West Islip. I want to speak very briefly about Industrial Development Agency arrangements, whereby the County gives money to businesses on a grand scale with our tax dollars. And I've criticized it five times at least this past year, asking for a three-year moratorium as a way of balancing the County's budget. But I'll go on from that because I considered it unfair to treat public sector workers by firing them, laying off, or whatever, and, on the other hand, allowing businesses to get a good deal of money through 10-year, 15, 20-year property tax abatements, sales tax eliminations, etcetera.

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And I'll also comment briefly about the Foley -- John J. Foley Nursing Home, and where I've spoken many times before, and urge that you preserve it. But as long as there's still a question of LIPA always in our minds, I'm criticizing Newsday for its August 19th article wherein it quoted a spokesperson for LIPA as saying, "Well, we have reduced our debt by a third to a half." So I thought I'll do some fact-checking of my own, so I pulled out the 2012 LIPA budget where it states unequivocally that their debt is 6.9 billion.

And if we want to improve the economy of Long Island, then one of the things we have to do is have Governor Cuomo, who's taken an interest in LIPA recently, is to check the arrangements of that debt where short-term debt is 4%, long-term debt is six-and-a-half percent, and make it equivalent to what happened with school taxes.

There's a State law now that limits school districts from spending more than 2%, or the CPI, whichever is lower. And it would seem to me that's one of the things that Cuomo ought to be saying to the financial institutions that float these bonds. Limit them to 2% interest at most, and we'll begin to see our Long Island economy recover.

And, by the way, how many of you know that LILCO, after all these years since 1998, when there was a takeover of LILCO by LIPA, that LILCO still exists? It is a subsidiary of LIPA called LILCO d/b/a, that is doing business as LIPA. I tried to find out what they're doing and couldn't get any information from LIPA in detail, and, yet, Kessel, Law, Hervey, all served as CEOs of not only the principal company, LIPA, but the subsidiary as well.

We tried to get copies of their meetings; they don't even divulge that. So we're all in the dark, and I'm hopeful that Cuomo will do some arranging to get LIPA back in line to reduce our electric rates. Thank you.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you very much, Mr. Quinn. Lance Reinheimer, and on deck is Friends of Karen, Nancy Mariano.

MR. REINHEIMER:

Good morning, and thank you for letting me address you. I'm here today to speak on I.R. 1883, that's appropriating \$400,000 for the Vanderbilt Museum for waterproofing. I speak before you knowing the budget problems that you're facing, and understanding them, and I'm not here to ask for funds unless it's really crucial, and it's crucial to protect Suffolk County buildings. The Vanderbilt Museum, some of the buildings are approaching 100 years old. Water intrusion is a big problem. We have roofs leaking. It impacts the artifacts and it has an overall negative effect. But in addition to just protecting and preserving our heritage, our history, it's the eastern most Gold Coast mansion on Long Island, so it's a very important facility.

We're also going through a major renovation to the Planetarium. Public Works is assessing and still working on the roof. We had funds appropriated for the roof, they're still assessing it. These funds are critical for providing a contingency account for roofing the Planetarium. It bothers me to come before you and say this, but they're assessing, and why this wasn't done before, I don't know.

The dome, they found the ribs are rotting, the dome is in need of repair. And I ask for this additional money for the Planetarium, for the buildings.

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I know I've been before you before and I know that this was a problem, appropriating funds, before. But the Planetarium, we were going to have -- we're going to have a world class Planetarium. It's critical that we protect the inside of dome, which is in very good condition.

Suffolk County Vanderbilt Museum has raised \$250,000 for projects. In addition to \$250,000, we raised private funds. We also sold a vehicle worth 275,000. I'm proud to say that we've raised over 500,000 this year, so we're doing our part. I understand the problems that you face, but it's critical that we protect the 3 million dollars that you invested in the Planetarium, and to protect the hundred-year-old buildings that belong to Suffolk County.

So I hope that you can see that this is long-range, this is important. Short range, I know this is a difficult decision for you, but it is critical. We have 100 -- we have a million dollars in the Capital Program. In addition, in 2012, we are not asking for any of those funds. So we're only asking for what's critical, we're not asking for any additional funds. The million dollars that's scheduled for gutters and bridges, we can wait for that, but this is critical. So I'm asking, I urge you that if you can, to find it to support this resolution, I.R. 1883. Thank you very much.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you very much, Lance. Nancy, and then Michael Cain on deck.

MS. MARIANO:

Hi. I've met most of you, and some of you I have meetings scheduled, but I want to thank all the members for your past support of Friends of Karen. You have helped us provide the necessary support to families that are struggling with the day-today challenges from having a child that has been diagnosed with cancer or some other life-threatening illness.

September is National Cancer Awareness Month, and it's wonderful to see Bill here. I wish, please, somebody, send him my love when he comes back in.

Cancer remains the number one disease-killer among America's children, and every single day in our office someone else calls us after hearing the devastating diagnosis that their child has cancer. Last year we helped 1308 children. There is no other charity in the country that does what we do. And, very briefly, we talk to the mom and dad about their child's diagnosis, about getting second opinions, about the needs of their other children. We determine the emotional and financial needs of the family. Many of our families are single parents who have to give up their jobs to care for their children. This loss of income, coupled with illness related bills, travel to treatments, rent, mortgage, utility bills, child care, leave a family financially devastated. No one should have to choose with paying a \$400 copayment and putting food on their table in a house or getting a medical treatment. We spend over \$100,000 per month on just medical bills.

Friends of Karen social workers collaborate with 24 hospitals, providing the bridge between the hospital and home to be sure there are no gaps in care. Please read the letter from Dr. Lipton, Chief of Hematology/Oncology at Cohen Hospital. He's a member of my Friends of Karen Advisory Board, and he states that Friends of Karen -- he attributes Friends of Karen to part of his cure. I mean, that's an amazing statement of our work.

Through our Sibling Support Specialist at Friends of Karen, we enable the brothers and sisters to express their feelings, their angers and fears, their hopes and dreams. And in cases where treatment does no longer work, we spend countless hours helping the family prepare for end-of-life, and then stay with them for as long as they need us and help move forward with their life.

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Last year, so sadly, we lost 62 children, 62 kids. With the continual support of Friends of Karen from time of diagnosis until treatment ends, we are able to sustain the family unit. The family stays in their own home, the children get their medical treatment they need, and the siblings are never forgotten. The medical bills are paid, and the goal, an intact family when this is over.

Our three-and-a-half million dollar budget, 83 cents per dollar, is -- goes directly to these families. Charity Navigator, an independent organization evaluates the financial health and responsibility of thousands of United States charities has --

D.P.O. HORSLEY:

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

MS. MARIANO:

Okay. Has given Friends of Karen a four-star rating for the fourth year in a row. All of you know how much we work to get our own funding stream. Last year we were zeroed out. I am hopeful that you will be able to again reinstate some sort of funding. No family should ever have to make this journey alone. And I thank you again for your past support. Thank you.

*(*Applause*)*

D.P.O. HORSLEY:

Again, thank you very much for all you do. All right. Michael Cain, and on deck is John Palasek.

MR. CAIN:

Good morning. Thank you for allowing me to speak to you this morning. First of all, I'd like to thank Councilwoman Kate Browning, who has been in absolute support of our community from day one that she's been in office, and we really appreciate her.

My name is Michael Cain. I'm the Chairman of the Community Concerns Committee of the Colonial Woods/Whispering Pines Condominiums in Yaphank. We're a community of 544 townhouse condominiums, located about five miles northwest -- northeast, rather, of the proposed Brooklyn -- I'm sorry, Brookhaven Rail Terminal project.

Without spending too much time, I just want to say that we support the comments made by Councilwoman Kepert earlier. This sale, proposed sale, would really amount to a panic sale in our opinion. We certainly understand the challenges of the Legislature and the Bellone Administration balancing the budget. However, proceeding with this contract for sale without doing the due diligence of examining the environmental traffic and air quality characteristics that it would result in, in addition to bringing in those 30 to 40,000 trucks to the local roads, could have a very, very negative impact to our community.

We certainly implore the Legislature to table this consideration of the contract until such time that you can do the proper reviews that are necessary. The only difference that I would point out, from what Councilwoman Kepert indicated with regard to covenants and restrictions in a contract, would be that you do not sign a contract until the due diligence is completed.

*(*Applause*)*

The problem exists in that if you sign a contract for this property, the possibility exists that there will be litigation.

We had a meeting with representatives of the Brookhaven Rail Terminal last year, a community meeting in Yaphank, and it was clear to us that we just don't have the protections that you would have if this was subject to Brookhaven Town approval. Site plan, public hearings, all the things

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that -- to protect the community would not be in place because they're under the Federal umbrella.

So, again, just to reiterate, we certainly implore you to table this decision today until you do what is necessary to protect the taxpayers of Suffolk County, and specifically the residents of the Yaphank community. Thank you.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you very much, Mr. Cain. John Palasek, and on deck is Adrienne Esposito.

MR. PALASEK:

Good morning. My name is John Palasek, resident of Yaphank. I agree with Mr. Cain and virtually everything he said. I believe this is a fire sale, a panic sale, as he said. When this is done, if you do it, you're plugging a 20-million-dollar budget. Actually, it's slightly less than that, it's 19 million and some change. You're selling the Foley Nursing Center, that's another 20-something million. You still have, what, another hundred million left? So what do you do after that, are you going to rip out the plumbing in the County buildings and sell it for \$3 a pound or --

*(*Applause*)*

What I'm trying to say is this is a -- I've said this before at this Legislature and other functions. This is a product of poor oversight by a previous administration. Now, you want to point fingers, that's fine, I don't -- I'm not into pointing fingers, but the reason we're in a budget deficit is not because of us, it's because of the government.

Now I know that the most toxic three-letter word in all of government is "tax", but that's what really needed to be spoken about in the last five or six years. The taxes should have gone up a bit to take care of these kind of things.

*(*Applause*)*

Everybody today seems to be -- you can mention "tax" and the only way you can is if it's followed by the word "cut", and that doesn't always work. Instead, what you do to make up for this kind of a shortfall is very much like what a crack addict would do if they ran out of money, and sell his mother's ring or something. What I think, honestly, if somebody came to me and said, "Give me" -- first of all, your basic Suffolk County tax per household averaged out across Long Island is only \$100 or so. If somebody said to me, would I agree to double that for, say, three years to bring this budget back, I would agree to that. In fact, if you said to me --

*(*Applause*)*

-- let's triple it just for one year, if you tripled that tax for one year and then brought it back afterwards, you would net somewhere in the neighborhood of 240, 280 million dollars. That takes care of your deficit. Then you don't have to sell this land, you don't have to sell the hospital, you didn't have to lay people off. In fact, you could maybe even use this land with the surplus you may have one day to actually use it for something productive.

Some gentleman was just up here talking about LIPA. How about a solar farm where we can actually generate electricity --

*(*Applause*)*

-- sell it back to LIPA and actually reduce the electric rates for the people who live here. Do

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something for us instead of doing something to us.

*(*Applause*)*

I am tired of having things done to me, I just want something done for me. That's what my government is supposed to do for me. Thank you.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you, Mr. Palasek. Adrienne Esposito, and on deck is Doug Swesty.

MS. ESPOSITO:

Good morning, Members of Legislature. My name is Adrienne Esposito, I'm the Executive Director of Citizens Campaign for the Environment, and I'm also here to talk about the potential sale of the Yaphank property.

I'm here because I received several calls, saying, "Adrienne, we heard CC supports it, we heard you don't support it," so I want to provide clarity. We would like to be able to support it. We like the concept of building a rail terminal that will take trucks off the road, we would like that, but allow me to be perfectly clear. We do not support this sale. I want it to be clear.

*(*Applause*)*

Now, why is that? Well, let's review what it is we do know. We know that BRT wants to buy 230 acres. That's it, that's what we know. Let's review what we don't know. What exactly will they use the land for? You don't know. What is the plan associated for development of that land? You don't know. Will that land be sand-mined? You don't know. How much will be cleared? You don't know. How will that impact the Carmans River? You don't know. What will be the air emissions? What will be the truck traffic? We don't know. How is it we don't know that? How is it people come and tell you, "I want to buy 230 acres of land in the middle of Suffolk County and I don't know what I want to do with it," and you say okay? Really, Legislators? What we don't know is usually what hurts us the most.

*(*Applause*)*

Will they be using this rail terminal to import construction and demolition debris and ash from New York City, and hook it up to the landfill and extend the height of the landfill, extend the width of the landfill, extend the longevity of the landfill? We don't know. We asked them, they said, "We don't know."

*(*Laughter*)*

Why is it they didn't meet with Councilwoman Connie Keper from the Town of Brookhaven, whose district this facility is in, and they only met with the Town Supervisor and Matt Miner, who's the Director of the landfill? Why is that, Legislators? We don't know. Were we basing this on fear?

No, we're basing this on reality. I'm going to hand you some photos. I only have nine copies we are going to share today. You have limited resources, so does CCE.

*(*Applause*)*

These photos were taken 24 hours ago. These are aerial photos, provided for your viewing pleasure by the Brookhaven Community Coalition, a diverse coalition of groups all across southern

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Brookhaven who are literally tired of being dumped on. These aerial photos are of the currently owned land of BRT, where you can see the strip mining, the sand mining, and the clearing has occurred. This has occurred -- I want you to pay attention to this part -- with no SEQRA rules, no NEPA, National Environmental Policy Act, no DEC regulation, no public input, no Town codes, no County codes, nothing. "How is that possible," you may say. I'm going to tell you. Because in 1995, the Federal Government formed what's called the Surface Transportation Board. This Board allows for a pre-exemption rule.

D.P.O. HORSLEY:

Adrienne, I don't want to ever shut you up --

MS. ESPOSITO:

Are we done?

D.P.O. HORSLEY:

-- just yet.

*(*Laughter*)*

MS. ESPOSITO:

Okay. Well, you're a wise man, but I want you to know this.

D.P.O. HORSLEY:

I know that.

*(*Laughter and Applause*)*

MS. ESPOSITO:

Anyway, it allows for pre-exemption rule that allows them to have all of this exempt.

So we're not here irrationally, we're here with real concerns that should be your concerns. Unfortunately, Legislators, we're calling this is the "Judas Vote". Will you betray the public trust for the 40 pieces of silver? We hope not.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you. Thank you, Adrienne.

MS. ESPOSITO:

Okay. Thank you very much.

D.P.O. HORSLEY:

Doug Swesty, and Anthony Pedalino.

MR. SWESTY:

Good morning, Members of the Legislature. My name is Doug Swesty. I'm a resident of East Setauket. I am also the Long Island Watershed Director for the Sea Run Brook Trout Coalition. You may not have heard of my organization. It is a 501(c)(3) that's concerned with the protection of coastal streams with native brook trout throughout the northeast United States.

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I've long been an advocate for the Carmans River, and I'd like to speak to you today about I.R. 1695, the sale of the Yaphank lands. I'm urging you to vote no on this. As Ms. Esposito said, there's much that we don't know here. We do know that potential development here poses a critical threat to the Carmans River. We know that on the basis of information that has already been established by the Department of Environmental Conservation about the stress that has already been placed on the river. The reaches of the river that will be impacted are already listed as moderately impacted, and are barely below the severely impacted thresholds in the DEC's Bureau of Water Assessment Report from 2008.

We know from County Health Department data that some of you have helped us obtain, I'm working with Peconic Baykeeper on this, that the County Health Department data, up through the end of 2011, shows this problem getting worse. So we'd like you to not sell this land and see it protected.

The sale itself, in the current form, violates the SEQRA act. This was at least the intent of it certainly, and this was established by questioning by Legislator Romaine and Legislator D'Amaro two-and-a-half weeks ago in Riverhead, where the County Planning staff was asked, "Isn't this an attempt to circumvent SEQRA?" And on the record, there was an admission of, "Yes, you could view it that way."

We also have seen the planning staff engaged in active deception of both the public and you, the Legislature, about things. We've heard Sarah Lansdale say that the property is not in the Carmans River Watershed; indeed it is. We also heard last week the Planning staff tell you that any septic discharge coming from this would meet the 10 milligram per liter, that is ten part per million standard, which they claim was the gold standard of discharge; not so. That's a minimal standard for human safety, not the gold standard, and it is not a standard that is capable of supporting life, aquatic life in benthic communities within the Carmans River.

The Department of Environmental Conservation is currently establishing the meric standards for streams of that type, which are going to set the standard of .690 parts per million. The Carmans River is well over that at this point by both USGS and Suffolk County Health Department Data. It needs to be protected.

So let me point out the obvious here; it's already been pointed out. You have a widespread coalition of groups in opposition to this. You have already heard the suggestion this morning that there's likely to be litigation on this issue.

D.P.O. HORSLEY:

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

MR. SWESTY:

Thank you, I will. And my question is why burden the taxpayers with another legal battle here when you see such widespread opposition?

You have a fairly clear-cut case that this is an attempt to circumvent SEQRA. Why not save the taxpayers the additional money of going through this legal battle? Thank you.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you very much. Anthony Pedalino, and on deck is Cesar Malaga.

MR. PEDALINO:

Good morning. I'm here as a resident who's experiencing issues with the railroad as they exist in Queens, and I want to explain to this audience the things that we go through daily and how this is going to affect what we go through continually.

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For the past five years we have been bombarded of the constant noise of diesel locomotives that sit idling within 15 to 20 feet of all our homes, and makes things worse. This is getting worse and worse on a daily basis. This constant disruption, rail movement occurs at all times of the day, 11 p.m., midnight, 2, 3 a.m., 5, 6 a.m. These cars -- these locomotives are coming in constantly and picking up and idling behind people's homes for 30, 40 minutes. At other times of the day, you may have five diesel locomotives just churning out smoke, sitting there waiting for their next destination. These diesel fumes are so disruptive that people have to continually live in a closed environment in their homes. They can't open their windows, their curtains get sooty, the noise is obnoxious. It's just a terrible situation and you're a prisoner of that.

Currently, they're staging cars for pickup. These cars are left overnight behind people's homes. They also, because of the increase in the train length, they are setting cars that are being staged overnight and then coming in the morning and other times of the day, I believe, and using this area for repositioning of cars, which means you get activity for hours on end, and this is ever increasing.

Now, I understand the efficiency of rail locomotives as opposed to trucks and that's a good thing. However, there has to be some mitigating circumstance where our situation is alleviated with proper restrictions, noise abatement. Anything that is negative to our health because of the diesel fumes, it's just an adverse effect that we cannot endure anymore. The opening of this rail depot will only exacerbate that situation.

Finally, I want to say, in our situation, we have three schools that are within 2 or 3 blocks of this idling location. We've talked to the railroads; nothing has ever gotten better. They made one concession of a few hundred feet, and to alleviate that for themselves, they now reposition cars, so they giveth and they taketh away. So I ask you to please consider this seriously. It is not just affecting your communities, but it is affecting our communities. We are living it now and it's going to get worse.

D.P.O. HORSLEY:

Thank you very much, Mr. Pedalino.

*(*Applause*)*

Cesar Malaga, and on deck is Gretchen Penn.

MR. MALAGA:

Good morning, Legislators. Cesar Malaga, West Babylon, Hispanic American Association.

We have attended many meetings for many years, many months, concerning John J. Foley and also Yaphank. And you have testimony, over -- probably over 200 pages. I think you should read it, and why we are opposed to the sale of John J. Foley.

That John J. Foley should not be sold. We should hire someone who can start a profit-making business there. Let's not sell John J. Foley to -- you know, to plug the hole in the budget.

Also, Yaphank. For over five years we've been discussing this. We started with the, you know, prior County Executive Levy. You know, he wanted to use that for other -- to make a village. Well, this -- we in Suffolk County, we're spending millions of dollars to keep open space, and now we are planning to sell Yaphank. That property, that piece of land should not be sold.

I suggested many times here that in Europe, which do not have that many pieces of land, they rent to the residents of the community plots of 25 by 50, or 25 by 100, and those people plant for themselves vegetables that they can use in their homes. That's what we should do. We should not be selling.

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And the last item I want to discuss with you is I'm sure you read in, you know, Newsday, November -- September 11th, *Why Rush Contracts?*
And today we have police back to loose ends.

Also, today we have *Steve Bellone Should Embrace Transparency*. Now we have the highest Police Department -- the highest paid Police Department in the entire world. We do not have any police that's been killed in the streets in the line of duty. This morning in New York City another policeman was stabbed. Here in New York, we are lucky that we have civilized people.

The Police Department in Suffolk County is making great -- lots of money. You know, they're highest paid, as the Legislators. So, therefore, there should not be no increases planned for the future.

We should not say, "Oh, yeah, we'll give you increase, and five years from now we will give you what we plan to do."

Gentlemen, think of us. There are many of us senior citizens that will live on less than \$25,000 in social security. And again, you are making over \$89,000 a year as part-time Legislators, and the police, over 200,000.

Now another thing I want to mention is that our Sheriff Deputies, they're doing a terrific job patrolling the Long Island Expressway and Sunrise Highway. Now the previous County Executive hired them to do the job because it costs less. Now Executive, you know, Bellone wants to give it back to the Police Department so they can make more money, they can make more overtime. So when they retire, they'll be making more than what they're making working.

D.P.O. HORSLEY:

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

MR. MALAGA:

Yes. So, gentlemen, do not consider -- Legislators, don't consider this like we are bitching. It's time we stop pulling the strings. Stop this, "I want more, I want more." Here, in Suffolk County, we do not have dollars grow -- money growing on trees, we don't have that. We pay taxes. We are the highest taxed, you know, community in the -- shall we say in the United States? So, gentlemen, consider -- do not sell John J. Foley, do not sell Yaphank.

D.P.O. HORSLEY:

Cesar, thank you.

MR. MALAGA:

Let's not keep giving increases to the Police Department.

D.P.O. HORSLEY:

Okay.

MR. MALAGA:

Thank you.

(*Applause*)

Gretchen Penn, and on deck is Denise Dowell -- Powell or Dowell, I'm not sure.

MS. PENN:

Dowell.

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D.P.O. HORSLEY:

Dowell.

MS. PENN:

Dowell. Hello, everyone. I am Gretchen Penn, and I'm the Political and Legislative Action Coordinator for CSEA here on Long Island, and I'm here on behalf of our union-represented child care providers that we represent here across Suffolk County.

I have some prepared remarks, but I have to actually just hold on to those for a moment, because as child care providers, we have seen firsthand the devastating effects of the child care subsidies, reduction in eligibility rate. And we have had the opportunity to have one of our parents who is a -- can speak directly to you guys and -- I'm sorry -- to all of you regarding the effect on her. And I have to give it for her because she's got to leave. She can't wait for her card, so if you would give me the liberty, please.

MS. CAKIRLAR:

Thank you. Good morning. My name is Na'ima and I am a mother of ten children. I have five daughters and five sons, my youngest one being two years old, and my oldest daughter being 20 years old. My husband was recently deported out of the country back to the Republic of Turkey, forcing me to return to work. I am an entrepreneur. I do life insurance and investments. I have my own brokerage.

Therefore, my children, who are, again, from the age of 20 all the way down to two years old, I have six of them that attend daycare full-time for the summertime, and now that school has returned, part-time, and one infant full-time.

I am humbly asking you to rethink your funding procedures on daycare. Daycare provides a sound place for my children to be safe, to have adequate care for daycare providers who are licensed in New York State and go through the stringent process of becoming licensed in general. Daycare provides me piece of mind. It tells me that when I go -- sorry. When I go to work, my children are taken care of. If and when my daycare expires within a week from today, my children will be left with no before-school care, which allows me to run my business, and no after-school care, which, you know, allows me to work and provide for my children.

It is very important that you understand that daycare, it allows mothers like myself who are forced to work to bring in extra income.

I am a homeowner. I've been here in Islip for more than 30 years. I live in the Town of Islip and also the Village of Islip. My children attend the Islip School System.

We have been -- we have been here for many years, and to have daycare taken away from families who need to work -- we have to work, and the children should be left with qualified daycare providers who are licensed. And what that does is allows children to stay out of jeopardy. We don't jeopardize them by putting them with babysitters who are not qualified, who don't have CPR training, who don't have ADE training, who are not familiar with developmental children. And daycare, again, is the fundamentals of the states. Without --

D.P.O. HORSLEY:

Excuse me, ma'am. You're going to have to start wrapping up.

MS. CAKIRLAR:

I'm sorry.

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MS. PENN:

It's okay.

MS. CAKIRLAR:

Again, I am asking you humbly to think about the funding of Preventive Services through Department of Social Services, also with the daycare providers. This provides, again, a sound piece of mind when mothers have to go work like myself. Thank you very much, and have a wonderful day. Bye-bye.

D.P.O. HORSLEY:

Thank you very much.

*(*Applause*)*

Thank you. Gretchen -- I'm sorry. Denise Dowell, and on deck is Carolina Bonilla.

MS. DOWELL:

Good morning. My name is Denise Dowell. I've worked in the field of early childhood education for over 30 years in several states, and at the national level for the last three years with CSEA as the Director of Early Learning and Care Programs. We bring together over 20,000 legally exempt registered family and licensed group family child care providers across the state, about 1200 of them here in Suffolk County.

As you develop -- and you just heard from Na'ima about the critical need for and value of child care subsidies for Suffolk County children and working families. I'm going to talk a little bit about its value for our businesses and communities.

As you develop the 2013 budget, we urge you to invest in child care subsidies to keep parents working and paying taxes, to ensure that children have access to quality early learning and care programs that ready them for school.

A comprehensive body of research shows that investing in early education and care produces a substantial short-term and long-term economic gain, not just for participants, but for communities. There's lower costs in remedial education and juvenile justice. For instance, spending down the State's allocations for child care subsidies and investing at the local level in child care subsidies will help Suffolk County do better with the State allocation formula now and in the future.

Investing in child care subsidies helps child care programs, which are vibrant small businesses at the heart of the local economy, survive, and will help the local economy recover and grow, and will ensure that Suffolk County children and families can access quality early learning and care now and in the future. Thank you.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you very much, Denise. Carolina Bonilla, and on deck is Carol Nixon.

MS. MITCHELL:

Hi. My name is Kim Mitchell. Carol -- I don't know if you guys can hear me. Carol had to leave to go back to her daycare. So my name is Kim Mitchell, I'm standing in for her.

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Hello, Gentlemen and Ladies. Like I said, my name is Kim Mitchell. I am a daycare provider out in Suffolk County, and I'm here representing all the providers in Suffolk County, the children, the parents, and I'm asking to reinstate child care subsidy for working parents.

We've had a few parents in our daycare that lost subsidy, and because they obviously lost subsidy, they were forced to leave their kids home alone with people that are not qualified, grandparents that really, you know, are not able to take care of the kids. Some of our parents had to send their kids back to their country because there is no one here to take care of their kids here.

Again, we're asking for you to reinstate child care for working parents in order for them to be able to continue to work, and not be forced to be on public assistance or send their kids to illegal daycare. Thank you.

D.P.O. HORSLEY:

Thank you very much, Ms. Mitchell.

*(*Applause*)*

Carol Nixon, and on deck is Lisa Rappa.

MS. PENN:

She was speaking on behalf of Carol, okay, so Lisa is here, Lisa Rappa.

D.P.O. HORSLEY:

Carol -- okay. Carol has been taken care of. Lisa is -- hi, Lisa.

MS. RAPPA:

Hi. Good morning, everyone. My name is Lisa Rappa. I am a proud South Huntington resident, and that is where I've been providing child care in my home for 17 years.

Since the beginning of this year, almost 2000 low-income working families, with gross earnings at the 100% poverty level, lost their child care subsidies. Without access to child care subsidies, our parents were faced with the decision of either placing their children in substandard child care environments, or resigning from their jobs and returning to the welfare system. The long-term impact from the loss of funding is having a profound effect on our businesses, communities and local governments. Employers are losing their support staff. Child care providers are losing their businesses or jobs. And as group family or family child care providers, being that we are solely supporting ourselves, we are not in a position where we can even apply for unemployment, so we have just completely lost our income.

Children have lost their quality child care. They are the future and we are no longer providing properly for them. High school students and college students who have children no longer can continue their education, so we now have children that have had to drop out of high school and college. Our unemployment, welfare, food stamp and Medicare systems are absorbing the financial burden created.

I urge you to support our families and communities by securing immediate child care funding for Suffolk County residents. Thank you for your time.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you very much, Ms. Rappa. Trudy Trujillo, and on deck is Mike Gonzalez/Nancy.

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MS. SEDANO:

Good morning. I'm here on behalf of Trudy. My name is Jessica Sedano. I've been a daycare provider for eight years.

My job as a daycare provider does not finish at the end of the day. Each day we make a difference in each children's life, as well for the need of families to leave their children to us with a peace of mind that their children are safe.

Now is the second time Suffolk County is suffering funds cut, but I always kept my hope. I remember many State licensers coming to my site recommending to close my program. At this present time, I only have three children out of sixteen children under my care. I was forced to lose my staff.

In conclusion, not only does a daycare provider lose financially, but also employees and parents, and, most important, our kids are in risk. Please consider putting funds back into child care. Don't do it for us, but do it for our children. Thank you very much.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you very much. Mike Gonzalez/Nancy, and on deck is Roxanne Savage.

MS. PENN:

Okay. We're going to -- Roxanne is here. Mike and Nancy had to leave to get back to work.

D.P.O. HORSLEY:

Roxanne. We won't break into song. I'm sorry.

MS. SAVAGE:

That's okay, I'm used to that. I'm Roxanne Savage, I'm from Holbrook. I'm a licensed daycare provider. I currently serve 14 children, and I employ two full-time assistants, and that -- the number of children does not include the other children on my roster, my current roster that have -- are in school right now.

This is my 32nd year of providing daycare in my home. And even though I personally don't have any children receiving child care subsidies enrolled in my program, it's very important for me to tell you how the lack of sufficient funding in child care affects everyone, and not just the providers who receive these subsidies.

Our quality family child care businesses support working families and other businesses in our communities. If these daycares are forced to close due to lack of subsidies, there will very likely be a ripple effect, beginning with the provider. He or she must find alternate employment in order to support their family. Then the families who are no longer receiving these subsidies must find alternate daycare, usually illegal, unregulated daycares, or they must simply stop working and go on public assistance. And most of all, don't forget the children. They are the biggest losers, especially our youngest, the most vulnerable. Some of these losses include consistency, quality care, good nutrition, and so much more.

I am here today to ask -- to urge you to invest in child care subsidies. Without child care subsidies, children, families, businesses and our communities suffer now and for years to come. Working families need help paying for child care. Thank you.

*(*Applause*)*

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D.P.O. HORSLEY:

Thank you very much, Roxanne. Damaris Samolinski, and on deck is Genodis Paulino.

MS. PENN:

Again, I --

D.P.O. HORSLEY:

Are you going to say someone else is replacing --

MS. PENN:

No. Damaris -- I'm sorry -- she was with our parents, so she had to get her -- the parent back, but we've -- they're here.

D.P.O. HORSLEY:

Well, you know, you're really bending our rules here, and I thought one was --

MS. PENN:

Oh, I'm sorry.

D.P.O. HORSLEY:

All right. Come one.

MS. PENN:

Well, she is --

D.P.O. HORSLEY:

Is this it?

MS. PENN:

No, no, no. She is -- her card -- you named her card.

D.P.O. HORSLEY:

Oh, okay, good.

MS. PAULINO:

Genodis.

D.P.O. HORSLEY:

There you go. You're Genodis?

MS. PAULINO:

Yes, Genodis.

D.P.O. HORSLEY:

I got it, okay. We're all set, then.

MS. PAULINO:

Good morning, everyone. My name is Genodis Paulino. I've been a child care provider in Suffolk County for the past seven years. During those years, I did go through some hard experiences in relation to the funds offered by the government for the children I care -- I provide care for. I understand -- I don't understand why it's so difficult for child care providers to get funds in this County, and now it's seems to be worse than ever.

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I lost five children and, as a result, had -- I let -- I have to let go my assistants, because I don't have -- I just have three full-time children for care.

I am very concerned because if I don't recover these cases that I lost, I will not be able to cover my expenses. I might even lose my home, since OCFS requires that I provide extra space for the children I care for. And, as a result, I can't even rent part of my house out. I'm afraid I will not be able to continue paying my mortgage if I don't get my cases back. Thank you for your attention.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you very much, Ms. Paulino. Germana Caba, and Christian Infante. One of you come out, Germana?

MS. CABA:

Yes, Germana.

D.P.O. HORSLEY:

Okay. You're first.

MS. SEDANO:

I will be translating for her.

D.P.O. HORSLEY:

Okay, fine.

MS. SEDANO:

"Providing for children has always been my passion. I feel warm inside every time I know I make a difference in a child's life. Most of my children come from homes where there's only one parent present in the home, like my home.

When my children were the age of 11 and 12, my husband left the home. It was up to me to move forward and provide for my children. At that time, I took on two jobs to be able to make the ends meet. When my children were in high school, I saw an opportunity to become a children care provider. Through this new career, I was able to spend more time with my children and I was able to better provide for them.

The loss of the children care program will not only impact the parents receiving the help economically, but it will also impact me economically. Due to the cut in funds, I will lose my children, which will translate to about \$8,000 a month. I will be left with less than the income enough to pay for the mortgage.

I'm currently putting my oldest daughter through college. I regret to think that the decrease of my income may force her to stop her studies and help me pay for the household expenses. The last time there were cuts made, I nearly lost my home, the home I have worked so hard for to maintain. I am terribly worried for the future of the nonaffluent families on Long Island. Thank you very much. Germana Caba."

*(*Applause*)*

D.P.O. HORSLEY:

Thank you very much, Ms. Caba. Christian Infante, and Maura Yacub on deck.

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MR. INFANTE:

Hi, good morning. I'm Christian Infante. I'm a child care provider. I've been providing this service for children that I educate for about six years almost.

Also, I want to tell you that I don't know how the formula for the funds that come from the Fed, that you guys know that comes from the Federal Government, these monies should be used for child care provider -- for child care, so that the children for -- that we educate.

Recently, I had to shut down my place because I lost all the cases from the DSS, so now I have to do something else. And I urge you to pass a bill that we can get those children back in the community and these families back to work. Thank you very much.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you very much, Mr. Infante. Maura Yacub, and on deck is Kathleen Reeves.

MS. YACUB:

Hi. My name is Maura Yacub. I had daycare for years. I have Vancor (phonetic) with me and he can help with my English now. Thank you.

(THE FOLLOWING WAS A STATEMENT OF MAURA YACUB THROUGH A TRANSLATOR)

When in June we received a letter of cancellation of daycare service, the first thing that happened was this concern, then panic. But later we realized the reality of this situation that affects all of us. In our case, the providers, we lost our business, which means the service for kids. There's no work. We had to fire assistants, and there's more unemployment. The point is not just that, it's much wider, the impacts -- impacts an seclusive population, and only -- it's mostly only in our area of Suffolk. The worst, we're talking our future children of this country, which is the citizens, and is a type of discrimination. And I know it's a strong word, and to make sure that if we were wrong or right about it, we're just checking the definition in a few words. In a few words, it says, "Act to suppress the person from a society or from groups with certain criterias."

Now, in our case, which we're working with single mothers with kids born here, therefore, they are citizens, we're going to give you just a few examples.

Patricia, she makes \$9 an hour with her son, lives in a basement when Social Service, they canceled the service for her.

Layla, two kids. They all sleep in a queen bed in a room that is big enough for a twin bed, so you can imagine. They have different -- the two kids, different parents. So she works for seven years in the same company and Social Service gave the funding for one kid, but not for the other. And so it's a little messy. And one kid has to go to a babysitter, which didn't know how to treat a two-year-old, and cries all the time, and is a problem. The other kid went, where a family member twice forgot to pick it up from the bus, has no car, so they called Layla to the work to go and pick up the kids.

Blanca, a single mother, 19-years-old, she has a two-year old child, rents a room, makes 8 1/2 an hour, case closed. She's trying to find a job. Even if she tries to find a job, I mean, at 7.25 an hour. Social Services closed the cases, so -- and she tried unemployment and she doesn't qualify for unemployment either. So, again, problematic.

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Cynthia, three kids, same father, the three kids. The case was closed because she'd done overtime, and to be able to provide for the four, the three kids and her. So she had a little bit of overtime, and just with a little overtime, closed the case.

She has another peculiar that she has a restriction. What's the name of that? It's a protection, an Order of Protection for her, not for the kids. So, still, she doesn't qualify for any sort of special services.

D.P.O. HORSLEY:

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

TRANSLATOR:

Yes, I'm wrapping it up. Coming back to definition, the Federal Law prevents the distinguished discrimination, says the Law of '93, to exclude or restrict different factors, like economic, social, religions, and between may others, and right and equality for everybody.

I thank you for your time. I think most of us, we put the point across. I appreciate the -- I think we have to think for the mothers and fathers, they are in need, and the kids that is the most important at this point. Thank you so much for your time.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you very much. We do appreciate you coming down. Kathleen Reeves, and Patricia Foley Kahn (phonetic).

MS. REEVES.

Hi. Good morning. I'm from John J. Foley, as you all know.

D.P.O. HORSLEY:

Kathleen, I don't -- we can't hear you.

MS. REEVES:

Okay. Is that better? A little bit? Okay?

D.P.O. HORSLEY:

Yeah, that's good.

MS. REEVES:

Okay. The County is currently planning on gifting a municipal asset to a private entity for the sum of 23 million dollars, but you know that. And if you do consider this to be a sale, the Mary Hibberd Law, which was made by the Suffolk County Legislature, was in no way followed, which you know that, too. Correct me if I'm wrong, but in Suffolk County the Mary Hibberd Law is still the law. Laws on every level, whether it be Town, County, State or Federal, are made for a reason and to serve a purpose. Again, on all levels, if someone higher up the food chain says it's okay to ignore the law does not give justification to not following the law as you know.

We are a county, a country and a society of laws, laws that have been made for a reason, to protect and serve the people. If any law can be abandoned at any level just because it's not convenient, regardless of how significant some may think it is, then there's no reason to have laws. If there's no reason to have laws, there's no reason to have government. And I know this is the extreme, but no law has any less or more significance than any other law. And the law, specifically in this case the Mary Hibberd Law, does need to be followed and not ignored. Thank you.

GM 9/13/12

*(*Applause*)*

D.P.O. HORSLEY:

Thank you very much, Ms. Reeves. Patricia Foley Kuhn, and Alex Maureau on deck.

MS. KUHN:

Hello. My name is Patricia Foley Kuhn, and this is my sister, Maryann Foley Hughes.

D.P.O. HORSLEY:

I'm sorry for the mistaken last name. Kuhn.

MS. KUHN:

Pardon?

D.P.O. HORSLEY:

I misspelled your name.

MS. KUHN:

Oh, that's okay. We are representing the Foley Family. We are here today to request that if the John J. Foley Skilled Nursing Facility is sold under this current proposal, that our father's name be removed, and that the plaque --

*(*Applause*)*

And that the plaque inside the building from the facility be given to the Foley Family. Therefore, if this facility is to be sold, we ask that our father's name not be included in the sale of this facility. This nursing facility should be a shining example of how good government works for and cares for its people.

In his final days, our father's dying wish was to keep it public. He took a hold of one of his nurse's hands and said, "Do me a favor and fight the good fight and keep it going." His nurse said, "We'll try, Mr. Foley, we'll try." Even to the end, he was thinking of others and not himself. That's the kind of man he was and that's how he lived his life, and he is truly missed.

If the sale goes through, it certainly will be a sad day for our family to see our father's dream come to an end. But, as our father would say, more importantly, it will be a sad day for the good people of Suffolk County.

*(*Applause*)*

So, in closing, we'd like to thank all those people who are here and not here who are fighting the good fight, and a special thank you to all the people who work at the John J. Foley Skilled Nursing Facility --

*(*Applause*)*

-- for their hard work, their dedication, their love and compassion that they give to the people they care for. And we truly hope today that each and every one of you will vote your conscience on this matter. Thank you.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you very much, Ms. Kuhn.

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LEG. ROMAINE:

Legislator Horsley, point of information.

D.P.O. HORSLEY:

Point of information.

LEG. ROMAINE:

I just want to raise a point that this Legislature unanimously passed a resolution forbidding the use of the name John J. Foley in any contract of sale to a private entity. That law is on the books, despite the fact that people are drafting contracts using that name. That is a law on our books, just so they should know that, a law that I sponsored last year.

*(*Applause*)*

D.P.O. HORSLEY:

Okay. Thank you very much, Legislator. Alex Maureau, and on deck is Lydon Sleeper.

MR. MAUREAU:

Good afternoon, everybody. My name is Alex Maureau. I'm here representing State Senator Joseph Addabbo from Queens to express our concern over 1695-12, the proposed sale of the Yaphank land for Brookhaven Rail Terminal expansion.

The communities the Senator represents are already overwhelmed with old polluting Tier 0 locomotives. The only rail yard that handles traffic coming into or being transferred to all the counties on Long Island is the Fresh Pond Terminal in Glendale, Queens. That yard only has 10 tracks in 15 acres of land, and it cannot handle anymore rail traffic. If this proposal goes through for the expansion of waste transfer, you will be jeopardizing the health and quality of life of many residents along the rail lines throughout Long Island.

