

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

SECOND DAY

February 7, 2012

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

Minutes Taken By:

Lucia Braaten & Alison Mahoney - Court Reporters

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

*(*THE MEETING WAS CALLED TO ORDER AT 9:31 A.M.*)*

P.O. LINDSAY:

Okay. Mr. Clerk, could you call the roll, please?

MR. LAUBE:

Will do. Good morning, Mr. Presiding Officer.

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

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Present.

LEG. BROWNING:

Here.

LEG. MURATORE:

Here.

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:

Still here.

*(*Applause*)*

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Could everybody rise for the salute to the flag by Legislator Kennedy?

*(*Salutation*)*

If everybody could remain standing as our visiting clergy address us, introduced by Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Presiding Officer, and good morning all. Today I'm honored to introduce to you Rabbi Meir Goldstein. Rabbi Goldstein is the Rabbi at the Commack Jewish Center, located on Shirley Court in Commack. Rabbi Goldstein joined the Commack Jewish Center last year, succeeding longtime Rabbi Emeritus William Berman, who retired in June. The Commack Jewish Center, with a membership of 230 families, is affiliated with the United Synagogue of Conservative Judaism, the Association of Conservative Congregations in North America. Commack Jewish Center features full range of services, including Hebrew School, featuring a class dedicated to students with special needs.

Rabbi Goldstein comes to us with a long line of dedication in ministry, actually all over. He grew up in Scottsdale, Arizona. He has a B.A. in Cultural Anthropology, and received his Masters in Rabbinic Letters, 2003, and Rabbinic Ordination in 2006 from the Ziegler School of Rabbinic Studies at the American Jewish University in Los Angeles. Rabbi Goldstein has worked in the AmeriCorps VISTA as a volunteer, facilitating reading programs for primary age children in Eugene, Oregon, and he has done street outreach, run men's groups, and taught in drop-in schools. We're blessed to have him with us today. And, Rabbi, if you could please speak to us.

RABBI GOLDSTEIN:

Thank you.

LEG. KENNEDY:

Thank you.

RABBI GOLDSTEIN:

It's an honor and a pleasure. Thank you for giving me a few minutes here. I rarely write out my prayers, but I wanted to make sure to say everything just right for you.

Our God, source of holiness and source of light for all humans and for every creature, help us to see each other's strengths and not our shortcomings. To listen to one another even when we disagree. To understand and internalize the highest values for which we stand, forbearance, generosity, and patience. To delight in the possibilities for the future and flee from self-pity. To practice humility and self-reflection. To shun gossip and all ugly speech. To remember that each of us has known failure and success, stagnation and growth. To dedicate the strengths God has given to the betterment of this community and this County. To proceed surely and confidently to do the work for this council. To fulfill the commandment, the holy call to action, repeated more than any other in the Hebrew Bible. Do not harden your heart. Give to the poor, the widow and the stranger.

Your task here is clear. You are to be representatives of the people, to give a voice to those who don't have voices and a name to those who are unnamed, to be good stewards to this land, its people and its resources. More than any other goal, ours is a shared goal to minimize misery and create hope. We do this best by creating and funding organizations that bring food to the hungry, shelter to the homeless, and possibilities of self-renewal for all of us. And let us say amen.

*(*Amen Said in Unison*)*

P.O. LINDSAY:

Okay. If everyone could remain standing for a moment of silence for Joseph R. Caputo, who served as Suffolk's Comptroller for a record 24 years and turned the office into an independent fiscal watchdog, passed away on January 7th after a continuing battle with heart problems. Joe also served as a Suffolk Legislator from 1972 to '78 and was elected Presiding Officer in 1978. As always, 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*)*

Before I go to proclamations, I just have two announcements. Number one, as you see entering the auditorium today, there's a metal detector. And I apologize for any inconvenience that that might have caused anybody. It's not something that we really wanted to do. It's been recommended for years now by our security people that we have one of these devices, and I've kind of fought it because I don't like the image of open government and a metal detector. But some incidents and circumstances around the country and potential ones here has forced me to change my mind on it. We'll see how it goes. We'll play along and I just hope it doesn't cause an inconvenience to any of you.

And on a personal note, I just want to thank all of the people over the last two weeks who have sent me cards and e-mails and phone calls wishing me well with my illness. And I really appreciate your support. Some of the most -- some of the most extreme, I had former Presiding Officer Tonna call me and offered to shave his head in sympathy with my chemotherapy, and we're starting to be a movement. Legislator Barraga joined him, too.

*(*Laughter*)*

And, you know, I'm sure to the relief of Legislator Hahn and Legislator Nowick, that they told me

that I'm probably not going to lose my hair, so it isn't going to be necessary.

LEG. HORSLEY:

There you go.

P.O. LINDSAY:

But I appreciate it. I appreciate it, you know. And the only thing I can say is that I started my chemotherapy treatments yesterday, and we're starting my last campaign and I'm going to win it.

*(*Applause*)*

P.O. LINDSAY:

Thank you. Thank you. We have Legislator Muratore who will present a proclamation to Dalton Crossan, who is the Hansen Award winner for high school football.

LEG. MURATORE:

Good morning, everyone. You know, it couldn't be more befitting than to make a presentation like this, a football presentation, considering, you know, we are -- with the New York Giants winning the Super Bowl on Sunday. And leading the pack in Suffolk County is a young man, Dalton Crossan. Dalton's a senior at Sachem North High School. He lives in Ronkonkoma with his parents, Susan and Michael, and his brother, Trent. Dalton is the co-winner of the 52nd Annual Carl A. Hansen Award, presented to Suffolk County's top high school football player each year. He also is a recipient of the Joe Cipp Running Back Award. He led Sachem North Football Team to a Division One title game under the coaching of Coach Dave Falco, who does a great job over there at Sachem.

Some of his stats, which are too numerous to mention, but he had -- it included 208 carries, 2186 yards rushing, 35 rushing TD's and 30 tackles, so he plays both ways. He's also received a full scholarship to attend the University of New Hampshire. So my congratulations to Dalton, to his parents. And God bless you and have a great career. Hopefully, we'll see you in the Super Bowl some year. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Okay. Next up is Legislator Cilmi.

LEG. CILMI:

Thank you, Mr. Presiding Officer. It continues to be my privilege to share harrowing stories of our probation officers with all of you who -- probation officers who truly serve the County well. And in doing so, I hope to continue to underscore the importance and impact of all of our members of our public safety team here in Suffolk County.

On September 18th -- if I could ask Probation Officer Alison Sanchez to join me at the podium, please. On September 18th of 2011, while driving on Middle Country Road near the Smith Haven Mall, Probation Officer Sanchez noticed a Jeep in her rearview mirror speeding and weaving around traffic. As the vehicle approached from behind, Officer Sanchez slowed to -- in hopes that the Jeep would slow down in back of her. Instead, the Jeep simply swerved into the next lane and then attempted to cut back in front of Officer Sanchez' vehicle. In doing so, the Jeep struck another vehicle, the vehicle that was in front of Officer Sanchez, causing both vehicles to spin out of control and literally veer across the road into oncoming traffic. And, fortunately, no other collision was caused and both vehicles came to rest on the side of the road by the curb. Officer Sanchez pulled over and called 911. Both vehicles had broken windshields and were severely damaged, but, fortunately, none of the occupants were -- sustained significant injuries.

Officer Sanchez saw the Jeep driver rush over to the bushes and toss something to the ground, which turned out to be a switchblade. She also saw an open bottle of liquor on the front floor of the Jeep. She questioned the driver, making sure he did not leave the scene or remove any evidence. She provided a witness statement, having called the Fourth Precinct. Officers arrived and she provided a statement to the officers and talked about the driver's aggressive driving, as well as the possibility of intoxication, and the driver's attempt to discard a weapon. She also advised that the driver's passenger appeared to be a minor. Well, the driver was eventually arrested for Felony Aggravated DWI with a Child and Endangering the Welfare of a Child, as well as Unlicensed Operation of a Motor Vehicle.

Probation Officer Sanchez is a four-and-a-half year veteran in the Probation Department and works out of the Riverhead office in the Pre-Sentence Investigations Unit, and, once again, is another exemplary example of how important our public safety team, all of the members of our public safety team are here in Suffolk County. She is a valued employee of our County and we thank her very much for her service. God bless you.

*(*Applause*)*

P.O. LINDSAY:

Next up, Legislator Browning and Calarco will present joint proclamations to Police Officers Michael Axelson, and Frankie Sierra, and Kevin Comiskey from the Marine Bureau for their participation in a marine rescue where they pulled a fisherman from the Great South Bay on January 2nd.

LEG. CALARCO:

Good morning. It is really a pleasure for me, my first proclamation to be able to hand out at -- in front of this body, to call up three officers from our Suffolk County Police Department's Marine Bureau for their bravery and their action in a very critical situation. So, if Officers Michael Axelson and Kevin Comiskey, I guess you're here. Okay Officer Sierra is not going to be able to make it this morning.

On January 2nd, these officers from the Marine Bureau responded to a 911 call for a boater in distress in the Great South Bay right off of Blue Point Beach in my district. There was a clammer who was hanging onto the back of his boat; he had fallen into the water. And I got to say, I'm very glad that we still have clammers in the Great South Bay. And officers responded quite quickly, were able to pull Mr. Thomas Herrschaft from Mastic Beach out of the water, pulled him onto the boat, administered first aid, and promptly brought him to the Blue Point Marina, where he was able to be transferred to an ambulance that was waiting for him, and transported to the hospital and received care for hypothermia. And there's no doubt that had the officers not been able to respond so quickly and so -- with such skill, that Mr. Herrschaft probably would not be here with us today. As you can imagine, it doesn't take very long in the frigid waters in January before you're not going to be able to stay afloat.

So we just wanted to thank the officers for their hard -- for their responses and their quick actions. And, you know, keep up doing the good work and we'll be here helping you out as well. Legislator Browning?

*(*Applause*)*

LEG. BROWNING:

Mr. Herrschaft -- sorry. Mr. Herrschaft was not able to attend this morning. However, he sent a letter and asked that I read it on his behalf. It says, "To the officers of the Marine Bureau, Suffolk County Police. I want to express my extreme gratitude to you for rescuing me from the Great South

Bay on January 2nd, 2012. It was hard to believe a beautiful mild winter's day could go so wrong with a single missed step. I will always be grateful for your efforts, they saved my life. I'm thrilled you are being honored at the Suffolk County Legislature and it is certainly deserved." And his wife has also said, "We will not forget the wonderful job these officers did." So I want to say a special thank you on behalf of my constituent, Mr. Herrschaft. And I know the family are very happy that he's still here today because of you. Thank you.

*(*Applause*)*

And I have one more. We have Fire Marshal Donald Lynch, if he could come forward. And Commissioner Williams, if you'd like to come up. And I don't know who else you'd like to bring with you, but I see a number of members of FRES are here. So, Joe, if there's other members you want to bring up. And we're accompanied here by -- oops -- one of our K-9 Unit. I think we need to try and get friendly here, guys.

I am here today with -- Fire Marshal Donald Lynch has been a member of the K-9 Accelerant Detection Program since 2006, when Suffolk County extended the program to two canines. The purpose of the program is to utilize canines to sniff out evidence of possible arson. One of the things that I didn't know was that our K-9 Unit can be called to respond anywhere in the United States, not just in Suffolk County.

Fire Marshal Lynch, along with his recently deceased canine, LP, will be honored by the U.S. Attorney's Office for the District of Massachusetts at their annual Law Enforcement Public Service Award ceremony on March 28th. They're being honored for their work in a case involving arson in a place of worship, which occurred in November of 2008 in Springfield, Massachusetts. With the evidence found on the scene by Fire Marshal Lynch and LP, as well as the testimony he provided in court, they were able to convict three individuals who are currently serving ten years for the arson. Unfortunately, like I said, LP passed away in December of 2011 after five years of service. And I know the connection between our fire departments and our police departments and the canines, and I know you will miss him very much.

So, again, thank you very much to Donald Lynch for his great action, and I have a proclamation for you. And, Joe, would you like to come up and say something?

COMMISSIONER WILLIAMS:

I'd like to congratulate Don Lynch and just explain about the great service that these people do, our Fire Marshal's Office, our K-9. Like the Legislator mentioned, we lost LP back in December. We have become pretty close to these dogs and they live in our office and they go home with these gentlemen. And when we lose one of them, it's almost like losing our own. And the good news is that, with the County Executive's help, we will be securing another dog from the ATF. Fire Marshal Lynch will go out with the ATF to train another dog. That dog will not replace the memory of LP, but it will serve the people here in Suffolk County, and Fire Marshal Lynch will have a new partner.

P.O. LINDSAY:

Okay. Next up is Legislator Spencer for the purpose of multiple proclamations.

LEG. SPENCER:

Good morning. I'd like to ask Thea Lanzisero and her family to please join me. Would Legislator Nowick please join me also?

Thea is a local artist who, fortunately, resides in my Legislative District, and her sculpture collection has been exhibited in more than 40 venues, including Long Island, Brooklyn, New Jersey and Florida. In 2010, her sculpture, "Dress Armour", was purchased by the Town of Huntington for

installation at the Anne Frank Garden Arboretum Park. Congratulations to Thea. Her sculpture, "Leigha", which was selected by Legislator Nowick and exhibited in the Suffolk County Legislator's art -- in the alcove display for three months up until one week ago. We really appreciate your talent and it is my privilege to recognize you today. Thank you.

*(*Applause*)*

LEG. SPENCER:

I would like to ask Kristin Colavito and her family to join me at the podium, please.

Kristin grew up in Centerport, also resides in my district. She has a Bachelor's Degree from the University of Rhode Island. Kristin has been teaching children ages six to ten about marine life at the Sea Stars Marine Camp in Northport since 2002. She takes particular interest in the education of her campers and makes a significant impact on their learning by taking them to beaches and nature preserves to observe environments firsthand. She was recently selected as Woman of the Year by the Times of Northport.

It gives me great honor and privilege to recognize Kristin for her dedication and commitment to children. Congratulations, Kristin.

*(*Applause*)*

LEG. SPENCER:

I would like to ask Legislator Stern and D'Amaro to join me, please, and Legislator Stern has a proclamation.

LEG. STERN:

Good morning, Mr. Presiding Officer, my colleagues, and everybody here joining us this morning. The Suffolk County Legislature, of course, takes great pride in honoring the heroes of our community, so it is really my privilege to ask Police Officer James Garside to join us up here this morning. And Officer Garside is joined by our outstanding Commanding Officer of the Second Precinct, Inspector Brady.

Police Officer James Garside of the Suffolk County Police Department Second Precinct is a prime example of what giving back to our community means. For 19 years he served our community tirelessly, selflessly, and with a dedication that is a true inspiration to his fellow officers. Officer Garside has always displayed an outstanding sense of commitment to impart in the important role of the Police Department in Suffolk County. But recently, during a two-week time span in January, Officer Garside, as a member of the Medical Crisis Action Team of highly trained advanced life support specialists, heroically helped to resuscitate three different victims in distress, saving their lives. Over the years, he's been instrumental in many such heroic deeds, which have resulted in several prestigious awards, including the Second Precinct "Cop of the Year" for 2010, five "Cop of the Month" honors, the exceptional Meritorious Award, three command recognitions, and 15 department recognitions.

On January 19th, 2012, Officer Garside was part of a team of officers that helped save a 23-year-old man who was in need of resuscitation due to an apparent drug overdose. The victim was found slumped in a car outside of a restaurant with a needle in his arm. On January 24th, he helped revive a Suffolk County Parks Department employee who had had a heart attack on a street in Huntington Station. And on January 31st, Officer Garside responded to a 911 call reporting a 46-year-old woman in cardiac arrest. He expertly performed defibrillation to restore the woman's heartbeat. She was then transported to Huntington Hospital, where Officer Garside stayed by her side until she awoke on a ventilator in the ICU.

Officer Garside has demonstrated a commitment to excellence in the highest tradition of the Suffolk County Police Department. Please join me and my colleagues, Legislator D'Amato and Legislator Spencer, in congratulating Police Officer James Garside and saying congratulations, but most importantly for his continued dedication and passion and commitment to our community. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Next up is Legislator Anker.

LEG. ANKER:

Can I have David Wu and his family up here, please? I have two awards this morning; the first one is for David Wu. Is that how you pronounce your last name?

