

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

TWELFTH DAY

October 9, 2012

Verbatim Transcript

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

Minutes Taken By

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Minutes Transcribed By

Alison Mahoney, Lucia Braaten & Kim Castiglione/Legislative Secretary

GM 10/9/12

*(*The meeting was called to order at 9:34 AM*)*

P.O. LINDSAY:

Okay. 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:

Here.

LEG. MURATORE:

(Not present)

LEG. HAHN:

Present.

LEG. ANKER:

Here.

LEG. CALARCO:

Present.

LEG. MONTANO:

Here.

LEG. CILMI:

(Not Present)

LEG. BARRAGA:

Here.

LEG. KENNEDY:

(Not present)

LEG. NOWICK:

(Not present)

LEG. GREGORY:

Here.

LEG. CILMI:

Can you see me?

LEG. STERN:

Here.

LEG. D'AMARO:

(Not Present)

LEG. SPENCER:
(Not Present)

D.P.O. HORSLEY:
(Not in room)

P.O. LINDSAY:
Here.

MR. LAUBE:
Fourteen (Not Present: Legislators Kennedy, Nowick, D'Amaro & Spencer).

P.O. LINDSAY:
Okay. Could everybody rise for a salute to the flag led by Legislator Kara Hahn.

Salutation

Okay. If everyone could remain standing for our visiting clergy. The Invocation will be given by Pastor Elizabeth Braddon from the Methodist Stony Brook Community Church in Stony Brook. She's a guest of Legislator Hahn, and Legislator Hahn is going to tell us a little bit more about our visiting clergy.

LEG. HAHN:
Thank you, Presiding Officer Lindsay. I'm really excited to be able to introduce to you today the Reverend Elizabeth Braddon. She is a Pastor at Stony Brook Community Church, United Methodist Congregation. She was appointed to the Stony Brook Community Church by Bishop Jeremiah Park in 2007. Prior to coming to Stony Brook, she has served churches in both New York and Connecticut since 1976.

Reverend Braddon describes her arrival as Stony Brook as a coming-home. She grew up in Babylon, but had not lived on Long Island as an adult. She attended Babylon schools through 10th grade, but graduated from the North Field Mount Hermon School in Northfield, Massachusetts. She went on to attend Ohio Wesleyan University, Boston University School of Theology, and The New School/Graduate School of Management for an MS in non-profit management. She's married to Wally Robinson and lives in Stony Brook.

Reverend Braddon also serves on the Board of the Civic Associations of Stony Brook and the Setaukets, the Executive Board of Protestant Campus Ministries of Stony Brook University, and is a member of the Three Village Interfaith Clergy Association. And so I am very pleased to introduce to you the Reverend Elizabeth Braddon.

Applause

REVEREND BRADDON:
Good morning, and it's a privilege to be with you today. May we take a moment to be in silence and then in prayer.

Moment of Silence Observed

Oh, holy one, the God called by many names, we gather this morning with the Legislature as they are beginning to do their work. We ask, oh, God, that the power of good guides us far more than our love of power. We pray, oh, God, that you will be with each one here. That as significant and concerns of the County are raised, that as a Legislature they listen to one another, and it is always the common good which is their intention.

GM 10/9/12

We give thanks, oh God, for everyone who is gathered here today, especially for our Legislature members who have given of their time and their service for this very important task. We ask that those who are gathered in observation are here to understand how the Legislature moves.

So be with us this day, oh God, each one of us in our work. May we be empowered by the flow of your holy spirit walking through us. Amen.

"Amen" Said in Unison

P.O. LINDSAY:

Thank you, Reverend. If we could just remain standing for another minute for a moment of silence. Our neighboring County, Nassau County, lost their Presiding Officer last week, Peter Schmitt, who suffered a fatal heart attack last Wednesday, and our thoughts and prayers are with his family. And additionally, let us also remember all those men and women who put themselves in harm's way every day to protect our country.

Moment of Silence Observed

Okay. You can be seated.

P.O. LINDSAY:

Forgive us. It's a sleepy, rainy morning in Riverhead and our photographer is lost. What else is going wrong? Something else will go wrong, but we'll get through it.

We're into proclamations. The first up is the twirling team. Legislator Hahn, where are you?

LEG. CALARCO:

She's in the back with the Reverend.

P.O. LINDSAY:

Okay, we're going to skip over her.

Legislator Browning will present a proclamation to Ashley Babst.

LEG. BROWNING:

Actually, one's not here yet.

(*Laughter*)

P.O. LINDSAY:

One's not here yet, okay. There is an accident on the Expressway, it's not out of disrespect that they're not here. Legislator Anker, no good? Okay. Legislator --

LEG. BROWNING:

Kara is here.

P.O. LINDSAY:

Okay, here's Legislator Hahn.

LEG. HAHN:

I was doing the clergy.

D.P.O. HORSLEY:

Busy, busy morning.

GM 10/9/12

P.O. LINDSAY:

You're going to do the proclamation to the Clarkettes, baton twirling?

LEG. HAHN:

I'm excited, we have national champions in the house today.

P.O. LINDSAY:

All right.

Applause

LEG. HAHN:

I am honoring -- I hope you caught that, we have national champions in the house today. We're very excited. And I'm honoring the Junior Clarkettes Baton Twirling Team that is based in Port Jefferson. I was thrilled to say hello to the girls out in the lobby this morning and hear about their hard work and dedication and their perseverance over some as many as eleven years, practicing and learning their skills here. The Junior Clarkettes placed 1st in the Junior Large Twirl Team category and won the Junior Open Parade-Corps Division at the 2012 National Baton Twirling Championships held in Fairborn, Ohio.

So I am just excited to present this proclamation to the Junior Clarkettes and I'm thrilled to have them today and I hope everyone can give them a round of applause for their accomplishments.

Applause

So thank you all. Congratulations.

Applause

I was going to have them do a performance here, but the ceiling's too low.

P.O. LINDSAY:

Okay. Next up is Legislator Browning who will present proclamations to Ashley Babst, Melissa Rohr and Coach Meghan McNamara for forming a Lacrosse Clinic for South Country Girls Youths Lacrosse Team.

LEG. BROWNING:

Okay, good morning. Okay. I was contacted by Coach Patrick Nowak of the South Country Youth Lacrosse, and the reason being is we have Coach Meghan McNamara of Long Island University, CW Post, and two of her athletes, Ashley Babst and Melissa Rohr. I'm giving them proclamations today because I think it's necessary to honor what they do for our communities.

They have very busy schedules, and this year they assisted the South Country Girls Youth Lacrosse. Coach McNamara always likes to give back to her community, whether it's holding clinics and putting her players in touch with local youth and sending their players to work with kids to pass on education of the game and the tenants of good sportsmanship. This year she sent Ashley and Melissa to work with the South Country Girls Youth Lacrosse and put together a skills clinic. They provide a very positive role model for the young ladies and look up to and we are thankful for their time and effort.

I have to say, it's not just in the South Country School District, but it's all over Long Island that they do this, and they're doing it at no cost to the school district and giving of their own time. So I just would like to say a special thank you. And I think Coach Patrick Nowak, some of you may know him, he's a Suffolk County Parks Police Officer also. But if you would like to come up and say a little

bit?

COACH NOWAK:

Good morning. I just want to thank the girls. We're really appreciate of the work they come out and do. Like Legislator Browning said, they do this of their own free time. There our skills clinics where the girls are being charged hundreds of dollars to participate. These girls are members of the NCAA Division II National Champions for 2012, and they came out several times, worked with girls from the South Country School District and the William Floyd School District. I think we had several girls from Eastport-South Manor and Riverhead Schools as well come down and participate. They provide positive role models, which I think today we can all agree that that's -- we need that for our kids. So I just want to thank them and I ask if we can get a round of applause for these young ladies.

Applause

LEG. BROWNING:

And I have to say, Coach McNamara, you're originally from Ridge.

UNKNOWN SPEAKER:

I'm her assistant, I'm just standing in.

LEG. BROWNING:

Oh, she's not here today. And Ashley, you're a former William Floyd graduate. Coach is originally from Ridge.

UNKNOWN SPEAKER:

I think Northport.

COACH NOWAK:

Northport.

LEG. BROWNING:

Northport. Northport, I'm sorry, it was East Northport. And I know that, Melissa, you're --

MS. ROHR:

I'm a Nassau girl.

LEG. BROWNING:

You're a Nassau girl, but that's okay, we'll take you. I think with our school budgets the way they are, we certainly appreciate what you do for our school districts. Thank you.

Applause

P.O. LINDSAY:

Okay. Next up is *Legislator Anker* for the purpose of a proclamation.

LEG. ANKER:

Okay. Today we have a proclamation for Mount Sinai Middle School who was recently awarded a Blue Ribbon School. Now, this is a special honor because -- I'm assuming -- come close, come on. You know, there's probably tens of thousands, if not hundreds of thousands, of schools -- now, we're talking about elementary, middle school, high school, different schools throughout the country -- and Mount Sinai Middle School was one of 269 schools in the nation to receive the National Blue Ribbon. And, again, it's an honor. My daughter actually attends -- actually, my son and my older daughter attended middle school, and it really shows how much the involvement of the teachers and

the community. And then, you know, again, the kids, it's just such a wonderful honor to bestowed.

I have Principal Peter Pramataris? Am I pronouncing that right? Pramataris, I know. I asked my daughter Rachel, "Okay. How do you pronounce that name?" And Renee Petrola are here to speak a little bit about why do you think you received this special award? I'd like to hear in your own words. So would you like to come up here and describe it?

MR. PRAMATARIS:

Good morning. Thank you for having us. And, Legislator Anker, thank you for honoring our school in front of the Legislature and the audience today.

The Blue Ribbon Award, the criteria that we wanted -- the category that we won it in was Exemplary High Performing; it's based on our State scores on the ELA and Math Assessments in Grades 5 through 8. We scored in the 85th percentile in New York State, we're one of 19 schools from New York State to be nominated, to apply for the award. After that, we graciously put together a 58-page application.

The reason I preface how we won the award with that is because that's all great. Truth be told, the main reason we won the award is because of parents, students and teachers. Ms. Petrola -- I forget the number, Ms. Petrola; what's the number you're now in Mt. Sinai?

MS. PETROLA:

Forty-three years.

MR. PRAMATARIS:

Forty-three years of teaching students in Mt. Sinai; and unfortunately, I grew up in Nassau County, so I was never able to benefit from her instruction. But Ms. Petrola is the model for why I believe this award was bestowed upon us. She is paramount to all the writing that we do, she has a great writing program in 6th grade and translates through to success in the high school and beyond. I would just like for her to share a minute, if I could, to talk about that, and I really appreciate all the work that they do on behalf of the students of Mount Sinai Middle School.

MS. PETROLA:

Hi. Thank you. Nice to see you all here on this beautiful, sunny day. Forty-three years in one district, it's a legacy that it's hard to believe that I could be in one place and have still the passion for what I do which is the power of the word. And children who are able to write, who are able to speak their minds, who are able to be heard is the most important gift that we can give the young people of today, because you will hear from them, you need to hear from them. And starting with an intense writing program in the middle school, we'll enable many of them to realize their successes. Yes, they will struggle a little bit because they haven't found their voice, but it is so important for kids to have a voice. And many bits of information are shared through what they write, you'd be surprised. And I know being that I had Mrs. Anker's son, Josh, a few years ago, she was probably amazed at some of the things that he was able to express.

LEG. ANKER:

Yes.

MS. PETROLA:

And she was unaware of the talent that he developed. So this is a wonderful award that Mount Sinai is receiving. And as Mr. Pramataris said, this is only because we have the support from the parents, the community, the students' willingness to accept challenges, and the teaching and the administrative staff that, you know, make the building work as well. So thank you again.

Applause

LEG. ANKER:

Thank you. I just want to say, too, though, that it takes special people to find those -- it's sort of like the ultimate ability to be able to create from your mind, and somehow you have been able to tap into that. And I hope that we can continue to work together, you know, being part of the higher education with the County, and see how we can help facilitate not only the great process of how you were able to become a Blue Ribbon School, and also the amazing process of tapping into the potentials of minds of our children. So again, thank you so much.

MS. PETROLA:

Thank you.

Applause

P.O. LINDSAY:

Thank you, folks, for being with us.

Next up for the purpose of a proclamation is Legislator Cilmi.

LEG. CILMI:

Thank you, Mr. Presiding Officer. Steve, just in time. Welcome.

I am again privileged to be able to talk about one of our great Probation Officers here in Suffolk County. I'd like to ask Probation Officer Eric Stahlberg to join me.

Applause

So Eric has been a Probation Officer here in Suffolk County since September of 2005. He's assigned to our Criminal Court Supervision Unit stationed at the Coram office. During an office report, a probationer who was waiting in the lobby appeared to be ill. Officer Stahlberg saw that the woman, who had two young children in her care at the time, was unsteady on her feet, unable to speak and going in and out of consciousness. 911 was called and Officer Stahlberg followed instructions until EMS arrived. And as it turned out, the probationer was having an adverse reaction to prescribed medication she had taken, along with some over-the-counter cold medication.

Officer Stahlberg did not hesitate to assist this probationer during this crisis, even though it was not a probationer that he directly supervised. He took control of the situation, remained focused, and in the presence of a good deal of other activity, helped keep the probationer calm and the situation under control. Probation Officer Eric Stahlberg is another great example of our typical Probation Officer; calm, cool, collect under pressure, always professional and continuously going above and beyond the scope of their duties in assisting the probationers here in Suffolk County.

So it is my great honor, and certainly my pleasure, to, on behalf of the entire Legislature, Eric, present this proclamation to you with our great thanks and appreciation for all you do. Thank you.

Applause

P.O. LINDSAY:

Okay, that's it for proclamations. No more proclamations?

All right, public portion. First up is Cesar Malaga.

MR. MALAGA:

Good morning, Legislators. Welcome back, Presiding Officer Lindsay.

P.O. LINDSAY:

Thank you.

MR. MALAGA:

We are very happy to have you.

P.O. LINDSAY:

Thank you.

MR. MALAGA:

I'm going to talk about IR No. 1915, the PBA contract. Now, all of us know that we are in big fiscal problems which will be going on for another five or six years, who knows what. No one knows, actually. It's like, you know, our Commissioner. I mentioned many times here at the Legislature meetings that we have the highest paid Police Department in the whole entire world. Here in Suffolk County we do not have any policemen killed in the line of duty, thank God. And now we have, you know, our Police Commissioner who will be making 321,139 a year of the taxpayers' money. Well, what can we do?

Now, we are in an economic crisis, as I said, and this will continue for another five or more years. There are many of us who have learn about economics, about expenses, about savings, about profit generating, you know. It's necessary that we share the knowledge with you, you know. So with so many people who are in office, because I'm sure that many of you did not go through many, many years of economics like we did who work in the private business.

Now, it should be -- you know, in this contract, it should be a freeze of PBA members' salaries and raises, increases. PBA should pay for part of their health insurance. PBA should not -- should not accumulate their vacation and sick leave to get large retirement pay. Sick time should not be part of their retirement pay. PBA should take their vacation. PBA should not take back the patrolling of the Long Island Expressway and Sunrise Highway from the Deputy Sheriffs who are doing a terrific job on Sunrise highway and Long Island Expressway.

Now, what are we afraid of? Arbitration? Is arbitration, are they going to make the County bankrupt? If they do, well, the Police Department will not get any pay and we can start a new Police Department with lower pay.

Sag Harbor, as many of you may know, is trying to get a private Police Department which will cost you much less and save them money. How about these other towns like the Town of Babylon where we have a private Police Department. Look, what are you going to do with the extra police if you cannot find or you cannot mention the number of police in Suffolk County? Are you going to keep them in the present like many teachers who cannot teach, you know, are in the back conference rooms like in the City of New York and they get paid their salaries? Well, it's time, you know, we start thinking, what is best for us? We have to protect the taxpayer. Many of us are having problems.

*(*Beeper Sounded*)*

So I respectfully ask you that you should revise this contract for the PBA. It's not in the best interest of the taxpayers of Suffolk County. Thank you very much.

P.O. LINDSAY:

Thank you, Mr. Malaga. Bill Lunt.

MR. LUNT:

Yes, good morning. And I'm here just to say a couple of things about the health center situation. And I understand they're still going to be under the new management of the Hudson River Health Care System, which is a Federally agent, all right?

There's a couple of things. They do not use nurses for personal or -- personnel or social workers; they do not manage HIV, they just test for them; and they do not draw blood, they send them out with a prescription to another lab. They're changing the whole individual health care systems. And my only, my problem is the reason the clinics are there is to help the individuals who can afford it the least. All right? Right now they would pay maybe a hundred dollars if they go and everything's included, the drawing of the blood, the testing, the x-rays, the care. And then with the Hudson River Health Care System, they pay a little less but they have to go out and they have to find a lab and they pay more for the lab and they pay more for this and more for that. And for the people who we're trying to help, who have the least affordability situation, this is going to be a problem for them. All right? It's going to be a problem for them for their resources, their health care.

Let's see. All right, I was told that -- it was in the paper, it was saying that over five years you save \$2 million by going in this direction, and which is like less than 200,000 a year. That's not saving a heck of a lot of money when you look at the total overall budget of everything. With no offense to say something like this, but if you just changed the toilet paper to a single sheet in every County building, you'll be able to save over \$200,000. So it's not really as much as you would want it.

And I just feel that the people that can least afford the health care systems are the ones that are going to suffer if you go over to this Hudson situation. And I would hope that you would keep the clinics the way they're going with the medical, with nurses and the other peoples' staff. Thank you.

P.O. LINDSAY:

Thank you, Mr. Lunt. Dina Chrils? Krils?

MS. CHRILS:

Close enough.

P.O. LINDSAY:

Close enough. Thank you.

MS. CHRILS:

Legislator Lindsay and Ladies and Gentlemen of the Legislature, I'm Dina Chrils and I'm the Director of the Patchogue-Medford Library.

I'm here today to ask your support for an item before you today that will allow the Village of Patchogue and the library to begin construction of the foundation for the historic Carnegie Library which you were so gracious to allow the Village to store on County property before the hard winter sets in.

We're very much concerned about the condition of the building. You know, it's over a hundred years old. Right now it's sitting up on pilings. We'd like to be able to get it on a foundation and keep the critters, both the two-legged and the four-legged kind, out before the hard winter sets in.

So on behalf of the citizens of the Patchogue-Medford School District and the Patchogue-Medford Library, which is the central library for Suffolk County, I would urge you to support this amendment today. Thank you.

P.O. LINDSAY:

Thank you very much. Ellen Okvist.

MS. OKVIST:

Good morning. My name is Ellen Okvist from the Lake Ronkonkoma Heritage Association. I'm a sixth generation resident.

Lake Ronkonkoma is full of history and it is our pleasure today to announce our Historic Landmark Program. A wonderful team of Lake Ronkonkoma natives have been assembled to pinpoint, document and appoint an existing historic landmark. With the help of our Legislator, you will ultimately approve a resolution which will signify the site as a Suffolk County Historic Landmark. We have the support of all three of our town's Legislators; Tom Muratore, John Kennedy and Tom Cilmi. Obviously we are pleased and grateful. With three leaders in our town, we need them all to work together to put much of our town's history on paper.

In the past, as the site was developed, it was accepted as historical because the citizens were so friendly and close-knit. It never crossed their minds to have it documented on paper. The team that has been assembled is exceptional, three from old families and who themselves are all over 84-years old. Their expertise and knowledge is instrumental in forming this program. The remaining members are dedicated and new members can be included as we approach different landmarks.

Our first proclamation honors two trees planted in 1820 on the shore of the lake to celebrate the 200th anniversary of pilgrims landing at Plymouth Rock in 1620. The trees are 192 years old. It was only fitting to choose them as the first historic landmark, especially since Thanksgiving is approaching. We hope to have the resolution in time for Thanksgiving. The announcement will bring awareness to the community, perhaps visit the trees and make the historic connection that we so very much want to convey. The awareness will perhaps help our future sites, as people will look forward to the next landmark and want to know more about the background. We also plan to develop a common sign to be placed at each landmark which will also unite the community.

We also sponsor an annual Motor Parkway Sunday Drive to Lake Ronkonkoma. This year we will be starting our fun at Cunningham Park in Queens. And with the help of the New York City, Nassau County and Suffolk County Police, we will make our way to Ronkonkoma Beach, Town of Islip. The vintage vehicles, 1938 and older, will reenact the Sunday drive to Lake Ronkonkoma, and it's a visual connection for the public. It will be held on Sunday, October 28th, starting at 9 AM at Cunningham Park, thanks to the New York City Parks Department.

Thank you for the wonderful opportunity to share this with you today. It is by far an honor and an important start that Lake Ronkonkoma needs. And this is Helen Mulvihill, she's also a member of the group. Thank you.

P.O. LINDSAY:

Thank you, Ladies. It looks look Danny Tonk?

MR. TOWLE:

Towle.

P.O. LINDSAY:

Please come forward, Danny.

MR. TOWLE:

Thank you. Good morning.

P.O. LINDSAY:

Danny, we're having trouble with your handwriting. What's your last name?

MR. TOWLE:

Towle, T-O-W-L-E.

P.O. LINDSAY:

Okay.

MR. TOWLE:

Good morning.

P.O. LINDSAY:

We should know that name.

MR. TOWLE:

My name is Danny Towle, I'm a 20-year County employee. My wife Diane and I work at the Riverhead Health Center and we reside in Coram.

For the last several months, my family and coworkers have had a large, black cloud moving over us. The 2013 budget has the Riverhead Health Center, Tri-Community, East Hampton and Southampton clinics being turned over to Hudson River HealthCare. We've tried to receive information from our Health Commissioner, our County Legislators and our County Executive, but to no avail. On October 5th, I called my Legislator, Sarah Anker, and I'm still waiting for a return call.

This is -- the only place we seem to find information is from Newsday, and I feel that this is wrong. Our union hasn't been updated on negotiations. I'd be remiss if I did not commend my coworkers for continuing to provide the best care patients could receive here in Suffolk. We protect all Suffolk residents by providing vital services to our County's neediest. I believe this Legislature and our County Executive are our leaders, they should lead by example. We, the AME, have been doing more with less for years. We have made concessions with our health care and we have done lag pay. I feel that it's your turn. This Legislature makes double the amount of money that your counterparts in Nassau make; I feel that maybe you should take a pay cut. The County has plenty of vacant offices. Those who do not should stop renting, stop paying cable, electric, etcetera, and move into County buildings and consolidate.

Our County Executive asked for 200 plus layoffs, which this Legislature approved. The average salary of those employees was \$45,000 a year. In the same time period, 150 plus patronage jobs were handed out with an average salary of \$85,000 a year. Where was this Legislature? How come Newsday did not report on this? It's despicable.

This Legislature and my coworkers need to realize that we do not work for you. We are taxpayers, residents and voters; you work for us. Stop focusing all your attention on fulfilling the whims of County Executive Steve Bellone and do your due diligence before you vote on this issue. If you keep us employed now, our family and friends will return the favor come November, 2013. I urge everyone here to remember how the Legislators vote when this issue comes up and return the favor.

How is it here in Suffolk County, our democratic leadership, our democratic Executive and our democratic Legislators are anti-union unless your union members wear guns and badges. I do not blame the PBA, I blame our democratic officials for picking and choosing who they take care of and who they don't. Why is it that this Legislature and our County Executive continue to let the men in blue shoot and score? I ask you Legislators not to join the County Executive, Steve Bellone, to show the women in white here in Suffolk County, our nurses, the door. Keep our health center employees, health center County employees and keep our health centers County-run. Thank you.

P.O. LINDSAY:

Okay. Joanne Sanders. Joanne, I see you limping around there. Are you all right?

MS. SANDERS:

Yeah. I'm limping around for a while. I had spinal surgery, I'm hopefully in recovery. Thank you.

I have some handouts. I'm very pleased to give you some good news. The statistics on victims of domestic violence reporting to the Police Department has come down. And I really feel that -- on a national level and on a Suffolk County level, and I really feel it's because of the services that are available to victims of domestic violence. I've been around, as most of you know, a very long time. And I've seen the numbers very high without any services available, and so there was no choice, really, for victims. They let it get to a point where they needed police intervention. So that's the good news.

The bad news is that we have been consistently cut over the past few years and we are losing staff, which means we're losing services, and we don't want to go back. We don't want to go back to the time when we can't be there for victims, whether it's in the court to get an order of protection, whether it's providing shelter or counseling. And again, I truly believe that it is because of the work that we do.

The handout, this is a historical view on our County funding and as far as how it's been going down. We've been able to survive because we do as much fund-raising as possible and we make cuts. We're down to health care -- a health insurance policy that is a very bare bones, but at least it's something for our employees. And we, just this past year, in 2012, we initially got a 5% cut, and then in July we were told we're getting another 10% cut, and then it's another 5% in January of 2013 on the County dollars.

I only talk about one contract here, we call it our core contract.

We have six contracts with the department, with the County, three of them are 100% Federal, the other three are about 50% Federal dollars, so we were cut on the County dollars. And because of these cuts over these past several years, it's really going to be devastating. We -- this core contract supports our hotline, our precinct advocacy program, court advocacy and education in the schools and in the community.

So I really wanted to bring this to your attention. And I'm hoping, I know it's difficult right across the board, all agencies out there are suffering and departments, County departments are, but we don't want those numbers to rise again. So I'm asking you that if we can possibly get restored to our 2011 level, at least we can manage. So I thank you for this opportunity to be here today and wish you well.

P.O. LINDSAY:

Thank you, Joanne. Feel better, all right?

MS. SANDERS:

Thank you. You, too.

P.O. LINDSAY:

Nancy Dallaire.

MS. DALLAIRE:

Thank you. I must admit, I'm heartbroken by the decision to sell the John J. Foley Skilled Nursing Facility. It's difficult to know that this tragedy could have been avoided, but knowing that even after our County recovers from this economic crisis, we will never reclaim these vital services, that's discouraging. That's why I consider this decision a sacrifice. I do not see it as a solution. I see a community in crisis. The environment and the wildlife at Yaphank are at risk. They have not recovered from the displacement created by clearing and constructing that massive jail complex, and now hundreds more acreage will be ravaged at the discretion of the railroad terminal, as Federal

rules apply and Suffolk County no longer has any control? I felt that we deserved a few more answers and a bit more assurances before sacrificing these precious resources.

I thought that we should have listened more to all who took the time to come out and warn us about what a terminal of that size would do to our neighborhoods. Now I fear that this heartland of our County will become a wasteland, industrialized and polluted, leaving this small community to suffer. I'm concerned to read articles about the new Traffic Bureau and learn that the same mistakes are being made over projecting revenue as they underestimate those unexpected expenses. If these practices continue, we will continue to suffer and sacrifice, so what will be next? It's hard for me to sit silent as I hear how my County does not have any problem spending millions to support the criminals' new quarters, and they have millions more to expand their medical care, but we'll abolish John J. Foley? We'll sacrifice the services for struggling taxpayers? And I'm to believe that these are decisions in my best interest.

I listen as the Suffolk County Charter is amended, improved and enhanced, but then the State has the power to overturn our decision and overrule our Local Laws. So what's the purpose of passing these laws if we are not protected? I watch as the County chooses to create brand new teams as we sacrifice our existing services. And you will approve that new Urban Search and Rescue Team, yet the State Park Police and their Marine Unit proved that they are very capable of search and rescue, as they saved that doctor who was lost in Caleb State Park last month. Suffolk has exceptional fire rescue and emergency services, not to mention the many excellent volunteers committed to keeping us safe. Why would these teams need to be created now when so many capable services already exist? These decisions will only weaken our community until real reform is created and solutions found.

P.O. LINDSAY:

Thank you, Nancy.

That concludes our cards in the public portion. Is there anybody else in the audience that would like to address us? Okay. Seeing none, I'll take a motion to close the public portion.

LEG. BARRAGA:

Motion.

P.O. LINDSAY:

I'll second it. All in favor? Opposed? Abstentions? You have the --

MR. LAUBE:

Ten.

P.O. LINDSAY:

Okay.

MR. LAUBE:

ACTUAL VOTE: Fifteen (Not Present: Legislators Anker, D'Amaro & Spencer).

P.O. LINDSAY:

Okay, the public portion is closed.

If you go to page four, the [Consent Calendar](#) in your paper agenda. I'll accept a motion on the Consent Calendar by Legislator Romaine.

LEG. CILMI:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator D'Amaro).

P.O. LINDSAY:

Next page, *Resolutions Tabled to October 9th, 2012:*

IR 1210-12 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - Open Space component - for the Omni Ventures Inc. Property - Saw Mill Creek addition - Town of Riverhead (SCTM No. 0600-131.00-01.00-003.000) (County Executive).

LEG. ROMAINE:

Motion to table.

LEG. CILMI:

Motion to table.

P.O. LINDSAY:

Okay. We've got a motion to table by Legislator Romaine, seconded by Legislator Cilmi. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen (Not Present: Legislators Anker & D'Amaro).

P.O. LINDSAY:

Okay. *1361-12 - To amend requirements and composition of Women's Advisory Commission (Stern).*

LEG. STERN:

Motion to table.

P.O. LINDSAY:

Motion to table by Legislator Stern.

LEG. CILMI:

Second.

LEG. MURATORE:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator D'Amaro).

P.O. LINDSAY:

IR 1446-12 - Adopting Local Law No. -2012, A Charter Law to protect the County Legislature's deliberative law making process (Montano). Legislator Montano?

LEG. MONTANO:

All right, I'll table it.

P.O. LINDSAY:

Motion to table it.

LEG. STERN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator D'Amaro).

P.O. LINDSAY:

1587-12 - Amending the 2012 Operating Budget to preserve critical environmental quality programs (Romaine).

LEG. ROMAINE:

Motion to approve.

P.O. LINDSAY:

Motion to approve.

LEG. CILMI:

Second.

LEG. MURATORE:

Second.

P.O. LINDSAY:

Second, okay.

LEG. GREGORY:

Motion to table.

P.O. LINDSAY:

Motion to table.

LEG. GREGORY:

Actually, motion to table subject to call.

P.O. LINDSAY:

Table subject to call. Do I have a second to that motion?

LEG. CALARCO:

Second.

P.O. LINDSAY:

Second, okay.

LEG. MONTANO:

Can we get an explanation?

LEG. ROMAINE:

Discussion.

LEG. SCHNEIDERMAN:

On the motion.

LEG. MONTANO:

Explanation?

LEG. ROMAINE:

I'll let Counsel and then I'll chime in, but this is for three positions in the Health Department who are charged with inspecting sewage treatment plants. These three positions are fully funded out of 477. It will give them the opportunity to ensure that that inspection service works to the top level that we can expect, in light of the fact that we heard testimony earlier this year that over 57 sewage treatment plants do not meet standards in this County. Clearly a program of this nature is warranted. We should not be cutting this back. These are three positions, a Public Health Sanitarian, an Assistant Public Health Engineer Trainee, and an Account Clerk Typist; these are three positions that will assist our Department of Health in making the inspections of these sewage treatment plants. When we have so many sewage treatment plants that affect the nitrogen in our groundwater, in our surface water, when we have so many in non-compliance, I believe that this inspection unit should be beefed up.

I would encourage my colleague, Mr. Gregory, to move that to a tabling resolution because I'm simply going to lay it -- I'm going to bring it forward again. So you're better off tabling it if you don't like it as opposed to tabling it subject to call. But I would ask that you truly consider this in light of the crisis that we're facing with our groundwater in terms of nitrogen and infiltration. This is something that rises to a level that even our baykeeper addressed. This is a crisis in Suffolk County that's mounting every single day.