What the residents are experiencing now, it can only be described as intolerable. They must deal with near constant rail operations six days a week. What comes with that are the idling of those old polluting locomotives, noise pollution from the banging and clashing of the cars when being switched, and noxious odors from uncovered cars filled with municipal waste, construction and demolition debris, as well as other materials. Approving this land sale would mean that these conditions -- excuse me -- that these conditions ultimately worsen exponentially and become even more intolerable.

I strongly advise that you postpone 1695-12 until existing conditions are mitigated for the sake of not only my constituents, but yours. Thank you.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you very much, Mr. Maureau, and welcome to Suffolk. Lydon Sleeper, and on deck is Edward Cataldo.

MR. SLEEPER:

Ed's on deck. Thank you very much. My name is Lydon Sleeper. I'm New York City Council Member Elizabeth Crowley's Chief of staff, and she asked me to come out here just to say a few things about the impact on us, but, also, one of the things I think you should know about it.

Over the course of today, you'll hear from many constituents who live near or along the freight rail lines. They will explain better than I can the impact that they feel. I'm here to explain the issue from a government perspective, and I think it's important for you guys to know.

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I can't stress enough how much of a mistake it is to sell the property without including some sort of community mitigation or funding as part of the contract. The railroads can't be regulated by you. The railroads can't be regulated by us or New York City. The railroads, for the most part, can't even be regulated by New York State. They are only regulated by the Federal Government, and any attempt to legislate problems are preempted by the Federal Interstate Commerce Clause. So, if you have an idling engine in front of a constituent's home, there's nothing you can do about it. You can't dictate times, you can't dictate travel, you can't legislate, and you have no ability to negotiate those things between the railroads and your constituents. That is a -- it has proven to be a huge problem for us.

I know Ed Cataldo is speaking behind me, and he can explain the issues better than I can. But I can't stress how you are ceding your right to negotiate for your constituents by not including some type of community benefit, whether that be walls or sound barriers, cleaner engines. Anything that you can put in there as part of the contract, you should.

Furthermore, it's important to note the structure of the system. It funnels everything through our community. You will have backups. You can't sustain -- our community can't sustain the increase that we're going to get by the mass increase that you guys are selling off here. So you're going to get backups, you're going to face the same issues that we can, because we can't funnel it through fast enough for the expansion that you're providing. So just on that, I urge you to vote no or table it in whatever capacity your Legislature can before -- until you can better understand the consequences, and also include some sort of allowances for you guys to negotiate on behalf of your constituents. Thank you very much.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you very much, Mr. Sleeper. Edward Cataldo, and on deck is Kathy Malloy -- and/or Dan Farrell. It's an either/or. Dan Farrell.

MR. CATALDO:

Good afternoon. My name is Ed Cataldo, I'm a resident of Middle Village, and I'm here to resubmit the photos that I showed you guys last week, because there are people on the panel who have not seen it.

And as an add-on to what our Assistant Councilman just said, these are telling photos -- do you want to hand them out? These are telling photos of what we here in Middle Village experience on a daily basis, and this is what the people of Brookhaven, Yaphank and beyond are going to experience every day.

*(*Applause*)*

Because, like they said about the railroads, they abide by only one set of rules, and it's their rules. Okay?

So, again, I'm here to express my objection to this land sale on several grounds. The railroads have not clearly explained who is financing this project, and what was the plans they gave to those people who they're financing with.

It is incredulous to believe they did not explain in detail exactly what they're going to do with this site. The banks would never pass a loan unless they were given full details. For them to stand up here before, like last week, and say they don't know, like Ms. Esposito said, is incredulous. I can't believe that.

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Secondly, we have lived with the railroad for the last five years, and I want to let everyone know that they ignore all the rules. They do whatever they want whenever they want.

*(*Applause*)*

They keep no standards. The railroads set the rules, period, and they will do the same thing to your communities, too.

Thirdly, Long Island is taking their trucks off the roads and they're reducing their pollution, when, in fact, all they are doing is sending it right behind my home, Mr. Levia's (phonetic) home, and the rest of my neighbors, and the schools in which that are lined along the tracks. Now, there are four schools, two pre-K, which are literally ten feet behind the tracks. And I would like to pass them around so the rest of the panel could see that, so they can experience what I experience on a daily basis, what we do, and they could see the hell that we live with, and what Brookhaven and Yaphank is going to experience in a very short period of time, because they will make a full-fledged industrial garbage waste transfer station. It will happen immediately. Okay?

*(*Applause*)*

To protect -- and the final thing I wanted to say is to protect some at the expense of others, meaning us in Middle Village, Glendale, Maspeth and Ridgewood, that is just plain immoral, okay? The fact that our communities are bearing the current burden of Long Island's garbage already is enough.

The railroads ran a recent commercial talking about the "Green Revolution." The only green they are really talking about is the green they will be making from converting this facility into a full-fledged garbage waste transfer station. This is where the money is, people. It's not in corn syrup, it's not in flour, it's not in cauliflower, it's in the garbage.

*(*Applause*)*

That's where they're going with this, and that's why they won't tell you that, and they know it. Finally, the garbage is the new black gold for the railroads, but the problem for us in Middle Village and beyond is that they leave open exposed industrial waste, noted by the rail cars right here. Take a look at this. This is what sits behind my house every day.

D.P.O. HORSLEY:

Mr. Cataldo.

MR. CATALDO:

Okay.

D.P.O. HORSLEY:

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

MR. CATALDO:

Okay. So the point is that if Yaphank wants this or gets this, this is what they're going to experience on a daily basis, and we can't take it. We need to address it on a much larger issue. The bottom line is, before this goes forward, let's sit down like intelligent people, work it out, not back --

D.P.O. HORSLEY:

Thank you, Cataldo.

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MR. CATALDO:

You're welcome. Take a look at the pictures, they say it all right here.

*(*Applause*)*

D.P.O. HORSLEY:

Okay.

MR. CATALDO:

This is.

D.P.O. HORSLEY:

We got it. Dan Farrell, and on deck is Linda Petersen.

MR. FARRELL:

Good afternoon. And I'd like to welcome Presiding Officer Lindsay back, it's nice to see him back here today. I'm here to speak out against the sale of John J. Foley and to the Shermans. And to steal a line from Adrienne, who spoke so greatly before, what's going to happen with the building? What's going to happen with the workers? What's going to happen with the land? We don't know. Do you know? I don't know. Does anybody know? I haven't gotten any guarantees.

*(*Applause*)*

You know, and sadly enough, for the first time, the Bellone Administration reached out to me two days ago on this sale, two days ago for the first time, wanted to meet with me about it. We met yesterday. At the eleventh hour we met to discuss the arrangements going on over there. But you know what, too little too late. We were unable to reach an agreement.

I have to protect my members, my workers who work there. And they're so hell bent on getting this deal through and so hastily done that I'm opposed not only to this for my workers, but the way this whole process has been done. It's a dirty, tainted deal and it was not the best offer that was given to the County when they did the RFP process. I'm doing my due diligence; I hope you do your due diligence.

I've gotten Suffolk Comptroller Sawicki involved in this to review the process. You should have gotten an e-mail or a letter from him this morning basically stating that why wasn't there a competitive bidding process done on this? Why wasn't there a new RFP? Why wasn't there a new legitimate appraisal, or at least two appraisals that would be comparative to the sale of John J. Foley? That hasn't been done. They want to just sneak this all through and get it sold off. But I am firmly against the sale of John J. Foley, not only for my members, but for ethically and morally doing the right thing.

So I ask you, I implore you, vote with your conscience. Do the right thing and do not sell John J. Foley. Thank you.

*(*Applause*)*

D.P.O. HORSLEY:

Linda Petersen, and on deck is Kathleen Madigan.

MS. PETERSEN:

Good morning. I'd like to bring to your attention today a news release, which was given by Steve Bellone when he was Supervisor of Babylon Town. Calls -- *Babylon Calls for a Halt to the TRIM Facility.*

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"On July 12th, 2007, Babylon Town Supervisor Steve Bellone called for a halt to the proposed Truck Rail Intermodal Facility so that additional study of the potential impacts on neighboring communities and the adjacent Edgewood State Nature Preserve can be completed. Supervisor Bellone calls upon the New York State Department of Transportation to do significantly more community outreach before moving forward with any type of development at this site; *"This project may negatively impact surrounding communities without providing any direct benefit,"* said Supervisor Bellone. In addition, there is a real concern about how this project, in its present form, will affect the nature preserve, which is one of the few large tracks of open space in this part of western Suffolk County where residents can enjoy nature." Seems like déjà vu.

I wonder what could have caused Mr. Bellone to have such a change of heart and position when it comes to this sale for a very similar facility.

In addition, we heard Councilwoman Kepert speak this morning about the California Rail Terminal. Intermodal facilities have the potential to emit greater levels of mobile source of air toxics than other transportation facilities. In fact, a health risk assessment of rail yards by the California EPA found that diesel fumes are emitted by not only rail yards, locomotives and trucks, but by cargo-handling equipment, transportation refrigeration units, refrigerated rail cars, waste water treatment plants, emergency generator and fuel storage tanks.

In 1998, ARB identified particulate matter from diesel exhaust as a toxic air contaminant based on its potential to cause cancer, respiratory illness, and heart disease, particularly in children and the elderly.

If you approve the sale of this land, not only will you be creating the largest unregulated rail yard in the United States, you are dropping a toxic time bomb into the center of Suffolk County. Is this the legacy you wish to leave for future generations? Shame on you.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you very much, Ms. Petersen. Kathleen Madigan, and on deck is Michael Finland.

MS. MADIGAN:

Thank you. I'm a resident of Yaphank and I serve on the Yaphank Civic Board. I want to read something to you folks, because it's been eluded to earlier today. This is the testimony of Charles Nottingham, who is the Chairman of the Surface Transportation Board. He spoke to the House of Representatives Subcommittee on Railroads, Pipelines and Hazardous Material in 2007. This is just a little snippet regarding construction of a facility ancillary to already authorized rail line.

Under our governing statutes, some activities, although a part of rail transportation, may nevertheless not be subject to STB licensing. These activities include making improvements to existing railroad operations, such as adding track and/or facilities, including transload facilities where materials are transferred between truck and rail at existing railroad locations to better serve the needs of a railroad service's territory.

They also include construction of ancillary spur, industrial team switching or side tracks by an already authorized rail carrier, since ancillary track and facilities of this nature are exempt -- excepted by 49 USC 10-9-06 from the Board's licensing authority. Because no Board license is required in these types of cases, there is no occasion for the STB to conduct a formal environmental review or impose specific environmental conditions.

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I want to say one thing. We have listened for months and months to these people from the Brookhaven Rail Terminal completely tell us, "We don't know what we're going to do with the property," and then they start doing things. "Well, we don't need permits, we're under the Federal jurisdiction," and apparently they are.

So I want to say something to you. You want to plug a budget hole, you are opening a Pandora's box. Who are these people? Does anybody know who they really are? Who is Oakland? Who's Nevada Five? Who is Andy Kaufman? Does anybody know where they've been before? Have we seen examples of what these people have done with rail projects? What are they going to do with the property? Repeatedly, we've asked them in meetings, all different people have asked them. "Well, we're really not sure." Then the next day we find out they're land-clearing, they're sand mining, they're building more tracks. This has to stop. Where are we going to be in like 15 years?

You know, we don't have a union to protect us. We elected you to protect our health and welfare. This is a bad deal and I think -- I'm going to mention a few words. Investigation, full disclosure, and let's backup and take a time-out and table this, because there are too many questions. Our lives and health are at stake.

*(*Applause*)*

We're not a bunch of tree-huggers here that are just trying to protect parkland. This is our lives.

This morning, on the Expressway, there was a haze hovering over 66 to 68 that looks like Los Angeles on a good day. We've had enough. You cannot do this to us. And you know what, folks, I'm urging you to find out who these guys really are, because you are in for a surprise, because all this is going to cost you more than twenty million down the road when there's litigation and investigations. Thank you.

*(*Applause*)*

D.P.O. HORSLEY:

Michael Finland, and on deck is Peter Oleschuck.

MS. MALLOY:

Michael Finland had to leave.

D.P.O. HORSLEY:

Thank you very much. Peter Oleschuck.

MS. MALLOY:

One moment.

D.P.O. HORSLEY:

And on deck is --

MS. MALLOY:

Legislator, may I speak on his behalf?

D.P.O. HORSLEY:

No.

MS. MALLOY:

All right. Then --

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D.P.O. HORSLEY:

I'll be glad to put you in later on --

MS. MALLOY:

Okay.

D.P.O. HORSLEY:

-- Kathy. Thank you. Peter Oleschuk, and Chad Trusnovac is on deck. I hope -- I'm sorry if I mangled your name.

MR. OLESCHUK:

Good morning. I guess I'm one of the lucky ones. I'm looking at almost every chair filled, and everyone's actually looking at me. Great.

*(*Applause*)*

So I'll talk a little louder, because, you know what, that's called respect. We've come here, we've been here all morning, we've watched you cite people that are doing good things in this community. And with respect, we stood up, we applauded, and we said thank you to them that way. And I'm glad that you're now listening. But putting a statement in the newspaper, saying, "They better come with a \$20 million check," that's our neighbors.

*(*Applause*)*

We are the people of Brookhaven, Suffolk County, Long Island, New York State. We love New York, we are all neighbors, and that's extortion. We all stick together when we have a problem, and that's how the State works. When one entity can't survive, there is assistance in other directions.

Now let's take a look at this problem, because right from the beginning all the people of Brookhaven, all the hamlets said, "Let's save the Carmans River." It's our watershed, it's our life. Everyone, Suffolk Count agrees. Nobody said, "Get rid of the Carmans River." Nobody said, "Poison the Carmans River." Nobody said, "Cover it with concrete," either. So let's get down to the facts.

Everyone agrees to save the Carmans River, so what are we doing here? This is on the Carmans River, and it's going to be the largest rail transfer yard in the country.

Let's look at the facts. The other day, last week, there was a meeting. Kate Browning was there, Councilwoman Connie Kepert was there, some of you sent a few Aides. What was stated? Ten thousand rail cars coming in is going to take 20,000 trucks off the road. Shell game, shell game. There's three of them. What's the other one? Ten thousand rail cars coming in is stopping that -- maybe I'd say 1,000 of those trains are bringing in Long Island needed cargo; that's the 20,000 trucks. But when that gets repacked and put onto trucks and put on our roadways, which they now want widened, expanded and modified for their business, is going to put about 75,000 tractor trailers onto our roads, going out of Suffolk County, headed for Nassau County, headed for Queens, and who knows where else, to distribute what's coming in here for distribution. And they want to warehouse it here, expand that, and that's it. It's not creating jobs.

Industrial acres in Brookhaven Town and in Suffolk County normally yield 30, 40, 50 jobs per acre. I ask the question, you have almost 30 acres, that's 28 acres; how many jobs did Suffolk yield? Well, two were imported, in other words, out-of-towners coming in, we gained 24 jobs. That's less than one per acre. We've been robbed. What are they going to do with the other 90? They said, well, when the whole thing's done and when they get this --

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D.P.O. HORSLEY:

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

MR. OLESCHUK:

The number was about 125 to 200. They don't know. Don't let this happen. It's wrong.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you. Mr. Trusnovec, and on deck is Joe Stasys.

MR. TRUSNOVEC:

Good morning. Chad Trusnovec, President of the Yaphank Taxpayers and Civic Association. I have a statement. It is longer than three minutes. I'm going to read as much as I possibly can. I have 18 copies, which I will be distributing to each Legislator.

The Yaphank Civic Association strongly opposes the sale of taxpayer-owned land to the operators of the Brookhaven Rail Terminal, and the reasons are many.

As you may know, Yaphank is still a small and somewhat rural community made up of mostly blue collar workers, many of whom have been living, working and raising their families here for many generations. We take pride in our town and want the next generation to be able to enjoy the things that we have enjoyed: Hunting and fishing close to home, volunteering in our local organizations, or just waving to our neighbors as we drive down Main Street.

Over time, much of our small-town way of life has been diminished. As years go by, added industry, population increases, and the associated traffic and noise pollution make it harder and harder to hold onto our way of life.

The introduction of the BRT a few years ago is another example of the deterioration of our quality of life. The current 30-acre site operates with impunity from local authority, and make no mistake, they have been less than an exceptional neighbor.

Several years ago, officials from the Brookhaven Rail Terminal came to our civic meeting. It was the first that most of us had even heard about the project. Many questions were asked by the residents, and at the end of the meeting, after very few answers, they arrogantly told us that this was a Federal project, and that they were only there as a, quote, courtesy, and that we really didn't have anything to say. Well, to say the least, we were outraged and angry. This began the intrusion of the BRT into our town. Since then, there has been little to no outreach to the community, and, quite frankly, we are very worried about what the future holds.

Presently, the 30-acre site has brought us an incredible eyesore, greatly increased truck traffic in the area, as well as a number of accidents involving these trucks. The buffer around the site has been promised for so long, still remains undone, with sand and debris continuing to blow across Sills Road.

Reports that the DEC has cited them for illegal dumping is particularly disturbing. While they say it's more of a misunderstanding and not as bad as it sounds, their track record doesn't give us a lot of encouragement. If it is as bad as it sounds, we find that to be egregious and proof that this company cannot be trusted.

At our meeting last week, one of the representatives admitted that they are beginning to clear the next 90 acres that they own without permits. I, as President of the Yaphank Civic Association and a lifelong resident, was once again shocked at the arrogance. They continue to hide behind the cloak

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of Federal regulation, and thumb their noses at local authority and the residents of this community.

One of the representatives stated that once fully operational, the present 30-acre site will take 30,000 trucks off the highways each year. I questioned that number and he said that's accurate. If the current proposal was passed and it becomes 370 acres, that is a thousand trucks a day placed directly into our town.

D.P.O. HORSLEY:

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

MR. TRUSNOVEC:

This is a staggering number. And one thing's for sure, our small community would be gone forever. I'd like to distribute the rest.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you, and we'll be glad to help you with that. We have -- I'm going to -- this will be our last card of the morning in which we will -- we'll break for lunch at 12:30. We will pick up the -- by the way, Joe Stasys, if you would come up. We will pick up at the end of the public hearings, which will start at 2:30. We'll be picking up the rest of these cards and letting everybody have their opportunity to speak. Okay?

MR. STASYS:

Can I give her this while she's going up?

D.P.O. HORSLEY:

Joe, welcome.

MR. STASYS:

I would like to pass this out. I'm here to talk about John J. Foley, I'm also here to talk about the layoffs.

Apparently, the County Executive has theoretical budgeting, where the sale of John J. Foley is the greatest thing since sliced bread. His theoretical budgeting, which I'm going to use this lady saying you don't know. They say numbers don't lie. Apparently, you don't get all the numbers. You sell John J. Foley; they were supposed to bring in, I forget, how many millions of dollars. Well, last week it was written in the paper, jeez, they made a mistake, it's only 7 million dollars over five years that they're going to save. What's it going to be next week? Less than that.

This paper I gave you, due to our layoffs, if you notice where I highlighted in red, is considered your stats and assignments. Ed knows what I'm talking about and Mr. Kennedy does. These are documents that can't be done because half our department was laid off. But according to theoretical budgeting, it was needed. If you add up all the numbers, and I'm going to be very conservative at \$60 per document, it comes out to 382,920 documents that have not been completed up to September 15th. This is money that the County is losing. You've doubled and at times tripled the fees for these documents. You've also taken the cap off the documents. There used to be a limitation as to how much money could be saved -- could be spent. There is no limit. If there's 100 documents, it's \$60 per document. It used to be \$30 per parcel, \$20 every additional document. So they doubled, then tripled the fee. This is theoretical budgeting. Let's get rid of the workers and we're going to save all this money. You're losing money. You're going to lose money by selling John J. Foley because it's not run properly. I don't understand how this is considered a savings. I don't understand how the layoffs were -- I understand I'm over?

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D.P.O. HORSLEY:

Okay. You are, Mr. Stasys.

MR. STASYS:

And you really got to investigate, because the layoffs, the John J. Foley is the wrong thing to do for the County, for the people and for the membership. Thank you.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you very much. With that, we are going to break for lunch, and we'll be back at 2:30.

*(*THE MEETING WAS RECESSED AT 12:33 P.M. *)*

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

*(*The meeting was reconvened at 2:35 P.M. *)*

D.P.O. HORSLEY:

Mr. Clerk, would you please call the roll.

MR. LAUBE:

Will do.

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

LEG. ROMAINE:

(Not present).

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

Here.

LEG. MURATORE:

(Not present).

LEG. HAHN:

Present.

LEG. ANKER:

Here.

LEG. CALARCO:

Present.

LEG. MONTANO:

(Not present).

LEG. CILMI:

Here.

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LEG. BARRAGA:

Here.

LEG. KENNEDY:

Yeah.

LEG. NOWICK:

(Not present).

LEG. GREGORY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

(Not present).

LEG. SPENCER:

Here.

D.P.O. HORSLEY:

Here.

P.O. LINDSAY:

(Not present).

MR. LAUBE:

Eleven. Twelve, actually. (ACTUAL VOTE: 13 - Not Present: Legislators Romaine, Muratore, Montano, Nowick & D'Amaro).

D.P.O. HORSLEY:

Okay. The Clerk advises that the Affidavits of Publication are in proper order for the following Public Hearings, and we shall proceed.

LEG. ROMAINE:

Tim?

D.P.O. HORSLEY:

Okay. The first resolution is ***(Public Hearing on) Procedural Motion No. 12-2012 - To set a public hearing regarding the authorization of the alteration of rates for Sayville Ferry Service, Inc.***

P.O. LINDSAY:

I make a motion.

D.P.O. HORSLEY:

Legislator Lindsay makes a motion. I'll second the motion. Let's see, on the cards -- we have some cards. It's a public hearing.

MR. NOLAN:

You have to keep the public hearing open.

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D.P.O. HORSLEY:

Oh, we do? Okay. Never mind. Okay, we have three cards for the public hearing. The first one is Lori Andrade. Lori, why don't you come on up. And of course, everyone has three minutes to make that presentation.

MS. ANDRADE:

Good afternoon. Thank you for the opportunity.

MS. ORTIZ:

You don't have to hold it.

MS. ANDRADE:

No? Okay. Good afternoon. Thank you for the opportunity to speak. I'm Lori Andrade here representing the Health & Welfare Council of Long Island. Gwen O'Shea had wanted to be here today but was unable to because of a conflict, but wanted to make sure that the voice of the sector and the people we serve are heard regarding IR 1314, the law to amend prompt payments to non-profits.

D.P.O. HORSLEY:

Lori, can you move the microphone just a little bit more towards you? There you go.

MS. ANDRADE:

Okay. Thank you.

D.P.O. HORSLEY:

You're on 1341, right?

MS. ANDRADE:

Yes, I am on 1341.

D.P.O. HORSLEY:

Okay.

MS. ANDRADE:

Thank you. The Health & Welfare Council, on behalf of the sector, met with the prompt --

MR. NOLAN:

Just tell her to hold on for a moment.

D.P.O. HORSLEY:

Excuse me. Lori, just hang on one second.

MS. ANDRADE:

Sure.

D.P.O. HORSLEY:

That's why we got confused. This is procedural Resolution No. 12 --

MS. ANDRADE:

Oh, okay.

D.P.O. HORSLEY:

-- to set a public hearing regarding the authorization of the alteration of rates for Sayville Ferry Service, Inc. (Presiding Officer Lindsay). We haven't done anything with it yet.

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MR. NOLAN:

You don't have any cards on that.

D.P.O. HORSLEY:

I don't have any cards on that.

P.O. LINDSAY:

There is one.

D.P.O. HORSLEY:

Yes, I do. I'm sorry. Yes, we do, we have from a David Neufeld.

MR. LAUBE:

We'll get right back to you.

D.P.O. HORSLEY:

I'm sorry, Lori. We're getting our act together. How are you doing? I'm sorry about that.

MR. NEUFELD:

Good afternoon, Presiding Officer, Members of the Legislature. My name is David Neufeld. I'm with Neufeld & O'Leary, the attorneys for Sayville Ferry Service, Inc., here on behalf of the rate application increase for the ferry.

I would just like to point out very briefly, the ferry has gone seven seasons without any increase, and it has done so in an effort to try to do the best it can for its long-standing customers. It is having difficulty now, as a result of which it has made this application. And I would also point out that the application is less than the CPI interest -- CPI increases during that time period is also less than others charged. So it is working very much with its customers and with the County.

BRO it has met with, Budget Review Office, it has provided all of the information, anything that it wanted. They have had an opportunity to meet at the ferry and they have issued their recommendation which I believe has been distributed to everybody. The costs underlying this increase are obvious, in addition to the economy. It's fuel, basically, a new vessel of over \$2 million is presently under way, credit line issues have been -- because they have not been able to make up for that.

I just point out Sayville Ferry is dedicated to the safe, efficient, modern and reasonably priced service for members of the County and has a legacy, historic legacy of over a hundred years of providing such services. It provides over 400,000 passenger service as well as emergency crews and firemen. Whenever there's an emergency of any type, it takes care of that.

So if there's anything further we'd like, I have Mr. Stein here, the President of the company, if there are any questions. If not, I'm not sure, I'd defer to Counsel, Mr. Nolan, but I believe it has to stay open for the next hearing because of the 150-day.

MR. NOLAN:

Yes.

MR. NEUFELD:

All right. Well, we can continue it then. But if anyone has any questions, Mr. Stein is here and we just thank you very much for your attention in this matter.

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D.P.O. HORSLEY:

Okay. Are there any questions of Mr. Neufeld or Mr. Stein? Okay. That being the case, I'll make a motion to recess. Seconded by Legislator Lindsay. All those in favor? Opposed? So moved, it has been recessed.

MR. NEUFELD:

Thank you very much.

MR. LAUBE:

Fifteen (Not Present: Legislators Romaine, Muratore & Stern).

D.P.O. HORSLEY:

(Public Hearing on) IR 1341-12 - Adopting Local Law No. -2012, A Local Law to amend the prompt payment policy for all not-for-profit contract agencies (County Executive). We do have Lori Andrade. And I apologize for that mix up before.

MS. ANDRADE:

No problem. Thank you again, and good afternoon. I'm here to represent the Health & Welfare Council of Long Island. Gwen O'Shea had wanted to be here but had a conflict, but wanted to make sure the voice of the sector and the people we serve is heard regarding the law to amend the prompt payment to non-profits.

On behalf of the sector, Health & Welfare Council of Long Island met with the Performance Management Team during the summer, and after much conversation and discussion, there was an agreement to amend the legislation to 45 days during this fiscal crisis with good faith that payments would be made as soon as possible. Agencies are currently being paid between 30 and 45 days now and they are not seeking any reimbursement for incurred costs when they are paid 15 days beyond the original law. But agencies will have no choice but to seek reimbursement if it goes out longer than that, especially given recent and possible future cuts, especially to the child care agencies.

Given that 45 days was an acceptable compromise to agencies and the Performance Management Team, we ask you to strongly consider amending the proposed legislation submitted by County Executive to 45 days. It's a compromise and a shared sacrifice. Thank you.

D.P.O. HORSLEY:

Thank you very much. Are there any questions of Ms. Andrade?
Kathy Liguori?

MS. LIGUORI:

Thank you. My name is Kathy Liguori and I'm the owner of two Tutor Time Child Care Learning Centers in Medford and Middle Island, and I'm also the Vice-Chair of the Welfare-to-Work Commission and Child Care Committee designee.

I'm here today as myself for child care provider to urge you to exempt the child care providers from the amendments to the Prompt Payment Law. Child care is really in a severe crisis, as you know, with the State cuts. Thousands of children that have been cut from the Suffolk County rolls of child care subsidy services, we are at 100% of the poverty level. You can be 200% in order to receive food stamps of the Federal poverty level, but you must be 100% of the Federal poverty level in order to receive child care. It's just -- it's just shameful what's happening from the State with us. There are 986 licensed child care providers in Suffolk County; 56 of them are listed as closed. And that does not include the women that worked for Little Flower; they subcontracted with the County and provided services, so these women that worked out of their home no longer have jobs, just to sustain these cuts.

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We all know that the State imposed their billing system. It's been very difficult for the child care providers. It's imposed at least \$6,000 more of labor hours, so now we spent about \$13,000 a year just to administer our DSS billing. It's very difficult. Many of the child care providers are now on the brink of closing. Suffolk County has closed intake to child care completely. It's really, really very difficult. Many employees have been terminated, laid off. We have many -- we have reduced their schedules. We're really, really truly in a crisis.

I want to thank you for the sign-on letter that I'm about to see tomorrow that we -- that was sent to the Governor. I'm appealing to him about emergency allocation that we so dearly need. But I urge you that if you do amend the Prompt Payment Law, to exempt child care because you'll close us down. So, thank you.

D.P.O. HORSLEY:

Thank you very much, Ms. Liguori. We're good? The next speaker is Steve Burgdoerfer.

MR. BURGDOERFER:

Good afternoon. My name is Steve Burgdoerfer. I own two Tutor Time Child Care Centers, one in Islandia and one in Ronkonkoma.

I've been in business now, Islandia is celebrating its 20th year serving the community, and in the 20 years, it's never been anything close to as bad as it is now. Just to add on to what Kathy had to say, we -- in the last cut we lost -- you know, 25 families no longer have child care. And before that we lost 10 on the cut before that, and the cut before that I lost a good 10, so we've had to reduce, nine employees no longer have a job. And I read the paper every day and I look at, you know, some of the things we spend money on and the things we're having discussions on, and I just -- and I've seen articles on child care, but nothing seems to be getting done as far as at least getting these people so they can continue to have a job instead of going to try to collect welfare. It just doesn't make any sense to me, why we're trying to cut off people that are trying to go out and make a living. And I'm afraid of what -- you know, as I've said before, the children now that are on the street in unsupervised, un-cared for situations, that something God awful is going to happen, and I hope we can act before that happens.

The Prompt Payment Law of 30-days, as someone said before, no one has really filed on it because I haven't been paid in less than 30 days or 30-days in I don't know how long. It's been between 30 and 40 days. And, you know, we're trying to be in the spirit of cooperation, trying to work with this. If it goes to 45 days, there's not going to be any of this spirit anymore, we're going to be out of business.

I've had a number of child care centers in my area that have already closed shop, to what Kathy was saying earlier. They're dropping like flies. There's another one that's going to close down the road from me in a week. Where are these children going to go? I think we need to look around and maybe look at our priorities and see what we can do to at least reinstate where we were at before. We've got to get some of these children back on, we've got to find the funds. And God's sakes, we can't go to 45-days. Thank you.

D.P.O. HORSLEY:

Thank you very much, Mr. Burgdoerfer. With that, are there any motions? I'll make a --

MR. STRAUSS:

Wait, wait. You forgot to ask.

*(*Laughter*)*

D.P.O. HORSLEY:

No card?

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MR. STRAUSS:

Nah. I like to wait until everybody else is done. I don't want to get picked beforehand. Alex Strauss, 184 Radio Avenue, Miller Place, New York.

I don't own a Tutor Time, I don't own any of that. I'm just a lousy taxpayer. I can't understand how we set a law that makes sense, to be able to pay our bills on time, and now all of a sudden we declare an emergency and we're not going to pay our things on time. Can these people that are owed money declare an emergency and tell their people that they owe money to, "Listen, it's an emergency. I can't pay you." And there are people that will say to them, like their mortgage people will say, "No problem. You pay late fees, you pay interest," and if you're lucky you still have the place. I can't understand how you can just change things because it's an emergency. It's an emergency, the pitting goes down the line. Those people can't declare emergencies. It's ridiculous. That's the law, let's stick by it. Thank you very much for your time.

LEG. ROMAINE:

Quick question.

D.P.O. HORSLEY:

Yes, of course. Legislator Romaine.

LEG. ROMAINE:

Mr. Strauss, did you know that I absolutely agree with you and that's why I'm going to make a motion to recess this hearing so it can't be closed so a vote can't be conducted on it?

MR. STRAUSS:

Thank you.

LEG. ROMAINE:

Thank you. Motion to recess.

P.O. LINDSAY:

I'll second it.

LEG. KENNEDY:

Second.

D.P.O. HORSLEY:

Legislator Lindsay seconded the motion. All those in favor? Opposed? So moved, it has been recessed.

MR. LAUBE:

Seventeen (Not Present: Legislator Spencer).

D.P.O. HORSLEY:

(Public Hearing on) IR 1489-12 - Adopting Local Law No. -2012, A Local Law to improve the safety of vehicles used by child care providers that contract with the County ("Look Before You Leave Our Children Act") (Stern). I do not have any cards on this. Would anyone like to be heard? Would anyone like to be heard? Legislator Stern?

LEG. STERN:

Motion to recess.

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D.P.O. HORSLEY:

Okay, motion to recess. I'll make the second on the motion. All those in favor? Opposed?
So moved.

MR. LAUBE:

Seventeen (Not Present: Legislator Spencer).

D.P.O. HORSLEY:

(Public Hearing on) IR 1522-12 - Adopting Local Law No. -2012, A Local Law to enhance provisions for enforcement of certain Consumer Protection Laws (County Executive).

Would anyone like to be heard on this? Would anyone like to be heard on this?

P.O. LINDSAY:

This has to do with what?

MR. NOLAN:

(Inaudible).

LEG. CILMI:

Motion to recess.

P.O. LINDSAY:

Yeah, I'm going to make a motion to recess.

D.P.O. HORSLEY:

Legislator Lindsay makes a motion to recess. Seconded by Legislator Cilmi. All those in favor?
Opposed? So moved.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

Thank you. *(Public Hearing on) 1622-12 - Adopting Local Law No. -2012, A Local Law to further regulate utility poles on County road right-of-ways (Schneiderman).* I do have a card for this. Don Dunn. Don?

MR. DUNN:

Good afternoon. I wish to thank the Legislature for giving me the opportunity to speak today about Resolution 1622. I would also like to thank Legislator Schneiderman for making the removal of double-poles in Suffolk County a priority by introducing 1622, along with the cosponsors.

This matter has been an ongoing problem for some time, and we need to find a means to resolve it once and for all. When we were before this Legislature back in 2010, we had 11,994 double-poles; today we still have 11,000. Obviously we cannot count on Verizon's promises to remove these poles by 2014, and so we must find a way to give them an incentive to get it done. The PSC does not do it anymore, and if the PSC won't and Verizon won't, then laws like 1622 are needed to get them to act responsibly to the residents of Suffolk County.

It is hard to find a street in Suffolk that does not suffer from the blight and dangers of these poles, which is not surprising when you consider that our local utilities have ignored the problem for so long. Just because the PSC allows them to disregard the obligation they have to our communities, that does not mean they have the right to do so. There is no coordination between LIPA, Verizon and Cablevision to work together by removing their plant from these busted and rotted poles in a timely fashion so that the poles can be removed. The time is now to force them to act in our best

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interest, not theirs.

These highly profitable corporations can afford to keep our streets safe by doing the work they charge us plenty for. So send a message to Verizon, Cablevision and LIPA that they cannot continue to turn a blind eye to this problem. If Verizon was serious about getting this done, Verizon would stop transferring the techs out of Suffolk County that do this work until the double-poles were all abated. They must stop blaming one another and must work with one another to finally rid our neighborhoods of these eyesores and hazardous conditions. 1622 will make it happen now, not later, and certainly not never. Thank you.

D.P.O. HORSLEY:

Thank you very much, Mr. Dunn. Any questions of Mr. Dunn; we're good? Would anyone else like to be heard on this? Would anyone like to be heard on 1622? Mr. Schneiderman, how say you?

LEG. SCHNEIDERMAN:

Motion to close.

LEG. ROMAINE:

Second.

D.P.O. HORSLEY:

Motion to close. Second by Legislator Romaine. All those in favor? Opposed? So moved, it has been closed.

MR. LAUBE:

Sixteen (Not Present: Legislator Kennedy - Recused: Legislator Hahn).

(Public Hearing on) IR 1698-12 - Adopting Local Law No. -2012, A Local Law to amend post-employment restrictions (Schneiderman). I do not have any cards on this. Would anyone like to be heard on this, on 1698? Would anyone like to be heard on 1698? That being the case, Mr. Schneiderman, how say you? Jay, that's yours, right?

LEG. SCHNEIDERMAN:

Motion to recess.

D.P.O. HORSLEY:

Motion to recess. Do I have second on the motion?

LEG. ROMAINE:

(Raised hand).

D.P.O. HORSLEY:

Legislator Romaine makes a second on the motion. All those in favor? Opposed? So moved, it has been recessed.

MR. LAUBE:

Seventeen (Not Present: Legislator Kennedy).

D.P.O. HORSLEY:

(Public Hearing on) IR 1702-12 - Adopting Local Law No. -2012, A Charter Law to make transparent the County's rule making process (Cilmi). I do not have any cards on this. Would anyone like to be heard on 1702? Anyone like to be heard on 1702? That being the case, Mr. Cilmi?

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LEG. CILMI:

Motion to close, please.

D.P.O. HORSLEY:

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

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

(Public Hearing on) IR 1703-12 - Adopting Local Law No. -2012, A Charter Law to adopt tax policy prior to Election Day ("Taxpayer Awareness Act Part 1") (Cilmi). I do have a card on this, Natalie Allegato.

MS. ALLEGATO:

I'm here to support Legislator Cilmi's three bills and the Taxpayer Awareness Act.

The first bill, which requires that the voting on the Operating Budget take place before Election Day, is common sense. The Legislators who campaigned not to raise taxes, but voted to raise them the day after the election insulted our intelligence.

The second bill requiring budget deliberations to be held publicly would alleviate taxpayer concerns as to what the Budget Working Group may be hiding behind closed doors. Taxpayers are entitled to transparency, as you are spending our money and you do work for us.

The third bill, requiring budget amendments to be filed at least five days prior to a vote, gives the Legislature time to read the bill and fully comprehend it before the vote -- before voting on it. I prefer not having a bill passed in order to find out what's in it. These bills do not sound unreasonable, so I am requesting that you end the secrecy and pass the bills.

D.P.O. HORSLEY:

Thank you very much, Ms. Allegato. Would anyone else like to be heard on this, on 1703? Would anyone else like to be heard on 1703? Okay. That being the case, Legislator Cilmi, what do you want to do with this?

LEG. CILMI:

Motion to close, please.

LEG. BARRAGA:

Second.

D.P.O. HORSLEY:

Makes a motion to close. Legislator Barraga seconds the motion. Any other motions? All those in favor?

P.O. LINDSAY:

I'll make a motion to table.

D.P.O. HORSLEY:

Motion to table by Legislator --

P.O. LINDSAY:

To recess.

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D.P.O. HORSLEY:

Recess by Legislator Lindsay. I'll second the motion to table.

LEG. ROMAINE:

Roll call.

P.O. LINDSAY:

Recess.

D.P.O. HORSLEY:

To recess, rather, I'm sorry. To recess. Okay, we'll -- why don't we do a roll call vote then.

MR. NOLAN:

On the recess.

D.P.O. HORSLEY:

On the recess.

LEG. NOWICK:

Which one is this?

D.P.O. HORSLEY:

1703.

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

P.O. LINDSAY:

Yes recess.

D.P.O. HORSLEY:

Yes to recess.

LEG. ROMAINE:

No to recess.

LEG. SCHNEIDERMAN:

No to recess.

LEG. BROWNING:

Yes.

LEG. MURATORE:

No.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

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LEG. MONTANO:

Yes.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

No.

LEG. NOWICK:

No.

LEG. GREGORY:

Yes to recess.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

MR. LAUBE:

Eleven.

D.P.O. HORSLEY:

The motion -- the IR is recessed.

(Public Hearing on) IR 1704-12 - Adopting Local Law No. -2012, A Charter Law to require open deliberations in budget amendment process ("Taxpayer Awareness Act Part 2") (Cilmi). Do I have a motion? Legislator Cilmi. Before I -- excuse me one second. Hang on a second. Would anyone like to be heard on this? I do not have any cards. Would anyone like to be heard on this matter? Okay. I'm sorry, Mr. Legislator.

LEG. CILMI:

(Laughter) Motion to close.

UNKNOWN AUDIENCE MEMBER:

Wait. Yes.

D.P.O. HORSLEY:

Welcome, Ms. Johnston.

MS. JOHNSTON:

Hi. How are you?

D.P.O. HORSLEY:

Good, thank you.

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MS. JOHNSTON:

I'm here today to speak to the transparency issues and the open deliberations. What has become apparently -- painfully apparent to me is the amount of deliberations that take place in this body behind that wall. And frankly, I think this board and every -- and every resident of Suffolk County would benefit by watching you do your business in public. Thank you.

Applause

D.P.O. HORSLEY:

Thank you very much, Ms. Johnston. Okay. We have a motion to close by Legislator Cilmi.

LEG. BARRAGA:

Second.

D.P.O. HORSLEY:

Second by Legislator Barraga. Are there any other motions on the floor?

P.O. LINDSAY:

Motion to recess.

D.P.O. HORSLEY:

Motion to recess by Legislator Lindsay. I'll second the motion.
Roll call, on the recess.

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

P.O. LINDSAY:

Yes.

D.P.O. HORSLEY:

Yes.

LEG. ROMAINE:

No.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

No.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

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LEG. MONTANO:

Yes.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

No.

LEG. NOWICK:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

No.

LEG. SPENCER:

Yes.

MR. LAUBE:

Twelve.

D.P.O. HORSLEY:

The motion is recessed.