MR. WU:

Yes.

LEG. ANKER:

David recently was named a semi-finalist in the Intel Science talent search. I want to start -- there's so much about David and his ability to grasp concepts and take them a step further. I'm just -- I'm thoroughly impressed. Let me read you a little bit.

David is the only student from Comsewogue High School to achieve the semi-finalist spot. Now he has a chance to win \$100,000 in scholarship. He did a research project to test the validity of a standard model of particle physics. To complete his research, David spent almost 30 hours a week reading scientific papers on computer programming, language, and wrote a computer simulation to test his research theory. David worked with his senior physicist and mentor, Dr. William Morse, from Brookhaven National Lab, who helped direct and guided him through his research.

Let's see. I wanted to mention, too, he was selected out of 1,839 high school seniors to enter this competition. He now has a chance to, again, compete further, and that will be in Washington D.C. His goal, again, was to work with the scientists at BNL. And, by the way, his father is -- works with BNL. Yes, you're employed at BNL. And his goal of this experiment was to find the optimal detector geometry for a new concept Japan was using. Eventually, David designed a geometry that improved upon the figure of merit, and this was proposed by Japan's Proton Accelerator Research Complex, by 197%. Again, that kind of goes probably beyond most people's concept of understanding the science, but, basically, he's just amazing, scientific future, brilliant person. And I can't wait to see what happens in the next year or next 10 or 20 years.

Now, here's something we can understand. The SAT, you got a score of 2,320. Now the highest you can get is 2400. So, you know, again, David is -- he does -- participates in the varsity cross country running team and has excelled in that. He also enjoys piano, and at the age -- something he has done since the age of six. Received a score of 100 playing piano at level six at the Allstate Piano Showcase. So, again, what an amazing accomplishment.

And I'm very proud to present to you this certificate, and I wish you the best of luck. So thank you so much.

MR. WU:

Thank you.

*(*Applause*)*

LEG. ANKER:

The next group I would like to recognize is North Shore Youth Council. Can I have Janene Gentile and Kristin MacKay come to the podium? Okay. I'll try to be quick, but it's hard when I have such an amazing group up here and the two ladies that I have.

Janene Gentile is the Director of North Shore Youth Council. Kristin MacKay is a board member for the Council. And I have to say, North Shore Youth Council is one of the most proactive community groups in my district, and I'm so honored to have you here. North Shore Youth Council was established in 1982. It covers Miller Place, Shoreham-Wading River, Mt. Sinai, all the way down to -- I believe you also do Coram and Middle Island, working in those parts, Ridge. You guys are just amazing.

The programs that North Shore Youth Council runs, youth and family counseling, Big Buddy/Little Buddy, which my two children -- my daughter, who's now 20, and my daughter -- my other daughter, who's 11, they both participated in these programs. And basically, it's to help our children, not only the older children learn how to work with younger children, but also teach kids responsibility, and that was a Big Buddy/Little Buddy Program summer camp. They also work with school-age children, child care, after school recreation, teen concert series. What these girls -- these board members do, men and women, they get the teens -- they give the teens something to do on the weekends. You know we have a huge problem with drug addiction, we have a huge problem with gangs. North Shore Youth Council finds ways productively, so our kids can spend their time having fun without disrupting society, disrupting -- you know, without disruptive behavior. So, again, I commend North Shore Youth Council. There's the Job Bank Services, Summer Recreation Program, Parenting Awareness Workshops and Youth Advisory Committee. Also, there's the program, Kids in Need. That collect food, clothing and holiday gifts for needy families. There's so many things that this group does and I am so proud to be here to present them with the award.

I just wanted to mention, we recently were able to allocate some funding for a very important program. It's Council for Unity, it's part of that program. And I was recently at the jail over in Riverhead and I sat in with probably about 20 young men, ages 16 to 21, who were incarcerated, and some of the charges were drug possession up to murder. And these young people basically were trying to get back on track and this program was providing that. What most -- most people who go -- most kids who go to jail end up going back and we're trying to break that cycle. And, again, I'm so honored to be able to help this group break that cycle. And we're going to work, again, not only -- this is a pilot program that Suffolk County is doing. It is -- from what I understand, it hasn't been done in this area. We're hoping to take this to the State, we're hoping to take it to the rest of the country, because, as my father would say, who was from the Navy, we're only as strong as our weakest link. And if we allow these kids, and they are kids, in our society to falter, they will eventually affect us. You know, if that person's a drug -- is addicted to drugs, there's no discrimination who that person will go after for money or for whatever that person needs. So we need to help these young kids get back on track.

So, again, thank you so much, and I am just very honored to honor these folks in this group. Again, thank you.

*(*Applause*)*

MS. GENTILE:

Thank you all. Thank you all so very much. Just a moment. There's a woman in this room that was my mentor and that's Nancy Marr. And I came out here in 1986 and I worked at Bellport in the drug -- as a drug and alcohol counselor and she taught me. She taught me how -- and to show my

humanity. So I -- just a moment, Nancy. Thank you very much. I'm very proud to be in front of you.

And, Bill Lindsay, I have something for you. I have Lady of Fatima. You're looking at a person that's been six months into chemo and I have plenty of hair.

*(*Applause*)*

P.O. LINDSAY:

Thank you. Okay. Where are we? Legislator Romaine, for the purpose of a proclamation.

LEG. ROMAINE:

Thank you. I'd like to ask Kevin Moran and Frank D'Andrea from the Courtyard Marriott Hotel in Ronkonkoma to join me, as well as Legislator -- thank you. As well as Legislator Muratore. This hotel is in Legislator Muratore's office, but the reason I'm involved in this proclamation is this hotel, and we usually don't give hotels proclamations, but this hotel did something special. Its owner, Lee Browning, also owns the Hilton Gardens in Riverhead. I know Lee for many years and we were talking with him one night and my wife was there. She works for the County, she works for the nursing home, and she heard how this hotel was about to renovate the entire hotel, and most of their furniture was relatively new. And she said to Lee, "You know, we could use that." And Lee said, "You're on, you've got a deal. We're going to renovate. As long as the County picks up." And, by the way, because we missed the deadline, we had to come back the next day because we didn't get it done on time, but we got it done. And this proclamation is for my good friend, Lee Browning, and for the Courtyard Marriott Hotel in Ronkonkoma. It's right off the South Service Road of the Expressway, you know, by the Red Lobster and -- what's the ribs place there?

MR. BROWNING:

Smokey Bones.

LEG. ROMAINE:

Smokey Bones. And it also serves MacArthur. But I'm going to read just part of this proclamation.

Lee and the hotel generously donated 2,160 fine furnishings to the John J. Foley Nursing Home, and those items include easy chairs, sofas, sofa beds, desks, bureaus, night stands, headboards, side chairs, coffee tables, end tables, standing lamps, table lamps, armoires, wall sconces, artwork, round mirrors, vanity mirrors, bath mirrors, just to name a few. And they're only going to work at the nursing home, but, if you remember, the young lady who was homeless who won the Intel Semi-Finalist Award, the County found her a home. Many of those furnishings in that home come from this hotel. So this hotel stood up and said, "Let us help our county, let us help our nursing home, let us help the homeless. Let us provide our furnishings," which are relatively new, "to people that can use them." And for that, I want to thank my friend, Lee Browning. I want to thank the hotel management. I want to thank Kevin and Frank, who represent the hotel management, and present them with this award. Gentlemen, thank you so much.

*(*Applause*)*

LEG. MURATORE:

You know, I'm very fortunate to have Kevin and his crew in my district, because not only do we speak about this today, but Kevin does so much in the community of Ronkonkoma. So, on behalf of the residences of Rokonkoma, I'd like to thank Kevin and the Marriott for all they do for the community. Thank you so very much, Kevin.

*(*Applause*)*

P.O. LINDSAY:

Legislator Romaine, tell your wife to keep up the good work. No matter where she goes, ask for stuff for us, we need help.

*(*Laughter*)*

Okay. Unless someone else has a surprise proclamation, I think that's it for proclamations. This is the big reminder. Today, 12:30, the all-18-Legislator photos. So, please, nobody leave early. With that, we're going into public portion, and I'm going to turn it over to Deputy Presiding Officer Horsley.

D.P.O. HORSLEY:

Good morning, everybody. And, again, welcome to the Legislature. We're going to commence with the public portion. And, of course, the time allotted for each speakers who have filled out one of these yellow cards, make sure that you have if you're interested in speaking this morning, is three minutes, and we'll start right in. First one up is David Tyska from -- concerned about child concealment and Megan's Law. Hey, David.

MR. TYSKA:

Good morning, Legislators.

D.P.O. HORSLEY:

Welcome.

MR. TYSKA:

Thank you. I'm here before you today. My son was parentally abducted, which I call kidnapping, back in September of 2008. I've been trying to get help through all different branches of government on -- in Suffolk County and right now there is actually nobody to help. I contacted Megan's Law, which didn't help at all. Just a couple of phone calls, and then after that, the case went cold. I now have Center of Missing and Exploited Children in Virginia helping me try to find my son. I also have to go to Scranton, Pennsylvania and Newburg, Pennsylvania to get help. There's absolutely no help for any parent that has abducted children in Suffolk County. It's like my ex-wife kidnapped my son and nothing is being done. And my -- I've been getting proof from people that witnessed where my son was living in Tennessee. She took my son again and left. I got pictures of my son high on drugs. He's being sexually abused. You can look it up on the internet. My ex-wife, Mary Ann Linda Jensen's boyfriend is Elvis A. Frazier of Murfreesboro, Tennessee. He's got 12 pages of sexual assaults against children. The courts, nobody will help me. The law guardian says, "Your son will adjust to it." I mean, what type of attitude is that to a seven-year-old child? He's now 11. But, I mean, I can't get any help from anywhere.

And it's like if I can get some direction from the Legislators or anybody to help me find my son before it's too late, it would be greatly appreciated, because my oldest son, he's an honor student in Northport High School, he's making his Eagle Scouts, 16, finished Eagle Scout and Boy Scouts. He desires to see his brother and he's just like, "Why is the system not helping me find my brother?" And it just breaks my heart, because, as a father, you call up -- like I go to the Second Precinct and you get the attitude like the child's with the mother, it's not kidnapping. Yes, it is, because I'm the father and I do count, too. I need to be in my sons' lives, like my oldest son. He's excelling in everything. He's getting accepted to colleges after colleges. He's an honor student, he works at McDonald's. He really values family. And my mother died without seeing my son. My father's at the age where anything can happen to him at any time.

My son's going to eventually get reunited with us and not even know who his family was. It's like all

I'm asking is, please, if anybody can give me some direction on how to find my son and get it so he's not being sexually abused, because my ex-wife is a pedophile. I submitted diary writings what she did to other children. I need help, my son needs help. I'm here speaking on my sons behalf. Please, somebody help. Thank you.

D.P.O. HORSLEY:

Thank you very much, David, and we're sorry for your situation. The next speaker is Paulette Schwartz, concerned about Cancer Services Program of Western Suffolk, Patient Navigator Program.

MS. SCHWARTZ:

I also have Maureen O'Connor with me.

D.P.O. HORSLEY:

Hey, Maureen.

MS. O'CONNOR:

How are you doing?

D.P.O. HORSLEY:

Welcome again.

MS. O'CONNOR:

Again, I know.

MS. SCHWARTZ:

Our third round.

MS. O'CONNOR:

I know.

D.P.O. HORSLEY:

Okay.

MS. SCHWARTZ:

I'm Paulette Schwartz from the Cancer Services Program of Western Suffolk at Good Samaritan Hospital.

MS. O'CONNOR:

I'm Maureen O'Connor from the Cancer Services Program, Eastern Suffolk, at Peconic Bay Medical Center.

MS. SCHWARTZ:

The Cancer Services Program provides uninsured and underinsured men and women access to free breast, cervical and colorectal cancer screening and diagnostic services. Also, anyone diagnosed with these cancers have access to the Medicaid Cancer Treatment Program, whereby they get full coverage within two weeks to begin treatment immediately.

MS. O'CONNOR:

A majority of our referrals to the program come from our County health centers. And just to kind of give you a little -- I'm going to use up my three minutes here. But colorectal cancer is the second leading cause of cancer death in United States, period. If you do not have health insurance, you're five times more likely to die of breast cancer, four times more likely to die of colorectal cancer. So we're talking about a very medically vulnerable population here. Again, a majority of our referrals

come from the County health centers.

We have two different funding sources, one where we pay -- we have a contract with the State that pays for the actual services, so we pay the County health centers for the actual clinical breast exams and mammograms, the pap and pelvic exams, and then we have a contract for operational expenses. Both programs have bilingual patient navigators who help men or women with any abnormal screening findings negotiate the health care system overcome any identified barriers they have to completing their diagnostic cascade services. And the County has historically supported a portion of these positions due to the fact that many of the referrals are health center patients. Our program helped increase compliance rates, helping us detect breast cancer early, prevent cervical and colorectal cancer altogether, and saving people's lives, basically.

The Patient Navigation Program was not included in the 2012 budget, I'm guessing because in the budget it says Good Samaritan Hospital and Peconic Bay Medical Center Patient Navigation Programs, not really -- it doesn't really explain that we're actually working with the County health centers. And without this funding -- we both helped about 800 people last year, sixty of which were diagnosed with one of these cancers. So people who, when given the choice to work to pay their rent, put food on the table, or to go get their sonogram, and we helped them do that, would not have successfully gotten their screenings and/or gotten treatment.

Additionally, the burden is now going to fall to our already stressed out County Family Health Center system. That's it.

MS. SCHWARTZ:
Thank you.

MS. O'CONNOR:
Thank you.

D.P.O. HORSLEY:
Thank you very much, both Paulette and Maureen, and we appreciate you being here. The next speaker is Mike DePaoli, public safety, government, good government. Hey, Mike.

MR. DE PAOLI:
Good morning

D.P.O. HORSLEY:
Welcome.

MR. DE PAOLI:
I would like to first premise a request, handicapped accessibility to the speaker. If somebody could press that button or have an alternate on/off switch. Those that are handicapped or those that have to multi-task, makes it very difficult to press that button while making this presentation to the Suffolk County Legislature. So I'll make it orally without it, since it is not handicapped accessible.

My name is Mike DePaoli. I'm a Vietnam veteran, former Suffolk County Director of Emergency Preparedness. I'm a resident of Suffolk County.

D.P.O. HORSLEY:
Mike, could I interrupt one second? Maybe -- would it be better if you'd like to sit down?

MR. DE PAOLI:

Whatever is pleasing. In other words, if somebody could just press this button, that would be helpful.

D.P.O. HORSLEY:

Yeah. Why don't --

MS. LOMORIELLO:

I got you.

D.P.O. HORSLEY:

Yeah, guys, could you help out?

MR. DE PAOLI:

Thank you. Can you hear me? My name is Mike DePaoli. I'm a Vietnam vet, former Suffolk County Director of Emergency Preparedness. I'm here today to speak about government service and the idea of doing more with less, as proposed by the Suffolk County Executive in the presentation in association to utilization by the Suffolk County Police Department of the auxiliary police officers.

As a former Director of Emergency Preparedness, I was supervising a charge of services with the auxiliary police officers and they fulfill a lot of services as an extended arm; backup and support for the precincts upon request. And these times right now of severe cutbacks, it would be an appropriate use of resources of the auxiliary police officers of this county. Also as a suggestion is that it should also have a backup or a follow-up to civilian complaints. With cutbacks in the Police Department, the civilians' rights are most important. We have American veterans that are serving today across our world, protecting and preserving our rights. Citizens' rights can be quickly abused with less force out there in the field. With cutbacks on police services, civilian rights could be violated very easily. So I'm proposing, in addition to the use of the auxiliary police officers, the use and provision and adoption of a Civilian Complaint Bureau. That could be electronically installed and monitored on the internet. And let these be examples to our brothers and sisters in Nassau County of services that could be provided that are already there doing much more with less by adopting these suggestions.