P.O. LINDSAY:

Yes, Legislator Gregory.

LEG. GREGORY:

Thank you, Mr. Chair. My colleague, Legislator Romaine, brings up some salient points, if it weren't for the testimony of those that are in charge of this program. I believe at our last meeting or the meeting prior where they mentioned that they have the personnel necessary to do these inspections, so there is no concern. This is a new program, a policy that they put in place. And I think, if there is some concern, that it should be addressed in the budget process. We're in the process of going through the budget, if there are any concerns about staffing levels, we can address those concerns as we go through and deliberate through the budget process. I believe at this point we should either table this motion or table it subject to call and have it addressed during the budget, given the considerations and the testimony of those from the Health Department overseeing this program.

P.O. LINDSAY:

Okay. But you made a motion to table subject to call. Do you want to change it to just table?

LEG. ROMAINE:

Considering I'm going to reintroduce it.

LEG. GREGORY:

Well, just to --

P.O. LINDSAY:

I'm just asking, yes or no.

LEG. GREGORY:

I recommend tabling subject to call.

P.O. LINDSAY:

Huh?

LEG. GREGORY:

I think it should be -- I think we should address it in the budget.

P.O. LINDSAY:

So you're going to stick to table subject to call.

LEG. GREGORY:

Yes.

P.O. LINDSAY:

Okay. Legislator Spencer.

LEG. SPENCER:

I think that Legislator Romaine makes some very important points with regards to how important this issue is. And before my committee in Health, we did have the very people that are charged with this responsibility give testimony that they were looking at a program that would direct the inspections where they were needed. This seems like government working efficiently. The idea in terms of when we talk about inspections, you know, is it ten inspections, two inspections, four inspections; what's the appropriate number? When there are some plants that are consistently running very well, to have routine inspections but then to have focused inspections where there are problems, doing a problem-based approach, to me is an efficient use of resources. And when we're talking to the experts where they were saying that they had the resources that they needed, and they gave that testimony at my committee, then I think that we have to -- one, if we are going to make these difficult decisions in terms of using our resources efficiently, when we have the experts tell us that they're satisfied and they have a plan, then I think they should be given the opportunity to execute that plan. And that's why I support tabling.

P.O. LINDSAY:

Okay, thanks. Thank you. Legislator Hahn.

LEG. HAHN:

We did spend a long time discussing this, I think it was two meetings ago. But Legislator Romaine, I know that, you know, we talked about what we heard from the Health Department, and I felt strongly that I don't think they made the case. I'm not convinced that the number of staff they have, which is three, can handle the load. But I think by doubling it, we give them too many staff. And so you kind of indicated you might consider cutting this back to maybe one additional; did you decide not to do that?

LEG. ROMAINE:

I left it there because of a number of things. One, as you know -- and first of all, I want to thank all my colleagues for their support. We passed legislation at the last meeting that requires all of the privately-owned -- and I think there's well over 160 sewage treatment plants -- to report any release of partially treated or untreated sewage, and I changed it to private because now there's a State law that requires all the municipals to report. I think that we need these three people. I think you're going to be surprised now that it's a State law. By the way, I've added something, and you'll see it in the packet, that the County chimes in and requires municipals, both village, town, because we have two in Brookhaven, and County municipal sewage treatment plants to report any time that they fail to meet standards. I think you'll be surprised in a year at the amount.

We heard testimony that there were 57 private plants not in compliance. I think you'll be surprised at some municipal plants that aren't in compliance.

LEG. HAHN:

Okay, so that's a no.

LEG. ROMAINE:

Yes.

LEG. HAHN:

You didn't change the bill.

LEG. ROMAINE:

No, I haven't. It's three positions. I mean, you're not asking for a lot of things. You know, when we run, when we're trying to monitor well over 190 sewage treatment plants in this County, do I think that three people can do it?

P.O. LINDSAY:

So the answer is no, right, Legislator?

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Okay, thank you.

LEG. ROMAINE:

Well, I get my points in.

*(*Laughter*)*

LEG. HAHN:

I agree with you. I think that -- I think Legislator Romaine has uncovered an area where we may be slightly short. I think he goes too far here. And I've asked you to amend this and to make it one. You know, if you're not going to, I think maybe I'll put in something that just gives one extra staff member, because I think three is too many. And I think that the Health Department did testify at length about how they can handle this. I wasn't completely convinced, but I don't think we need to double their staff in order to do it. So that will explain --

P.O. LINDSAY:

Okay. Anybody else? Yeah, Jay, I'm sorry.

LEG. SCHNEIDERMAN:

Just quick. And obviously three more people would allow the Health Department to have a higher level of oversight on these plants, which I think is in our interest, frankly. If we're going to be promoting sewerage the County, the last thing we need is, you know, another plume somewhere where, you know, we suddenly put the brakes on our efforts to bring sewers to areas. I'm not totally thrilled about using 477 Funds to do this; we've been told we have very little left there. I think all of us had hoped that we'd be able to use some of this money to do the brick and mortar type of projects, the storm drains. I think a better place to go is assessment stabilization which comes directly -- you know, that's our sewer money, this is sewers, it makes sense. We'd need a bill to do that, actually I e-mailed George about putting together such a bill. It's a little more complicated to do it because, you know, whether it needs to go on the ballot like we did last time we used assessment stabilization, it might.

I'm going to support this, at least as a temporary measure. I don't know if the County Executive will support it, we may see it again. But I think it's important that we keep it alive, that we don't table it. And if we do table it, well, I guess we'll keep discussing it. But either way, I think it's a good measure. An ounce of prevention is, I think, the right direction.

P.O. LINDSAY:

Anybody else?

D.P.O. HORSLEY:

Yeah.

P.O. LINDSAY:

Yes, Legislator Horsley.

D.P.O. HORSLEY:

Yeah, just quickly. And I certainly share Ed's concern about our sewer operations. But I wanted to ask Gail, we've gone over this before, the amount of monies that are left in the 477 account. As we all recall, though, we placed a lot of employees during the layoff issues on to the 477 account, and it seems to me that to add three more, I'm not sure that the funds are there.

MS. VIZZINI:

The new revenue that comes in is about \$8.3 million annually. And when we look at -- we're now up to 78 from -- you know, it was 60 and then we went to 64, now we're at 78 employees paid from 477.

Our commitments in terms of some of our Cornell projects, our commitments in terms of personnel, and once you put the personnel in you put their benefits in, retirement, social security and what have you. We really only have -- we tilt out at about eight million, so, therefore, you only have about 300,000 of the new money. When we look at 2013, the addition of these people is going to cost about 372,000. So you're going to start pulling from the fund balance, which the budget shows to be right now near four million, and that's what we typically use for our brick and mortar projects.

D.P.O. HORSLEY:

Okay. So what you're saying, basically, is that there is not enough funds to support the three people on it? Otherwise, we're going to be drawing down on our fund balance which has got -- which all our projects are included within.

MS. VIZZINI:

It's -- certainly by 2014 we will be even making a bigger dent in that fund balance.

D.P.O. HORSLEY:

So this would be, because of that, irresponsible.

MS. VIZZINI:

It would have to be short-term and looked at again.

LEG. ROMAINE:

Could I raise a point of information?

P.O. LINDSAY:

Sure, Legislator Romaine. I thought you might want to clarify.

LEG. ROMAINE:

Just a point of information. This is a resolution to amend the 2012 budget. It doesn't deal with 2013, it doesn't deal with 2014, it doesn't deal with any of that. Whatever we do today, whatever we put in place today will end on December 31st, and then it will be up to us as 18 to vote on November 7th on what the 2013 budget is going to look like, and then again on November 20th with the veto overrides. That will determine 2013. This doesn't address 2013, this is not for 2013.

D.P.O. HORSLEY:

So this goes to the argument that DuWayne has said, that this should be a budget issue.

LEG. KENNEDY:

No, not at all. That's 2013.

LEG. ROMAINE:

This resolution has been pending for several months. Okay? We all know that. It's been tabled and tabled and tabled. You know, I can't read the mind of this Legislature; I certainly would fail if I did that. But I certainly can try to amend the operating budget to preserve critical environmental quality programs, I think this is one. The fact that it's coming so late in the year, so be it. Is it esoteric? I don't know. It may give us some pause. And you know what? I may lose the battle, but hopefully I'll win the war when we sit down and do the 2013 budget, that people will have a more conscious view.

LEG. HAHN:

Are you sitting down with us to work on that?

LEG. ROMAINE:

I'll sit down with anyone in an open forum, open to the media, to discuss the budget at any time. I will not sit behind closed doors. I will not sit behind closed doors. That's just the wrong way to do the budget. So I don't want to get into that debate, because people have different views on that, I respect their views and I don't want to be critical of anyone's view. But I do want to call attention to this issue now, so that even if it fails today -- and it may, it may not have the votes -- it will get some attention in the 2013 budget. And maybe we won't, as Legislator Hahn has suggested, maybe we won't be able to restore all three of these positions, but maybe one of these positions will find its way. And I will tell you, at the end of the day, there will be reports on-line about each of the sewage treatment plants, both private and publicly-owned, and I think that will be a real eye opener to some of us. Unfortunately, we won't have cumulative information for probably another year, but this is a precursor of things to come. This Island is faced with some grave changes that we are going to have to address if we're going to maintain our water quality, both ground and surface water. Thank you very much.

P.O. LINDSAY:

Legislator Kennedy, did you want to say something?

LEG. KENNEDY:

Just quickly, in support of Legislator Romaine's resolution. You know, if you look at the number of hours that are available with just three individuals, we would take it down to maybe about 20 hours out of the year that they would have to inspect particular plants. That's at what we have now which is 197. There's new plans being proposed all the time. Just in Smithtown we have four that I know of right now that are coming -- will be coming on-line with projects that are under consideration by the Town Board. This notion that we will have these individuals able to continue to go ahead and even do the reduced inspection schedule that the Health Department and the Administration put forward is almost like theatre of the surreal.

The other thing that we need to probably take a look at is, you know, with 78 employees now under 477, and the fact that we're saying we can't add three more who are going to go ahead and keep our groundwater from being protected as a direct result of malfunction in the sewer plant, maybe we need to look at who's being paid right now out of 477. We've got guys cutting grass that are getting paid out of that. So I think the resolution, you know, makes sense and I think it was put forward for a good reason.

P.O. LINDSAY:

Okay. Is that it? I just want to weigh in on it. I hear Legislator Romaine and I tend to agree with him about oversight with the number of new sewer plants coming on-line. The point here is we don't have the money. I think you've heard me say this before, but we don't have the money in 477. And we'll -- so the resolution is faulty, it has to be -- something has to happen to it; it either has to be tabled subject to call, tabled to be revised in some way, but it doesn't work the way it is now. And I don't know, maybe we should figure out some kind of status that if a developer comes on-line with a new sewer plant, that he'd be charged for the maintenance of that plan. I don't know whether we have the taxing power to do that or not, but it certainly seems like that's where the responsibility belongs.

LEG. KENNEDY:

That's in the sewer rents now. Residents in a private facility are charged with --

MR. NOLAN:

Use the mic.

LEG. KENNEDY:

I'm sorry. That's in the rents now. As a matter of fact, residents in private plants, like Galleria up in Smithtown, they're paying sewer rents and a portion of that is supposed to be the cost associated with -- it gets charged back through DPW.

P.O. LINDSAY:

Isn't that the battle you fought for years?

LEG. KENNEDY:

I'm still fighting it, yes.

P.O. LINDSAY:

That it's too high.

LEG. KENNEDY:

Well, the non-direct costs -- and if you think about it, you're now asking an individual to almost pay twice, then. We're theoretically charging those private residents right now for billing them and for the oversight. So, you know, I think that we do have to go back to it. And I don't think it's a sufficient answer to say we can't do it because, you know, 477 is tapped out. 477, I sat at the meeting, Bill -- and as a matter of fact, I had a project tabled -- there was two million identified to spend and only 900 grand got put out on the table with a recommendation from the Administration, the whole one point one million in reserve. That's nonsense; that money is there to go ahead and spend on projects.

P.O. LINDSAY:

So you maintain there's enough money there.

LEG. KENNEDY:

I think that there should be at least for this year, for the balance, which is what this resolution does.

P.O. LINDSAY:

Yeah, but –

LEG. KENNEDY:

It only taps three more months.

P.O. LINDSAY:

Yeah, but, see, that's the other faulty part. What are we doing? These people have already been laid off in July; am I correct?

LEG. KENNEDY:

Yes.

P.O. LINDSAY:

Okay. So we're going to hire back three people for two months and then we're going to say, "We don't have the money, so we're going to lay you off again." I mean, isn't that kind of cruel? I mean, we might take away their unemployment benefits by doing that.

LEG. KENNEDY:

Well, I don't think we should, you know, misrepresent to them. But then I guess it kind of points towards the fact that 2013 operating should be amended to go ahead and to reflect an increase in personnel in that area.

P.O. LINDSAY:

Okay. But the resolution before us --

LEG. KENNEDY:

Yes.

P.O. LINDSAY:

-- doesn't do any of that. All it does is restore this year's.

LEG. KENNEDY:

Yes, it does.

P.O. LINDSAY:

And the net effect of it is we hire back three people for two months.

LEG. KENNEDY:

And to fail to act means we go another three months with an insufficient staff to patrol plants.

P.O. LINDSAY:

Okay. All right, so we got before us, if I get this straight, a resolution to approve, a resolution to table subject to call. Do I have any other resolutions?

LEG. MONTANO:

Motion.

P.O. LINDSAY:

Motion to table? Just to table.

LEG. MONTANO:

You know what? Motion to send it back to committee.

LEG. SCHNEIDERMAN:

Motion to recommit?

LEG. MONTANO:

Because if we table it subject --

LEG. HAHN:

Second.

LEG. MONTANO:

Yeah, to recommit. If we table it -- I mean, if we table it subject to call, I understand you're going to withdraw it and reintroduce it; is that correct, Legislator Romaine? Is that your intention?

LEG. ROMAINE:

Right now I'm thinking along those lines. I don't want to say yes or no, I obviously would want to discuss it with my colleagues.

LEG. MONTANO:

All right. Well, then I won't make a motion. I withdraw it.

P.O. LINDSAY:

Okay. So do we have a motion to table?

LEG. ANKER:

Yes.

P.O. LINDSAY:

Yes, Gail?

MS. VIZZINI:

If I may, I just want to point out that it's a budget amending resolution. So the last cycle for a Legislator to introduce a budget amending resolution passed in September. Also, the fiscal impact requires --

P.O. LINDSAY:

Yeah, but isn't Legislator Romaine's motion timely, bill timely?
It's timely.

LEG. KENNEDY:

Yes.

MS. VIZZINI:

This one, yes.

P.O. LINDSAY:

Yeah. But we're addressing his resolution. We can certainly table his resolution.

MS. VIZZINI:

Oh, yes. I was talking about reintroducing it.

P.O. LINDSAY:

Okay, okay. So we have a tabling resolution, a table subject to call and one to approve.

MR. LAUBE:

Was it sent to committee or was it to table it?

P.O. LINDSAY:

No, no, just to table.

LEG. MONTANO:

No motion, I withdrew it.

P.O. LINDSAY:

Okay. So what comes from first, table --

MR. NOLAN:

Subject to call.

P.O. LINDSAY:

Subject to call comes first. Okay. All in favor of tabling subject to call? Opposed?

"Opposed" said in unison by various Legislators

Okay. Go ahead and do a roll call. Table subject to call.

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

LEG. GREGORY:

Yes.

LEG. CALARCO:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. NOWICK:

No.

LEG. KENNEDY:

No.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MONTANO:

No.

LEG. ANKER:

Yes.

LEG. HAHN:

No.

LEG. MURATORE:

No.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

No.

LEG. ROMAINE:

No.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eight.

P.O. LINDSAY:

Okay, so it fails.

Okay. Next up, table.

MR. LAUBE:

Who was the motion and second to table?

P.O. LINDSAY:

Motion to table was Legislator Hahn. Who seconded that motion?

LEG. ANKER:

I'll second it.

P.O. LINDSAY:

Okay, Legislator Anker seconded it. Okay, roll call to table.

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

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

No.

LEG. STERN:

No.

LEG. GREGORY:

No.

LEG. NOWICK:

No.

LEG. KENNEDY:

No.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MONTANO:

No.

LEG. CALARCO:

Yes.

LEG. MURATORE:

No.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

No.

LEG. ROMAINE:

No.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Six.

P.O. LINDSAY:

Okay. So it is --

LEG. SCHNEIDERMAN:

Motion to approve.

P.O. LINDSAY:

Okay, we have to take a motion to approve now.

MR. NOLAN:

You have it?

D.P.O. HORSLEY:

Yeah, we do. Yes, we have a motion to approve.

P.O. LINDSAY:

Okay. You got, you know, Ed's motion to approve?

MR. LAUBE:

Got it.

P.O. LINDSAY:

You've got the second? Okay, roll call.

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

LEG. ROMAINE:

Yes.

LEG. CILMI:

Yes.

LEG. SPENCER:

No.

LEG. D'AMARO:

No.

LEG. STERN:

Nope.

LEG. GREGORY:

No.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. MONTANO:

No.

LEG. CALARCO:

No.

LEG. ANKER:

No.

LEG. HAHN:

No.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

D.P.O. HORSLEY:

No.

P.O. LINDSAY:

No.

MR. LAUBE:

Eight.

LEG. ROMAINE:

It fails.

P.O. LINDSAY:

Okay, so it fails. So we're back where we started, Ed. Reintroduce it.

*(*Laughter*)*

LEG. MONTANO:

It can't be reintroduced.

LEG. ROMAINE:

I'll talk to my colleagues first.

P.O. LINDSAY:

Okay.

1635-12 - Further strengthening procedures for procuring consultant services (Kennedy).

LEG. KENNEDY:

Table, please, Mr. Chair.

P.O. LINDSAY:

Oh, thank you very much.

LEG. CILMI:

Second.

P.O. LINDSAY:

Table by Legislator Kennedy. Seconded by Legislator Cilmi. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. *1799-12 - Barring payment to DeGere Physical Therapy Services (Kennedy).*
Legislator Kennedy?

LEG. KENNEDY:

Yeah, I'll make a motion to approve on this one, Mr. Chair.

P.O. LINDSAY:

To do what?

LEG. BROWNING:

Second.

LEG. KENNEDY:

Motion to approve.

P.O. LINDSAY:

Second by Legislator Browning.

LEG. GREGORY:

On the motion to table subject to call.

P.O. LINDSAY:

There isn't a motion to -- you're making a motion to table subject to call?

LEG. GREGORY:

(Nodded head in the affirmative).

P.O. LINDSAY:

I'm sorry. Okay. Do I have a second?

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro.

LEG. MONTANO:

On the motion?

P.O. LINDSAY:

On the motion, Legislator Montano.

LEG. MONTANO:

Maybe to the sponsor. The last time I looked at this, the Comptroller had issued a ruling saying that based on the agreement that Mr. DeGere was not eligible for commission. Has that changed since then?

LEG. KENNEDY:

Not at all, Legislator Montano. As a matter of fact, this one is actually an issue, I think, that's very clear for all of us here.

As everybody knows, when I first introduced the resolution, it was worded so prospectively, it would bar DeGere from being able to go ahead and retain the commission and finder's fee. Subsequently, the Administration elected to now characterize this transaction only as sale of a business, and they said that Mr. DeGere voluntarily elected to go ahead and forfeit 400,000. I question that, but nevertheless, there's still about 175,000 of compensation that this individual would be eligible to receive under the amended contract that the County Attorney executed with him.

LEG. MONTANO:

Well, if I may, John? Legislator Kennedy. Was that issue -- forgetting the commission on the sale of the land.

LEG. KENNEDY:

Yes.

LEG. MONTANO:

Just the commission on the sale of the building. Maybe I'm incorrect, but I was under the assumption that the Comptroller's decision said that even with respect to that, this individual was not eligible for receiving the commission because this purchaser had been identified in a prior --

LEG. KENNEDY:

Multiple times, yes. So by the right -- by the only terms and conditions of the writing, the purchaser that he purportedly procured doesn't fit the criteria. So the resolution that is before us is very clear. The Comptroller has indicated that in his review, there's no basis for this individual to be paid. The purpose of the resolution is for us to go ahead and send directive throughout the rest of County government that this is invalid.

LEG. MONTANO:

I would assume that this matter is going to wind up before the courts. Because if this individual was claiming commission and the Comptroller says he's not entitled to it, I would assume, then, that the Comptroller is not going to pay and the individual is going to have to seek enforcement in the courts, because it's really a contract issue. I'm not so sure that -- and maybe I can direct this to Counsel. This seems to be more a legal contract issue than it does something before the Legislature at this point; could you comment on that, George?

MR. NOLAN:

Well, if the Comptroller has made the determination he's not going to pay, then, yeah, DeGere's remedy is in court to try to enforce the contract.

LEG. MONTANO:

What would this resolution do, vis-a-vis his claim? Would it have any effect, in your opinion?

LEG. KENNEDY:

It would.

MR. NOLAN:

I mean, I think it's probably a belt and suspenders type of deal. Because you have the Comptroller saying right now that he's not going to pay out on this contract; this reiterates that, it's directing the Comptroller and everybody else in the County not to pay on this contract. So that's what the effect is.

LEG. KENNEDY:

There's many steps that are involved, as you know, with payment under a contract. It's got to go through the County Budget Office, it's got to go through the department, it's got to go through multiple steps. Quite frankly, if it's an improper contract from the first instance, we should be

saving precious time in all of those County offices and not having any County staff spend their time on something that's improper on its face.

P.O. LINDSAY:

Including the Legislature.

LEG. KENNEDY:

I couldn't agree with you more. So let's just pass it.

LEG. MONTANO:

If I may, John, and I'll yield the floor after this. It just seems to me that if the Comptroller is not going to pay, then we don't really need to get involved, that's between him and the claimant; you know, from a legal perspective. I don't know why I want to get involved in this, unless the Comptroller is going to change his position and release the payment.

LEG. KENNEDY:

I'll do this.

LEG. MONTANO:

I'd like to ask him whether or not he has any intention of paying. And if he says no, then, you know what? Go to court.

LEG. KENNEDY:

I'll do this; I'll withdraw the motion to approve. I'll make it a motion to table.

LEG. MONTANO:

I'll second.

LEG. KENNEDY:

And I'll come back in the next cycle with the comments from the Comptroller.

LEG. GREGORY:

Mr. Chair, I'll withdraw my motion.

P.O. LINDSAY:

Okay. So we have a motion to table is the only motion on the floor now?

MR. LAUBE:

Yes.

P.O. LINDSAY:

Okay. Motion to table by Legislator Kennedy. Seconded by Legislator Gregory; is that all right?

LEG. MONTANO:

I seconded it.

P.O. LINDSAY:

Oh, Montano seconds it. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen. Seventeen. No, eighteen.

P.O. LINDSAY:

Okay, *1826-12 - Authorizing the creation of the Suffolk County Urban Search and Rescue (USAR) Team (County Executive)*.

LEG. BROWNING:

Motion to table.

P.O. LINDSAY:

Motion to table by Legislator Browning. Is there a second?

LEG. MURATORE:

Second.

P.O. LINDSAY:

Second by Legislator Muratore.

LEG. CALARCO:

Motion to approve.

LEG. BROWNING:

I haven't --

P.O. LINDSAY:

Motion to approve by Legislator Calaraco.

LEG. BROWNING:

Well, I haven't heard from the County Executive's Office. Because I know that they had requested a tabling motion on it, and I haven't heard from them on it.

LEG. CALARCO:

I believe that they're ready for this to go and I think they made an amendment at the last meeting, which was the reason we had to table it last cycle.

LEG. BROWNING:

Oh, okay. We do have somebody here.

P.O. LINDSAY:

Tom, do you know what the position of the Administration is? I'll get you, Legislator Hahn, as soon as he speaks. Go ahead.

MR. VAUGHN:

My understanding is that we have filed an amended version of this bill which removes the Sheriff's Department from the legislation, and that this is now ready to go.

P.O. LINDSAY:

It's what?

MR. VAUGHN:

Now ready to go.

LEG. BROWNING:

Okay, I'll withdraw my motion, then. Motion to approve.

P.O. LINDSAY:

We haven't seen the reso yet?

MR. NOLAN:

No, it was amended September 6th.

LEG. CALARCO:

No, it didn't make the deadline. The County Executive's Office amended it just before the last meeting. It didn't make the deadline for filing amended resolutions, that's why we tabled it for this cycle.

P.O. LINDSAY:

Oh, okay. But a tabling is in the process.

LEG. CALARCO:

No, we don't need a tabling anymore, it's ready to go. We can approve.

P.O. LINDSAY:

Okay.

LEG. MONTANO:

Or we could table.

P.O. LINDSAY:

Legislator Hahn.

LEG. HAHN:

And just to be clear, this is 100% pass-thru Federal grant funding.

MR. VAUGHN:

That is my understanding, yes.

LEG. HAHN:

Okay.

P.O. LINDSAY:

Okay, take the money. Okay. We have a motion and a second.

MR. LAUBE:

Could I get a recap on the motion and the second?

P.O. LINDSAY:

That's what I'm going to do right now.

MR. LAUBE:

Thank you.

P.O. LINDSAY:

We have a motion and a second to approve. Who made those?

LEG. CALARCO:

I made the motion.

LEG. BROWNING:
He made the motion.

MR. LAUBE:
I have him.

LEG. BROWNING:
And I'll second it.

P.O. LINDSAY:
To approve. And then did we have a motion to table?

LEG. BROWNING:
No, I withdrew my motion.

P.O. LINDSAY:
Okay, the motion's been withdrawn, so that makes it easier. So all in favor of the approval? Against? Abstentions? It stands approved.

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
Okay. *1877-12 - Directing the Department of Fire, Rescue and Emergency Services to develop an on-line Firefighter Training Program (Hahn).*

LEG. HAHN:
Motion.

LEG. BROWNING:
Second.

P.O. LINDSAY:
Motion by Legislator Hahn. Seconded by Legislator Browning. Any other motions?

LEG. ANKER:
Cosponsor.

P.O. LINDSAY:
All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

LEG. SCHNEIDERMAN:
Tim?

LEG. SPENCER:
Cosponsor.

Budget & Finance

P.O. LINDSAY:

Page six, *IR 1443-12 - Amending the 2012 Operating Budget to support the Islip Arts Council (Barraga)*. Tom?

LEG. BARRAGA:

Motion.

LEG. CILMI:

Second.

P.O. LINDSAY:

Motion by Legislator Barraga. Seconded by Legislator Cilmi. It's a reallocation of money that was already in the budget.

LEG. MONTANO:

Okay. It's not new money.

D.P.O. HORSLEY:

No.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. *1900-12 - Amending the 2012 Operating Budget to transfer funds to the March of Dimes Perinatal Program at SUNY Stony Brook (Nowick)*. Legislator Nowick?

LEG. NOWICK:

Motion.

P.O. LINDSAY:

Motion.

LEG. ANKER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1921-12 - Amending the 2012 Operating Budget to provide funding for the Medford Chamber of Commerce (Calarco).

LEG. CALARCO:

Motion.

P.O. LINDSAY:

Motion by Legislator Calarco. I'll second it. And we've got the same situation, it's a reallocation of 2012 money. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

Economic Development & Energy

P.O. LINDSAY:

Okay.

1934-12 - To appoint John H. Finkenberg as a member of the Suffolk County Citizens Advisory Board for the Arts (Horsley).

D.P.O. HORSLEY:

Motion.

P.O. LINDSAY:

Motion by Legislator Horsley.

LEG. CILMI:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

Education & Information Technology

P.O. LINDSAY:

1904-12 - Appropriating funds in connection with the acquisition and implementation of a County Attorney Case Management System (CP 1811) (County Executive).

LEG. CILMI:

Motion to table.

P.O. LINDSAY:

Motion to table by Legislator Cilmi.

LEG. SCHNEIDERMAN:

Motion to approve.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Second by Legislator Kennedy.

LEG. D'AMARO:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator D'Amaro.

LEG. SCHNEIDERMAN:

Second.

LEG. CILMI:

On the motion?

P.O. LINDSAY:

Second by Legislator Schneiderman to approve. On the issue, Legislator Cilmi.

LEG. CILMI:

Thanks, Mr. Chairman. This was debated quite extensively in committee last week. We had Don Rogers from IT at the meeting, as well as Dennis Brown from the County Attorney's Office, and neither one of them could really describe in any detail how they're going to spend this money. They did a very good job of convincing the committee, including myself, that updates to our case management system in the County Attorney's Office are warranted; however, they had no specifics about how they were going to spend this money. They also -- they said at the same time that they would look to see if they could spend less than this amount of money, they looked to see if they could utilize in-house staff to do the job. The Commissioner testified that we spent something like \$14 million annually on payroll in IT staff in our County, and my suggestion to them was that with \$14 million of payroll, we should be able to find a way to do this in-house and not spend a half of a million dollars on software, hardware, we don't even really know what it is exactly, they couldn't tell us. So that's why I made a motion to table.

LEG. MONTANO:

He's here.

LEG. ANKER:

Could I, Bill?

LEG. SCHNEIDERMAN:

Commissioner Rogers is here, so is the County Attorney, so we can get these questions answered.

P.O. LINDSAY:

Okay. But let me just hear from Legislator Anker and then I'll call the County Attorney up.

LEG. ANKER:

Yes, there was a debate on this particular resolution. I think, again, we have the Commissioner of IT here today, he's going to explain. But again, what we need to separate \$14 million in employment funds with hardware and software funds and computer equipment. I mean, that's the focus here. And I know Commissioner Rogers had mentioned that they have looked into similar systems in other municipalities that cost millions of dollars and they were able to reduce it down to half a million dollars. So again, if they would like to explain more about this resolution, the funding issues.

P.O. LINDSAY:

Okay. Legislator Montano?

LEG. MONTANO:

Yes, to BRO. I'm trying to look up the financial impact statement, it's not coming up on the computer; could you just briefly tell me where we're at with this in terms of the financial impact statement?

MR. LIPP:

Sure. So it's \$450,000 would be the bonding, and probably that would amount to gross interest and principal of 630 over 18 years or 35,000 per year.

LEG. MONTANO:

So it's 18 years, the bond?

MR. LIPP:

Well, I'm --

LEG. MONTANO:

A bond is 18 years?

MR. LIPP:

I'm doing approximation. The average bond, serial bond over time is 18 years. So if you assume the average, when we issue the bond, that's what it would be.

LEG. MONTANO:

Is this system going to be in effect over 18 years, or is it going to have to be updated or changed? I mean, 18 years for IT seems like a long time, doesn't it?

MR. LIPP:

Correct. But in terms of how we actually issue our serial bonds, it's a weighted average maturity, so we look at all of -- an average of all the bonds. We're issuing a bond for 120 different purposes each time we do it, so this would fall in with that, so it would just be part of the whole big picture.

LEG. SCHNEIDERMAN:

It's in the Capital Program as well, it was approved.

LEG. MONTANO:

Okay. I would like to hear from the County attorney.

P.O. LINDSAY:

Okay. If the County Attorney could come forward and the IT people could come forward, maybe we can get to the bottom of this. Dennis, you want to sit at the table or you want to -- wherever you'd be more comfortable.

I think the question is what would you do with the half of a million dollars?