(Public Hearing on) IR 1705-12 - Adopting Local Law No. -2012, A Charter Law to improve transparency and participation in setting spending priorities ("Taxpayer Awareness Act Part 3") (Cilmi). Would anyone like to be heard on this? Would anyone like to be heard on this?
Legislator Cilmi?

LEG. CILMI:

Motion to close.

LEG. BARRAGA:

Second.

D.P.O. HORSLEY:

I have a motion to close, and second by Legislator Barraga. Are there any other motions?

P.O. LINDSAY:

Motion to recess.

D.P.O. HORSLEY:

Motion to recess by Legislator Lindsay. I'll second the motion.

Roll call.

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

P.O. LINDSAY:

Yes.

D.P.O. HORSLEY:

Yes.

LEG. ROMAINE:

No to recess.

LEG. SCHNEIDERMAN:

No.

LEG. BROWNING:

Yes.

LEG. MURATORE:

No.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

No.

LEG. NOWICK:

No.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

No.

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LEG. SPENCER:

Yes.

MR. LAUBE:

Ten.

D.P.O. HORSLEY:

IR 1705 is recessed.

(Public Hearing on) IR 1803-12 - Adopting Local Law No. -2012, A Local Law to eliminate item pricing waiver fee (Cilmi). I do not have any cards. Would anyone like to be heard on this? Would anyone like to be heard on this?

P.O. LINDSAY:

What does this one do?

D.P.O. HORSLEY:

Okay. Legislator --

LEG. CILMI:

Motion to recess, please.

LEG. KENNEDY:

Second.

D.P.O. HORSLEY:

Okay. There's a motion to recess and seconded by Legislator Barraga. All those in favor? Opposed? So moved, it has been recessed.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

(Public Hearing on) IR 1840-12 - Adopting Local Law No. -2012, A Local Law to expedite the return of blighted properties to the tax roll and productive use (Anker). I do not have any cards. Would anyone like to be heard on 1840? 1840? Legislator Anker?

LEG. ANKER:

Motion to close.

D.P.O. HORSLEY:

Motion to close. I'll second the motion. All those in --

LEG. NOWICK:

Wayne, just a question.

D.P.O. HORSLEY:

Sure. There's a question on the motion. Legislator Nowick.

LEG. NOWICK:

I'm not sure exactly what it means, the hardship redemption time by one year. Maybe Counsel could just explain it?

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MR. NOLAN:

As you know, Legislator Nowick, people can redeem their properties in two ways. There's the under Local Law 16, what we call Local Law 16 redemption, which is within six months of the County taking a tax deed and we call that *as a matter of right*. And then if somebody doesn't pay their back taxes before that six-month period runs, they can only redeem it afterwards by establishing that they didn't pay their taxes because of a hardship, but personal illness, loss of employment, military deployment. So that's the personal hardship that the resolution is referring to.

LEG. NOWICK:

Okay. So this would be a year, they would have an additional year. It would be a year and six months then, or --

MR. NOLAN:

No. What it's doing, right now for the hardship redemption, a person has two years beyond the Local Law 16 period in the right to make the application for redemption under hardship; this would reduce that hardship period from two to one-year. So the idea being that the properties would be returned presumably to the tax rolls sooner rather than later.

LEG. NOWICK:

Okay.

LEG. MONTANO:

On the motion?

D.P.O. HORSLEY:

Okay. Legislator Montano, do you have a question? I hear that you're lost.

LEG. MONTANO:

Yeah, sort of. Could you repeat that? What -- well, go ahead. Just repeat it so I make sure I get it. I was actually reading.

MR. NOLAN:

The whole thing?

LEG. MONTANO:

No, just the last part where you said it reduces it from two years to one year?

MR. NOLAN:

Right. Right now, under current law, a person has the six-month as of right period to bring an application. Beyond that six months, they have an additional two years --

LEG. MONTANO:

Right.

MR. NOLAN:

-- to make a hardship application. This would reduce that two-year period to one-year.

LEG. MONTANO:

So, in effect, what I guess this would do is allow -- would it allow the property to be sold at auction earlier than our present process; is that what you're saying?

MR. NOLAN:

Exactly.

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LEG. ANKER:

Can I comment on that?

D.P.O. HORSLEY:

Yes, Legislator Anker.

LEG. ANKER:

Okay. The reason why this legislation was created mainly involves blighted properties; in other words, houses that have been sitting in neighborhoods, you know, for years. What we found as far as the numbers, those extra two years; out of the three years that this bill has been on the books, the County has spent \$700,000 and redeemed, helped redeemed one home, one home. So again, out of the 1,881 properties, there was only one property that was redeemed in three years.

Again, the County, the State, Federal Government, you know, we're doing everything we can to help homeowners retrieve their homes if they defaulted on their taxes. But the situation with the neighborhoods is the houses sit, it's a safety health hazard and it reduces property values for the homes around that blighted property. So again, it's just another way of trying to expedite some of these health and safety issues in the community.

D.P.O. HORSLEY:

Okay. Are there any further questions? And again, I ask would anyone like to be heard on this IR? Okay, we're good. We have a motion to close on the floor. All those in favor? Opposed?

LEG. MURATORE:

Opposed.

D.P.O. HORSLEY:

So moved.

MR. LAUBE:

Seventeen (Opposed: Legislator Muratore).

D.P.O. HORSLEY:

Okay? We're good.

I'll make a motion to close the public hearings.

MR. NOLAN:

No, you don't need that. You need a motion to set the public hearings.

D.P.O. HORSLEY:

Okay, I get that part. Okay, I'd like to make a motion to set the date for the following Public Hearings: I'll make that motion, second by Legislator Gregory. Okay, for October -- no, October 2nd it says here. October 2nd, 2012, 9 AM; is that wrong?

MR. LAUBE:

No, there's two sets of Public Hearings. You have to have the special for the budget for Operating Budget, we have two.

P.O. LINDSAY:

We have a different day for the meeting --

D.P.O. HORSLEY:

Right.

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P.O. LINDSAY:

For the Public Hearing, but one's the 9th and the other is the 2nd.

D.P.O. HORSLEY:

Okay, that's fine. Let's --

MR. NOLAN:

Let's do these Public Hearings and then we'll do that one.

D.P.O. HORSLEY:

How do you want to do this? You want to do the second one?

MR. NOLAN:

(Inaudible).

D.P.O. HORSLEY:

All right. I'll make a motion for setting the date for the following Public Hearings for October 9th, 2012, at 2:30, Maxine Postal Auditorium, Riverhead, New York; that would be the 2013 Operating Budget; the Southwest Sewer District Assessment Roll; IR 1909, a Local Law amending Local Law No. 25-2009 in regard to the membership of the Aquaculture Lease Board established under the Suffolk County Shellfish Aquaculture Lease Program in Peconic Bay and Gardiners Bay; as well as IR 1919, a Local Law terminating the Suffolk County Public Employment Relations Board. I need a second on the motion.

LEG. GREGORY:

Second.

D.P.O. HORSLEY:

Second by Legislator Gregory. All those in favor? Opposed? They have been set.

You don't want me to do the second, though, right? I'd also like to make a motion to set the date for the following Public Hearings, October 2nd, 2012, at 9, Rose Caracappa Auditorium, Hauppauge, New York, and those will be 2013 Operating Budget and the Southwest Sewer District Assessment Roll. Second by Legislator Gregory. All those in favor? Opposed? So moved.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

I just want to add a caveat, which I'm sure Legislator Romaine is going to be very happy about. There seems to be some kind of dispute with the Riverhead facility about what time the building opens, that we can get into the billing. And unless I can rectify that, I'm not going to hold any meetings out there. All right? I just -- I just think -- I've got to get to the bottom of what's going on. But they won't let us in the building until nine o'clock, and we need staff people out there to set up before we have a meeting and it just isn't going to work.

LEG. ROMAINE:

I appreciate your concerns, Presiding Officer. The last time I looked, we are the Suffolk County Legislature. We are one of the groups that those people work for. I cannot believe that the County Executive will not request that the maintenance personnel of that building show up a little bit earlier and open the building. But I think that speaks volume about your with the -- with our relationship as a Legislature with our County Executive. Hopefully one of his aides are listening to prevent this type of misconception from continuing so we can continue to meet at the County's Seat, Riverhead. So hopefully -- does the Executive have any representatives here?

Applause

I know they're all sitting in the back conference room. If one of the representatives of the County Executive -- ah, Ben. Hey, baby. On the way out, you're still showing up.

*(*Laughter*)*

They're putting you in, Ben.

MR. ZWIRN:

I heard my good friend Legislator Romaine say --

*(*Laughter*)*

Although I have no -- I was in the middle, I could not hear. What's the question?

LEG. ROMAINE:

The question the Presiding Officer --

D.P.O. HORSLEY:

We need a key, apparently, Ben.

MR. ZWIRN:

The answer is no.

LEG. ROMAINE:

The Presiding Officer raised the possibility that we may not be able to meet in Riverhead, our County Seat -- as I'm sure you're aware, it's a shorter drive for you, too -- because they won't open the building before nine. And I said, "Well, the last time I looked, all of us here around this horseshoe have a relationship in governing with our Executive. And certainly he can ask his maintenance people to come in on the one day we're meeting out there in October and open the building at 8:30 so that people can get in a little bit early. And in fact, Maple Tree Deli, whoever is doing breakfast that day, can deliver the breakfast so people like you and I can have a cup of coffee. So do you think you can get the Executive to have some maintenance people open up at 8:30? What do you think, Ben?"

MR. ZWIRN:

At the Presiding Officer's request, I'll bring it back to the County Executive. You brought me in for this? Thank you very much.

*(*Laughter*)*

LEG. ROMAINE:

Ben, I know you can get it done, baby.

*(*Laughter*)*

D.P.O. HORSLEY:

Ben, we'll take the key.

Okay. Well, anyway. All right. Now that we've resolved some of the heavier duties of the Legislature, let us go back to the public portion. We still have a number of outstanding cards that we weren't able to get to this morning, and we will start again.

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Okay. The first one I have is Nanci Dallaire, and on deck is Mary Ann Foley-Hughes.

MS. DALLAIRE:

Good afternoon. I continue to stand against any sale of the John J. Foley Skilled Nursing Facility. I strongly oppose these proceedings leading up to a vote. How can this decision be decided without the 18 Legislative Districts being fairly represented? Mr. Romaine's district must keep silent, even when many oppose the sale. I believe that if we choose to permanently alter these vital County services and strip this community of their safe haven, well, we might as well amend our liberty and justice for all and make it liberty and justice for some, which it will become when the private operators take control. If you can live with that, well, we will all learn to live with the consequences.

The negative circumstances created over time at John J. Foley will take time to surmount. Remember, it was years of neglect followed by abuse and now the blame. But through it all, John J. Foley's mission has remained the same, the purpose has not changed, our commitment has not wavered. We may not be able to change the past, but you hold the power to choose our future.

Last month, as I watched the new Police Commissioner, Mr. Edward Webber accept his appointment, I wished his philosophy was applied at John J. Foley. Mr. Webber is already credited with reducing overtime costs and he has a plan to cut crime and cut costs. I'm sorry Mr. Webber was not appointed before we erected that massive jail; that would have saved this County millions of dollars. The first factor to fail Foley is the fact that there was never a plan. We cannot change that past, but we can apply those concepts working in the criminal justice system and change our healthcare system. Let's first try to adjust before we are forced to abolish.

Mr. Webber once stated in Newsday, "When you're out in the community on a regular basis, you get to know who the gang members are, you have a stronger awareness of the issues." I must take issue that now the gang members are now given priority over the fragile group of citizens who rely on John J. Foley. I must argue that other than Legislators Browning, Kennedy or Romaine, this County has not invested the time necessary to have a strong awareness of the issues at John J. Foley. And Mr. Webber wisely stated, "We feel communication with the community dispels distrust. It's about becoming much more efficient and maximizing the resources available. In all my years in different responsibilities, I have come to recognize that the people just want to feel safe in their neighborhood." Mr. Webber is absolutely right. I wish him success and I thank him for his services, but we must recognize the resources at John J. Foley and maximize all the services available. Our residents deserve to feel safe in their home, and at least for now, it is still the responsibility of our government to ensure these vital health services.

Applause

D.P.O. HORSLEY:

Thank you very much, Ms. Dallaire. Mary Ann Foley-Hughes.

UNKNOWN AUDIENCE MEMBER:

Not here. The Foley Family spoke previously on this matter.

D.P.O. HORSLEY:

Thank you very much. Mary Ann Johnston I believe is here. On deck, by the way, is Patty Burkhart.

MS. JOHNSTON:

I come before you today with a great deal of sadness, because I grew up believing that Legislators were an equal -- coequal body of government and that they served as a check and balances against the excesses of an Executive; I have been quickly dissuaded of that idea.

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I would like to point out for the record that SEQRA is triggered even if this land is to be used simply for sand mining, as Regina Calcaterra and former Assemblyman Miller, that, "Don't worry about it. It's not going to be a rail yard, we're just going to sand mine it." Frankly, if you're going to sand mine it and there's gold in them there woods, let it inure to the benefit of the people of Suffolk and not the private benefit of the people sitting here.

Secondly, there was an inventory done only of the Yaphank land. You need to do an inventory of everything. The one thing I know for certain in this town, and I know it very well, is they aren't making any more land, folks. So if you've decided that it's surplus, you've decided for all posterity that will not be needed.

NEPA will not have to be done on this; we know it and you know it. And frankly, if you don't know it, you haven't done your due diligence. The contract and agreement and stipulation, the Surface Transportation Board decision is publicly available, all of you could read it. There will be no further review. If you don't do it now, it won't be done.

California Health Study shows that for a five-mile radius, people will be subjected to carcinogenic particles in the air. You will rain down hell on rails in this community and you will all bear it as your legacy going forward, every single one of you. We want an independent analysis of the fiscal condition of the County that warrants the sale. We've heard -- you know, to coin a phrase I've heard recently, arithmetic goes a long way. We've gone from 563 million to 300 million to 179 million. What are we really in the hole for, folks? We don't even know, but we're laying off people and we're selling public assets, and your job requires you to do more.

Applause

Secondly, I'm going to take some issue with my own town's Industrial Development Agency under the auspices of our soon-to-depart Supervisor, Mr. Lesko. They have sent each of you letters urging you to sell this land; they are prohibited by State law from lobbying for legislation.

We are asking as a final thing, Mr. Cilmi, you asked me what I wanted done with this; I'm going to tell you. You do the most protective thing for the protection of our groundwater from contamination, and that is you preserve the land that provides the best filtration, most proven filtration known to man, Long Island sand, and you keep that sand in our pockets and not in theirs. I thank you.

Applause

D.P.O. HORSLEY:

Thank you very much, Ms. Johnston. Patty Burkhart. And on deck is Christophon Squeri.

MS. BURKHART:

Good afternoon. This is in the matter of Resolution 1695. Although I have lived on Long Island for the past 12 years, I was born and raised in Middle Village, Queens, with the railroad tracks literally in my backyard. As some of you know, I've spent the past six years fighting a proposed freight intermodal facility from being built illegally in Brentwood. I am opposed to this land sale as well as any further expansion of the BRT.

To date, there has been no fact-based study or studies that substantiates the need for all these intermodal facilities on Long Island. On the one hand, we are told that this land sale is about getting freight by rail on Long Island and getting 300,000 trucks off the LIE, that it is then about flour and lumber and other industries. Then this week the County Executive called the State Legislator representing Queens and told him, "No. Don't worry, this land would not be used for rail freight, just sand mining." This is unprecedented and shameful.

I was also called to a meeting at the County Executive's Office this week and told that this land sale is about balancing a budget so that people would not be laid off and that I must compromise; I don't think so. It is abundantly clear that the County Executive does not care about what happens to this land, as long as he can balance a budget. But I and a lot of other people here today do care. This land sale is not about balancing a budget. It is about giving the people that own the BRT and the companies that they are in business with carte blanche. This is deeply troubling and it is not the way Suffolk County should be doing business. To do whatever you please with a huge parcel of our land is uncharacteristically irresponsible for Suffolk County.

Please remember that in addition to your County obligations, you have a responsibility under State law to do due diligence. Here are some things to consider: The DEC has already marked BRT as a violator for sand mining and filling in with debris. Why would our County want to do business with violators without deliberate and specific land use planning? Although in black and white, this is about a land sale, there is an enormous gray area that requires a lot more scrutiny, like, for instance, the fiscal, moral and ethical implications of this transaction. What are the consequences of selling land and relinquishing all control over what happens to it and the surrounding communities in the future?

An intermodal yard in Yaphank does not exist in a vacuum. An intermodal facility of this magnitude will certainly harm Yaphank, but will also affect Queens. If we ignore Queens, we do so at our own peril. We will one day end up with the mess that they have been and are struggling with. We have much to learn from their experiences, and I highly suggest that the members of this Legislature go to Queens and take a tour of some of the worst areas.

The EPA has advised that any intermodal built on Long Island must take into account all areas that would be impacted. They said that a hot-spots analysis should be done for all sites along the entire rail line where trains might idle, and that includes Queens. According to the EPA, the toxic plume from an intermodal yard extends five miles down into any community where it is located and it is a cumulative. The communities of Riverhead, Yaphank, Brentwood, Middle Village, Glendale and Ridgewood stand united and demand environmental justice for all of our communities.

D.P.O. HORSLEY:

Ms. Burkhart, you're going to have to start to wrap it up.

MS. BURKHART:

I'm almost.

D.P.O. HORSLEY:

Thank you.

MS. BURKHART:

This sale is fraught with too many unknowns. We ask you to trust your intuition. If you do, we believe you will make the right decision and vote no. We know that fact-finding might lead us away from what we think we need or want. Please do not make this mistake. Please vote no.

Applause

D.P.O. HORSLEY:

Thank you very much. Christophon Squeri? Christophon Squeri? I hope I'm pronouncing their name right. We'll see if they're back later on. Jennifer Abrams? And Don Seubert.

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MS. ABRAMS:

Good afternoon. Okay, so we've all been waiting for this day to come. And I have to say, we're all very hopeful that you would search your heart and minds and do the right thing. And I also just want to thank from the bottom of my heart Ms. Foley, John J. Foley's daughters. I stand in awe and admiration that you came for us today, and I count it an absolute privilege and honor to be part of John J. Foley, to be part of his legacy and what he began. And I certainly hope that this will carry on into the future. Surely he is watching over now and he's proud of his daughters. Thank you so much.

D.P.O. HORSLEY:

Thank you, Ms. Abrams.

MS. ABRAMS:

Yes. I just want to --

D.P.O. HORSLEY:

Oh, I'm sorry.

MS. ABRAMS:

I just wanted to say -- I'm losing my train of thought because --

D.P.O. HORSLEY:

Oh, I didn't mean to do that to you.

MS. ABRAMS:

-- it's a very emotional time for all of us. I have to ask each and all of you, have you -- have each and every one of you visited our fourth floor Dementia Unit? If you haven't, then in good conscience you cannot say yes.

We have come forward here, many maintenance people, nursing, you know, we've told you that we know the facility can be viable. There are many, many things before you today where you don't have answers. You can tap into the resources, the people that work at John J. Foley have the answers. Right on the 1st floor in our Material Control, there's plenty of money to be saved there. We know that if you open all the beds, we will obtain bed hold. We know that this facility can be viable. We must keep it public. We must keep it County.

Yaphank is under siege today. I fear that if this happens and this sale to BRT goes through, you will devastate this community and the surrounding area where I live in Bellport. This will be tragic for this entire area. So I please ask you to vote your conscience today.

Applause

D.P.O. HORSLEY:

Thank you, Ms. Abrams. Don Seubert? And on deck is Margaret Rosenke.

MR. SEUBERT:

Don Seubert, Medford Taxpayers & Civic Association. I would just like to say amen to that lady. My mother went into the Foley Nursing Home at 83 and she came out and drove her car for the next 10 years and just -- and died at 101. Okay? So the facility does great things for people and that's where we're -- we are at siege in that area.

Some of the reasons for protecting and keeping our public lands and voting no for 1695. Smart planning and vision deems this land just may be acquired for public purpose for future generations. So we don't come on bended knee, pay a fortune, or a fortune for an environmental clean-up. We,

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the County citizens, now own this land. This is our land; it's free. No costly double bonding. It's mind boggling to set public assets at bottom feeder dollars; \$87,000 an acre with zero assurances.

At convergence of the New York Central Pine Barrens just north of the LIE, the most pristine deep water recharge and Hydrological Zone 3 just to the north of the Long Island Railroad tracks, and Zone 6, in proximity to the Pine Barren Core area at Southaven Park, it might be just ecologically important for protecting surface, all Suffolk's drinking water, habitat and Suffolk's future. Medford, an area that residents deserve more than a break from the intolerable uses, they deserve their own and all County Legislators full protection of the residents. Realize the three-mile area; neighbors, six public schools, and there's an interdisciplinary school and Tutor Time the lady just spoke about, all within the three miles within the seamiest County industrial warehouse. Uses included compost facilities, car crushing, garbage transfer stations, bulk storage, construction of demolition debris, junk yards, flying sand, asphalt particulates, fireworks factory, fossil fuel power plant that the public relations persons for the BNR fought against, okay, with the same reasoning. So for penetrating our soil, air and sole-source aquifer, nitron ammonia and compost storage.

There's 20,000 gallons of liquid nitrogen in that area, there's over 20,000 gallons of ammonia, and of course there's 120,000 gallons of diesel fuel for the power plant. If you smell it, you are breathing it. Environmental justice demands a right to a quality of life and health, not just Suffolk County's dirtiest and New York State's dirtiest air. As you know, we are the second or first dirtiest County with air quality in the State. Residents demand that this public land out to be truly utilized for the exceptional highest use possible which safely and intelligently might be preserved open space. Enlightened self-interest does not respond to the quick fix, knee jerk budget filler, "Well, it's not in my backyard," so, you know, that's their vision for the future. The 231 acre parcel, the County farm, Foley Nursing Home, the adjacent 88 acres, if not already quick-cleared, cutted destruction offers values and a vista of what the best of Suffolk County be for all, not just those with the dollars in the ocean and the sound and the bay views. Tourism is a number one industry in Suffolk County. Defund tourism will be the Legislators giving the okay to the sale that duplicates the 20-acre hole with no recourse. Selling each at 87,000 an acre. You don't sell huge tracks of public land when you have no control over their use. Control of the principals, been fully investigated.

D.P.O. HORSLEY:

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

MR. SEUBERT:

I have to wrap it up, okay. Just one -- a couple of things about the school children. We always take the kids onto the Cornell Cooperative Farm for December. Where do you want to be, an abnormality in the middle of nowhere in the junkyards and everything, of the landfills and destruction? What are the theatrics here about saving the Carmans River?

D.P.O. HORSLEY:

Mr. Seubert, please.

MR. SEUBERT:

Okay. I'll just say let's not play a game. You know, read my lips, no more taxes. But what about the services that we're cutting and everything else? It's your job as stewards of all the assets of Suffolk County. Thank you.

Applause

D.P.O. HORSLEY:

Thank you very much. Margaret Rosenke? Margaret Rosenke and Frank Rauch on deck.

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MS. ROSENKE:

Good afternoon. Well, here I am again, one last time. My name is Margaret Rosenke, 18-year employee of John J. Foley, LPN on 4 North, the Dementia Unit. I stand here with the hope of helping you to understand the importance of voting no to the sale of John J. Foley. There is such a growing need in Suffolk County for a facility such as ours, one that will not only cater to the old and infirmed, but to the young and disabled as well.

We at John J. Foley can easily satisfy that need and do so while generating a profit, providing it's managed and marketed properly and efficiently. All of us fighting for our building know this can be a reality, and I have to believe that deep down inside you realize that too.

I have a quote I'd like to read to you. I ask that you listen to the words very carefully, and seriously consider its meaning before voting on the sale of John J. Foley and, consequently, the future of so many. "Never, never be afraid to do what's right, especially if it's the well-being of a person that is at stake. Society's punishments are small compared to the wounds we inflict on our soul when we look the other way"; Martin Luther King, Jr.. Thank you.

Applause

D.P.O. HORSLEY:

Thank you, Ms. Rosenke. Frank Rauch? And on deck, Sharon Brown.

Frank Rauch? Frank Rauch. Okay, apparently Frank must have left. Sharon Brown? And on deck, Paul Sabatinich (sic).

MR. STRAUSS:

Sabatino.

D.P.O. HORSLEY:

Oh, that's Sabatino. Paul, nice writing.

*(*Laughter*)*

It's a lawyer's writing. They talk about doctors.

MS. BROWN:

Thank you. I'm here because I am unhappy about the sale of the Yaphank land. I was able to be here today while dozens of my neighbors who feel the same way could not be here, and I'm speaking for them, their children, grandchildren and future generations.

I was born in Huntington, raised in Hauppauge and have spent all of my adult life here in Yaphank. I've seen many changes in Suffolk County, but I've never seen anything as devastating to the environment as the rail terminal that sprang up this past year in Yaphank. I read on the Legislature's website that the sale of this land is -- that the sale of this land, quote, "Does not authorize, fund or approve any development or change in the type or intensity of the use of the property. And for that reason, the State Environmental Quality Review Act is not being enforced." This statement seems like a deceptive tactic to get the sale approved. It is obvious that Oakland Transportation intends to expand the rail terminal.

First there will be more clear-cutting, removal of every living thing from the land; trees that keep our air clean will be destroyed, and, in exchange, there will be more air pollution from the diesel exhaust of trains and trucks. Then there will be the extensive sand and gravel mining at the site, the depletion of the natural filtering material necessary to keep our groundwater clean. I've watched daily the ongoing destruction at the current Brookhaven Rail Terminal. After the

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clear-cutting, they dig deeply into the ground, they create mountains of topsoil, mountains of gravel and sand, separated by the filtering machinery that creates clouds of dust, I'm sure that the material is sold for a huge profit at the environment's expense.

In the barren pits, they lay the rail tracks, and when the cars arrive, they load them with what they have mined. The air is polluted by the diesel exhaust and the particulates that circulate as the material is loaded. I have seen clouds blown across the highway towards the little school that is across from there, a little bit south of it, and I've breathed the dust myself as I've driven past on my way to work.

It occurs to me also just -- I mean, I don't know if this is a valid point, but the adjoining areas, you know, have businesses that employ hundreds of Suffolk County residents. With the unemployment situation as it is, if this property must be sold, shouldn't it be sold to a business that will create jobs instead of a group that only wants to ravage the land? There aren't going to be any jobs for the future at this site.

What will become of the area if mining expands? How can the water be clean enough for future generations on Long Island without the natural filtration with which we have been blessed in Suffolk County? The natural environment is important to all of us for the health of our land and water and for our own health in Suffolk County. This sale would result in the destruction of the environment and we can't live with that. An environmental analysis needs to be done for the truth to be revealed --

D.P.O. HORSLEY:

Ms. Brown, you're going to have to start to wrap it up, please.

MS. BROWN:

-- and the vote to be no. Thank you.

Applause

D.P.O. HORSLEY:

All right. Paul Sabatino. *(Laughter)* Boy, that really is something. That's interesting. Thank you, Paul. And welcome, of course. And on deck is Judith White.

MR. SABATINO:

Thank you. Paul Sabatino II. I'm here speaking at the request of the Association of Municipal Employees. First, I want to welcome back Presiding Officer Lindsay. It's good to see him back at the horseshoe, and I certainly wish him a speedy and full recovery.

I'm here to talk about IR 1811-2012 which is the Foley facility proposed transaction. I'm not going to get into the merits of the conversation or the debate because I think you folks have had extensive discussion with that, but I'm going to try to elevate the debate to a discussion of the process. Because I think that the vote on the Foley Nursing Home is bigger than the Foley Nursing Home because it affects the integrity of government and the independence of this Legislative body as a coequal branch of government.

Applause

Now, you may say to me, "Well, why are you making that statement?" Because when you look at IR 1811, the essence of what you are being asked to vote on today, technically yes, there's a contract and some other details that you're voting on, but the essence of what you're actually doing is you're being asked to authorize after the fact -- underscore the words "after the fact" -- a series and sequence of illegal and comprised activities that were not authorized by any law, any regulation

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or any rule at the time that they were undertaken.

And in the course of doing that, you are violating the standards established by the New York State Legislature and the General Municipal Law to safeguard, as a municipality, the people of Suffolk County against favoritism, extravagance, improvidence, corruption, fraud, waste, while maximizing value to the County and minimizing cost. That's the standard.

Now, putting aside the fact that you can't retroactively authorize something that wasn't authorized at the time that it was undertaken, there are Court of Appeals cases that go back to the 1800s, the stamp of that proposition. But putting that aside, let's just take a look at what actually transpired with this transaction.

According to the County Attorney, not Sabatino, according to the County Attorney who issued a memo to you folks on August 8th, he opens up by stating that there is no statutory framework or Legislative scheme that supports the proposed transaction to sell the facility; that's not Sabatino saying that, that's the County Attorney. Ergo, at the threshold, you know that the entire transaction is invalid because we live in America, and in America you can't act as a municipality except pursuant to statutory authority.

Then he goes on to try to explain how this non-process with no statutory authority resulted in what's in front of you today. The essence of what happened was somebody walked into a Deputy County Executive's Office, according to the County Attorney, in March and said, "Let's make a deal." He said it to a person who then passed the information on to the rest of the administration which then allowed for a waiver for this person to act as a broker without a license which is a misdemeanor under State law. And during this entire period of time, negotiations are taking place, actions are being undertaken, again, with no authority because --

D.P.O. HORSLEY:

Paul, Paul, our attorney loves you. He's saying, "Let him go, he's so interesting."

*(*Laughter*)*

But I've really got to hold you to three minutes. So start to wrap it up, would you?

MR. SABATINO:

Well --

Boos From Audience

I will wrap up by asking you to look at the actual sequence of events that took place --

LEG. SCHNEIDERMAN:

I'll ask a question. What's the rest -- what else did you want to say?

LEG. ROMAINE:

I know, I'll ask questions.

LEG. BROWNING:

You can't ask questions. This is Public Portion.

D.P.O. HORSLEY:

It's Public Portion, Ed. This is not -- this is the Public Portion.

MR. SABATINO:

I will ask you to look --

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D.P.O. HORSLEY:

All right. My attorney is telling me to give you another minute because he finds you interesting. Go ahead. Give a little bit.

MR. SABATINO:

But will I get back 15 seconds for saying hello to the Presiding Officer?

D.P.O. HORSLEY:

Fifteen seconds. All right, go, go.

MR. SABATINO:

Okay. Just two paragraphs and I can close it out. In addition to all the things I just described, take a look at the appraisal. The appraisal is worthless for two reasons. It's worthless because it was done after the fact; you're supposed to get the appraisal before you negotiate, not afterwards. And if you look at page 17 of the appraisal, you'll see that unless the person preparing the appraisal was clairvoyant, the appraisal wasn't done on July 30th, the date of the contract.

Final word is, you know, when you look at the totality of all these circumstances, whether you support or oppose the transaction, you really should vote this particular transaction down on the process. You vote it down on the process, you're still free to make independent judgments about doing things the right way. Thank you very much for your time.

Applause

D.P.O. HORSLEY:

Thank you, Mr. Sabatino. Judith White, and on deck is Andrew Kaufman.

MS. WHITE:

Good afternoon, County Legislators. Thank you for listening to us today. My name is Judith White and I'm here representing Brookhaven Rail Terminal. I'm going to be very short. Mr. Kaufman will be speaking to you shortly. But I just wanted all of you to know that yesterday the Long Island Regional Economic Development Council voted Brookhaven Rail Terminal as one of the transformative priority projects for Long Island. They did so based on the number of jobs created, the economic development for Long Island, what it means to Long Island businesses, what it means for Long Island's roads and bridges, and what it means for the environment. Thank you.

D.P.O. HORSLEY:

Thank you very much, Ms. White. Andrew Kaufman. And on deck is Regina Seltzer.

MR. ANDREW KAUFMAN:

Good afternoon. Thank you. My name is Andy Kaufman from the Brookhaven Rail Terminal. I just wanted to clear up maybe a couple of misstatements or misunderstandings that have floated around.

Number one, let me address the California Air Board study that's been spoken about a couple of times today. That's a freight terminal that handles intermodal freight in Commerce, California. It's 530 acres, so clearly the statement that Brookhaven, at its maximum build-out, would be the largest in the country is inaccurate. And in fact, the Baily Yard in Platt, Nebraska, which is 2,850 acres is the largest freight yard in the United States. And just to put that in better context, that yard has 330 miles of track; when we are built out fully, we'll have seven.

Number two, the study did conclude prior that diesel particulate is a carcinogenic contributor, but it also stated that 74% of that which was measured at the California site was generated off-site. That site employs 74 locomotives, we have two; again, just to put things in context.

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We heard a lot about the possible negative effects to the Carmans River. I think I said at the last Ways & Means meeting, but I'd like to repeat it today; we have agreed to build anything that is developed on that site in accordance with Suffolk County Storm Water Management Regulations and standards, and also, to tie the site to the adjacent wastewater treatment plant, but not only to tie it to the plant, but to upgrade the plant both for capacity and efficacy. As soon as the storm water management people and the Health Department people see the development plans, and that will be some time in the future, they'll set standards, I'm sure, and we will build to those standards.

Also, everything that will be built on this site, regardless of the fact that it may have certain preemptions to the Federal standards, health safety and welfare are always local issues and we would always have to build to those standards.

Last but not least, it has been stated that the City of New York somehow has intentions of sending solid waste out to the Brookhaven Rail Terminal. I would just like to pass around a letter from Chairman of the Environmental Subcommittee of the City of New York stating that they have no such plans. So if anybody's worried about --

D.P.O. HORSLEY:

Mr. Kaufman, you're going to have to start to wrap it up.

MR. ANDREW KAUFMAN:

Okay. Thanks very much for your time.

D.P.O. HORSLEY:

Okay.

LEG. HAHN:

Ask him if he can stick around.

D.P.O. HORSLEY:

Mr. Kaufman, will you be sticking around?

MR. ANDREW KAUFMAN:

I will be sticking around, yes.

D.P.O. HORSLEY:

When we do the hearing? When we do the bill itself?

MR. ANDREW KAUFMAN:

Yes.

D.P.O. HORSLEY:

Thank you. All right. Regina Seltzer and Esther Glass on deck.

MS. SELTZER:

Good afternoon. Regina Seltzer. I'm an attorney and a former Legislator, and so I'm sympathetic to you all. But I'm here to address the proposed sale of the John Foley facility and the County resolution 1695.

Both of those proposals are supposedly in front of you because of your budgetary problems. Okay? In my opinion, you're acting in a matter that's not only fiscally irresponsible, a short-term budget solution to a long-term problem, but the procedure that you're involved in is what Paul Sabatino, one of the best County attorneys we ever had, told you, is that it is illegal --

Applause

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-- immoral, and it makes no sense at all, okay?

Because of time, I will only address the legal aspects. County government is an agent of the State. It was created strictly to administer local government, and it was done so for the public good, not to make money. Legally, the power of the County to sell its property is subject to State law; that law is Section 215-6, and it mandates -- the simplest language, a two-year old could understand it -- you cannot sell County property. You cannot give it away. You have to have a bidding process; that bidding process has to be published. Okay? You failed to do that, completely failed to do that.

I'm here today to ask you -- I know you've been patient and I've been patient, too, sitting there and listening to all of this. I'd like to ask you to give all of us in the audience time to present you with a legal brief, a legal brief explaining -- and perhaps Mister --

LEG. ROMAINE:
Sabatino.

MS. SELTZER:
Thank you. Mr. Sabatino -- senior moment. Mr. Sabatino and I could even get together on this and present to you the legal reasoning, the reasons why, under no circumstances, could you do this because it is totally invalid.

Now, I would just like to ask you to consider tabling this and giving us a chance to give you time to review our proposals to you. Thank you very much.

Applause

D.P.O. HORSLEY:
Thank you very much, Ms. Seltzer. Esther Glass is next up.

MS. SELTZER:
Excuse me. This is a copy of the law and it's one paragraph and I'd like to submit it.

D.P.O. HORSLEY:
Sure. Just hand that to the Clerk and we'll move on. Esther Glass. And on deck is Don Daily.

MS. SELTZER:
Esther Glass is gone.

D.P.O. HORSLEY:
Esther is gone. Don Daily. And then in -- on deck is Mary Fredette.

MR. DAILY:
Good afternoon, everyone. First of all, I'd like to thank the Legislature for the opportunity to speak today and to say how nice it is to see Presiding Officer Bill Lindsay back at the helm, and also to thank him for his contribution to organized labor. It was men like Bill Lindsay and Jack Kennedy and even Alex here in the first row that helped instill the spirit of unionism in me that I still carry today.

I'm here today to speak against the sale of the John J. Foley Skilled Nursing Facility. There are too many unanswered questions on this issue to push this deal through as quickly as they're trying to do it. To say that the Sherman deal doesn't pass the smell test is an understatement. The RFP process was completely disregarded. The deal was brokered on the quick between a Deputy Commissioner and a physical therapist who's an employee of the Shermans and an

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unlicensed -- unlicensed to broker any kind of real estate deals, and that's a violation of real estate law.

We learned a few weeks ago, as per the statements of Deputy County Executive Cattera (sic) and the County's legal Counsel, that a deal was agreed to after three hours. And as I've said before at these meetings, as an electrician for the County for the Parks Department, it's taken the County months to negotiate the sale of \$5,000 worth of wire. And this deal was able to be made on the quick on the three hours for less money than the Rozenberg deal, and to throw in 14.1 acres of prime real estate.

To say -- to do something like that, it shows the Suffolk County taxpayers, the AME union members and the families and patients of the John J. Foley Skilled Nursing Facility a tremendous disservice. And to offer tax abatements and/or incentives to a for-profit entity such as the Sherman group, while so many families are struggling in Suffolk County, only adds insult to injury.

Since the County Executive has repeatedly said that the County needs to realize recurring savings in order to address our budgetary shortfall, how does it make sense to push so hard on a one-shot deal?

Applause

And lastly, the HEAL Grant that was issued by the State was issued to assist in the operation of the John J. Foley Facility. It was never meant as a \$19 million coupon or a \$17 million coupon for the Sherman group. This deal is no good. Use your conscience, and remember that there's going to be a day when you're going to have to answer for this. Thank you.

Applause

D.P.O. HORSLEY:

Thank you, Mr. Daily. Mary Fredette? Mary Fredette, and on deck is Robert Holden.

MS. FREDETTE:

Good afternoon, Legislators. Welcome back, William Lindsay. Nice to have you back. My name is Mary Fredette. I've been a nurse at John J. Foley for over 20 years, and for five years I've been fighting, along with my colleagues, for the John J. Foley Skilled Nursing Facility. Also, I have had the honor and privilege to know the Foley Family because they grew up in the same community, and they're a really honorable family with high principles and standards. And I am also, as my colleagues are, proud to work there.

I just think that obviously it's -- you know, haste makes waste, we all know. This is definitely worth -- you know, we're all tired because this has been an issue, ongoing issue for five years, and we're tired of the fight. But I'm going to fight as long and as hard as I have to because it is a gem and the people are worth it and the community is worth it. So I really hope and pray that you guys will make an honest vote or table this issue and give us a chance to manage this correctly. Maybe ask the staff members -- we have an awesome Administrator, we have a fantastic medical team. I work alongside the best nurses I've ever worked in my whole career, I've ever worked with. The aides and the orderlies are outstanding, they're worth their weight in gold, and there's just -- it really should set the standards for health facilities in the County, the State and the nation.

And I just hope you all give it a fair shot and a fair chance and stop, you know, the sabotage; it's obviously been sabotaged. We opened up our wings. We have a state-of-the-art physical therapy department.

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My nephew -- I had a personal experience with my nephew who had to actually -- several years ago he got into a terrible accident. He's a quadriplegic, and in order for him -- he was 18-years old at the time, and in order for him to get the quality physical therapy, he had to go all the way to San Diego to Project Walk, and now, because of that, he's able to drive a car and go to school and he basically can live a decent, normal life. And I just see there's so much potential at John J. Foley for the same type of care, if we only had a chance to manage the facility correctly.

I just hope you all search your hearts and make an honest vote for the facility not to be sold. Thank you.

Applause

D.P.O. HORSLEY:

Thank you, Ms. Fredette. Robert Holden? Robert Holden?

UNKNOWN AUDIENCE MEMBER:

Mr. Holden came in from Queens this morning, but he couldn't wait.

D.P.O. HORSLEY:

He's gone. Okay.

UNKNOWN AUDIENCE MEMBER:

He had to go back to his teaching job at the break, so that was most unfortunate.

D.P.O. HORSLEY:

Thank you very much. Thank you. Betty Cole? Betty Cole, and on deck is Nancy Lupfer.

MS. BETTY COLE:

Good afternoon. I just want to say briefly that my husband is a patient at the John J. Foley Nursing Home. I'm here to speak on his behalf and on my family's behalf. He's been there for the past eight years. He cannot make his own decisions. He is one of the patients, as Jen said before, that was on 4-South in the Dementia Unit. He's had four brain aneurisms. We've been dealing with this for the past 15 years. He's very comfortable at John J. Foley. They're doing the right thing by him. He had to leave a different facility seven years ago and right now he is comfortable, he knows what he's doing -- he doesn't know what he's doing. He has a routine. They've helped him.