It's not easy for individuals to come forward and speak up in these times. There are a lot of human resources that are being demolished. The social safety net is eroding as we speak. And just to exist in today's times is much more hard, much more enduring. So, as a veteran, I'm asking that the Suffolk County Legislature adopt these proposals and take them seriously in association to protecting, defending the rights of the citizens of Suffolk County. The idea of preparing for, responding to, recovering from and mitigating against manmade and natural disasters in times of budgetary crisis is priority one. So I thank you.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you very much, Mike. The next speaker is Richard Amper, on the -- from the Long Island Pine Barrens Society. Dick, I want to let you know that I made -- I don't know how many other Legislators, but I -- saw this, but I did catch you on Channel 55 and your interview over the weekend and you did a very good job, incredible job.

MR. AMPER:

What an outfit that --

D.P.O. HORSLEY:

See, we're there --

MR. AMPER:

TV 10 and 55, they always get it right, huh?

D.P.O. HORSLEY:

We were there listening to you make your pitch and I thought that was -- we're concerned.

MR. AMPER:

I am honored. I always wonder whether you're listening when I'm here, but that you're actually doing it on Super Bowl Sunday, it's very, very impressive.

D.P.O. HORSLEY:

Even on weekends we're watching you, Dick.

MR. AMPER:

Thank you very much

D.P.O. HORSLEY:

Okay. You're welcome.

MR. AMPER:

I'll be very, very brief about this. Because of conversations that were had in December around this horseshoe about whether or not -- if we merely stopped protecting drinking water and preserving open space, somehow or other the recession would miss us and the budget would be balanced. Of course, that's not right. The public's put this money up for a specific purpose. It can't be used for any other purpose, and it wouldn't really end the recession, as much as President Obama would like to hope it does.

We're also especially concerned that if this Legislature should change course and decide that it did not want to authorize acquisitions after the landowner has been through an enormous period of time, maybe made some investments in his property, entered into a contract, negotiated a price, that would be really creating a chilling effect. I'm not sure how many landowners would continue to come forward and offer their property if at the end of the game the Legislature said, "April fool, never mind." If you need to change the process and pass on these things earlier, that's a process that we should be looking at in the future. But it would be a bad idea, we'd be sending the wrong message if for the first time we came out and said we're going to disapprove projects here at the end of the process, rather than at an appropriate point, and that would really jeopardize the program. We're worried about the loss of this program that's been supported by so many for so long.

We also think that you don't really need to ban planning steps or have a moratorium, because you can just not introduce them, or you guys could just not approve them for three months. But Legislator Hahn correctly observed that now that we're moving from advanced bonding into pay-as-you-go, we need to look and say, "Are we buying the right parcels," and that does make a lot of sense. I think we can do that in real time. And certainly, it is -- should not take, and we in the environmental community have offered to review the master list. We think we can do that and update that in a month's time. We don't think you need to stop and spend six months trying to go back and look at something that has been working or not working for a long period of time.

The ranking process we think needs reform. One of the items that has been entered into contract is this Beagle Club property. I think it's a good piece of property. I think it would be a bad signal again to kill it at the end after all the assurances. But more than anything else, it also has indicated to us that the ranking system, while well balanced, hasn't been well applied. The Beagle property, if

you look at the information that we have supplied you in your packet, should have received a 43 point score and not a 24 point score. So that would -- should make you comfortable with doing it both on the merits of the parcel and the fact that we don't want to send the wrong signal to landowners that we're going to renege on deals at the eleventh hour.

I would suggest that the program raid on the Drinking Water Protection Program helped create the problem because that's 20 million dollars less than we have. And both Planning and Real Estate appeared at Legislator Hahn's committee and said, "We've set aside the money needed for those things that have already gone to contract. I want to be sure that that money is still there, right? You want to look and be sure that that money that has been set aside by Planning and the department is still there.

And finally, I would just simply urge you to take a look at the great editorial in Newsday. We love 10 and 55, but we like Newsday, too. They wrote a good editorial about how to balance this process yesterday, and we'd hope you'd look at that before we're done. Thank you very much.

D.P.O. HORSLEY:

Thank you very much, Dick.

*(*Applause*)*

All right. James Widirstky, County Attorney's Office.

MR. WIDIRSTKY:

Good morning, Gentlemen. I am formerly of the County Attorney's Office because I was one of the 12 --

D.P.O. HORSLEY:

I think we have a microphone problem, James. You got to make sure you press down the button.

MR. WIDIRSTKY:

I'm formerly a County Attorney, having been one of the 12 who was dismissed by the County Attorney's Office a week-and-a-half ago. I have been attempting to understand why someone who has worked for the County for over 27 years and gone through five different administrations should be summarily dismissed without a word concerning those years of public service. I'm trying to understand how the County Attorney's Office as a whole can go from a department which was prohibited from participating in the New York State Retirement System because of the need to keep it intact to that in which 12 attorneys can be summarily dismissed without perceiving a possible consequence in the work product.

I myself worked in the Family Court Unit, which was responsible for representing the County in Surrogate's Court, Supreme Court and Family Court on behalf of the Department of Social Services to recover money for the County in welfare, Medicaid and child support cases, as well as statutory representation of the County interest in child abuse, child neglect, juvenile delinquency and mental health cases under Kendra's Law. I was working for two different magistrates recovering child support moneys and acting as backup to an attorney handling child abuse and neglect cases before two different judges.

It is my understanding that my child support work was financed by the federal government at the rate of 80%, since I also could not participate in that incentive because my job was federally funded. Several other dismissed attorneys were in that same category. Significant savings cannot be realized by dismissing employees who are 80% paid for by the federal government, and the responsibilities far flung of the County Attorney's Office cannot be discharged by a skeleton staff.

I've not even started to touch on the other responsibilities of the office because I have spent those 27 years working on behalf of the Department of Social Services in recovering monies. Thank you. And I hope you consider what the responsibilities of the County Attorney's Office is and how it can be discharged even in this political climate.

D.P.O. HORSLEY:

James, thank you very much for your comments today.

D.P.O. HORSLEY:

Bob DeLuca, Group for the East End, Suffolk Land Protection Program. Hi, Bob.

MR. DELUCA:

Good morning Legislator Horsley, Members of the Legislature. My name is Bob DeLuca. I represent Group for the East End. For those who don't know and for the record, the Group represents the conservation and community planning interests of several thousand member households, businesses and individuals across the five towns of eastern Long Island. And I'm here today to speak to the Land Preservation Program specifically, to ask that you carefully look at the future of this program going forward, as our quarter percent program goes from an accelerated funding stream to a pay-as-you-go program.

I spent some time at the EPA Committee meeting last week and a few items came up, which I'd just like you to hear from us on. One of them was the issue of the moratorium, a six-month moratorium on planning steps resolutions. As Mr. Amper said, I think some of that goal could be achieved through discipline at the Legislative level. But if you choose to go forward with a moratorium, it seems to me that within a three-month window of time, you could probably come much closer to your goal of reviewing this program. I think it is important that we take a look and figure out what our actual priorities are based on what's in the pipeline. At that same meeting, you may recall that there were discussions about planning steps resolutions for parking lots, sand mines, commercial properties, where an owner had twice said they didn't want to sell the property. A lot of that can be cleaned out of the way so that your priorities can basically be moved forward. And I think that's what the program needs to be looking at very carefully as we go to a much more restricted funding stream.

I also think we probably need to take a look at the rating and scoring of the properties that are going to be coming forward. I think the current process has allowed us to get an awful lot of properties into that pipeline, which may or may not be the best thing for the final outcome of a restricted program. And to the extent that organizations, Nature Conservancy, Land Trust, organizations like ours, that look at these properties from our various districts and service areas can be helpful in that process, we'd like to participate and lend our support.

Another issue is the issue of projects that are either in contract or going to contract. We spend an awful lot of time telling people to work with Suffolk County to -- even though the County takes a long time, that these are beneficial programs that really require them to be patient. If you're at that contract stage and you've spent money and time and effort, please don't leave those people high and dry who are ready to go. And I think it's a wise use of the programmatic funding, which in most cases is already allocated to those acquisitions. I think that's really important going forward.

And I think, finally, I would just offer that, you know, we're at a very critical juncture here. We know the amount of revenue that's necessary for these programs is going to be going down. For those of us on the east end, land protection in all of its forms is a sense of infrastructure. It's infrastructure that supports our economy. It's infrastructure that supports agriculture. It's infrastructure that keeps down the costs of stormwater runoff and other types of engineering and management strategies that we'd otherwise have. So, when you look at this program this isn't just

a land preservation program for something nice to drive by, it fuels our local economy, and it means the world to us to have the County's partnerships, even with our Community Preservation Fund, which has raised lots and lots of money to help support this effort, but we need the County's continued support for that to work.

So again, I just want to thank you very much for your time, ask you to look at this program, and, hopefully, let's get the best out of the remaining funds that we have and think about the future. Thank you very much.

D.P.O. HORSLEY:

Thank you, Bob. And I'm sure, as I speak for all of the Legislature, we're all concerned about our Open Space Program and its financing. Thank you. Joan Hughes from the East Quogue Citizens -- I think it's History Committee? Joan?

MS. HUGHES:

Yes.

D.P.O. HORSLEY:

There you go.

MS. HUGHES:

I represent the East Quogue Citizens Advisory Committee.

D.P.O. HORSLEY:

You're going to have to push down the button there. It's a trial.

MS. HUGHES:

We have been asking you for almost a year now to purchase a large piece of property in East Quogue that is in the Aquifer Overlay Protection District. It supplies the water for more than half of our residents. It supplies the fresh water runoff for Weesuck Creek, which flows into Shinnecock Bay. That land is at high risk of being developed with 82 homes. We hope that you will preserve the fund that would be used to purchase it in partnership with the Town of Southampton and not fritter away this money paying bills that should be funded from other sources. We're begging you, please, don't cheat the future. Thank you.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you very much, Joan. The next speaker will be Bonnie Goebert, Southampton LAC, buying open space. Welcome, Bonnie.

MS. GOEBERT:

Thank you, sir. Where is this famous button?

D.P.O. HORSLEY:

It is --

MS. GOEBERT:

"Push and hold while talking," is that it?

D.P.O. HORSLEY:

I think you got it.

MS. GOEBERT:

Thank you. I'm actually the Chair of the Southampton Citizens Advisory Committee. I'm here to encourage you, please, to use funds already earmarked for preservation of open space and farmland to purchase open space and farmland. We taxpayers in Suffolk County have consistently voiced our opinion that we want preservation and not development out here. What makes "out here" special is not another retail shopping area. Tourists don't come here to shop in another national chain, tourists come here to marvel at what we have and what we who live out here may many times take for granted on an everyday basis; far reaching vistas, the vineyards, the abundant waterways, the magnificent beaches. Tourism is our industry, if not our destiny, not more development and not more office parks. Short-term fixes and knee-jerk reactions to the recession should not guide usage of our designated land preservation funds. Please pursue the longer and more inspired vision here. Your constituents obligingly pay taxes and elected officials to save open space. Please do so now while the land is still available and the price is right. Thank you very much for your time and attention.

D.P.O. HORSLEY:

Thank you very much, Bonnie.

*(*Applause*)*

Marilyn England, the Open Space Council, Drinking Water Protection Program. Welcome, Marilyn.

MS. ENGLAND:

Thank you. I think I found it.

D.P.O. HORSLEY:

Good luck.

MS. ENGLAND:

Good morning. My name is Marilyn England. I'm here today representing the Open Space Council. We're an environmental advocacy group based in Brookhaven Town, working on land use issues throughout Suffolk County.

Any action to curtail the County's Drinking Water Protection Program would be shortsighted and very damaging to the County's economy. Consider that the alternate to open space protection is more development, which has already had such a negative effect on our water resources. For example, the Suffolk County Department of Health Services Water Resources Management Plan cites a 200% rise in nitrogen in the Magothy Aquifer in only 18 years; shocking because this is Long Island's main source of drinking water. And a study of the Great South Bay watershed show that we are at or near build-out for the -- for what the environment, particularly our ground and surface waters, can sustain. And we all know, without these studies, that our once thriving bays, producing vast quantities of hard shell clams and scallops, have basically collapsed. Enormous amounts of money are being spent trying to revive these industries, but these efforts are doomed to failure if we don't protect the land first. Is this what we want to happen to our tourist industry? If we continue to destroy the very resources, including open space, farms, fishing, beaches, that bring people here, not to mention compromising our own quality of life, we will truly have killed the goose that lays the golden egg.

Open space is critical to supporting not only our natural environments, but our very economy, our way of life. Please do not make a decision that we will all regret and that will burden future generations. Thank you.

D.P.O. HORSLEY:

Thank you very much, Marilyn.

*(*Applause*)*

Shelley Corman, and on deck is Andrea Spilka. Good morning, Shelley.

MS. CORMAN:

Good morning. My name is Shelley Corman. I am the Chairperson of the Political Action Committee of Encore Atlantic Shores in Eastport. In Eastport we are currently faced with a developer who wants to double the density for his proposed property development from 64 homes to 119 homes. If allowed to do so, a precedent will be set and developments all over eastern Suffolk will be afforded the same privilege, and Suffolk will become the overdeveloped county, much the same as Nassau is.

I come here today to urge you to continue our open spaces and drinking water protection programs so that problems such as these can be avoided over and over again, not only in Eastport, but all over Suffolk County. In these troubled economic times, borrowing from one program to help fund another is certainly tempting, but borrowing from Peter to pay Paul is never really a good solution. Please, do not use these funds earmarked for land and drinking water protection to close budget gaps elsewhere, especially since these are voter-approved funds. We have only 25,000 acres left to save in Suffolk County. As a concerned citizen, I strongly urge that you do so now, while real estate is so much less expensive. Thank you for your attention.

D.P.O. HORSLEY:

Thank you very much, Shelley.

*(*Applause*)*

Andrea Spilka, and on deck is Peter Quinn. Welcome, Andrea.

MS. SPILKA:

Thank you, and thank you for the opportunity to speak. I'm the President of the Southampton Town Civic Coalition, a coalition of civics in western Southampton Town, and I also represent a group of Eastport residents who advocate in Brookhaven. This area of eastern Brookhaven and western Southampton are under tremendous development pressure. Right now, we need the County to partner with the towns, not to walk away from purchasing open space. Stopping the Open Space Preservation Program, frankly, would be very detrimental to the entire area and, as you've heard, to the economy and the environment of all of Suffolk.

There are currently 184 units of residential housing either being built or approved just in Eastport, which is a very tiny little hamlet. If you back away now from purchasing parcels already in the pipeline like Heritage Square, you'd be adding 408 additional units in Eastport. This is something already in the pipeline. We'll hope -- we thought it was already going to be bought. But, in addition, as others have said, you'll be creating an atmosphere of suspicion that will scare away landowners who are considering selling important properties for open space or for development rights acquisition. In addition, you will be adding to the glut of existing homes on the market. Eastport right now is in a terrible downturn.

For all of these reasons, and because the quality of our drinking water is in jeopardy, we'd like the County to follow through on their commitment, one, to buy properties already in the pipeline, to identify the most important remaining parcels for acquisition, and to determine the best way to maximize the funds available for open space preservation. There are various funds that we can put

together to make these purchases that are so important to us.

We understand that the budget is tight, but land prices will never be cheaper. There are more willing sellers. Interest rates on -- may never be lower. For all of these reasons, and because Suffolk County residents have voted eight times for open space preservation funding, we're asking you -- and because we want clean water, we're asking you, please, to continue the process of committing to open space preservation and do it promptly. Thank you very much.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you very much, Andrea. Peter Quinn, and next on deck is Mary Ann Johnston. Welcome, Peter. It's always a pleasure.

MR. QUINN:

Good morning, Wayne, and members of the Legislature. Is that on?

D.P.O. HORSLEY:

Good luck with the button there.

MR. QUINN:

There it is. There it is, I got it.

D.P.O. HORSLEY:

It's a test.

MR. QUINN:

I couldn't see it. I want to echo first my support for open space and preservation of water, but I didn't come here for that purpose today. I came because I wanted to discuss state aid to education and how the local property taxes have been manipulated as a result.

Back 22 -- 20 years ago, when Mario Cuomo was Governor, the State share of aid to education was 46%. Now, there are only three sources of money for public education, state, local, and federal, and federal has been a constant of roughly six-and-a-half to seven percent throughout those past 20 years. But then that changed under Governor Pataki. And, by the way, the 46% was State the, 6% was Federal and the balance was 48% paid out by local property taxpayers. Then in the middle of Governor Pataki's tenure, he changed the formula and it went to 31% from 46. Same constant federal cost, and local property taxes went up to 63%. Then during Governor Paterson's tenure, brief tenure, the State share of aid dropped to 24%. And similarly, under Governor Cuomo last year, who cut 1.3 billion dollars from aid to public education, our local share shot up to 73%.