MR. COHEN:

Well, currently there's a project going on with the District Attorney's Office that's being performed by New Dawn Technologies. They are, I believe, almost completed -- have almost completed the project. The amount that's being asked to be appropriated here was an amount that I guess under the previous administration, New Dawn Technologies had indicated to the prior County Attorney and to the prior IT Director that that would be the approximate cost of doing a case management system.

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

MR. COHEN:

I have not committed to New Dawn Technologies that we would continue to use them. In fact, it's been my thought that we would probably do an RFP to see if we can get better prices, but that has not been done yet.

P.O. LINDSAY:

So is this reso premature, because we really don't know what the cost -- it sounds like you're going to put this out to bid again.

MR. COHEN:

That's the intent, is that we're going to put it out to bid. What we were waiting on is the District Attorney system to be complete, so that we can do --

P.O. LINDSAY:

Okay. But wouldn't you --

MR. COHEN:

-- an extensive review of that system.

P.O. LINDSAY:

But shouldn't we wait until we have that RFP back to allocate the money? What happens if it comes back and a half a million dollars ain't enough, or it's too much?

MR. COHEN:

That apparently is a very good question. I don't know the answer to that.

*(*Laughter*)*

LEG. SCHNEIDERMAN:

It's in the 2013 Capital Program.

MR. COHEN:

I though George Nolan was going to help me out there. I don't know what happened.

P.O. LINDSAY:

I mean, we're for the project. We think the project makes a lot of sense, and there's so much you can do with records with computerization. Go ahead, sir. Could you identify yourself?

MR. RODGERS:

I'm Donald Rodgers, I'm the Commissioner of IT.

P.O. LINDSAY:

Okay.

MR. RODGERS:

The current funding is based upon the cost of the District Attorney's system, which is approximately 1.3 million dollars. The current amount bonded is -- I thought it was \$425,000, with an additional 175,000 in 2013, if necessary. That was also based upon the estimated cost of implementing the system based upon size and requirements compared to the District Attorney's system.

Requirements for the County Attorney's system are similar to what is necessary for the District Attorney. And we did an assessment of this since our conversation before the committee last week. Given the current staffing of individuals in Central IT who have the requirements necessary to develop, it is not only unlikely, it's unreasonable to expect that they would be able to develop this system inhouse, also, given the number of appropriate systems that are out there that cover this.

P.O. LINDSAY:

But I don't think we're asking you to develop it inhouse. We're just asking you guys to come back to us and say, "Hey, guys, this is the best way to go. I can buy a package system that's been

developed by this company that the DA's using for "X" dollars. Will you appropriate the money? Or if you feel that you have people inhouse to do it, we think we can do it in house, but we might have to hire a consultant, or we might have to hire another person or two to develop it on a special project basis," however you want to do it. But the idea is for you guys to do it and bring it back to us.

MR. COHEN:

Understood.

LEG. SCHNEIDERMAN:

If I may, Bill, I think the problem is that the money is in the 2012 budget. It's in our 2012 Capital Program, it's not in 2013. So we'd have to do, obviously, some kind of budget amendment next year to make this money available, if we didn't encumber it this year.

P.O. LINDSAY:

Okay. But where do we stand on that, George? If the money is -- if it's -- if it hasn't been spent, it's still available if it's been approved.

MR. NOLAN:

No, not if we don't appropriate it.

P.O. LINDSAY:

Okay.

MR. NOLAN:

If we don't appropriate the \$425,000 by the end of the year, it kind of, in a sense, disappears, it's not going to be available.

P.O. LINDSAY:

So is that what we want to do, appropriate this money now?

LEG. SCHNEIDERMAN:

It makes it available now.

LEG. BROWNING:

We can wait two more months.

P.O. LINDSAY:

Okay. What's going to change in two months?

LEG. MONTANO:

If I may.

LEG. BROWNING:

Maybe they have more for us in December.

LEG. MONTANO:

Are you on the mike? Can't hear you, Kate.

LEG. BROWNING:

No. I know that we have to vote to approve it in December, otherwise we lose it. But why not just wait until December and maybe they can come back with some better answers.

LEG. MONTANO:

If I may.

P.O. LINDSAY:

Go ahead.

LEG. MONTANO:

Well, we could also reappropriate it when we do the budget. But my concern is that we're appropriating money, but we don't even know who we're going to spend it with, because it's based on the theory that it's going to be spent on the same company that's doing the -- or that has implemented the D.A.'s program. But I believe the County Attorney said that they're not even sure they're going to use that company. So it may totally change the scenario and it may change the dollar amount. I don't see any reason to appropriate the money now, when we have so much time.

LEG. SCHNEIDERMAN:

Just typically --

P.O. LINDSAY:

Gentlemen, will you have a clearer understanding of this project? Hold it. Hold it down. Hold it down, guys, come on. Will you guys have a clearer understanding of this project as the year moves on?

MR. COHEN:

Yes, we will.

P.O. LINDSAY:

Okay. So why don't we just table it for now, because, truthfully, I don't think I got enough votes to pass the bond.

MR. COHEN:

That's fine. Thank you, Legislator.

P.O. LINDSAY:

All right?

MR. COHEN:

Yes.

P.O. LINDSAY:

So I'll make a motion to table.

LEG. CILMI:

I already made it. I think I already made it.

P.O. LINDSAY:

All right. You already have made a motion to table, okay. We have a motion to a table; I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Makes the bond moot. Moving right along.

1907 - Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, the Detmer Property (Hahn).

LEG. HAHN:

Motion.

LEG. ANKER:

Second.

P.O. LINDSAY:

We have a motion by Legislator Cilmi, second by Legislator Hahn.

MR. NOLAN:

Hahn and Anker.

P.O. LINDSAY:

Hahn and Anker, okay.

LEG. KENNEDY:

On the motion, Mr. Chair.

P.O. LINDSAY:

On the motion, go ahead.

LEG. KENNEDY:

Is this adding to an acquisition? Detmer Farms we purchased, right?

LEG. HAHN:

No. Thirty -- around 30-acre parcel that is across the street, we purchased the development rights, it's for a farm. This is a small three -- 3.3 acre parcel that sits adjacent to the Port Jeff -- East Setauket to Port Jefferson Station Greenway Trail, which is a State Park; might not be officially designated as State Park, but it's the Greenway Trail that runs along the right-of-way that would have been the bypass for 25A. So this parcel sits right alongside of it, and we hope to have it be the trail head, a hamlet park piece there on 25A next to the post office in East Setauket.

LEG. KENNEDY:

Would it have any provisions for parking, for off-road parking?

LEG. HAHN:

Yes.

LEG. KENNEDY:

It would, okay.

LEG. HAHN:

We envision -- I met with the community. The community is very supportive, and we should have letters as backup, if you need them, but they were just envisioning simple gazebo, maybe some picnic benches, some bike racks and parking.

LEG. KENNEDY:

But there's some places where vehicles could pull off --

LEG. HAHN:

Yes.

LEG. KENNEDY:

-- pull off the road safely. Okay, fine. Thank you.

LEG. NOWICK:

Can I just --

P.O. LINDSAY:

Yes, Legislator Nowick.

LEG. NOWICK:

Legislator Hahn, is this over where they had the little farm stand with --

LEG. HAHN:

Yes.

LEG. NOWICK:

That's across the street?

D.P.O. HORSLEY:

It's next to the post -- there were two farm stands at one time, one next to the post office, which is this property, and the other across the street on the Detmer Farm -- the cutout of the Detmer Farm property that we purchased the development rights for.

LEG. NOWICK:

And it's just three acres?

LEG. HAHN:

Three-point-three, I believe.

LEG. NOWICK:

Is it zoned for anything else? I mean, can the Town build on it? Because you said it's right -- anybody can build on it, because you said it's right next to the Greenways?

LEG. HAHN:

It sits -- literally, the Greenway Trail is going to empty into this piece of property, but it sits on 25A next to --

LEG. NOWICK:

So it is buildable? Somebody can come in --

LEG. HAHN:

Yes.

LEG. NOWICK:

-- buy it and build it? Okay.

P.O. LINDSAY:

Okay. Is that it? All right. We have a motion and a second to approve; am I correct?

MR. LAUBE:

You are correct.

P.O. LINDSAY:

All right. On the motion; all in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

LEG. HAHN:

Thank you.

P.O. LINDSAY:

Okay. *1913 - Authorizing planning steps for the acquisition of Farmland Development Rights under the Suffolk County Drinking Water Protection Program, as amended, the Luce Property, Town of Riverhead (Romaine).*

LEG. ROMAINE:

Motion.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Motion by Legislator Romaine.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Second by Legislator Schneiderman. Any discussion? Can we have a description?

MR. NOLAN:

It's approximately 14 acres, Town of Riverhead. That's what I got.

LEG. ROMAINE:

It's a farmland development purchase right that we're looking to eventually do. This is just authorizing the planning steps.

P.O. LINDSAY:

Okay. We have a motion and a second. Any other discussion? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1886 - Ratifying and approving the Memorandum of Agreement with the County employee's unions relating to the Employee Medical Health Plan (Presiding Officer Lindsay). I'll make a motion.

D.P.O. HORSLEY:

Second.

P.O. LINDSAY:

Seconded by Legislator Horsley. Anybody want to say anything?

LEG. KENNEDY:

Mr. Chair, can anybody explain what the modification to the prescription plan is going to be?

P.O. LINDSAY:

What?

LEG. KENNEDY:

I'm looking at BRO's write-up, and the seventeen-million to be realized in savings says the largest portion will be -- let me just quote her; "Through modifications and prescription benefit management and prescription benefits to be calculated from 2013 through 2018." So my question is just simple; what does that mean? I've heard different things as far as us now having to -- or County employees having to resort to prescription through the mail, for, you know, standard-dose types of prescriptions, whether it's insulin or high blood pressure medication. I'm just curious, what does it mean?

P.O. LINDSAY:

Well, we have both signatories to the agreement at the mic. We have the County Attorney and we have the head of the PBA, Noel. You guys want to take a crack at explaining this a little bit? I mean, isn't the 17 million counted twice? I mean -- no, go ahead.

MR. DIGEROLAMO:

No, it's not counted twice. The way the recurring savings is going to occur is that the County is going to send out an RFP for a prescription benefit manager to come in with potential savings and for us to sit down and establish a new benefit plan. As of right now, there are several -- can you hear me?

LEG. MONTANO:

Oh, no. I was going to ask you if the mic is up all the way, because I really can't hear you. Sorry, Noel.

MR. DIGEROLAMO:

How's that, better?

LEG. MONTANO:

Better.

MR. DIGEROLAMO:

Okay. So the way the plan is going to be established after the RFP is done and the County's able to select a benefit manager to come in, or maintain the same one that we have, for that matter, that can save us in the plan and makes the modifications we're looking for. There are several County unions already that have mail order and that mail order is limited to specific drugs that are maintenance medications only. Something like that would be expanded to all County employees.

P.O. LINDSAY:

So you guys are committed to the 17 million dollar number.

MR. DIGEROLAMO:

Correct. And then there's other additional savings that we would bring into that, whatever it has to be.

P.O. LINDSAY:

And that's for all of that benefit, for all the unions.

MR. NOLAN:

Correct, it's unilateral across the board, all unions. And everyone who's covered under the plan will have the same plan, will have the same benefits.

LEG. KENNEDY:

Is the formulary going to change, Noel? Over here.

MR. DIGEROLAMO:

I'm used to sitting on that side, sorry.

LEG. KENNEDY:

That's okay. Yeah, I know. What can I tell you? I'm all over the place. You like that.

MR. DIGEROLAMO:

With regard to the medication?

LEG. KENNEDY:

Formulary. Formulary, basically, you know what that means; the number of prescription medications that are covered. You look for most of the ones that people take, I guess, you know, whether it's Lopressor, or insulin, or whatever.

MR. DIGEROLAMO:

No.

LEG. KENNEDY:

Is that one of the things that you're looking for --

MR. DIGEROLAMO:

No, we're not --

LEG. KENNEDY:

-- an RFP to change?

MR. DIGEROLAMO:

No, the level of benefit is not going to change. The process in which the benefits are delivered we're looking to change. The only benefit that may change throughout the plan would be a therapeutic exchange that we're examining. Right now we have generic substitutes mandatory in Suffolk County. A therapeutic exchange is when you go from one class of drug to another, as long as your doctor says that it's medically sound to do that. So outside of your doctor saying that it's okay, nothing else would happen. Do you want me to explain --

LEG. KENNEDY:

No, no, no, just explain this to me. In other words, if there's a generic, but your physician, for whatever reason, feels strongly that you should be taking whatever the name brand drug is, there's still that ability for a member to furnish the physician's documentation so that the name brand prescription will be filled?

MR. DIGEROLAMO:

Right. It would have to be more than him just saying, "I want you to take it." He'd have to document the --

LEG. KENNEDY:

Well, he's got to say that, you know, his experience is that for whatever reason, the name brand, I guess, works in a different fashion.

MR. DIGEROLAMO:

Yeah, exactly. The plan right now that's in place requires a step program for them to go through generic and other drugs to find a proper drug at the best cost to treat the condition that you have;

that stays in place and that wouldn't change. The doctor has the final word on everything.

LEG. KENNEDY:

Will the co-pays go up?

MR. DIGEROLAMO:

As of right now, we are not reviewing co-pays to go up. Although I couldn't say definitively for the next eight years going forward that we're never going to examine co-pays. We have to come up with 17 million in recurring savings. If in three, four years from now we're not able to generate those savings, then we'd have a menu of options -- co-pays, I'm sure, would be one of them -- and we would examine that at the time. But that would go to a vote of both SCOPE and the EMHP Committee.

LEG. KENNEDY:

The 17 million, then, just frame that for me. In other words, that's to be achieved over the life of this writing, over the seven-year period?

MR. DIGEROLAMO:

It's 17 million to be achieved in the first year and count as recurring savings forward every year of the agreement.

LEG. KENNEDY:

Seven times 17?

MR. DIGEROLAMO:

Eight.

LEG. KENNEDY:

Eight? Okay. Okay. Thank you. Thank you, Mr. Chair.

MR. DIGEROLAMO:

You're welcome.

P.O. LINDSAY:

Does the County Attorney want to add anything?

MR. COHEN:

No.

P.O. LINDSAY:

No? Okay. Legislator Cilmi has a question.

LEG. CILMI:

Yes. Thanks, Mr. Chairman. Noel, thanks for being here. I appreciate your knowledge of this subject.

The question for you, it seems like we're relatively confident that we can achieve this 17 million dollars of savings annually without too much turmoil. So my question is when was the last time EMHP -- if it is, in fact, EMHP that would do it -- undertaken a full review of our benefit plan in its entirety, and might there be additional savings that we could achieve through other means?

MR. DIGEROLAMO:

Yeah. The agreement clearly states that through the 17 million, it's not just the prescription benefits. We believe that we can get most, if not all, of the savings through there. After a review of

the plan that started last year, it's a little over a year now in the undertaking, we believe we can find the savings there alone without modifying any of the other benefits that people receive, without the necessity to modify them. However, like if we need to, as was stated, we could increase co-payments or we could change some of the structure of the plan outside of prescriptions. But there's a reconciliation that's done to ensure that the plan is running fiscally sound and that savings are being maintained since the last agreement, and that runs every five years.

LEG. CILMI:

Okay. So I get --

MR. DIGEROLAMO:

Under this agreement -- I'm sorry, I don't mean to interrupt. Under this agreement, we would undergo a reconciliation at the minimum every other year to ensure that savings are in place.

LEG. CILMI:

Okay. Well, that's certainly great. But my question really is might there be other savings, in addition to the 17 million? If we re-looked at this or re-looked at that, I mean, I'm sure there are many components to our health plan. Is that something that you look at on an ongoing basis, or is it something that as of now you review every five years but now you're going to be reviewing every two years, or how does that work exactly?

MR. DIGEROLAMO:

Well, from the County's perspective, the savings has to be there in year one and has to be recurring, and the reconciliation is done to make sure it's there. As far as additional savings, as recently as a month ago at a SCOPE meeting with the other presidents, we sat down and we discussed the possibility of exploring other options with regard to third party administrators for the plan, since it is self-insured, and other options that could generate additional savings, Additional offsets with regard to some Federal subsidy programs that are in existence right now, and we review all those on a constant basis.

LEG. CILMI:

Very good. That was my question. Thanks very much.

MR. DIGEROLAMO:

You're welcome.

P.O. LINDSAY:

Anybody else?

D.P.O. HORSLEY:

Yeah.

P.O. LINDSAY:

Yeah, Legislator Horsley. I'm sorry.

D.P.O. HORSLEY:

No, that's okay. Hey, Noel. Just quickly, the 17 million dollars worth of savings would come due, what, during the next year, or is it on January 1st? When do we actually receive that? How do we receive it, in a lump, or how does it come?

MR. DIGEROLAMO:

Well, it's incumbent upon the SCOPE Committee to ensure that those savings are in place so that the complete amount of savings is generated during the calendar year.

D.P.O. HORSLEY:

During the calendar year, so you've got to December 31st to make sure that --

MR. DIGEROLAMO:

We have till December 31st to prove that we saved 17 million.

D.P.O. HORSLEY:

Right. Yeah.

MR. DIGEROLAMO:

If we didn't, then the reconciliation would show that we not only have to generate additional changes and modifications to reach the 17 million in '14, but we would have to come up with the short, the loss that we had in '13. So we would have to recoup everything. In no way would there be a loss to the County through this.

D.P.O. HORSLEY:

Right. I see what you're saying. And secondly, the PBA itself, are you -- have to guarantee a certain portion of the 17 million; how does that work?

MR. DIGEROLAMO:

No. No independent union is responsible for any specific dollar amount. It's totally --

D.P.O. HORSLEY:

It's all in.

MR. DIGEROLAMO:

It's a coalition of all the unions that will participate in this and generate the savings Countywide.

D.P.O. HORSLEY:

Thank you.

P.O. LINDSAY:

Legislator Kennedy has another question.

LEG. KENNEDY:

Yeah. Actually, Noel, this would be both for you and for Dennis as well. Twenty-one thousand lives apparently covered, including active and retirees. So both are basically treated the same under this plan? Will they continue to be treated the same for the life of whatever this modification is?

MR. DIGEROLAMO:

It's actually 21,000 participating members. There are over 48,000 covered lives --

LEG. KENNEDY:

Okay.

MR. DIGEROLAMO:

-- family members included. And yes, every individual, every covered member will be treated the same under the plan, except those who are over 65 or out on disability where Medicare becomes the primary, then EMHP becomes the secondary, but they're still entitled to the EMHP coverage, even as the secondary.

LEG. KENNEDY:

So the retirees are going to be taken care of?

MR. DIGEROLAMO:
Absolutely.

LEG. KENNEDY:
Okay. Thank you.

P.O. LINDSAY:
Okay. Thank you, fellas. You sound like insurance men. You're really good.

*(*Laughter*)*

Anybody else? Nobody else has anything? Okay.

We have a motion by myself and a second by Legislator Horsley to approve 1886. All in favor?
Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1899 - Authorizing the sale of county-owned real property pursuant to Section 72-h of the General Municipal Law, the Town of Riverhead, for affordable housing purposes (Co. Exec.).

LEG. ROMAINE:
Motion.

P.O. LINDSAY:
Motion by Legislator Romaine.

LEG. SCHNEIDERMAN:
Second.

LEG. CALARCO:
Second.

P.O. LINDSAY:
Second by Legislator Calarco. All in -- any comments? No? All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

LEG. GREGORY:
Mr. Chair, if I may?

P.O. LINDSAY:
Sure.

LEG. GREGORY:
I'd like to call I.R. 19 -- take 1916 out of order.

P.O. LINDSAY:
We're like three resos away, but we'll make it -- we'll make it before lunch. I mean, I'll still recognize --

LEG. GREGORY:

Well, I know we have the 1915 --

P.O. LINDSAY:

Okay.

LEG. GREGORY:

-- we have some people here that I don't want to delay them any longer.

P.O. LINDSAY:

Okay. Okay.

LEG. CALARCO:

I'll second the motion.

P.O. LINDSAY:

Okay, we have a motion by Legislator Gregory to take 1916 out of order.

LEG. CALARCO:

Second.

P.O. LINDSAY:

And I got a second by Legislator Calarco. All in favor of taking it out of order? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

It stands before us.

1916-12 - Authorizing funding of infrastructure improvements and oversight of real property under the Suffolk County Affordable Housing Opportunities Program (Concern Amityville)(Co. Exec.).

LEG. GREGORY:

I'd like to make a motion to approve.

P.O. LINDSAY:

Motion to approve.

LEG. CILMI:

Second.

P.O. LINDSAY:

Second by Legislator Cilmi. Okay. Any discussion? I don't see any discussion. We have a motion to approve and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Eighteen, it passes.

LEG. GREGORY:

Thank you, Mr. Chair.

P.O. LINDSAY:

You're welcome.

Okay. We're back at ***1895 - Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Brookhaven for Affordable Housing purposes (Co. Exec.)***.

LEG. BROWNING:

Motion. Motion.

P.O. LINDSAY:

Is this different than the --

MR. NOLAN:

It's different, yeah.

P.O. LINDSAY:

Okay. Motion by Legislator Browning, second by Legislator Calarco. Okay. Maybe, Legislator Calarco, you could tell us how this differs, or Legislator Browning, one of you.

LEG. CALARCO:

This is just a number of, I think, a couple of properties in the Town of Brookhaven --

P.O. LINDSAY:

Oh, okay.

LEG. CALARCO:

-- I believe in the Mastic area, that we were transferring to the Town of Brookhaven for affordable housing purposes.

P.O. LINDSAY:

Okay. I got confused. One's Riverhead and one's Brookhaven. Okay. Any questions? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1915 - Authorizing the County Executive to execute an agreement with Suffolk County Police Benevolent Association covering the terms and conditions of employment for the period of January 1, 2011 through December 31, 2018 (Co. Exec.). I'll make a motion.

D.P.O. HORSLEY:

Second.

LEG. MURATORE:

Second.

P.O. LINDSAY:

Second by Legislator Muratore. On the motion; anybody want to say anything? Nope? Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay.

1923 - Transferring and appropriating Living Wage Contingency Funds to the Federation of Organizations for the NYS Mentally --

LEG. CALARCO:

Motion.

P.O. LINDSAY:

-- *Disabled, Inc., Respite Fee Subsidy (Co. Exec.)*. Motion by Legislator Calarco.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Second by Legislator Kennedy. Explain to me, guys, how this doesn't get into the budget process. Is this for '13?

LEG. CALARCO:

This is a part of the current budget. We have the living wage subsidy that it's incumbent upon our Department of Labor, I think, to appropriate out based on submissions by these agencies.

P.O. LINDSAY:

Okay.

LEG. CALARCO:

That's what this is doing, as is the next resolution as well.

P.O. LINDSAY:

Okay. So this is the living wage subsidy.

LEG. CALARCO:

Correct.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1925 - Authorizing the disbursement of funds from the Suffolk County Living Wage Contingency Fund for a whole bunch of different ones --

LEG. BROWNING:

Motion.

P.O. LINDSAY:

-- Lazy Cow on down (*Authorizing the disbursement of funds from the Suffolk County Living Wage Contingency Fund for Lazy Cow, Inc. DBA Kiddie Care Early Learning Center, the*

Community Programs Center of Long Island, Inc. - Port Jefferson, the Community Programs Center of Long Island, Inc. - Ronkonkoma, Colonial Youth and Family Services, Inc. And Brightwaters Child Care and Development Center, Inc. DBA Kiddie Academy of Brightwaters Day Care Providers under contract with the Department of Social Services(Co. Exec.).

LEG. BROWNING:

Motion.

LEG. CALARCO:

Second.

P.O. LINDSAY:

Motion by Legislator Browning, second by Legislator Calarco. Any comments? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1930 - Authorizing one-time exception to allow carry-over of accrued vacation time by Board of Elections employees (Romaine).

LEG. GREGORY:

Motion to table.

P.O. LINDSAY:

Motion to table by Legislator Gregory.

LEG. CILMI:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Cilmi.

LEG. ROMAINE:

I'll make it simple, I'll withdraw this resolution.

P.O. LINDSAY:

Okay.

LEG. CILMI:

Okay.

P.O. LINDSAY:

Withdraw the resolution.

Okay. *I.R. 1922 - Authorizing the disbursement of funds from the Suffolk County Contingent Jail Medical Fund for the housing of inmates out of the County and the expansion of services in the Jail Medical Unit at both correctional facilities (Co. Exec.).*

LEG. MONTANO:

Explanation. Oh, we need a motion.

P.O. LINDSAY:

Yes, we need a motion.

LEG. GREGORY:

Motion.

P.O. LINDSAY:

Who made the motion? Motion by Legislator Gregory.

LEG. MURATORE:

Second.

P.O. LINDSAY:

Second by Legislator Muratore.

LEG. MONTANO:

I want an explanation.

P.O. LINDSAY:

And Legislator Montano would like an explanation. Budget Review, can you do an explanation?

MS. VIZZINI:

Sure. The 2012 budget included five million dollars for the Jail Medical Unit thinking --

LEG. MONTANO:

How much?

MS. VIZZINI:

Five million.

LEG. MONTANO:

Five million, okay.

MS. VIZZINI:

Thinking that the jail would open in, you know, mid-2012. We have a soft opening, but it's nowhere near requiring those contingency fund monies. In the meanwhile, because the jail hasn't opened, we continue to experience cost in terms of the housing of the inmates. So three point two million of the five million is transferred to pay for -- pay for housing our inmates who exceed our capability in other jails, and it looks like \$422,000 is transferred for the purposes of Jail Medical.

P.O. LINDSAY:

Wouldn't this be something that the Sheriff should be explaining to us?

MS. VIZZINI:

They could certainly explain the inmate housing costs, but this was what was pretty much presented at the Health Committee.

P.O. LINDSAY:

Tom, are you going to jump in for the Sheriff?

MR. NOLAN:

He's here.

LEG. MONTANO:

The Sheriff is there.

P.O. LINDSAY:

Oh, you're here. Mr. Sharkey. I didn't see you back there.

CHIEF SHARKEY:

Good morning.

P.O. LINDSAY:

Good morning.

CHIEF SHARKEY:

Essentially, all this -- this transfer is driven by the fact that the opening of the correctional facility was delayed. The contractor has yet to turn the building over to us. When the budget was crafted last year, the anticipation was that we would begin our soft opening in April, which would have lessened the amount that we had to pay for out-of-County housing. So the agreed upon amount was two million dollars crafted between the Sheriff's Office and the Legislature that should have covered costs.

As of this date, the latest estimate that we have from the contractor is that we won't be able to have the building before November 1st. The result has been that we've had to house inmates out of the county for a longer period of time. As it stands now, we've expended year-to-date three point eight million and our year-end estimate is just over five million. So the two million budgeted, plus the three point two million that the -- this resolution provides, would give us just over five million dollars to cover us through the rest of the year.

P.O. LINDSAY:

Will we make it, Mike? Do we have enough money to do it now?

CHIEF SHARKEY:

With this resolution we will, yes.

P.O. LINDSAY:

You will, okay. And we'll be ready with the jail and be able to get our prisoners back here?

CHIEF SHARKEY:

Well, that's our anticipation.

P.O. LINDSAY:

Okay.

CHIEF SHARKEY:

It's been a moving target based on --

P.O. LINDSAY:

Okay.

CHIEF SHARKEY:

-- waiting for the building to be turned over to us.

P.O. LINDSAY:

Okay. Well, we're good at hitting moving targets. Okay. Thank you for your explanation. Okay. Do we have a motion?

MR. NOLAN:

We do.

P.O. LINDSAY:

We do. Mr. Clerk, we have a motion and a second?

MR. LAUBE:

Yes, you do.

P.O. LINDSAY:

Okay. To approve, right?

MR. LAUBE:

Correct.

P.O. LINDSAY:

All right. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1902 - Accepting the donation of two all-terrain vehicles from the Central Pine Barrens Commission for use by the Suffolk County Parks Police (County Executive).

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator --

LEG. BROWNING:

Browning.

LEG. MONTANO:

I'll second it.

P.O. LINDSAY:

Second by Legislator Montano.

P.O. LINDSAY:

Okay. Any discussion? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1906 - Amending prior capital authorizing appropriations for historic restoration and preservation of the Third House Theodore Roosevelt County Park in Montauk (Schneiderman).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Is that Legislator Schneiderman? Oh, yeah, Legislator Schneiderman made the motion.

LEG. SCHNEIDERMAN:

Motion to approve.

P.O. LINDSAY:

Okay. Do I have a second?

LEG. ANKER:

I'll second it.

P.O. LINDSAY:

Second by Legislator Anker. Any discussion? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1912 - amending Resolution 764, use of Southaven County Park for Craig Elberth Cross Country 5k Run (Browning).

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning.

LEG. CALARCO:

Second.

LEG. MURATORE:

(Raised hand)

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1901 - Accepting and appropriating Federal funding in the amount of \$25,000 from the United States Department of Justice, Organized Crime Drug Enforcement Task Forces (OCDETF), for the Suffolk County Police Department's participation in -- a bunch of letters that I don't know what it means. (OCDETF 2012 with 78.89% support (County Executive)).

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Thank you. Motion by Legislator Browning.

LEG. ANKER:

Second.

P.O. LINDSAY:

Second by Legislator Anker. On the question? Seeing none, all in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. *1932-12 - Declaring September 19, 2012 as "Don't Text and Drive Awareness Day" in Suffolk County (Spencer).* Legislator Spencer?

LEG. SPENCER:

Motion.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

LEG. SCHNEIDERMAN:

Tim, cosponsor.

P.O. LINDSAY:

1899-12 - Appropriating planning funds for the New Replacement Correctional Facility at Yaphank Phase II (CP 3008)(County Executive).

LEG. CALARCO:

Motion.

P.O. LINDSAY:

Motion by Legislator Calarco.

LEG. SPENCER:

Second.

P.O. LINDSAY:

Second by Legislator Muratore. I know I'm going to want to hear some explanation. Yeah, I see Commissioner Anderson.

COMMISSIONER ANDERSON:

Good morning. This is for the design of the Phase II, the next phase of the housing for the jails; it will be for another six pods, 360 beds. It's in the Capital Program for this year.

P.O. LINDSAY:

Okay. Any questions?

LEG. BROWNING:

Bill? Yeah.

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

I know Phase I was expanded. I don't know if Mike Sharkey would like to come up, but Phase I was expanded. They modified Phase I so that they could bring in more prisoners in Phase I, and I'd like to know if the Commissioner of Corrections is still pushing that we go ahead with Phase II.

COMMISSIONER ANDERSON:

Yes, they are. We're still in discussions with them as to the timing of it. But right now we're -- as Mr. Sharkey said, we're finishing up the construction of the latest bid package. We'll be renovating the existing portion and the -- all indications, the Commission of Corrections is going to require us to go into Phase II.

LEG. BROWNING:

Now, with the number of prisoners that we currently have and prisoners that have been sent out of Suffolk, does Phase I not adequately house the numbers that we currently have? And do we need Phase II? I mean, are we that many that we need to do Phase II?

CHIEF SHARKEY:

In the short-term, with keeping our variances, Phase I and maintaining variances will allow us to bring all of our prisoners back and negate the outside housing cost. The Commission's long-term view is that variances are not considered to be permanent beds.

That being said, we have over 500 variances. Phase I added 440 beds. So if, in fact, the Commission made a decision to remove all of our variances with Phase I, we'd actually be below our current capacity. So Phase II is keeping with the Commission's philosophy that variances are not permanent housing. That they're saying that eventually when Phase II is completed we will have no variances.

LEG. BROWNING:

Well, but with phase -- with the Phase II, there's no guarantee that every bed's going to be filled. You actually might have more capacity than what you're going to need.