My family has suffered with all of this. It took me one year to find a place for him previous to this. It's not easy on the people that work there, it's not easy on the people that have to make a vote here, it's not easy on any of us. But from what I'm hearing, from sitting in on these meetings, I'm hearing that it's not being done in the correct way. And what I really don't understand is that you have this huge building, this huge amount of property, and it's not being used to benefit anybody. The sale would be detrimental to all included. Has anyone been to the facility to talk to the residents that live there and are able to think for themselves, are able to speak for themselves but are not able because their own disabilities prevent them from being here; has anybody listened to them? Has anybody asked them about how they feel about all of this? This is their home and it's being taken away from them if this vote goes through. Thank you.

Applause

D.P.O. HORSLEY:

Thank you very much, Ms. Cole. Nancy Lupfer. And on deck is Sandra Cole.

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MS. LUPFER:

Good afternoon, everyone. My name is Nancy Lupfer. I currently reside on Long Island Avenue. I and my family reside within about a half a mile of the Brookhaven Rail Terminal.

I've raised four sons there, a few of them still live at home with two of my grandchildren and my 87-year old aunt whom I care for. When we moved in this home 26 years ago, the Long Island Rail Road, which is right behind our backyard, was a novel thing because maybe once a day you would have a freight train zoom by or a small little commuter car. Now the freight trains that come by rumble the windows and -- anywhere between 12 at night and 1 in the morning, one comes by -- in fact, I taped it last night. I should have used my timer, it was about two-and-a-half minutes. The house shakes. It's so heavy. It squeaks and squeals. I don't know where it's going, but I know in all the years prior to the terminal opening we never had that train coming in.

And within 10 minutes after that train rumbled by, and this has been going on now, two of those 18-wheelers come barreling down -- the front of my house is Long Island Avenue, so I have Long Island Avenue in front and the train tracks in the back.

During the day, those same 18-wheelers decide not to pull out of the facility and make a right-hand turn and go to the Expressway. Long Island Avenue is directly across the street from their entrance. They come down our road, never heading east into the facility empty, always heading out of the facility full.

I've made a suggestion. Now, Connie Kepert's office and the Suffolk County Police have been very cooperative. I've made a suggestion that some days it's like a parade. Perhaps the reason why they come out there barreling down is because the weigh station on the Expressway happens to coincide just about directly where my home is. So my thought was maybe when they come down past our home, they're trying to avoid that weigh station because they're always full to capacity. I could see the burlap over the top. The house shakes, they come down. The owner has been receptive to telling them, "Please go a different way," but these truck drivers are a different -- they're a different breed. We've had neighbors stop in the middle of the street and tell them, "You're not supposed to be here. Please don't come down here." Our street was finally paved for the first time in 26 years two years ago and now these guys are going to rumble, bumble and break it all up.

The air quality, the exhaust, everything everyone has told you is also true. The quality of life. My 87-year old aunt, she sits there and says this is worse than Richmond Hill, Queens, where she came from. She thought she was coming out to the country to be -- to end her years in peace and quiet.

I ask you please to vote no or to think about this and table this and consider -- when I was raised Catholic as a young girl and the nuns taught us what a sin was, you'd have to go to confession and say, "Hmm, what is sin? I fought with my sister two times this month," or something. I have now grown to believe that greed and corruption at any cost is sin. What about -- this is what's going on now.

D.P.O. HORSLEY:

Ms. Lupfer, you're going to have to start to wrap it up.

MS. LUPFER:

This is what's going on now. Twenty trucks come down my road a day. What's going to happen if you do sell this land? Please, search your hearts, listen to what everyone has said, please.

Applause

D.P.O. HORSLEY:

Thank you very much. Sandra Cole. And on deck is Madeliene Lizzol.

MS. SANDRA COLE:

Hi. How are you? My name is Sandra Cole. My mom, she basically touched on everything. One thing that most of us, actually, probably have in common is that our parents, you know, always told us to do the right thing. You know, taught us to do the right thing, and that's what I can say for my mom. My dad got -- sorry, I'm very nervous.

He got sick when I was 12, so basically I had to take care of him. You know, I'm 20 -- almost 28 now, you know, so it's really been a nightmare. But, you know, he's had eight brain surgeries, like my mom touched on, four brain aneurisms, and God only knows how much longer he'll live. And while he still is living, I'd really, you know, like him to stay in Foley because that's what he knows. You know, and as of right now, he's been in -- his health declined in the past year just for the worst, it's terrible. And, you know, basically he knows -- he knows the nurses that are there now, you know? And imagine selling Foley and now having Sherman, who I don't even know who he is, you know, come in there. You know what? Try explaining to a dementia patient, you know, all these different things; no, it's not John J. Foley anymore, it's, you know, whatever it's going to be called; hopefully not? And, you know, it's just -- it's a ripple effect, you know, for the worst, it really is.

Who knows? Maybe in a couple of years, you know, with real estate, the economy will get better and, you know, the property will be worth a lot more, you know? But at the end of the day, honestly I just want the best care for my dad. And, you know, I'm sure if you were in my shoes you would, too, and I wish I had the power, you know? But I don't. Maybe I'll become a Legislator one day, who knows, you know? (*Laughter*). But, you know, it's a hard decision for you guys as well. I feel for you, too. You know, but hopefully, you know, you'll do the right thing. And thank you.

D.P.O. HORSLEY:

Thank you, Ms. Cole.

Applause

By the way, Ms. Cole? Ms. Cole? What you are, we do know, is you're a good daughter, though.

MS. SANDRA COLE:

Thank you.

Applause

D.P.O. HORSLEY:

Madeliene Lizzol. I think if I'm saying this -- Madeliene Lizzol?

MS. LIZZOL:

Madeliene Lizzol, correct.

D.P.O. HORSLEY:

Oh, thank you. And Tim Hague is on deck.

MS. LIZZOL:

Well, you're all well-informed. You've heard everybody's story. You heard families, you heard employees. You've heard interventions that might help our facility, will help our facility. Today it feels like it's D-Day, you know? We've been in this position before and -- you know, 60% of our residents at John J. Foley are in-between the age of me and 60, that's 40 to 60 years of age. Sixty, that's young.

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Anyway, I get a little nervous up here because, you know, I feel like we're being judged as a facility, a facility that does such a good job. You know, as a healthcare professional, I promise to do my best, to take care of my patients. And I don't stop and turn my back when I'm in the middle of a treatment to do something else. I finish the job and I do it from my heart. I learned that we lost a lot of support this year. And I don't know what changed, I really don't know what changed, except for our County Executive who showed face at our building when he wanted our votes from our patients, and he promised them that he -- this place is an asset to the County and that he will -- he believed that it was mismanaged; I don't know what changed. He changed his treatment course.

Anyway, I don't know how I can come up behind a family member and say anything more from the heart than what a daughter, for her father, feels, you know? Learning the private sector, I understand that they want to take on those patients and take on the staff members, but you know as well as I do that if I buy your business, you're not telling me what to do. And I don't believe that they're going -- that contract is going to -- who's going to come back and follow up to see that they're still there in a year or two? Nobody here. Nobody here. So my Lisas, my Johns, my Debbies, my family members that come every single day to see our patients, every single day, they become our family. And I'll sit here and I'll fight and I'll fight from my heart and hope to God that it doesn't fall on someone who's not listening. Because I don't know if you have anybody in a facility, it's hard enough to deal with that.

I've had my father at John J. Foley and I fought for him to get there, not because I'm a -- I'm an employee there, but I know it was easier for my mom, it was easier for my family to do daily visits, to go there every day to be with him. And if I had to place him anywhere else, it would have been harder, because I'm the one who works every day and I have to bring my mother back and forth to that nursing home every day to see my father after work. It becomes a lot, trying on us as family.

D.P.O. HORSLEY:

Ms. Lizzol?

MS. LIZZOL:

Thank you.

Applause

D.P.O. HORSLEY:

Thank you. Tim Hague? Tim Hague? Did we lose Tim? Okay. Lee Snead? Mr. Snead? I saw him earlier. There he is. And on deck is Ray Bingham.

MR. SNEAD:

Good afternoon, Legislators. Thanks for allowing me to appear. My name is Lee Snead, I'm representing AME here, as you all know. A couple of quick points.

All of you all received a memo this morning, I believe, from Comptroller Sawicki; I suggest you read it closely. It clearly indicates that the appraisal you have is incorrect and it clearly indicates that the process you've used is incorrect as well.

Secondly, there was a memo from your Legislative Counsel dealing with the issue of whether or not 10 votes or 12 votes is required to pass -- to approve this legislation. I'm aware that there's also an Attorney General's opinion that was released within the last couple of days that tends to support that issue. However, my memo that I sent back to you yesterday directly addresses that and questions how the present Legislative Counsel can come to the conclusion that 10 votes are required when he's previously opined three times on this very issue that 12 votes were required. I will say parenthetically that the Attorney General's opinion and the Cohen memo suffer from the same problem.

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

They presumed that you have already passed a Local Law authorizing you to sell this property in the manner that you've done, not that you're doing it at the same time you're authorizing the sale.

Ask yourself this question: If you saw Mr. Sherman here during the hearings, he indicated that he could run this facility, not because he was getting a better deal on employee rates, because he knew how to collect money, because he knew how to manage this facility, and because he knew how to get the reimbursements from Medicaid. All of that you can do. There's nothing that says you can't use the exact same software that he's doing. In fact, you probably have it now, you just haven't authorized anybody to learn how to use it. He didn't mention once that he was going to make his profit on the fact that his labor costs were going to be less. And here is a man who is investing 23 million dollars. He's not going to be doing it to save the incremental cost of labor over a period of 10 or 15 years, he's looking at turning a profit within the first two or three years. You can do the same job if you manage that facility in the same way he says he can do it and you should try. Lastly --

(*Applause*)

Lastly, I'm an attorney and I work in an area where the third edge of government offers itself up as being blind to things, it makes decisions without emotion, it makes decisions without favoritism. You here are presented with a deal that came to you -- comes to you with you being totally blind about it. It's just handed to you and it said, "Vote this through." You had no input into it. You haven't been able to vet it. They have admitted that the deal that you have now was not even the highest bidder, but he was allowed to go back and rebid. Don't --

D.P.O. HORSLEY:

Mr. Snead.

MR. SNEAD:

Don't be blind. Open this up to an RFP. Get other people to come in and make a proposal and make a reasoned decision. Thank you.

(*Applause*)

D.P.O. HORSLEY:

Thank you very much. Ray Bingham. Ray Bingham, and on deck is Kathy Malloy.

MR. BINGHAM:

I want to say good afternoon. My name is Ray Bingham. I'd like to welcome back Mr. Bill Lindsay.

Before I even go any further, other than yourself, I'd like to recognize the people that you recognized this morning, the cops that saved that diabetic man's life, right? Myself, I'm a 29-year diabetic, right? I sat in that back room this morning. My sugar level was dropping like crazy. I stayed around, right, because this is important to me, right? A lot of the stuff that come forward, right, I give myself every day praise because I work at John J. Foley. I would not have survived as a diabetic if I wasn't working at Foley, and I can tell you that, because every day when you have to give yourself those four insulin, or every day when you have to prick your fingers, right, it's not a -- Mr. Lindsay, you've been through this thing. You understand what I'm talking about, right?

P.O. LINDSAY:

(Nodded in the affirmative)

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MR. BINGHAM:

You've been there, right, so you know what I'm talking about, right? I figure the Shermans are coming in right now. If we have money to give away, give them the \$500,000 and tell them be the consultant for Foley. You know, give us the same idea. Take that \$500,000 there and show us how to make this thing work, right, because I know in my heart it can work, right? If we fill that fourth floor back up, if we fill day-care up, right? I myself, for my last three weeks on my days off, I've been driving to Queens, I've been driving to Nassau County, handing out fliers, right; that the County should have been doing the same thing to try and market the place, to bring some people to come inside that place, right? And all I see every day is negative advertisement, right?

I'd ask Mr. Steve Bellone, back off, right, for the next three years, since he's going to be in office, right? Help us to market this place. And I guarantee you, since he only been in office eight months, or nine months if you want to put it that way, right, give us the next three years, lay off, right? Let our workers have their say and run this place like it can run, right? And I guarantee, we will not only break even, it will become a gold mine. Thanks for your time.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you, Mr. Bingham. Kathy Malloy, and on deck is Annette Kattau.

MS. MALLOY:

My name is Kathy Malloy, Suffolk County retiree, and Labor Researcher for Suffolk County AME. First, I'd like to welcome back Mr. Lindsay. It's nice to have you home.

P.O. LINDSAY:

Thank you, Kathy.

MS. MALLOY:

I want to join AME President Dan Farrell and our legal counsel, Paul Sabatino, and Lee Snead, to go on record today to this 18-member Legislature and to all present that our AME Union is vehemently against this sale of the John J. Foley Skilled Nursing Facility, and that's because the process itself is so tainted. But there are also a few important dignitaries who I'd like to quote relating to this highly questionable sale.

Number one, the late U.S. Senator, Daniel Patrick Moynihan, who said, "We are all entitled to our own opinion, but not to our own set of facts."

*(*Applause*)*

I thought that was a good one. Two, the esteemed Bishop Desmond Tutu who said, "When you face injustice and do nothing to change it, you become a part of that injustice."

*(*Applause*)*

That's a real good one. And our own Legislator Gregory, who just this morning, upon his introduction of the Doctor, Pastor Shelton quoted him and said, "Excellence is not the standard, but the minimum." AME could not agree with you anymore.

*(*Applause*)*

Our honorable Presiding Officer, Bill Lindsay, who, in his tribute to our 911 workers who lost their lives at the onset of this meeting, he said every act of service makes this nation more whole. We agree.

*(*Applause*)*

And lastly, our own Legislator Spencer, who today publicly thanked three County workers for going above and beyond their public service. Well, Legislators, our John J. Foley AME workers go above and beyond in their public service every day for the disabled County residents who have found the John J. Foley facility to be their home, and that includes my mother-in-law. Let us all, Legislators and AME members, remember that ours is a career of public service, which doesn't always result in a profit.

Instead of following some other counties in New York State and throwing up your hands and claiming this facility is killing us, why not put in some real effort and do some real smart planning? Stand up and become a stand out and renowned Legislature with the best run County-owned and staffed nursing home and rehabilitation facility in New York State. That's what you should be doing. Thank you.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you Kathy.

*(The following was transcribed by
Kim Castiglione - Legislative Secretary)*

Annette Kattau and on deck is Peter Busucca.

MS. KATTAU:

Good afternoon. I had no plans of doing this. I'm going to read a letter from the Open Space Council regarding the BRT, the sale of the vacant -- of the vacant County lands.

"The Open Space Council has grave concerns about the sale of this are land. And we feel each one of you should too for the following five examples. The sale of the nearly 240 acres for 20 million is a pittance. No wonder we're in fiscal trouble. Who is doing the fiscal calculating? We urge that before any sale is even contemplated more fiscal scrutiny is -- be taken. The sale, were it ever to happen, should be closer to 250 million. The current price is a giveaway.

We demand that the ultimate cost down the road by the removal of significant natural vegetated areas be calculated at a cost to taxpayers now and in the future. Replacing trees with rails removes the irreplaceable filtration value for clean drinking water and introduces a host of rail and traffic related toxins.

Number two. In the case -- in this case those toxins will end up in our already beleaguered drinking water and already beleaguered Carmans River via hydraulic travel through the watershed. This is untenable. The parcels constitute the heart of the watershed. Number three, the American rail companies, including BRT, have exhibited callous disregard for the public and their preemption regarding the environment. Witness their recent actions at Pilgrim State where they gauged out significant areas of an ancient and rare Pine Barrens habitat. The work was all done in secret and at night. You can respect -- you can expect the same quality of disregard and destruction in the case at hand, being BRT. Witness their own lands already developed without an EIS in Yaphank.

Furthermore, the have been cited by the New York State DEC for dumping construction debris and illegally sand mining. The area is a moonscape. Disemboweling of the Pine Barrens. This is what you will foist on the taxpayers, your constituents.

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Number four, what proof do you have that intermodal hubs will reduce traffic? We do not see any. On the contrary, we have been told that truck traffic in the current BRT hub has increased. The unending vehicular idling at these hubs produces noise, toxins, air pollution and untenable quality of life. We ask that you visit the Queens --"

D.P.O. HORSLEY:

Ms. Kattau, you're going to have to start wrapping up.

MS. KATTAU:

I'm almost done. "The Queens rail hub. Number five, the beginning and the end of the sale of 240 acres for 20 million is a pittance. We suggest that this is the deepest betrayal of taxpayers and your constituency that one could deliver to the public. We respectfully urge that you vote against the sale of these lands." And I live not too far from there and it's not pretty. Thank you.

*(*Applause*)*

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

D.P.O. HORSLEY:

Thank you very much. Peter Basuca (phonetic), and Pat Rollings on deck.

MR. BUSACCA:

Good afternoon. My name is Peter Busacca.

D.P.O. HORSLEY:

Busacca.

MR. BUSACCA:

Yes.

D.P.O. HORSLEY:

I'm sorry.

MR. BUSACCA:

That's okay. I have a Masters of Business Administration. I am a licensed nursing home administrator. I have training as a business broker, I have experience as a business broker.

I would like to thank Suffolk County Comptroller Sawicki for his letter this morning which shows that -- he states that the nursing home was valued at 25.1 million, which I believe represents the potential revenue of that facility.

You know, we've been going through some bad times, and basically what's happening right now with John J. Foley happened four, four-and-a-half years ago in private nursing homes when the reimbursement rates started going down. This past year, for example, rehab went down 12 to 19% and, of course, rehab reimbursements are the biggest reimbursements there are in a nursing home and that's where you make your profit. Of course, on the low side, the lowest of the Medicaid patients who are long-term, that's where you -- tend to lose money and you try to make up that money with the high-end rehab patients who are Medicare dollars. But the good news, a friend of mine -- I was speaking to a friend of mine who owns a nursing home here in Suffolk County and he said that -- and, of course, those statistics for the 12 to 19% cut for rehab are for the year 2012, which is coming to an end. But he gave me some good news last night, that for the year 2013, which is about to start in October, that CMS, Centers for Medicaid and Medicare Services, are boosting the rates by 3%. So there's some good news out there.

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What happened in nursing homes four-and-a-half years ago in the private sector, the privately owned nursing homes, is that with the cuts from CMS, basically the union had to have give-backs, the nursing homes were allowed to lay off so many people. The unions had give-backs, in this case, SEIU 1199. The give-back -- one of the give-backs was that instead of retiring after 25 years, their workers would have to retire after 27 years, and there were a few other give-backs. I only have three minutes here, so I'm going to keep it quick.

So in societies at large, we were used to the post World War II boom, where we had constant inflation, but now we're in a period of deflation, and, of course, this is hurting government. And essentially, I think better times are ahead. I know how to turn around John J. Foley, and it's a lot of work, but it can be done.

*(*Applause*)*

And if the government, you know, tightens their belts a little bit, it can be done and you just have to weather the storm. You know, that's what it really comes down to in a nutshell.

And I believe what Comptroller Sawicki is saying, that it's worth 25.1 million in annual revenue this year and that that's what it's worth -- a business tends to be valued at one year of revenue, but the nursing home --

D.P.O. HORSLEY:

Peter, you're going to have to start wrapping it up. Thanks.

MR. BUSACCA:

Yeah. The nursing home industry, the Federal regulations are -- the Federal book is about an inch-and-a-half thick. The New York State Federal -- the New York State regulations are an encyclopedia about two-and-a-half feet wide. And, as you know, with each regulation, that costs a business, whereas a private nursing home can go to a bank and refinance whatever money it needs. You can't do that in government. And so this juxtaposition that financial government is in, you know, the County government in this instance is in, it really can't operate with that way of financing, but it can be turned around and --

D.P.O. HORSLEY:

Thank you.

MR. BUSACCA:

I urge you to tighten your seatbelts and be steadfast.

D.P.O. HORSLEY:

Thank you very much.

MR. BUSACCA:

Thank you.

D.P.O. HORSLEY:

Appreciate your comments.

*(*Applause*)*

All right. Pat Rollings, and on deck is Ken Herbst.

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MS. ROLLINGS:

Good afternoon. Once again I'm here speaking on behalf of the John J. Foley residents, staff, and Suffolk County taxpayers.

I would like to say I'm glad to see Mr. Lindsay back in business, he was missed.

*(*Applause*)*

You know, the last time I was here, many of you weren't, and I started speaking to you about the commitment. And almost 25 years ago I signed a paper to sign on to work at the John J., then Infirmary, building, and I was committed to do my job, committed to the residents. I had many Christmases that I had to stay -- I had to work, because we are a 24-hour facility. I cannot tell you how many Thanksgivings I have missed with my now deceased mother. I think of that quite often, who, by the way, did pass away at the John J. Foley facility.

When I'm talking about commitment, was I made a commitment to Suffolk County, to the residents, to go to work every day, to give my best, to laugh with these residents, to cry with them, to cry with my coworkers. There's been many, many heartsick things have happened that we've lost residents we dearly loved as family. But I made the commitment, I went to work every day. These people come here, have made the commitment. You see how committed we are. Yet now, after almost 25 years, the County's like, "Well, that was a nice commitment, but we're going to do what we have to do," because it's all about the almighty dollar.

I'm going to say this right now and I've said it before. If the County Executive, past and present, just made the commitment to help us get it together, instead of sabotaging us at every turn -- we've had a maintenance guy up here, Mike Barone, he said, just by these empty beds, there's our 12, 14 million dollars a year right there. And that was sabotage, that was sabotage. "Well, we're going to help you, we're going to help you." March 30th we're being sold.

Commitment, commitment to keep this place running, to keep it County. This is a County asset. We just need the commitment. You got the commitment here from everyone here. We need the commitment from this body. We've been here before. We tell you what our problems were. There's many, many meetings held about us, oh, Foley, Foley, Foley, but nothing is ever done; talk, talk, talk, talk, talk. We need the commitment.

This gentleman here, I've heard him speak before, he knows how to turn it around. But, no, we keep throwing it out to be sold. Let someone else turn it around, let someone else make the money on our property.

We need commitment from all of you. We need commitment from the County Executive. This place can be run efficiently, it has in the past. As soon as we had a good administrator, boom, out he goes. It's been a constant, constant retreading of the same nonsense. We need a commitment. We can do this. You have Ray going out to the public. He's in dietary and he's committed to try to get people in our place. There's no marketing. You've heard it over and over and over. I'm begging you, please, for God sakes, make the commitment.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you very much, Ms. Rollings.

*(The following was transcribed by
Kim Castiglione, Legislative Secretary)*

Is Ken Herbst Marc Herbst? Come on up. Is there a Ken Herbst here? I guess it's Mark then. I know Marc, but I am reading it and it says Ken.

MR. HERBST:

I didn't fill out the card.

LEG. ROMAINE:

Mystery guest.

MR. HERBST:

Good afternoon, Legislators. My name is Marc Herbst. I'm the Executive Director of the Long Island contractors Association. And let me begin by telling you all that I truly appreciate the effort that you're putting forth and how difficult it is to serve as elected officials and the tough decisions you have to make. You have to hear of many different sides and they're not wrong; both sides just have different perspectives, different needs and that's a tough job what you have to do. So thank you for what you do. And, Legislator Barraga, we've worked very closely together over the years, so we've sat side by side, fought many of those battles and I truly appreciate how difficult today is with major issues.

But this morning -- this afternoon I'm here to speak about the Brookhaven property in Yaphank that's for sale. And representing the heavy construction industry, it's not just one industry that's just a minor aspect of the economy for Long Island. We are responsible for about four billion dollars in the gross regional product. The gross regional product is the amount of money that spurs the economy, that gets it going. And the amount spent, the percentage on Long Island, is way above the national average. So construction on Long Island is where the jobs start and the ripple effect takes place.

When Wall Street fell in 2008, everyone said well, there's a problem, we've got to do something, because if somebody loses their job on Wall Street, the ripple effect is that two other people will lose their jobs. In construction the ripple effect is three jobs. So every time a construction worker loses his job, there's three additional jobs and that's not the blue collar worker, the guy in the coffee truck or the deli. We're talking about high paying jobs that architects, engineers, the bankers, the insurance industry, that's the ripple effect of the economy getting to go -- start again. So if you lose one construction job, you lose three additional positions.

That's what the economists say. I'm not making this up. But it proves out if you look what has happened on Long Island since 2008. We have lost such a significant employment base, 30% unemployment in this industry, and what has happened? We've lost more jobs than any of you who have been elected. The people who turned out for your election last time, more people have lost their jobs in construction that could vote for you or your opponent. That's how drastic the job loss is.

So what we have here is an opportunity where a rain facility will bring aggregate lower cost for the material that we use for construction, create jobs as we create more opportunities, will jump start the economy and help things go and help people get to work, regardless if you're in the construction industry or anything else on Long Island. If we're going to get out of this recession, we have to make the investment. And this facility that we're talking about, and I've heard some crazy things that have been thrown out there, it helps our industry directly. It helps the overall economy. And to bring and get the trucks off the road and get the pollution helps everyone. It reduces cost, travel time and everything else. It's really an added bonus for us all. And some of the concerns that were raised, and the fears that are out there are normal, they're expected, but they are things that

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have to be addressed and they are things that will be addressed. And I'm committed help deal with those and work with the people who are supporting it.

D.P.O. HORSLEY:

Marc, you have to start wrapping it up.

MR. HERBST:

Thank you very much, and I appreciate your time.

D.P.O. HORSLEY:

Good job on that. All right. I do not have any more cards. Would anyone like to be heard this public portion? Okay. We've got three. One at a time.

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

MR. STRAUSS:

Good afternoon. Alex Strauss again. First, I'd like to say I'm so happy that Bill Lindsay, my brother in unionism, is back at work where he belongs, and I'm just happy that he's recovering.

Okay, John J. Foley. I don't understand what happened to John J. Foley. It's not a Brownfield or anything, is it, that all of a sudden the price went from 36 million to 23 million? I don't understand that. And, you know, I not only talk a lot, I also listen a lot. And at the last meeting, when we had the two gentlemen that wanted to buy the facility, and we had a State -- a former State Senator that said that his mother was at that facility. And if you listened real good, his mother died. How long was she at this facility that he was praising so much? You know, he said that, he said his mother passed away. So did she pass away there, and what happened? You know, it was such a great facility. And the reason why he was talking about it being a great facility, because that's where he gets paid from. He is a representative of the nursing home industry. So, if you pay me, I can tell you everything you want to know about anything. And I'm sure that the gentleman did the same. I'm not saying he did anything wrong, I'm just saying you got to take that into consideration.

And the final thing is I don't understand why in God's name we are going to give these people a tax break with IDA funds. What the heck did they do to do that?

(*Applause*)

Did they bring anymore work here? No. Did they build a new facility? No. What the heck did they do? They did nothing. They said, "Well, we'll buy it, it's a good bargain. It was at 36 million, I could get it at 23 million, that's not too bad. And you know what, they said they're going to give us the IDA thing, we're going to pay less taxes. That's great." This thing's like beautiful, it's amazing. What the heck is wrong with us? I don't get it.

We shouldn't sell the facility. It's for the people that can't -- that don't have anything. It's a shame that we got to, you know -- and I'm sure these people tell you, you know, they're going to keep everybody there. Just remember what I said the last time, unless they're a problem, and a problem means that they ain't making any money on them, then it will be a problem. Thank you everybody. Have a good day.

(*Applause*)

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D.P.O. HORSLEY:

Thank you very much. Sir, in the blue shirt, I'm trying to -- I'm failing on remembering your name. Sir, with the blue shirt, why don't you come up.

AUDIENCE MEMBER:

Good evening. I'm glad to see Mr. Lindsay's back on his feet and well, or on the way to it.

Ladies and Gentlemen, I just want to tell you something. I know you had a hard time when Mr. Levy was in office. I know you were under stress, you were under the gun. He forced you, he pushed you, he negotiated. Well, don't let this happen with Mr. Bellone. You have to have a mind of your own. We need you to have a mind of your own. We need you to have a heart. Vote with your heart. Don't vote with a pen, don't vote because Mr. Bellone is telling you he's got this place sold. So what, what he says. Stand up for your rights. Be brave. Be brave.

I told you one time, when I was a kid, we protected the elderly, the sick and the meek. Where are you guys? Where are you ladies? We need you, they need you. I don't care. You want to fire me, fire me, but keep those people in that house. That is their home.

Twenty-three million, what a deal. I wish I had 23 million, I'd buy the place myself.

*(*Laughter and Applause*)*

Why don't you give us a loan? Give us a loan, we'll run it. It can make money, you know it -- you know it can make money. Why are you throwing it in the street? Vote with your heart. Thank you.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you very much. Mary, and then the gentleman with the glasses.

MS. FINNIN:

Thank you, and good afternoon. My name is Mary Finnin. I'm here today as a senior citizen, a taxpayer, a retired public health nurse, who's living in near poverty on my great public pension. But I'm here today to again state my total opposition to the sale and privatization of John J. Foley Skilled Facility. It's not morally right, it's not financially correct, and I think in terms of the legal aspects, it is not correct either. So I'm going to urge that if you vote on 1811 today, that the vote be county Exec one and Suffolk County Legislature zero.

*(*Applause*)*

D.P.O. HORSLEY:

Sir.

MR. WILLIAMS:

Kevin Williams. I'm AME's Third Vice President. Before I was elected to the Board, I was a Medicaid Examiner II in Social Services, so I still am a Medicaid Examiner II on a full-time release.

The easiest cases you can do are the people who have nothing, because there's no work. You know what I mean? There's no resources, there's nothing to do but fill out the paperwork. But if the paperwork does not get filled out, you don't get reimbursed for it. So you could reach out to Commissioner Blass. The best workers are the Medicaid workers, the County workers, the AME workers. You could put some people in that facility to go through those cases and just process the paperwork, making sure that the County gets paid. It's just that simple. When you have nothing,

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there's nothing to look at, so every year you just fill out the paperwork and you roll the cases over, that's what you do. Mr. Blass would help you with that. He's a man of the people, he's a former Legislator. Thank you.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you very much. Mr. Finland.

MR. FINLAND:

Good afternoon, everyone. My name is Michael Finland and I'm from AME. Today you will render an ultimate decision regarding the fate of the Foley Nursing Facility. I just want to mention that aside from almost 35 years of Suffolk County service, I have also worked part-time in the financial services industry, working for various companies as a licensed real estate salesperson, as a licensed real estate appraiser, and for the past 12 years, I've worked as a mortgage consultant, overseeing approximately 400 mortgage finance closings. That being said, I am opposed to the sale of this nursing home. But separate and apart from wearing my union officer's hat, I have questions about this sale from a financial services perspective.

While I'm cognizant of the fact that we've been in an economic free-fall since September 2008, I'm skeptical about how a property can diminish in value to the amount of 13 million dollars between one year and the next. Commercial and residential real estate transactions are entirely different entities. However, from a practical standpoint, I believe this drop off in value is alarmingly high.

I stand behind the committed AME workers who day in and day out provide critical care services to the residents at Foley. If this sale goes through, their lives will be shattered, and the quality of care that the residents get now could perhaps be altered or jeopardized.

It appears to me that we're literally giving this property away. We have fiscal woes that are large and protracted. Is this good money management to give away this state-of-the-art facility at such a low price?

Legislators, this deal is flawed and I sincerely hope you vote no on this sale. We need to take proactive measures in resolving our financial problems. This sale is not proactive, but counterproductive. It is anticipated that we will see a marked improvement on the financial horizon by the year 2015. That seems like a long way off, but, practically speaking, it really isn't.

It is my fervent hope that we will explore and consider every other option and diverse alternatives instead of selling for the sake of selling. Please consider and measure your decision today and exercise good fiscal judgment when you review this matter today. You have the power. Please make the right decision. Thank you.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you very much, Mr. Finland. Is there anyone else that would like to be heard?

MR. RUSSO:

Hello. I'm Sal Russo, Second Vice President of AME. Mr. Bill Lindsay, I believe you're in the back, I heard what you said this morning. You praised the nurses that saved your life and brought you back. Let me tell you something, you got all the nurses in that John J. facility. Okay? Keep their jobs. Show them, "Hey, I respect what your brothers and sisters did for me, and I respect what you're doing to other people that need the help." And they don't really get that glory where they can bring somebody back to life and bring them back into the population. The people they see kind

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of fade away, you know, so their job is a little harder than the other nurses. Give them the respect, Mr. Lindsay. You're the leader up there, you're the Chairman. Give them the respect, please. Thank you.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you, Mr. Russo. Would anyone else like to be heard? No, Mary, you've been -- you've already been up. You haven't been up before, right?

MS. TRAVAN:

No, I haven't.

D.P.O. HORSLEY:

That's correct.

MS. TRAVAN:

My name is Joan Travan, First Vice President of AME. I've been here for days. I've listened to all the arguments. It's obvious you shouldn't vote for the sale of Foley. But some of you have your marching orders. Some of you are saying that I have to vote for this sale. Well, I have news for you, you don't have to vote for this sale. You are a public servant. You have the choice of either being a public servant or a servant to the 12th Floor of the Dennison Building.

*(*Applause*)*

D.P.O. HORSLEY:

Okay. Anyone else? Anyone else? Okay. Yes, ma'am. Sarah, we have someone else coming up first. You're -- I got you next. I'm sorry, it's confusing.

MS. HUGHES:

Hi. I'm Wanda Hughes. I've been at John J. Foley 14 years. I know you Legislators have heard this saying: "A child learns where they live." We have residents that had come in there, that couldn't walk, couldn't speak; with the help of these nurses that took care of them, with the activity program that is helping them putting smiles on their face, with the dietary that's given them nourishment. Please, just think in your head about your decision.

What does a man profit if you lose a soul? If you're going to sell the John J. Foley for a profit, I don't think that will work, because you will end up losing souls. We have people in there we're taking care of. Now let's put yourself in our position. That's all I have to say. Please, just think in your mind, put yourself in our position for these people. Thank you.

*(*Applause*)*

D.P.O. HORSLEY:

Okay. I think I have let everybody speak. And I'll make a motion to close the public portion.

LEG. BARRAGA:

Second.

D.P.O. HORSLEY:

Second by Legislator Barraga. All those in favor? Opposed? So moved. The public portion is closed.

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MR. LAUBE:

Sixteen. (Not Present: Leg. Nowick/Absent: Leg. Lindsay)

*(The following was transcribed by
Kim Castiglione, Legislative Secretary)*

D.P.O. HORSLEY:

Okay. Now we're moving to Number eight of the agenda, Reports and Statements from the County Executive and/or Commissioners, Directors, Deputy Commissioners, Division, Department Heads of any County office etcetera, and I'd like to call Sarah Lansdale, who's apparently -- is not apparently, but is our Planning Director and we'd like to have her address the Legislature.

DIRECTOR LANSDALE:

Thank you. This afternoon I received a letter of support on Resolution 1695 from the Regional Plan Association, a copy of which has been provided to all of you for your convenience. I'd like to read it into the record if that's okay.

"Dear Legislators. I'm writing to express Regional Plan Associations support for I.R. 1695, authorizing the sale of vacant land at the Yaphank County Center to the Brookhaven Rail Terminal. The terminal is Long Island's first private intermodal freight rail facility and its success demonstrates the need for expanded freight rail capacity in Suffolk and Nassau County's. Since it opened, demand at the Brookhaven facility has grown dramatically and can be expected to increase further as more long haul freight trips from truck to rail and as demand for consumer goods grows along with Long Island's economy.

This is good news for Suffolk County. It is cheaper to move many goods by rail than by truck. Lower costs for businesses, such as Wenner Breads products, which has its baking flour shipped from North Dakota through the terminal, or construction companies shipping heavy materials, translates into more jobs and lower consumer prices. It also means that thousands of long haul trucks can be taken off the Long Island Expressway every year, reducing road congestion, cutting down on the wear and tear and improving its air quality.

Unlike other parts of the nation, Long Island ships almost none of its freight by rail. This puts Nassau and Suffolk County's at a competitive disadvantage with other regions. This is partly because of the limited rail capacity across the Hudson River, but it also results from a lack of distribution facilities, warehouses and other land uses that are needed to make rail deliveries possible.

It is understandable that Legislators and residents have concerns about a land sale of this size, with no specific plan for redevelopment. But there's a large volume of prior studies and sufficient protections for review of future plans that should allay these concerns. A 2011 study by the University Transportation Research Center for the New York State Department of Transportation examined the need for truck-rail transfer facilities on Long Island, and the suitability of 13 potential sites, including the Yaphank location that includes the Brookhaven Rail Terminal and the County land proposed for sale.

It included consultation with both industry and community stakeholder groups, and evaluated sites by criteria that included the suitability of the site, access to both the Long Island Railroad and truck routes, and the compatibility with its immediate surroundings. Yaphank ranks high on most of these criteria, including current use, existing zoning, proximity to both the L.I.E. and the Long Island Railroad and distance from residential communities.

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The County has already conducted a full environmental review of the site, adopted a final Generic Environmental Impact Statement that determined that the proposed sale won't have any significant adverse impact. Environmental review of the current freight rail terminal under both Federal and State regulations similarly found that no significant adverse effects. Any proposals for the use of this site in the future will still have to meet Federal environmental standards, and uses with greatest potential impacts would require a full environmental review.

In summary, use of this site to expand freight rail operations would bring significant benefits to the residents of Suffolk County, as would proceeds from the land sale. Potential negative impacts appear to be minimal, and future uses would be subject to environmental review. Please do not hesitate to contact me if I could be of further assistance. Sincerely, Robert D. Yaro, President of the Regional Plan Association." Thank you.

D.P.O. HORSLEY:

Thank you very much, DIRECTOR LANSDALE. Any questions of the Commissioner? We're good. Okay. Thank you very much. We will move to the agenda.

LEG. ROMAINE:

Motion to accept the Consent Calendar.

LEG. BARRAGA:

Second.

D.P.O. HORSLEY:

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

MR. LAUBE:

Seventeen. (Not Present: Presiding Officer Lindsay)

D.P.O. HORSLEY:

All right. We are now on the resolutions tabled to September 13, 2012, starting with **1210, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - Open Space component - for the Omni Ventures Inc. Property - Saw Mill Creek addition - Town of Riverhead (SCTM No. 0600-131.00-01.00-003.000). (Co. Exec.)**

LEG. ROMAINE:

Motion to table.

D.P.O. HORSLEY:

We have a motion to table by Legislator Romaine, seconded by Legislator Cilmi. All those in favor? Opposed? So moved. It has been tabled.

MR. LAUBE:

Seventeen. (Not Present: Presiding Officer Lindsay)

D.P.O. HORSLEY:

So moved. **1361, To amend requirements and composition of Women's Advisory Commission. (Stern)**

LEG. STERN:

Motion to table.

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D.P.O. HORSLEY:

Motion to table by Legislator Stern.

LEG. CILMI:

Second.

D.P.O. HORSLEY:

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

MR. LAUBE:

Seventeen. (Not Present - Presiding Officer Lindsay)

D.P.O. HORSLEY:

1446, Adopting Local Law No. -2012, A Charter Law to protect the County Legislature's deliberative law making process. (Montano) Legislator Montano.

LEG. MONTANO:

Motion to adjourn -- I mean to table.

(*Laughter*)

LEG. ROMAINE:

Second to adjourn.

D.P.O. HORSLEY:

There you go. Motion to table, second by Legislator Cilmi. All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen. (Not Present - Presiding Officer Lindsay)

D.P.O. HORSLEY:

1587, Amending the 2012 Operating Budget to preserve critical environmental quality programs (Romaine). Legislator Romaine?

LEG. ROMAINE:

I want to put a motion to approve. These are the positions that check on sewage treatment plants. I think we heard compelling testimony, I'm not going to talk beyond that, that this would not be funded by taxpayer dollars, but by 477 money and it would allow us to stay on top of the sewage treatment plants. We heard that 57 sewage treatment plants in testimony were not meeting standards or under consent orders. Clearly, we have to stay on top of the operation of these private sewage treatment plants. This adds a few positions that were deleted. I think there's two or three at this point because most of them were restored. It's going to be funded from 477 and it will allow the Health Department the personnel they need to ensure that a sewage treatment plants gets inspected at least twice a year, possibly on some of the ones under consent order or in violations, at least four times a year.

I think it makes sense. We want to protect our groundwater, this is a smart decision. We heard all the testimony from the Health Department at the last meeting. This is something that we really should be doing as a government. This is public safety, this is public health. I know you're concerned about sewers, but you're only concerned if they operate properly. We've allowed a proliferation, I think you and I agree, of a lot of small little plants all over the place that are aging out and many of them are failing to meet standards. This type of resolution is so small, so little, it doesn't affect the budget.

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D.P.O. HORSLEY:

Thank you.

LEG. MONTANO:

There's a motion.

D.P.O. HORSLEY:

Is there a second on the motion? Seconded by Legislator Muratore. On the motion, Ed, is this the bill that -- for the private --

LEG. ROMAINE:

No, that's coming up.

D.P.O. HORSLEY:

That's coming up.

LEG. ROMAINE:

This is for I think two or three positions at this point.

D.P.O. HORSLEY:

Oh, it's for the positions. I understand now. Thank you.

LEG. ROMAINE:

Right. There were more positions but they are not restored. So it's only like two or three positions at this point.

LEG. HAHN:

On the motion.

D.P.O. HORSLEY:

On the motion, Legislator Hahn.