Now, our State Constitution says, that is Article 11, section 1, says the State shall be responsible for public education. During the past 20 years, that's totally reversed and that's why so many people who own homes have been forced out of them or chose other climes, because they couldn't afford to stay here paying the property taxes that they were paying.

So one of the things I'd like to recommend is that you stay in touch with your State Legislators, who have been doing this for years almost unnoticed, and part of it is because Dean Skelos, Majority Leader in the Senate, has chosen to say, "No new taxes." Well, we've had new taxes at the local level, and as a result, many people feel imperiled about staying here and enjoying their reclining years. Thank you very much.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you very much, Peter, and we appreciate the history. Mary Ann Johnston, and next on deck is Jane Fasullo.

MS. JOHNSTON:

I hope I'm pushing.

D.P.O. HORSLEY:

Good luck.

MS. JOHNSTON:

Thank you. I suggest, honestly, I could probably install a toggle switch here and it might be a very good expense for you to do. I just want to talk to you --

D.P.O. HORSLEY:

I hope it's not between open space and the toggle switch.

MS. JOHNSTON:

Now, well, it's all about money.

D.P.O. HORSLEY:

All day (Laughter). My apologies.

MS. JOHNSTON:

And when we talk about open space and money, we're talking about our money, not yours. This is what we voted for you to do with our money. We want open space, we want clean water. This is the way you achieve it. You don't achieve it by stealing from that fund to solve short-term problems. These are not the visions of the people who set this up 40 years ago. This is not the vision of the people who bought Blydenburgh Park down the road. This is what you have as a legacy to the next generation. I'm 66 years old. I can still drink the water for another 10 or 15 years, but I'd like my grandchildren to be able to do it. I'd like people to come to Long Island. They're not coming, as one person said before me, to visit another strip mall or another vacant office building. They're coming to visit what we have in abundance because we had the vision to do it, to preserve open space, to protect our drinking water, which has never been in more peril, never. And if we don't do something now, it will be too late for us to do it later. So I ask, keep your hands off my money. Thank you.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you very much, Mary Ann. Jane, and next on deck is John Rooney. Jane, welcome.

MS. FASULLO:

Thank you. I'm here today as a private citizen. I'm a resident of the County, have lived here all but four of the years of my life. I've seen changes take place that really trouble me. We once were a place where we could go to a beach and not have to worry about any of those things in the water that might kill us, including red tide. We had enough fish and berries. We had sufficient maintenance of our land by nature. I've seen that change and it troubles me. I've also seen a change in our government, and this troubles me, too. There were times where I could trust my representatives to do what was right. And I now as a citizen have to question whether that is what is being done, or whether somebody's pockets are being lined. And I hate to make that accusation at this point, but it does bother me. My background is in logic and reason. I'm a mathematician.

I've spent 31 years teaching students how to think clearly. It bothers me that I don't see clear thinking going on right now.

I heard the other day at a local committee group meeting where it was asked to have a moratorium on the planning steps. At that same meeting, it was agreed that you would go ahead and issue new planning steps for a piece of property. At the same time, taking money that has been set aside already to purchase a piece of property and saying, "No, we're not quite going to do that." I know you've lost my trust because of these crazy, insane things. In a moratorium I was one of the people who voted over and over again to preserve the quarter percent tax. Why? Because not only did I believe it would be used for what it was supposed to be used, for namely land preservation, but I believed it wouldn't be tampered with, because within that legislation it said it cannot be changed except by referendum.

You've seemed to change the game as you've played. I'm sorry, but I'm really concerned about the trust that people have in our government.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you very much, Jane. John Rooney is up, and on deck is Debbie Basile.

MR. ROONEY:

Thank you very much. My name is John Rooney with the Board of North Fork Environmental Council, again to echo so much of what has been so eloquently said today. I'm here to say that we absolutely oppose any use of preservation funding for any other purpose than that for which it was intended.

Although I'm with the North Fork Environmental Council, when I lived in Nesconset, not very far down the road here, I was involved in similar work in the Town of Smithtown. This is something that affects the entire County. It affects not just something that is pleasant to have. Sometimes I'm afraid that the thinking is that preservation of open space and farmland is a luxury item that can be dispensed with. That is not the case. We're preserving land because, again, as somebody just said, it's our grandchildren. Again, I, myself, maybe won't be here 20 years from now, but my grandchildren will. And I'm thinking about the water that they drink, I'm thinking about the marine environment where we get fish, I'm thinking of farmland where we grow food as population growth increases, I'm thinking of the quality of air. These are the reasons to me why we preserve open space and farmland.

In addition to that, if we take the shortsighted measure of slowing down on this, we're also going to hurt the economy, which is the very reason why supposedly some of these funds want to be diverted. As we develop more and more, people are beginning to understand, this only results in the long run higher taxation for police services, infrastructure, fire, health, education. It's a false economy. Also the economy of this entire county, not just the East End, but agriculture, boating, maritime, second home, tourism, these are economic issues that thrive because of the beauty that we have out here in Suffolk County.

How many times must the people of Suffolk County speak? For years we have been saying, use, as the lady said, our money for this purpose. In addition to that, Suffolk County for the last 40 years has been a model. I have a very close friend who works on environmental issues in California and he looks at Suffolk County, and they're doing some of the very same things that we started here. I go back to the banning of the phosphates back in the '70's, our -- the farmland preservation by sale of development rights, the Pine Barrens legislation. Suffolk County is a leader, not just in the region, but in the nation. And so I ask you, please, do not forget that. Do not forget what the

people have been saying over and over for 40 years, and the reputation that Suffolk County has gotten. Okay? Do not divert from the very progressive and useful road that we've been on and think of our grandchildren. Thank you very much for listening, gentlemen and ladies.

D.P.O. HORSLEY:

Thank you very much, John. I just got to tell you, you did it within one second of your time allotted. Nice job. I'd like to make a motion -- it's now 11:00 -- to extend the public portion. I'll make that motion.

LEG. ROMAINE:

Second.

D.P.O. HORSLEY:

Second by Legislator Romaine. All those in favor? Opposed? So moved. We are now in an extended --

MR. LAUBE:

Fifteen.

D.P.O. HORSLEY:

-- public portion. Debbie Basile is up next, my good friend Debbie. Kevin McAllister on deck.

MS. BASILE:

Thank you. I'm here on behalf of supporting a new resolution that Legislator Horsley has brought, and will be bringing up to the Legislature today, supporting the reinstating funding for the Patient Navigation Program of all of Suffolk County.

Just to put a little bit of perspective on what the Patient Navigator does, if -- the program provides screening for breast, cervical and colorectal screening, and it's paid for through the State. If a patient has a normal screening, they're pretty much let go and everything is terrific. If they get a -- if they have an abnormal screening, whatever it is, it doesn't mean that they've been diagnosed with cancer, but if they have an abnormal screening, they get a phone call and say, "You have an abnormal screening, you need to go for further follow-up." At that point, I don't know about anybody else, but I think their head goes into another atmosphere, they just are not thinking straight. This Patient Navigation Program actually takes the patient by the hand and takes them through that process. A lot of them, there are language barriers, there are other barriers that -- to care that this Patient Navigator is able to access for them, whether it be transportation. Whatever the problem is, this Patient Navigator sees this patient from beginning to end. Hopefully it's not a cancer diagnosis, but if that's the case, they also take them through the Medicaid program. I don't know about anybody else, but the Medicaid system is, you know, a bit complicated and getting through that paperwork is not easy. So this Patient Navigator really -- I can't say enough how much this Patient Navigation Program is needed.

I wonder -- and I don't know the answer to this question, but I wonder if the Patient Navigation -- Navigator actually takes a lot of the health care patients, the health clinic patients. I wonder if a person, if they fall through those cracks, and I don't know what the numbers are, if the -- if the County is then liable, if that person is diagnosed and they're -- you know, I don't know what the answer to that is, but that's something to consider as far as funding is concerned.

So, I guess, on behalf of the Patient Navigator and the health centers, please, please, reconsider, you know, funding for this Patient Navigator. And I can't help but wonder if somebody just asked the question when it came up when it was on the budget if this would have been canceled in the first place. It was a program that Maxine Postal, God rest her soul, thirteen years ago saw fit to put, you

know, in place, saw the value of it. And I'm guessing that some of the Legislators here today even voted for that many, many years ago. So thank you.

D.P.O. HORSLEY:

Thank you very much, Debbie. We always appreciate your comments.

*(*Applause*)*

D.P.O. HORSLEY:

All right. Kevin, welcome, our Peconic Baykeeper.

MR. MC ALLISTER:

Good morning, everyone. I was actually moved by the Rabbi's comments, two points, listen to those that you may disagree, and the second item was heed the call to action.

I really tuned in when I saw the, I guess, debate at your December meeting regarding the Beagle Club. And I'm not here to speak to the merits of that acquisition. Obviously, it's a -- it seemed a sizable price tag. I know it's fallow farm field, but, you know, it seemed the discussion was what's the aesthetic value, perhaps west versus east. Well, you know, my constituents are concerned about applying funds to these acquisitions. And I want to draw you to the connection between basically open space and surface water quality, and this goes beyond drinking water quality. The two are intrinsically connected, and I will, hopefully, impress this upon you. Where goes our groundwater, there goes our bays.

And if we talk about an economic engine for this County, certainly, Long Island Sound, Peconic Bay Estuary, as well as Great South Bay. And the alarming study by Suffolk County's Health Department, released this past Spring, speaking to the increase in nitrate levels within our groundwater, inevitably that's having some wear and tear on our bays, as certainly demonstrated by the status of Great South Bay, Moriches Bay, Shinnecock Bay on the impaired waters list for excessive nitrogen levels. So, please, don't think in terms of purely aesthetics, and again, you know, what this means. Defer to your planning folks, they're the experts. You know, if the scoring system needs to be refined, then have that refined. But, you know, don't throw out the baby with the bath water.

This is a good segue, very briefly, into waste water treatment. And I know -- and I've been following this and I've been speaking to it for several years, and I'm very pleased the subject is now getting the attention it deserves. But again, back to groundwater relative to sanitary waste water treatment. And I know through the County Executive and the Legislature, in fact, yourself, Legislator Horsley, you know, have been leading the way just in the discussions on waste water treatment. That's a positive thing. We need to treat our waste water. Our conventional cesspools are not doing the job, as certainly demonstrated. But do not lose site of the real goal here and that's protection of our groundwater, treatment to levels that again do not pose both drinking water threats as well as ecological threats, which are quite disparate in the nitrate concentrations.

This is not purely about economics, and we can -- you know, high density housing, or we can get third floors on downtowns. That's laudable and there's positive attributes to that. But the goal needs to be let's treat our waste down to levels that, again, are going to be protective of our near shore waters. And again, I thank you for the time. That is our economy, our water quality. Thank you.

D.P.O. HORSLEY:

Kevin, thank you very much. Sound advice and we appreciate it.

*(*Applause*)*

Adrienne Esposito. I'm sorry, I didn't put you on deck before. I got carried away, you know, just knowing that you're coming.

MS. ESPOSITO:

That's okay. I don't need much notice, Legislator Horsley. Good morning, everybody. My name is Adrienne Esposito. I'm the Executive Director of Citizens Campaign for the Environment. As you could well imagine, I'm also here to talk about Suffolk County's Drinking Water Protection Program.

I have actually a little bit of good news for a change. Guess what? I believe and I think many of the public believe that the Suffolk County Drinking Water Protection Program is actually one of the most successful programs in the history of this County and this Legislature. Why? Because it works, that's why.

Some of you might remember, but, actually, as I look around the horseshoe, actually none of you will remember when we actually started the program.

*(*Laughter*)*

I think just myself and Bob DeLuca were around then, and we started it with saying we want to protect drinking water, we want to protect unique ecological areas of land, we want to keep farmers, we want to have bays open, we want to protect our beaches. And guess what? Looking back now in retrospect over the last almost 20 years, the program is doing that. And I think it's kind of rare when you have to stop and say, "Was it successful? Was the intent true to what the experience was?" And in this case, it is true. It is one of those things where we have helped our economy because we have buoyed tourism, we have helped the wine industry, we have kept farmers in the field, we have preserved land, we've protected drinking water. We have done a great job.

And one of the things I want to remind you of today, and I am not referring, I want to be very clear, to Legislator Hahn's legislation she just introduced. What I'm referring to now is the rumors, the innuendos, the whispers we keep hearing that some members of the Legislature think it's time to stop the quarter cent sales tax program. They think it's time for a change. And we're telling you, no, it is not time to stop the quarter cent sales tax program, it is not time to use that for other funds. And, frankly, and I know you know this, you don't get to make that decision, the public makes that decision. It's the public's program, it's the public's money, it's the public's agenda, and the public loves this program. That's why so many people are here today. So I want to make the distinction between Legislator Hahn's legislation and the overall -- sometimes what we're hearing about are the rumors. So we're here today to tell you that this is the time for the Legislature to step up to the challenge of preserving land, not step back from the challenge of preserving land.

A couple of things about Legislator Hahn's legislation. We understand, we need to make some tweaks and adjustments as we go from a bonding scenario to a pay-as-you-go. So we're in a transition time and we need to be thoughtful and figure out how to use this money in the most wise way we can and effectively. We get that. We believe we can do that in three months time, not six months. Three months goes quick, six months is half a year. That's a long time. We don't think we need to stop it for a half a year. So we're asking you to make it three months.

And the last thing is I also want to agree with, you know, Bob DeLuca. We can and will help with the rating system. Definitely needs some updates. And I hear the beep. Thank you very much, and thank you for your time and consideration.

D.P.O. HORSLEY:

Thank you very much, Adrienne.

*(*Applause*)*

Jim Gleason, open space. Jim. And on deck, Kathleen Matthews. Welcome, Jim.

MR. GLEASON:

Thank you. I'm Jim Gleason with the East Moriches Property Owners Association. I haven't had an occasion to come and speak to you before, but, frankly, things were such that I thought it was finally necessary.

I am thinking about what I wanted to persuade you of. I started thinking of some things that were kind of obvious. Safe drinking water is absolutely essential for human life. Open space helps in keeping our water safe. It's also a significant fuel for the economy, particularly of the East End. And the best time to buy property is when the market is low. That's now, that's not three months from now, six months from now, that's now. But, look, even -- all of you are smart enough to know all of this, I don't need to tell you. So why did I come? Well, I have the feeling the devil may be loose in the Legislature. There seems to be a temptation --

*(*Laughter*)*

LEG. ROMAINE:

Devil made him do it.

MR. GLEASON:

-- for some to breach trust and use funds dedicated to drinking water protection for some other purpose, or to ignore the good of the whole County and put parochial interests in front of the good of the whole County. I'm urging you to resist those kind of temptations.

The acquisition of open space, which should be happening now, needs to continue now and needs to continue at full pace. That isn't to say it shouldn't be done thoughtfully, that isn't to say it shouldn't be done carefully, but it needs to continue. Even this evening there's going to -- there are going to be two resolutions which are going to be moved before the Brookhaven Town Board for planning -- for the -- for partnership with the County to acquire two parcels of open space. One of those parcels was the second on the priority list for the Town's County Road 51 land use study. Second in priority, the owner is willing. This is not the time to start pulling back, this is the time to be careful, but to move forward.

Offers that are outstanding can't be interrupted. That doesn't make any sense. I'm not going to assume that the Planning Department, the Environmental Committee and this Legislature have been derelict so far in administering this program. I'm going to assume that things have been done right, and, therefore, we ought to keep moving at full pace and not have an unnecessary delay in the acquisition of open space. Thank you.

*(*Applause*)*

D.P.O. HORSLEY:

Jim, thank you very much. Kathleen Matthews, and on deck is Nanci Dallaire.

MS. MATTHEWS:

Good morning.

D.P.O. HORSLEY:

Good morning.

MS. MATTHEWS:

My name is Kathy Matthews and I have a cautionary tale. I'm a member of the Environmental Bond Act Environment Committee for the Town of Brookhaven, and I'm also the Chair of the Environmental Action -- pushing the right button?