CHIEF SHARKEY:

That's not likely based on our 20-year past -- past 20-year focus of, you know, what our percentage increase is from year to year. We may have some buffer, but it's not likely that if they took all of our variances, that we would have a significant number of additional beds. I mean, you're talking about a project that would not be completed -- you know, I'd defer to DPW, but would not be completed for multiple years out into the future.

LEG. BROWNING:

What number? How many years?

CHIEF SHARKEY:

I'd have to defer to DPW.

LEG. BROWNING:

Okay.

CHIEF SHARKEY:

But it's certainly multiple years out into the future. This is not something that would be completed, probably not even within the next five years.

LEG. BROWNING:

And what's the cost of Phase II?

COMMISSIONER ANDERSON:

At this point, it's under a hundred million, but we don't really have it defined at this point. Our estimate is -- if I remember right, was about 90 million for the pods. But the Chief is correct, it is multiple years. You know, the best guess, if everything went right, which does occasionally happen, I would say five, six years but, you know, that's -- again, this all has to be discussed with COC to make sure that they're on the same timeline as we are.

LEG. BROWNING:

A lot of money.

P.O. LINDSAY:

Let me ask, if I might, a more practical question, guys. What would we spend, Commissioner Anderson, next year in design on this project if we approve it?

COMMISSIONER ANDERSON:

Phase II we would begin spending the full amount.

P.O. LINDSAY:

We could spend 90 million dollars next year?

COMMISSIONER ANDERSON:

No, no, no, no, this is only for the design phase. This is --

P.O. LINDSAY:

Okay. Well, what would it cost us next year?

COMMISSIONER ANDERSON:

I don't -- you mean as far as for the design money?

P.O. LINDSAY:

Yeah.

COMMISSIONER ANDERSON:

What's in there, that's what we believe that would be -- would be all we need for the design.

MR. NOLAN:

The four point three million.

P.O. LINDSAY:

Is four point three million, you're telling me.

COMMISSIONER ANDERSON:

Correct.

P.O. LINDSAY:

Okay. And Mr. Sharkey, what would we save by bringing the prisoners back to Suffolk County?

CHIEF SHARKEY:

Again, we're projecting many years into the future.

P.O. LINDSAY:

No, next year.

CHIEF SHARKEY:

Well, this -- next year in our Operating Budget, I believe, with bringing everyone back, I think we only put a very nominal figure in for outside housing.

P.O. LINDSAY:

No, but --

CHIEF SHARKEY:

Well, less than a half of million, whereas this year --

P.O. LINDSAY:

I know, but do you see where I'm going?

CHIEF SHARKEY:

I'm just trying to --

P.O. LINDSAY:

By spending the design money, will we recoup that by bringing the prisoners back to Suffolk County?

CHIEF SHARKEY:

I think we will because the Commission is mandating this, and we can't afford to lose variances.

P.O. LINDSAY:

Okay.

CHIEF SHARKEY:

By comparison --

P.O. LINDSAY:

That's all I want to know. That's all I want to know.

LEG. BROWNING:

But, Bill, this is for Phase II. This isn't Phase I. Phase I --

P.O. LINDSAY:

I know that. But --

LEG. BROWNING:

-- is when we're going to bring them all back, when Phase I's complete.

P.O. LINDSAY:

No, I know, but Phase II has design money in it. And as long as -- from what I understand, as long as we go forward with the plan and start designing this Taj Mahal, they'll allow us to bring back the prisoners and we'll recoup the money. That's the point that I'm getting at. It's a short-term solution to a long-term problem, but I don't know how else to treat this.

LEG. KENNEDY:

But we don't even have custody yet. They didn't turn it over, right?

P.O. LINDSAY:

Touch your button.

LEG. KENNEDY:

We don't even have custody. EF Howell didn't even turn it over yet.

P.O. LINDSAY:

Yeah, I know, but I believe they'll turn it over as soon as we're ready to accept it.

LEG. KENNEDY:

Well, I don't know. Can you speak to that? I spoke with Chief, and he said that you would know best, Gil. Where are we at? When do we get the keys?

COMMISSIONER ANDERSON:

Right now, we anticipate November 1st to be able to turn the building over to the Sheriff's Office.

LEG. KENNEDY:

So it doesn't leak anymore.

COMMISSIONER ANDERSON:

Correct.

LEG. KENNEDY:

Okay. All right.

P.O. LINDSAY:

And I love the soft opening. It sounds like we're opening a department store, doesn't it?

*(*Laughter*)*

LEG. KENNEDY:

Filene's Basement Bottom.

P.O. LINDSAY:

Yeah.

LEG. SCHNEIDERMAN:

It doesn't seem to fit a jail, a soft opening.

P.O. LINDSAY:

Well, I thought we could have a party and all, stay overnight.

*(*Laughter*)*

D.P.O. HORSLEY:

Line-up outside.

LEG. KENNEDY:

Get the fancy pajamas.

LEG. BROWNING:

Bill, I would like to see that we could have Phase I completed.

LEG. HAHN:

If we can't meet here, we can meet there.

P.O. LINDSAY:

Huh?

LEG. BROWNING:

I would like to see that we have Phase I completed, we have all the prisoners brought back before we start moving with the Phase II, because you're talking a 100-million-dollar project for something that we may not fill up. And --

P.O. LINDSAY:

That would be in a perfect world. I don't agree with you. You know, I just want to keep the COC off our back.

COMMISSIONER ANDERSON:

And that's the big key here, it really is. The COC is mandating this, and if we don't show progress, they're really going to come down on us.

P.O. LINDSAY:

Okay.

D.P.O. HORSLEY:

Except the trailers.

P.O. LINDSAY:

Any other questions? No other question. Thank you, fellas. Any questions from Legislators? Seeing none, we have a motion and a second on this? All in favor? Opposed? Abstentions?

LEG. BROWNING:

Abstention. Abstain.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

We have a roll call on 1899A, the bond issue.

MR. LAUBE:

Ready?

P.O. LINDSAY:

Same motion, same second. Go ahead.

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

LEG. CALARCO:

Yes.

LEG. MURATORE:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

7LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. BROWNING:

Abstain.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

Okay. *1903 - Appropriating funds in connection with the construction of sidewalks on various county roads (Co. Exec.)*

LEG. SPENCER:

Motion.

P.O. LINDSAY:

Do we have a motion?

LEG. SPENCER:

(Raised hand.)

LEG. SCHNEIDERMAN:

Motion.

LEG. STERN:

Motion.

P.O. LINDSAY:

Doc, you made a motion? Okay. Motion by Legislator Spencer.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Do I have a second? Second by Legislator Browning -- not Browning, by Schneiderman.

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

LEG. HAHN:

Is there any way to know where these are?

P.O. LINDSAY:

Does anybody know where they are? Well, we could look it up, but better yet, Mr. Anderson's going to tell us.

COMMISSIONER ANDERSON:

This is specific for Townline Road in front of the Hauppauge High School and junior high school. The plans are to use this money to extend the contract that we already have working in the area.

P.O. LINDSAY:

See, Legislator Kennedy, you missed that boat. You should have been right there.

LEG. KENNEDY:

Well, this is what, about six years in the making, Mr. Chair? We've been talking about this one.

P.O. LINDSAY:

Okay.

LEG. HAHN:

Let's get kids safely to school.

LEG. KENNEDY:

Yes.

P.O. LINDSAY:

When we pour the concrete, he's going to put his name in the concrete.

LEG. KENNEDY:

I'll invite all 18. It'll be a soft pour.

P.O. LINDSAY:

Okay. We're getting to the end of agenda. We're getting a little silly, but it's early in the day to get silly. Okay. We have a motion and a second. Am I right, Mr. Clerk?

MR. LAUBE:
That's correct.

P.O. LINDSAY:
Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
On the accompanying bond resolution, *1903A, Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$500,000 bonds to finance the cost of the construction of sidewalks on various County roads (CP 5497.333)*. Same motion, same second, roll call.

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

LEG. SPENCER:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. D'AMARO:
Yes.

LEG. STERN:
Yes.

LEG. GREGORY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
Yes.

LEG. CILMI:
Yes.

LEG. MONTANO:
Yes.

LEG. CALARCO:
Yes.

LEG. ANKER:
Yes.

LEG. HAHN:
Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

All righty. **1908**, now watch, we'll get bogged down, *Directing the Department of Public Works to study alternative methods for purchasing transit fares (Hahn)*. Legislator Hahn?

LEG. HAHN:

Motion.

D.P.O. HORSLEY:

Motion to approve. Is there a second on the motion? Second by Legislator Stern. Any other motions? We're good? All those in favor?

LEG. MONTANO:

Explanation.

D.P.O. HORSLEY:

Explanation before we have that vote. An explanation, Legislator Hahn? You want to handle that one?

LEG. MONTANO:

I would like an explanation.

LEG. HAHN:

Yes, I have asked the Department of Public Works. This would direct them to study other ways for our transit riders, our bus riders, to pay for their tickets.

LEG. MONTANO:

Oh, okay.

LEG. HAHN:

Does that help?

LEG. MONTANO:

Yup. That clarifies it.

LEG. HAHN:

Great.

LEG. MONTANO:

Thank you.

D.P.O. HORSLEY:

Okay. We have a motion to approve. All those in favor? Opposed? So moved. It's been approved.

MR. LAUBE:

Eighteen.

LEG. SPENCER:

Cosponsor.

D.P.O. HORSLEY:

1910, Amending the 2012 Capital Budget and Program and appropriating funds in connection with Engineering, Planning, and Design of Ronkonkoma Hub Sewer Project (CP 8156)(Co. Exec.). You want to do this one, John, or do you want me to do it?

LEG. KENNEDY:

Why don't I make the motion to approve and maybe Legislator Muratore will jump in there for the second.

D.P.O. HORSLEY:

Sounds good, absolutely. Go team. Any other motions? We have a motion to approve. All those favor? Opposed? So moved.

MR. LAUBE:

Who's the second on that?

D.P.O. HORSLEY:

Legislator Muratore.

MR. LAUBE:

Thank you.

LEG. MONTANO:

Cosponsor.

D.P.O. HORSLEY:

I'd like to cosponsor that myself.

MR. LAUBE:

Seventeen.

LEG. SCHNEIDERMAN:

Cosponsor too, Tim.

D.P.O. HORSLEY:

We're good? Okay. The corresponding bond resolution, roll call vote.

1910A, Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$100,000 bonds to finance the cost of engineering, planning, and design of Ronkonkoma Hubs Sewer Project (CP 8156.110).

MR. NOLAN:

Same motion, same second.

D.P.O. HORSLEY:

Same motion, same second. I'm sorry. Thank you.

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

LEG. KENNEDY:

Yes.

LEG. MURATORE:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. CALARCO:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:
(Not Present)

MR. LAUBE:
Seventeen.

D.P.O. HORSLEY:
Okay, that has been passed. *1914, Amending the 2012 Capital Budget and Program and appropriating funds in connection with acquisition of lands for intersection improvements on CR 100, Suffolk Avenue at Brentwood Road/Washington Avenue, Town of Islip (CP 5065)(Co. Exec).* Mr. Montano, is this one yours?

LEG. MONTANO:
You mean 1914?

D.P.O. HORSLEY:
I'm going to recuse myself.

D.P.O. HORSLEY:
Okay.

LEG. GREGORY:
Motion to table.

D.P.O. HORSLEY:
Motion to table by Legislator Gregory. Is there a second on the motion?

LEG. ANKER:
Second.

D.P.O. HORSLEY:
Motion seconded by Legislator Stern to table.

LEG. KENNEDY:
I'll make a motion to approve for purposes of discussion.

D.P.O. HORSLEY:
Okay. There's a motion to approve. We could have had the discussion anyway.

LEG. SCHNEIDERMAN:
Second.

D.P.O. HORSLEY:
Second by Legislator Schneiderman. Okay. We have a motion to approve as well as a motion to table. On the motion?

LEG. KENNEDY:
Can we hear from Gil what this is about?

D.P.O. HORSLEY:
You may. Commissioner.

COMMISSIONER ANDERSON:

We've asked for this to be tabled. We need to make a revision to the resolution itself and that's the reason -- actually why I was standing up here, was to ask for this to be tabled one cycle. We need to change the resolution.

LEG. KENNEDY:

So you're going to bring it back to us and it will be on?

COMMISSIONER ANDERSON:

Correct.

LEG. KENNEDY:

Fine. Then I'll withdraw the motion to approve.

D.P.O. HORSLEY:

Okay. The motion to approve has been withdrawn. The second on the motion -- are you okay? Is that Tom -- Jay's, I'm sorry. Jay's second on the motion has been withdrawn, which leaves the motion to table. All those in favor? Opposed? So moved. It has been tabled.

LEG. MONTANO:

Note my recusal.

MR. LAUBE:

Sixteen. (P.O. Lindsay - not present; Legislator Montano - Recused)

D.P.O. HORSLEY:

Okay. Ways and Means.

1890, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Goorpersad Sookoo (SCTM No. 0500-066.00-02.00-069.000) (Co. Exec.). There you go. Do I have a motion?

LEG. CALARCO:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Calarco. Second on the motion?

LEG. CILMI:

Second.

D.P.O. HORSLEY:

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

MR. LAUBE:

Seventeen. (Presiding Officer Lindsay - Not Present)

D.P.O. HORSLEY:

1891, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Myron A. Hauptman and Ralph Delea, Trustees (SCTM No. 0200-189.00-01.00-010.000) (Co. Exec.)

LEG. CALARCO:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Calarco, second by Legislator Anker. All those in favor? Opposed? So moved.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

1896, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Gary B. Olsen and Theresa Olsen, his wife and Valentine Horvath and Renate Horvath, his wife (SCTM No. 0200-367.00-08.00-010.000)(Co. Exec).

LEG. KENNEDY:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Kennedy, second by Legislator Calarco. All those in favor? Opposed? So moved.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

That is the agenda. We have the CN's. You want to do the CN's?

LEG. ROMAINE:

Yeah.

D.P.O. HORSLEY:

Can we pass them out?

MR. LAUBE:

Wait, wait. They have to be distributed first.

D.P.O. HORSLEY:

Yes, I understand. They have to be distributed. Chief of Staff says that they will be distributed.

MR. LAUBE:

Here she comes.

D.P.O. HORSLEY:

They're coming.

LEG. MONTANO:

Don't we also have to read them?

LEG. ROMAINE:

Not really.

LEG. MONTANO:

Not really, right. That's my point.

D.P.O. HORSLEY:

One of them, we're not. One of them we're not.

LEG. KENNEDY:

Maybe more than one.

D.P.O. HORSLEY:

All right. As stated, we're on to the read file. We're doing the Certificates of Necessity. Okay.

LEG. STERN:

Wayne. Wayne.

COMMISSIONER ANDERSON:

Can I make a statement?

D.P.O. HORSLEY:

You can, absolutely.

COMMISSIONER ANDERSON:

Thank you.

D.P.O. HORSLEY:

Commissioner.

COMMISSIONER ANDERSON:

Okay. There are three -- I believe there are three CN's in front of you from the Department of Public Works specific to Sewer District 21. Because of an advertising error back in August, a public hearing could not be held on the issues that are contained within the resolutions until this afternoon. So I would ask that those not be brought forward until after the public hearing. It's --

D.P.O. HORSLEY:

You're killing us, Gil. There's three of them?

COMMISSIONER ANDERSON:

There's three resolutions, all the same thing. It's basically for improvements to Sewer District 21.

LEG. HAHN:

And Gil --

D.P.O. HORSLEY:

Okay. All right. The Commissioner has requested that the first one, 1731, which was Sewer District 21, 17 -- 1973 --

MR. NOLAN:

And 1995.

D.P.O. HORSLEY:

And 1995 all be held until this afternoon after the public hearings. All right. Looks like we got one fat one here.

COMMISSIONER ANDERSON:

And since I'm at it, the Traffic Violations Bureau.

D.P.O. HORSLEY:

That's 2010?

COMMISSIONER ANDERSON:

I don't have the number. That CN, we're not ready to discuss it. If we could discuss that similarly after public hearings, we'll do all four.

D.P.O. HORSLEY:

And we'll do all four. And we also have one that is coming apparently late, which we haven't seen as well.

LEG. SCHNEIDERMAN:

There's one other in the packet, 2010.

D.P.O. HORSLEY:

Okay. So we got 2010 and Legislator Calarco is anxious to get it moving.

LEG. CALARCO:

Motion.

D.P.O. HORSLEY:

Let me read it first. This is CN *2010, Authorizing an Intermunicipal Agreement between the County and the Village of Patchogue for the use of a portion of County premises located at 150 West Main Street, Patchogue, New York, for the Carnegie Library (Calarco).*

I have a motion by Legislator Calarco.

LEG. HAHN:

Second.

D.P.O. HORSLEY:

Seconded by -- I'm sorry, was that Kara? Legislator Browning. Okay. We have a motion and a second to approve. All those in favor? Opposed? So moved. It has been approved.

MR. LAUBE:

Seventeen. (Presiding Officer Lindsay - Not Present)

D.P.O. HORSLEY:

Okay. I don't have anything more, so we might as well recess until 2:30.

LEG. ROMAINE:

Do you have the late starters?

D.P.O. HORSLEY:

I don't have them, no.

LEG. ROMAINE:

Okay. We'll do them when we come back.

D.P.O. HORSLEY:

Good idea, though. No, we don't have them, though. Thanks. Have a good lunch.

*(*The meeting was recessed at 11:57 A.M. *)*

GM 10/9/12

*(*The meeting was reconvened at 2:22 P.M. *)*

D.P.O. HORSLEY:

All right. Mr. Clerk, would you please do the roll?

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

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Present.

LEG. BROWNING:

Here.

LEG. MURATORE:

Present.

LEG. HAHN:

Present.

LEG. ANKER:

Here.

LEG. CALARCO:

Here.

LEG. MONTANO:

Here.

LEG. CILMI:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Here.

LEG. NOWICK:

Here.

LEG. GREGORY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. SPENCER:

Here.

D.P.O. HORSLEY:

Here.

P.O. LINDSAY:

(Not Present)

MR. LAUBE:

Seventeen.

D.P.O. HORSLEY:

All righty. Thank you very much. The Clerk advises the affidavits of publication are in proper order for the following public hearings. And the first public hearing which we will hear today is the 2013 Operating Budget. I have two cards, and the first speaker is Vito Minei from the -- from Cornell.

MR. MINEI:

Thank you, Mr. Deputy Presiding Officer Horsley and Members of the Legislature.

D.P.O. HORSLEY:

It's always a pleasure.

MR. MINEI:

Thank you. I am Vito Minei. I'm Executive Director of Cornell Cooperative Extension of Suffolk County, and before you, you should have my presentation hopefully. And as shown on our letterhead, under the supervision of Cornell University, we provide --

(Fire drill sounded)

D.P.O. HORSLEY:

We shall all exit the building.

MR. MINEI:

I swear it wasn't me.

(Fire Alarm Sounded/Recess: 2:34 P.M. to 2:42 P.M.)

D.P.O. HORSLEY:

All righty.

LEG. MONTANO:

How many cards?

D.P.O. HORSLEY:

Not many, four. All right. We still don't have our speaker now. We had Vito Minei up there.

LEG. ROMAINE:

I'll summarize. "Give me money. Give it now. Thank you".

D.P.O. HORSLEY:

You've got five. Vito, you still have the three minutes. Now you've ten seconds.

MR. MINEI:

Am I on?

D.P.O. HORSLEY:

Mr. Clerk, do we need a roll call?

MR. LAUBE:

If you would like.

D.P.O. HORSLEY:

Might as well do it. We don't want any questions.

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

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

Here.

LEG. MURATORE:

Present.

LEG. HAHN:

Present.

LEG. ANKER:

Here.

LEG. CALARCO:

Present.

LEG. MONTANO:

Here.

LEG. CILMI:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

(Not Present)

LEG. NOWICK:

Here.

LEG. GREGORY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. SPENCER:

Here.

D.P.O. HORSLEY:

Here.

P.O. LINDSAY:

(Not Present)

MR. LAUBE:

Sixteen.

D.P.O. HORSLEY:

Okay. Thank you very much, Mr. Clerk, and we are going back to the 2013 Operating Budget public hearing, which Vito Minei from Cornell is now on for three minutes.

MR. MINEI:

Thank you very much, Deputy Presiding Officer Horsley and Members of the Legislature. I am Vito Minei, Executive Director of Cornell Cooperative Extension of Suffolk County, and hopefully in front of you, you have my presentation that was given out before. As our letterhead displays, under the supervision of Cornell University, we employ scientific information to try to accomplish our four-part mission, which is to strengthen families and communities, to preserve the environment, foster economic development and to promote sustainable agriculture.

I'm here today to ask you to please increase the Cornell Cooperative Extension Core Programs funding in the recommended budget by \$194,254. If you agree to do this, which I hope you do, what you'll be doing is taking a big step to restoring us to an equal plane with other contract agencies who over the last two years sustained a 5% cut last year and are slated for a 5% cut this year.

If you will, I'd like to guide you through the table, which I hope makes my point and clarifies the issues. Starting on the left-hand column of this table you see our six core programs. They are arranged with four towards the top of this column and two towards the bottom. Why we did this is because the four top ones received funding last year in 2012, the 2012 budget, and the bottom two were totally defunded, and this is really the root of our concern.

If you recall, last year the former County Executive proclaimed in the introduction that for the first time in his tenure, he was asking contract agencies to cut 5%, and he did that for most contract agencies, and he also did that for four of our programs, those top four. But the last two he totally defunded, and as a result, we sustained a 12% cut, not 5%.

Moving to the next column, you'll see how we calculated the 5% cut in accordance with this year's directive. And what we did was we restored the two totally defunded programs, and then we removed 5% from each of the six, to arrive at the column total there. Moving over next, you'll see that the calculation was not done the same way. How it was computed was it removed 5% from the four programs that were funded last year, and then reallocated that subtotal to all six programs. And as a result, you'll see that there's about a \$194,000 difference.

As I close, I want to thank several people. First starting with the County Executive, Steve Bellone and Chief Deputy Regina Calcaterra, who understand the importance of our programs. Next I want to thank the Deputy County Executive for Finance, Fred Pollert, and Connie Corso, who scheduled a

meeting with me tomorrow to try to deal with the communications problems. And then I want to thank Gail Vizzini, my friend of 25 years, who told me I better get myself here if I'm to make a case about restoration. I hope you see the merit of the request. I hope you vote to restore \$194,000 and this way we can continue our 100 year relationship with you providing the services to the people and businesses of Suffolk County. Thank you very much.

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

D.P.O. HORSLEY:

Thank you very much, Mr. Minei, and it's always a pleasure. Vito, apparently we have a question from Legislator Gregory.

LEG. GREGORY:

Hi, Vito.

MR. MINEI:

Hi.

LEG. GREGORY:

I got your e-mail; thank you. I think, you know, when we go into the Budget Working Group, you know, many of the decisions are made, particularly as relates to contract agencies. You know, we try to establish a list of priorities, and sometimes the -- you know, the description of the program is helpful, sometimes it's not, and whether -- determining whether the programs fit into those priorities that we establish. So it's not so much just a percentage cut, but sometimes the program itself doesn't fit into those priorities. And I know you've gone into the numbers, but if you could just quickly, in 30 seconds or so, just kind of describe the programs, and how they impact the County, and the funding that's -- funding cuts related to it.

MR. MINEI:

Oh, absolutely. Thank you, Legislator Gregory. Again, we try to attain our four-part mission that's at the top of the letterhead.

Going quickly through the programs, the Agriculture Program, and you can hear it unsolicited from a lot of the growers on -- throughout Suffolk County, that they attribute their livelihood to the research and the education provided by Cornell Cooperative Extension, our agricultural programs for all elements of agriculture in Suffolk County.

Likewise, with the Marine Program, again, you'll hear from commercial fishermen, from recreational fishermen, from all the people who own marinas, that they owe their livelihoods to the research and the science, whether it's on catching gear for the fish, or what have you.

The restoration of the fish stocks, again, they personally thank Cooperative Extension. Their farm and meat reproduction is where we're providing meat, and it's been around 300,000 pounds of meat -- a year to the Sheriff's Department to provide meat to the inmates at the two correctional facilities and to the Sheriff's staff.

Moving on down, the Administration is all the work we provide as support to all the programs. We undertake the salaries of several of our people in development and production of our materials.

The two programs that were defunded really are shocking to us. Family Health and Wellness undertakes programs that you see on the news every night. They deal with childhood obesity, they deal with bullying, they deal with the family wellness, keeping families intact, so that families can move forward in here. A lot of it is devoted to some of the low income people, but a lot of our other

programs are to all families in Suffolk County.

And then, finally, the 4-H Youth Development Program. This one really hurts me. I came on to Cornell because of the youth programs. There's a lot of work being done in 4-H to really get children to lead healthy lifestyles, to become good citizens, and to really take enjoyment in what's now referred to as the core disciplines of STEM, science, technology, engineering and math.

I'm on the Governor's Long Island Regional and Economic Development Council and everybody there, including the presidents of all the universities, says it's too late for the kids to come to college and not have an enjoyment for these. We, in Cornell, provide these STEM services to these children, so they not only understand them, but they enjoy them and want to make a career out of them, and then all of our programs deal with having the children understand, appreciate and love the natural resources of Suffolk County. But thank you for the opportunity.

D.P.O. HORSLEY:

Okay. Thank you very much. Thank you, Vito. The second person who'd like to be heard was Brian Lahiff from Child Care Council of Suffolk County.

MR. LAHIFF:

Good afternoon. Thank you for the opportunity to speak today. My name is Brian Lahiff and I am the Assistant Director of the Child Care Council of Suffolk. Janet Walerstein, our Executive Director, is unable to be here, though she wishes all of you, you know, good luck in working on this budget under these circumstances.

The Council currently has three contracts that are in the recommended budget, one of them is a pass-through contract. It is the registration and inspection contract. It comes from New York State Office of Children and Family Services. That contract, you know, has been in place for about nine years, and we expect that that will, you know, continue to go through. It is the other two contracts that there is an issue with, and we hope that we can gather your support.

The first contract is called the Community Development Loan Program. It's a small contract, about \$10,000. And what it does is it helps build capacity among child care providers in Suffolk County. Right now, the providers are feeling the same heat as other small business owners. This is an opportunity for very low interest loans through the CDC that has secured funding that is sitting and not being accessed by providers because of other concerns.

The Council's role is to help the provider understand how those dollars can impact and improve their quality of care, therefore, making them a more viable business entity going forward. We go in and do a rating scale to figure out how well the care is provided, what types of equipment, or training, or other materials may improve the quality of that care, and then help guide them through the process. So it really does give you a good bang for your buck, if you will, on the other end, it's not just sending money out.

The CDC does their part by ensuring that the providers are -- have a good business plan and are able to repay the loan, so then the dollars can be re -- I guess put back into the population when other providers are ready. So it kind of helped feed itself and goes forward.

The other contract that we're talking about is our supportive services contract. This is a very important contract. We are over at the DOL Office in Hauppauge for the Department of Social Services helping parents who are receiving public assistance move on to work jobs to get out of, you know, being on public assistance. It removes the obstacle of child care, so that when these families are ready to go and take a job and are able to find employment, that that's not the thing that holds them back, that child care does not get in the way of them actually going forward.

So we work with those families on the Safety Net services. We will walk them through the process, through the entire operation that is available to them to help move them off of public assistance, and, in turn, it helps the County keep their participation rate up, which is something important, because we fear that the State may start looking at pulling money back from counties if they do not meet that rate. Thank you.

D.P.O. HORSLEY:

Thank you very much, Mr. Lahiff. Legislator Gregory has a quick question.

LEG. GREGORY:

Hi, Brian. Thank you. So the last program is what, I guess, my concern -- I'll focus my concerns on. I know last year it was like 107, 127, or something.

MR. LAHIFF:

A hundred and thirty-three.

LEG. GREGORY:

Okay. All right, I was off. I know there was some concern when we went -- again, when we went through our priorities, well, this is child care, funding for child care, but it's actually if I understand, it's actually funding for a person or two people that actually are located in the Department of Labor, and those people that are sent there are people that are on public assistance, so they're required to -- those that can are required to find work, right?

MR. LAHIFF:

Correct.

LEG. GREGORY:

And this person is to help them find a safe, affordable registered child care provider.

MR. LAHIFF:

That's correct. The idea is to help them in the process of removing any obstacle that they may have so that they can go to work. And child care is often that biggest one, because you just -- well, we don't want them leaving their children home alone.

LEG. GREGORY:

Right. And from what I understand now, since that person is no longer there because we defunded the program, these people are pretty much just given a slip with the number to call the office, and somehow that's not -- that's not necessarily transitioning into a phone call or provision of child care.

MR. LAHIFF:

That's correct. Right now, as we were defunded last year, as you said, DSS and DOL worked on a plan that as the client went through the system, they were given a piece of paper with our phone number at the end of that very arduous process, spending most of the day there, getting everything in order; that then they said, "Well, here's a phone number for you to call." We've been tracking the numbers, and at the beginning of the year a lot of the families, you know, did use it initially. But, as it's gone on, we see very, very few calls coming our way, which means that we question where they're, well, putting their children. It becomes a secondary concern, which is the safety of children, if they are, in fact, going to go out and take the job placement that they may receive.

LEG. GREGORY:

Right. And this is all into getting people eventually off public assistance, or getting -- and without child care, it's more difficult to do that.

MR. LAHIFF:

Correct, as well as in the overall, I guess, umbrella of what the Council does as a resource agency, helping those families with other needs as they see fit. Oftentimes, as they're going through the process at DOL or with DSS, it's just -- you know, they're in a very difficult position, and they're trying the best they can to navigate the system. Our staff can help provide that navigation.

D.P.O. HORSLEY:

Thank you very much, Brian.

MR. LAHIFF:

Thank you.

D.P.O. HORSLEY:

Okay. I do not have any more cards for the 2013 Operating Budget. Would anyone like to be heard? Would anyone like to be heard? That being the case, I'll make a motion to close the public hearing for the 2013 Operating Budget.

LEG. BARRAGA:

Second.

D.P.O. HORSLEY:

Seconded by Legislator Barraga. All those in favor? Opposed? So moved. All right. The second hearing is the --

MR. LAUBE:

Sixteen.

D.P.O. HORSLEY:

Thank you.

MR. LAUBE:

Fifteen. Sorry. (Vote Amended to 14 yes, 4 not present/Not Present: Legs. Montano, Kennedy, Nowick and P.O. Lindsay)

D.P.O. HORSLEY:

The Southwest Sewer District Assessment Rolls. I do not have any cards for the Southwest Sewer District Assessment Roll. Would anyone like to be heard on this hearing? Would anyone like to be heard on this hearing? That being the case, we'll close the Southwest Sewer District Assessment Roll hearing. I'll make the motion, second by Legislator Calarco. All those in favor? Opposed? So moved.

MR. LAUBE:

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

D.P.O. HORSLEY:

Okay. ***Procedural Resolution Number 12 - Authorization of the alteration of rates for Sayville Ferry Service, Incorporated, I.R. 1810, to the Public Works and Transportation (P.O. Lindsay).***

I have two cards. The first card is Mr. Anthony Bernhidis (phonetic).

MR. BERNARDIS:

Bernardis.

D.P.O. HORSLEY:

Bernardis. I'm sorry. And it's not that difficult a name. Sorry about that.

MR. BERNARDIS:

That's okay. My name is Anthony Bernardis. I live at 14 Terry Street in Sayville. And please bear with me, I'm not very good at this.