LEG. HAHN:

Did you amend this at all? Because I remember hearing the testimony, I remember thinking --

LEG. ROMAINE:

I asked Counsel to amend it to reflect the fact that some of the people that were laid off were restored through interim positions. I don't know if Counsel, I mean, I had that exchange at the last General Meeting.

MR. NOLAN:

This is a budget amendment. Budget Review Office does those amendments.

LEG. ROMAINE:

Okay. I remember having this discussion at the last General Meeting, guys. I think we all heard me say that, and if there's a change that's fine. It wouldn't matter because obviously if these people had been restored it won't apply.

LEG. HAHN:

Right. I remember the discussion and I remember hearing that the department was arguing that three were enough, and you wanted six.

LEG. ROMAINE:

Four -- no, I didn't want six.

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LEG. HAHN:

I thought that's what we --

LEG. ROMAINE:

It was six originally, but some of those people were restored through interim positions. What I wanted is not the once or twice a year inspection, I wanted the four times a year inspection.

LEG. HAHN:

For the high risk facilities.

LEG. ROMAINE:

Right, that's correct. That's what I wanted because I am gravely concerned. We have approximately 193 sewage treatment plants, about 158 are privately owned. Many of these are very small plants, many of these are aging out. Fifty-seven of them failed to meet standards, have consent orders. Obviously, there's a problem there, and unless you hold their feet to the fire, upgrades, improvements, repairs will not take place. The one thing that we have in that effort is the personnel from the Health Department. I mean, if you want to table it, you've got a long meeting, you know, it is what it is. I think that this is important. You may not agree with me. You may think Suffolk is okay, you don't have to do this. You don't have to stand by the standard that we've applied over the last 20 years, that we can lessen those standards and we'll be okay. I don't think so.

D.P.O. HORSLEY:

Ed, I think you've done a fine job defending your bill. Legislator D'Amaro.

LEG. D'AMARO:

I want to jump in on this. We heard from the Health Department during the last meeting at length about this particular legislation, and my recollection is a little bit different than my colleague, Mr. Romaine, Legislator Romaine. Although I do agree with you that we want to protect groundwater and we are concerned and this is an important issue, the fact is the Health Department came before us and said we can do the job without the additional staffing. They have a new risk assessment method for these plants. The plants that are at higher risk will continue to get the same inspections that they always receive, and the plants that are at the much lower risk will get two inspections a year instead of four. So, you know, let's just recall both sides of that conversation that we were having at the last Legislature meeting, because we sat here for an hour and debated this bill, and I would say yeah, let's put it to an up and down vote. I think we should do that.

LEG. ROMAINE:

Absolutely. I just would add one thing, and I agree with my colleague, Legislator D'Amaro, about the tenor of that discussion. I would just say you have to ask yourself when is less more and when can we do more with less? Because those are the two issues that revolve around this question.

LEG. D'AMARO:

Right, and if I can just respond to that.

D.P.O. HORSLEY:

One at a time. Okay. Ed, what I do -- you know what I did -- Legislator D'Amaro, are you done at this point?

LEG. D'AMARO:

I just briefly want to say, you know, we talk about this more with less and when is it appropriate and when is it not. Here is a good example of government becoming more efficient and we're going to sit here and give them personnel they they're specifically telling us they don't need because they have a way of -- a means of being efficient. We can use those in other areas.

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D.P.O. HORSLEY:

Thank you for refreshing our memory. Legislator Hahn, I cut you off before. Legislator Romaine sometimes confuses me. I got lost in his conversation.

LEG. HAHN:

Actually I think he cut me off and then you gave away the floor.

D.P.O. HORSLEY:

I know I did. Legislator Hahn.

LEG. HAHN:

Thank you. Yeah, no, I agree with what Legislator D'Amaro said and that's where I was going with this, is that I think we had this discussion and I thought we were going to have an amended bill so that it went -- because I didn't feel confident that three was enough. I thought an additional one was probably needed, but the six went too far. I thought we were getting an amended bill and can we maybe hold this off until next month when we are certain about --

LEG. ROMAINE:

Legislator Hahn, you make an excellent suggestion. Budget Review, if you will get an amended -- discuss with my office. I'll table it for one cycle.

LEG. HAHN:

Thank you.

D.P.O. HORSLEY:

Okay. So are you withdrawing the approval?

LEG. ROMAINE:

Yes, I am. Motion to table it.

LEG. HAHN:

Second.

LEG. ROMAINE:

I'm going to ask Budget Review to amend it to reflect the discussion we had at the last meeting. You can check the verbatim minutes. Thank you.

D.P.O. HORSLEY:

Thank you. Okay. You're withdrawing the motion to approve --

LEG. ROMAINE:

For the moment.

D.P.O. HORSLEY:

The second on the approval I think was Tom. Are you amenable with that? Okay. So we have a second on --

LEG. ROMAINE:

One step backwards, two steps forward.

D.P.O. HORSLEY:

We have a motion to table and seconded by Legislator Hahn. We only have one motion on the floor and that's a motion to table. All those in favor? Opposed? So moved. It has been he had tabled.

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MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

1622, Adopting Local Law No. -2012, A Local Law to further regulate utility poles on County road right-of-ways. (Schneiderman) Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Motion to approve.

LEG. ROMAINE:

Second.

D.P.O. HORSLEY:

Second by Legislator Romaine. On the motion, any discussion? Okay. You're good?

LEG. D'AMARO:

There was no public hearing.

MR. NOLAN:

Public hearing was closed.

D.P.O. HORSLEY:

Public hearing was closed? Okay. Good. We have a motion to approve. I don't have any other motions. All those in favor? Opposed? So moved. It has been approved.

MR. LAUBE:

Sixteen. (Opposed: Legislator Barraga; Recused: Legislator Hahn)

D.P.O. HORSLEY:

1635, Further strengthening procedures for procuring consultant services. (Kennedy) Legislator Kennedy, this is yours.

LEG. KENNEDY:

This is the one to expand the Waiver Committee. I'm still trying to see if we can get some consensus on what the modifications would be. I'll make a motion to table.

D.P.O. HORSLEY:

We have a motion to table. Is there a second on the motion?

LEG. CALARCO:

Second.

D.P.O. HORSLEY:

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

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

1799, Barring payment to DeGere Physical Therapy Services. (Kennedy) This is yours, Legislator Kennedy.

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LEG. KENNEDY:

This one has been amended, as a matter of fact. Counsel, I believe, that we got this in timely so it would reflect that any payment would be barred to this vendor. And I would just point everybody's attention to Legislator Sawicki's letter today. I make a motion to approve.

D.P.O. HORSLEY:

Comptroller Sawicki.

LEG. KENNEDY:

Yes, Comptroller.

LEG. BROWNING:

Second.

D.P.O. HORSLEY:

Seconded by Legislator Browning.

P.O. LINDSAY:

Wait a minute.

LEG. GREGORY:

Motion to table.

P.O. LINDSAY:

Yeah, but why are we doing this?

LEG. ROMAINE:

Because of the Comptroller.

P.O. LINDSAY:

We're tabled -- we're barring payment so that he can collect his fees?

LEG. ROMAINE:

No, so he can't collect.

LEG. BROWNING:

So he can't.

D.P.O. HORSLEY:

We don't have a bill yet.

LEG. KENNEDY:

Mr. -- well.

LEG. ROMAINE:

We have a contract.

LEG. KENNEDY:

Mr. Presiding Officer, if I might. At the last meeting the Administration came forward and acknowledged that that portion of the contract that had been given to this gentleman by waiver that allowed him to realize a fee for vending real estate was, in fact, inappropriate based on the concerns that many people around this horseshoe raised. And so unilaterally they reduced the compensation from I believe 575,000 down to 175,000 based on the business aspect of the nursing home only. Today, if you see Comptroller Sawicki's letter, it identifies that the Shermans had actually been

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solicited multiple times previously, and in fact, there's a question as to whether or not the prior vendor, {Logan Troaper}, per may actually be entitled to a fee. Clearly, DeGere is not entitled to any fee with this.

LEG. GREGORY:

Mr. Presiding Officer, if I may.

D.P.O. HORSLEY:

Yes.

LEG. GREGORY:

I disagree with the characterization by Legislator Kennedy. I don't -- my recollection is the County Attorney or no one ever said from the Administration that it was inappropriate for Mr. DeGere to receive monies because it was a partial -- the part of the agreement was a real estate transaction. What they said was he agreed to a lower fee and they agreed to determine the fee based on the valuation of the business, as opposed to the property. They never said it was inappropriate for them to receive the monies --

P.O. LINDSAY:

The County Attorney is before us. Maybe he could clarify.

LEG. GREGORY:

I didn't see him.

LEG. KENNEDY:

You know, I don't want to put words in Mr. Cohen's mouth, but we did have a discussion about the fact that there was a serious question whether this gentleman had a license vis-à-vis Section 12A of real property law.

MR. COHEN:

Right. So what we did is I contacted Mr. DeGere. He agreed to take the real estate component out of the finder's fee agreement and base his fee solely on the price of the sale of the nursing home and take the real estate component out of it. So he's agreed to reduce his fee to somewhere in the range between 121,000 and I think it's 177. But the real estate is not an issue anymore, so, you know, whatever issues are raised, and you and I did have a discussion and you know my position on that, but I don't believe that's an issue anymore because the real estate component of the sale is out.

LEG. KENNEDY:

Through the Chair.

D.P.O. HORSLEY:

Legislator Kennedy.

LEG. KENNEDY:

Did you see the letter from Comptroller Sawicki this morning that identified the fact that DeGere -- I'm sorry -- that Sherman had, in fact, been solicited previously not once, but twice, and so the contract with DeGere, and my recollection is that he was limited to individuals that had not previously been known to us, nor had been identified as prospective purchasers.

MR. COHEN:

At the appropriate time, if and when DeGere submits a bill, I will certainly have a discussion with Comptroller Sawicki as to whether I think Mr. DeGere is due a fee under the contract. But that's purely a contractual question. I think what you're asking this Legislature to do is to make a

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determination that the contract is invalid when we have a signed contract. Now, whether he's due a fee under that contract, that is a separate issue. And again, I don't necessarily agree with Comptroller Sawicki's opinion. I'll discuss that with him to make that decision if and when that bill is submitted.

LEG. KENNEDY:

We have a long night ahead of us. I will have this -- I'll take the discussion up with you. I'll withdraw my motion to approve and I'll make a motion to table.

D.P.O. HORSLEY:

That makes sense.

P.O. LINDSAY:

I agree with you.

D.P.O. HORSLEY:

Okay. We have a motion to table. I'll second the motion. All those in favor? Opposed? So moved.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

1825, Authorizing the creation of a Suffolk County Decontamination (Decon) Strike Team. (Co. Exec.) This is the County Executive's. Legislator Lindsay.

P.O. LINDSAY:

Motion to approve.

D.P.O. HORSLEY:

Motion to approve by Legislator Lindsay. I'll second the motion. All those in favor? On the motion.

LEG. MONTANO:

Do what you got to do. Okay.

D.P.O. HORSLEY:

All those in favor? Opposed? So moved. It's been approved.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

1826, Authorizing the creation of a Suffolk County Decontamination (Decon) Strike Team. (Co. Exec.)

P.O. LINDSAY:

Wait a minute. Ben, did you want to say something?

MR. ZWIRN:

We would ask for this to be tabled. It was amended and it should be passed on until it goes through committee one more time.

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D.P.O. HORSLEY:

I'll make the motion to table. Second by Legislator Lindsay. All those in favor? Opposed? So moved.

P.O. LINDSAY:

Legislator Browning, it's your committee, right?

LEG. BROWNING:

Yeah, go ahead.

P.O. LINDSAY:

All right.

LEG. CILMI:

Sir?

D.P.O. HORSLEY:

Yes.

LEG. CILMI:

Does this need to be recommitted, is that what we're saying? You said go through committee one more time. It won't go through committee, it'll just stay here.

MR. ZWIRN:

It'll stay here but it had been amended. I'm sorry, it will go through the cycle.

D.P.O. HORSLEY:

Okay. And lastly on the resolutions, ***1827, Authorizing the creation of a Suffolk County Incident Management Assistance Team (IMAT) (Co. Exec.)***

LEG. BROWNING:

Motion to approve.

D.P.O. HORSLEY:

Motion to approve by Legislator Browning. Second by Legislator Muratore. All those in favor? Opposed? So moved. It has been approved.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

We're now on page 6, Introductory Resolutions for September 13th. Starting with **Education and Information Technology**.

1692, Authorizing sponsorship of the County website. (Cilmi)

LEG. CILMI:

Motion to approve.

LEG. HAHN:

Second.

D.P.O. HORSLEY:

Motion to approve. Seconded by Legislator Hahn. All those in favor? Opposed? So moved. It's

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been approved.

MR. LAUBE:
Eighteen.

LEG. HAHN:
Cosponsor.

D.P.O. HORSLEY:
Cosponsor. Congratulations, Mr. Cilmi.

LEG. CILMI:
Thank you.

D.P.O. HORSLEY:
Okay. *1878, Appropriating funds in connection with Fiber Cabling Network and WAN Technology upgrades (CP 1726). (Co. Exec.)* Anybody on this?

LEG. CALARCO:
Motion.

D.P.O. HORSLEY:
Motion by Legislator Calarco. Seconded by Legislator Anker. All those in favor? Opposed?
So moved.

MR. LAUBE:
Eighteen.

D.P.O. HORSLEY:
There's also a pending Bond Resolution. Roll call.

MR. NOLAN:
You need same motion, same second.

D.P.O. HORSLEY:
Same motion, same second. Sorry about that. *1878A, Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$200,000 bonds to finance the cost of Fiber Cabling Network and WAN Technology Upgrades (CP 1726.515).*

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

LEG. CALARCO:
Yes.

LEG. ANKER:
Yes.

LEG. ROMAINE:
Yes.

LEG. SCHNEIDERMAN:
Yes.

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LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

Okay. *1879, Appropriating funds in connection with the Suffolk County Disaster Recovery Project (CP 1729). (Co. Exec)*

LEG. ANKER:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Anker, seconded by --

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LEG. CALARCO:

Second.

D.P.O. HORSLEY:

Legislator Calarco. All those in favor? Opposed? So moved.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

Same sponsor, same second. Roll call on the pending bond resolution. ***1879A, Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$200,000 bonds to finance part of the cost of acquisition of Hardware and related Software for a Disaster Recovery Project (CP 1729.521).***

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

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. GREGORY:

Yes.

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LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

Okay. On to *Government Operations, Personnel, Housing and Consumer Protection.*

1755, Approving the criteria for the County's Pet Store Rating Program. (Spencer).

Legislator Spencer.

LEG. SPENCER:

Motion to approve.

LEG. HAHN:

Second.

D.P.O. HORSLEY:

Motion to approve, second by Legislator Hahn. Anything on the motion? We're all good?
All those in favor? Opposed? So moved.

MR. LAUBE:

Eighteen.

LEG. HAHN:

Cosponsor.

D.P.O. HORSLEY:

Congratulations, Legislator Spencer. *1848, Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Village of Mastic Beach for Affordable Housing purposes. (Co. Exec)*

LEG. HAHN:

Motion.

LEG. BROWNING:

Motion.

D.P.O. HORSLEY:

Legislator Browning, motion to approve. Second by -- I'm sorry I missed that. Calarco. Legislator Calarco seconds the motion. All those in favor? Opposed? So moved.

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MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

1577, Adopting Local Law No. -2012, A Local Law to require public notification of sewage contamination in Suffolk County. (Romaine). This is the one we were talking about. This is the one.

LEG. ROMAINE:

Motion.

D.P.O. HORSLEY:

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

MR. LAUBE:

Eighteen.

LEG. ANKER:

Cosponsor.

LEG. HAHN:

Cosponsor.

D.P.O. HORSLEY:

I'll cosponsor that as well.

LEG. CILMI:

Put me down too.

LEG. ROMAINE:

I want to thank my colleagues for cosponsoring it and for adopting it. This will give Suffolk County an opportunity to join with the State. The State does this for municipals but there is no fine attached. We are now doing it for private sewage treatment plants. There's over 157, almost 160 of them. If they discharge they have to report the discharge, time and date, duration.

D.P.O. HORSLEY:

You're starting to lose your votes now.

LEG. ROMAINE:

Okay. Thank you.

D.P.O. HORSLEY:

1762, Approving the appointment of Joani Madarash to the Suffolk County Disabilities Advisory Board – Group C. (Co. Exec.)

LEG. BROWNING:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Browning. Seconded by -- I'll make the second on the motion. All those in favor? Opposed? So moved.

MR. LAUBE:

Eighteen.

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D.P.O. HORSLEY:

1763, Approving the appointment of Michelle Santantonio to the Suffolk County Disabilities Advisory Board – Group B. (Co. Exec.)

LEG. SPENCER:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Montano. Second by Legislator Spencer. All those in favor? Opposed? So moved.

MR. LAUBE:

Eighteen.

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

D.P.O. HORSLEY:

All right. We're ready for this? Next, *1811*, discharge petition, *a Local Law authorizing the County Executive to execute agreements for the sale of the John J. Foley Skilled Nursing Facility, Phase II - Budget Mitigation.*

LEG. BROWNING:

Motion to table.

D.P.O. HORSLEY:

Motion to table by Legislator Browning. Is there a second on the motion?

LEG. KENNEDY:

Second.

D.P.O. HORSLEY:

Second by Legislator Kennedy.

D.P.O. HORSLEY:

A motion --

LEG. GREGORY:

Motion to approve.

D.P.O. HORSLEY:

Motion to approve, Legislator Gregory. Seconded by?

LEG. D'AMARO:

Second.

D.P.O. HORSLEY:

Legislator D'Amaro. We have a motion to approve and table. On the motion?

LEG. BROWNING:

On the motion.

D.P.O. HORSLEY:

We're good? You want to just do the vote?

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LEG. BROWNING:

On the motion.

LEG. CILMI:

On the motion.

LEG. BROWNING:

On the motion.

D.P.O. HORSLEY:

Okay. On the -- I'm sorry. Legislator Browning.

CHAIRMAN BROWNING:

I think this is an important vote for all of us, and I'd like to say a few things.

You know, I think it's hard to believe we're here again to decide the fate of John J. Foley Skilled Nursing Facility. And I thought with the new Administration there would be a sincere effort to look at the operations and the management. After several years of sabotage and the desire to make the home look like it was a burden on taxpayers, I had hopes that this new Administration would look and work with me to save the home. Unfortunately, all I got was lip service. While Legislator Kennedy and I were on one track fighting to save the nursing home, the Administration's track from day one was to push the sale behind closed doors.

This home has never been given a fighting chance, but the new union leadership has come forward and said they're willing to talk and cooperate in order to save money for the County and their member's jobs. Not one conversation occurred with AME to negotiate a savings. In the employee retention section of the contract, it states, this Section 6.3 shall not require buyer to employ such employees on the same terms and conditions as they are employed by the seller prior to closing. To the extent that the buyer offers employment to the existing employees, the rates of pay shall be consistent with the nursing homes in Suffolk County. I'd like to know since when did this Administration become the bargaining unit for the employees?

You've heard the testimony from the employees and the residents, and this home is not like the average nursing home, it's a skilled nursing facility with residents who average the age of 50. There are no guarantees in this agreement with the County and Sherman to retain the workers or the residents. It clearly states in the contract, only residents requiring services not available at the facility may be eligible for transfer. All the new owner has to do is to modify the services provided at the facility, because nothing in the contract requires Sherman to provide the same services.

Approximately 30% of the residents in the home are long-term custodial care, which Sherman stated on the record, those patients he would not likely want to accept. For those of you who are lawyers sitting at this horseshoe, you should surely know that is not a guarantee, and any person with experience in collective bargaining will tell you that the guarantees are not there.

And there's studies about "Baby Boomers" generation, showing that the population has now reached 65, and with that increase, and I know, Legislator Lindsay, we have talked about this in the past, there will be a need for more beds and nursing homes in Suffolk. Look at the veterans from the past wars that have mental health problems, along with their age, private nursing homes don't want them. I know this because some of our residents in John J. Foley have been through that. Where do the residents come from? Legislator Gregory, think of your lower to middle class income communities in your district, and you know that includes all of us, or families that may have a tragic health crisis for a young family member. If there's no private insurance, they immediately qualify for Medicaid because they are too young for Medicare. Try calling a nursing home in Suffolk and tell them you have a 30 or 40-plus year old on Medicaid who had a stroke or a traumatic brain injury

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and he needs 24/7 care, and needs to be moved and fed and changed. They will tell you they cannot accommodate their needs.

If the County no longer has the John J. Foley Skilled Nursing Facility, what will you tell your constituent who calls for help? I know I've had those calls from constituents, if you all remember Mr. Barnes. We used to have a place that would -- what you'll have to tell them is we used to have a place that would accept them, but, sorry, we sold it.

An employee gave us a conservative number of 13 million dollars that we're losing based on the number of empty beds and vacancies at the adult day-care. If this Administration supported the recommendations from the Oversight Committee, we would have a person working every day to get the beds filled. The adult day-care is a revenue-generator for Foley, and the census is only one-third of what it could be, and Sherman sees that that is something he can greatly profit from.

And we need to talk about the process. The initial RFP went out. We selected a buyer, and the Legislature approved them, but Rosenberg walked away. Why didn't this Administration reach out to the other bidders? They could have saved the taxpayers the finder's fee if they went with one of them, and we know some of those bidders were equal or higher to the Sherman bid.

I was told DeGere brought Sherman and other potential buyers. I asked for the names of the other buyers, but a nondisclosure agreement does not allow them to tell us. I think that's bull. I believe there are no others, and until you can provide me with the names, I will say this Administration is not being truthful.

Also, contrary to what you've been told Brookhaven Hospital can get approvals to operate this home from the State. They had a partner and that partner is a nursing home operator. Legislator Kennedy and I spoke with the State Health Department and they assured us that if we did the public/private partnership, that they would work with us to expedite the Certificate of Need.

I think it's important that government should be open, honest and accountable to the taxpayers of Suffolk County. Some members of this Administration who came from private and corporate sector need to know that you don't operate in back rooms and neglect to provide the Legislative body with all the information necessary to make an informed decision. I requested a written copy from the Governor's Office agreeing to the use of the 17 million dollar HEAL grant to pay down the debt. Evidently, that was modified, and to date I have received nothing, and I don't know if anyone else around this horseshoe has received anything, from the Bellone Administration or the Governor's Office, yet we're expected to vote on this deal.

We're also giving them a gift through the IDA? Absolutely not. Suffolk County has marinas that provide services to owners of the beautiful 30 and 40-foot boats. Why are they a priority over residents and employees of John J. Foley? Our parks and health centers lose money annually, but we're not considering selling all of those assets.

Once the home is gone, there's no going back. This does nothing to fix our structural imbalances, and we will be faced with the same budget problems next year, even if we sell the facility. You have to decide if you should vote for a one-shot budget plug, or if you should vote your morals and continue to provide the safety net for the most vulnerable of Suffolk County.

Save John J. Foley's legacy, who was a great Democrat, and as Democrats, I would expect you would do the same.

(*Applause and Standing Ovation*)

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D.P.O. HORSLEY:

Thank you very much, Legislator Browning. Legislator Cilmi. Okay. Thank you very much. We appreciate your support. Legislator Cilmi.

LEG. CILMI:

Yes, thank you, Mr. Chairman. We're faced here today with very difficult choices. Nanci Dallaire, who has been here faithfully, I think every meeting since I've been here as a Legislator, is a constituent of mine. She said this morning that -- she selected three Legislators and said that they were the only ones that have given this any real thought. That's just wrong. I've thought of little else, to be quite honest, and I'm sure every one of us here on this horseshoe could say the same thing.

Now, with that said, we're faced with some choices. On the one hand, we can protect jobs at Foley, we can recognize 23 million dollars of revenue from the sale, we can achieve annual cost avoidance of between 5 and 7 million dollars, and we can keep the residents in their home. On the other hand, and I've had personal conversations face to face, eye to eye with the County Executive, he has assured me that if this sale dies, that he will close this facility. And what does that mean? That means that we send employees to the unemployment line, it means that we'll be forced to lay off other employees to make up for the lack of revenue. It means that the residents, all of them, will be forced to move.

Now, in assessing this vote, I had to ask myself a number of questions. Do I believe that the John J. Foley Skilled Nursing Facility will be closed if we don't sell it? I believe it will be. Do I believe that the employees will be able to find jobs if that facility is closed? I don't. Do I believe that the County Executive will and that the Legislature will lay off additional employees to make up for the lost revenue? I do. We've done it. Do I believe that the residents will be kicked out of their beds? In an industry where there are many open beds, no, I do not.

All that said, all that said, I find it interesting that this body seems to be so quick to accept this deal when we were so reticent to accept a deal offering us 13 million dollars more two years ago. It is not beyond the pale to think that our foot-dragging two years ago scared other potential buyers away. I believe that now that there seems to be a greater willingness on the part of my colleagues to sell this facility, we may have greater interest from other buyers.

Furthermore, I've been working vigorously with AME and with the County Executive's Office to find compromise. While we did not get there, we were close. I don't want to give up. I don't like the fact that this resolution talks about the John J. Foley Skilled Nursing Facility when it was clearly the intent of the family to have that removed and the intent of this Legislature to have that removed. I don't like that this resolution talks about the County working to secure IDA tax breaks for new owners.

Let me be crystal clear here. I believe that we should sell this facility, but I believe we should table this bill today. Each of us, each of us who is so inclined should publicly profess our support for a sale, because I believe it's in the best interest ultimately, ultimately of everyone. We should quickly put out another RFP. I know we've done I think three of them so far in the last couple of years. We can do one quickly again. We can make an effort to get the best possible deal for this facility. We should also continue to talk with AME to search for agreement. The movement in the last couple of days proves we can do this. Let's not rush into this today, not for the sake of a paper budget proposal that's due out in a couple of weeks. Let's give this one one more month and see what we can come up with together. Thank you.

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

D.P.O. HORSLEY:

We're all good? Okay.

LEG. CALARCO:

Mr. Chairman?

D.P.O. HORSLEY:

Legislator Lindsay.

P.O. LINDSAY:

No.

D.P.O. HORSLEY:

Legislator Calarco.

LEG. CALARCO:

Thank you. And I'm not usually one to go on public record and speak about issues without trying to make a specific point from it or talk to a fact that I think was misrepresented, but at this point I think I have to at least add my comment, my input on this proposed sale.

Before I was a County Legislator, I had the opportunity of spending a couple of years in the County's Office for the Aging. While there, every week you had a turn taking phone calls from the public to answer questions that people might have about issues affecting our senior population. One of the kinds of calls that I'd readily get, at least every other week I'd get one of these calls, was from individuals who had a son who was in a debilitating accident, who had a husband who suffered from some sort of disease at a very young age, and those individuals could not find a nursing home willing to accept their loved one; it just simply wasn't there.

I have nothing against the Shermans. They're very -- seem to me to be very good operators, but they're in this business as a business; they're in it to turn a profit, and that's fine. But at the end of the day, we have to think about what government does, and we do those things that the private sector is not going to do. A private sector nursing home will botch their bottom line. They're going to keep an eye on how many patients they take that are that lowest rated reimbursement rate so that their payment is high enough that they could turn a profit. That's fine; that's what they do. That's not what government does.

We have 50 to 60 individuals in this nursing home right now out of 180 that fall at that lowest category. They drag down that score. They make it that much harder for us to turn a profit. But that's okay, we're not supposed to turn a profit; that's why we operate the Skilled Nursing Facility. Those are the things that one of my predecessors, John J. Foley, fought for. That's why I oppose this sale, and I think the County should continue to operate this facility into the future.

Applause & Standing Ovation

D.P.O. HORSLEY:

Legislator Gregory? Okay. Please, everyone down. Legislator Gregory.

LEG. GREGORY:

Thank you, Mr. Vice-Chair. This vote is not taken lightly by anyone. I would -- I could say it with great confidence, whatever side of the issue you fall on, it's certainly not an easy vote for me. You know, there's a lot of things that have been said during this deliberation of this process, one of

which is, well, if we fill the facility, all our fiscal issues will be eliminated; that is absolutely not true.

We first looked at this process when I was a Legislator and we had full bed hold and we were still losing 8 to \$10 million a year. So having full bed hold is not going to resolve our issues, unfortunately. But -- and I think it's important to state as well that this is not an indictment against employees. I think they're fantastic employees, they do a wonderful job. I had a friend, you know, a friend of my family who was at Foley; and my parents, my mother was an RN for New York State for 30 years. She had nothing but positive things to say about how the facility is run, how our family friend was treated, the employees. So it's not about that. To me, this is a strictly fiscal decision. Either we vote to sell the facility to the Shermans or we close it; there's no other options. There are no other options.

You know, the -- we tried the public/private partnership, we've tried all different options and everything has failed, and here we are again trying to address this issue. And for me, I think it's important to state that from the beginning, and you can check the records, I've said from the beginning, my personal belief is -- you know, my opinion of whatever we do with the Foley Center is not based on whether we run a profit or not. I personally believe that we don't have to run a profit. What I said publicly, and I said in this room, was that we have to find a comfort level for which we feel that we want to subsidize the facility. For me personally, it's in the neighborhood of two to \$3 million, but the deficit is beyond that, and I think many of my colleagues would believe that.

So what do we do? We've laid off hundreds of employees, hundreds of employees. We're faced with a situation where -- and I don't think anyone would like to see the place closed, so we have to sell it. The time to give us another year or two years, three years to make -- you know, try another option to see if things are going to work, those times are over. The Easter Seals, Brookhaven, those aren't options. You know, we have a deficit that we have to face right now, right now, or we're going to have to lay off more employees. That's -- it's as simple as that. As heartless as that may seem, it's as simple as that. And we're trying to save jobs.

UNKNOWN AUDIENCE MEMBER:

Why don't you raise taxes?

D.P.O. HORSLEY:

Please, no comments. We let you have your chance.

LEG. GREGORY:

You know, there have -- there has been a lot of innuendo and allegations that have been thrown back and forth and it really has not done a lot to further this process along. It's muddied the waters and I'm really aggravated to have to suffer through that process. When you see things that have been stated that are just absolutely not true, and the people saying it know it's not true, but I understand. I understand this is an emotional issue as well as, you know, a fiscal issue. And I respect wholeheartedly the efforts of those that are proponents of the facility and want to see it remain open, I respect them. It's nothing personal against them. Again, this is a fiscal situation that we have to address. You know, no one wants to see this place close, and that's -- those are the options, sell it or close it. Thank you.

D.P.O. HORSLEY:

Thank you very much, Legislator. Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. And I oftentimes wonder, when we come to talk about Foley, what it is that I may or not say that's been said before, but let me see if I can just hit a couple of points.

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First of all, I disagree with Legislator Gregory as to the fact that we had to furnish 8 to 10 million --

Applause

-- when we had bed hold. As a matter of fact, as I've been --

D.P.O. HORSLEY:

Please, everybody. Let him speak.

LEG. KENNEDY:

Yes. And I'm going to ask everybody in the audience, too. Let me, before I even talk about a disagreement with any of my colleagues, say that every one of my colleagues has focused upon, explored and engaged in dialogue about the ultimate disposition of John J. Foley. I don't think it serves anybody here for any particular one of us, whether we are particularly verbal about our support or even our opposition. Every one of my colleagues, I can say to a person, I've spoken with, even as recently as probably about 15 minutes ago about where they are on Foley, nobody around this horseshoe doesn't have some opinion and has wrestled with it regarding what the ultimate best outcome is.

That being said, I will say, I'll be happy to look at the financials with you, DuWayne. Because when we had Mr. Fine running it and we had 252 residents in there. As a matter of fact, the quarter that we had it, not only did we break even, we were black. We were actually running a positive, and that is what BRO has told us.

Applause

As a matter of fact, when we looked at where the analysis was for Hibberd, they did seriously disagree with where the County Executive was at in his calculations.

The other thing that comes to mind sometimes is -- and it was something that Pat Rollings talked about, and it was to make a commitment. John J. Foley, in some respects, just like some other things, has for so long been identified as the, oh, almost, I guess, like the kid who doesn't tie his sneakers right and who always trips or who winds up being, you know, chronically delinquent or something like that, and at some point you've just got to do something with him. But the truth of the matter is, is we have a responsibility for all of County government. And nobody ever sits around this horseshoe and says, "We have a \$200 million deficit, we ought to put 200 buses on E-Bay and sell them." Nobody ever sits around this horseshoe and says, "You know what" -- well, actually somebody in the audience did say it, "Maybe we ought to start making the brass and the copper out of buildings and going ahead and selling it."

The truth of the matter is John J. Foley has in the past operated efficiently, operated well and provided care that no place else will provide. The other nasty little secret out there is, is that 42 other nursing homes in Suffolk County are going to take these people. Quite frankly, that's a lot of crap, because if they were going to they would have done it already. No business entrepreneur wants to take a 45-year old --

Applause

-- heavy care, MS or Huntington's career patient. They'll go someplace; they'll go to Brooklyn, they'll go to the Bronx, they'll go to Pennsylvania, they'll go to Massachusetts, and we'll continue to pay. So their only issue was they worked all their lives in Suffolk County, they paid their taxes in Suffolk County, they were good citizens in Suffolk County, and now when they're down they get a one-way ticket out of Suffolk County. That's not the right thing to do and that demeans and belittles us.

Applause

Legislator Cilmi said it well, he said it very well, when he talked about the fact that there is a better way. There is a solution. And I also disagree with you about Brookhaven, because as recently as 45 minutes ago, I was on the phone with Brookhaven, but there have been tremendous and powerful forces that have been in play to support a below market, bad deal for the Shermans.

The answer today is to table this to take out of it something that is a better and more workable deal. And Easter Seals was never something that was a bad deal. Easter Seals came to us with open arms and we talked with them about something that would be a two to three-year process where they would take over complete operations. Do we have to deal with a budget deficit? Absolutely. But you know what? I'd rather sell these 10 acres on the north part of this complex and put McMansions up there before we close John J. Foley; that's an alternative that nobody ever talks about and we should support.

Applause

D.P.O. HORSLEY:

Thank you very much, Legislator Kennedy. Legislator Barraga.

LEG. BARRAGA:

Thank you. This is a difficult issue for every member of the Legislature. It's been ongoing now for almost five years. Back in January, February, we received a report from a special committee formed by the new County Executive indicating that this County was in absolute dire fiscal straits, a \$530 million deficit, and we had a responsibility as Legislators, along with the County Executive, to do what we could to close that deficit.

The Foley Nursing Home scenario has been going on for several years. I certainly remember sitting here because I've been sitting here all those years listening to folks just like you. And I certainly empathize with your position. I remember the Rozenberg proposal and they were coming in, you know, and going to pay \$36 million. I remember questioning Rozenberg as he sat there to try to find out or get a commitment from him as to whether or not he would hire every one of the employees that were currently at Foley, and he said no, basically no, he couldn't guarantee that. I wasn't even sure he would keep all the patients.

The situation with the Shermans, certainly we're not getting the 36 million. But then again, based on the assessments -- and I understand Mr. Sabatino's comments with reference to when these assessments were done -- the value is now down to about 25 million on the structure and the land, but the sale price is down to \$23 million. One of the reasons that Rozenberg bailed is that the reimbursements from the State of New York and Medicaid were reduced; his profits sort of eroded and he walked away. So you would naturally think that anyone else coming forward that want to purchase this facility would offer a lot less.

It is not easy for someone to take a look at this issue and say, "We have to move in this direction." The previous County Executive, as all of you will remember, said that Foley was running at 8 to \$10 million in terms of a deficit. A lot of people didn't believe him. Frankly, a lot of people didn't like him. This new County Executive comes in and reaffirms that and says for this particular year, the deficit will be \$14 million. It is not easy to make these decisions, it never was, when you have a \$530 million deficit.

One of the first things we did, a very difficult decision, was to terminate or lay off 250 people. Just imagine for one moment, if I may triple the size of this room, triple the size of this room, there are 250 seats over there and 250 seats over there and you're in the middle. Those 250 seats are empty because we terminated those people, they're not here anymore, and a lot of them were AME

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employees. Now we have the group in the middle. The way this situation is right now, if Friday it's sold, on Monday you come back to work, you may not be paid what you're being paid now, but you have a job and the patients are still there. That's the commitment that we got from the Shermans; you may not like it, but that's the commitment they made.

UNKNOWN AUDIENCE MEMBER:

No pension.

LEG. BARRAGA:

But you have a job. No one in this place is going to stand up at this moment and say, "If the Shermans take over, I am out of a position"; that's not the case.

On the other hand, if we don't move in the direction of making a final decision on Foley and making a final decision on the Yaphank land sale, and making final decisions with reference to a \$167 million remediation program, then this group over here, the other 250 seats, they'll also be empty in a couple of months because the other employees will lose their jobs.

UNKNOWN AUDIENCE MEMBER:

No. No.

UNKNOWN AUDIENCE MEMBER:

And I'm sure one of those seats up there are going to be empty come November.

D.P.O. HORSLEY:

Please.

LEG. BARRAGA:

There are people who will always be opposed to this sale, whether it's Shermans, Rozenbergs, Smiths, Browns, they just don't want it sold; I understand that. But right now we are facing dire fiscal challenges. This decision has to be made today and it has to be made in the affirmative.

D.P.O. HORSLEY:

Thank you very much, Legislator. Any other Legislators would like to speak at this point in time? We're good? Everybody good? I know Mr. Lindsay does, so we'll wait. Do you want us to wait?

P.O. LINDSAY:

I haven't been here for a while, so I was just getting some updates on some updated figures just to get my head on straight. I, too, have some problems with some of the things that were said in defense of keeping the home.

This is the third debate that I've lived through on this issue, and they're very, very painful debates for all of us. After the last vote, I had people not speak to me for a while. I walked into my office and somebody said to me, "It looks like your dog died." I said, "Well, almost as bad. That vote last night was the worst vote in my life as a Legislator." But it's nothing that anybody did here that they didn't do with much pain, and this one will be just as painful, whichever way it goes.

Last fall when the Budget Working Group was downstairs behind that great wall and putting out scenarios of what can we do to save as many employees as we can that work for us, and each and every one of them, I think I could agree with every Legislator that works with me every year, is cherished, and there is no wish by any of us to lay off any of them. But the one decision that we made last year as a working group -- and on this issue about Foley, we had advocates on both sides of the aisle that were pretty strong advocates, and we said that we'd give it another year, that we'd fund Foley for the full year, much to the chagrin of the current County Executive, and give it one more try to see if we could put together something that would save the place. And we came up

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with this public/private partnership idea, and where I got that from, John, was from Brookhaven Hospital.

LEG. KENNEDY:

It was?

P.O. LINDSAY:

Just from Brookhaven Hospital. And here we are a year later and we're hearing Brookhaven Hospital has a new idea for another partnership. Jesus Christ, where were you the last year when we were desperate for some help? It's the most frustrating thing to me in the world. You know, you mentioned that other group that we were working with that wanted two or three years.

LEG. KENNEDY:

Easter Seals.

P.O. LINDSAY:

Easter Seals. Two or three years probably adds on, what, another seven, \$8 million on to the cost of running the place? I don't know where to get the money. I don't know where to get the money to pay you next week. It's that dire around here. I almost sound like Legislator Barraga.

*(*Laughter*)*

LEG. BARRAGA:

Oh, that's a low blow.

P.O. LINDSAY:

(Laughter).

LEG. CILMI:

There are worse things.

LEG. BARRAGA:

Now I know you're back.

*(*Laughter*)*

P.O. LINDSAY:

Okay *(laughter)*. You know, Gail, is there any verification on the \$17 million from the HEAL Grant from Albany on this latest go around?

MS. VIZZINI:

No. Everything is verbal at this point. There's no written --

P.O. LINDSAY:

We've never seen this in writing.

MS. VIZZINI:

No. We've asked for it, but --

P.O. LINDSAY:

Boy, I don't feel comfortable about that.

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And just a few things. Legislator Cilmi, you said let's table it for a month. What's going to happen in a month? Do we have anything solid?

D.P.O. HORSLEY:

That's a question to Legislator Cilmi.

LEG. CILMI:

I was going to say through the Chair, but you are the chair, Mr. Chairman. What's going to happen in a month, maybe one of two things, or both things. A dialogue began very, very recently between myself, the County Executive and AME, and unfortunately it was begun too late. But I believe that there is -- we were close. I mean, there is -- there is the potential for an agreement to be made that really protects the employees who are there and that accomplishes our goals of selling the facility and getting out from under this annual burden.

In addition to that discussion, which I think could bear some fruit in short order if given an opportunity to do so, in addition to that, if the mood of the Legislature is clear in that we agree that selling this facility is our only option, then it's my opinion that we may get some additional buyers in the next month that will come to us and say, "You know, we'll pay you" -- and I agree with you completely, Mr. Presiding Officer, about Brookhaven. I have repeatedly said this has been in the public domain, why have there been no one that's -- why has there been no one that's offered us more than this \$23 million, I agree with that. But my only thought is that we've been so apprehensive publicly about selling this facility, and if those in the nursing home industry knew that our -- this body was inclined to sell the facility, maybe we would get a better offer. So for those two reasons, I think another month might help. I'm not suggesting that it certainly will, I'm just suggesting that it might. And I think it's worth trying.

LEG. NOWICK:

I have a question.