MR. LAUBE:

Yeah, like that.

MS. MATTHEWS:

As I was saying, I'm a member of the Environmental Bond Act Advisory Committee, and also the Chair of the Poquott Village Environmental Action Committee.

Several years ago I was appointed to the Open Space Committee of the Town of Brookhaven. We were charged with the task of choosing among prime conservation worthy properties that John Turner had ferreted out whose owners were willing to sell to the Town. One of our finest achievement over those years was rescuing the Carman River. Over time, the name of that Open Space Committee was formalized to revert back to what the original title had apparently been, the Environmental Bond Advisory Commission. The change in the name that was used in some ways represents, I think, a subtle change in how the committee was viewed as something about money rather than about the open space itself. As the acquisition money has decreased, our committee has become basically defunct. Why meet to discuss open space issues when there's no money to purchase properties?

My belief is that there's a need both in the Town and in the County for representation for the concept of acquiring open space as a community, civic and economic long-term value that I think is shared by most of the residents of Suffolk County. I offer this cautionary tale in hopes that the County will not set up an either/or choice of taxes versus environment. I know that the intent of the Legislature is to use the open space money wisely by prioritizing the properties during a time of cutbacks and spending, but I would ask that you keep the spotlight on open space values. Thank you.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you very much, Kathleen. Next up is Nanci Dallaire, and after, my final card is Linda Ogno.

MS. DALLAIRE:

Good morning.

D.P.O. HORSLEY:

Welcome, Nanci.

MS. DALLAIRE:

Thank you for this time. As you know, we have been trying to preserve the health services at the John J. Foley Skilled Nursing Facility. And I thought that we realized how vital this County facility has been to Suffolk, but I was disappointed to read one of the first articles of the new year in Newsday refer to John J. Foley as the County Nursing Home. I believe that this should be one of the first misconceptions to be corrected. This institution is not the necessary nursing home this county committed to operating 100 years ago. This skilled nursing, occupational therapy, rehabilitation and

adult day-care center has evolved into the skilled nursing facility it is today, a proven emergency evacuation center for the County. It should also be recognized for being a traumatic brain injury center, and should be accepting and serving more veterans, but, unfortunately, those programs were not pursued in the past.

I hear radio ads for the new Mills Pond Rehabilitation in Saint James, the Birchwood Suites in East Northport, or the expanding Saint Charles Rehabilitation across the Island. This tells me these services are just as necessary today and our Island is large enough to support them. Our Health Department is large enough to continue providing these services in Yaphank, and I'm concerned that most of the burden falls on the County, Towns and the taxpayers to bear the expenses for providing these essential services for the safety of all citizens. We must call on and hold to the State and Federal governments for their responsibility to pay their fair share to protect the residents. There must be cooperation between all levels of government and the different agencies, each contributing to the cost associated with safe secure services. We all need to bear a bit of the burden to make it bearable for all. Too many families are struggling to survive. We need to be -- make conscious choices in spending while search for lasting solutions. These difficult days will pass us. The economic forecast will improve, but our returning troops will need our support and these vital services and our baby boomers will still need health care.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you very much, Nanci. And my last card is Linda Ogno. Linda, welcome.

MS. OGNO:

Thank you for letting me speak. First and foremost, I would really like to see the Legislature go on T.V. like the Brookhaven Town has done, even though I watch it often and it really -- sometime I get a little aggravated. I think more people would be more involved here. The lady that spoke here before said that there was a lot of people here. I beg to differ. We have a million-and-a-half people living in Suffolk County and I very rarely see this place full, and I've been coming here for over five years over John J. Foley.

I would also like to say that I've seen in the paper the first of the year, like Nanci did, about John J. Foley, and nothing has been brought up about our jail. I've seen Mr. Muratore went over and seen that we have a state-of-the-art jail.

*(*Timer Sounded*)*

D.P.O. HORSLEY:

I'm sorry, that was my --

MS. OGNO:

That's okay.

D.P.O. HORSLEY:

That was my error.

MS. OGNO:

We may not need the state-of-the-art jail if we didn't cut most of our social programs or our health care, because it's the poor and the people in the low incomes that suffer the most in these bad times. I believe it says a lot about a society that would build a state-of-the-art jail, but we don't want to take care of our downtrodden, and I think this is something we should consider. Thank you.

*(*Applause*)*

D.P.O. HORSLEY:

All righty. Thank you very much, Linda, and we appreciate your comments. What we'll do now, just -- we will -- does anyone else like to be heard today that did not hand in a card? Yeah, Gil, why don't we just -- we'll hold off and we'll -- after the public portion. I'd like to make a motion to close the public portion

LEG. BARRAGA:

Motion.

D.P.O. HORSLEY:

Seconded by Legislator Barraga. All those in favor? Opposed? We have closed the public portion.

MR. LAUBE:

Seventeen. (Not Present: P.O. Lindsay)

D.P.O. HORSLEY:

All right. Gil, would you like to come on up?

COMMISSIONER ANDERSON:

Good morning, and happy New Year. Thank you for this opportunity to speak briefly. I just wanted to make the Legislature aware that you should be receiving or seeing a CN before you today. The intent of the CN is to restore certain positions in Public Works. What we're proposing to do, and we'll hope -- and we hope that you will agree with, is to restore three important positions within our Department by taking funded positions, vacant funded positions, people who left recently or that are in line for removal and replace them. The three positions do significant work for us within our Administrative Division, as well as our Buildings, Operations and Maintenance. And again, I hope you will review it, consider it and approve it. Thank you.

D.P.O. HORSLEY:

Thank you very much, Gil. Is there any questions of the Commissioner? All right. Thank you very much.

COMMISSIONER ANDERSON:

Thank you.

D.P.O. HORSLEY:

All right. What we'll -- I'd like to have a motion to approve the Consent Calendar.

LEG. ROMAINE:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Romaine.

LEG. BARRAGA:

Second.

D.P.O. HORSLEY:

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

MR. LAUBE:

Seventeen. (Not Present: P.O. Lindsay)

D.P.O. HORSLEY:

Okay. Next on the agenda is the resolutions tabled to February 7th, today, which is ***Resolution 12 - To designate local papers, newspapers in the County notices may be published (Presiding Officer)***. Do we have a motion on this?

LEG. BARRAGA:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Barraga, seconded by Legislator Calarco. All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen. (Not Present: P.O. Lindsay)

D.P.O. HORSLEY:

Okay. What we're going to do is we're going to move to the Introductory Resolutions for today, the --

MR. LAUBE:

Sixteen on that. (Not Present: P.O. Lindsay Legislator Kennedy)

D.P.O. HORSLEY:

With the meeting of the Suffolk County Legislature. All right. Until -- I'm expecting the Presiding Officer to return. So what we'll do is we'll just start off with the resolutions as they are in order at this point in time, recognizing that there are several people in the audience who are looking for appointments and we'll be taking them shortly, so hang in there guys.

INTRODUCTORY RESOLUTIONS

BUDGET & FINANCE

1025 - Authorizing -- this is understand Budget and Finance. ***1025 - Authorizing the County Treasurer to borrow cash funds from the County funds for 2012 (Pres. Off.)***.

LEG. D'AMARO:

Motion to approve.

D.P.O. HORSLEY:

Motion to approve by Legislator D'Amaro, second by Legislator Stern. All those in favor? Opposed? So moved.

MR. LAUBE:

Sixteen. (Not Present: P.O. Lindsay and Leg. Kennedy)

ECONOMIC DEVELOPMENT & ENERGY

D.P.O. HORSLEY:

Thank you very much. Economic Development and Energy: 106 -- ***1006 - To reappoint Linda A. Moran as a member of the Suffolk County Advisory Board for the Arts (Cilmi)***. Legislator

Cilmi, would you like to make a motion?

LEG. CILMI:

Motion. Yes, sir, please.

D.P.O. HORSLEY:

Would like to make a motion, Legislator Cilmi.

LEG. BARRAGA:

Second.

D.P.O. HORSLEY:

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

MR. LAUBE:

Seventeen. (Not Present: Leg. Kennedy)

D.P.O. HORSLEY:

And thank you very much. ***1024 - To extend the deadline for the Long Island Power Authority Legislative Oversight Committee (Romaine).*** Legislator Romaine?

LEG. ROMAINE:

Motion.

D.P.O. HORSLEY:

Legislator Romaine would like to make the motion to approve.

LEG. CILMI:

Second.

D.P.O. HORSLEY:

Second by Legislator Cilmi.

LEG. D'AMARO:

Excuse me, Mr. Chairman. Please, just note my recusal on the record pursuant to my previously filed disclosure statement.

D.P.O. HORSLEY:

Recusal noted.

LEG. D'AMARO:

Thank you.

D.P.O. HORSLEY:

Are there any further questions or comments? All those in favor? Opposed? So moved.

MR. LAUBE:

Sixteen. (Not Present: Leg. Kennedy)

D.P.O. HORSLEY:

The Long Island Power Legislative Oversight Committee has been extended.

ENVIRONMENT, PLANNING & AGRICULTURE

Okay. Environment, Planning and Agriculture: **1022 - Directing the Planning Department to study the feasibility of establishing a sewer infrastructure bank in Suffolk County (Stern).**
Legislator Stern?

LEG. STERN:
Motion.

D.P.O. HORSLEY:
Motion to approve.

LEG. D'AMARO:
(Raised his hand).

LEG. HAHN:
Second.

D.P.O. HORSLEY:
Seconded by Legislator D'Amaro. On the motion, any questions?

LEG. CILMI:
I have a question

D.P.O. HORSLEY:
Okay, Legislator Cilmi.

LEG. CILMI:
Yeah. We -- just a question. I believe we're going to be entertaining a measure today to somehow deal with the structure of our Planning Department and our Economic Development Department. Is it wise at this point to pass a resolution directing our Planning Department, or shall we wait until after we decide? It's just a question. I'm supportive of the concept, I just --

D.P.O. HORSLEY:
I understand. Legislator Stern, would you like to respond to that?

LEG. STERN:
Yes, thank you, through the Chair to Legislator Cilmi. I raised that same question. And so I've had conversations with members of the Administration and they say, as to this resolution, this is something that they will be able to investigate and report back to us promptly. So, as to this resolution, although I agree with the concern, we are assured that they can get it done.

D.P.O. HORSLEY:
Yes. And just in second, in conversation with the Administration, we understood right from the get-go on this bill and several others that we're going to take our time, work with them to make sure that it is properly planned and so that we don't step over the new Commissioner's prerogatives and concerns. Okay?

1046 - Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program -- oh, I'm sorry.

MR. LAUBE:
You got to do --

D.P.O. HORSLEY:

I know, I know. You got the newbie. What can I tell you?

MR. LAUBE:

Seventeen -- 18. Everybody is here.

D.P.O. HORSLEY:

Thank you very much. And what a fine job you did on that, Mr. Clerk.

*(*Laughter*)*

MR. LAUBE:

You're welcome.

D.P.O. HORSLEY:

1046 - Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007, Tremont Avenue property – Town of Brookhaven, SCTM No. 0200-838.00-03.00-001.000 (Calarco).

Legislator Calarco?

LEG. CALARCO:

Motion.

D.P.O. HORSLEY:

Motion to approve by Legislator Calarco. Is there a second on the motion?

LEG. ANKER:

Second.

LEG. D'AMARO:

Second.

D.P.O. HORSLEY:

Seconded by Legislator Anker. Any discussion? You guys all right? Any questions? Okay. All those in favor? Opposed?

LEG. BARRAGA:

Negative.

LEG. HAHN:

Abstain.

D.P.O. HORSLEY:

Negative by -- one, two --

LEG. HAHN:

I'm abstaining

P.O. LINDSAY:

I'm opposed.

LEG. CILMI:

I'm opposed as well. Opposed.

D.P.O. HORSLEY:

Okay.

MR. LAUBE:

I got them.

D.P.O. HORSLEY:

You got them?

MR. LAUBE:

Fourteen?

D.P.O. HORSLEY:

We got all the hands? Everybody else, we're good? All those in -- those that are in favor, please raise your hand. I just want to make sure I got this all right. In favor?

LEG. GREGORY:

In favor.

D.P.O. HORSLEY:

In favor. Okay. Are we good?

MR. LAUBE:

On 1046?

D.P.O. HORSLEY:

Yes, on 1046.

MR. LAUBE:

In favor or against?

D.P.O. HORSLEY:

No, this is -- we've already called against. We've already got them.

MR. LAUBE:

Okay.

D.P.O. HORSLEY:

I think we have the vote and it's been approved, so I just want to make sure you've got the right numbers.

MR. LAUBE:

I got fourteen.

D.P.O. HORSLEY:

Okay.

LEG. MONTANO:

Where are you?

D.P.O. HORSLEY:
1046.

LEG. CALARCO:
It passed.

LEG. MONTANO:
Did it pass?

D.P.O. HORSLEY:
Yes, it did, it passed. Did you want to vote differently? That's the reason why I was asking that question.

LEG. MONTANO:
Yeah.

D.P.O. HORSLEY:
Because I wasn't sure how many had their hands up.

LEG. CILMI:
Do a roll call. Roll call.

LEG. MONTANO:
Those that have their hands up or --

D.P.O. HORSLEY:
Why don't we do a roll call vote?

MR. LAUBE:
I have negatives of Barraga, Cilmi and Lindsay, and an abstention from Legislator Hahn.

LEG. MONTANO:
You can put me as a no

D.P.O. HORSLEY:
And Legislator Montano.

MR. LAUBE:
Thirteen.

D.P.O. HORSLEY:
Thirteen. The motion passes. At this point in time, I'm going to be turning the gavel over to the august --

P.O. LINDSAY:
No, keep going.

D.P.O. HORSLEY:
Okay. Yeah?

P.O. LINDSAY:
Keep going.

GOVERNMENT OPERATIONS, PERSONNEL, HOUSING & CONSUMER PROTECTION

D.P.O. HORSLEY:

Okay, sure. All right. Government Operations, Personnel, Housing and Consumer Protection: **1053**
- Confirming appointment of County Commissioner of Labor, Samuel Chu (Co. Exec.).

LEG. SPENCER:

Motion.

LEG. D'AMARO:

Second.

D.P.O. HORSLEY:

The motion was by Legislator Spencer, and seconded by Legislator D'Amaro.

P.O. LINDSAY:

Mr. Chu?

D.P.O. HORSLEY:

Is Mr. Chu in here? I believe he is, I saw him earlier.

P.O. LINDSAY:

Did he appear at committee?

D.P.O. HORSLEY:

Yes, he did.

P.O. LINDSAY:

Okay.

D.P.O. HORSLEY:

Why don't you introduce yourself, Sammy?

MR. CHU:

Good morning. Thank you, Deputy Presiding Officer Horsley, and the full Legislature for having me this morning. My name is Sammy Chu. I am a resident of West Babylon. I have been previously working for the Town of Babylon under then Supervisor Bellone, working on energy efficiency programs, but also in quite detail in labor issues and workforce issues, particularly setting up the Wyandanch Resource Center to make sure we are best serving that community in helping people find their way in -- finding a career and a path. And I very much look forward to serving the County Executive, the Legislature and the residents of Suffolk County.

D.P.O. HORSLEY:

Are there any questions? Thank you very much, Sam.

LEG. ANKER:

I have one

D.P.O. HORSLEY:

Yes, Legislator Anker.

LEG. ANKER:

I just wanted to mention that, you know, I worked with Sammy Chu when I was the Energy Director

for the Town of Brookhaven and Sammy was the director at Babylon, and he was -- it was a pleasure to work with you. You were very professional in working with you, and I look forward to what you're going to do in the Labor Department, because I know we have quite a challenge. And that's one -- I think one of the important qualities is that when you're given a challenge, you excel. And again, I look very forward to working with you.

MR. CHU:

Thank you, Legislator Anker. And, you know, I'm quite fond of challenges.

D.P.O. HORSLEY:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you. I just want to echo the comments from my colleague, Legislator Anker. And, Mr. Chu, I wish you the best of luck in this position. I've also had an opportunity to deal with you, especially in your Town position, and you bring an awful lot to the table, and we could use that kind of experience here in Suffolk County. So good luck and we look forward to working with you.

MR. CHU:

Thank you very much.