I'm here because I understand the Sayville Ferry Service is applying for a rate increase. I'm in litigation with the Ferry Service and its many entities and owners for actions affecting the surrounding neighborhood from flooding and the Great South Bay from pollutants, all as a result of a highly questionable development.

At the present time, FEMA has become involved and is demanding the Town of Islip provide -- provide it with information and documents pertaining to the Stein properties.

In the past, the Budget Review Office has reprimanded the Steins in '03 and '06 for their business practices and excessive legal fees, legal fees paid for from profits from ferry tickets.

In the early 2000s the Stein entities started to fill the wetland area in a FEMA designated flood zone, also designated by the DEC as formerly connected and adjacent wetlands. I have invoices and picture proof. They park more than 2000 cars, mostly in the filled-in wetlands. Now storm water has no outlet and floods the yards, and crushed concrete dust silts the river and the bay.

As a result of my litigation, the Stein's legal team, which is also part of what you call in your paperwork brother-sister companies, appears to have billed themselves to date \$270,000, plus 12,000 in expenses, and then sued their old insurance company for the same. I'd like to know what part of this legal cost is the traveling public paying for, right?

I am requesting that the Budget Review Office deny any rate increase and investigate the Sayville Ferry Service inter-company profits that pay their legal services, specifically where laws are alleged to be broken.

Also, I ask, with all due respect, that Legislative Aide Chris Bodkin recuse himself from any procedures or investigations that involve the ferry companies due to his employment history with the Stein's and the ferry companies.

I've enclosed some paperwork with this letter. And any other information you need or want from me, please feel free to ask.

D.P.O. HORSLEY:

Thank you very much.

MR. BERNARDIS:

Thank you.

D.P.O. HORSLEY:

The second speaker is Mr. David Neufeld.

MR. NEUFELD:

Good afternoon, Deputy Presiding Officer Horsley, Members of the Legislature. My name is David Neufeld. I'm here on behalf of Sayville Ferry Service, Incorporated. We were at the last public hearing where I just -- very, very briefly, to reiterate, this will be seven years they've gone without any rate increase. The request made was not only approved and recommended by BRO, but results in lower rates than other ferries, lower than the CPI, serving over 400,000 passengers who visit

every year as a result of cost and expenses. It has a legacy of being in business for over 100 years in providing service, employing people, providing service for emergency personnel, such as Fire Department, Police Department when necessary, and evacuating people who are ill, and providing services to the public at large. The recommendations are made. We would respectfully refer to the record.

I did hear the prior speaker make comments. I will -- don't want to engage in a debate here. Suffice it to say, I will represent to you that at no time whatsoever has Sayville Ferry Service, the applicant here, been sued at all for anything wrong, as Mr. Bernardis pointed out. Mr. Bernardis has litigation pending against the Town of Islip for drainage issues against a parking lot, which is not at all owned, directly or indirectly, by the ferry across the street, and, again, some of the landlords who the ferry rents property from. The Ferry's not involved in that.

As far as the costs go that he's made reference about the legal fees, I would only point out that when his litigation commenced, there were some of the landlords and some of the other property owners, their insurance company raised some questions and the Federal Court said they must defend, and that is who is providing the defense. So it has nothing to do with this. And as to the extent there are any merits without issue, that, obviously, has nothing do with the rate or finances. BRO has gone over it.

I'd also say that having done things in the past before this Legislature and the BRO, references to being criticized in 2003 and 2006, and I believe I was here on both, had never surfaced, to my knowledge. I worked, I believe, with Mr. Duffy at that time who was then working with BRO. I don't want to engage in a sideshow with that. Suffice it to say, this is an application that stands on its own, and they want to continue to provide the fine services to the County and the public. Thank you.

D.P.O. HORSLEY:

Thank you, Mr. Neufeld. Apparently, we have one question from Legislator Gregory.

MR. NEUFELD:

Please.

LEG. GREGORY:

Okay. The previous speaker mentioned a lawsuit. You said that Sayville Ferry Service is not being sued, but he -- the previous speaker supplied some documentation with the Summons and Complaint. Your name is mentioned as Executor of Kenneth Stein, Jr.'s estate, if I read this correctly.

MR. NEUFELD:

That's correct.

LEG. GREGORY:

So who is Kenneth Stein, Jr.?

MR. NEUFELD:

Kenneth Stein owns some property, and Kenneth Stein, on February 26th, 2000, passed away. Kenneth Stein was both a client of mine and a friend of mine. And Mr. Stein's will was probated here by Surrogate Czygier, who appointed me as a Co-Executor, and I waived all commissions. It really was a personal issue for Mr. Stein, and one that I did proudly and I continue to do.

LEG. GREGORY:

No, I don't want to get into the personal. I guess my --

MR. NEUFELD:

Oh, they are -- they are owners of property, one or two of the -- one property, I believe, owned by them is leased by SFS, Sayville Ferry Service. It's a separate thing.

LEG. GREGORY:

Okay.

MR. NEUFELD:

They paid rent.

LEG. GREGORY:

So they are not a part --

MR. NEUFELD:

No. I represent the --

LEG. GREGORY:

They're not an owner of Sayville?

MR. NEUFELD:

No. Sayville Ferry -- Mr. Stein is -- no. Mr. Stein is deceased. The estate does not own any interest whatsoever in the ferry business.

LEG. GREGORY:

That's all I -- that's all really I --

MR. NEUFELD:

I'm sorry.

LEG. GREGORY:

And I do agree, that they're separate and apart.

MR. NEUFELD:

I'm sorry if I --

LEG. GREGORY:

And corporations will be sued for whatever, you know, or not. I just wanted -- I just wanted that question answered, that's all.

D.P.O. HORSLEY:

Okay. Very good.

MR. NEUFELD:

Thank you.

D.P.O. HORSLEY:

Thank you very much, both of you.

MR. NEUFELD:

Thank you.

D.P.O. HORSLEY:

That is -- I don't have any further cards for Procedural Resolution Number 12. Is there anyone else who would like to be heard on this matter? Is there anyone else who would like to be heard on this

matter? That being the case, I'll make a motion to close the Procedural Resolution Number 12; second by Legislator Gregory. All those in favor? Opposed? So moved.

MR. LAUBE:

Sixteen. (Not Present: Legs. Kennedy and Nowick).

D.P.O. HORSLEY:

I.R. 1489 - A Local Law to improve the safety of vehicles used by Child Care Providers that contract with the County "Look Before You Leave Our Children Act" (Stern). I do not have any cards on this. Legislator Stern, how say yee?

LEG. STERN:

Motion to recess.

D.P.O. HORSLEY:

Motion to recess by Legislator Stern, seconded by Legislator Gregory. All those in favor? Opposed? So moved, it's been recessed.

MR. LAUBE:

Seventeen. (Not Present: Leg. Nowick)

D.P.O. HORSLEY:

I.R. 1522 - A Local Law to enhance provisions for enforcement of certain Consumer Protection Laws (Co. Exec.). That is in the Government Operations -- the County Executive's -- anyone from the County Executive?

LEG. CALARCO:

Motion to recess.

D.P.O. HORSLEY:

Motion to recess by Legislator Calarco. Is there a second?

LEG. CILMI:

Second.

D.P.O. HORSLEY:

By Legislator Cilmi. All those in favor? Opposed? So moved, it has been recessed.

MR. LAUBE:

Seventeen. (Not Present: Leg. Nowick)

D.P.O. HORSLEY:

I.R. 1567 - Proposed increases and improvements of Facilities, Phase 2A, for south -- Sewer District No. 21 (SUNY, CP 8121) (Co. Exec.). Any motions on this?

MR. NOLAN:

Do we have any speakers?

D.P.O. HORSLEY:

Do we have any -- I'm sorry. Yes, thank you. Is there anyone who would like to be heard on this? I do not have any cards. Anyone like to be heard on this matter? Okay. That being the case, may I --

LEG. CILMI:

Motion to close.

D.P.O. HORSLEY:

Motion to close by Legislator Cilmi, seconded by Legislator Gregory. All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen. (Not Present: Leg. Nowick)

D.P.O. HORSLEY:

J.R. 1698 - A Local Law to amend post-employment restricts (Schneiderman). Would anyone like to be heard on this? Would anyone like to be heard on this? Having no cards, Legislator Schneiderman, this is yours.

LEG. SCHNEIDERMAN:

Motion to close.

D.P.O. HORSLEY:

Motion to close. Is there a second on the motion?

LEG. CILMI:

Second.

D.P.O. HORSLEY:

Legislator Cilmi motions the second to close. All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen. (Not Present: Leg. Nowick)

D.P.O. HORSLEY:

J.R. 1703 - A Charter Law to adopt Tax Policy Prior to Election Day, "Taxpayer Awareness Act Part 1." I do not have any cards. Would anyone like to be heard on this matter? Would anyone like to be heard on this matter? That being the case, Legislator Cilmi, what do you want to do?

LEG. CILMI:

Motion to close, please.

D.P.O. HORSLEY:

Motion to close by Legislator Cilmi; is there a second on the motion?

LEG. KENNEDY:

Second.

D.P.O. HORSLEY:

Second by Legislator Kennedy. All those in favor? Opposed? So moved, it has been closed.

MR. LAUBE:

Seventeen. (Not Present: Leg. Nowick)

D.P.O. HORSLEY:

J.R. 1704 - A Charter Law to require open deliberations in budget amendment process, "Taxpayer Awareness Act Part 2" (Cilmi). I do not have any cards. Would anyone like to be

heard on this matter? Would anyone like to be heard on this matter? That being the case, Legislator Cilmi, how say yee.

LEG. CILMI:

Motion to close.

D.P.O. HORSLEY:

Motion to close by Legislator Cilmi; is there a second on the motion?

LEG. BARRAGA:

Second.

D.P.O. HORSLEY:

Second by Legislator Barraga. All those in favor? Opposed? So moved, it has been closed.

MR. LAUBE:

Seventeen. (Not Present: Leg. Nowick)

1705 - A Charter Law to improve transparency and participation in setting spending priorities, "Taxpayer Awareness Act Part 3" (Cilmi). I do not have any cards on this. Would anyone like to be heard? Would anyone like to be heard on this matter? That being the case, Legislator Cilmi, how see yee?

LEG. CILMI:

Motion to close.

D.P.O. HORSLEY:

Motion to close. Is there a second on the motion? Second by Legislator Barraga. All those in favor? Opposed? So moved, it has been closed.

MR. LAUBE:

Seventeen. (Not Present: Leg. Nowick)

D.P.O. HORSLEY:

I.R. 1787 - Proposed increases and improvements to facilities for Sewer District No. 23 - Coventry Manor, CP 8149 (Co. Exec.). Is there anyone who would like to be heard on this? Is there anyone who would like to be heard on this? I have no cards on this matter?

LEG. SCHNEIDERMAN:

Motion to close.

D.P.O. HORSLEY:

Motion to close by Legislator Schneiderman.

LEG. ANKER:

Second.

LEG. CILMI:

Second.

D.P.O. HORSLEY:

Second by Legislator Anker. All those in favor? Opposed? So moved, it has been closed.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

I.R. 1788 - Proposed increases and improvements of facilities for Sewer District No. 5 – Strathmore Huntington (CP 8115) (Co. Exec.). I do not have any cards on this. Would anyone like to be heard on this matter? Would anyone like to be heard on this matter? That being the case, Legislator Schneiderman, you want to --

LEG. SCHNEIDERMAN:

Motion to close.

D.P.O. HORSLEY:

Motion to close. Seconded by?

LEG. CILMI:

Second.

D.P.O. HORSLEY:

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

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

It has been closed.

I.R. 1789 - Proposed increases and improvements of the facilities for Sewer District No. 7 – Medford (Woodside - CP 8119) (Co. Exec.). I do not have any cards on this. Would anyone like to be heard on this matter? Would anyone like to be heard on this matter.

LEG. SCHNEIDERMAN:

Motion to close.

D.P.O. HORSLEY:

That being the case, Legislator Schneiderman motions to close; second by Legislator Muratore. All those in favor? Opposed? Answer the phone. All those in favor? Good, we're closed.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

1790 - Proposed increases and improvements of the facilities for Sewer District No. 7 – Medford (CP 8150)(Co. Exec.). I do not have any cards on this. Would anyone like to be heard? Would anyone like to be heard on this matter?

LEG. SCHNEIDERMAN:

Motion to close.

D.P.O. HORSLEY:

That being the case, Legislator Schneiderman motions to close.

LEG. CALARCO:

Second.

D.P.O. HORSLEY:

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

MR. LAUBE:

Seventeen. (Not Present: Leg. Kennedy)

D.P.O. HORSLEY:

J.R. 1791 - Proposed increases and improvements of facilities for Sewer District No. 10 - Stony Brook, CP 8175 (Co. Exec.). I do not have any cards on this matter. Would anyone like to be heard? Would anyone like to be heard on this matter? That being the case --

LEG. SCHNEIDERMAN:

Motion to close.

LEG. SCHNEIDERMAN:

Legislator Schneiderman motions to close, seconded by Legislator Muratore. All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen. (Not Present: Leg. Kennedy)

D.P.O. HORSLEY:

J.R. 1792 - Proposed increases and improvements of facilities for Sewer District No. 11 - Selden, CP 8117 (Co. Exec.). I do not have any cards on this matter. Would anyone like to be heard? Would anyone like to be heard on this matter?

LEG. SCHNEIDERMAN:

Motion to close.

D.P.O. HORSLEY:

Motion to close by Legislator Schneiderman, seconded by Legislator Muratore. All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen. (Not Present: Leg. Kennedy)

D.P.O. HORSLEY:

J.R. 1793 - Proposed increase and improvement of wastewater treatment facilities for Sewer District No. 14 - Parkland (CP 8128) (Co. Exec.). I do not have any cards on this matter. Would anyone like to be heard? Would anyone like to be heard? That being the case, Legislator Schneiderman motions to close, second by Legislator Muratore. All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen. (Not Present: Leg. Kennedy)

D.P.O. HORSLEY:

J.R. 1794 - Proposed increases, improvements and extension of facilities for Sewer District No. 18 - Hauppauge Industrial. (CP 8126)(Co. Exec.). I do not have any cards. Would anyone like to be heard on this matter? Would anyone like to be heard on this matter? That being the case, Legislator Schneiderman, you're good with this one, too.

LEG. SCHNEIDERMAN:

Yes, motion to close.

LEG. MURATORE:

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

MR. LAUBE:

Sixteen. (Not Present: Legs. Kennedy and Lindsay).

D.P.O. HORSLEY:

J.R. 1795 - Proposed increases and improvements of facilities for Sewer District No. 3 - Southwest, CP 8170 (Co. Exec.). I do not have any cards on this matter. Would anyone like to be heard? Would anyone like to be heard? I'll make the motion to close on this one; seconded by Legislator Schneiderman. All those in favor? Opposed? So moved.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

J.R. 1796 - Proposed increases and improvements of facilities for Sewer District No. 20 – William Floyd (CP 8148)(Co. Exec.). I do not have any cards on this matter. Would anyone like to be heard? Would anyone like to be heard on this matter? That being the case, Legislator Schneiderman makes the motion to close, seconded by Legislator Muratore. All those in favor? Opposed? So moved.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

J.R. 1803 - A Local Law to eliminate Item Pricing Waiver Fee (Cilmi). I do not have any cards on this matter. Would anyone like to be heard? Would anyone like to be heard? That being the case, Legislator Cilmi how say yee?

LEG. CILMI:

Motion to recess.

D.P.O. HORSLEY:

Motion to recess. Seconded by?

LEG. CALARCO:

Second.

LEG. MURATORE:

(Raised hand).

D.P.O. HORSLEY:

Legislator Muratore. All those in favor? Opposed? So moved, it is recessed.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

Next page, ***J.R. 1909 - 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 (Co. Exec.).*** I do not have any cards on this matter. Would anyone like to be heard? Would anyone like to be heard on this matter?

LEG. SCHNEIDERMAN:

Motion to close.

D.P.O. HORSLEY:

That being the case, Legislator Schneiderman motions to close; seconded by Cilmi. All in favor? Opposed? So moved, it has been closed.

MR. LAUBE:

Eighteen.

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

D.P.O. HORSLEY:

(Public Hearing on) IR 1919-12 - Adopting Local Law No. -2012, A Local Law terminating the Suffolk County Public Employment Relations Board (County Executive). I do not have any cards on this matter. Would anyone like to be heard? Would anyone like to be heard on this matter? That being the case, do I have any motions?

LEG. GREGORY:

Motion to close.

D.P.O. HORSLEY:

Motion to close by Legislator Gregory. Seconded by Legislator Stern. All those in favor? Opposed? So moved.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

Thank you.

(Public Hearing on) IR 1926-12 - Adopting Local Law No. -2012, A Charter Law to strengthen and improve the County's economic efforts by consolidating departmental functions within a newly created Department of Labor, Licensing and Consumer Affairs (County Executive). I do not have any cards on this matter. Would anyone like to be heard? Would anyone like to be heard on this matter? Okay. That being the case, may I have a motion?

LEG. GREGORY:

Motion to close.

D.P.O. HORSLEY:

Motion to close by Legislator Gregory. Seconded by Legislator Barraga. All those in favor? Opposed? So moved.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

Thank you.

(Public Hearing on) IR 1927-12 - Adopting Local Law No. -2012, A Local Law to establish collaborative long-term visioning plans among County Departments ("The Suffolk County Visioning Act")(County Executive). I do not have any cards on the matter. Would anyone like

to be heard? Would anyone like to be heard on this matter? That being the case, Legislator Gregory, how say ye?

LEG. GREGORY:

Motion to recess.

D.P.O. HORSLEY:

Motion to recess by Legislator Gregory. Seconded by?

LEG. CALARCO:

Second.

D.P.O. HORSLEY:

Legislator Calarco. All those in favor? Opposed? So moved, it has been recessed.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

(Public Hearing on) IR 1929-12 - Adopting Local Law No. -2012, A Local Law to strengthen requirements for safe disposal of expired and unused medications (Hahn).

I do not have any cards on this matter. Would anyone like to be heard? Would anyone like to be heard on this matter? That being the case, Legislator Hahn, how say ye?

LEG. HAHN:

Motion to close.

D.P.O. HORSLEY:

Motion to close by Legislator Hahn. Seconded by Legislator Muratore. All those in favor? Opposed? So moved.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

(Public Hearing on) IR 1935-12 - Adopting Local Law No. -2012, A Local Law to safeguard employees displaced by privatization (Browning). I do not have any cards on this matter.

Would anyone like to be heard? Would anyone like to be heard? That being the case, Legislator Browning, how do you say?

LEG. BROWNING:

Motion to close.

D.P.O. HORSLEY:

Motion to close by Legislator Browning. Seconded by?

LEG. MURATORE:

(Raised hand)

D.P.O. HORSLEY:

Legislator Muratore. All those in favor? Opposed? So moved. It has been closed.

MR. LAUBE:

Seventeen. Eighteen.

D.P.O. HORSLEY:

Eighteen.

That is the last Public hearing that I have listed today. I'll make a motion to close. Seconded by Legislator Muratore. All those in favor? Opposed? So moved.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

Okay. I'd like to make a motion to set the date for the following Public Hearings, November 20th, 2012, 2:30 PM, Rose Caracappa Auditorium, Hauppauge, New York. And that will -- 1938, IR 1938, a Local Law to clarify escrow requirements for licensed home furnishings sellers, Legislator Barraga. Also, IR 1947, a Charter Law to establish multi-year budget plan by Legislator Cilmi.

LEG. CILMI:

Second.

D.P.O. HORSLEY:

I'll take a second by Legislator Cilmi. All those in favor? Opposed? So moved. The -- those Public Hearings have been set for November 20th.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

And that concludes --

Legislator Anker, on a point of personal privilege.

LEG. ANKER:

Okay. Hi. Thank you for giving me this minute to just go over. There was a constituent here this morning, it was Fred -- I'm sorry, Danny Towle, the brother. He was here, he's a constituent of mine. He's from Coram, and he mentioned that my office had not returned his call pertaining to an issue with the AME union and the health care issue. And I just found out, he had called my office Friday afternoon at 2 PM, we were closed on a holiday, and he was here this morning at 10 AM. Again, it does take time to get back, and my office did say that they were looking into the issue. But I just wanted to, you know, put on record that my office is there to serve the constituents and we will absolutely meet with him and discuss this in detail. So thank you for this few minutes.

D.P.O. HORSLEY:

You're very welcome, and we know you well.

Okay. In the manilla folder we have a Bond Resolution for Introduction Resolution 2009-12 - Amending the Bond Resolution of the County of Suffolk, New York, adopted on April 26th, 2011 and amended on October 9th, 2023, authorizing the issuance of 655,000 bonds -- dollars worth of bonds to finance a part of the cost of the partial renovation of the Peconic Building at the Suffolk County Community College. May I have a motion on this?

LEG. ANKER:

I'll make a motion.

D.P.O. HORSLEY:

Motion by Legislator Anker. Is there a second on the motion? This is 2009, the manilla folder. It's a Bond Resolution. I'll second the motion. Okay, would anybody like to discuss this, any issues? Okay. All those -- oh, yes, it's a Bond Resolution, I need a roll call on this. Mr. Clerk?

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

LEG. ANKER:

Yes.

D.P.O. HORSLEY:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. CALARCO:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

Okay. Thank you very much. I believe that concludes -- that's everything we have in the manilla folder; is that correct?

MR. NOLAN:

Yes. CN's

D.P.O. HORSLEY:

Alrighty. We are going over to the red folder, the *Certificates of Necessity* for immediate consideration. We have several here, and then we had the sewer ones. We're already on the sewer ones, Mr. County Executive people? We're good? Okay.

The first one I have is *1731-12 - A resolution making certain Findings and Determinations in relation to the increase and improvement of facilities for Sewer District No. 21 – SUNY (CP 8121) (County Executive)*. May I have a motion?

LEG. SCHNEIDERMAN:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Schneiderman. Seconded by Legislator Muratore. All those in favor?

LEG. HAHN:

Wait. Can we -- is this -- on the motion?

D.P.O. HORSLEY:

On the motion. Sure, absolutely, on the motion.

LEG. HAHN:

I can ask questions?

D.P.O. HORSLEY:

You can.

LEG. HAHN:

Now's the time.

D.P.O. HORSLEY:

Now's the time. I was just moving fast, getting you guys home. Commissioner, you want to tell us about this?

LEG. HAHN:

Gil, if you don't mind just reiterating to me what I was told earlier about exactly what's going to happen with these changes?

COMMISSIONER ANDERSON:

Yeah. These are for upgrades to the treatment plant, it includes new denitrification filters as well as some process improvements, I think the aerators and things like that. These are to further limit nitrogen, any nitrogen being introduced into the Long Island Sound and in compliance with the Long Island Sound Study.

LEG. HAHN:

Excellent. Can you just assure me that there won't be added smells and sounds for the neighbors?

COMMISSIONER ANDERSON:

You have my assurance on that, yes.

LEG. HAHN:

Thank you. And what about -- we're not expanding --

COMMISSIONER ANDERSON:

No.

LEG. HAHN:

-- our site.

COMMISSIONER ANDERSON:

Right. Everything will be contained within that same site. This will not look for any additional land.

LEG. HAHN:

And this has nothing to do with the leaching pools that the community was afraid was going to happen?

COMMISSIONER ANDERSON:

Down in District 10? No, this has nothing to do with it.

LEG. HAHN:

Can you say that again; no?

COMMISSIONER ANDERSON:

No. Sorry, no.

LEG. HAHN:

(Laughter) Thank you very much.

COMMISSIONER ANDERSON:

You're welcome.

D.P.O. HORSLEY:

Are there any further questions? Okay. That being the case, we have a motion to approve. All those in favor? Opposed? So moved. It's been approved.

MR. LAUBE:

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

D.P.O. HORSLEY:

Okay. ***CN 1973-12 - Amending the 2012 Operating Budget, transferring Stabilization Reserve Funds to the Capital Fund, amending the 2012 Capital Budget and Program and appropriating funds for improvements to the Suffolk County Sewer District No. 21 SUNY –***

(CP 8121)(County Executive). Motion by Legislator Schneiderman to approve. Second on the motion by Legislator Spencer.

LEG. HAHN:

On the motion?

D.P.O. HORSLEY:

On the motion.

LEG. HAHN:

Same questions (*laughter*).

D.P.O. HORSLEY:

Gil, we still have another one. You might as well just stay up.

COMMISSIONER ANDERSON:

Same answer.

LEG. HAHN:

Thank you.

COMMISSIONER ANDERSON:

Absolutely.

LEG. KENNEDY:

I have a question.

D.P.O. HORSLEY:

Legislator Kennedy.

LEG. KENNEDY:

There's a new building that's being built on campus. They just broke ground on it, I guess, \$40 million computer technology, this, that or the other thing. Is there expansion -- is there capacity in the plant now?

LEG. HAHN:

Huge economic generator.

COMMISSIONER ANDERSON:

There is. Yeah, 80% of that facility is designated to SUNY and there is room for them to expand their flow.

LEG. KENNEDY:

And so these upgrades are for efficiencies and for operation, but these upgrades are an additional capacity to accommodate the building?

COMMISSIONER ANDERSON:

No, they do not reflect that.

LEG. KENNEDY:

All right. Thank you.

D.P.O. HORSLEY:

Very good. Okay. Anything further?

LEG. HAHN:

They make the water cleaner that goes out into the sound.

LEG. KENNEDY:

We need that at six, too, absolutely.

D.P.O. HORSLEY:

And we do like our clean water. Okay. I have a motion to approve. All those in favor? Opposed? So moved.

MR. LAUBE:

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

D.P.O. HORSLEY:

Certificate of Necessity 1995-12 - Accepting funds from the State University Construction Fund; amending the 2012 Capital Budget and Program and appropriating funds in connection with Suffolk County Sewer District No. 21 SUNY - Improvement Project (CP 8121)(County Executive).

LEG. SPENCER:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Spencer. Seconded by Legislator Muratore. On the motion, Ms. Hahn?

LEG. HAHN:

Same questions?

COMMISSIONER ANDERSON:

Same answer.

LEG. HAHN:

Thank you.

D.P.O. HORSLEY:

Anyone else? Everyone's good? Okay. All those in favor? Opposed? So moved. It has been approved.

MR. LAUBE:

Seventeen (Not Present: Legislator Montano).

D.P.O. HORSLEY:

2010 has been already approved earlier.

D.P.O. HORSLEY:

Now we're on to *2011-12, CN, Amending the 2012 Capital Budget and Program and appropriating funds in connection with construction of the Traffic and Parking Violations Bureau (CP 6409)(County Executive).* Should we get the motion on this?

LEG. SCHNEIDERMAN:

Motion.

D.P.O. HORSLEY:

Legislator Schneiderman.

LEG. ROMAINE:

Second.

D.P.O. HORSLEY:

Second by Legislator Calarco. Okay. Are there any --

LEG. KENNEDY:

Wayne?

D.P.O. HORSLEY:

I wasn't going any further.

LEG. KENNEDY:

I don't have that.

D.P.O. HORSLEY:

2011? It should be. I have it in mine. Okay, we're good? Everyone's got it? Okay. On the motion, Legislator Browning.

LEG. BROWNING:

Yeah, I just have a quick question about, obviously this is great that we're getting it up and running, but I'm just curious if there's been any -- much discussion about how we're going to staff it. Are we going to be bringing back laid off County workers? Are we privatizing this? I'd really love to know what we're doing with it.

D.P.O. HORSLEY:

I'm going to ask the County Executive's folks to give us a briefing on this and answer these questions that are coming up from the Legislature.

MR. MONTES:

Good afternoon. Luis Montes, Assistant Deputy County Executive.

Just on that, there hasn't been a positive decision made. The County Executive is still reviewing some of the analyses that are coming from the RFPs that we got back, the responses. And hopefully in the next couple of weeks there should be an announcement by the County Executive.

LEG. BROWNING:

An announcement from the County Executive. So this Legislature will have no option or opportunity to weigh in on whether it's privatized or whether it will be a County-owned and operated facility.

MR. MONTES:

I think that there should be discussion -- there will be discussions with each of the Legislators regarding the decision.

LEG. BROWNING:

Okay. George, I think we need to have a conversation. Thank you.

D.P.O. HORSLEY:

All right. Legislator Romaine.

LEG. ROMAINE:

Yes, of course, we do have an opportunity to weigh in right now. Since this is before us now, we have an opportunity to vote no. We have an absolute opportunity to vote no on this.

I'd like to hear the analysis -- that's just to answer my fellow colleague, that's the opportunity we have. You want to put before us now less than complete information, you're going to get a negative answer. You can't say it any simpler than that. This is the type of product you want put in front of us. So when a basic question is asked, "How is it going to be operated", there isn't an answer for that question. Okay.

MR. MONTES:

There's going to be ample opportunity to discuss the issue. We have laid on the table today a Local Law for the Traffic Violations Bureau, and I think that that's going to be an opportunity to discuss the actual administration of the agency.

LEG. ROMAINE:

I think you're right. I'm going to make a motion to commit it to committee, because I think that's exactly where we should have that discussion. You're going to come before the committee, you can answer all the questions of whatever committee it's assigned to, and we'll have a much better understanding and we'll be casting a far more informed vote.

Tell me a little bit about what this -- this is -- this Certificate of Necessity does. Let me -- just go through it with me briefly about the Traffic and Parking Violations Bureau.

MR. MONTES:

At this point, given the time constraints that we have, that we have to be up and running by February 15th, we need the funds to be reallocated to the Department of Public Works so that they can start construction of the new facility, or the retrofitting of, in this case, the H. Lee --

LEG. ROMAINE:

And how much is this going to cost?

MR. MONTES:

It's going to be -- it was initially forecast at 3.6 million. After, you know, hours and hours of work during this weekend, we have been able to decrease that number and address all the security concerns that were raised. During the last meeting that we went to before Legislator Schneiderman's committee, that's when we addressed any -- now down to \$2.5 million, the actual cost of the retrofitting of the H. Lee Dennison Building.

LEG. ROMAINE:

Okay, so you're going to retrofit it. And where is this going to be located again?

MR. MONTES:

The first floor of the Dennison Building.

LEG. ROMAINE:

The first floor of the Dennison Building, You're going to retrofit that. Originally your estimate was 3.6 million; is that correct?

MR. MONTES:

That is correct. And that was --

LEG. ROMAINE:

And now it's 2.5 million.

MR. MONTES:

That is correct. Basically, when we first went to the committee, it was going to be at Building 158 in the North County Complex, and that involved at least four different moves from different offices. We

went back to DPW, and Commissioner Anderson is here to explain any detail, but that's basically why the number decreased.

LEG. ROMAINE:

And most of this work is going to be done in-house by our trade shop?

COMMISSIONER ANDERSON:

Design will be done in-house. The construction will be done using contractors.

LEG. ROMAINE:

Can I ask what's the status of our trade shop in DPW? How is that staffed, is that adequately staffed? Because in the past, when renovations were done in the County, we had a trade shop in DPW in which almost all renovations could be accomplished through the trade shop.

COMMISSIONER ANDERSON:

They're staffed right now. We've actually been working on new offices for the Board of Ethics and internal -- doing work at DPW to relocate our Fleet Services into the back building, as well as the old doctor's office in front of the old infirmary, right across CR 21.

LEG. ROMAINE:

Thank you, Commissioner. Let me -- if I could continue with this gentleman very quickly. This is \$2.5 million for the renovation.