P.O. LINDSAY:

Well, just on that issue alone. What assurances do we have? I mean, we're the Legislative body in this government, we're not the Executive body. We don't have power to act as the CEO for the County and put something up for sale. You know -- I mean, we could put in a bill to do it and you're talking three months down the line, but I don't --

LEG. KENNEDY:

Bill, can I interrupt?

P.O. LINDSAY:

Go ahead.

D.P.O. HORSLEY:

No. First of all, we have Legislator Nowick that wanted to ask a question.

LEG. NOWICK:

It was just a quick question in reference to what Legislator Cilmi just said, and I agree with you. But could we do something like that? Say in a month somebody else came along; aren't we in contract? I mean, aren't we --

LEG. CILMI:

I don't think -- through the Chair, if I may? I'm not an attorney, but I don't think the contract is consummated until we vote on it. And the Presiding Officer is absolutely correct, if we were to go through the exercise here of filing a bill, passing a bill and going through all of the things that are required for a new piece of legislation, the Mary Hibberd Law, all that stuff, my sense is that, you

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know, we would just be prolonging not only this debate, but the sheer agony that these folks who work for this facility have gone through for years and years and years.

So I think it would be -- the only way it could happen is through a true cooperative effort with this body, with the County Executive and with AME and with potential buyers; I think that's the only way that it could work. Put people in a room and say, "Let's figure this out," order in a pizza. I know I'm --

LEG. ROMAINE:

Or sandwiches.

LEG. CILMI:

Or sandwiches on Legislator Spencer.

D.P.O. HORSLEY:

Okay. Let's let Legislator --

LEG. NOWICK:

Okay. Just to finish my question.

D.P.O. HORSLEY:

Okay. Do you have further questions?

LEG. NOWICK:

It's just a quick one.

D.P.O. HORSLEY:

Sure. Go ahead.

P.O. LINDSAY:

She's always talking, you know?

LEG. NOWICK:

(Laughter). Again, I was listening to Legislator Cilmi and just trying to sort things out in my mind. When you spoke about a "too little too late" agreement two days ago, even if we voted on this and we voted yes on this contract, that's not in the contract, all those issues you spoke about that you agreed on yesterday or the day before.

LEG. CILMI:

The --

LEG. NOWICK:

Wouldn't they have to go into the contract first before we consider that in our vote?

LEG. CILMI:

The discussions that -- the discussions that I had with the County Executive and the discussions that the County Executive had with representatives from AME, you know, are really -- my intention is not to make all of those particulars -- to talk about all those particulars right now. I can only say to you that, you know, until -- there's a framework there for an agreement if the talks would continue. Would they have to be in the actual bill? I don't know. I mean, certainly there would have to be, in my opinion, some sort of official agreement, you know, whether it's a Memorandum of Understanding or, you know, whatever.

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LEG. NOWICK:

But if you voted on it tonight and it passed, then how does that get put into the contract? I mean, I'm not sure how that does.

LEG. CILMI:

I don't know, either.

LEG. NOWICK:

Yeah, that's the only --

LEG. CILMI:

But I will say, I will say in the County Executive's defense, that the County Executive said to me that the -- they will continue to work, you know, towards the goals that we discussed, so.

D.P.O. HORSLEY:

Okay, a couple of quick things on that. First of all, Ben, do you have anything to add at this point in time?

MR. ZWIRN:

Let me just give, you know, what's happening as we speak. The budget will be presented on September 21st. Two budgets have been prepared; one that includes the sale of the John J. Foley Facility and one that closes it. The one that closes it contains hundreds of additional layoffs.

The thought on the County Executive's part, because of requests from the Legislature that were primary, patients stay in their beds, employees stay in their jobs; we gain revenue from the sale and we save five to \$7 million a year in annual costs to the taxpayers; service is provided and the taxpayers save what would amount to a 12% General Fund property tax increase, is what you'd have to raise taxes to cover that, about \$30 million for next year on a 50/50, \$2 million General Fund Tax Levy. I don't know, you know, how that's going to happen. The Legislature will have the last word with respect to the budget, but that's what's going to come over.

The County Executive tried to -- and questions about process and things like that, I will leave to the County Attorney's Office because I wasn't involved with that. The HEAL Grant, the Chief Deputy County Executive came over here and relayed her conversations with the State with respect to that. But that's where we're going the stand.

I know this has been a torturous process and it should be a torturous process. It's not something anybody takes lightly. And while I have advocated for the sale of this facility with two administrations, I mean, you know, I know a lot of the people here who work at that facility and, you know, there's a -- you know, you have compassion. This is a very human issue. I respect Legislator Kennedy's passion for this and Legislator Browning's, but we are in uncharted territory with respect to the finances of this County and the country. This is something we might not have taken into account at another time, but if we can provide the service and save the taxpayers money and get at least a one-shot of a big revenue -- but you will have a reoccurring savings; this is not just a one-shot, there will be recurring savings every year.

That's where we stand. We would hope that you would take it today, you got the A9-6 issue if you're going to reopen this thing, then we have to go through this whole process again; that's something I can't answer. But it's here, we've pretty much come a long, long road. I think if we could have a vote up or down on this today, it would give everybody some clarity.

P.O. LINDSAY:

Okay, but -- let me.

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D.P.O. HORSLEY:

Yeah, sure.

P.O. LINDSAY:

Ben, I'm not ready to vote yet. All right? I'm going to call a recess, which I very seldom do at these night meetings. Legislator Spencer has anticipated my move and has provided refreshments so that nobody has a sugar fall-off. All right? So let's just say a half hour. If you could get Regina over here. I see the County Attorney; I certainly have use for him and a lot of questions for him.

MR. ZWIRN:

Absolutely, Mr. Presiding Officer.

P.O. LINDSAY:

All right. So we're going into the conference room.

*(*The meeting was recessed at 6:02 PM*)*

*(*The meeting was reconvened at 6:34 PM*)*

P.O. LINDSAY:

Mr. Clerk, you want to call the roll?

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

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Present.

LEG. BROWNING:

(Not present).

LEG. MURATORE:

(Not present).

LEG. MURATORE:

Here.

LEG. HAHN:

Present.

LEG. ANKER:

Here.

LEG. CALARCO:

Present.

LEG. MONTANO:

Here.

LEG. CILMI:

Here.

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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.

P.O. LINDSAY:
Here.

MR. LAUBE:
Seventeen.

LEG. BROWNING:
Here.

MR. LAUBE:
Oh, eighteen.

P.O. LINDSAY:
Okay. If I can remember correctly, we took a break to get some answers and I think that I have the answers to some of the questions that were raised. Regina Calcaterra, where are you? I can't pick you up. Regina?

LEG. GREGORY:
She's out in the lobby.

P.O. LINDSAY:
See if she's out in the lobby.

LEG. ROMAINE:
Regina Calcaterra?

D.P.O. HORSLEY:
Thank you, Ed.

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P.O. LINDSAY:

She was just here, Ed.

D.P.O. HORSLEY:

She couldn't have gone far.

P.O. LINDSAY:

If she did, I'm sure she heard you.

D.P.O. HORSLEY:

There she is.

P.O. LINDSAY:

Okay. Regina has entered the room, as well as the County Attorney. Regina, I asked a question that was asked of me, but from BRO. I asked BRO if this HEAL Grant, this \$17 million that has been talked about so much of money coming from the State, have we gotten that in writing in any way? And if not, why?

MS. CALCATERRA:

We actually -- is this on? Now it's on? Fabulous.

UNKNOWN AUDIENCE MEMBER:

Don't hold.

MR. STRAUSS:

Don't hold the button.

MS. CALCATERRA:

There's some pros in the room. I'm impressed. Thank you.

The -- we actually -- the history of the HEAL Grant, which most people who participated in the hearings is very familiar, that they started with a HEAL Grant that we applied for the fifth week of our administration. Then from then on we had a series of conversations with folks up in Albany, including, you know, folks like the secretary to the Governor and others, who knew what our financial situation was. So when it was time to distribute the HEAL Grant, they called and they said, "We've got a pot of money. We're going to give out HEAL Grant money and we're going to send you \$17 million that you could use for -- to apply to the debt of the nursing home. We understand that this will cover your nursing home."

P.O. LINDSAY:

So you received that verbally. And that will be in the contract when we get the contract on the 17 million?

MS. CALCATERRA:

It is. And we've received the award letter and we're working on the language with that with the State, but in the meantime we received an e-mail on September 11th breaking out the funding allocation. Because what we needed to understand is to understand how much money of that 17 million was going to be from Federal money, from State money. Was there going to be any Dormitory money? We didn't want to end up going down that road again. So they shared -- sent us an e-mail that broke down how the funding is being provided and they clearly show it in here that 16 and a half million of it can be used for paying off the debt and will be used for paying off the debt.

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So this is part of a dialogue and it's not the entire contract in its entirety, but we -- since this is coming from the State Department of Health, this should have some weight.

LEG. CILMI:

Can she read the e-mail?

P.O. LINDSAY:

I'll show it to you.

LEG. CILMI:

Oh, you have it?

P.O. LINDSAY:

Yeah. I don't know who asked that initially, but whoever asked it, if you want to ask questions directly. Was it you, Legislator Cilmi? Did you ask this question directly?

LEG. CILMI:

What question?

LEG. BARRAGA:

The HEAL Grant.

P.O. LINDSAY:

About the HEAL Grant.

LEG. CILMI:

Oh, no, I didn't.

P.O. LINDSAY:

Okay. Okay, Kate, was it you?

LEG. BROWNING:

Yes.

P.O. LINDSAY:

Okay. Do you have any follow-up questions?

LEG. BROWNING:

Well, yeah, I asked because from -- I can't remember when, over a month ago, we asked about --

P.O. LINDSAY:

It was a good question.

LEG. BROWNING:

-- the HEAL Grant and the Governor said that we could -- the initial application was to merge health centers.

P.O. LINDSAY:

Right.

LEG. BROWNING:

Move them to John J. Foley.

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P.O. LINDSAY:

Right.

LEG. BROWNING:

Now there was a modification of the HEAL Grant and my request was to get that grant approval that the State has approved to pay down their debt and to get that in writing, and I haven't seen anything in writing.

MS. CALCATERRA:

And I think a good example of our commitment from the State, as Legislator Calarco should know since he was the one who sponsored the Home Rule Message on creating the Traffic Violations Bureau.

The State Legislature passed the Traffic Violations Bureau bill in late June. The Governor made a verbal commitment to us on the phone that was going to sign the bill; he didn't sign the bill until two months later. So this is how good our relationship is with the State that we know when they something verbally that they're going to do it. And Legislator Calarco is actively working on the implementation of the TVB, now the Governor has signed it. This is another example of it. We have conversations and it ultimately will lead to a writing, it will lead to going into effect. So this e-mail is a small example of it, but we're on our way there and we're ready to wrap it up soon.

P.O. LINDSAY:

It should be in the final bill when the Governor signs the bill. Okay.

I think that was the only question that we had of you, and I appreciate that.

MS. CALCATERRA:

Thank you.

LEG. SCHNEIDERMAN:

Bill, can I ask a question?

P.O. LINDSAY:

Absolutely, Jay.

LEG. SCHNEIDERMAN:

It's really a question on the appraisal. We have an appraisal of Foley and I believe the appraisal was done of Foley as a nursing home. Will there be a requirement within this contract to Sherman that requires them to run it as a nursing home, or at some point could they convert it to something that might be more profitable, something that it was not appraised as?

MS. CALCATERRA:

The Shermans are in the business of -- they're in the nursing home business. They're getting financing based upon purchasing this as a nursing home. This is what they do and how they operate. There's no other --

LEG. SCHNEIDERMAN:

I mean --

MS. CALCATERRA:

I mean, there's no other intent on that facility at all. This is the business that they do.

LEG. SCHNEIDERMAN:

Would the administration --

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MS. CALCATERRA:

This is the business of everyone that we spoke to.

LEG. SCHNEIDERMAN:

Could we put that in as a condition, that if they ever were going to use it as a facility other than a nursing home, that we would have the right to repurchase it at the same price adjusted to CPI, or something like that, so that we didn't see it, you know, two or three years out become an assisted living facility or a hotel or something, you know?

P.O. LINDSAY:

Especially if we got a tsunami and it moved the coast all the way up to Yaphank.

LEG. SCHNEIDERMAN:

Because we are appraising it as a nursing home.

MR. COHEN:

I think there's a couple of issues, but just to -- there's nothing specific in the contract that says they have to operate as a nursing home. There is a specific provision in there that they keep the patients. So, you know, I think you could, you know, make the inference that if they have to keep patients, it's going to continue to operate for as long as those patients are eligible to be there.

LEG. SCHNEIDERMAN:

If they didn't keep the patients, what recourse would we have?
Is there a reverts or anything if they didn't keep the patients?

MR. COHEN:

There's not a reverts. I would think we would bring an action for specific performance to require them to --

P.O. LINDSAY:

Jay, would you move your clientele in your hotel out to Foley?

LEG. SCHNEIDERMAN:

You know, it's a County asset, this building.

P.O. LINDSAY:

I know that. I'm only teasing you. I'm teasing you.

LEG. SCHNEIDERMAN:

Of certain value. If somebody were to come in and buy it as a nursing home, we appraised it as a nursing home, but it might have, let's say, double the value as a hotel or whatever it might and then we lose out -- you know, that doesn't make sense. We're selling it as a nursing home to remain a nursing home.

P.O. LINDSAY:

That's right.

LEG. SCHNEIDERMAN:

So that's really -- that's at the core of the point.

MR. COHEN:

Just a comment. You know, when they do an appraisal, you know, what they generally appraise it on is highest and best use. In this case, because we're actually selling the asset of the nursing home, the appraisal was based on the nursing home. So yes.

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LEG. SCHNEIDERMAN:

That's the highest and best use.

MR. COHEN:

Well, no, they appraised it as a nursing home because that is an asset that we're selling. So it wasn't necessarily a real estate appraisal, it was --

LEG. SCHNEIDERMAN:

But that's believed to be the highest and best use for the property.

MR. COHEN:

I would think so. That's what's there.

LEG. SCHNEIDERMAN:

Okay.

P.O. LINDSAY:

Legislator Spencer.

LEG. SPENCER:

Regina, I had a quick question. I think it would clarify a lot, the issue with regards to the appraisal.

I understand that there were changes in the marketplace from the original sell to the current offer, and I think it would be very helpful if we could maybe get a sense of -- with the year before having a \$36 million offer and having it somewhat agreeing to purchase it for that much, to see the value drop by a third. Could you maybe help me understand why the same appraiser would appraise it at one point for 36 million and then the following year for so much less?

MS. CALCATERRA:

I'm going to defer that to our County Attorney who's been working on that issue.

MR. COHEN:

I think the two main points is that the Medicaid rates were changed which made the value of the business much less. And I forget which Legislator said it, but they were exactly right, I mean, presumably that's why Rozenberg dropped out of the deal. You know, they offered a certain amount of money, but once it became known that those rates were going to change, they could no longer operate profitably and, you know, so they sought to terminate the contract.

The other aspect of it is real estate, you know, the real estate market has changed, has continued to go down over the last couple of years. So you combine those two factors and that's a big part of why the appraisal went down.

P.O. LINDSAY:

Legislator Horsley.

D.P.O. HORSLEY:

Yeah, I just have a quick question, too. Well, two questions; one is to our attorney. The A9-6 process, I'm concerned about this possibility of a month, you know, and what diff -- what is it going to produce in a month? Just knowing what we just did to run through the A9-6 process, how long would it take before we had a new deal that -- how long would it take to have that thing consummated?

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MR. NOLAN:

If we got a new plan or proposal, it might take minimum two months, two-and-a-half months. I think that's -- I mean, it could be doable because you have to do the public hearings.

P.O. LINDSAY:

Well, run through the steps, George. Because we have to get a new buyer first.

D.P.O. HORSLEY:

Exactly.

MR. NOLAN:

Well, this is assuming you go get, you know, a new buyer. How long that's going to take, you know, God only knows, I don't know how long that would take. And you might also, if you go out looking for a new buyer, you might lose the one you have. So it's really impossible to say how long that would take to find somebody else who would be willing to buy the facility.

D.P.O. HORSLEY:

You'd have to go through a whole RFP process, right?

LEG. KENNEDY:

Not really.

D.P.O. HORSLEY:

And then you've got an RFP process, then you've got to go through the A9-6 process. We're really talking, at best, months.

MR. NOLAN:

If you issued a new RFP, that would be at least a couple of months, two, three months. If you get a prospective buyer, then you have to start the A9-6 process, that's a couple of moves; conservatively, you know.

D.P.O. HORSLEY:

So we're talking --

MR. NOLAN:

It would be at least a few months.

D.P.O. HORSLEY:

At least three months. Well, let me ask you a quick question. Regina, in your opinion, when we're dealing with the buyer and we, for some reason, say, "Well, we're going to put it off for a month," how do you feel this would -- how would you think that the Shermans would react to this as far as the deal itself? I mean, maybe what you could do is give us a little -- enlighten us a little bit about the business. You've been dealing with it over the last couple of months. How do these people react to changes in contracts, etcetera?

MS. CALCATERRA:

The Shermans are very committed and they're very compassionate people, but they're also very committed to this project. However, you know, I haven't asked them what is going to happen if we put this off for a month. And I can't make a commitment from them and I can't ask them for a commitment to hang in there because there's a process that they need to do as well in order to figure out if they want to still be involved, especially if we're going to start taking other steps and do they want to continue down this path.

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So the only thing I can tell you is that if we do not have and proceed with this vote today and the vote is an affirmative vote, the County Executive has to put in his budget that we will close Foley. We will lose the jobs and we'll have to transfer the patients and it will be closed probably by the end of the year. So that's the only thing I can affirmatively tell you, but I -- you know, I can't commit either way whether or not the Shermans will stay in there or not, but I think it's too tenuous.

D.P.O. HORSLEY:

Right? I knew that, I just -- I wanted just to get a general feeling about the fact that, you know, we're saying, "Well, no, this deal isn't quite what we have and we want to alter it, change it," and stuff like that, and how that the nature of the business is -- you know, the way nursing homes succeed is buying other nursing homes.

MS. CALCATERRA:

But they also have financing. Just like you and I would go and buy a house and we have to get a mortgage and that mortgage note is open for a little while and you have to close on that mortgage note, it's the same thing with financing projects from the private sector as well. Whoever is going to be financing that, who's providing the money, just like a bank, they make a commitment based on knowing that it's going to close on a certain date and there's going to be that underlying asset. It's similar here as well, there's a few different moving parts where we don't know what's going to happen. If it doesn't go through today, then, you know, like I said, I can't make a commitment that they are going to still be with us.

D.P.O. HORSLEY:

Thank you. I think you answered my question.

P.O. LINDSAY:

I see Alan Schneider in the back. How long -- how much money would we save on overtime if we don't have to do a bump and retreat for the layoff of 231 people?

MR. SCHNEIDER:

It's already done, Bill.

P.O. LINDSAY:

It's already done, okay. That-a-boy, Alan.

LEG. CILMI:

I have a quick question.

P.O. LINDSAY:

Legislator Nowick had a question first.

LEG. NOWICK:

This is probably for the County Attorney, Regina. I'm not sure, maybe --

MS. CALCATERRA:

Thank you. I'll be here just in case.

LEG. NOWICK:

Maybe not, and I probably should know this, but I'm getting so confused. The County has the license, the nursing home license; we have the license?

MR. COHEN:

Yes.

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LEG. NOWICK:

So when we sell it to the Shermans, or whoever we sell it to, they don't buy the license because they use their own license to take over; is that how it works?

MR. STRAUSS:

They buy the license.

LEG. NOWICK:

Oh, they buy the license.

MR. NOLAN:

That's my understanding.

MR. COHEN:

I believe that that's part of the deal, is that the license gets transferred.

LEG. NOWICK:

Okay. But if we were going to close the nursing home December 31st, could we not just still sell the license? We wouldn't let that license just go, right? You can't sell the license? Sure, you can.

MR. COHEN:

Sell it to another business to operate somewhere else, you mean?

LEG. NOWICK:

Yeah, somebody else that's interested, right, and running a --

LEG. GREGORY:

I don't know.

LEG. NOWICK:

Yes, you can.

MR. FREAS:

Legislator Nowick? Over here, Craig. If we sold -- if we closed it -- this actually came up I think last year or the year before, whichever time we went through this before.

LEG. NOWICK:

I don't know the answer.

MR. FREAS:

You can't sell a license for a closed facility. So you have to divest the license before you close the facility, but you can't sell the license while you're operating the facility. So basically the license for a closed facility isn't worth anything.

LEG. NOWICK:

Okay. So you can't sell it while you're closing it. You can't sell it while it's opened, but you can't sell it while it's closed.

MR. FREAS:

Right. You can transfer the license but in this case, yeah, it wouldn't be worth anything.

LEG. NOWICK:

Okay.

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MR. COHEN:

And this is great, because as far as everyone knows, I knew that answer but I allowed someone else to answer.

*(*Laughter*)*

So I think that's fantastic.

LEG. NOWICK:

I did, too.

MS. CALCATERRA:

He's on his game tonight.

P.O. LINDSAY:

I'm getting not to like our late -- our newest County Attorney. He gets laughs and I don't. Legislator Cilmi is next.

LEG. CILMI:

Yes. Dennis, the type of sale that we're talking about here is called a directed sale; is that correct? Am I using the correct terminology?

MR. COHEN:

It's a negotiated sale.

LEG. CILMI:

Negotiated sale, okay. Is there anything preventing us from doing a negotiated sale with another party?

MR. COHEN:

Presently, because we're -- you know, we have a contract pending, pending approval. So if we do anything while that approval is pending, that would certainly be bad faith.

LEG. CILMI:

Okay.

MR. COHEN:

And in my opinion, we'd be in breach of the contract.

LEG. CILMI:

What, then, would we -- what, then, would we have to -- let me just rephrase my question then. What if somebody -- some other entity offered us some other amount of money which we thought was a good deal, and what would we then have to do in order to negate the current contract or obligation under that contract so that we could enter into a negotiated sale with that other party?

MR. COHEN:

I mean, my opinion is if we -- at this point, if we entertained any other offers while this contract is pending, you know, we're in breach of that contract. We're no longer bargaining in good faith. You know, the contract is a condition on this --

LEG. CILMI:

Define "we."

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MR. COHEN:
The County.

LEG. KENNEDY:
How can that be? We don't have an executed contract.

MR. COHEN:
Well, we have an executed contract that's subject --

LEG. KENNEDY:
No, we don't have an executed contract.

MR. COHEN:
Let me finish. That's subject to this Legislature's approval. If we take steps to do something other than get this Legislature's approval, then we're not proceeding in good faith.

LEG. CILMI:
So are you saying that if any of us, as Legislators, were to receive an offer from another entity, that we would somehow be in breach of that contract?

MR. COHEN:
I think as a County, if someone approached you and then you took that offer and discussed it with us for the purpose of getting out of this contract, then I would say that the County would probably have some liability. We have a duty --

LEG. CILMI:
Well, let me just ask you --

MR. COHEN:
-- to proceed in good faith.

LEG. CILMI:
Hang on a second, because that's a little bit troublesome. So you've brought us a contract that, you know, you could argue has not been fully executed, or as you say it's executed subject to.

MR. COHEN:
It's subject to, yes.

LEG. CILMI:
But then that precludes any other entity from making a substantive offer to the County?

MR. COHEN:
While that approval or that decision is pending, I would say yes.

LEG. CILMI:
Do the other attorneys on the -- George, do you agree with that?

MR. NOLAN:
It's been a long time since I took contracts. I think it would be safest to take a vote on this. I mean, if the deal is rejected, then I think we're free to start the process over again. I remember something called tortious interference with contracts and things like that. So I can't give you a definitive answer, but certainly the safest path would be to wait until we dispose of this particular matter. If it fails, then you start over again.

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P.O. LINDSAY:

Legislator Cilmi, I see Legislator Romaine wants to interrupt you. Do you want to suffer an interruption or you want to keep going?

LEG. CILMI:

I would love to suffer an interruption by Legislator Romaine.

P.O. LINDSAY:

Okay, you're opening the door.

LEG. CILMI:

But I reserve the right to --

LEG. ROMAINE:

Absolutely, just one question. Because this is a matter I usually don't get involved in because I have to recuse myself to avoid an appearance with conflict of interest, but I will ask this one matter. Last year I sponsored a bill. It passed this body unanimously. It was signed into law. It said this County shall not enter into a contract using the John J. Foley name if you're going to be selling it to a private vendor; you did exactly that. Are you in violation of County law?

"Yes" said in unison by various unknown audience members

MR. COHEN:

No, the contract --

Applause

LEG. ROMAINE:

Are you in violation of County law?

P.O. LINDSAY:

First of all, the clapping has to stop for him to answer, for him to be quiet. Go ahead.

MR. COHEN:

Quite simply, the answer is no. The contract addresses the naming of the facility and it's up to really this Legislature as to what that name is going to be.

"No" said in unison by various unknown audience members

LEG. ROMAINE:

I think the law is pretty clear that you should not have used that name in your contract. I think the law is pretty clear.

MR. COHEN:

You mean in describing the facility?

LEG. ROMAINE:

Yes, and using repeatedly throughout that contract the name of John J. Foley. I think the law that we drafted was pretty clear and I think Legislative Counsel can refer you to that law so that you can acquaint yourself with that. Because after you discovered it, after the fact because someone didn't do their homework, you tried to repeal it and this Body and the committee that it was assigned to rejected that offer by the County Executive. So it's very clear where this Body stands. And I think you're on very tenuous grounds with a contract that uses that name throughout the contract. I would make that absolutely clear and for the record, for this verbatim transcript, for all those who

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are listening. Thank you.

LEG. CILMI:

Okay. Can I continue?

Applause

P.O. LINDSAY:

Yeah. Let me just -- Dennis, change the contract, all right? Put whatever facility you want to call it, all right.

D.P.O. HORSLEY:

County Nursing Home.

LEG. CILMI:

Okay. So going back to my initial line of questioning, what if there -- what if another offer already existed at the time of us -- at the time we entered into the contract with the Shermans? In other words, what if we were privy to another offer, you know, before entering into this contract?

MR. COHEN:

I'm not sure what the question is. I think Mr. Nolan --

LEG. CILMI:

Well, I'll be more specific.

MR. COHEN:

I think Mr. Nolan was right. I mean, while this is pending, while this approval is pending, I don't think we have the right to entertain other offers.

LEG. CILMI:

Okay.

MR. COHEN:

So tabling the resolution I don't believe allows us now to go out and solicit or accept any other offers. I think at that point we are proceeding, potentially, in bad faith.

LEG. CILMI:

So even if another buyer had already made a proposal, we could not pursue that proposal at this time unless we were to reject this proposal first?

MR. COHEN:

Yes. That's my opinion.

LEG. CILMI:

Now, if we were to reject this proposal then --

MS. CALCATERRA:

We will close the facility.

LEG. CILMI:

Hang on. I didn't ask my question yet. If we were to reject this proposal, is there a mechanism, then, for us to go back to a previous proposer, a previous proposer, and negotiate with that proposer?

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MR. COHEN:

If this body votes to reject --

LEG. CILMI:

Without having to go through another RFP process and such?

MR. COHEN:

If your question is can we sell it without going through an RFP process, the answer is yes. We're doing it now.

LEG. CILMI:

Okay.

UNKNOWN AUDIENCE MEMBER:

That's right.

LEG. CILMI:

But again, your opinion is that we would have to outright reject this proposal in order to do that. And Regina, you would say -- and maybe, Dennis, you would concur -- that it would be likely that if we rejected this proposal outright -- in other words, not just table it but rejected it outright -- that the Shermans may just walk away entirely.

MS. CALCATERRA:

That could potentially happen. And notwithstanding that, Legislator Cilmi, as you had said earlier, the County Executive needs to put forth a budget in just a few days, and if we don't have this proposal in there as accepted, then we're going to put a proposal in there to close the center. So that's what our timing is and that's unfortunately where we are because of the budget crisis.

LEG. CILMI:

Well, I appreciate that, but the Legislature could always -- if we were to come to some agreement between the time that the County Executive submits his budget and the end of the year, we could always amend -- you know, or November 6th or whatever it is, we could always amend the budget and put it back in; right?

MS. CALCATERRA:

The County Executive plans on closing the facility if this is not sold and approved today, is the best I can say. It will be in the budget.

LEG. CILMI:

Okay. Listen, folks, I just wanted to ask the questions. I want to make an informed decision. Thank you.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

I appreciate my colleague, Legislator Cilmi, wanting to make an informed decision, but I want to be informed with respect to not what could happen, but I would like to know what would happen. Because it is a very difficult vote for us here today, and we've heard -- well, I've heard about three or four years of debate on this issue, so we're sitting here today talking about another month; I, for one, feel like we've given it another three years. And certainly we've given it another year when we refunded the facility. After we closed it in our budget, we put the money back in to keep it open for an entire year after that to do more RFP's and we did them and we had the process. So I don't understand a lot of the arguments against the procedure that's been followed, I think it's been

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appropriate.

But my point is, and I think you already answered the question, if we reject this contract, what happens next? What happens next? What is the -- what will happen is what we've heard today is that the County Executive is going to submit a budget that closes the facility and puts the folks in this room out of a job; it's just that simple.

I had another question, though. As far as dealing with the residents, there's a transition from the public County-owned facility to the private facility. And I've said on the record before that, you know, the number one concern I have is for residents and a close second is for the employees, of course. But how do we deal with the residents at this point? I mean, the contract is saying specifically that the facility will remain open because -- and I think the County attorney made the point, because the new operator must not discharge or release, or whatever the technical term is, the current residents; is that actually the case in the contract?

MR. COHEN:

Yes, that's the case in the contract. And --

LEG. D'AMARO:

All right. Well, let me just stop you there, because I think that's important. For many people who have testified over the last couple of -- well, the last couple of days, but maybe even the last couple of years about this, and I know you have very deep concern about your families, as would I. I had -- my dad was in a facility for two years, very similar to this situation, and I understand your trepidation.

But the fact of the matter is the County is taking the steps to ensure that the residents will remain in the facility.

The second question I have -- and I think I discussed this at an earlier point with respect to a public hearing we had, and I know there's been several. The new operator is going to now be offering employment to every County employee at the facility; is that in the contract?

MR. COHEN:

Yes.

LEG. D'AMARO:

It is. Okay. So not only are the residents going to stay, but in addition, when they're in that facility, in whatever condition they may be experiencing, they have at least the opportunity to see the same employees the next day after we close, and the day after that and the day after that.

MR. COHEN:

Yes. And that was actually a big point that Mr. Sherman brought up at the public hearing, was that helps with the transition. It not only protects the current employees, but it protects the current residents.

LEG. D'AMARO:

Right.

MR. COHEN:

Because it eases the transition from a County-owned facility to a privately-owned facility.

LEG. D'AMARO:

So here we have an opportunity. We're all talking about making very tough decisions. Here we have an opportunity. It's a tough decision, but it could be a lot tougher, we could be debating layoffs again. Here we actually -- I want to give you guys some credit.

Various comments made by unknown audience members

LEG. D'AMARO:

You know, Ladies and Gentlemen, please. I've listened, I'm asking you to do the same for me. Okay? We're all struggling with this issue.

I want to give the administration some credit. Because what we've done is we've negotiated a sale. We've negotiated a sale that will keep your loved ones in the facility and offer employment to the County employees that are going to be affected by this, as opposed to getting a budget submitted to us that will lay you off. I mean, I think that's actually a very positive thing to be doing at this point. Because I know we've gone through the whole layoff debate, and we've done it here in this Legislature and we don't want to have to do that again.

Is it an easy decision? Absolutely not. It is very, very difficult. And I know and I see the dedication of the employees that have come up time and again and spoken from the heart with passion about this facility. And I heard every word that you said and I believe everything that you say as far as your dedication to this facility, I have no doubt about that. But what we're trying to do here is we're trying to take all these competing interests. Taxpayers have an interest, okay, in not having budget gaps and how do we fill those gaps. We have competing interests from the residents, we have competing interests from you as employees. And we found a solution that will keep the residents there, keep you employed, and at the same time not make it an issue with respect to the taxpayers that are out there, and I think that is the direction we need to go.

The last thing I want to say, we're talking about doing another RFP or can we do it? I mean, I just want to be clear, this is what's pending before us here this evening. I mean, can we just stop this process in its tracks and go out and just put out another RFP? I mean, how could we do that?

MR. COHEN:

Again, I mean, to me that's acting in bad faith. We have an agreement that's subject to this Legislature's approval, and while that approval is pending, you're acting in -- well, the County would be acting in bad faith by entertaining or soliciting further offers.

LEG. D'AMARO:

Right. And again, the point I want to make to my colleagues is that there was a time when I voted, along with most of you, to do what we called an Oversight Committee with respect to Foley, that was one time; we said, "Let's make it work," and we tried that. Then there was another time when we closed it in the budget, all right, and we reversed that decision and we funded it, given -- and that was after the whole economy melted down, we funded this again to try and make it work; that was a second time. Then we did a public/private partnership. We extended it yet again, that didn't pan out, either.

I mean, we're sitting here now, we're down to debating one month. It's almost surreal in my mind that after all of these attempts in dealing with this facility, when we've reached a solution that will keep the residents there and keep the employees employed, where the alternative is going to be close the facility and lay off employees, I don't see what we're even debating at this point.

P.O. LINDSAY:

Legislator Gregory.

LEG. GREGORY:

Yes. Thank you, Mr. Chair. A lot has been said and, you know, I don't think anyone can speak with a hundred percent certainty as to what the outcome is going to be on either side. I personally think -- I know there's been expressions that there's concerns about the residents; I personally think that, you know, the residents will be taken care of. Personally, my concern that I have is more for

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the employees, because that's -- there's no gray area; one day they're going to be in the State pension, County employees; the next day they're going to be private employees. There's no gray area with that.

D.P.O. HORSLEY:

Or out of work.

LEG. GREGORY:

Or out of work, right, and I understand that. But, you know, I went to the facility, oh, a couple weeks ago and there was a woman who worked there 35 years. Thirty-five years you give your life to something, she needs two more years; that's difficult to hear, you know? And I know as Legislators, we put our futures on the line every two years, but we expect it, that comes with the nature of the business. These people, they work at the facility, they expect to, just like their parents or relatives, begin one day and be able to retire at the same facility; they're not going to get that, and it's heart breaking. I say that --

P.O. LINDSAY:

But DuWayne, she will, at 35 years she doesn't go out the window.

LEG. GREGORY:

Right.

P.O. LINDSAY:

She gets her pension for it.

LEG. GREGORY:

No, I understand that.

P.O. LINDSAY:

Either two years from now, or is it 39 years or 40 that she has to start collecting?

UNKNOWN AUDIENCE MEMBER:

We don't get our health benefits.

LEG. GREGORY:

Yeah, they won't get their health benefits.

P.O. LINDSAY:

Okay.

LEG. GREGORY:

But they'll get something, it's not all going to waste. Well, I say that in order to say this. I know there are a lot of rumors and a lot of things that have been floating around. And I wanted to ask Regina, I think she can probably answer the question, is there was a rumor circulating that there was an offer that was made to the employees -- and I don't know, I think it was to the employees that were close to retirement or maybe all of the employees -- with the difference in the DeGere contract and providing some of that to the employees, you know, who's going to, you know, help pay -- defray the loss in salary. Can you talk about that?

MS. CALCATERRA:

Absolutely. First, just a bit of history, because we really started examining the length of service of the employees at Foley. And at least 45 to 47 of them are past retirement, so they could actually retire under the State Retirement System, get their pension and still work at the Foley Center. But there are those that are short, and short by -- it's usually like 55/30, you have to be 55 years old

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and have worked 30 years. And so we took a look at those who were actually short that were either under 55 but over 30 years or the other way around, that had one or the other, and there are a handful of employees that do fall into that sphere.

And so as a result, as Legislator Cilmi had expressed earlier, he began having a dialogue with the County Executive, and we also had conversations with the AME President as well, where we offered to keep the -- now that you brought it up, we'll respond to it because I want, you know, respond to the question. To keep those employees that are within one year of retirement on the County payroll, so then they get to retire whenever they hit the 55 or the 30.

The second piece was to take the balance of the money that was set aside for the consultant that we negotiated down, which was close to 400,000, and take that and actually split that up as severance payment to all of the Foley employees.

And the third was, as everyone knows, we're in the midst of litigating whether or not, you know, we keep the security guards on here or not, and that was the third piece on the table, and that offer was outright rejected and we didn't get a counter offer.

LEG. GREGORY:

Okay. So there was -- because I wasn't sure, obviously I wasn't a part of it. So there was an offer that was made to cover those employees close to the retirement and it was rejected.

MS. CALCATERRA:

Yes. And also offer all employees a severance from that bucket of money that we negotiated down from the consultant, which was close to 400,000 as well. All of them were -- and the security guards were all rejected.

LEG. GREGORY:

Okay. Okay.

MS. CALCATERRA:

That was one package.

LEG. GREGORY:

Okay. The other comment I want to make, coming from a procurement background, I know Legislator Cilmi some very good questions and there's been discussions that, you know, there are other people that were making offers. You know, I think some of the actions that have transpired, if this were New York State, you know, Brookhaven and Easter Seals, you know, they would be barred from making an offer.

I was a part of a committee that implemented the law that prevented that. It's called procurement lobbying. You know, coming from a procurement background, you know, it's not unusual for a competitor to say, "Well, you know what? I have a better service, I have a better product and I can offer it at a cheaper price than the person under contract"; that happens all the time. And that's exactly what they're doing. It's almost illegal. And I'm actually going to be -- you know, I'm going to approach our Legislative Counsel to implement law to make sure that it is illegal, because it is illegal in New York State; it's under Senate Finance Law 161.

So, you know, when you're under contract, under negotiations with people, you can't have competitors coming to people that have the opportunity to influence the outcome of that contract to undermine the current contract. That's exactly what's going on, and they're influencing your decision to go with the contract. And as the County Attorney mentioned, we're liable; you're an agent of the County and you're meeting with a competitor against someone you signed a contract with.

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MR. FARRELL:

You haven't signed it.

LEG. GREGORY:

So, you know, we need to codify that, and I just wanted to put that on the record. Thank you.

MR. FARRELL:

It's not executed. You didn't pass it here, you have no contract.

P.O. LINDSAY:

First of all, I'm not going to tolerate any more dialogue from the audience. All right? We listened to everybody respectfully and I'm not going to tolerate any more of it. All right? So knock it off, or you'll be asked to leave the room. Legislator Cilmi.

LEG. CILMI:

Yes. So you've heard about a couple of the points of discussion that were made between the County Executive's Office and AME, but I have to point out that those ideas were talked about literally, I think, between late -- what are we, Thursday -- late Tuesday night and yesterday. And that's why -- I mean, they really weren't given a chance to sort of ruminate. You know, there was no chance for a dialogue; it was, "Here's our offer," and, you know, it's unfortunate that it took that long for there to be that sort of dialogue and, you know, unfortunately the response was terse. But, I mean, at this point, what do you -- you know, what would you expect? I mean, you're at the last minute and you're offering these things, and that's exactly why I say that another cycle -- and it doesn't even have to be another cycle. I mean, if we come to a conclusion prior, we could always have a Special Meeting, but some more time may give an opportunity to actually find some common ground here. And listen, as somebody pointed out, we're never going to satisfy everybody's needs or desires, but we may get much closer than we are now. And I just think it's worth a little bit of extra time. We've come this far, we've taken this long, it's worth that little bit of extra time to get it as ripe as possible. That's all.

P.O. LINDSAY:

Okay. Let's vote.

LEG. KENNEDY:

Billy?

P.O. LINDSAY:

Legislator Kennedy. Quick, Legislator Kennedy? A quick Legislator Kennedy or a slow?

LEG. KENNEDY:

How about we try to make it just in-between. First of all, the notion that somehow for us to entertain something else is going to jeopardize our position and that we have an executed and binding contract is absolutely County law turned upside down and on its head. In the eight years that I've sat here, never once have we ever been told that prior to us approving a contract, that the County is bound and that we are obligated and we are limited in any way, shape or form whatsoever. So I couldn't disagree with you more, that for us to have a conversation with Brookhaven or with Easter Seals or with the man on the moon is somehow cautious interference or something that's an improper act on our part.

The Administration moved forward actually to entertain a contract with the Shermans when, in fact, Legislator Browning and I had disclosed at great length about dealing with Easter Seals. This was no surprise at any time. As a matter of fact, we invited and requested that you would be a part of what the walk-throughs and tours would be out there. So there can be no notion that somehow we were acting in bad faith, or as recently as of today when I spoke to Brookhaven and they said they

had not been contacted by you, that it was we or I was acting in bad faith, what if the County was acting in bad faith?

There's another thing that I think is very important that everybody understands when we talk about patients being kept. I'm going to read to you right from the contract, this is Section 6-1, "*Buyer shall retain all residents currently receiving services at the facility as of the date of closing. Only residents requiring services not available at the facility may be eligible for transfer.*" People in nursing homes get sick all the time. They go to nursing homes because they're not well to begin with. When they leave the nursing home and they go out to the hospital, they don't have to come back. We've all established, these patients and these residents are not profit centers. These people by and large, 90% of them are Medicaid. They're not self-insured, they're not private insurance, they don't meet the same case mix index that the Shermans operate at their other 13 facilities. They're entrepreneurs and businessmen, they're not in the business of caring for folks that are indigent and in need of public health. So I couldn't disagree more that these patients were all going to be kept, taken care of and dealt with.