D.P.O. HORSLEY:

Legislator Gregory.

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

LEG. GREGORY:

I, too, want to congratulate Sammy, Sammy Chu, a very bright, intelligent young man, and I think he'll bring a lot of talent to the County and my office is here to help you in any way that we can. So thank you.

ACTING COMMISSIONER CHU:

Thank you, Legislator.

D.P.O. HORSLEY:

All right. Are there any further comments or questions from the Legislature? I just wanted to throw in my two cents as well. Legislator -- Sammy Chu last year helped me put together the Energy Audit Standards, which is a very complicated piece of legislation, and Sammy was the wind under my wings and I really appreciate all the help you did and how impressive you are as a -- and will be as a Labor Commissioner.

*(*Laughter*)*

ACTING COMMISSIONER CHU:

Thank you, Legislator. I look forward to continuing to be the wind beneath your wings.

*(*Laughter*)*

D.P.O. HORSLEY:

Don't you just love that (*laughter*). Okay, we'll put this to a vote. All those in favor?

LEG. D'AMARO:

Do we have to raise our hands?

D.P.O. HORSLEY:

No, you don't, you're good. All those in favor? Opposed? So moved.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

Sammy, congratulations, Buddy.

P.O. LINDSAY:

Sammy, congratulations to you, too.

Applause

Legislator D'Amaro, if we had all raised our hands, it would have created more wind under our wings.

D.P.O. HORSLEY:

That's an energy source, it's sustainable (*laughter*).

COMMISSIONER CHU:

Very much so. Thank you.

D.P.O. HORSLEY:

Oh, never mind.

All right, **Public Works & Transportation:**

1016-12- Authorizing the County Executive to execute a lease agreement with the Town of Smithtown for the purposes of creating a Law Enforcement Motor-Carrier Check Site, situated on Town of Smithtown Real Property, Identified as SCTM No. 0800-173.00-03.00-012.000, pursuant to Section 72-h of the General Municipal Law (Kennedy).

LEG. KENNEDY:

Motion to approve, Mr. Vice-Chair.

LEG. NOWICK:

And second.

P.O. LINDSAY:

Second.

D.P.O. HORSLEY:

Legislator Kennedy, seconded by Presiding Officer Lindsay.

Any comments on the motion? Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Just briefly. This was discharged without recommendation, not because the committee didn't think it was an excellent proposal, but because there was a public meeting that was going to happen later

that night which Legislator Stern was to attend. I just want to make sure that the community is also supporting this, Legislator Stern?

LEG. STERN:

Through the Chair. First of all, thank you to my colleagues for discharging without recommendation. We, in fact, were getting ready to have a community meeting that same evening which occurred, Legislator Kennedy and his staff were there, we heard from several members of the committee. This is something that we'll have an ongoing dialogue about as we go forward. But at this point, this is a resolution that is ready to be considered by the full body.

D.P.O. HORSLEY:

Thank you very much, Legislator Stern. Anyone else? We're good? We have a motion and a second. All those in favor? Opposed? So moved.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

1026-12 - Reappointing member to the Suffolk County Traffic Safety Board (Karl Klug)(Presiding Officer Lindsay).

LEG. SCHNEIDERMAN:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Schneiderman. Seconded by -- I'm sorry, Calarco, seconded by Legislator Calarco. Any comment? All those in favor? Opposed? So moved.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

1027-12 - Reappointing member to the Suffolk County Traffic Safety Board (Lieutenant Robert Pearce)(Presiding Officer Lindsay). Could I have the same motion, same second; all those go along with that? Okay.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

All those in favor? Opposed? So moved.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

1028-12 - Reappointing member to the Suffolk County Traffic Safety Board (Andrea R. Neubauer)(Presiding Officer Lindsay). Same motion, same second. All those in favor? Opposed? So moved.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

1029-12 - Reappointing member to the Suffolk County Traffic Safety Board (Michael Salatti) (Presiding Officer Lindsay). Same motion, same second. All those in favor? Opposed? So moved.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

Yes. Legislator Gregory, I'm sorry.

LEG. GREGORY:

If I may, Mr. Chair. If we can take IR 1052 out of order? I would rather our County Attorney get to work instead of waiting till the end of the agenda for his appointment. So would you entertain a motion?

P.O. LINDSAY:

We'll be there in a few minutes. We're going so fast.

LEG. GREGORY:

Okay. All right. Just a suggestion.

D.P.O. HORSLEY:

There you go, you know, right from the side; he's still the boss (*laughter*).

P.O. LINDSAY:

No, I'm not. But they're all reappointments.

D.P.O. HORSLEY:

They're all reappointments. I'm just kidding.

1030-12 - Reappointing member to the Suffolk County Traffic Safety Board (Stephen Shadbolt) (Presiding Officer Lindsay). Going back to same motion, same second. All those in favor? Opposed? So moved.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

1031-12 - Reappointing member to the Suffolk County Traffic Safety Board (Richard Schneider) (Presiding Officer Lindsay). Same motion, same second. All those in favor? Opposed?

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

1032-12 - Reappointing member to the Suffolk County Traffic Safety Board (Susan Katz) (Presiding Officer Lindsay). Same motion, same second. All those in favor? Opposed?

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

1033-12 - Reappointing member to the Suffolk County Traffic Safety Board (Frank Pearson) (Presiding Officer Lindsay). Same motion, same second. All in favor? Opposed?

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

1034-12 - Reappointing member to the Suffolk County Traffic Safety Board (Stephen Miller) (Presiding Officer Lindsay). Same motion, same second. All in favor? Opposed?

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

1035-12 - Appointing member to the Suffolk County Traffic Safety Board (Theodore R. Klein) (Presiding Officer Lindsay). Same motion, same second. All in favor? Opposed?

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

1036-12 - Appointing member to the Suffolk County Traffic Safety Board (Michael W. Mallin) (Presiding Officer Lindsay). Same motion, same second. All in favor? Opposed?

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

1037-12-12 - Reappointing member to the Suffolk County Traffic Safety Board (Robert J. Behrle) (Presiding Officer Lindsay). Same motion, same second. All in favor? Opposed?
Abstentions?

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

1038-12 - Appointing member to the Suffolk County Traffic Safety Board (Alexander J. Prego) (Presiding Officer Lindsay). Same motion, same second. All in favor? Opposed?

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

1039-12 - Reappointing member to the Suffolk County Traffic Safety Board (Lynn Weyant) (Presiding Officer Lindsay). Same motion, same second. All in favor? Opposed?

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

1040-12 - Reappointing member to the Suffolk County Traffic Safety Board (Arvind Vora) (Presiding Officer Lindsay). Same motion, same second. All in favor? Opposed?

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

1041-12 - Reappointing member to the Suffolk County Traffic Safety Board (John Saraceno) (Presiding Officer Lindsay). Same motion, same second. All in favor? Opposed?

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

1042-12 - Reappointing member to the Suffolk County Traffic Safety Board (Douglas Death) (Presiding Officer Lindsay). Same motion, same second. All those in favor? Opposed?

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

1043-12 - Reappointing member to the Suffolk County Traffic Safety Board (Steven Kamvakis) (Presiding Officer Lindsay). Same motion, same second. All in favor? Opposed?

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

1051-12 - Establishing a Blue Ribbon Panel to examine restructuring all County-owned sewer districts into one consolidated district (Horsley).

I'll make a motion to approve 1051.

LEG. D'AMARO:

I'll second.

D.P.O. HORSLEY:

Seconded by Legislator D'Amaro. Any questions on the motion?

P.O. LINDSAY:

I just I want to add that my comment from committee is that it really should be a brown ribbon panel.

*(*Laughter*)*

D.P.O. HORSLEY:

Duly noted. Legislator Hahn.

LEG. HAHN:

I think I understand; you're creating a panel to look at this.

D.P.O. HORSLEY:

Yes.

LEG. HAHN:

There certainly are a number of sewer districts across the County with differing rates for their residents, for their businesses. And so I'm just -- I'm very concerned about what that would mean. Will the panel be looking at the effect on the ratepayer, you know, most importantly, and how this don't authorize any fees for consultants or any -- so I'm just kind of -- if you can tell me a little bit about how you envision that happening.

D.P.O. HORSLEY:

Yeah, I think that's a fair question, and it's something that we're all concerned about in that -- you know, there are disparities in what cost to users in different districts. Well, I'm not sure we have the answer for this yet, Kara. We are going to look at it, though. You know, are there economies of scale between the different districts?

One of the things right from the get-go that I've noticed, and I've seen it both in the Mastics and in Deer Park and elsewhere, when we go to create a new district, we go out to the residents and we give them a price, what it would cost to run a district. And there's a sticker shock, you know, because it's not including Federal monies, State monies and all those things. And instantly, people start looking at, "Well, geez, my cesspool is looking good." So we're going to be looking at the whole gamut of it. Nothing is going to come out before we vote on this; again, we look at the pricing schedules. And maybe the fact is that we could lower the price of the existing sewer districts; I mean, that may be an end result. But certainly what we've got to look at is how do we grow these sewer districts and have -- and have them affordable. And it is understood and I recognize it, I know Legislator D'Amaro had the same concerns over the Southwest Sewer District. So we will be monitoring that closely and nothing will be reported out until we talk. How's that? Yes, Legislator Romaine.

LEG. HAHN:

Thank you.

LEG. ROMAINE:

Yes. I have grave concerns about this, because as you know we have, what, 23 municipal sewer districts the last time I looked?

D.P.O. HORSLEY:

That sounds about right.

LEG. ROMAINE:

Right. And every one of these districts has a different rate structure.

D.P.O. HORSLEY:

That's true.

LEG. ROMAINE:

And I know that there's been a lot of talk about the quarter percent and everyone here, "Oh, let's not" -- you know, "Let's see if we can divert that money from Open Space and Land Acquisition." But as you know, as most west end Legislators know, a portion of that Quarter Percent goes to stabilize sewer rates. I don't hear them talking about that portion of the Quarter Percent and taking that to help stabilize our County government. But every one of these rights are different. My concern is that there are some districts, I'll mention one, one that you live in, the Southwest Sewer District that's facing a large particular charge that's coming up. You've got to replace the pipe, the outflow pipe that goes out to the ocean.

D.P.O. HORSLEY:

That's correct.

LEG. ROMAINE:

What are the estimates now for that?

D.P.O. HORSLEY:

It's about \$150 million, last estimate I had heard. And certainly you would recognize that we will put that in our capital -- putting \$50 million aside for the next three years in our capital program for that.

LEG. ROMAINE:

What does that do if one sewer district has an unusually large expense if we're combining all of them? Does that mean if we combine them or if we study to combine them, that the other sewer districts would have to pick up that charge or what?

D.P.O. HORSLEY:

No. Actually, the reason why we're studying it is to see if we can have a fair sewer rate across the County. And I'm not making any prejudgements that this is going to be successful. It is certainly worth a look-see. There's a whole issue of economy of scale, and then certainly we've got to look at, you know, how do we grow our districts -- you know, our districts across the County and those are valid concerns. And they are in our Capital Budget right now. And the outfall pipe, to answer that specifically, will not be -- will not be determinant one way or the other as far as this look.

LEG. ROMAINE:

Does this affect the capital expenses of these various districts as well as their operating expenses?

D.P.O. HORSLEY:

It may at some point, but I don't have a legitimate answer at this point. What we're going to be looking at is the whole financing structure of how we start up new sewer districts and can they be equalized, what's fair. Again, this is just a study. This is not -- this is not a finite --

LEG. ROMAINE:

Well, first of all, let me commend you for putting this forth.

D.P.O. HORSLEY:

Well, thank you.

LEG. ROMAINE:

I think it could have been --

D.P.O. HORSLEY:

And by the way, Legislator Romaine, this is -- this question has been looked at both from our Public Works people, by BRO, we've had preliminary meetings to see if this makes sense to take a look at this issue, and it comes across loud and clear that this has to be looked at. You know, before we come up with the final solutions of how we sewer Suffolk County, this has to be looked at.

LEG. ROMAINE:

Well, new sewer districts have to be looked at.

D.P.O. HORSLEY:

Yeah.

LEG. ROMAINE:

We made a decision before I even got to the Legislature, and that decision was should we have a County-wide sewer district? Just like we've attempted -- we don't run the Water Authority, but the State has said to Suffolk County Water Authority, a creation of the State, try to provide all the public water you can. They brought up a number of private companies and their mission is to provide public water, try to centralize that. We had that choice I guess in the 70's, and their decision was made, I guess right in the middle of the Southwest Sewer District scandal, that we would not as a government be involved in sewers and that, in fact, we would allow a proliferation of sewer districts that would be created but not run by the County. And although we have 23 municipal sewer districts, I believe we have 188 private sewer districts, some serving small condominiums or shopping centers where they couldn't do chromo glass, which we'll talk about hopefully at the next Health Department meeting, so we decided to go the proliferation route. So now we look worse than the -- you know, we balkanized sewers, we have no single approach to sewers and I don't know if this study can ever unify all the little inefficient economies of scale that we have out there.

Talking about private, I had a group in my district that came to me and said, "We want to be a County sewer district." One of the guys --

D.P.O. HORSLEY:

Well, you know, I think you've --

LEG. ROMAINE:

And that was Willow Ponds, and we had a --

D.P.O. HORSLEY:

Legislator, I think you are spelling out my concerns and the reasons why this should go forward.

LEG. ROMAINE:

And they told me, they gave me a budget, they told me what they're spending now, but they'd rather have it under the County; that's until the County did the study and came back three times --

D.P.O. HORSLEY:

That's the sticker shock issue.

LEG. ROMAINE:

Three times what the private sector. And I've looked at other people in my district that have looked at doing this, other condominiums, and I have to tell you, none of them -- they've all walked away from the County because it is so -- and you say, "What the heck?" How could the private sector do it for one-third of the cost?

So these are legitimate -- I'm surprised the Planning Department, which normally would study this with Public Works -- I'm honestly --

D.P.O. HORSLEY:

They're part of this, by the way.

LEG. ROMAINE:

Yeah. I'm surprised that it requires a Legislative resolution. This should have been an initiative that the Planning Department should have taken up on its own with DPW. And for us to require this as a study?

D.P.O. HORSLEY:

Are you for or against this? I'm having trouble.

*(*Laughter*)*

LEG. ROMAINE:

I'm wondering why it's a resolution and not something that, a study that -- because we get studies all the time --

D.P.O. HORSLEY:

Yes.

LEG. ROMAINE:

-- that people do, and why this study, which should have been so self-evident, unfortunately it's probably about 30 or 40 years after the fact. But you know what?

D.P.O. HORSLEY:

Some of us were here back then, but --

LEG. ROMAINE:

Because I know you and because government operates on trust a lot of times, I'm probably going to support this because I want to see what the study will say, but I'm going to be highly sceptical of the results and I'm going to want them carefully analyzed.

D.P.O. HORSLEY:

I appreciate your skepticism; that's what we need in government.

LEG. ROMAINE:

All right. Thank you.

D.P.O. HORSLEY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

You know, I certainly think this is something that's worth looking at as well, and consolidation. The hope would be that the overall costs would go down, it would buffer some of the smaller sewer districts and maybe encourage some areas that couldn't otherwise afford to sewer themselves to do so.

I have more of -- I guess maybe it's a question for George. You know, as Ed talks about consolidation, you know, I'm reminded what happened with the Police Districts, and that there was a public vote and many Police Districts decided not to join. With consolidating sewer districts, would there also have to be a public vote on this?

Would those sewer districts have to opt in or opt out?

MR. NOLAN:

I think that's one of the legal issues that's going to be looked at.

I think there's a lot of legal issues associated with this. There's a fair chance that people in the existing districts probably would have to vote to opt in, but that is certainly one of the issues I think the committee would be looking at.

D.P.O. HORSLEY:

Yeah, and I concur with that. We had discussed that having a resolution in front of the people might

make sense. You know, it's something that should be considered. Legislator Kennedy is first, then D'Amaro.

LEG. KENNEDY:

Thank you. And I will echo some of the comments that Legislator Romaine spoke about, but I'm going to speak specifically about Galleria and SD 4, which is the Suffolk County Sewer District that has hung in the balance for almost ten years now. And the irony, if you will, is, and you know this, that any developer, when they get consent to build in the first place, must agree to deed their sewage treatment plant to the County, solely and exclusively for the County to operate. And then when the time comes for Public Works to take it over, ironically they turn and tell the community that they will have to embrace an annual sewer charge that is two, three and four times on an annual basis of what they now pay the privates.