What is the anticipated start-up cost now -- because that number has obviously fluctuated -- for the Traffic & Parking Violations Bureau? What is the start-up cost to get this up and running?

MR. MONTES:

The operational budget that has been submitted to the Leg back in September, it states that it's going to be 3.24, the staffing and everything that is needed. Additionally, for the actual retrofitting of the building, we're putting this Capital Project forward that is 2.5 million. So in the first year we're looking at \$5.3 million.

LEG. ROMAINE:

Five point three million dollars. This will become operational on the 15th of February?

MR. MONTES:

Yes, that's our intent.

LEG. ROMAINE:

So it could be up and hearing cases on the 15th of February?

MR. MONTES:

That's not correct.

LEG. ROMAINE:

Okay.

MR. MONTES:

The adjudication of cases will start on April 1st.

LEG. ROMAINE:

So on April 1st we'll start adjudicating cases. So we'll have three quarters of 2013 in which potential revenue could be created by this bureau; is that correct?

MR. MONTES:

That is correct. It is anticipated between eight and ten million during the first nine months.

LEG. ROMAINE:

Okay. Do we -- so we're anticipating eight to ten million, the overall cost, start-up cost is what? All combined -- construction, staffing, all of the incidentals -- what would that be for the first year, for 2013?

MR. MONTES:

We've said it's about 5.8 million because --

LEG. ROMAINE:

So this will be a plus/positive thing?

MR. MONTES:

That's correct.

LEG. ROMAINE:

Okay. And obviously, in 2014 it should generate even more because you don't have construction costs, it's just personnel and incidentals that you would have; is that correct?

MR. MONTES:

That is correct. And that's why -- the reason that we pursued this initiative up in Albany.

LEG. ROMAINE:

Okay.

MR. MONTES:

Because it was going to be addressing public safety at the same time.

LEG. ROMAINE:

And you presented this to Legislator Schneiderman's Office because --

MR. MONTES:

Committee.

LEG. ROMAINE:

Right, his committee, because you wanted to bring over the CN today.

MR. MONTES:

That is correct.

LEG. ROMAINE:

Okay. Was there a reason that this wasn't submitted back in September so it could make the general flow of things so it didn't need a CN?

MR. MONTES:

At the time, I don't think that there were -- you know, and that's something that DPW may be able to answer, but at the time we didn't have all the, you know, data necessary to come up with a determination. In fact, as many of you know that were present at the committee, we actually went from 158 on Thursday to H. Lee Dennison Building today. So it's been very, you know, difficult just --

LEG. ROMAINE:

I wasn't at the committee. By the way, I happen to agree. I think the place of this facility is in the H. Lee Dennison Building, because you probably need less renovations. And that, if I'm not mistaken, used to be courthouses, if I'm not mistaken, where the courts used to be based years ago. So I know on the second and third floor there were courts. Thank you very much.

D.P.O. HORSLEY:

Thank you very much, Legislator Romaine. Legislator Montano.

LEG. MONTANO:

Yeah, I just had a question.

D.P.O. HORSLEY:

And out of the back.

LEG. MONTANO:

Thank you. Hi, Luis. Just had a question on the offset. Maybe I should direct this to Gail on the -- what do you call it, the health centers. Could you just explain that to me, what are we taking out and where? Hold on, let me get my page.

COMMISSIONER ANDERSON:

If I could. The two health center offsets from Capital Project 4008 and 4055, because the Health Department is now pursuing converting the centers to be operated by Hudson River FQHC model, those -- they will no longer be looking to have the generators that were supposed to be installed under 4008, nor the equipment that was supposed to be purchased under 4055.

LEG. MONTANO:

And which locations are those; if you know, Gil?

COMMISSIONER ANDERSON:

No, I don't know.

LEG. MONTANO:

Does anyone know; Gail?

MS. VIZZINI:

Um --

LEG. MONTANO:

Well, you said they're for generators, right?

COMMISSIONER ANDERSON:

Well, generators and other equipment, yeah. 4008 was specific to generators.

LEG. MONTANO:

All right. So what I'm trying to get at is what Capital Project? I don't have it in front of me, that's why I'm asking, Gil.

MS. VIZZINI:

The two clinics that are moving forward for FQHC status are the County staffed clinics. Because of the staffing cuts with the layoffs, those two clinics have gone to the front of the line.

LEG. MONTANO:

And which two are those again?

MS. VIZZINI:

Tri-Community and Riverhead.

LEG. MONTANO:

Okay. Thank you.

D.P.O. HORSLEY:

Thank you very much, Legislator. Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. I have questions about the offset, and then more importantly I think I want to ask about specific design and a little bit about security issues associated with this.

COMMISSIONER ANDERSON:

If I could, real quickly? We have a set of plans of the Dennison and a rough layout that was worked on over this weekend for everybody to take a look at.

LEG. KENNEDY:

Okay. That will be helpful, Gil. So talk to me about 1765, that Building 50 North Complex renovations. We're gutting that, there was 125 grand in that. And what -- why are we off-loading that?

COMMISSIONER ANDERSON:

Three hundred thousand has already been appropriated in two resolutions this year. ITS has indicated that the remaining 300,000 in 1726 would be more than adequate to complete the work.

LEG. KENNEDY:

And what are they have doing? Are they -- is it capital equipment or is it, you know, transmission upgrades; what is it?

COMMISSIONER ANDERSON:

It's Fiber Cabling Network and WAN technology upgrades.

LEG. KENNEDY:

Throughout the whole North Complex? Through whatever they laid out in the North Complex.

COMMISSIONER ANDERSON:

Yes.

LEG. KENNEDY:

All right. Gil, who can speak to the actual flow for the public that are going to be entering? Do you have it, does Errol have it? What -- how is the public going to be entering the building? What are the security points? Where's the interface between the public and our personnel or TVB personnel? What do we have as far as security staff goes, Errol? Mr. Toulon?

MR. TOULON:

Good afternoon. Errol Toulon, Jr., Assistant Deputy County Executive for Public Safety. The entrance for all motorists who are coming either for a hearing or for a conference will be entered through the main entrance, and that would be the north entrance.

LEG. KENNEDY:

Okay.

MR. TOULON:

When they enter there will be -- they'll go through a magnetometer through security personnel. From there they'll go to a waiting room, unless they're there to actually pay their bill; they can go right to the cashier's office. From the waiting room, they'll be able to go to a conference room, or if they're there for trial.

LEG. KENNEDY:

How many -- I mean, I assume that there's actually going to be courtroom areas. I know we're going to have ALJ's. How many of them do you have set up? And what do you anticipate processing in a daily workday; a hundred people, 200 people? What's our projected flow?

MR. TOULON:

It's 350.

LEG. KENNEDY:

About 350 motorists a day?

MR. TOULON:

Exactly.

LEG. KENNEDY:

What about the -- you spoke about the cashier's office. What kind of security do we have there, you know, when people are paying off the fines and things like that? Are we going to have a safe, do we have a secured area?

MR. TOULON:

We've identified -- well, we'll have a safe in the back. We'll have stronger than Plexiglass, because we've encountered, as we've visited other TVB's, where motorists who were a little irate have punched a regular Plexiglass and injured a cashier. And some have actually been spit upon, so we're going to have that barrier to protect the cashiers. As far as policy and procedures as to when drops are going to be made, those things have not been determined yet.

LEG. KENNEDY:

All right. But you are looking at that as far as the way the particular flow goes. What's your -- and I guess I'm going to have to look at it, but based on the schematic that you have now, what's, you know, the timeframe to build it out? What does it look like, Gil?

COMMISSIONER ANDERSON:

Again, we will have this all operational, ready, you know, by February 15th, which is --

LEG. KENNEDY:

And what is our go-live date?

COMMISSIONER ANDERSON:

Go-live is April 1st.

LEG. KENNEDY:

So we're targeting February 15 for the purposes of then bringing our personnel in to train them to do kind of a shake-out and kind of get, you know, up and prepared so we can have the doors open on April 1?

MR. MONTES:

The actual operation of the TVB will start February -- January 1st, and we will have a small staff that is going to be located at the District Court building between January 15th and February 15th, and

that's because the schedule -- we still need to start scheduling hearings for after April 1st. So therefore, we need to start the process prior to the actual live, go-live date.

LEG. KENNEDY:

Okay. So yes, I understand the overlap period. But up through April 1, a motorist pays their ticket to the State, and then following that they pay it to us?

MR. MONTES:

Yes. It's basically -- we don't get the restriction to adjudicate those cases until after April 1st.

LEG. KENNEDY:

All right. That's enough. Let me look at that the plans. Thank you.

D.P.O. HORSLEY:

Okay. Thank you, Legislator Kennedy. Legislator Gregory.

LEG. GREGORY:

Thank you. I just -- we've voted on this two times, three times; Gail? How many times have we voted on this?

LEG. CALARCO:

Four.

LEG. GREGORY:

Four times?

LEG. CILMI:

Five.

LEG. GREGORY:

Five times. I mean, I think we've kind of stated our support for this bill, for this operation or this concept. I understand that people may have some questions as to the layout and the building use and things like that, but I think it's appropriate to go forward with the concept because we've already approved it five times. And it's my understanding with the calendar, our next meeting is Operating Budget only, and then November 20th would be the earliest, and these people have to get moving with the renovations. Gil, if I can, how long will it take you, or are you anticipating to renovate the buildings and to do --

COMMISSIONER ANDERSON:

It's going to take every -- I mean, that's the reason we're putting this forward as a CN, is because we need the funding as soon as possible to make sure we have enough time to get everybody working, get the work complete and get us out of the way so these folks can do what they need to do. So to answer your question, every minute that we can spare.

LEG. GREGORY:

So you're obviously moving people from office space in the first part of this and they're going somewhere, so you have to renovate that office space and I don't know how many other associated moves, but obviously there's movement around besides the renovation. So it's going to take -- you know, we're talking three months, you know, to kind of handle and coordinate all of that.

COMMISSIONER ANDERSON:

Yeah, we have to -- as you've mentioned, we have to find a home for -- which we have, we have a plan laid out where we're going to move the departments that are physically located in there right now. FRES is going to come out to Yaphank --

MR. MONTES:
EMS.

COMMISSIONER ANDERSON:

EMS, I'm sorry. Thank you. EMS is going to come out to Yaphank. Human Rights Commission is going to move up to another floor within the Dennison. You know, the folks that are out in Yaphank where EMS is going to go have to move -- they're going to actually be relocated into my building. And so all those moves have to be made prior to us getting in there and starting the construction. But, you know, we're confident that we have this time frame that we're looking at right now and we'll get it all done in time.

LEG. GREGORY:

Okay. All right. Thank you.

D.P.O. HORSLEY:

Thank you very much, Legislator Gregory. Legislator Barraga.

LEG. BARRAGA:

I'd like to commend you in terms of the change of approach since the Public Works Committee. Because when we had the committee meeting, at that time this particular entity was going to be placed where Civil Service currently is, and if I remember correctly, there was going to be a cost factor associated with this of \$3.6 million. And some of us did wonder, I mean, how could you spend 3.6 million to move Civil Service out of there only to have to spend several million more in the Dennison Building to meet the needs of Civil Service? So this precludes that.

COMMISSIONER ANDERSON:

Correct.

LEG. BARRAGA:

The other thing is that in the Public Works Committee, there was quite a bit of discussion of offsets. I notice the 2.5 million you're appropriating for the renovation at Dennison under this particular proposal is done by way of serial bonds; is that true?

COMMISSIONER ANDERSON:

That is correct.

LEG. BARRAGA:

As opposed to offsets.

COMMISSIONER ANDERSON:

Well, this is offsetting Capital Projects that would have been paid for through bonds, Capital Bonds.

LEG. BARRAGA:

All right. So we're still doing 2.5 million in bonds.

COMMISSIONER ANDERSON:

Correct.

LEG. BARRAGA:

Offsets.

COMMISSIONER ANDERSON:

Yes, Sir.

LEG. BARRAGA:

All right. Okay. That's all I have.

D.P.O. HORSLEY:

Thank you very much, Legislator. Legislator Calarco.

LEG. CALARCO:

Thank you. Luis, just a quick question for you. I'm looking at our -- at the County Executive's recommended budget here and it looks like he's got 13 positions in here for the Traffic Violations Bureau. So I take that as an indication that he is looking to do this as a County entity and doing it in-house. You have Clerk Typists, Senior Clerk Typists, those individuals will come off the preferred list of individuals who lost their jobs this past July as potentially able to come back and take these positions; is that accurate?

MR. MONTES:

I wouldn't, you know, be able to, you know, give you a final determination of that, but that's certainly what the County Executive is going to do, you know.

LEG. CALARCO:

Well, that's what's in the budget that was presented to us from the County Executive.

MR. MONTES:

I think in terms of clerical workers, I guess there's got to be some type of comparable position to the ones that we currently have and I think that that's -- you know, that's part of the description in the budget.

LEG. CALARCO:

Okay. And you came up with this list of potential employees we'll need through talks with other entities like Nassau County, etcetera, that I know you brought on Mr. Toulan to help expedite this process. And you've been working and talking to other entities, including the State, about how they run their operation and what kind of employees they need and numbers so that we are ready to go with this come April 1st.

MR. MONTES:

That is correct. We have gone to Nassau County, to Southampton, to Riverhead and different other municipalities that have already this type of entity working, so. And that's where we took the -- basically we modeled this after those institutions.

LEG. CALARCO:

And then in addition to the clerical staff that we'll need to have, there's going to be a need for us to hire prosecutors, some attorneys that will be handling the caseload; correct?

MR. MONTES:

That is correct. Six part-time attorneys that are going to be serving as prosecutors.

LEG. CALARCO:

Okay. That's all I have. Thank you.

D.P.O. HORSLEY:

Okay. Thank you very much, Legislator. Legislator Anker.

LEG. ANKER:

I wanted to also mention how much we appreciate you really looking into the location. Legislator Barraga had mentioned that, you know, before we were informed it was going to be the North

Complex, and now it's been switched to the Dennison which it seems it's saving us quite a bit of money. So it's refreshing to see not only is this department going to be revenue generating, you're also looking at the bottom line to create the department. So again, I appreciate all the extra time and energy you guys have been putting into this. So, thanks.

D.P.O. HORSLEY:

Thank you very much, Legislator Anker. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Actually, all of my questions have been asked and answered. Mostly, I wanted to know where the things that are on that first floor like the Human Rights Commission were going, and I think Gil has answered all those questions.

D.P.O. HORSLEY:

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

LEG. D'AMARO:

Thank you. I just had a couple of questions, looking at the plan. First, there are other County employees in the building; how do you cut them off from this operation?

MR. TOULON:

The County employees will be coming in through the south and the east entrances, so they will now have access to their offices though the north side of the building.

LEG. D'AMARO:

But when a County employee comes in through the north -- I'm sorry, south entrance, they walk right through the TVB to get to the elevator, right?

MR. TOULON:

No. No.

LEG. D'AMARO:

What's in the office area in the south?

COMMISSIONER ANDERSON:

That's FRES right now.

LEG. D'AMARO:

Is that moving?

MR. MONTES:

EMS.

LEG. D'AMARO:

Is that moving?

MR. TOULON:

Yes.

COMMISSIONER ANDERSON:

EMS is moving, yes, out to Yaphank.

LEG. D'AMARO:

So is that part of the Violations Bureau back there?

COMMISSIONER ANDERSON:

No.

LEG. D'AMARO:

No. Okay. But these elevators are on -- that south entrance is on the first floor; is that right?

MR. MONTES:

Correct.

MR. TOULON:

Correct.

LEG. D'AMARO:

Not on the plaza level.

MR. TOULON:

Right.

LEG. D'AMARO:

So when you come through that entryway to get to these elevators -- I mean, you have to come up the plaza stairs in order to get to the elevators.

COMMISSIONER ANDERSON:

Or you can go, again, and enter through the plaza --

LEG. MONTANO:

Your mic.

MS. MAHONEY:

Gil, use your microphone, please.

COMMISSIONER ANDERSON:

Sorry. On the plaza level there's entrances on the south side, so the employees could simply enter through the south and the east entrances on the plaza level. So if you look at it on the right side of the drawing where it shows the plaza, that's where they would come in.

LEG. D'AMARO:

Okay. The offices on the east side along the wall, are those part of the TVB also?

COMMISSIONER ANDERSON:

Hold on. Yeah, those will be part of the TVB.

LEG. D'AMARO:

Okay. And the offices on the opposite side, way up on the --

COMMISSIONER TOMARKEN:

Those will be the back offices for the TVB.

LEG. D'AMARO:

So you need all of those separate offices to operate this? What's happening in these separate offices.

MR. TOULON:

They're going to be conferences, but --

LEG. D'AMARO:

Okay.

MR. TOULON:

You have to remember, we worked through the weekend with five different scenarios to try and come up with the best and most cost efficient --

LEG. D'AMARO:

You know, let me just stop you right there. Because, you know, you're asking for two-and-a-half million dollars on zero notice.

MR. TOULON:

Okay.

LEG. D'AMARO:

Zero. I mean, we had a discussion about this on Friday and I came in today and we have a different building. So, you know, I feel very assured that you worked on it and looked at five scenarios, but basically I have zero backup to your plan or how the money is being spent, who did the work. We have nothing other than a plan in front of me right here and now. So, you know, I don't understand how I'm supposed to exercise my oversight function here, getting a plan 30 seconds before I have to vote on it and write a blank check for two-and-a-half million dollars. So explain that to me, besides giving me assurances.

MR. TOULON:

There is no assurances. Those are offices that are going to be used for conference rooms and administrative staff.

LEG. D'AMARO:

And then the hearing rooms are going where the Media Center was, right?

MR. TOULON:

It should be to -- right, to the right of it.

LEG. D'AMARO:

Right. All right. And I wanted to ask you, the Clerks seem to be in that front area where they will be opposite the waiting room, I guess to service folks that are directed into the waiting room if you won't need to see a Clerk. Those are Clerk windows there?

MR. TOULON:

The cashiers?

LEG. D'AMARO:

Or cashiers.

MR. TOULON:

Right. Okay.

LEG. D'AMARO:

It says "*Clerks*" on the plan. How do the Clerks get in and out of that area?

MR. MONTES:

Back offices.

COMMISSIONER ANDERSON:

They come around through the back.

MR. MONTES:

Where the Human Rights Commission currently is, that's basically a back entrance to that portion.

LEG. D'AMARO:

All right. I mean, I think it would make a little more sense to have the employees even for the TVB not passing through the public part of the facility. You know, the Clerks coming in going to work. I mean, I don't think there's that much risk, you do have security scanners, but if it could have been worked out differently, I think it just would give people more comfort coming to work.

COMMISSIONER ANDERSON:

We can address that. I mean, if you come down that entrance from the lower south side, there will be a -- you know, right now there are doors. There will be doors that will allow the staff to enter that way --

LEG. D'AMARO:

Okay, good.

COMMISSIONER TOMARKEN:

-- as well as not allow the public to get beyond to the other side.

LEG. D'AMARO:

Okay. All right. Well, on short notice, I really don't -- I don't know what else to tell you, other than I'm going to base my vote on your assurances.

D.P.O. HORSLEY:

Okay? Thank you very much, Mr. D'Amaro. Legislator Hahn. Legislator Hahn?

LEG. HAHN:

I think my questions have been answered. Thank you.

D.P.O. HORSLEY:

Thank you very much, Legislator Hahn. Legislator Cilmi.

LEG. CILMI:

Thank you. I just want to talk about the numbers. There is some money that we approved in next year's Capital Budget that was partially earmarked for this purpose, for the start-up costs for the TVB.

Do you know is it the County Executive's intention to just reduce that approval by -- you know, by this amount when it comes to next year?

MR. MONTES:

I believe that issue was addressed by BRO last time, that it was economic development money, not specific -- you know, not for this specific purpose.

LEG. CILMI:

Well, I think it's specifically referenced, Traffic Violations Bureau, or certainly during our discussions that was referenced. Was it not, BRO; could you tell us?

MR. MONTES:

I believe they came back with --

MS. VIZZINI:

Yeah, the Economic Development Infrastructure Project and the Jump Start were for economic development initiatives such as the Traffic Violations Bureau. So it wasn't like there was a million dollars or \$3 million specifically for --

LEG. CILMI:

Right.

MS. VIZZINI:

In the context of what Luis is talking about, I offered the possibility of the '13 money being used to pay for some of these projects that are being used as offsets.

LEG. CILMI:

Right. Do you expect that that's what will happen?

MR. MONTES:

No, I don't believe so, Sir. Just based on the --

LEG. CILMI:

I'm sorry. Did you say yes you believe so, or no?

MR. MONTES:

I don't -- basically, what we're putting forward today is basically what we consider the offsets for this specific project.

LEG. CILMI:

Okay. So the money that we approved in next year's Capital Budget, which specifically references projects such as the Traffic Violations Bureau, will now not be used for the Traffic Violations Bureau but rather something else entirely.

MR. MONTES:

I haven't seen the wording on that budget line.

LEG. CILMI:

Well, she just read it to you.

MR. MONTES:

Yes, exactly. Basically it says such as they're -- I think it's mostly economic development, not for this purpose, and that's something that we can probably address later, you know, with more specifics on those projects.

LEG. CILMI:

I mean, I think we were led to believe that it was predominantly Traffic Violations Bureau, but that's neither here nor there at the moment. What can you tell us about the other offsets that are in -- Gil, maybe you can speak to this about the other offsets that are in this resolution.

MS. VIZZINI:

Ronkonkoma Hub was also mentioned. Ronkonkoma Hub.

LEG. CILMI:

Thank you.

COMMISSIONER ANDERSON:

The other offsetting resolutions that are in here, 1616, which is Fuel Management; we had 1.25 million in the budget, we plan on using all but 700,000 by the end of this year. This is an annual Capital Program and we would come back to -- you know, come back next year, obviously, again for that Capital Program. Those two I spoke about. Bear with me one second, sorry. Yeah, the others, 1726 which is Fiber Cabling Network and WAN Technology; 1765, Renovations to Building 50; as well as -- those are the two IT's, the two IT resolutions that we spoke about earlier. Then we also spoke about Capital Project 4008 and four zero -- sorry, 4055 which is the Health offsets. Then 5604, Upgrade the Public Works Repair Garages for Compressed Natural Gas. We're not -- we're just in the developmental stage of this program, still trying to get the regulation -- trying to really understand the regulations required. So this one we will not be using this year, and if we -- when, if and when we get to the point we feel comfortable that we're going to really -- you know, that we're going to move this one forward, we will resubmit that into the Capital Program. Restoration of Driveways, Gutters and Catch Basins; that's at the Vanderbilt Museum, that's 700,000 that was remaining in that Capital Project. Lance, the head of the museum, came in and spoke and said that, you know, they weren't planning on using those funds. They have agreed to allow us to use those funds.

LEG. CILMI:

At all or this year?

COMMISSIONER ANDERSON:

This year.

LEG. CILMI:

This year.

COMMISSIONER ANDERSON:

Yeah. And then the last -- well, and those are the funds that are being offset.

LEG. CILMI:

So, I mean, what I'm a little concerned about is that we approved the Capital Budget which we believed had funds set aside for the Traffic Violations Bureau, which most of us supported, if not all of us. These offsets that we're using, you're not saying that we don't need to do these projects any longer, it's just that they won't be done this year or next -- yeah, I guess it's this year.

COMMISSIONER ANDERSON:

Immediately, correct. They're annual Capital Programs that -- you know, for the most part. For the DPW ones, they're annual Capital Programs that we would be, you know, coming back every year to ask for further funding. We have a significant enough funding in the kitty right now, if you will, to continue throughout the year and into next year. You know, we --

LEG. CILMI:

But ultimately, this is all -- this all increases our debt, ultimately, because we're planning on spending the money ultimately.

COMMISSIONER ANDERSON:

Correct.

LEG. CILMI:

Right.

COMMISSIONER ANDERSON:

But again, this is a -- and I understand your point, but again, the Capital Program is only 5% of the

overall.

LEG. CILMI:

Right.

COMMISSIONER ANDERSON:

I'm not making light of it, but I'm just --

LEG. CILMI:

Right, right, right. Okay. Well, that answers my questions as far as this particular resolution goes. I do have some questions with respect to the actual -- the resolution that creates the Bureau and how we do that and some things that you said about the RFP, but I'll save those for when we debate that issue.

I do want to express also my appreciation for working over the weekend and making what's clearly a change for the better in terms of not only financially, but probably in terms of, you know, administratively making this work and practically making this work as well. So good job, Gil, and all of you. Thanks.

D.P.O. HORSLEY:

Okay. Thank you very much, Legislator Cilmi. Legislator Romaine.

LEG. ROMAINE:

Yes, a couple of things. One of the things, just for the press. As you know, in the Dennison Building there's a room set aside for Newsday, and I've seen some of their reporters hang out there from time to time. I noticed on the drawing, I said, "*What happened to the Newsday press room? What happened to the press room?*" You guys eliminated it in your drawings. Not that we care about the press here or we're not conscious of their decisions, what they write.

D.P.O. HORSLEY:

We do care about the press.

LEG. ROMAINE:

We do. (*Laughter*).

D.P.O. HORSLEY:

We love you.

LEG. SCHNEIDERMAN:

They're moving it to the 12th floor.

LEG. ROMAINE:

Are we moving it to the 12th floor?

(**Laughter**)

I just want to check that there's still a Media Room available. Can someone tell me what's going to happen with that?

COMMISSIONER ANDERSON:

We have enough room in the Dennison Building that we're confident we'll be able to find a home for them there.

LEG. ROMAINE:

So that's a commitment, that as these plans go forward there will be a room for the media available in the Dennison Building, that you will let them know.

COMMISSIONER ANDERSON:

Yes.

LEG. ROMAINE:

Because you're going to dispossess them.

All right, here's the other thing that I got. You know, somehow I got this County budget, and I looked at the budget and, lo and behold, one of the things was they're selling the Dennison Building. Now, usually you don't approve buildings that you're going to sell or you think you're going to get a price on. You're now applying 25 -- \$2.5 million for improvements in a building that you're selling that you're going to lease back. Is the Traffic Violations Bureau going to participate in paying their rent as part of the lease back to the -- I guess it's the Judicial Facilities Agency; could someone answer me that legal question? I think that's a very good question, since we are selling the building and we're planning to sell it to the Judicial Facilities Agency and we're going to be leasing it back to them. Has the Traffic Violations Bureau been authorized to enter into a lease with the Judicial Facilities Agency? Maybe you can answer that question.

D.P.O. HORSLEY:

Ed, really.

LEG. CALARCO:

It's late.

D.P.O. HORSLEY:

Yeah. Really, Ed.

LEG. ROMAINE:

It's late?

D.P.O. HORSLEY:

Not to mention that --

LEG. ROMAINE:

Guys, just think about it, because you know what?

D.P.O. HORSLEY:

You have been a major advocate of the sale/lease back of the building and you know exactly how it works.

LEG. ROMAINE:

No, I understand. But you know what? Just think about what I'm saying, because it's in the budget.

D.P.O. HORSLEY:

And we do appreciate the fact that you are protecting the media. We all have those shared feelings.

LEG. ROMAINE:

I'm sure we do.

D.P.O. HORSLEY:
Legislator Spencer.

LEG. SPENCER:

Hi. I have questions with regards to the legislation we're voting on today. It allows us to create the infrastructure for this Traffic Violations Bureau, but we don't have an understanding in terms of if it's going to be privatized versus -- do we have an idea of how many employees will be required for this? And when will we get that information?

MR. MONTES:

Yes. In total it's going to be 19 full-time employees. There's going to be six part-timers, but it's going to be traffic prosecutors, those are part-time attorneys. And then there's going to be six Judicial Hearing Officers that in the current system are known as ALJ's, Administrative Law Judges. Those are appointed by the District Court and they will be part-time, too. These are either -- according to the legislation that was passed up in Albany, these are retired Justices, either Village or Town.

LEG. SPENCER:

But as far as whether or not there will be -- in terms of the secretarial staff or just the day-to-day staff, will those be County employees or will it be something that we'll bid out to --

MR. MONTES:

Well, I believe that that's a discussion still up in the air. We're going to have a chance to discuss when the Local Law is -- goes through the procurement process, and that's, I guess, the right time to address those questions.

LEG. SPENCER:

So with regards to the -- it's kind of hard for me to separate the two, I think that makes it very difficult to not know. And if they're County employees, and I know that concern was brought up before, you know, I have a law where we -- would we be hiring from the outside currently? Would we be bringing people that have lost their jobs? So we're not even at that point, there's no thought or -- is there anyone from the Executive's Office who can kind of give us --

MR. MONTES:

Certainly there's discussion, but there's no final determination on that issue.

LEG. SPENCER:

Thank you.

D.P.O. HORSLEY:

Thank you. Okay. Luis, maybe we should include Dr. Spencer in on those conversations when we get to that point. That would be very helpful.

MR. MONTES:

Yes.

D.P.O. HORSLEY:

Thank you very much. Legislator Browning. And we're winding this down, gang.

LEG. BROWNING:

A quick one. Actually, I can solve the issue with the press. I mean, have you watched Superman? He just needed a phone booth. Let's just get them a phone booth, there's plenty of them around. I think Rick Brand would be happy to have one.

But anyway, security guards. Because I see your piece here with security. So I'd like to know what the plan is for security for a motor vehicle. Are you going to be having Dreamland or are we going to have County workers? Sorry, that's the only one I know. Are we going to have County workers operating out of the TVB.

MR. TOULON:

That hasn't been determined, only because one of the requirements is that those security personnel have to be able to maintain a magnetometer. They have to know how to use it, they have to operate it. They're going to have to know what to do if they have someone that has a weapon, whether it's a gun, a knife, if they have drugs on them. So currently -- and I have not explored that deeply into it. I do not think that the security personnel that we currently have -- and it's only one for the entire building, it's only on that north entrance -- are capable of doing that. So I'm in the process of just researching and gathering enough information to present to the County Executive.

LEG. BROWNING:

So at the other traffic vehicle bureaus, like the current State one, are they armed, the security guards? Are they armed security?

MR. TOULON:

Yes, they are. They're armed, and the few that we have seen are law enforcement personnel.

LEG. BROWNING:

Okay. Thank you.

MR. TOULON:

Basically, Court Officers.

LEG. BROWNING:

Oh, okay. Well, I thank you. And certainly I'm interested to find out more about how we're staffing it, because I believe you said -- Rob, you said there was like 13 in the budget?

LEG. ROMAINE:

(Nodded head in the affirmative).

LEG. BROWNING:

But that was mainly just for the TVB. And I'm concerned that 13 employees is not going to be sufficient. Sorry for the TVB, but after the red light cameras, we're going to need a lot more than 13 when you start adding on all of the other tickets. So they're going to come in.

MR. TOULON:

I believe it's 19.

LEG. BROWNING:

I thought you said 13.

LEG. CALARCO:

The budget said 13.

LEG. BROWNING:

Yeah, the budget said 13, so I guess we may have to address that in our budget.

D.P.O. HORSLEY:

Wow. All right. On that note, thank you very much, Legislator Browning. Legislator Cilmi for a quick question.

LEG. CILMI:

I'm sorry, Mr. Chairman, my question just got a little bit longer. I was going to ask --

D.P.O. HORSLEY:

So did my list.

LEG. CILMI:

I was going to ask about the operating budget impact, the stated operating budget impact in the 2013 Operating Budget for the TVB.

So if you could speak to that. But also, if you're saying 19 and the budget says 13, that's 50% more staff -- you're suggesting that the staff will be 50% more than what it says in the budget, which obviously there's a cost associated with. That needs to be addressed. We can't just glance over that.