Secondly, when you talk about the offer to the employees. And by the way, while it may seem magnanimous, the day this contract closes, that's 200 County employees that go this way. Maybe some of them get picked up and get caught, but there's nothing in that contract that you could go into court with that's going to compel them to offer anybody a single job, nothing. So let's be very clear that what's being perceived as being a good fit magnanimous is something that's highly speculative at best.

Applause

I couldn't caution my colleagues more to go ahead and take a look at this. It was brought about by a waiver. If Brookhaven or anybody else was of a mind to offer to us, and I've spoken to them and I'd do it again, we could do it similarly by waiver. Your A9-6 hearings were two in the same day. We could do the same thing with ours. We're not obligated by time here. And quite frankly, we have a budget in place through December 31st of 2012. I don't think the County Executive can defund, lay off and shut down or offload everybody there. 2013? Yes, you may in your recommended, but what you get back might be something that funds and operates it. So that's the way it works with a Leg and an Exec. Thank you.

Applause

D.P.O. HORSLEY:

Thank you very much, Legislator Kennedy. Legislator Browning.

LEG. BROWNING:

Actually, I have to say, John said pretty much what I wanted to say. And so my question for you is when you want to tell me -- and I know we have quite a few lawyers here. Looking at that contract, there are no guarantees for the employees, there are no guarantees for the residents. So if you want to guarantee the residents, why did you allow that sentence, "*Only residents requiring services not available at the facility may be eligible for transfer*"? Why wouldn't you take that out if you want to say that's a guarantee to keep the residents? Because that sentence says their contingent can change tomorrow. And the owner, there is nothing in here that says he's required to retain the services that we currently serve -- provide, he could change that as soon as he takes it over. There is absolutely no guarantee for the residents.

MR. COHEN:

I actually don't read it that way. What that clause means to me is that if a resident who's currently at the facility now requires additional services that are not offered there. I mean, there's a duty to proceed in good faith. So what you're saying is in bad faith, they will change their services so they

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do not have to keep the residents; I would argue that that would be a violation of the contract and we could seek specific performance requiring them to perform under the contract.

LEG. BROWNING:

So if the condition changes --

MR. COHEN:

It's just a basic contract law.

LEG. BROWNING:

If a resident's condition changed, which it happens all the time in nursing homes, their conditions change and maybe they have to go to the hospital and the nursing home provider says, "You know what? I can't provide anymore for that resident." And there's about 30% of the residents right now and Mr. Sherman sat here, and when I talked about long-term custodial he said, "Oh, no. Well, the State wouldn't force us and nobody would force us to take the long-term custodial," and he said it himself right here.

So you have probably about 30% or more of the residents who are long-term custodial who are not money makers that he could turn around tomorrow and say, "You know what? I can't provide the services for them anymore and so they're going to have to be transferred."

MS. CALCATERRA:

This is either the third or fourth hearing that we've testified at, and this is the third or fourth time we're asked the same questions and I'll give the same answer. There are 197 patients at Foley; over 150 of them are Medicaid funded. A few of them are now Medicaid-pending, some of them are self-insured and some of them are self-paid. So the majority of the patients are Medicaid-funded. The nursing home business takes Medicaid patients, so if they're covered by Medicaid, they're patients that nursing homes are interested in. Thank you.

LEG. BROWNING:

And again, I disagree with you. He can change -- the conditions of a resident may not be what he can provide anymore and say, "I can't take him anymore," and that happens in every single nursing home. And he clearly stated, long-term custodial, he would not be encouraged or forced to take. That's what we have in John J. Foley, that's why we have John J. Foley, because the likes of Chris Barnes who was rejected at five different nursing homes in Long Island, from Queens to Montauk, the only place that would take him was John J. Foley because he doesn't make money, he barely breaks even.

Applause

D.P.O. HORSLEY:

Thank you very much, Legislator Browning. Legislator D'Amaro, you have something to add quick?

LEG. D'AMARO:

Very quickly. Yeah, I just want to make one point, and I think it's important, especially to the employees that are here this evening, and I appreciate how much time you've put into this. I just want to make a point that the negotiation that there was a dialogue about earlier with, I think Legislator Cilmi has been talking a little bit about employees and, you know, maybe we should delay and see if we can get that dialogue started again. I mean, the point I want to make is that dialogue doesn't really have to stop.

MS. CALCATERRA:

True. Very true.

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LEG. D'AMARO:

And I wanted to ask the Administration about that as well. I mean, we can go ahead with this vote this evening. I am going to vote to sell the facility because I would rather not close it and put people -- you know, make -- put them on the unemployment line. But my point is going to be, and I take a little comfort in the fact, and maybe you can give me a little more comfort, that if we sell the facility and if we -- rather, if we go ahead with this contract this evening and vote in the affirmative, that is the Administration still open to working with the union and the representatives of the union to cover our employees?

MS. CALCATERRA:

Yes, absolutely.

LEG. D'AMARO:

Okay. So the items -- I don't want to drag this whole thing out.

MS. CALCATERRA:

Yes, because there is an MOA that could be entered into, it doesn't have to be --

LEG. D'AMARO:

Okay. So there is a way to do that, there's a mechanism to do that and the Administration's open to doing that. So voting here this evening doesn't cut that dialogue off.

MS. CALCATERRA:

Absolutely not.

LEG. D'AMARO:

Okay. Thank you.

D.P.O. HORSLEY:

Thank you very much, Legislator D'Amaro. And Legislator Muratore.

LEG. MURATORE:

Thank you, Mr. Chairman. Just a word to my colleagues. I'm laying on the table tonight a resolution authorizing an appraisal of the John J. Foley Skilled Nursing Facility. And I'm basing it on what the Comptroller has stated, that the best practice necessitates a second, independent appraisal. And before proceeding with the sale of this valuable County asset, *"It would be prudent to conduct an additional appraisal of the Foley facility. Now, therefore, be it that the Presiding Officer of the Suffolk County Legislature, in consultation with the Majority Leader and the Minority Leader, is hereby authorized, empowered and directed to identify and select a consultant to appraise the Foley Facility."*

So I think -- I really don't think we're getting our fair share on the Foley facility. So this will be laid on the table today, tonight.

D.P.O. HORSLEY:

Thank you very much, Legislator. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

This is for Dennis. Because I know we're about to vote on the tabling motion first, but then if that fails we'll be voting on the sale of Foley. It will be my second time voting on this, the first time was with the Rozenberg sale. And I'm not a lawyer, and I've read the Attorney General opinion, I've read all the papers I've had to read in terms of how many votes are needed. But Dennis, can you put this in lay terms as to why this is a 10-vote decision and not a 12-vote as it was last time?

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LEG. ROMAINE:

They don't have 12 votes.

*(*Laughter & Applause From Audience*)*

That's as simple as you can make it, because they don't have 12 votes.

LEG. SCHNEIDERMAN:

And I know the Legislature's Counsel concurs with that opinion that it's a 10-vote -- 10 votes to pass it. But I'm not sure that I fully understand why it's -- I know there's a surplus designation here, typically that would be a 12 vote; so how is it 10?

MR. COHEN:

I'm not sure how to say it in lay terms. It's called a supersession, you're superseding the State law. Local governments have the right in certain circumstances to do that. That was the opinion that I gave, I know that was the opinion that George Nolan gave, and then the Attorney General's Office confirmed that today. It's done in other municipalities, that, you know, to supersede a requirement for a super majority on a vote; I mean, it's done.

LEG. SCHNEIDERMAN:

You're comfort -- I'm assuming that if it goes with 10 votes, there will be a challenge, based on all the legal memorandums that I've seen. So you're comfortable that that will hold up, you know? And if there is a challenge and an injunction in that period, we may have to be prepared to fund Foley for a short period of time until that gets resolved. Have you thought this through?

MR. COHEN:

I mean, I can't speak on the budget issue. I am very confident that the law supports my position that only 10 votes are needed. I mean, I wouldn't have given that opinion -- knowing, you know, the opposition that's out there to the sale, I wouldn't have given that opinion if I wasn't comfortable that I can go into court and support it. I mean, I fully expect a lawsuit no matter -- you know, regardless of what the issue may be. So again, I mean, I wouldn't put forth an opinion that I wasn't comfortable arguing in court.

P.O. LINDSAY:

Okay.

LEG. NOWICK:

Let's vote.

P.O. LINDSAY:

First of all, Jay, that's three things you really ticked me off about tonight. You got more laughs than I did, all right? Number two, there's three attorneys, it's been answered three different times.

LEG. SCHNEIDERMAN:

I know, but I wanted it --

LEG. ROMAINE:

Three different ways.

LEG. SCHNEIDERMAN:

I wanted to hear it at the Legislature on the record because there's going to be a vote soon and it may likely be 10 and people need to know what the effect of that is.

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P.O. LINDSAY:

No, you've got a written opinion from the State Attorney General.

LEG. KENNEDY:

Persuasively, that's not binding.

P.O. LINDSAY:

Okay. Let's go.

MR. NOLAN:

Tabling is first.

P.O. LINDSAY:

Tabling goes first. Are you ready to call the roll? Here comes the Clerk.

MR. LAUBE:

We're ready.

P.O. LINDSAY:

Tabling goes first.

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

LEG. BROWNING:

Yes.

LEG. KENNEDY:

Yes.

LEG. ROMAINE:

Regretfully, I have to recuse myself.

LEG. SCHNEIDERMAN:

No to table.

LEG. MURATORE:

Yes.

LEG. HAHN:

No.

LEG. ANKER:

No.

LEG. CALARCO:

Yes to table.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

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LEG. BARRAGA:
No.

LEG. NOWICK:
Yes.

LEG. GREGORY:
No to table.

LEG. STERN:
No.

LEG. D'AMARO:
No to table.

LEG. SPENCER:
No.

D.P.O. HORSLEY:
No.

P.O. LINDSAY:
No.

MR. LAUBE:
Seven.

P.O. LINDSAY:
Motion to approve.

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

LEG. GREGORY:
Yes.

LEG. D'AMARO:
Yes.

LEG. ROMAINE:
Happily I can recuse myself on this.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
No.

LEG. MURATORE:
No.

LEG. HAHN:
Yes.

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LEG. ANKER:

Yes.

LEG. CALARCO:

No.

LEG. MONTANO:

No.

LEG. CILMI:

No.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

No.

LEG. NOWICK:

No.

LEG. STERN:

Yes.

LEG. SPENCER:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Ten.

P.O. LINDSAY:

1876-12 - Establishing a task force to optimize early intervention for children with special needs (Spencer). Doc Spencer, you want to make a motion?

LEG. SPENCER:

Motion to approve.

LEG. STERN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

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

P.O. LINDSAY:

Parks & Recreation:

1870-12 - Approving a License Agreement for D. Brodie to reside in the Gate House, at Southaven County Park, Yaphank (County Executive).

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion -- who was that? By Legislator D'Amaro. I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1871-12 - Approving a License Agreement for P. Mayer to reside in the apartment, at North Fork Preserve County Park, Aquebogue (County Executive).

D.P.O. HORSLEY:

Motion.

P.O. LINDSAY:

Motion by Legislator Horsley.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1873-12 - Accepting and appropriating a 75% Project Share from the Federal Emergency Management Agency and 12.5% Project Share from the New York State Emergency Management Office for damage associated with Hurricane Irene at Green's Creek County Park and Coindre Hall from August 26 thru September 5, 2011 (County Executive).

LEG. SPENCER:

Motion.

P.O. LINDSAY:

Yes. We got a motion and a second, and I interrupted --

LEG. BARRAGA:

No, no.

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P.O. LINDSAY:

No. Well, what's your question?

LEG. BARRAGA:

I have no question.

P.O. LINDSAY:

Oh, okay.

LEG. BARRAGA:

I was going to say something to Mr. Horsley, privately

P.O. LINDSAY:

Oh, okay. I'm sorry. All right.

LEG. NOWICK:

Not anymore.

*(*Laughter*)*

P.O. LINDSAY:

We got the motion and the second?

MR. LAUBE:

No, I didn't get the second.

P.O. LINDSAY:

The second was Legislator D'Amaro, right?

Could I ask, do we have the amount of money here? Is it a windfall or just a pittance?

LEG. NOWICK:

Ten thousand, five hundred and fourteen dollars.

P.O. LINDSAY:

How much?

LEG. NOWICK:

Ten thousand, five hundred and fourteen dollars.

P.O. LINDSAY:

It's a pittance. Okay.

MR. LAUBE:

Could I get the motion and the second again? I'm confused what it was.

P.O. LINDSAY:

The motion was by Doc Spencer, right? And the second was by Legislator D'Amaro. That's two, right?

MR. LAUBE:

Okay. Thank you.

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P.O. LINDSAY:

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

MR. LAUBE:

Sixteen (Not Present: Legislators Montano and Kennedy).

P.O. LINDSAY:

1883-12 - Appropriating funds in connection with waterproofing, roof and drainage at the Suffolk County Vanderbilt Museum (CP 7439) (Spencer).

LEG. SPENCER:

Motion.

P.O. LINDSAY:

Motion by Doc Spencer. I'll second it, unless Legislator D'Amaro wants to second it.

LEG. D'AMARO:

Second. Yes, thank you.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

LEG. BROWNING:

Opposed.

LEG. BARRAGA:

Opposed.

LEG. CILMI:

Opposed.

MR. LAUBE:

Thirteen (Opposed: Legislators Browning, Cilmi & Barraga -
Not Present: Legislators Montano & Kennedy).

P.O. LINDSAY:

Okay. The accompanying Bonding Resolution, ***1883A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$400,000 bonds to finance the cost of Waterproofing, Roof and Drainage Improvements at the Suffolk County Vanderbilt Museum (CP 7439.313)***, same motion, same second. Roll call.

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

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

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LEG. BROWNING:

No.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

(Not present).

LEG. NOWICK:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Thirteen.

P.O. LINDSAY:

Okay --

MR. LAUBE:

Fourteen. Fourteen (Opposed: Legislators Browning, Cilmi & Barraga - Not Present: Legislator Kennedy).

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P.O. LINDSAY:
Public Safety:

1797-12 - Adopting Local Law No. -2012, A Local Law to establish boating safety instruction requirements ("Suffolk's Safer Waterways Act") (Stern). Legislator Stern, you're the sponsor.

LEG. STERN:
Motion to approve.

LEG. SPENCER:
Second.

P.O. LINDSAY:
To approve. Second by Legislator Spencer.

LEG. STERN:
On the motion.

P.O. LINDSAY:
Yeah, okay. On the motion.

LEG. STERN:
Thank you, Mr. Presiding Officer. First of all, thank you to all of my colleagues who were helpful to me in drafting meaningful legislation on this important issue. I do want to point out, we're pleased that Mr. Gaines is here with us. He has sat through quite a bit of debate on some of the issues this evening because he knows how critically important this issue is, not just for him but for all of us in Suffolk County.

I've had an awful lot of conversations with Public Safety officials. We heard from several members of the Power Squadron who were with us at the last session in Riverhead. We have heard from families of victims of too many tragedies on our waterways. But most importantly, we spoke with many boaters themselves who agree that although this is legislation that won't prevent other accidents, it will certainly make our Suffolk waterways safer.

I did just want to address -- I know that there was a question regarding jurisdiction, and I did just want to take a quick moment to -- for a quick explanation for my colleagues who had asked me about that. I would refer them to Section 2 of the New York Navigation Law, Subsection 4, which defines the navigable waters of the State, which shall mean *"all lakes, rivers, streams and waters within the boundaries of the State and not privately owned, which are navigable-in-fact or upon which vessels are operated, except all tidewaters bordering on and lying within the boundaries of Nassau and Suffolk Counties,"* which seems to indicate a specific exception under the New York State Navigation Laws for the waterways within our two Counties. And I think that that is particularly important here.

Let me just say that this is -- has been long upheld in many different circumstances. Again, for the record, *"Village of Manorhaven v. Ventura; it is well established that the regulation and authority of the tidewaters bordering on and lying within Nassau and Suffolk Counties have specifically been exempted from State law."*

"People v. Texaco; the State Legislature has the unquestioned prerogative to confer upon local municipalities the right to regulate their abutting navigable and title waterways," that is Subdivision 4 of Section 2 of the New York Navigation Law. *"Accordingly, the Court said New York State has*

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created this specific exception whereby Nassau and Suffolk Counties may regulate their navigable waterways."

And lastly, "*Melby v. Duffy; the statutory exemption has consistently been construed as authorizing Suffolk County and its towns to legislate and control the use of its waterways.*" Thank you.

P.O. LINDSAY:

Okay. We have a motion and a second. Is there anybody else that would like to speak on the subject? Legislator Kennedy.

LEG. KENNEDY:

I'll make it real quick. Yes, I had raised some concerns in committee, Mr. Presiding Officer. Legislator Stern and I had a chance to speak at length about it. He's laid out clearly that there is authority for us to go ahead and act and promulgate in this area, so I'm fine with it and happy to support the bill.

P.O. LINDSAY:

And I think it should be an interesting dialogue when it gets to the Safety Committee.

LEG. KENNEDY:

Yes.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

LEG. CALARCO:

Tim, cosponsor.

P.O. LINDSAY:

1858-12 - Approving the appointment of Dr. Hafiz Ur Rehman to the Suffolk County Human Rights Commission (County Executive). Do I have a motion?

LEG. D'AMARO:

Motion to approve.

P.O. LINDSAY:

Okay, Legislator D'Amaro makes a motion to approve. Do I have a second?

LEG. CALARCO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1859-12 - Approving the reappointment of Dionne Walker-Belgrave to the Suffolk County Human Rights Commission (County Executive).

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LEG. GREGORY:

Motion.

P.O. LINDSAY:

Motion by Legislator Gregory.

LEG. CALARCO:

Second.

P.O. LINDSAY:

Second by Legislator Calarco. Legislator Browning, these people appeared?

LEG. BROWNING:

Yes, they --

P.O. LINDSAY:

Okay. Okay.

LEG. BROWNING:

All of the people that are on this, every single one of them appeared.

P.O. LINDSAY:

Thank you.

LEG. BROWNING:

I should say the appointments, not the reappointments.

P.O. LINDSAY:

Thank you.

1860-12 - Approving the reappointment --

MR. LAUBE:

No, no. I didn't call the vote.

P.O. LINDSAY:

Oh. We have a motion and a second on 1859. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. ***1860-12 - Approving the reappointment of Gary Mar to the Suffolk County Human Rights Commission (County Executive).*** Who wants --

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning.

LEG. D'AMARO:

Second.

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P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. *1861-12 - Approving the appointment of Bonnie Cannon to the Suffolk County Human Rights Commission (County Executive).*

LEG. BROWNING:

Motion.

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman. Second by Legislator Browning?

LEG. BROWNING:

Yes.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

LEG. SCHNEIDERMAN:

Cosponsor.

P.O. LINDSAY:

1862-12 - Approving the reappointment of Rachel Davis to the Suffolk County Human Rights Commission (County Executive).

LEG. ROMAINE:

Motion.

LEG. GREGORY:

Motion; my constituent.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

LEG. SPENCER:

Cosponsor.

LEG. GREGORY:

Cosponsor.

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P.O. LINDSAY:

1865-12 - Appropriating funds in connection with the expansion of video conferencing at various locations (CP 3020) (County Executive).

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

The pending Bond Resolution, *1865A (Bond Resolution of the County of Suffolk, New York, Authorizing the issuance of \$450,000 bonds to finance the cost of expansion of Video Conferencing at Various Locations (CP 3020.510)*, same motion, same second. Roll call.

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

LEG. BROWNING:

Yes.

LEG. D'AMARO:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. MONTANO:

Yes.

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LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. SPENCER:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1877-12 - Directing the Department of Fire, Rescue and Emergency Services to develop an online firefighter training program (Hahn).

LEG. HAHN:

Mr. Presiding Officer?

P.O. LINDSAY:

Yes.

LEG. HAHN:

I'm so very excited about this. We need on-line training options for our volleys. However, I would like to just table it one cycle out of respect to FRES. I'm going to go before them and just clarify the intent and make sure that we're all on the same page before we pass it.

LEG. CALARCO:

That's a motion to table?

LEG. HAHN:

So that's a motion to table.

LEG. CILMI:

Second.

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P.O. LINDSAY:

Okay. We have a motion to table by Legislator Hahn, and it's seconded by Legislator Cilmi. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

Public Works & Transportation:

P.O. LINDSAY:

IR 1800-12 - Naming a portion of Nicolls Road (CR 97) in Setauket in honor of Lieutenant Joseph P. DiBernardo (Hahn). Legislator Hahn?

LEG. HAHN:

Motion.

P.O. LINDSAY:

Motion. Does anybody want to second it?

LEG. CILMI:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

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

P.O. LINDSAY:

1839-12 - Honoring an American Hero, Specialist Jacob S. Fletcher, by renaming a portion of County Road 34 (Stern).

LEG. STERN:

Motion.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

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

LEG. MONTANO:

Put me on as a cosponsor.

D.P.O. HORSLEY:

Cosponsor.

LEG. D'AMARO:

Cosponsor, please.

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MR. LAUBE:

Eighteen.

LEG. CILMI:

Put me down, too, guys.

LEG. SPENCER:

Cosponsor.

P.O. LINDSAY:

Okay. *1843-12 - Appropriating funds in connection with Pedestrian Enhancement Traffic Signal Improvement Program (CP 5406) (County Executive).*

LEG. CILMI:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

On the accompanying Bond Resolution, *1843A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$50,000 bonds to finance the cost of Pedestrian Enhancement Traffic Signal Improvement Program (CP 5406.311))*, same motion, same second. Roll call.

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

LEG. CILMI:

Yes.

LEG. MURATORE:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

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LEG. MONTANO:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

All righty.

1844-12 - Transferring Assessment Stabilization Reserve Fund to the Capital Fund, amending the 2012 Operating Budget, amending the 2012 Capital Budget and Program, and appropriating funds for improvements to Suffolk County Sewer District No. 2 - Tallmadge Woods (CP 8188) (County Executive).

LEG. STERN:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Stern. I'll second the motion. All those in favor? Opposed? So moved.

MR. LAUBE:

Eighteen.

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D.P.O. HORSLEY:

1845-12 - Amending the 2012 Capital Budget and Program and appropriating funds in connection with safety improvements at various intersections (CP 3301) (County Executive).

LEG. D'AMARO:

Motion.

D.P.O. HORSLEY:

Legislator D'Amaro moves to approve it. Is there a second on the motion?

LEG. CALARCO:

Second.

D.P.O. HORSLEY:

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

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

Same motion, same second on the Bond Resolution *(1845A, Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$250,000 bonds to finance the cost of engineering in connection with Safety Improvements at Various Intersections (CP 3301.130).* Roll call.

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

LEG. D'AMARO:

Yes.

LEG. CALARCO:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. MONTANO:

Yes.

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LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. SPENCER:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

1846-12 - Authorizing execution of an amended agreement by the Administrative Head of Suffolk County Sewer District No. 3 - Southwest and 270 South Service Road (HU-1470.1)(County Executive). Legislator D'Amaro, you want that one?

LEG. D'AMARO:

Yes, please. Motion.

D.P.O. HORSLEY:

Okay, and I'll second the motion. All those in favor? Opposed? So moved.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

1872-12 - Permitting the Suffolk Cooperative Library System to purchase fuel from the County (County Executive). Who's is that?

LEG. ANKER:

Motion.

D.P.O. HORSLEY:

That's Legislator Anker's. Seconded by Legislator Muratore, okay? All those in favor? Opposed? So moved.

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LEG. HAHN:

Cosponsor.

MR. LAUBE:

Got it. Eighteen.

D.P.O. HORSLEY:

Okay, *1881-12 - Amending the 2012 Adopted Operating Budget and the 2012 Capital Budget and Program and accepting and appropriating funds in connection with the construction management and inspection at Suffolk County Sewer District No. 3 - Southwest (CP 8155)(County Executive)*. I'll make that motion. Seconded by Legislator Schneiderman?

LEG. SCHNEIDERMAN:

Yes.

D.P.O. HORSLEY:

Sounds good. All those in favor? Opposed? So moved.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

1882-12. You're good? Okay. *Authorizing the acquisition of a certain unopened right-of-way known as Nicolls Road, and having a Suffolk County Tax Map Identification Number of District 0100 Section 010.00 and District 0100 Section 038.00 for municipal purposes and requesting conveyance of all of their right, title and interest to same from the Town of Babylon, Suffolk County, New York for conveyance of same (County Executive)*.

LEG. D'AMARO:

Motion.

D.P.O. HORSLEY:

Motion by Legislator D'Amaro. Second by Legislator Gregory. All those in favor? Opposed? So moved.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

Veterans & Seniors:

1880-12 - Appropriating funds in connection with the Purchase and Replacement of Nutrition Vehicles for the Office for the Aging (CP 1749)(County Executive).

LEG. STERN:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Stern. Second by Legislator D'Amaro. All those in favor? Opposed? So moved.

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MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

And same motion, same second on the pending Bond Resolution *(1880A, Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$170,510 bonds to finance the cost of purchase and replacement of Nutrition Vehicles for the Office for the Aging. (CP 1749.523).* Roll call.

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

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

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LEG. GREGORY:

Yes.

LEG. SPENCER:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

Okay. All righty. And they're all coming marching in. *1695-12*, this is under Ways & Means. We're all set for this, gang? *Adopting Local Law No. 55 -2012, A Local Law authorizing the County Executive to execute agreements for the sale of vacant land at Yaphank County Center (Phase II - Budget Mitigation (County Executive)).*

LEG. BROWNING:

Motion to table.

D.P.O. HORSLEY:

Motion to table by Legislator Browning. Do I have a second on the motion?

LEG. ROMAINE:

Second.

D.P.O. HORSLEY:

Seconded by Legislator Romaine.

LEG. GREGORY:

Motion to approve.

D.P.O. HORSLEY:

Motion to approve by Legislator Gregory.

LEG. CILMI:

Second.

D.P.O. HORSLEY:

And second by Legislator Cilmi.

LEG. BROWNING:

On the motion?

D.P.O. HORSLEY:

On the motion, Legislator Browning.

LEG. BROWNING:

Okay, here we go. I feel like Yaphank has certainly been under attack today like there's no tomorrow.

I think you've heard a lot of testimony today about Yaphank and the Yaphank land. And it was funny because we got the press release from former Supervisor Bellone saying -- asking for a halt to the plan to the Pilgrim State site back in 2007, which needed more study, community input. And I think the words couldn't be more true today, because these are vital questions that have not been answered by this rail facility right here in Yaphank, and I don't know what makes it right for Yaphank today.

There has -- I think it's important to make it very clear, there will be no environmental reviews once we sell this to Oakland Transportation. The Surface Transportation Board stated very clear that the licensed facility, which BRT does not require a formal environmental review, and nor can they impose environmental conditions. We have to look at the negative health impacts on the community. The California study that was done was a 243-acre rail yard in Commerce, California. And the exposure, there was an increased risk of 250 chances in a million of developing cancer, for those of you who are concerned about cancer. And the EPA standard is ten in one million, and that was that 243-acre. Now you add all of the acreage the BRT currently has and include that 231 acres, this will make it much larger.

You have to look at also the other impacts. You have a nursing home, which we just sold, directly adjacent to the parcel. Could this have an effect on nursing home residents? We have a park within a mile. The County Farm, also adjacent to this property. And what about the current employees? All of our County employees, the Police Headquarters, DPW, BOE, Probation, FRES and the Health Department all live or work within that BRT and the proposed sale.

I know that we have a fiscal crisis and I know that selling the land will get us more money. However, there is nothing in this contract to protect the residents of Yaphank. Legislator Stern, Legislator D'Amaro, you both sent letters when this was going on at Pilgrim State in your districts and you were opposed to that proposal in your district, and I would like to think that you would feel the same way about Yaphank.

I also have concerns about there was no RFP issued, and I think that that was something that should have went to the higher bidder; put a bid out and give it to the highest bid. It's estimated at \$87,000 an acre for commercial land, and I think that we all know that it sells much higher than that. And having sat on the ETRB, I can tell you, I know that it comes in higher than that. There's absolutely nothing in this contract to protect the residents of my district.

The regional implications of the sale are many. New York State DOT conducted an intermodal study for all of Suffolk County, identified 19 locations that may be appropriate for rail expansion; Yaphank didn't even make the list. We heard from the residents and the elected officials in Queens about the impacts that this would be on their quality of life and health, and this will affect communities from Yaphank to Queens. So we need to do our due diligence.

I'm not against economic development and job creation, but the bottom line is if we move forward today, all local input and environmental review will definitely be lost. And we have a responsibility to the integrity of this process. NEPA will not be required if the County punts its responsibility. And we have the last -- we are the last safeguard and we must move forward with accountability.

I say if you support the sale, at least give me one month, one cycle to form the Community Advisory Board to address the needs of the community. And I think that's only appropriate and I know that that's what Supervisor Steve Bellone wanted back in 2007. So that's all I'm asking, is even if you support it, just give it one month so we can sit down, because there's absolutely nothing in the contract to protect the residents of Yaphank. That's all I'm asking for, is give them one month to sit down and make sure that there's something in the contract to protect them.

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D.P.O. HORSLEY:

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

LEG. D'AMARO:

Thank you. One month seems to be the going standard tonight for delay, and I guess that's because that's the length of the next cycle. But Legislator Browning, I appreciate you bringing up the fact of that proposal several years back that was in districts that encompass myself and Legislator Stern. And I think you realize that even during the public hearing, with respect to this bill, I did have some questions, and I do have more this evening.

But just to make the record clear, the facility that was proposed in Legislator Stern's district, I believe it was, but also impacted mine, was something being imposed by the State of New York. It wasn't an identical situation with the County in dire straits with surplus land and it was differently situated, so not to get into the whole thing. But I do appreciate that you brought that up, because you're absolutely right that I have some questions about this particular transaction.

We heard an awful lot of good testimony, I think, during the public portion today about residents' concerns, about municipal waste, about restrictions on what can be transported or are there any restrictions on what can be transported. The County's not imposing any requirements. What about the Carmans River? I heard sand mining brought up, you know SEQRA process, prior violations of the operator; I mean, it goes on and on and on. And I -- similar to the vote we just took on the nursing home, I am very cognizant of the fact that we need to close the budget hole and we're making tough decisions, but I think they need to be informed decisions; I think everyone would agree with that.

To the Chair, I have questions. I don't know if there's anyone here to answer them or who would like to answer them. I know that the proposed purchaser was available earlier in the day, I don't know if they're still available.

MR. NOLAN:

He's here.

D.P.O. HORSLEY:

What is the nature of your questions? Because we have SEQRA, someone that could speak to the SEQRA issue, someone that could speak to the planning issues. What -- who would you like to talk to?

LEG. D'AMARO:

Well, I would like to start off with the proposed purchaser of the property, because that would keep in line with the question that I had earlier.

D.P.O. HORSLEY:

Okay. I believe Mr. Kaufman is here; is that correct? Why don't you come on up.

LEG. D'AMARO:

Sir, good evening.

MR. KAUFMAN:

Good evening.

LEG. D'AMARO:

Thank you for staying and making yourself available. I'm sure you can appreciate that we just want to make an informed decision, so to the extent you can answer my questions, I'd appreciate that very much.

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We had a public hearing on this legislation a couple of weeks ago. And during that public hearing, we had similar, or I had similar concerns as to what exactly are we going to be doing on this property. And I happen to believe that the residents, especially of the surrounding community, have a right to know and to get an idea of what is proposed. And, you know, maybe I'm not a good listener or maybe it wasn't explained clearly to me, but sitting here right now, I still really don't know. If we sell this property to you, what do you plan to do with it?

MR. KAUFMAN:

Well, I think it's a very fair question, and I wish we were proposing the sale to you with a fully developed plan. As I've said before, it's a purchase of opportunity for us, but it is intended to be a purchase of opportunity that expands the rail terminal, that would include warehousing, refrigerated and dry manufacturing, hopefully. But this is -- the vision that we would have for this is --

LEG. D'AMARO:

Guys, shhh.

MR. KAUFMAN:

The vision that we have for it is an industrial development -- an industrial park that is rail-served. A set of plans with building layouts unfortunately I don't have today, but the use is consistent with what we --

LEG. D'AMARO:

Well, that leads -- that leads to my next question. Because -- so this purchase for your business then fits into your current business of what you're doing close by to the proposed property, is that correct?

MR. KAUFMAN:

A rail terminal, correct.

LEG. D'AMARO:

Okay. So with the objective of opening an industrial park serviced by rail, which then gets into taking the trucks off the road and using rail service as opposed to trucking.

MR. KAUFMAN:

Absolutely.

LEG. D'AMARO:

Right. And you're doing that now.

MR. KAUFMAN:

Absolutely.

LEG. D'AMARO:

Okay. Do you have any other intended use for this property at this time, if you were to acquire it?

MR. KAUFMAN:

Maybe I can short-circuit the --

LEG. D'AMARO:

Sure.

MR. KAUFMAN:

-- pondering here. I mean, there's been so much said about a solid waste transfer station. And if what I say on the record here can be made official, I would have no problem stating that we will not

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build a solid waste transfer station on this property unless and until the Town and the DEC said that it was acceptable.

LEG. D'AMARO:

Okay, fair enough. But we heard testimony today that you may not necessarily be subjected to town or State DEC based on some Federal rail way legislation. But I did also hear your testimony that you would want to comply with local zoning and State regulations. So --

MR. KAUFMAN:

They are not inconsistent. The testimony you may have heard in that regard is inaccurate. The preemption of Surface Transportation Board has an exception to it, that exception is solid waste. There's a Clean Railroad Act that was passed several years ago which pulled out of the preemptive power of the STB that one aspect.

LEG. D'AMARO:

Okay.

MR. KAUFMAN:

It sends you back through the entire public process at the local level.

LEG. D'AMARO:

Okay. So what you're saying then is that should you decide to take your business in that direction, you'd be subjected to the local town approvals and process.

MR. KAUFMAN:

Absolutely.

LEG. D'AMARO:

With which you would comply, obviously. I heard some testimony today, and I'm sure you did also, I saw photos held up with sand mining. Anything we need to know about that?

MR. KAUFMAN:

You can characterize it any way you like. The fact of the matter is, is that the rail line that services this property is at an elevation that is below the grade of the property. In order to put track in, you can't run freight track nor passenger track at steep grades up and down hills. So yes, we do have to remove, from the site that you saw pictures of, a significant quantity of material to level it out at its western end. Conversely, at its eastern end there is some filling to be done, the track is actually above the property. And the County piece, just to give you a sense of juxtaposition, Horseblock Road is at Elevation 35. The lowest level of the property that we're currently working on is at Elevation 50. So there is no sense of -- there's a balancing act to be done, but the south end of the County piece is actually lower than where we are. And again, I don't have engineered drawings or anything like that today.

LEG. D'AMARO:

Okay. But the moving or removing of material would be in connection with the development of the facility that you're speaking of.

MR. KAUFMAN:

Absolutely.

LEG. D'AMARO:

You're not going into the mining business per se.

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MR. KAUFMAN:

Absolutely not.

LEG. D'AMARO:

Okay. Because I heard a lot of testimony about that today.

Let me ask you this. Let's say you -- we approve, you buy the property and you're beginning to think about your expansion at this point. Under what jurisdiction are you subjected to? What's the oversight with respect to the expansion of your business? What regulations, what level of government are you dealing with?

MR. KAUFMAN:

Well, the only thing that's really preempted by the Surface Transportation Board is the zoning aspect. In terms of health, safety and welfare, you're subject to local jurisdiction. Also, we've agreed -- there have been some --

LEG. D'AMARO:

Let me just ask you on that. So in other words, you would still be subjected to, let's say, a Health Department inspection with respect to air quality, let's say?

MR. KAUFMAN:

Sure.

LEG. D'AMARO:

Okay.

MR. KAUFMAN:

And we've also agreed to build according to Suffolk County Code on storm water management. And we've agreed to tie into upgrade and improve, both from a quality and quantity standpoint, the sewage treatment plants so that any effluent that might be generated by any tenant or user of the facility would not harm the Carmans River.

LEG. D'AMARO:

My last question to you -- and again, I appreciate the opportunity to ask you this because we do hear a lot of testimony -- is I want to put aside all the regulations and what legally you're required to do. You know your business, you know what you want to do on this property. What are the environmental impacts and how are you going to mitigate them? We heard testimony again today about traffic, concerns for groundwater, things like that, you spoke to groundwater already. But what are some of the environmental impacts you're anticipating and how do you incorporate mitigation measures into your plan?

MR. KAUFMAN:

If we're talking about environmental measures exclusive of wastewater and storm water management, if we were to put in an industry that had effluent other than solid -- solid waste, or if you're talking about air impacts from engines, I mean, we have two locomotives on that site, so we've been compared to grander scale facilities around the country. The one that was cited in the California study had 74 active engines on-site, we have two. I think this is --

LEG. D'AMARO:

What about traffic in and out of the facility; have you given thought to that?

MR. KAUFMAN:

Absolutely. We've met with DOT. The County retains jurisdiction over the County roads and we're bordered on three sides by County roads, so we've already started to talk about traffic signals,

acceleration, deceleration, lanes, a median cut in Horseblock Road. We would be subject to all of those mitigations.

LEG. D'AMARO:

Okay. Well, I appreciate hearing that from you. Because, again, just putting ourselves in the shoes of residents, people certainly deserve their quality of life in their neighborhood and they may live a half a mile or a mile away from here and maybe they don't exactly see it from their front yard or maybe they do, but it impacts their roads, it can create dust, noise and things like that. But what you're representing to me here this evening is that these are all being considered and mitigated in your development plan; is that correct?

MR. KAUFMAN:

Absolutely. And you've heard some testimony and I'm sure it's true, from time to time, while we're under construction, that sand has, you know, been airborne. But if you drive by the site today, we got a water connection from the County yesterday. We started planting, we finished the berm along Sills Road in a section that's just been completed. We planted today. We started watering, of course, today. But all the mitigation measures that anybody would have to do will be done there and people have to recognize that, yes, we are a construction site, but when we're finished we'll be finished.

LEG. D'AMARO:

And when it comes to the roads, it's the County retaining, of course, jurisdiction over the roadways and you're talking with the County about that as well.

MR. KAUFMAN:

Well, not only talking, but in the case of Phase I we've already put in acceleration and deceleration lanes. We've started to do -- we put in a traffic signal -- whatever you call those things that trip the left-hand turn.

LEG. D'AMARO:

That's what I call them, the things that trip the left-hand lane.

*(*Laughter*)*

MR. KAUFMAN:

A new signal, two new posts there; everything the County's asked us to do, we've complied with.

LEG. D'AMARO:

Okay. Let me ask you the very last question, and this one may be a little tougher. Because I do appreciate the fact that you're a businessperson, that you're going to make it work for you as a business, but also you're going to comply with the regulations that you need to comply with and do this the right way.

Let me ask you this, though. We heard some more testimony from people that I respect and I think all of my colleagues do, they're certain environmentalists, certain organizations that are talking about who are these guys, who's buying this property? And I heard some testimony today about outstanding violations against yourself or your partners or your businesses that you own and operate. I understand that in the ordinary course of business things happen, but I had a little bit of -- I feel a sense of obligation to ask you a little bit more about your track record. So if you could fill me in with respect to the locations that you operate and -- you know, I guess I need to independently verify this if I feel a need, you know, about violations against your business or your property and who has jurisdiction over that and how do you handle that?

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MR. KAUFMAN:

We have had a single notice of violation from the DEC. It's in regard to crushed concrete that we were crushing on-site for use underneath the rail tracks as engineered fill. Since the day of the notice of violation, we removed the crushing machine. Frankly, I think it's splitting hairs, because we have a licensed site that we can operate the crusher on, so we crush off-site and now we have to truck the material back. But that -- the notion that we've been cited for illegal sand mining is incorrect. That's the only notice of violation we've had since the STB granted our permit two years ago.

LEG. D'AMARO:

And no other regulatory or enforcement agency has approached you or your businesses and served you with any other kind of official order, a cease and desist or anything like that.

MR. KAUFMAN:

Correct.

LEG. D'AMARO:

Just for that one violation which you just addressed.

MR. KAUFMAN:

Yes.

LEG. D'AMARO:

Okay. Okay, that answers most of the questions that I have. I thank you for your time. Thank you, Mr. Presiding Officer.

D.P.O. HORSLEY:

Thank you very much, Mr. D'Amaro. Steve Stern.

LEG. STERN:

Thank you. And thank you for being here. You had mentioned the Clean Railroad Act. And I'm glad that you did, because I think that a lot of us are very concerned, very concerned, that once the property is gone, the property is gone and you'll have the ability, under Federal law, to do whatever it is you feel like doing on the property, any way you'd like it, at least that's the concern of area residents and those that are concerned with this issue. But the Clean Railroad Act would specifically say that it is the State and perhaps municipalities that maintain at least some type of jurisdiction over health, safety, welfare, zoning-type issues.