One of the hidden costs is the so-called soft cost that Public Works levies to each one of the 23 County Sewer Districts for a purported centralized expense that emanates out of Yaphank; billing, equipment, maintenance, clerical, all charges that I have said all along are not only improper but illegal. Because, as Legislator Schneiderman just pointed out, sewer districts are like their own municipal entities, and you cannot bill a resident in the entity for charges that occur out of the entity.

LEG. ROMAINE:

That's correct.

LEG. KENNEDY:

So I'm very much going to want to see the work of this panel and, as a matter of fact, may make some recommendations as far as areas that the panel looks at. It must be resolved or we will never address sewerage and making it a reality, despite the fact we all talk about great efforts to bring it to fruition.

D.P.O. HORSLEY:

Thank you, John. And I appreciate your input and we will appreciate your input and I certainly share your concerns. You're absolutely dead-on, that's the reason why this discussion is being had today. Legislator D'Amaro.

LEG. D'AMARO:

Yeah, first, I just want to commend Legislator Horsley, yourself, for bringing the bill forward. I think we should always have a responsibility to look at whether or not we can consolidate and thereby save the impact of any running any level of government; certainly that's something that we're talking about constantly. So I think it's a step in the right direction, that's why I seconded the motion to approve. But I am certainly not endorsing the findings, obviously, because we don't know what they are yet.

D.P.O. HORSLEY:

Right.

LEG. D'AMARO:

And I would suspect that the prime objective of this may be to ensure that anyone who is paying a rate right now is not going to pay maybe a higher rate later on, or a substantially higher rate later on.

But I wanted to ask you a question about the bill. As you're looking at possible consolidation of sewer districts for the right reasons, how does that play or interplay with the Sewer Stabilization Reserve Fund?

D.P.O. HORSLEY:

I don't think there is a direct correlation at this point. The Stabilization Fund, as you know, that there are some dollars available for growth in sewer projects. That -- those projects are being moved through a committee that is being run by the Planning Department, Sarah Lansdale, and they have had people make application and scaled -- which has not been completed, by the way, for any expenditures. So that's an ongoing process at this point.

They're not together, married in any way. Those monies will be used for growth in sewer districts and sewer projects, but this is an independent, it stands on its own. I think that's there's more similarities to this than the -- than in the master plans that we have both put forward over the last year. Because they're going to be completing their work and we'll know where sewers should be going in Suffolk County. We are studying that right now, this Legislature, and we have consultants for it, etcetera. I think there are more issues that relate to each other that way.

So I guess the answer to your question is there is -- at this point there's no relationship, but this is one big issue, sewers, and they're going to have to interface one way or the other throughout the year.

LEG. D'AMARO:

Would this panel have the authority to not only examine consolidation into one district, but maybe two or three districts? And again, just thinking out loud on this, you do have, as some other Legislators have pointed out, different sized districts paying all different rates.

D.P.O. HORSLEY:

Right.

LEG. D'AMARO:

So it may make more sense to categorize them according to size or maybe some other criteria, you know, and not limit the panel to just saying it's all or nothing, one or nothing, you know, depending on how the savings could be achieved. So I'll just throw that out there, something to think about.

D.P.O. HORSLEY:

Yeah, that's well advised.

LEG. D'AMARO:

All right, thank you.

D.P.O. HORSLEY:

Okay. Is there anybody else that would like to be heard on this?

LEG. BARRAGA:

Mr. Chairman?

D.P.O. HORSLEY:

Okay. Legislator Barraga.

LEG. BARRAGA:

I will support the panel, but I am just hoping that the panel, whatever work it's going to do, completes that function at the time it's supposed to expire, in June of 2013. I think we've had too many instances where this Legislature puts together commissions and task force and panels and for whatever reason, they don't do the job and we wind up sitting here extending their time limits.

I mean, for example, a couple of years ago we did extensive debate with reference to a Reapportionment Committee, and we're going to face that shortly. That committee, from what I understand, hasn't even gotten off the ground, yet their report was due some time in February. We're extending this LIPA coverage committee and a number of others where, you know, our intents -- our intentions are good, but the reality is for whatever reason, these task forces, these commissions, they don't seem to perform. And I'm hoping that if we go ahead with this panel, there is someone in the Legislature that will really oversee and make sure that they're doing what they're supposed to do and get the job done by June of 2013.

D.P.O. HORSLEY:

Thank you very much for your comments, Legislator. And yeah, it's true.

Okay. Would anyone else like to be heard on this? We have a motion and a second on the floor. All those in favor? Opposed? I'm sorry, this is not open for public discussion at this point. All those in favor? Opposed? So moved.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

It has been approved.

Okay, Ways & Means:

1002-12 - Authorizing technical correction to Resolution No. 862-2011, instituting a lag payroll in Fiscal Year 2012 for employees in Bargaining Units 21 and 30 (Presiding Officer Lindsay).

LEG. MONTANO:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Montano.

P.O. LINDSAY:

Second.

D.P.O. HORSLEY:

Seconded by the Presiding Officer. Anyone on the motion? Okay, if not, all those in favor? Opposed? So moved.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

1003-12 - Authorizing technical correction to Resolution No. 863-2011, instituting a lag payroll in Fiscal Year 2012 for employees within Suffolk County Board of Elections in Bargaining Units 21 and 24 (Presiding Officer Lindsay). Do we have a motion?

P.O. LINDSAY:

I'll make a motion.

D.P.O. HORSLEY:

Motion by Legislator Lindsay. I'll second the motion. All those in favor? Opposed?

LEG. MONTANO:

Note my recusal.

LEG. NOWICK:

Note my recusal as well.

MR. LAUBE:

Sixteen.

D.P.O. HORSLEY:

Sixteen. Got it? Okay.

I'm on 1004, right?

P.O. LINDSAY:

Yep.

D.P.O. HORSLEY:

1004-12 - Authorizing technical correction to Resolution No. 864-2011, instituting a lag payroll in Fiscal Year 2012 for Elected Officials (Presiding Officer Lindsay).

LEG. BARRAGA:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Barraga.

P.O. LINDSAY:

Second.

D.P.O. HORSLEY:

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

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

1052-12 - Confirming appointment of County Attorney of Suffolk County, Dennis M. Cohen.

LEG. D'AMARO:

Motion to approve.

D.P.O. HORSLEY:

Motion to approve by --

LEG. MONTANO:

Second.

D.P.O. HORSLEY:

-- Legislator D'Amaro.

LEG. SPENCER:

Second.

D.P.O. HORSLEY:

Second by -- I'm sorry, where did that come from? Legislator Spencer. Dennis? Welcome. Why don't you --

P.O. LINDSAY:

Dennis, if you want to have a seat at the table, it's more comfortable, if you like.

D.P.O. HORSLEY:

Yeah, kind of settle in. You know, I understand we were kind to you the other day; you know, get ready now, buddy.

Dennis, why don't you tell us a little bit about yourself so the whole Legislature hears about it.

MR. COHEN:

All right. Mr. Presiding Officer, Members of the Legislature, first of all, I want to thank you for this opportunity to come speak with you prior to you voting on my confirmation as County Attorney.

I'll give you a brief history of my legal career. I graduated from Hofstra University School of Law in 1996. I worked approximately nine years for the Town of Babylon in the Town Attorney's Office, the last four years as Town Attorney. In 2007, I was elected to the District Court Bench and served there for four years. This January I was appointed by County Executive Bellone as County Attorney, subject to your confirmation. I'm very excited to be here and to serve the residents of the County, and I would be happy to answer any questions that you all may have.

D.P.O. HORSLEY:

Okay. Where do you want to start? Legislator Romaine.

LEG. ROMAINE:

Yes, I'll just start with a couple of questions. Usually in government you don't see people willingly reduce their staffing. As you know, there's a resolution coming forward for Economic Development and that resolution moves funding from the County Attorney's Office to the new Department of the County Executive, new positions the County Executive wants to create. To do that, my understanding is there were ten full-timers and two part-timers that were fired from the County who worked for the County Attorney's Office who were attorneys. All I would say about that, there's some people with long service, I thought it could have been handled a lot better.

I just will say that because if you're working for the County -- for example, there was a gentleman that spoke earlier -- for 27 and a half years, to be called in Friday at two o'clock and told, "Look, you're done today," which, by the way, is your right, but I thought it could have been handled better, "and here's a box and pack up," he goes back to his office in Riverhead to let clients, people he's known with the cases that he would no longer be handling, he couldn't even get on his e-mail to send out messages to people that he won't be there. So I thought that could have been handled a little bit better.

Now, we're losing some people in Family Court. To me, I'm a little bit aware of Family Court and the problems with Family Court. Is it true that some of these attorneys, if not all of them, were 80%

Federally funded?

MR. COHEN:

The attorneys who worked on the support cases, we were reimbursed for their time up to 80%.
The --

LEG. ROMAINE:

And that included benefits and things of that nature?

MR. COHEN:

Yes.

LEG. ROMAINE:

Okay. And you were -- now, I just want to say this, and the reason I'm saying this is because we have a verbatim record here and I just want to say it for the record. You have spoken to me, the County Executive very generously has called me and informed me about that, which I appreciate, but for the record, you don't intend to replace any of those twelve; is that correct?

MR. COHEN:

Any of the twelve, yes. There were actually thirteen who were let go.

LEG. ROMAINE:

Right, I'm going to go into that, I'm aware of that situation. And you're not going to be looking for outside counsel to pick up the load; is that correct?

MR. COHEN:

That's correct.

LEG. ROMAINE:

And you feel that with that type of reduction in force, and correct me if I'm wrong, that's almost a 20% reduction in the County Attorney's Office -- you can still operate that office effectively?

MR. COHEN:

Yes, I do believe that.

LEG. ROMAINE:

Okay. That's all I can ask, and you've been very gracious with your answers. Thank you very much.

I have some doubt about that, I'm going to state that for the record, and I'm going to tell the County Executive what I said. I said if you find out that this isn't the case, come back to us, let us know, admit it and we'll try to help you get what you need to make sure that your office runs well. Now, I assume then that the twelve that were let go, you're going to try to reassign people in the office and you feel that there's enough ability to reassign within that office?

MR. COHEN:

Yeah. In fact, what I want to do is, you know, once I've fully evaluated all the attorneys in the office, to institute cross-training. Because it's my understanding, and I was over at Family Court on Thursday, that some of those -- some of the duties that are performed there, you don't need an attorney there full-time for the full day.

So I want to know on a daily basis what we need to cover the court and the different parts in Family Court and maybe train other attorneys to go there, perform their work in the morning and then come back here and get their work done. And I'm instituting that, I believe we have one attorney going there this week to start that training.

LEG. ROMAINE:

Okay. And I'll just leave you with this, and thank you for being so forthcoming. But essentially, you feel that the County Attorney's Office can take a 20 cent -- percent reduction in staff and still operate efficiently and cover all of its needs?

MR. COHEN:

Yes. Yes, I do.

LEG. ROMAINE:

Thank you very much. I appreciate that, Judge.

D.P.O. HORSLEY:

Thank you very much, Legislator. Let me just have a point of information requested by Legislator Montano, on the questions that we just spoke of.

LEG. MONTANO:

Thank you, Legislator Horsley. I just wanted to clarify the issue of the reimbursement for the Family Court staff. What I understood in committee was that that reimbursement pertains to the work that's being done and not necessarily the positions, so we would not lose that reimbursement by assigning an attorney to Family Court who doesn't specifically have that title; am I correct in that?

MR. COHEN:

Yes. What happens is they fill out daily paperwork accounting for their time on the cases that they're doing work on. So I've instructed the Bureau Chief that any attorneys that I send over to do that work will also note that on their timesheets for reimbursement purposes.

LEG. MONTANO:

So we don't lose any money, any Federal money in this decision; am I correct?

MR. COHEN:

Right.

LEG. MONTANO:

Thank you.

D.P.O. HORSLEY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Horsley. Judge, we spoke at length in committee about some of the concerns that you've heard, so I'm not going to, you know, go to them again with the Family Court matters. But, you know, the County Attorney's Office is a broad bureau, and we've talked about this, it handles a whole variety of different matters. And I just want to ask you what your sense is having been there now for a couple of weeks, and also bring your attention again to New York State County Law and to remind you of your fiduciary obligation to each one of us as Legislators. In essence, you have 19 clients; is that correct?

MR. COHEN:

Yes.

LEG. KENNEDY:

Okay. So you're hearing some of the concern of your clients now.

Your clients became aware of this act regarding the County Attorney's Office after the fact. Now, in many cases, when an attorney advises a client after the fact, the attorney is no longer employed. So my point is is that going forward, we are going to need to hear from you regarding what your sense is with something as critical as this. Having said that, what do you find so far with the office?

MR. COHEN:

First of all, I find it's a well-run office. The deputies who serve under me have been a tremendous help, I've leaned on them over this first month. But I do think that changes should be made to the office, again, such as things like cross-training.

One of the concerns that I've heard before I've come in are issues with contracts and the process of getting the contracts out, and I'm in the process of having an attorney look at that to see how we can streamline that process. I'd like the office to become more efficient. You know, I think sometimes things, you know, languish in the office waiting for either decisions, opinions, again, drafting various documents, and I think all of that can be done better through training, through staying on top of certain things, through changing the procedures, and those are the things that I'm looking at at this time.

LEG. KENNEDY:

We have the benefit of Legislative Counsel who drafts for us, who we go to to seek advice. How do you -- what do you expect that relationship is going to be going forward with our Legislative Counsel?

MR. COHEN:

I know Mr. Nolan, I expect to have a good relationship with him. You know, I think it's always very important to keep open communication. And if he has any issues that he wants to bring to me, and I feel the same way, if I have any issues that I want to bounce off him, I encourage that. You know, I think that's important to keep those -- that communication open. The more you speak to people, the more information you get, the better decisions that can be made, so that's how I plan on handling that.

LEG. KENNEDY:

Okay. I would just, again, ask you, if you see areas that you would recommend substantive change with, that you please give us the opportunity to be made aware of it before it actually occurs.

MR. COHEN:

Okay. I appreciate that, yes.

LEG. KENNEDY:

Thank you.

D.P.O. HORSLEY:

Thank you very much, Legislator. Legislator Nowick.

LEG. NOWICK:

Hello again, Mr. Cohen.

MR. COHEN:

Hi.

LEG. NOWICK:

I just wanted to put on the record today the reason why I'm going to be voting the way I am. I wanted to ask you, how long have you actually been now in the County Attorney's Office?

MR. COHEN:

I started January 3rd, although I was in the office January 2nd.

LEG. NOWICK:

Okay. And again, I wanted to tell you, I do respect your legal ability and I mean no disrespect by that.

MR. COHEN:

I appreciate that.

LEG. NOWICK:

But the only reason why I -- actually, we vetted this out in committee, is I did disagree with how the firings were handled, not unlike my colleague, Legislator Romaine. I just felt that administratively, maybe you needed to be there a little longer before knowing whether or not these people did not have enough caseload to say in there, and that was part of my argument the other day and I just wanted to make that clear.

Again, I wanted to put on the record, those of us that sat on the Budget Working Group and worked so, so very hard to avoid as many layoffs as possible, and those of us who have lamented over letting go 88 people and only funding six months another 660, it pained me particularly and all of us to see that 13 more people were let go.

So that was part of the reason why I abstained the other day and I will today. It does not have anything to do with your ability. I'm hoping that we can work together.

But also for the record, we implemented a lag payroll for exempts hoping that that would save positions; it did not, evidently, do that in the County Attorney's Office. So most of it -- that was the upsetting part of the 13 people that you let go and that was part of my decision. And just for the record, that's why I'm voting the way I am. It had nothing to do with your ability.

MR. COHEN:

I appreciate it. Thank you.

D.P.O. HORSLEY:

Legislator Stern.

LEG. STERN:

Thank you, Mr. Chairman. Dennis, I just wanted to follow-up on some of the discussion that we had had during committee when we started to consider the appointment.