MR. MONTES:

No, that's part -- that 3.2 million operating budget that we mentioned, that's basically where everyone is included, the 9 full-time employees, the six part-timers and the six Judicial Hearing Officers.

LEG. CILMI:

Wait. So -- okay. So what does it say in the operating budget for 2013 that we're going to net from the operations of this TVB?

MR. MONTES:

I believe that during the first nine months, because this is not going to be a full year.

LEG. CILMI:

Right, it will be April through December.

MR. MONTES:

Through December. At that point, we're going to break even, that's because obviously we have only three-quarters of the year, and that's basically what we're going to have.

LEG. CILMI:

But you said before that it was going to generate --

MR. MONTES:

Between eight and ten million.

LEG. CILMI:

Eight and ten million.

MR. MONTES:

Unfortunately, given the instruction -- I think that we had this discussion with the -- it's a moving target, and the only reason is because it's hard to establish some of the fees that the State will charge to the County for, you know, specific infractions. And that's why it's an estimate, it's a rough estimate.

LEG. CILMI:

I mean, with what sort of margin of error?

MR. MONTES:

I would say eight to ten million. That's why we're saying eight to ten. So --

LEG. CILMI:

Okay, so eight to ten. So eight at the minimum --

MR. MONTES:

Uh-huh.

LEG. CILMI:

-- of revenue.

MR. MONTES:

Yes.

LEG. CILMI:

Ten at the potential maximum.

MR. MONTES:

And that's -- I believe if you read it, it's basically for a 12 -- 12-month period, that eight to ten million. That's how when the budget mitigation --

LEG. CILMI:

You --

MR. MONTES:

I'm sorry. So it will be -- it will be --

LEG. CILMI:

I'm sorry, you just keep -- it seems to me you keep contradicting yourself every time you speak. So is that for a 12-month or is that for the period from April through December?

MR. MONTES:

To summarize it, it's going to be the first nine months of the year is going to be -- we're going to break even. And then for the future years, from, you know, 2014 and on, it's going to generate between eight and ten million.

LEG. CILMI:

Okay. So that's different from what you said earlier today. You said that for the first nine months of this year, and it's not really the first of next year, it's the second nine months of next year, right, April through December.

MR. MONTES:

That's correct.

LEG. CILMI:

You said earlier that you expected 8 to \$10 million of revenue and that subsequent years would be more than that, or the net would be more because there wouldn't be the start-up costs.

MR. MONTES:

That's correct.

LEG. CILMI:

But you did say that it would be 8 to \$10 million. Now, I don't want to quibble over it, if you made a mistake that's fine. But what I do want to get to is you also said the start-up costs were, I think, if I heard you correctly, in the five to \$6 million range. That tells me that there will be a net -- that there'll be net positive cash flow to the County next year; is that not right, is that right?

MR. MONTES:

There could be. And I don't want to make it a statement here because then, you know, I'd rather err on the conservative side than on the --

LEG. CILMI:

And I appreciate that and I would encourage you to do that. But I just want to get to exactly what -- so again, to reiterate, to reiterate, you expect there to be an 8 to \$10 million revenue from this facility over a 12-month period, you know, let's say from 2014 to 2015. You would expect that there would be a relative amount of revenue in 2013, obviously reduced by the months that we're not going to be operating. So if we took \$8 million, for example, divided it by 12 and then multiplied it times nine, we should get what you expect the revenue would be at a minimum for next year.

MR. MONTES:

That's correct.

LEG. CILMI:

Okay.

MR. MONTES:

Basically you would be looking at -- you know, if you want to put it -- we could be from zero to two million we could be netting next year. But obviously, that's something -- you know, it's uncertain at this point.

LEG. CILMI:

Okay. And the start-up costs you said were what exactly?

MR. MONTES:

Five point eight.

LEG. CILMI:

Five point eight million.

MR. MONTES:

That's the 3.2 operating budget that is going to be --

LEG. CILMI:

Now, what do you expect the ongoing operation costs to be, or is that 8 to \$10 million net of operating costs?

MR. MONTES:

Yes. I would say that the eight to ten should be net revenue for the --

LEG. CILMI:

Okay.

MR. MONTES:

For the County.

LEG. CILMI:

Okay.

MR. MONTES:

That's in accordance to the Budget Mitigation Plan that was submitted at the beginning of the year.

LEG. CILMI:

Okay. So 8 to \$10 million of net revenue, having already subtracted out operating costs. So it's basically your ticket revenue minus your operating costs gives you 8 to \$10 million annually.

MR. MONTES:

Correct.

LEG. CILMI:

It will be a relative amount less than that in 2013, since we're starting up after the first quarter, and the start-up costs have to be taken out of whatever revenue we have. Why can't we -- if we're putting start-up costs into the Capital Budget in terms of -- start-up costs by way of, you know, renovations and whatnot, what other start-up costs are there?

MR. MONTES:

Obviously the software that we need to buy.

LEG. CILMI:

Okay.

MR. MONTES:

Some of the equipment, equipment as -- some of the security equipment that we're going to have to buy.

LEG. CILMI:

That wouldn't be -- that would be included in this Capital Budget item?

MR. MONTES:

I believe so, yes. It's part of the ancillary costs that is part of the resolution.

LEG. CILMI:

Okay. Then that's not operating costs that's in this Capital -- in this Capital Budget item; right?

MR. MONTES:

I guess it's part of the -- it's being accounted for.

LEG. CILMI:

So you're suggesting to me that we're going to see whatever \$8 million is, let's say, divided by 12, multiplied by nine; Budget Review, can you do that for me real quick while I'm talking? We're going to see whatever that number is --

MR. MONTES:

Seven hundred thousand times nine, that's about six hundred -- six million something.

LEG. CILMI:

Okay.

MR. MONTES:

Six point something -- yeah, about six point something million.

LEG. CILMI:

So you said we'd see net revenue of about six point something million dollars.

MR. MONTES:

No, subtract that to the -- obviously to the operating budget that is 3.2, and then you will have some type of net revenue; correct?

LEG. D'AMARO:

That's three million.

LEG. CILMI:

Hang on a second. I'm sorry, Lu, I just -- I really have to get to the bottom of this, okay? A minute ago I said, *"So you expect annual net revenue, ticket revenue minus operating expenses, to be 8 to \$10 million."* You just said that.

MR. MONTES:

In a 12-month period.

LEG. CILMI:

In a 12-month period.

MR. MONTES:

Right. So --

LEG. CILMI:

Okay, let me reiterate. Ticket revenue minus operating expenses, 8 to \$10 million.

MR. MONTES:

Uh-huh.

LEG. CILMI:

Now, if you do that math, you come up with, Budget Review, is it six million something over nine months?

MR. MONTES:

Six point three, six point four million.

LEG. CILMI:

Okay. Again, that's net revenue, net of expenses. So my -- you said to me, though, that you expect that there'll be a zero, zero cash gain to us in the first year because of start-up costs. So my question to you is you've already accounted for the operating expenses when you net out the revenue, what are the start-up costs, absent capital expenses because those are being paid for out of a bond. Do you understand?

MR. MONTES:

Yes. No, I understand.

LEG. CILMI:

Okay.

COMMISSIONER ANDERSON:

(Inaudible).

MR. MONTES:

I don't think that -- basically, except for the operational budget, you have the start-up costs, and that's pretty much, you know, correct.

COMMISSIONER ANDERSON:

If I can. If I'm understanding the question, you're asking for additional costs above this -- what this 2.5 million would be required?

LEG. CILMI:

No. Let me explain one more time.

COMMISSIONER ANDERSON:

Okay.

LEG. CILMI:

Mr. Montes said that we expect to have an 8 to \$10 million net revenue from the operations, from the full-year operations of this facility once it's completed. Net revenue being ticket revenue.

COMMISSIONER ANDERSON:

Right.

LEG. CILMI:

Versus -- you know, minus operating expenses. You know, simple budgeting. So if we understand now, we take it aside, now we know that we're only operating for nine months out of the year. When we do the math, we come up with a net revenue for the nine months of operating of six something million dollars.

COMMISSIONER ANDERSON:

Give or take, yeah.

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

LEG. CILMI:

Mr. Montes said that we expect to have an eight to ten million dollar net revenue from the operations, from the full year operations of this facility once it's completed, net revenue being ticket revenue --

COMMISSIONER ANDERSON:

Right.

LEG. CILMI:

-- versus -- you know, minus --

COMMISSIONER ANDERSON:

Operating.

LEG. CILMI:

Operating expenses. You know, simple budgeting. So, if we understand that, we take it aside, now we know that we're only operating for nine months out of the year. When we do the math, we come up with a net revenue for the nine months of operating of six-something million dollars.

COMMISSIONER ANDERSON:

Give or take, yeah.

LEG. CILMI:

Okay? But we also said that we're expecting a zero, or it could be a couple of million dollars, we don't know exactly, cash positive from this, from the -- from 2013 because of startup costs.

COMMISSIONER ANDERSON:

Correct.

LEG. CILMI:

So my question is, we're borrowing money for this -- for this capital item, which we're going to pay over 18 years. What other startup costs are there that are going to diminish the six million dollars of revenue that we should be receiving next year?

COMMISSIONER ANDERSON:

Yeah, there shouldn't be any. I mean, every --

LEG. CILMI:

Okay. So we should expect to see, then, six million dollars net positive cash to us next year from this Traffic Violations Bureau; is that correct?

COMMISSIONER ANDERSON:

No -- wait.

MR. MONTES:

See, yes. In paper, I can tell you yes, but just because I guess the way that they budgeted, it's very difficult that -- to give you a certain number, you know, just like the one we're giving here in a very simple example. So that's a problem that, you know, the budget has faced, because we don't have the specifics about the type of charges that may be accrued by the County, you know, with the State, and that's part of the -- basically, we would have to have the first years as experience just to have a better projection for the following year. And I think, just then, we will be able to say with certainty, just, you know, do this example again, and I think we will be able to predict -- have a better predictability in terms of the revenue.

LEG. CILMI:

Okay. So I have to say I am very uneasy with your predictions. You've been all over the place in the past seven or eight minutes that I've been asking questions and I have no idea what to believe. I mean, I've asked the question several times, I think you understand the question, but what -- your answers to me show either a lack of understanding of my questions or a lack of understanding of what's actually going to happen here. If you're saying to me that you may have a six million dollar cash positive net of this facility in operations next year, but we may not, we may have zero, and it's based on what happens, what we do with the actual operation, if we go out and we privatize it or if we don't or -- so you're saying you don't know. And I could accept the answer, you don't know, if you said you didn't know, but that's not what I'm getting.

MR. MONTES:

And I guess that's what the budget reflects. And all I'm telling you --

LEG. CILMI:

What does the budget reflect exactly?

MR. MONTES:

It's basically what -- that's been said, that we're not going to net any revenues during the first year, that --

LEG. CILMI:

Is that -- Budget Review, can you confirm? I'm sorry for interrupting you, Luis, I just need to get to the bottom of this. Can you confirm what the budget says specific to the TVB for next year, please?

MR. LIPP:

Okay, it's a little difficult; I'll try, though. And the reason why it's a little difficult is because you have red light cameras in the mix, and, you know, there were lots of revenues for that, that's a full going program. That being said, if you just look at the piece that's the appropriation for a Traffic Violations Bureau alone, doesn't include -- not even including benefits, although you only have 258,000 and change in permanent salaries, 7.8 million in terms of contracted agencies, but that could be, depending upon how they put it together, blah, blah, blah, that -- so, to make a long story short, it would appear that they have 10.3 million in expenditures just for that piece, and the revenue related to just the tickets and the fees, administrative fees, 7.5. So it looks like the budget on the surface has a shortfall of 2.85 million dollars for that piece.

LEG. CILMI:

So you're suggesting that there's a 2.8 million -- potential 2.8 million dollar net loss on the operations of this facility in the first year?

MR. LIPP:

That's -- on the surface, it appears that way, but it's hard to say exactly, because it's mixed in with the benefits and with the red light cameras. So, you know, we would be more comfortable if you awaited the -- our review in another week-and-a-half.

LEG. CILMI:

Okay. I was -- let me just say, Gil, did you want to add something? I'm sorry, go ahead.

COMMISSIONER ANDERSON:

No, I don't want to take away from this discussion, I just wanted to try and get back to the resolution at hand. And I know you're considering both, but I just want to make a statement. As an engineer, if I don't have these funds, and I don't like putting anybody into this position, although I seem to do it every meeting, of putting -- you know, if we don't get these funds at this juncture, we're not going to be able to meet the deadlines that are required, and that's really -- that's it, that's my statement.

LEG. CILMI:

Well, look: As uneasy as you've made me with respect to the operations of this agency, I think you've probably -- you've probably --

*(*Cell Phone Sounded*)*

What is that?

LEG. NOWICK:

I don't know how to shut it.

*(*Laughter*)*

D.P.O. HORSLEY:

They're calling this in to wind you up.

LEG. CILMI:

You know, I'm fairly confident that the proposal that you put before us for the renovation of the Dennison Building to house this facility is as tight as it could be. So while I'm -- I have to say that based on what I've heard over the last several minutes, I'm inclined not to support this. I understand that it's necessary, Gil, and I trust your judgment in that and your statement in that. You know, I've supported this facility all along. Obviously, I will not support it if we're going to operate at a net loss. When will you -- when do you expect to start this work, Gil?

COMMISSIONER ANDERSON:

If approved tonight, we'll start on the design tomorrow. We'll start moving, you know, divisions as we need to, to make space, to move those folks out. So, as we move along, I can give you a tighter schedule as we delve -- you know, as we get further into this to, you know, make sure that we're complying with what I'm saying tonight. But, like I said, I do feel confident, given the funding today, we will have this facility constructed and ready for you in February.

LEG. CILMI:

Gentlemen, is it your -- is it your belief and assertion that the TVB will at the very worst break even next year and then operate at a net positive in subsequent years?

MR. MONTES:

Yes, we can assure you that.

LEG. CILMI:

Mr. Toulon, do you agree with that?

DR. TOULON:

Yes.

LEG. CILMI:

Okay. Thank you.

D.P.O. HORSLEY:

Thank you very much, Legislator. And, Gil, please keep all of us apprised of the status and where we're moving on this and the progress, etcetera.

COMMISSIONER ANDERSON:

I will.

D.P.O. HORSLEY:

And particularly Mr. Cilmi, because, obviously, he has some very severe reservations. Legislator D'Amaro, do you have a quick question? Is it --

LEG. D'AMARO:

Well, let me see. I believe this should be put into committee, frankly, and the reason why I say that, I understand the urgency and I understand we want the revenue, but we're writing a check today for two-and-a-half million dollars, which is not only just design, it's construction. There's no plan, there's no cost breakdown, there's no site plan. We don't know what's happening outside the building, we don't know how it's being run, and we're not even sure it's going to generate the money we think it's going to generate. I think that we need a real proposal. I think we need a real presentation to the Legislature showing us what the site plan is and what the plan of operation is going to be, and we don't have that. We don't have that here today. What I have is a plan drawn with a Sharpie, that's what I'm looking at. Okay?

So, normally, I believe capital projects would allocate so much money for design and then so much for construction, because I think we should be given the opportunity at least to take a look at the design more than just an old plan of the first floor and plaza of the Dennison Building with it drawn on a magic marker and saying, "Okay, give us the two-and-a-half million dollars." I just don't think it's appropriate. I'm just not comfortable with it at all.

There are safety concerns here. Do we need an independent review of the safety considerations for hundreds of employees that are going to be using this building at times, and members of the public coming in under not the best of circumstances, hearing officers, security? I mean, I'm hearing, and

it's not to diminish what the testimony of these gentlemen up here today, and I don't question their expertise, but, you know, there's not even anything committed to writing here. We're just having a 15-minute discussion and I just don't think it's appropriate. And I think this is the type of proposal that needs to be vetted in a committee, which I'm -- and I know this department is capable of making a much better proposal and I think they should be given the time and the opportunity to do that.

So I'm not going to support today moving forward with this. I think that we could come back here in a month. It doesn't mean that the work can't go forward. The design phase can probably go forward somehow in some limited way. I think the real presentation should be made to this Legislature, and not only about the site plan, but about the operations, because I know I've had some discussions about the operations also, Legislator Cilmi, and I'm just not -- I'm not even convinced where we're going with this at this point. So I think this is very premature and I don't think waiting the extra month will -- I think the cost benefit of waiting the extra month is well worth it, I really do.

So I would make a motion to commit this to committee. I'm not going to support it --

LEG. ROMAINE:

Second.

LEG. D'AMARO:

-- to approve it today.

LEG. CILMI:

If I may, through the Chair.

D.P.O. HORSLEY:

Yes, through the Chair.

LEG. CILMI:

What are the implications of waiting a month? You said, Gil, that you wouldn't be able to meet the deadline.

COMMISSIONER ANDERSON:

Right.

LEG. CILMI:

What does that mean exactly to us?

COMMISSIONER ANDERSON:

I need sufficient time to not only create the Traffic Violation Bureau on the first floor, but I need places to put these folks. So I have to get them moved, I have to get them -- you know, them housed with furniture, you know, use what existing we can, but things like that. So the design we're going to do in-house. We're going to develop -- basically, we're going to develop all the plans for everybody's new locations in-house. We're going to use annual contractors, contractors that we've bid out, essentially T and M contractors to do the majority of the work, if not all of the work that will be done in here. The problem is we wouldn't get it until, I think, November 27th. It's somewhere at the end of November, because my first thought was, yeah, why are we bringing this as a CN? But given the next budget is -- next meeting is only for the budget, we don't have the ability to discuss it until -- you know, really, until the end of this month.

I understand the Legislator's concern. Certainly, if we had enough time to provide a better presentation, you know that we would have as far as the construction end. So, you know --

LEG. CILMI:

So the follow-up -- two follow-up questions. So if we're a month delayed, are we in trouble with the State, or something like that, and then --

COMMISSIONER ANDERSON:

We would not have the ability to basically --

LEG. CILMI:

To begin on such and such a date --

COMMISSIONER ANDERSON:

Correct.

LEG. CILMI:

-- which is when we told them that we would start taking this work away from them.

COMMISSIONER ANDERSON:

We have to be fully operational on April 1st, which means, you know -- and our target right now is a month-and-a-half before that, which is February 15th, give or take, to be in there and start operations, prepping, teaching, learning, you know, that --

LEG. CILMI:

So my next question, then, would be to Counsel and our Deputy Presiding Officer. Why couldn't -- why couldn't we address this during our next meeting? We've said that it's supposed to be just the Operating Budget, but is there any rule against, and could we change it if there is a rule against us dealing with it at that time?

LEG. D'AMARO:

Well, George --

MR. NOLAN:

The next meeting --

LEG. D'AMARO:

-- the next part of that -- part of that question, could we table it today to that date certain and hear it on that day and vote on it that day?

MR. NOLAN:

Well, remember, the budget meeting is a special meeting, okay?

LEG. D'AMARO:

Okay.

MR. NOLAN:

So there will be a special meeting notice, which the Presiding Officer will prepare, and now we'll have what is going to be on and what we'll consider that date. I think we probably could table this resolution to that date. I believe the Presiding Officer would probably be open to placing it on the calendar or the agenda for that day, if that's the will of the Legislature. However, we don't have any committee meetings leading up to that budget meeting, so we couldn't vet it in the committee, unless --

LEG. HAHN:

We can call a special committee.

MR. NOLAN:

-- again, the Chairman of the committee that it's assigned to called a special meeting for that purpose.

LEG. D'AMARO:

I see. Would --

COMMISSIONER ANDERSON:

Would it make any difference -- and, again, I'm not --

D.P.O. HORSLEY:

No, go ahead, Commissioner.

COMMISSIONER ANDERSON:

Just a question.

D.P.O. HORSLEY:

And they're going to --

COMMISSIONER ANDERSON:

Would it make any difference if we came -- I know it's after the fact, and I know that you have reservations, if we came to the Legislature and provided a presentation and an update on a, you know, per meeting basis to give you where we are?

D.P.O. HORSLEY:

Yeah, that was somewhere along the line that I was going to suggest. Is there a possibility, and, of course, with the Legislators' approval of this, that if we allocate the dollars today and we get you to start putting the plans together, start putting the -- start moving those people that -- because we know it's going to go into the Dennison, I think everyone pretty much agrees on that, in fact, we think it's a good idea that we go to Dennison rather than Civil Service, that we have a special -- we have special committee meetings to just update the Legislature on exactly where we are as far as the actual plans, that we are more comfortable with the progress, and that we monitor you as you move along into the future, because we do have -- and we have to be mindful that this is something we asked the State for us to do. And we also would be mindful that this is part of the budget. And we have to be mindful that we have a very strict schedule moving into the next couple of months. So maybe we could work cooperatively to have special meetings with those Legislators that are very concerned about this, as we all are, and monitor your progress on a regular basis, on a weekly basis.

COMMISSIONER ANDERSON:

I mean, I can certainly commit to having special meetings with whomever, everybody, whatever, to discuss, you know, the capital end, and the Public Works end without any question.

D.P.O. HORSLEY:

Legislator Kennedy.

LEG. KENNEDY:

Thanks. George, so let's go back to this a little bit. So we could put this on for the budget meeting. The P.O. has the ability to go ahead and set the schedule. So then the next question becomes, where would the P.O. assign this reso, because it's the Presiding Officer who commits resolutions to committees, correct?

MR. NOLAN:

Well, you know, I think the original -- I think this resolution was -- or we spoke about it in Public Works, correct?

COMMISSIONER ANDERSON:

Correct, we gave advanced notice at the meeting about this.

MR. NOLAN:

Yeah.

LEG. KENNEDY:

So, if we were going to go the route that Legislator D'Amaro was speaking about, and, quite frankly, I'm of a mind to support him, because, very simple, once we act, Wayne, Legislator Horsley, the horse is out of the barn's door. We can jump up and down, we can get briefed, we can rant and rave, we can spin ourselves in a circle, but, in actuality, the money's been committed and the Executive's Office will act. And we can talk about the fact they're not doing it the way we thought they were going to do it, or they didn't do it in the time frame, or it doesn't look this way, or it doesn't look that way. That's it, it's gone, train's left the station.

We have before us a request for funding that deviates substantially from what was two months worth of work back in May, and it's being presented to us because of an urgent and emergent situation. Now the Administration has the right to go ahead and make their case, but several of us are sitting around the horseshoe at this point and are saying they haven't made the case. So come to us, give us the degree of specificity, because I guarantee you, come next June, when this thing isn't running right, your constituents and my constituents are going to be screaming bloody murder at us about why they had to wait for a day or two days to pay a stinking ticket. And if we say, "Well, we gave the Exec the ability to go ahead and do it," and monitor it after the fact, they're not going to be happy.

I would prefer to have them set down in specificity what's going to go on as far as the movement, the operations, the safety issues, and quite frankly, I want to hear about the court transition. I haven't heard boo from who the District Court liaison is and how the whole authority is migrating over. My colleagues here who are attorneys know. I want to know what has the Police Department been instructed as far as where the tickets are going to be returned to, because if the cop still writes "State Court," but we now have TVB, guess what an ALJ is going to do? Throw it out.

I need to hear a little bit more about what's being done beforehand so it works to some degree of efficiency after the go live date. I think Legislator D'Amaro's got great points and it's doable.

D.P.O. HORSLEY:

Legislator Stern.

LEG. STERN:

(Shook head in the negative).

D.P.O. HORSLEY:

Legislator Barraga, did you want --

LEG. BARRAGA:

Yeah. I listened to Mr. Kennedy, but the only concern I have -- and I was listening to Mr. D'Amaro -- if this is basically postponed until we take up the budget October 9th, you have to remember, does that have a negative effect on when this operation begins its opening? Right now, I guess the date is April 1st? So if you start playing with this on this side, then maybe you don't get your operation going April 1st; maybe it's May 1st and you lose the revenue. We had a long discussion with Mr. Cilmi concerning revenue. I mean, I would think that something should be able to be worked out where we're getting -- you need, if you need a -- a special briefing and we have a special meeting, but let's proceed with this so that this entire operation is in effect by April 1st.

MR. SCHNEIDER:

If I may.

D.P.O. HORSLEY:

Yes.

MR. SCHNEIDER:

Because there are two --

D.P.O. HORSLEY:

Mr. Barraga, are you done?

LEG. BARRAGA:

Yeah. I'll listen to what he has to say, sure.

D.P.O. HORSLEY:

Okay, sure.

MR. SCHNEIDER:

If I may, I think there are two distinct issues here, and let's talk about horses leaving barns. Suffolk County went to the State of New York, we asked them for the ability to administer our own Traffic Violations Bureau; that's done. We went to the State, and essentially our credibility going forward with the State of New York in terms of future requests is contingent on our ability to -- essentially, to follow up on what we said we would do, and that is to have a Traffic Violations Bureau operating on April 1st.

Based on the comments I've heard, I understand there are a lot of questions. That said, based on the comments I've heard in this room, I think there is unanimity in this room that we all agree that the Dennison Building is the appropriate location to place the Traffic Violations Bureau. What you would be doing today by approving this money, all of that simply does is it allows us to do the two things that everyone in this room agrees we need to do. One is to operate a Traffic Violations Bureau and have it operating by April 1st, as per what we told the State of New York we would do; and two, to have it in the H. Lee Dennison Building.

We all agree we need to do these things. So, yes, I understand there are a lot of questions, and I apologize that some of the answers you received today have not been satisfactory. But to take it back to sort of what we need to accomplish today, I don't think that diminishes from any other concerns you might have. It simply says Suffolk County will operate a Traffic Violations Bureau, we will have it up and running on April 1st, we will put in the H. Lee Dennison Building. That is what we are asking for funding for today. Any other questions related to the operations of that Traffic Violations Bureau, very valid concerns, obviously, you know, questions we need to explore in far greater detail with the Legislature. But what I would ask you is, again, to just look at what is before you today and what the consequences could be if it's denied today. And again, it simply relates to those two points.

We have to run this thing. We have to get this thing up and running, and we all agree the H. Lee Dennison Building is the right place for it to go. So any other concerns, you know, under the heading of, well, horses leaving barns, and, well, we're going to, you know, begin construction. Perhaps, but, again, we all agree we need to do this and we all agree to be in Dennison. Give us that ability today. Let's get this thing up and running, and then other concerns that we -- that Legislators have, very valid concerns, we can work together on to make sure that this Traffic Violations Bureau -- you know, look, we have a unique opportunity here, which is any time you're essentially creating a new entity. In Suffolk County it took -- I'm sorry. In Nassau County, it took them 5 years to get it up and running, 10 years to get it to -- 10 years to stop it from losing money.

We believe we can get this thing up and running a heck of a lot quicker and make it profitable a heck of a lot quicker because we've learned from a lot of their mistakes. But all of those issues are not what we're discussing here today.

So I would simply say, please, give us the ability to get this Traffic Violations Bureau up and running, and we'll certainly work every step of the way alongside you to make it the best possible agency.

D.P.O. HORSLEY:

So, Mr. Schneider, you're committing to a rigorous process where we would monitor the progress of the work and -- as far as, you know, when they're leaving the -- you know, who's going to be moving, and the fact that we've got to see substantial progress along the line? I mean, is that something that you're committing to, that --

MR. SCHNEIDER:

Yes. But, quite frankly, I mean, we are definitely committing to that. But I think, look, to be quite candid --

D.P.O. HORSLEY:

We don't want to overstep our bounds, too. We don't want to micromanage you.

MR. SCHNEIDER:

Right. But I understand --

D.P.O. HORSLEY:

But there is a definite concern that --

MR. SCHNEIDER:

Right.

D.P.O. HORSLEY:

-- the details aren't here.

MR. SCHNEIDER:

But the concern -- right, and -- but the concerns that I have largely heard today revolve around the operations of the Traffic Violation Bureau. The two things that don't seem to be in a particular lot of doubt are that we need to do this, because we committed to it, we gave our word to the State of New York, and then the second issue is that the H. Lee Dennison Building is the right location. All the Legislature would be doing today is essentially committing to those two things, one of which we've already made the commitment to the State of New York, the second of which I think we all agree is the best possible idea for it. Every other issue related to the operations of the Traffic Violation Bureau, those are issues we can work out, and I expect we will as we go through the budget process. But what I'm asking you today is not to set back this progress and put us in a position where we're set up to fail with this thing.

I mean, whatever other issues we have, we can work out together, but, you know -- but I think, you know, Gil could tell you better than anyone, you know, engineering we can't recreate the time. We are in a time crunch right now, that is why I signed a CN to do this. We are in a legitimate time crunch. I'm asking for the Legislature to do this today, and other issues related to the operations, those are things we're going to have to clearly work on together over the next couple of months.

D.P.O. HORSLEY:

Thank you very much, Mr. Schneider. And you'll stay right there, because there does seem to be further comment from your comments. Legislator D'Amaro?

LEG. D'AMARO:

Yeah. Thank you. And I appreciate Jon, Mr. Schneider's comments very much, and I take you at your word. My problem is that I agree, we need to do it. I'm not sure if the Dennison Building is the right location to do it. And I disagree that all we're doing today is giving the money and we're going to work everything else out. I do agree with Legislator Kennedy, that what we're doing here, in effect, is once we write the check, we lose the oversight.

This is a commitment to an uncertain plan. And my concerns are more than just the operations, and I do have concerns about operations, but I've also been raising, since this first became an issue about the site planning, the logistics of it, the safety concerns, the concerns for the County employees, the concerns for the public entering this. This County, in this capacity, what we're doing here hasn't run an operation like this before. This needs to be fully vetted before you put members of the public into these small hallways with 300 people running around. I just don't think it's appropriate to not have a full-blown plan before us with a full explanation detailing how it's going to work and asking all the right questions and getting to the bottom line that we're comfortable with the plan here.

As far as the operations go, I can save that for another day. I do want this plan to happen, but it's just not appropriate for us to commit to funding when we don't have anything other than a hand-drawn plan in front of us and the assurances in a half-hour discussion from these gentlemen that, "Yeah, well, this is all going to work." That is not how you plan a facility that's going to be open to the public that's quasi judicial in nature. We just should not be doing this. I cannot get comfortable with this today, and I think this is an appropriate type of legislation that needs to go to committee.

Look, as far as Legislator Barraga, you're right about losing some time. I have confidence in these departments, that they can move this along as rapidly as possible. I understand Mr. Schneider saying we made a commitment to the State of New York, but you know what, we need a commitment made here as well. We need the commitment made here that when you come to your Legislature and ask for this kind of funding where the public is going to be participating and County employees are going to be in the same building, that you're going to at least present me a plan that I can perform my job with let alone worrying about the State of New York.

Bottom line is if you put it off a little bit, we might even lose a little revenue, but at the end of the day, I'd rather do this right the first time than put people at risk. And that's basically what I feel without having the details. I'm not saying we would put people at risk, but I'm saying I just don't know. And I would put this in committee to be vetted.

D.P.O. HORSLEY:

Thank you very --

COMMISSIONER ANDERSON:

One of the comments --

D.P.O. HORSLEY:

Thank you very -- oh, yes, Commissioner.

COMMISSIONER ANDERSON:

One of the comments that was made earlier, and I just want to expand upon the effort that Public Works went into to develop this, all those discussions or all those concerns that Legislator D'Amaro has raised we have taken into account. We've looked at the old Fourth Precinct, we've looked at Building 158, we've looked at the Farmingville Health Clinic, we've looked at every possible scenario that we can. And while Legislator D'Amaro may be concerned about us putting it into the Dennison because of security questions with personnel, I believe Deputy County Executive Toulon can express

the discussions that went on with regard to security.