Let me ask you. I have here -- this is a copy of the so ordered stipulation with the Town of Brookhaven as a result of the Federal action. And in it, it specifically states that, "*Operations at the property,*" which was the subject of the litigation, "*shall not include the collection, sorting, separation, processing, including but not limited to bailing, crushing, compacting and shredding, incineration, treatment management, disposal transport or transfer of solid waste and construction and demolition debris.*" And then it goes on. So that this provision would even apply not just to you, but to your respective affiliates, subsidiaries, successors or assigns.

MR. KAUFMAN:

And lessees.

LEG. STERN:

Them, too. So my question to you, because I'm going back to something that you had said before, which is that under the Clean Railroad Act, you're still subject to local jurisdiction and that perhaps you could create this kind of -- this kind of service on the property if it went through the proper procedure, if you received the proper approvals. But the language here in the stipulation seems to

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indicate that you will not seek those approvals. So I just want to make sure that we're all square on what your understanding of the stipulation is and what, if anything, you would need to do going forward if that was going to be a consideration.

MR. KAUFMAN:

No transfer station.

LEG. STERN:

Lastly, I just want to share Legislator D'Amaro's concerns, which I know are some -- among many of Legislator Browning's concerns. And we've had this conversation on the record in the past, at committee hearings and public hearings. The property is bounded by County roads. Suffolk County maintains its jurisdiction over County roads. When we talk about mitigation, I just want to one more time ask you, you've had conversations with DOT specifically about mitigation measures along the Long Island Expressway. Can you speak to that, what your vision is there as far as the South Service Road of the Expressway and what you think you might need to do going forward and what kind of time period you might be looking at there.

MR. KAUFMAN:

Sure. As part of the consolidated funding application that was submitted, and as a result of which we were chosen as a transformative project yesterday for this region, we made application for an infrastructure grant to the State which includes a 3,000, plus or minus, foot section of the South Service Road which is missing part in front of our property and part in front of the County work farm. And hopefully with that grant we'll be able to put that piece of service road in.

LEG. STERN:

So when Legislator Browning meets with residents of her community and they say that they are very concerned about any additional truck traffic coming through their neighborhoods on the County roadways that really make up the whole boundary of the property, you're saying that there is an option anyway of coming in and going out along the South Service Road of the Expressway. And ultimately that's something that you're going to need to decide on how you want to proceed, along with others, but at least that's going to be an option that could be considered going forward.

MR. KAUFMAN:

Not only will that be an option going forward, but we were more than happy to take any suggestions about traffic lights, right turn or no right turn arrows in appropriate places, you know, direction of trucks, you know, on and off certain roads; we don't have any problem complying with any of that.

LEG. STERN:

Thank you. Thank you.

D.P.O. HORSLEY:

Thank you very much, Legislator Stern. Legislator Browning.

LEG. BROWNING:

Okay, thank you. A couple of things. Obviously mitigation is important. And again, that's why I'm asking that, because I feel that once the contract is signed and the ink is dry, the community will have no say.

Currently in the contract it says Yaphank Avenue and Glover would be an access route also. If you know, Yaphank Avenue and Glover is actually the road that takes you in by the nursing facility, and Yaphank Avenue, right now there is a lot of issues because the compost facilities and the trucks that come down there. Will you agree to take Yaphank Avenue and Glover out of the contract?

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MR. KAUFMAN:

The discussions we've had to date have only included a no right-hand turn onto Yaphank Avenue, so that if Glover were used, it could only be used to go directly to the Expressway which is immediately north.

LEG. BROWNING:

So you're saying you're only going to use it as an exit rather than an entrance?

MR. KAUFMAN:

No. It would -- as an exit, no right turn would be permitted for trucks. So they could only use that to make a left, and that's the suggestion that's been made. I'm certainly willing to listen to any and all suggestions about --

LEG. BROWNING:

Well, I'm telling you right now, I know the community is saying absolutely not. They've got enough truck traffic on Yaphank Avenue and they don't want to see it. So I'm asking that it be taken out of the contract. However, there are many other issues as far as noise. When you say there's only two trains right now, or two train tracks or something you said earlier?

MR. KAUFMAN:

Two engines.

LEG. BROWNING:

Two engines. However, I'm sure that once you've purchased 231 acres, you could potentially have more; correct?

MR. KAUFMAN:

Actually, the way the facility works, we will not -- I don't anticipate the need for anymore. We don't make deliveries, we receive deliveries from New York and Atlantic who is the freight carrier on -- as a franchisee to the Long Island Railroad. So the engines that we have on-site only deliver cars within the site to different uses within the site. So, no, I don't anticipate --

LEG. BROWNING:

And have you -- the second parcel of property that you currently own, have you done any environmental impact studies on that second parcel of property, the one that you're currently clearing?

MR. KAUFMAN:

No.

LEG. BROWNING:

Why have you not?

MR. KAUFMAN:

We felt that, as did the Surface Transportation Board, that the proximity of the two parcels, the nature of the two parcels, and the use of the two parcels were synonymous and there's no different impact one to the other.

LEG. BROWNING:

Okay. So it's a continuation of your other operation, which under the Surface Transportation Board would not require you to do an environmental impact; right?

MR. KAUFMAN:

That's correct.

LEG. BROWNING:

So the 231 acres, when you proceed to clear that, are you going to do an environmental impact, or do you still -- do you claim now the Surface Transportation Board, it will be an extension, so you won't have to do one there either?

MR. KAUFMAN:

Well, I didn't say I wasn't going to do one on the parcel we're currently on, and I'm certainly not saying we won't do one. In fact, we've just commissioned the company that did the original to do a bring-down on the next two parcels in compliance with the NEPA requirements.

LEG. BROWNING:

But you've already cleared this property; the second piece of property, you've already cleared it.

MR. KAUFMAN:

Yes, but the study will address the same things. And to the extent that the clearing has been covered under the original -- there's no difference in species of plant life, there's no difference in Indian arrowheads not having been found, and no historical significance, and those kind of things. That's the work that's being done now.

LEG. BROWNING:

I do have a question for the administration. And I know we had some representatives from Queens who were here, and I spoke with Assemblyman Miller myself? And I think -- one of the questions, I guess, maybe Sarah, whoever wants to answer. Being that we don't know what the plan is with the property, we're not required, the County is not required to do SEQRA. However, my question is, when Ms. Calcaterra made a phone call to Assemblyman Miller, I spoke with the Assemblyman myself over the past two days. He told me that she said that this -- there would be no rail transportation on this 231 acres, and that it would be just sand mine. So if Ms. Calcaterra knew that this land was going to be mined for sand, then she's saying that she knows what's going on with the property, she knows what the plan is, so why wouldn't we be doing SEQRA? And maybe we should have Ms. Calcaterra come here to answer that. Nobody has an answer? I mean, I spoke with the Assemblyman myself and that's what he was told by Ms. Calcaterra. She said she told Assemblyman Miller that the land -- there would be no rail transportation on the 231 acres, and that it would be mined for sand.

D.P.O. HORSLEY:

Oh, come on.

LEG. BROWNING:

That's what she told the Assemblyman. Sorry, that's what he told me.

MS. WHITE:

Hi. No, I think Regina said that when she spoke with him she said that was -- don't touch it? Okay. That those are just rumors that were going around, that there would be sand mining, that there might be a casino, that there might be a waste transfer.

LEG. BROWNING:

No, no no, no, no.

MS. WHITE:

Well, you know, she's not here so I'm telling you that those are all speculations that have been thrown out there for several hearings.

LEG. BROWNING:

Let me make this clear.

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MS. WHITE:

I'm just telling you what Regina told me.

LEG. BROWNING:

I spoke with the Assemblyman. I had two phone calls with the Assemblyman.

MS. WHITE:

I think he misunderstood her.

LEG. BROWNING:

No, no, I did not misunderstand what the Assemblyman told me.

MS. WHITE:

No, he misunderstood what Regina said to him; that's what I'm submitting right now.

LEG. BROWNING:

No, no, no. I don't think he -- I don't think he was confused about what was said to him. He told me very clearly that she said there would be no rail transportation. She said --

MS. WHITE:

It's hearsay. I don't --

P.O. LINDSAY:

Let me take this back. We're into a first party talking to a second party talking to a third party. We need to get someone that's either in the first party or the second party.

LEG. BROWNING:

Well, then maybe we need to ask the Assemblyman himself. But I'm telling you this is --

P.O. LINDSAY:

Well, I don't know how to get the Assemblyman here, but let's get Ms. Calcaterra back, if that will --

LEG. BROWNING:

Well, I somehow don't think that she's going to be very truthful.

P.O. LINDSAY:

Well, that isn't fair.

LEG. BROWNING:

It is fair.

P.O. LINDSAY:

That isn't fair.

LEG. BROWNING:

It wouldn't be the first time.

P.O. LINDSAY:

No. Whether it isn't the first time of being fair or questioning the lady's integrity. You know, come on, Kate.

LEG. BROWNING:

No, I do.

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D.P.O. HORSLEY:

Ask the proprietor, the guy that's going to buy it.

MR. KAUFMAN:

I think I can clear this up simply. If we do not build a railroad, we do not have any preemption. The only activity that is preempt that would not be subject to all the restrictions --

P.O. LINDSAY:

Okay. Are you -- are you clearing that land for the purpose of a sand mine?

MR. KAUFMAN:

No.

LEG. D'AMARO:

I asked him that already.

D.P.O. HORSLEY:

Yeah.

LEG. BROWNING:

Well, all I can tell you is --

P.O. LINDSAY:

That's the zero party, he's the man that owns the property.

LEG. BROWNING:

Well, my question is when -- when the County Executive's Office calls and says they know what the plan is, then they know what the plan is, which requires a SEQRA.

D.P.O. HORSLEY:

You're right, Bill.

P.O. LINDSAY:

Huh?

D.P.O. HORSLEY:

The part he cleared he owns.

P.O. LINDSAY:

He owns.

D.P.O. HORSLEY:

Right.

P.O. LINDSAY:

He owns the property.

LEG. BROWNING:

We're not talking about that property. We're talking about the 231 acres that's currently up for sale.

LEG. D'AMARO:

Why don't we let the County Attorney maybe shed some light on that.

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MR. COHEN:

Yes, I actually just spoke to Ms. Calcaterra. What she said was that she did have a conversation with the Assemblyman and basically was just -- there was a question about what was going to be done there and she was just saying what some of the rumors have been as to what the operator's going to do there. She did not in any way say that there was going to be a sand mining operation there, and I want to make that clear.

D.P.O. HORSLEY:

I can't imagine how she'd even say that.

MR. COHEN:

She -- well, yes, that's exactly right. But again, she wanted me to make clear here that she did not say that there was going to be a sand mining operation. What she was conveying was that was one of the rumors that I think everyone has heard and has been addressed here tonight.

LEG. BROWNING:

The Assemblyman spoke with me directly and I asked him about the conversation he had. He was told by Ms. Calcaterra, this is his exact words, "We have a" -- "*We have a budget hole. We need the money. And this will not be for rail transportation, it will be for sand mining.*" And I says to him, "*Do you believe that,*" and he said, "*Absolutely not.*"

P.O. LINDSAY:

Kate, I don't doubt for a minute that you had that conversation. I'm simply questioning -- I don't know the Assemblyman. I'm simply questioning, was -- you know, did he get the conversation right? You believe he did, I don't know the man. But I'm just questioning that your implication that Ms. Calcaterra would lie to us intentionally.

LEG. BROWNING:

Not to us, to him.

P.O. LINDSAY:

I don't know to who, but --

LEG. BROWNING:

Well, I think that's -- I would like to have the Assemblyman reach out to you or to someone else at this body and let you know exactly what the conversation was, because I don't, for one second, think he misunderstood what was said to him.

P.O. LINDSAY:

He could reach out to me any time.

LEG. BROWNING:

Absolutely.

D.P.O. HORSLEY:

Absolutely. That's -- are you done, Kate?

LEG. BROWNING:

I believe so.

D.P.O. HORSLEY:

Okay.

LEG. BROWNING:

Again -- and again, I think with Mr. Kaufman that we -- you know, I can't see how he could object to holding off for one month. I know that you've agreed to a community advisory group. I spoke with Assemblyman Murray last night, he would be more than happy to sit on that group. I think it would be a wise thing for us to form that advisory group and have some more conversation about what the community is looking for. It's a very simple request. I don't think it's unrealistic.

And I know, Lou, you're saying that your issue at Pilgrim State was a State issue. It's still a rail transportation business. I still think -- no matter whether it was a State issue or whether the County's selling it and whether it's a private operation, I think it's still something that should be taken under consideration at the community's request. And like I said, former Supervisor Bellone said we should hold up, take some time out, not rush this and get some input from the community. And if he was asking that for the residents who lived around Pilgrim State, I don't think it's unreasonable to ask that for Yaphank.

D.P.O. HORSLEY:

Thank you very much, Legislator. Bill Lindsay.

P.O. LINDSAY:

Mr. Zwirn, did you want to say something?

MR. ZWIRN:

Just that time is of the essence with respect to this. This has been figured into the County's cash flow because this could close -- they expect, the Law Department has said if this goes through tonight, they could expect to close before the end of November. The RANS that have gone out, this has all been figured in because this was in the budget, this year's budget, 2012, and that this money is necessary, really, to avoid a cash flow nightmare toward the end of the year. That's the only reason why I say that a delay would be very detrimental.

P.O. LINDSAY:

I'd like to get home before November, Ben, you know?

*(*Laughter*)*

Okay. Where are we? Oh, I got the floor. Oh, Mr. Kaufman. This has been going on so long, I forgot what I was going to ask you. I was simply asking, and I think it's been clarified already, that the property that you now own, you're clearing but not for the purpose of sand mining.

MR. KAUFMAN:

Absolutely correct.

P.O. LINDSAY:

Absolutely correct. So you're clearing it now for future development in connection with your rail yard.

MR. KAUFMAN:

The clearing that's going on right now is 150 feet wide, approximately. That includes a relocated LIPA easement north of the existing Long Island Railroad tracks, a LIPA maintenance road which we've granted, and an area where the next two parallel pieces of track will go proceeding from the west side to the east side towards the farm.

P.O. LINDSAY:

How about burying the cable where you're doing it? Would that make the residents happy?

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LEG. BROWNING:

I'm sorry, I didn't hear you.

P.O. LINDSAY:

I said how about burying the cable?

MR. KAUFMAN:

You'd have to ask LIPA that one (laughter).

D.P.O. HORSLEY:

Yeah, I would say.

P.O. LINDSAY:

I'm sure that if you were willing to dig the hole, they'd bury the cable.

LEG. BROWNING:

Well, there's quite -- a sound wall on the LIE, bumper zones between the farm and the 230 acres, at least 300 feet, that's a start.

P.O. LINDSAY:

No, I'm not --

LEG. BROWNING:

Yaphank Avenue and Glover.

P.O. LINDSAY:

I'm not asking you for your Christmas list.

LEG. BROWNING:

If you really want everything that -- that's what I got so far.
That's what I got so far.

P.O. LINDSAY:

No, that's when you weren't paying attention. I asked him about burying the cable and you took it as your wish list.

LEG. BROWNING:

Well, that's what they're asking for. I don't know about burying the cables, I have to ask the community.

D.P.O. HORSLEY:

They didn't think about it.

P.O. LINDSAY:

Okay. I don't really have anything. You've already answered what my questions were, you know. And I stopped out there early on in the project, probably the spring, and Mr. {Watrell}, I think, and I thought it was an exciting job-producing project that I haven't seen for a while on Long Island.

MR. KAUFMAN:

Thank you.

D.P.O. HORSLEY:

Legislator Barraga.

LEG. BARRAGA:

Mr. Kaufman, let me ask you a question. On the 230 acres, do you need all 230 acres for development? The reason I ask is this. In so many cases before town boards and planning boards, builders come in, whether they're building commercial or homes. A farmer comes in, he says, "*I have 10 acres, I have 20 acres,*" they finally agree to build on five acres and the other five remain a natural state.

Now, 230 acres, that's a big parcel. This property, as I understand from previous testimony, is being sold to you as surplus. Would you consider a covenant or restriction to say, "*Look, of the 230 acres, we agree only to develop a hundred, and the other 130 acres we leave in the natural state.*" Do you need all 230 to develop or would you have some flexibility in terms of the number of acres that you feel you would develop?

MR. KAUFMAN:

As I've said to the Legislator a couple of times, we don't have developed plans at this point. We don't know how much land we're going to use. But we did have a very, very preliminary study done based on setbacks and storm water management, and of course this property, as you may or may not know, is laced with LIPA easements. So the developable land that you're talking about is only about 142 acres, just to give you --

LEG. BARRAGA:

So the other basically stays the way it is. Except for some slight changes, you know, but basically staying in the natural state.

MR. KAUFMAN:

Well, you've got slopes, you've got buffers, you've got a large recharge.

LEG. BARRAGA:

No. I mean, obviously Mr. Kaufman wants to purchase the property. You've agreed upon a price. All I'm saying is there any flexibility? For adjacent homeowners who live in the area, I think they'd like to know that maybe 70 or 80 or 90 acres will never be developed, that basically --

MR. KAUFMAN:

Well, it sounds like about 90 might not. But, you know, until I have -- you know, until we own it and can spend a significant amount of money to do design work, which is going to be a few years away, I'm sure. But that's our preliminary look at it, we think there's about 142 acres of net developable --

LEG. BARRAGA:

Yeah, about 90 or so would basically stay in the natural state.

MR. KAUFMAN:

Well, I'm not telling you natural because I think there's going to be a large or several large recharge areas to comply with -- the County Storm water Management Best Practices is -- I may have them backwards, but I think two inches of storm that has to be in hard structures and three inches in --

LEG. BARRAGA:

But you're not putting up buildings in those areas.

MR. KAUFMAN:

Recharge.

LEG. BARRAGA:

You're not putting up buildings or major construction or anything like that.

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MR. KAUFMAN:

You can't put up buildings in the area that you have to have for recharge, yeah.

LEG. BARRAGA:

Okay. Thank you.

MR. KAUFMAN:

You're welcome.

LEG. MONTANO:

Are we done?

D.P.O. HORSLEY:

No, we're not. Legislator Hahn.

LEG. HAHN:

Thank you. I guess I'll start with you, although I have questions for Sarah Lansdale, I have a couple of questions, so I might go back and forth. And I apologize, I kind of scribbled on my folder here.

Okay, you answered the -- you know, you have two locomotives right now on 20 acres, but you anticipate just keeping two locomotives or a hundred and -- however many acres you wind up developing.

MR. KAUFMAN:

Well, they do the same function. We receive a delivery of loaded rail cars and that delivery comes from the New York and Atlantic. So we have an engine that's dedicated to receiving full cars and placing them. And because we don't have a --

LEG. HAHN:

And there's only one line in and there's only -- you know. So like it's -- right. I think I kind of understand that.

MR. KAUFMAN:

So we have one dedicated to moving empties and one dedicated to moving full cars.

LEG. HAHN:

Okay. How does this work? You know, if you're going to move forward -- and from the pictures that were circulated to us, you know, that show all of this clearing, do you have to clear the whole property all at one time or will there be phase-ins? What kind of timeline do you anticipate? You know, logistically how does this work? If you're going to build this slowly over time, do you still have to clear, you know, what you -- what you intend to build out all at once?

MR. KAUFMAN:

We have to clear sufficient area to put the track in, and then as customers and/or uses are signed up for the facility, additional areas will get cleared.

LEG. HAHN:

What do you do -- you know, back on the -- and I'm sorry to harp on the sand mining. It's just -- it's out there, it's an accusation, you know. What do you do with any excess sand? Because Gil Anderson's in the back and I'm sure we could use beach replenishment sand, if you ever have any excess (*laughter*).

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MR. KAUFMAN:

(Laughter) You need some sand, Gil?

LEG. HAHN:

Well, I don't know. I mean, you know, like if you're not selling it and you want to -- and you want to give it to us to replenish our beaches, I'm sure if you have excess, when you do, spread it around.

You know, I really want to get on -- what is your -- because I do, I agree with Legislator D'Amaro, who spoke earlier, that we kind of have a responsibility to question you as a corporate citizen. So how do you -- what is your understanding -- it's a phrase that I think has gotten lost during this recession, but what's your understanding, knowledge, beliefs regarding corporate community responsibility?

MR. KAUFMAN:

This is a project that we intend to own and operate for many years into the future. Obviously we wouldn't be interested in making this purchase if we didn't intend to be around for a long time. I think we have demonstrated an ability to interact with local government and give local government a seat at the table. Certainly in Phase I of this project, we've met with and continue to meet with on almost a weekly basis, the Town of Brookhaven interacts with us all the time. We were asked, at the last meeting that Legislator Browning was at, to -- what could we do to increase the speed at which we installed the landscaping buffer at the north end of the project. That was two weeks ago, the work is under way and partially completed as of today. So I think we're prepared to be very reactive and intend to be there for a long time.

LEG. HAHN:

How do you handle community or neighbor complaints?

MR. KAUFMAN:

The only complaints that I've received directly have come from residents on Long Island Avenue through Connie Kepert's Office, and they had to do with truck routing. We've put up signs at the scale house, we've talked to all our truck drivers. Unfortunately, these guys are creatures of habit, to a certain extent, and when the scales go out at certain locations, these guys all know the way around the scales. You know, we do whatever we can, but we're not --

LEG. HAHN:

Have you met with Councilwoman Kepert?

MR. KAUFMAN:

Sure.

LEG. HAHN:

Is there anything that you can -- we have had a lot of complaints from -- or warnings from residents in Queens as to what we might expect. You've given us assurances of certain materials that won't be carted back and forth, but is there anything as a good corporate citizen that you could require of New York and Atlantic -- I'm sorry if I'm getting that wrong -- and the freight carrier that can -- is there anything -- you know, if they want to use your yard, that, you know, you can ask them to do just a little bit more?

MR. KAUFMAN:

Well, in fact -- and I don't want to try to give anybody a lecture on freight logistics, but Long Island has -- Long Island has many, many, many individual freight customers. That is a business along the Long Island Railroad that has a small siding where they'll get a car delivered or two cars delivered or -- so what common practice is today and what the complaints are based on in Glendale is that's a yard where they make up freight trains. So they'll take two cars, match it up with

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another three, match it up with another five, and there's engines backing up and making up these freight trains all day long, and that's what the complaints are about. Today we get a train of let's say 35 cars of crushed stone aggregate from the capital district. That train comes in made up, complete. They don't make it up at the yard and it doesn't stop anywhere else, it goes straight to our yard. It has the minimal impact, because it's a dedicated train that comes to a dedicated place. It's not stopping and starting and stopping and starting all day long along a route. It's not a work train, it's a dedicated freight train that comes directly to the BRT. So from that standpoint, I think we can probably be a benefit to the Glendale area.

LEG. HAHN:

It's such a large project. I just ask you to think along those lines of, you know, how as a corporate citizen you can -- it's the little things that can improve the community.

But now I would like, if you don't mind, to ask Sarah Lansdale and the Executive staff to come forward. I was a little worried by the reaction or the answer about the two current sites. So the second site that got cleared, it didn't have to go through NEPA review or didn't have to go through any kind of plan. That makes me a little worried with regard to what I've been absolutely assured would be the requirement for NEPA review on this land. So I just want to, again, you know, why would there not have to be a review before the clearing on the second -- this is so confusing -- on the second property they've got, but there would have to be on this one?

DIRECTOR LANSDALE:

Legislator Hahn, good evening, and members of the Legislature. We -- I can't speak to why NEPA was not conducted, the NEPA review process was not conducted on the second phase, the 88 acres, but I can speak to what we've been told and what we believe to be true about NEPA on the 230 acres. So I'd like Mike Kaufman and Michael Mule to answer your question.

MR. MULE:

It's our understanding that should the -- should the proposed buyer propose anything on this site, including if they do decide to go for this waste transfer station that everyone keeps throwing out, it will require a full NEPA review and local police powers, local zoning which would have to go through a SEQRA review.

LEG. HAHN:

But if it's not a waste transfer site, which I understand triggers additional review, what about just the continuation of whatever they're doing that's not waste transfer?

MR. MULE:

It should do the same. They did NEPA for the first site. They conducted an environmental assessment that proved to have no significant environmental impacts that trigger a full EIS. They would have to do the same thing on the second site if the first NEPA review did not cover the additional activity that they're proposing on this new site.

LEG. HAHN:

I heard statements on the record that this land was in a special groundwater protection area, that this land was in a deep recharge zone, I'm sorry that I got that wrong. And then I requested maps from your office, you provided them to me. It looks very much like this proposed land is not in either of those. I just would like confirmation on the record, and maybe if you could show my colleagues the maps showing that, displaying that.

DIRECTOR LANSDALE:

Sure. I don't have the specific -- first I want to say yes, they are not in the -- in the deep recharge zone which would be Hydrogeologic Zone III. I don't have the maps, but I could indicate to you on the -- well, I don't have them printed out ready to show.

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LEG. HAHN:

No, I can forward the e-mail.

DIRECTOR LANSDALE:

Oh, yeah, you could forward it to your colleagues, that would be great. The County property, though, the 230 acres that is before you today, is within Hydrogeologic Zone VI which discharges stream flow and it's a shallow discharge.

Again, all wastewater effluent would be treated and, as part of the contract, would be treated by the Yaphank Sewage Treatment Plant. I can show you that the boundary between Hydrogeologic Zone III and VI is on the northern edge of the property boundary. So this -- this is the property boundary outlined in red. Hydrogeologic Zone III --

LEG. MONTANO:

Bring it in close.

DIRECTOR LANSDALE:

-- which is a deep recharge area, is on the north side, and the south is Hydrogeologic Zone VI which is a shallow recharge area. So the environmentalists earlier today were correct in saying that the first two phases of this project are within a deep recharge area, this 230 acres is not. I hope that clarifies that.

LEG. HAHN:

Yes.

DIRECTOR LANSDALE:

Thanks.

LEG. HAHN:

So what we are selling is not in a deep -- is not in either the Special Groundwater Protection Area or the deep recharge --

DIRECTOR LANSDALE:

Right. The Special Groundwater Protection Area boundary is actually even further away, it's north of the Long Island Expressway, in relation to this parcel.

LEG. HAHN:

Okay. What about the -- Brookhaven Town had a whole plan for protecting the most sensitive Carmans water properties; so talk to me about that.

DIRECTOR LANSDALE:

So the map that you see before you right now is the result of the Town of Brookhaven's public process of seeking input to protect the Carmans River. So the hatched areas, any of the hatched areas are areas where they propose an expansion to the Pine Barrens core. The subject parcels that we're talking about tonight are in neon colors -- neon pink, orange and green -- clearly outside of the proposed expansion of the Carmans River and the Pine Barrens core.

P.O. LINDSAY:

Kara, before any more questions, did this go through committee?

LEG. CALARCO:

It came out with a discharge without recommendation.

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LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Okay. But were these questions asked at committee?

LEG. CALARCO:

Some of them.

LEG. ROMAINE:

At Ways & Means they had an extensive debate, I listened to it on my computer.

LEG. HAHN:

And I wasn't on that committee.

LEG. ROMAINE:

I listened to Lou and Steve.

P.O. LINDSAY:

But how many times are we going to ask the same questions, guys?

It's a quarter to nine.

LEG. MONTANO:

Bill, if I may?

LEG. CALARCO:

It came out without recommendation.

P.O. LINDSAY:

Yeah, I know it came out without recommendation, which means to me when it gets to the floor you ask some peripheral questions and vote yes or no.

LEG. NOWICK:

I agree.

LEG. ROMAINE:

No one's vote is going to change.

P.O. LINDSAY:

Okay, then let's vote.

D.P.O. HORSLEY:

I still have other people on the list, if they're willing to give it up.

LEG. HAHN:

Thank you.

LEG. ROMAINE:

Give it up.

D.P.O. HORSLEY:

Give it up (*laughter*). Doc, you're next up, so.

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LEG. SPENCER:

I'm afraid to ask my questions now.

P.O. LINDSAY:

No, don't be afraid. Don't be afraid. If you've got more questions, ask.

LEG. ROMAINE:

Give it up.

P.O. LINDSAY:

I mean, I wasn't here, but I'm just thinking, these are base questions that should go through committee. They shouldn't be waiting for it to get to the floor.

LEG. MONTANO:

Point of information.

P.O. LINDSAY:

Who's giving -- go ahead, Doc.

D.P.O. HORSLEY:

Spencer's going to ask a question.

LEG. MONTANO:

All right, let him ask his question.

LEG. SPENCER:

I'll be extremely brief, Sir. I agree with you, I'll be brief. I've heard some of the benefits, I just wanted to ask -- to Mr. Kaufman. There's been some benefits of this particular project, and one that I'm committed to, economic development and creating jobs. Can you give us an estimate, which I haven't heard, a sense in terms of how many trucks will come off the road, how many jobs will be created during the construction phase. Give us some sort of estimate, if you could, of the benefits.

MR. KAUFMAN:

Well, you've heard some numbers quoted before and I think they're fairly accurate and the math is fairly simple in bulk density terms. On average, you'll take four trucks off the road for every rail car. We're projecting in this project something in the neighborhood of 10,000 rail cars, that's 40,000 trucks.

LEG. SPENCER:

Per year?

MR. KAUFMAN:

Yes.

LEG. SPENCER:

And how about jobs?

MR. KAUFMAN:

In the CFA application, based on averages -- again, we don't know how many -- you know, what businesses may be located there. But based on the plans that we have for the current phase that's under construction, I believe that it employs -- it projects to employ 235 people.

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LEG. SPENCER:

Thank you.

D.P.O. HORSLEY:

Okay. Sarah, Legislator Anker?

LEG. ANKER:

A lot of my questions have already been answered, and one of them particularly was the benefit. As Legislators we have to outweigh the benefits with the detriments and, you know, it sounds like there are a lot of economic benefits. Our fear is the ecological detriments, and you spoke a lot about the sand mining. Do you intend to sand mine the entire area in order to do your construction?

MR. KAUFMAN:

To the extent that we have to dig for recharge basins, to the extent that we have to dig for rail track, I can't speak to it specifically only because we're probably years away from a finished engineered design. But as I said before, because of the elevations at Horseblock, there's likely to be balanced grading there. Some areas will have to be excavated, some areas will be filled.

LEG. ANKER:

And you will commit to working with the community on this project? I'm assuming you will probably meet with the Town and continue to work with their zoning restrictions?

MR. KAUFMAN:

We certainly will continue to work with the Town, they've been a very good working partner with us. And as I stated earlier, in terms of the Building Department and the fire department, all the health, safety and welfare issues we certainly have to deal with the Town as well as the County. And as Legislator Browning knows, we volunteered to form a Citizens Advisory Panel. So the answer is yes, simply.

LEG. ANKER:

Okay. And again, someone had mentioned, you know, we need to weather this storm with our financial budget. But unfortunately we're past the storm, we're dealing with the Katrina, our hands are tied to a great extent, and you're here as a resort of us to obtain the funds. But I do appreciate you coming here. Please continue to work with our community members, that's very important. But thank you.

D.P.O. HORSLEY:

Okay. Real quick, Legislator Cilmi.

LEG. CILMI:

Yes. I know we've received several letters from Queens Assemblymen? I don't know, do we -- how many have we actually gotten? A handful, four or 5 maybe?

D.P.O. HORSLEY:

Whatever.

LEG. CILMI:

My question is are we cataloging those letters and those Assemblymen's addresses and whatnot? Because, you know, Legislator Browning has made some significant inquiries about mandate relief. And it would be nice, since they're asking us for some consideration from Queens, that maybe when we ask for some mandate relief they might -- you know, they might listen to us a little bit.

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LEG. BROWNING:

Excuse me. Excuse me, through the Chair.

D.P.O. HORSLEY:

Through the Chair, sure.

LEG. BROWNING:

I've had that conversation already.

LEG. CILMI:

Very good.

D.P.O. HORSLEY:

Okay. One of our members just went to the ladies room and she'll be back in one second, but that will give me the opportunity to make just a real quick statement.

The fact is that, you know, I've been involved with economic development on the Island for a long time. And as it was noted before by Ms. White, that this is a transformational job, this is a transformational project. And we have been talking about regionalism, we've been talking about improving our sewer districts with this -- which this now does, you're going to upgrade our sewer system. We're talking about economic development, we're talking about jobs, we're talking about taxes that are going -- that are not being paid now that are going to go to our school districts. And most importantly, I always thought this was the kind of most fun of all your issues, is the fact that you may work with our farms in bringing our farm goods to outside of Long Island. I thought that was a great home run piece and I hope that you would explore it further. I think that --

MR. KAUFMAN:

No question about it. And I just want to point out to everybody that this project has the ability to touch every life on Long Island economically. We pay, I think I've given to the Ways and Means Committee, but I'll repeat it tonight --

D.P.O. HORSLEY:

Yeah, I'm giving you an opportunity to -- that was a softball. Okay, Kara's back. All right, one quick thing, say it now.

MR. KAUFMAN:

A 2x4 bought at Home Depot in New Jersey is 43% cheaper than one bought here on Long Island.

D.P.O. HORSLEY:

There you go, that's a great note.

Okay. With that, Legislator Lindsay, I'll turn it over to you.

P.O. LINDSAY:

Mr. Clerk, do we have any motions here?

MR. LAUBE:

You have a motion to table and a second, and then you have a motion to approve and a second.

P.O. LINDSAY:

Okay, let's vote.

MR. NOLAN:

Tabling, on the tabling motion.

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P.O. LINDSAY:

Tabling goes first. Roll call.

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

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

No.

LEG. MURATORE:

No.

LEG. HAHN:

No.

LEG. ANKER:

No.

LEG. CALARCO:

No.

LEG. MONTANO:

No.

LEG. CILMI:

No to table.

LEG. BARRAGA:

No.

LEG. KENNEDY:

No.

LEG. NOWICK:

No.

LEG. GREGORY:

No.

LEG. STERN:

No.

LEG. D'AMARO:

No to table.

LEG. SPENCER:

No to table.

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D.P.O. HORSLEY:

No.

P.O. LINDSAY:

No.

MR. LAUBE:

Two.

P.O. LINDSAY:

Okay. To approve.

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

LEG. GREGORY:

Yes.

LEG. CILMI:

Yes.

LEG. ROMAINE:

No.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

No.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Pass.

LEG. MONTANO:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

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LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

LEG. CALARCO:

Yes.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

Okay.

1701-12 - Requiring County departments to post promulgated rules and regulations on departmental websites (Cilmi).

LEG. CILMI:

Motion.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

We got a motion and a second. Any others?

MS. ORTIZ:

Who made the motion?

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1847-12 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 288 Properties, LLC (SCTM No. 0900-205.00-02.00-111.000) (County Executive). Do I have a motion?

LEG. GREGORY:

Motion.

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P.O. LINDSAY:

Motion by Legislator Gregory.

LEG. STERN:

Second.

P.O. LINDSAY:

Who was the second?

MR. NOLAN:

Stern.

P.O. LINDSAY:

Okay. Stern. You got it?

MR. LAUBE:

Got it.

P.O. LINDSAY:

Okay. What is 288 properties, or is that --

MR. NOLAN:

That's the company.

P.O. LINDSAY:

That's the company's name, okay.

LEG. MONTANO:

Just a brief -- George, could you give me the brief explanation on this again?

MR. NOLAN:

It's an adjacent property sale.

LEG. MONTANO:

Right.

MR. NOLAN:

For \$5,000, it's a Local Law 13, and I'm just trying to get the -- you want the size of the parcel.

LEG. MONTANO:

That's what I was asking, the size of the parcel.

MR. NOLAN:

Ninety-six by one thirty-one by one seventy-three.

LEG. ROMAINE:

CN's?

D.P.O. HORSLEY:

Where are we?

LEG. ROMAINE:

CN's.

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D.P.O. HORSLEY:

Okay. We have to vote, don't we?

LEG. MONTANO:

Yes.

D.P.O. HORSLEY:

All those in favor? Opposed? So moved.

MR. LAUBE:

Eighteen.

LEG. MONTANO:

One abstain.

MR. LAUBE:

Seventeen (Abstention: Legislator Montano).

D.P.O. HORSLEY:

1849-12 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 288 Properties, LLC (SCTM No. 0900-205.00-02.00-111.000) (County Executive). Do I have a motion?

LEG. MONTANO:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Montano. Seconded by -- give me a Brookhaven person.

MR. NOLAN:

Browning.

D.P.O. HORSLEY:

Browning. Legislator Browning, you want it?

LEG. BROWNING:

Yes.

D.P.O. HORSLEY:

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

MR. LAUBE:

Seventeen (Not Present: Presiding Officer Lindsay).

P.O. LINDSAY:

1885-12 - Authorizing a community college charge back line on real property tax bills prepared by Towns (Gregory). Legislator Gregory?

LEG. GREGORY:

Motion.

LEG. D'AMARO:

Second.

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D.P.O. HORSLEY:

Motion by Legislator Gregory. Second by Legislator -- I'm sorry, I missed the second.

LEG. D'AMARO:

D'Amaro.

D.P.O. HORSLEY:

D'Amaro. All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen.

D.P.O. HORSLEY:

All right. Go to the pink file, the CN's. All right. Ready? *Certificates of Necessity* for the resolution ***1887-12 - Amending the Suffolk County Classification and Salary Plan in connection with a new position title in the Department of Health Services: Forensic Scientist IV (Quality Assurance)(County Executive).***

LEG. KENNEDY:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Kennedy.

LEG. ROMAINE:

Second.

LEG. CILMI:

Second.

D.P.O. HORSLEY:

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

MR. LAUBE:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

1928-12 - Amending the 2012 Capital Budget and Program and appropriating funds in connection with dredging of County waters(CP 5200)(Browning).

LEG. BROWNING:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Browning. Second by Legislator Schneiderman.

D.P.O. HORSLEY:

All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Do I have a number on this one?

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MR. NOLAN:

It's a Bond Resolution.

D.P.O. HORSLEY:

Oh, it's a Bond Resolution, I'm sorry. **1928A**, it's a Bond Resolution (*Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$800,000 bonds to finance the cost of the dredging of County waters - Forge River (CP 5200.448)*).

MR. NOLAN:

Same motion.

D.P.O. HORSLEY:

Same motion, same second. All those in favor?

MR. LAUBE:

No --

D.P.O. HORSLEY:

Oh, roll call, I'm sorry. Roll call.

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

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. MONTANO:

Yeah.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

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LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yeah.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

(Not Present).

MR. LAUBE:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Okay? Ready? *1936-12 - Amending the 2012 Operating Budget in connection with the creation of the Patient Advocate Unit in the Department of Social Services (County Executive)*. Legislator Hahn, you're up for that one?

LEG. HAHN:

Motion. Motion.

D.P.O. HORSLEY:

I'm sorry. Doc Spencer, was it yours?

LEG. SPENCER:

It's Kara. I'll second.

D.P.O. HORSLEY:

Okay. Seconded by Doc Spencer. On the motion?

LEG. MONTANO:

Yeah, I'm just wondering why -- why is this a C of N there? I'm not quite sure. Because of the sale? Ben, could you just tell me why we're doing this in a C of N?

MR. ZWIRN:

It's in conjunction --

LEG. MONTANO:

It's a standard question, I think you know it by now.

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MR. ZWIRN:

No, absolutely. It's in conjunction with the resolution with respect to the Foley sale tonight. One of the things that had been requested by some of the Legislators is that this would accompany a patient advocacy to make sure that patients that are at risk are properly taken care of and represented. It would provide for three positions that would be funded with grant money for Medicaid out of DSS.

LEG. MONTANO:

All right. So there's no -- for us there's no fiscal impact.

MR. ZWIRN:

No fiscal impact.

LEG. MONTANO:

Okay, thank you. That was it.

D.P.O. HORSLEY:

Okay? I think we need a vote on this. All those in favor? Opposed?

LEG. KENNEDY:

Opposed.

MR. LAUBE:

Sixteen.

LEG. BROWNING:

Add me, opposed.

D.P.O. HORSLEY:

And Kate.

MR. LAUBE:

Fifteen (Opposed: Legislators Kennedy & Browning - Not Present: Presiding Officer Lindsay)

LEG. BROWNING:

Smoke and mirrors.

LEG. GREGORY:

Cosponsor.

D.P.O. HORSLEY:

Okay. The yellow folder, Late Starter file. I'll make a motion to waive the rules and lay on the table the following resolutions. Can we get back the lights? Okay -- 1920, establishing the truth --

MR. NOLAN:

Don't read them.

D.P.O. HORSLEY:

Don't read them? 1920 to Health; 1921 to Budget & Finance; 1922 to Health; 1923 to Gov Ops; 1924 to Gov Ops; 1925 to Gov Ops; 1926 to Gov Ops and set a public hearing for October 9th at 2:30 in Riverhead; 1927 to Gov Ops, also to set a public hearing October 9th, 2:30 in Riverhead; 1938, Public Works & Transportation; 1929 to Health and also to set a public hearing for October 9th at 2:30 in Riverhead; 1930 to Gov Ops; 1931 to Ways & Means; 1932 to Public Safety; 1933 to Health; 1935 -- is it 34? 1934 to Parks & Rec; 1935 to Gov Ops. And I believe -- and set the

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public hearing for October 9th at 2:30 in Riverhead.

MR. NOLAN:

Second.

D.P.O. HORSLEY:

Do I have a second on it?

LEG. CILMI:

Second.

D.P.O. HORSLEY:

By Legislator Cilmi, okay. All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

We're adjourned.

*(*The meeting was adjourned at 9:05 P.M. *)*

{ } - Denotes Spelled Phonetically