You know, this is something -- unfortunately, we're, like, in the nth hour. And again, I bring this to you, that, you know, we don't have a lot of time and, you know -- but we have looked at every scenario. We have looked at, albeit in a certain level of detail, security issues, equipment issues, and how we're going to get people to flow in and out of the building, where they're going to park, you know --

D.P.O. HORSLEY:

The small halls issue.

COMMISSIONER ANDERSON:

Again, this is a -- we're asking for capital funds to build the -- to build the facility within the Dennison Building, whether -- how it takes its final shape, we believe that we'll be presented, or even though it was just markers on paper, it was something that was sketched out, thought out, kicked around, and developed so that we're comfortable with it. Obviously, it can be further refined and we would bring that to the Legislature at that point, but the cost is going to be roughly about the same. The 3.6 was based on original discussions of the old Fourth Precinct. As we refined it and looked at different areas, you know -- again, as we refine this, we're going to get tighter numbers, but they're not -- they're all going to be in the same area. So what I'm saying is we need a certain level of funding, we need it as soon as possible. The discussions will continue, but these are capital funds, these are not operating funds.

D.P.O. HORSLEY:

Thank you very much, Commissioner. Legislator Hahn?

LEG. HAHN:

I think Legislator D'Amato makes some very good points. However, and I'm going to make -- I'm going to commit one of those sins. I'm going to ask for a committee but not volunteer to chair it. I think that this is -- this is -- because it is quasi-judicial, because this is something that's so new to us, I do believe we have an extra need or an extra responsibility for oversight. And so I think that the Chair -- the Presiding Officer and Deputy Presiding Officer should consider appointing an ad hoc committee to oversee this between now and April 1st. In all the way that all the attorneys know, you know, I don't know that I have the level of expertise on the law side of things to oversee it, but I really do believe that if we're establishing this whole new -- almost a court system, that there needs to be more than what we were given, and, clearly, there will be. But I think we should, you know, through some sort of ad -- temporary ad hoc committee, be following this very closely in a quasi-official way that an ad hoc committee could do. And if we establish that and truly follow it, and truly have input in the security issue and in other -- and in other issues, I think we could feel better.

But, Jon, the Deputy County Executive, made some very good points, and I do think that we here are agreeing that we need to do this and we should do it here. And if we are able to follow through and then have oversight through an ad hoc committee, I would feel better about moving forward today. Thank you. Oh, and this doesn't affect that day-care center, right?

MR. SCHNEIDER:

No, it doesn't. But, since I'll take an opportunity of the question getting thrown my way, I should note that, again, the implementation date is not -- leave the revenue issue aside for a moment. There are statutory dates by which we need to begin operations or -- I mean, again, we went to the State of New York, we asked them for -- you know, we, the Administration, you, the Legislature, we together asked them to take on this responsibility.

And, again, I think the points that Legislator Hahn raises, which have been raised by the Deputy Presiding Officer, are valid points. I think we'd be happy to work, again, in any cooperative manner with the Legislature to refine this. But, again, I think it's worth noting, we looked at other options beside Dennison, and Dennison is the best -- you know, it is the best place to go with this, with this facility. So, again, all this -- this begins us down that road of putting it in Dennison, and however we can work together to do that the best way, we're certainly committed to doing.

LEG. D'AMARO:

Let me just -- I'm sorry.

D.P.O. HORSLEY:

Yeah.

LEG. D'AMARO:

If I may.

D.P.O. HORSLEY:

We're --

LEG. D'AMARO:

I just want to make a point to Legislator Hahn. The Public Works Committee is meeting on October 24th --

D.P.O. HORSLEY:

Right.

LEG. D'AMARO:

-- for budget purposes, number one. And just as far as whether or not it's the Dennison Building, I mean, as of Friday, it was Building 158. So, you know, I don't know where we get all this certainty in three days without seeing anything or having any discussion. I just -- you know, because you say it is doesn't make it so. I just -- I kind of feel -- to tell you the truth, I feel a little insulted by that. I feel insulted that up to Friday it's Building 158, and I even asked the question about the Dennison Building, was told -- was told no, that cannot be considered, it cannot be done, and then I come to work on Tuesday and I'm being told, "We all know it belongs in the Dennison Building." I mean, come on, was I born yesterday?

D.P.O. HORSLEY:

Okay. Thank you very much, Legislator. I would like to -- at this point, I'd like to ask Dr. Spencer, who has come up with I think maybe an alternative and let's air it out. Legislator Spencer.

LEG. SPENCER:

I think that the concern is that if we hold this up, that we lose the confidence of the State and possibly revenue. But we recognize the issue here, that if we give them 2.5 million dollars on an undefined plan, that we haven't done our oversight function. Is it possible for us to consider having them to amend this quickly now where we give them 250,000 or 500,000 to do planning to keep them on target, and then before they go into actual construction, they come back before us at the next meeting. So they don't lose any ground, but then we'll have a chance to look at a more definitive plan. I didn't know if that was something that we could consider. And if that was the case, what would be an amount of money that would let you get started, but then allow us to come back at our next meeting and then be able to complete, like 250,000? That may be a more palatable number for us to do.

D.P.O. HORSLEY:

Let me -- I've got other Legislators who want to speak. Why don't you guys react to that?

COMMISSIONER ANDERSON:

Certainly, if we had partial funding that would at least get us started. We don't need it for design. Again, we're doing the design in-house. It would allow to begin some of the initial operations. I don't have the figures in front of me, but, I mean --

D.P.O. HORSLEY:

We'd have to do this right away, Gil. I mean --

COMMISSIONER ANDERSON:

I mean, if you gave me -- give me 500,000. At least give me some seed money there, rather than -- I mean, yeah. I don't --

D.P.O. HORSLEY:

Let's make a deal.

LEG. MONTANO:

To do what?

D.P.O. HORSLEY:

No. This is --

COMMISSIONER ANDERSON:

My concern -- again, my concern is that I need to be able to start moving.

MR. LIPP:

(Handing money to Gil Anderson.)

*(*Laughter*)*

COMMISSIONER ANDERSON:

Hey, there you go. I'll do a bake sale.

D.P.O. HORSLEY:

Okay. This is -- you're amenable to this?

COMMISSIONER ANDERSON:

Yes, I am.

D.P.O. HORSLEY:

Okay. Let me ask Counsel to see -- I want to get his opinion on something like this. Is this something that -- you know, that is feasible?

MR. NOLAN:

Well, yeah. I mean, they could revise their CN if they would want to. I guess we'd have to give them a little bit of time to figure out how to do that if that's something they want to do and be -- how would they do it. But, yeah, it's certainly doable. We've done it before where C of Ns have been amended, and updated and revised.

D.P.O. HORSLEY:

Legislator Stern.

LEG. STERN:

Yeah, thank you. Along those lines, one of the things that I wanted to suggest, or at least find out more about, was we understood because we heard the Commissioner say it over and over again, that the design work was going to be done in-house. So between now and our next meeting, if procedurally we can have it tabled to a date certain and we have the opportunity to consider it on the same day when we come back, when we consider our Operating Budget, other than the design, what would be accomplished between now and then? What do you need the money for? How long does the design process take, and how many days could we really be talking about from the time period between the end of the design phase to the day you actually need to start spending money?

COMMISSIONER ANDERSON:

Well -- what was the question? I apologize, I was in the back.

D.P.O. HORSLEY:

Okay. Legislator Stern, do you want to just --

LEG. STERN:

Sure. Gil, you're handling the design phase in-house.

COMMISSIONER ANDERSON:

Correct.

LEG. STERN:

There's no cost there.

COMMISSIONER ANDERSON:

Correct.

LEG. STERN:

If procedurally we're able to consider this resolution at our next meeting date, which normally is Operating Budget, but if it could be tabled for -- until a date certain and have the ability to consider it then, between now and then, you're going through your design phase. Okay. My first question to you would be how long do you think the design phase is going to take. And then, secondly, between the last day, when you're done with the design and we've had the opportunity to discuss it, until the day that we come back and we're able to take the vote at that point, if we don't act on it today, during that relatively short period of time, what are you possibly going to accomplish, and when are you going to start spending the money? Do you see that there'd be an opportunity to spend a substantial amount of money in that relatively short period of time, between the time you're done with design and when, theoretically, we could come back in early November?

COMMISSIONER ANDERSON:

If -- once we begin design, once we begin the layout of the internal offices, we will start cutting initial POs. That means we have to cut carpenters, electricians, plumbers. Whatever we need to do, we have to start cutting them out as we develop those plans. This isn't going to be develop a full set of plans and basically go out to bid, it's going to be a little bit different. The TVB will be developed as a final set of plans. But in the meantime, we have to start moving people and that's where we need the funding right away.

D.P.O. HORSLEY:

And what you're saying is \$500,000 would be enough to get you beyond that phase?

COMMISSIONER ANDERSON:

I mean, honestly, I'm being told that it's not. We need the whole thing to be able to cut the POs as we need them. I don't know. I don't really have that answer right now without being able to get my

arms around it. But I'm told without having -- can you give me five minutes just to talk to my guys?

LEG. D'AMARO:

Wayne.

D.P.O. HORSLEY:

Yes.

LEG. D'AMARO:

Cutting purchase orders before we have a -- I mean, this entire project really is going backwards. This is putting the money upfront --

D.P.O. HORSLEY:

I understand that, but what we're trying to do is we're trying to also work within a schedule, so that we find ourselves in April, that we're not able to start --

LEG. D'AMARO:

This putting the --

D.P.O. HORSLEY:

And we got the State --

LEG. D'AMARO:

-- money upfront.

D.P.O. HORSLEY:

I understand your criticism, and I understand your questions.

LEG. D'AMARO:

Then not even having a full plan, based on what the Commissioner just said, but yet cutting the purchase orders, ordering before you have the plan, I mean, this is going completely backwards, completely.

COMMISSIONER ANDERSON:

No. This is basically what would almost be considered a design-build. We're taking the plans with the funding that we have and we're developing each site individually. You know, certainly we'll come back here and advise as we go along, but we would meet with each division that's going to be relocated, find what they need, develop those plans, cut those work orders. Certainly, the TVB is the final construction, if you will, but we can't do anything until we move everybody out into a new home, and we need -- and, again, I come back to we have a limited time frame that we're working within.

LEG. D'AMARO:

You're talking about the moving? You're talking about the moving, is that what you're --

COMMISSIONER ANDERSON:

Construction.

LEG. D'AMARO:

Is that what the money is for?

COMMISSIONER ANDERSON:

Well, the moving and the construction, yeah.

LEG. D'AMARO:

But the construction related to moving and relocating?

COMMISSIONER ANDERSON:

Correct.

LEG. D'AMARO:

Okay. So, eventually, you want -- so whatever offices are operating now in that area in the Dennison Building have to come out, and wherever they're going may need some kind of build-out.

COMMISSIONER ANDERSON:

Correct.

LEG. D'AMARO:

And that's what you're looking for funding for?

COMMISSIONER ANDERSON:

Correct.

LEG. D'AMARO:

But you only get there if you agree that the Dennison Building is where this belongs.

COMMISSIONER ANDERSON:

The Dennison Building was the place where the TVB was originally located when they had courts at that time. That's where the -- you know, that's where it originally --

LEG. D'AMARO:

So then why did they take it out?

COMMISSIONER ANDERSON:

The same reason they took the --

LEG. D'AMARO:

No, I'm just making a point.

COMMISSIONER ANDERSON:

I know. I understand.

LEG. D'AMARO:

It's just dialogue, it's not -- there's no -- I don't see any kind of real design, which I know you and your department can do and do as an expert. I just believe that in making a decision of this magnitude, that interacts with public and County employees, this should be done the opposite way.

D.P.O. HORSLEY:

Okay. Thank you. Legislator Gregory. And we may entertain a motion to recess after this.

LEG. GREGORY:

I know a lot has been said, and I respect my colleagues and their concerns, and I think they're worthy concern. I'm just mindful of the time frame that Gil and his crew have said that they've needed. And I know that it can take, you know, a long time, and we always have to kind of anticipate as best we can any types of interruptions or slows, but we can never fully appreciate anything that can happen. And it looks like we already have built in maybe six weeks of kind of, you know, date of completion to the date of opening, and if there's any slight delay in that, you know, we're going to, you know, blow our commitment to have a fully run TVB, and I don't think that's in

our best interest. I know that the plan that's been submitted is not satisfactory to many people on many levels. I guess my question would be how long would it take to put together a presentation with all the information that's been requested to be presented to the Legislature?

COMMISSIONER ANDERSON:

From the construction standpoint or --

LEG. GREGORY:

A complete operational construction. I mean, how far -- I know this -- things were kind of fluid over the weekend. I know, you know, this was kind of put together in a few days. But, you know, how far off are we on making, you know, the analysis with the budgeting and as far as, you know, relocating?

MR. SCHNEIDER:

From what I'm told, there's -- just on the construction side, that would be about two weeks. But, again, not to get all circular here, but, again, assuming that what we put together is a detailed -- you know, as detailed as you'd like it -- presentation, it's going to be about the Dennison Building. I mean, it's going to be a detailed presentation on the Dennison Building. So, I guess, theoretically at that time, I mean the only way this is sort of operative is if at that point in time you say, "Well, we just don't like the way Dennison looks." I mean, so we can do it, but we would be putting together -- I mean, we're not going to -- we wouldn't be putting together multiple detailed --

D.P.O. HORSLEY:

Shh, please.

LEG. GREGORY:

And I respect that, and I think my opinion would be a little different if you were saying that -- telling us that you haven't completed an analysis and we just kind of pick the Dennison out, and if you give us time, we'll do analysis on three or four different buildings. But what you're saying is the Dennison Building is going to be the building.

MR. SCHNEIDER:

Well, Legislator, we did that analysis.

LEG. GREGORY:

Right, yes, yeah.

MR. SCHNEIDER:

And we can -- Gil, I mean, we can go through the options.

LEG. D'AMARO:

That's exactly my point, though.

MR. SCHNEIDER:

Okay. Let me talk to --

LEG. D'AMARO:

We're not -- we're not privy to it.

MR. SCHNEIDER:

I mean, we can go through the options. I mean, we could tell you --

D.P.O. HORSLEY:

No. Wait, wait, wait, wait, wait, wait, wait, wait.

LEG. D'AMARO:

No. You're right, that belongs in committee. That's exactly --

D.P.O. HORSLEY:

We can't do that now. No, that's over the top. Why don't we do this: I want to get -- I want to pull -- Mr. Gregory, if we'll take a five-minute recess, I'd like to have both caucuses meet separately, and I'd like to hear whether or not they will accept the proposal and I -- so I have some sort of numbers to deal with and see where we're going to be -- if we're going to be moving forward.

LEG. D'AMARO:

Mr. Presiding Officer, just note for the record, I'm not participating in the caucus. I think the debate needs to be public on this.

D.P.O. HORSLEY:

Okay. Thank you.

LEG. KENNEDY:

Mr. -- Wayne, what is it that's the proposal at this point?

LEG. SCHNEIDERMAN:

I don't think we should be caucusing.

LEG. D'AMARO:

Yeah, I agree. Why are we caucusing?

MR. NOLAN:

He called a recess.

D.P.O. HORSLEY:

Okay. I want to get a -- I want get an assessment from the -- from all the Legislators on where they want to go with this. I want --

LEG. SCHNEIDERMAN:

I want it to stay on the record.

LEG. KENNEDY:

Yeah, but is -- our Commissioner said that 500,000 would allow him to begin to move forward, right?

D.P.O. HORSLEY:

Is that on the table? Is that something that you guys would assess? That's what we're going to discuss.

COMMISSIONER ANDERSON:

The problem is -- okay. No, I was wrong. I talked to my staff --

LEG. KENNEDY:

Whoa, whoa, whoa, wait, wait, wait. No, I don't want you to do a mea culpa.

D.P.O. HORSLEY:

All right. Hey, one at a time.

COMMISSIONER ANDERSON:

I'm not doing a mea culpa. After speaking with staff just now, I am advised that we need the

money now, given the fact we have holidays coming up, because we have really a very short time window, four months? No. One, two -- yeah, about four or five months. We have to order equipment, furniture. That takes months in itself, to be able to sit there and bring guys in as we need them. I understand that this is a plan drawn on with markers, but it's been a plan that's been vetted by Public Works. You know our credibility. You know, I stand behind our credibility. At this point, we need the funding now, and it's as simple as that.

LEG. KENNEDY:

It's not an issue of questioning your credibility, Gil. And, quite frankly --

D.P.O. HORSLEY:

John. Okay. We're going to -- we're going to -- I have a list and we're going to just sit here and debate this into the future. Legislator Schneiderman, and then we're going to call a vote on this.

LEG. SCHNEIDERMAN:

Thanks. First of all, good work, guys. Thanks for coming down from 3.6 million to 2.5 million. I like the idea of Dennison. It's much better than across at the North Complex at Civil Service. You know, I trust your judgment. If you tell me this is approximately two-and-a-half million dollars, Commissioner, I believe that, you know, that's moving costs, that's retrofitting Dennison, the other spaces that will have to get retrofitted. If you don't spend it all, I know you'll do your best to bring it under that number, you won't use all this money. I want to allow you guys to move forward on this because we've put it in the budget. We've all agreed to move forward with the Vehicle Traffic Violations Bureau. I don't see any benefit in holding it up. I think we should move this out. It seems very reasonable. And I know if you have the money in place, you'll take the steps necessary to make this happen in the most expeditious way. So I don't personally think we need to caucus. I think we can ask for a vote on this.

LEG. ROMAINE:

Absolutely.

LEG. SCHNEIDERMAN:

And, hopefully, it will move forward.

D.P.O. HORSLEY:

We're not going to break, we're going to vote.

LEG. NOWICK:

Let's just vote.

D.P.O. HORSLEY:

Okay. Legislator Kennedy for one quick question, and then we're going to -- we're going to find out what motions we actually have on the floor and we're going vote.

LEG. KENNEDY:

You may have spoke about this earlier; I need to ask again, though. The RFPs that were returned have all been evaluated and all been set aside, they've all been rejected? Where are we at now? So from that, am I to assume, then, County employees are going to be the individuals that operate here?

DR. TOULON:

I'm sorry. You're saying County employees? You're asking about the RFP. The RFP, they were all rejected --

LEG. KENNEDY:

Okay.

DR. TOULON:

-- that we have put out, so we've resubmitted new RFPs.

LEG. KENNEDY:

Well, Dr. Toulon, my understanding is that the RFPs were rejected on Thursday.

DR. TOULON:

That's correct.

LEG. KENNEDY:

Okay. So here we are being eyeball to eyeball with we've got to have 2.4 million today, right now, and an RFP process, at a minimum, takes somewhere between 60 to 90 days. How can you then tell us absolutely, positively today, drop dead, got to have it, trains going off the tracks, when we aren't even going to have whomever is going to run this thing? And if we're doing an RFP, that means you're looking for some private entity to run it? It's not County employees?

DR. TOULON:

No. Our RFP right now is out for software, because that's the most vital thing that we need right now. It's not regarding any human resources that we're looking to use. That policy has not been decided yet.

LEG. KENNEDY:

If you don't have the piece of software, how can you actually configure the hardware or the stations, the computers, and where the operators are going to be? Look, I don't want to be an obstructionist, but every time we peel the onion away here, we get more "we don't know." Okay. Thank you.

D.P.O. HORSLEY:

Thank you very much, Legislator. Anybody else? We're good? Let's --

LEG. ANKER:

I just want to --

D.P.O. HORSLEY:

Legislator Anker, and then real quickly --

LEG. ANKER:

I just want to say one thing.

D.P.O. HORSLEY:

-- then we're going to vote.

LEG. ANKER:

This is a perfect example of government holding up the process, and it's very frustrating for me to listen here. We know we have a deadline, we know this is going to be a money -- revenue-making service, and we're here debating this for an hour? And we have concerns, I'm not saying the concerns aren't there. But we have a competent department head. Gil, how long have you been with our -- with the County?

COMMISSIONER ANDERSON:

Six years. Yes, six years.

LEG. ANKER:

Six years, all right. And you've been doing this for a number -- you know, you understand this. The point is we need to pass this so we can continue this whole department, so we can make revenue to help our debt.

D.P.O. HORSLEY:

Okay. The motions we have on the floor presently, there's one to recommit; that's correct?

LEG. D'AMARO:

Yeah. I have another motion.

LEG. SCHNEIDERMAN:

Motion to approve.

D.P.O. HORSLEY:

I have a motion to approve by Legislator Schneiderman, second --

LEG. MONTANO:

Wait, wait. Let's get this --

MR. LAUBE:

You have a motion to approve and a motion to send to committee.

D.P.O. HORSLEY:

Okay.

LEG. D'AMARO:

And I'll offer a motion -- can I do two motions? I guess I can.

D.P.O. HORSLEY:

You want to pull back the other one?

LEG. D'AMARO:

And I'll withdraw the motion to commit, and I'd like to offer a motion to schedule to a date certain, as per our prior --

MR. NOLAN:

That would be table to November 7th?

LEG. D'AMARO:

Table to November 7th. And then the committee, when the Public Works Committee meets --

D.P.O. HORSLEY:

It's a motion to table, in other words.

LEG. D'AMARO:

Well, to a date certain, November 7th. And then, when the Public Works Committee meets, they can go through more of this, and get more information, and get more certainly, and, hopefully, then it will be ripe for a vote on the budget day.

D.P.O. HORSLEY:

Okay. Is there a second on the motion?

LEG. ROMAINE:

I'll second that.

D.P.O. HORSLEY:

Second by Legislator Romaine.

LEG. MONTANO:

Could I just ask a question?

D.P.O. HORSLEY:

Yes. On the motion.

LEG. MONTANO:

I just really want to ask a question. I'll just preface it with this: This, Mr. Schneider, is really -- you know, if this doesn't pass, don't blame us. You do this all the time. You bring in stuff, you bring it in late, and then you tell us that we have to rush through it. Legislator D'Amaro makes some goods points, and, you know, but at the same time -- and you shouldn't have waited so long. But, Legislator D'Amaro, let me ask you this: What would you hope to accomplish by tabling this to the next meeting? What is it that you think will change or we can accomplish by a tabling?

LEG. D'AMARO:

Well, several --

LEG. MONTANO:

Because I don't want to go through this again --

LEG. D'AMARO:

Several of --

LEG. MONTANO:

-- even though I agree with you, it's their fault.

LEG. D'AMARO:

Several of our colleagues have talked about the expertise and competency of our Department, Public Works; I agree. I think Department of Public Works needs more time to put together a plan, and I'm not going to reiterate the laundry lists of concerns that were raised here today. And I have confidence that with a little more time, they could put together what the operational plan will be in more detail, and what the site plan will be in more detail, and the design plan, I would also expect to be a bit more detailed than just this hand-drawn plan that says, you know, "We don't really have any answers as how we're going to function, who's going to be providing, how we're going to do this." I believe that before we commit to funding, we need a more detailed plan on how, especially the public visiting the site and the employees in that building are going to be safeguarded, and I don't see that on any plan right now.

I also haven't heard anything about what other locations were vetted, why they were rejected. In fact, as I said, as of last Friday, this building, the Dennison Building, was rejected as the site. So I have complete confidence in Public Works, but give them the time that they need to present to us and explain to us why this site works, how it's going to work, how the public's protected, how everyone else working in the building is protected, how the parking is going to flow. I mean, I could go on and on. Mr. Anderson knows this better than anyone. He's an engineer, he knows all about planning, but we're not giving him the time to plan. We're just writing the check.

D.P.O. HORSLEY:

Okay?

LEG. D'AMARO:

I just don't think that's the way to go.

D.P.O. HORSLEY:

Okay. Thank you. Tabling for a date specified takes precedence.

Roll call vote.

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

LEG. D'AMARO:

Yes.

LEG. ROMAINE:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

No.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MONTANO:

Pass.

LEG. CALARCO:

No.

LEG. ANKER:

No.

LEG. HAHN:

No.

LEG. MURATORE:

No.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

No.

LEG. SPENCER:

Yes.

D.P.O. HORSLEY:

No.

P.O. LINDSAY:

(Not Present)

LEG. MONTANO:

No.

MR. LAUBE:

Six. (Not Present: P.O. Lindsay)

D.P.O. HORSLEY:

Motion to approve. Roll call.

MR. LAUBE:

I think, Kennedy, you want to be on this motion? I'm sorry. I saw you gesturing.

LEG. KENNEDY:

I did. I was waiting for the second and I had a question on the motion.

LEG. SCHNEIDERMAN:

I thought so.

D.P.O. HORSLEY:

We already have a motion to approve, according to the Clerk.

LEG. SCHNEIDERMAN:

I made a motion to approve and I think there was a second, too.

D.P.O. HORSLEY:

This goes back. It could have been a couple of hours ago.

LEG. HAHN:

Second.

LEG. KENNEDY:

Okay. On the motion to approve. On the motion to approve, then.

D.P.O. HORSLEY:

No, we're -- come on, we're not going to debate this now, are we?

LEG. KENNEDY:

I've got one question for them on the motion to approve. The employees that will wind up in this TVB, are they going to be people that are brought back from the layoff list? Are they going to be County employees? Can any one of the four of you answer that?

MR. SCHNEIDER:

I do not have a firm commitment on that, but it's certainly something that we will work very closely with the Legislature on over the next few weeks.

LEG. BROWNING:

Yes or no? Answer yes or no.

D.P.O. HORSLEY:

Okay?

LEG. KENNEDY:

Jon, wait a minute. Hold on.

D.P.O. HORSLEY:

John, we're not going to get into an argument now.

LEG. SCHNEIDERMAN:

The outcome of this vote may rest on the answer to this question.

D.P.O. HORSLEY:

All right.

LEG. SCHNEIDERMAN:

In fact, I believe it does. So I think the preference of this body certainly would be to have the employees at this Traffic -- Vehicle and Traffic Violations Bureau be employees that are on that layoff list that were dismissed from employment with the County?

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

LEG. HAHN:

Doesn't it depend on the titles and all that? Like, how do we --

LEG. D'AMARO:

I don't know, a date certain is looking better and better.

LEG. NOWICK:

(Inaudible) if they don't, that's all.

MR. NOLAN:

One at a time.

D.P.O. HORSLEY:

Yeah, one at a time, first of all.

LEG. SCHNEIDERMAN:

If the Administration wants a minute to discuss this internally, I think that would be wise.

LEG. KENNEDY:

How about we --

D.P.O. HORSLEY:

Mr. Schneiderman, what do we -- Mr. Schneider, what are we talking about?

MR. SCHNEIDER:

About five minutes?

LEG. CALARCO:

Call the vote.

LEG. SCHNEIDERMAN:

I would support that.

LEG. BROWNING:

Give them five.

LEG. SCHNEIDERMAN:

Give them five minutes to work this out.

D.P.O. HORSLEY:

Five minutes; recess.

*(*The meeting was recessed at 5:18 PM and was reconvened at 5:32 PM*)*

D.P.O. HORSLEY:

All right. Roll call.

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

LEG. ROMAINE:

(Not Present)

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

Here.

LEG. ROMAINE:

I'm here.

LEG. MURATORE:

Here.

LEG. HAHN:

Present.

LEG. ANKER:

Here.

LEG. CALARCO:

(Not Present)

LEG. MONTANO:

Here.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Here.

LEG. NOWICK:

Here.

LEG. GREGORY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Yes, here.

LEG. SPENCER:

Here.

D.P.O. HORSLEY:

Here.

P.O. LINDSAY:

(Not Present)

MR. LAUBE:

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

D.P.O. HORSLEY:

All righty. I am going to make a motion to reconsider our tabling motion --

LEG. SCHNEIDERMAN:

Second.

D.P.O. HORSLEY:

-- to a date specific, which is November 7th, to reconsider it. Legislator Schneiderman seconds the motion.

LEG. D'AMARO:

Is that to reconsider the motion I had made, Mr. Deputy?

D.P.O. HORSLEY:

Yes, that is correct.

LEG. D'AMARO:

Okay.

D.P.O. HORSLEY:

Okay. We have a second on the motion. All those in favor?

LEG. MONTANO:

We're reconsidering.

D.P.O. HORSLEY:

Opposed?

LEG. CALARCO:

I'm opposed.

D.P.O. HORSLEY:

Opposed to reconsidering?

LEG. BARRAGA:

Opposed.

D.P.O. HORSLEY:

Okay, two opposed.

LEG. HAHN:

I'm opposed.

LEG. SCHNEIDERMAN:

Maybe we should do a roll call.

D.P.O. HORSLEY:

Okay.

MR. NOLAN:

No, no. We're good.

D.P.O. HORSLEY:

Good? We're good.

MR. NOLAN:

We're good.

D.P.O. HORSLEY:

Okay. It is now on the --

MR. LAUBE:

Fourteen (Opposed: Legislators Hahn, Calarco & Barraga - Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Back in front of us for a vote. Roll call vote on the motion to table to a date specific, which is November 7th.

MR. LAUBE:

Who was the motion and second, Legislator Horsley?

D.P.O. HORSLEY:

Legislator Horsley and Legislator Schneiderman.

MR. LAUBE:

Thank you.

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

D.P.O. HORSLEY:

Yes.

LEG. SCHNEIDERMAN:

Yes to table.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yeah, okay.

LEG. CALARCO:

No.

LEG. ANKER:

Pass.

LEG. HAHN:

No.

LEG. MURATORE:

No.

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

(Not Present)

LEG. ANKER:

Yes.

MR. LAUBE:

Thirteen (Opposed: Legislators Muratore, Hahn, Calarco & Barraga - Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Okay. The motion to table to November 7th has been passed. With the Bond issue, the corresponding Bond issue, 2011A, is now moot, and we will skip that.

MR. NOLAN:

One more.

D.P.O. HORSLEY:

We have one more.

All right. The last resolution that we have before us, the CN before us is ***2013-12 - Confirming appointment of County Commissioner Suffolk County Department of Police (Edward M. Webber) (County Executive)***. I'd like to make a statement, that after discussion with, I believe, just about everybody, all the Legislators in this room, that we believe that the Commissioner of Police has already been confirmed and there is no redos on confirmation. And I will assume that there are no motions.

LEG. SCHNEIDERMAN:

Well, ask.

D.P.O. HORSLEY:

I assume that I have no motions.

LEG. CILMI:

No one is making a motion.

D.P.O. HORSLEY:

No motions. No motions before us? We'll move on.

LEG. MONTANO:

Have a good day.

D.P.O. HORSLEY:

Wait a minute. We have **Late Starters**. I'll make a motion to waive the rules and lay on the table the following resolutions, Late Starters: 1999, Human Services; 2000, EPA; 2001, Education & IT; 2003, EPA.

MR. NOLAN:

Do you have 2002?

D.P.O. HORSLEY:

No, I don't. 2002, I'm sorry, Ways & Means; 2003, EPA; 2004, Government Operations, Personnel & Housing, public hearings set on November 20th at 2:30 in Hauppauge; 2005, Ways & Means and public hearing set November 20th, 2:30 in Hauppauge; 2006, Ways & Means; 2007, Health; 2008, Human Services; 2012, Ways & Means and set the public hearing for November 20th at 2:30 in Hauppauge. That's it. I'll take a second by Legislator Barraga. All those in favor? Opposed? So moved.

MR. LAUBE:

Sixteen.

GM 10/9/12

D.P.O. HORSLEY:

We're adjourned.

LEG. D'AMARO:

Good job. Good job.

*(*The meeting was adjourned at 5:37 PM*)*