With being down so many bodies and knowing that there's going to be extra caseload for so many other attorneys in your office, I know that we said, look, a litigator is a litigator is a litigator, there's going to be cross-training, there are going to be plenty of attorneys in your office who are going to have to pick up the slack and know how to handle other areas of the law, I know that we all have the concern about what's going to happen with the caseload and Family Court. And I'm sure my colleagues who are members of the Bar would agree with me when I say you can go to a continuing legal education program and learn a little bit about some other area of the law, but it certainly doesn't give you the ability to go in and practice the next day, particularly when we're talking about a highly specialized area of the law like practicing in the Family Court.

Could you explain what your plans are for this cross-training? How intense do you think that it will be, that it needs to be to ensure that the attorneys that you put on particular matters who might not have ever practiced in that area before will be able to handle the caseload sufficiently?

MR. COHEN:

What I would like to do is I spoke to the Bureau Chief, he estimates that to fully train an attorney -- and with respect to Family Court, I'm going to start with the support work because that's where I think they're best to start with -- is three to four days of training. What I want to follow-up with that is fairly regularly having that attorney go to work, because I think just by being trained, if you don't go back and you don't consistently do the work, it's probably not going to take and the training would probably be for naught. So what I want to do is just three or four days of intensive training and then -- and I haven't decided this yet, but maybe on a weekly or a biweekly basis having that attorney go back, you know, fill in for a day handling cases and then to have other attorneys do that as well.

So, you know, once that one attorney is ready to go, start training the next attorney and have a good backup of probably between five to seven attorneys who can fill in. And again, starting with Family Court, but I want to implement that, you know, in Torts Bureau who didn't lose anybody, the General Litigation Bureau because, again, I feel it's important to always have backup in all the areas of law that we have. So, you know, after the Litigation Bureaus are taken care of, then I want to come to the other bureaus, Real Estate, Municipal Law, to make sure that attorneys know how to review contracts, what we're looking for in the contracts, how to give legal opinions, what type of opinions we're looking for, how I want them written. And, again, I want to have basically every attorney be able to handle different areas, maybe not all the areas, but at least to fill in where needed at least on a few areas.

LEG. STERN:

And will that training be given by other County Attorneys in-house or do you plan on bringing in outside practitioners to help with that legal education?

MR. COHEN:

No. What I plan to do, again, specifically with Family Court because that's the first bureau I'm doing this with, is just having basically someone go shadow the attorney, have the attorney train, you know, on the paperwork that needs to be filled out, the various areas of substantive law. I started already training myself so far by reading the Family Court Act.

You know, I always encourage attorneys to learn different areas of law. One of the things that I'm most proud of is the various areas that I've learned. You know, starting in the Town Attorney's Office, the volume of the work, you know, in different areas of law that I didn't know, so I've -- you know, through training and through teaching myself, I've learned different areas. And I gave this example before the committee I believe, when I screened before the Suffolk County Bar to become a District Court Judge, one of the knocks on me before the Bar was that, "You never practiced criminal law and you weren't a trial attorney." And I said, "Listen. You know, we're lawyers, we're trained to learn how to do these things and I don't anticipate that it's going to be a problem," and quite frankly it wasn't. I mean, it took, you know, a couple of weeks to get my feet under me and, you know, have a good understanding of what was going on but, you know, we're trained to learn and, you know, I think all attorneys should be able to do that.

LEG. STERN:

Okay.

D.P.O. HORSLEY:

Thank you very much, Legislator Stern. Legislator Gregory.

LEG. GREGORY:

Thank you, Mr. Chair. I just want to -- I know we heard a lot of questions of Mr. Cohen. I am one of two, I think Legislator Horsley also worked with the Town of Babylon where Dennis Cohen was the Town Attorney. I've seen what you can do firsthand as a former Commissioner in the town. You are an intelligent attorney, you use your resources wisely. You did a tremendous job at the town, you were a tremendous Judge, your tenure as a Judge, and I think you'll be an excellent County Attorney. Although some have questioned some things that have happened with the firings, I trust your judgment in that and I think you'll do a fabulous job and I support your nomination 100%.

MR. COHEN:

Thank you.

D.P.O. HORSLEY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Hi, Dennis. Thank you for making yourself available to us and for your agreeing to this position; it's an important position, as we know.

My first question actually has to do with the use of outside counsel. As you know, the County is often challenged in the courts. I know you're reducing your staff by 20%. Do you plan on doing the same amount of in-house litigation or are you planning on using more outside Counsel to deal with that; have you thought this through?

MR. COHEN:

Yes. No, I don't plan on sending more cases out to outside counsel. There are certain categories that the County sends out, you know, so I have little control over the amount of cases that fall within those categories. But the amount of categories are not going to change, so the categories we already send out will continue and I'm not sending any additional cases out.

LEG. SCHNEIDERMAN:

So you're not anticipating an increased expenditure in outside counsel.

MR. COHEN:

No.

LEG. SCHNEIDERMAN:

Okay, that's good. I have one other question. It really gets out to the County Charter and what your -- you know, the definition of the County Attorney is which -- although we have a Legislative Counsel, you are by definition you're the attorney for both the Executive Branch and the Legislature, you are to defend both of us. If the two branches don't always agree, we've had issues where this body has challenged the County Executive in the past, so I just want to make sure that you view your role in that regard as being equally representative of both bodies.

MR. COHEN:

I do. And one of the things that I'm undertaking now is a review to determine -- I mean, I think those cases are pretty clear when there's a direct dispute between the Legislature and the County Exec's Office regarding certain cases. But, you know, I don't think it's always that clear cut, so I'm researching to determine when my office has to recuse itself and send those cases to outside Counsel. Again, that's one of the categories that we do send out so, you know, once that review is

done I'll have a better understanding of how that's going to work.

LEG. SCHNEIDERMAN:

Thank you.

P.O. LINDSAY:

Okay, we're going to take it to a vote.

LEG. D'AMARO:

Bill? Can I just --

P.O. LINDSAY:

Oh, I'm sorry. Legislator D'Amaro.

LEG. D'AMARO:

Yeah, I thought I was on the list as well. Judge Cohen, welcome. It's nice to see you again.

MR. COHEN:

You, too.

LEG. D'AMARO:

I just want to also state for the record, I've had an opportunity to work with Dennis back in the Town of Babylon days when I was chairing the Zoning Board and he was in the Town Attorney's Office. And I think we're fortunate that you're bringing in municipal experience as well as experience from the other side, from us lawyers from the bench, and I think it's very commendable that you would be willing to step down from the bench and come back and serve the public in a different capacity as the County Attorney.

I also want to state, in addition to having just the utmost confidence in your ability to administer the County Attorney's Office, I think what you did -- and I've heard my colleagues question some of what's transpired under your tenure so far or acting under your direction, because you're not yet, I guess officially, the County Attorney, and I think they're right to question that and that's part of our role.

I think it also took a little bit of courage and I think you should be commended as well, because one of the things we always talk about around this horseshoe is saving jobs, saving taxpayer dollars, spending them wisely. And to come -- and this is exactly why you need some turnover once in a while, because you bring a new look, a fresh look at a department and you're also not intimidated to take any bold action that you feel immediately necessary to benefit the residents of Suffolk County.

You know, how that all works out remains to be seen. I certainly have confidence in your ability to manage the department as you represented to the committee as well as to this Legislature as a whole, and I guess I just want to wish you the best of luck. It's very difficult, as we all know, in any level of government, any department you happen to be running, these are very, very difficult economic times. We hear a lot about doing more with less; I think that you are leading by example in that department right now. It's very difficult to make the decisions that you've made, that the administration has made, but I certainly have confidence in your ability to go forward. And certainly, as Legislator Romaine said, if you get into a situation where you need to tweak this in some way, certainly I would encourage you to come back and let us know, because there's nothing we want more than for you and for this administration to succeed. Thank you.

MR. COHEN:

Thank you. I appreciate that.

P.O. LINDSAY:

Okay. Is that it? Okay. We have a motion, Mr. Clerk, and a second?

MR. LAUBE:

That's correct.

P.O. LINDSAY:

I'm going to call the roll.

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

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Abstain.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. CALARCO:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen.

MS. LOMORIELLO:

Congratulations.

P.O. LINDSAY:

Congratulations, County Attorney.

COUNTY ATTORNEY COHEN:

Thank you.

P.O. LINDSAY:

Okay. We have two CN's that I'd like to get to before lunch.

The first one is 1183, they've been circulated, it's about filling vacancies on the court.

1183-12 - Confirming the appointment of James A. McDonough as District Court Judge for and of the Second District to fill a vacancy (County Executive). Is Mr. McDonough here? Hi, Mr. McDonough. How are you? To get this thing rolling, I'll make a motion to approve.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Second by Legislator Kennedy. Does anyone have any questions of Mr. McDonough.

LEG. MONTANO:

I have a technical question.

P.O. LINDSAY:

Go right ahead.

LEG. MONTANO:

Yeah, I have a technical question, not of Mr. McDonough. How are you, James?

MR. McDONOUGH:

Hi.

LEG. MONTANO:

But this is a C of N, so it doesn't need to go to committee, but I understand that Mr. McDonough appeared before a committee, but it wasn't the Ways & Means which has jurisdiction of judicial appointments. So I was just wondering why or how that came about. Did I explain that correctly?

MR. NOLAN:

I think that was probably somebody from the Executive Office told him to go to that committee, but I don't know why that was the case.

LEG. MONTANO:

Well, it's not required. I was just wondering, Ben, why that or how that came about.

MR. ZWIRN:

I think because we thought that would be the appropriate -- it's a new committee. I know there are a couple of new committees that we had -- that were established this year and I think we thought that was the appropriate committee.

LEG. MONTANO:

Oh, okay.

MR. ZWIRN:

We wanted to make sure that the Judicial nominees -- because they were coming in late and there were vacancies on the bench that we have been asked to get filled because of the backlog in the District Court, we wanted to make sure at least to get through one of the committees so that they would have an opportunity to be questioned by members of the Legislature with the intention of them here today before the entire Legislature.

LEG. MONTANO:

Right. The only reason I raise it, as I said, it's not required on a C of N, but Judicial appointments do go to Ways & Means. All right.

MR. ZWIRN:

We'll make sure in the future that we comply with that.

LEG. MONTANO:

Yeah, I was just curious.

MR. ZWIRN:

But as I said, both nominees, candidates are here today to answer any questions.

LEG. MONTANO:

Could I ask some questions?

P.O. LINDSAY:

Go ahead.

LEG. MONTANO:

Hi James.

MR. McDONOUGH:

How are you?

LEG. MONTANO:

I saw your resume. Do you actually have a chocolate lab named Boo Boo?

*(*Laughter*)*

MR. McDONOUGH:

I do. I do.

LEG. MONTANO:

(Laughter). Okay. Good seeing you again.

MR. McDONOUGH:

Thank you. Good to see you.

P.O. LINDSAY:

Legislator Horsley.

D.P.O. HORSLEY:

Yeah. Hi, James. I just wanted to comment that Jim and I come from the same neck of the woods and Jim ran against me one time and --

MR. McDONOUGH:

Regrettably.

D.P.O. HORSLEY:

But I've got to tell you, Jim is a first class guy who knows his -- who knows his law. I've dealt with him on a number of issues in the community and he has always been professional, he has always been there for people who question and share his knowledge with. And so I wholeheartedly endorse you, Jim. You're a good guy and you'll be a great judge.

MR. McDONOUGH:

Thank you very much.

P.O. LINDSAY:

Anybody else? Do we have a motion and a second yet?

MR. LAUBE:

Yes, you do.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Congratulations, Your Honor.

MR. McDONOUGH:

Thank you very much. Have a good day. Thank you.

P.O. LINDSAY:

Okay. And the next one is we have **1184-12 - Confirming the appointment of Derrick**

Robinson as District Court Judge for and of the Second District to fill a vacancy (County Executive). Mr. Robinson, are you in the audience? Yes, you are. Come have a seat. I'll make a motion to approve this nominee. Seconded by Legislator Gregory. Did you -- would you rather have the honor?

LEG. SPENCER:
(Nodded head yes).

P.O. LINDSAY:
Okay, let's change it. Motion by Legislator Gregory. Second by Legislator Spencer. How are you?

MR. ROBINSON:
I'm great.

*(*Laughter*)*

P.O. LINDSAY:
Good. Good. Does anybody have -- yes, Legislator Gregory.

LEG. GREGORY:
Good morning, Derrick. How are you?

MR. ROBINSON:
Very well. Thank you.

LEG. GREGORY:
Good. For -- just so everybody knows, Derrick is my constituent. He's, again, a tremendous attorney; we've been blessed with several tremendous attorneys that have come before us today. Derrick has a tremendous track record and it would be my honor to support him as a nominee -- appointment, excuse me, to District Court.

P.O. LINDSAY:
Yes, Legislator Montano.

LEG. MONTANO:
Yes, I just want to also put on the record, I know Derrick since my days as Director of the Human Rights Commission back in '81 when you were assigned as County Attorney and, you know, I guess it's been a long time getting here. Congratulations.

MR. ROBINSON:
Thank you very much.

P.O. LINDSAY:
That's it?

LEG. MONTANO:
That's it.

P.O. LINDSAY:
Anybody else? Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

LEG. GREGORY:

Tim, cosponsor.

P.O. LINDSAY:

Congratulations, Your Honor.

D.P.O. HORSLEY:

Nice going, Derrick

MR. ROBINSON:

Thank you very much.

Applause

P.O. LINDSAY:

Okay, we're at that bewitching hour of 12:30 which means that we have to have our photo taken, so nobody disappear on me.

*(*Photograph Taken*)*

*(*The meeting was recessed at 12:26 p.m. *)*

*(*The meeting was reconvened at 2:30 p.m. *)*

P.O. LINDSAY:

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

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

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Present.

LEG. BROWNING:

Here.

LEG. MURATORE:

Here.

LEG. HAHN:

Present.

LEG. ANKER:

Here.

LEG. CALARCO:

Present.

LEG. MONTANO:

Here.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

(Not present).

LEG. NOWICK:

(Not Present).

LEG. GREGORY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. SPENCER:

Here.

D.P.O. HORSLEY:

Here.

P.O. LINDSAY:

Here.

MR. LAUBE:

Sixteen (Not Present: Legislators Kennedy & Nowick).

P.O. LINDSAY:

Deputy Presiding Officer Horsley is going to conduct the *Public Hearings*.

D.P.O. HORSLEY:

All right. Good afternoon, everybody, and welcome back. We will enter into the Public Hearing section of our agenda, and we will start with ***IR 1008-12 - Adopting Local Law No. -2012, A Charter Law to amend local legislation filing requirement (Presiding Officer Lindsay)***. Would anyone -- I don't have any cards on it. Would anyone like to be heard on this motion, on this hearing? Would anyone like to be heard on this hearing? May I have a motion?

MR. NOLAN:

Seeing none.

D.P.O. HORSLEY:

Seeing none, we have a -- this is the Presiding Officer's bill.

MR. NOLAN:

Motion to close.

D.P.O. HORSLEY:

Okay. I'll make a motion to close.

LEG. CILMI:

Second.

D.P.O. HORSLEY:

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

MR. LAUBE:

Sixteen (Not Present: Legislators Kennedy & Presiding Officer Lindsay).

D.P.O. HORSLEY:

(Public Hearing on) IR No. 1009-12 - Adopting Local Law No. -2012, A Charter Law to clarify Presiding Officer's authority to establish and appoint special Legislative committees (Presiding Officer Lindsay). Would anyone like to be heard on this? And I have no cards. So that being the case, I'll make a motion to close. Seconded by Legislator Cilmi. All those in favor? Opposed? So moved.

MR. LAUBE:

Sixteen (Not Present: Legislators Kennedy & Presiding Officer Lindsay).

D.P.O. HORSLEY:

(Public Hearing on) IR No. 1012-12 - Adopting Local Law No. -2012, A Charter Law to require Legislative approval of Department Rules and Regulations (Cilmi).

LEG. CILMI:

Motion to recess that, please.

D.P.O. HORSLEY:

Motion to recess.

LEG. CILMI:

Oh, you have to do the cards first.

D.P.O. HORSLEY:

I do not --

LEG. CILMI:

There's plenty of speakers on this one, I'm sure. *(Laughter)*

D.P.O. HORSLEY:

Would anyone like to be heard on this? Would anyone like to be heard on this? That being the case, we have a motion to recess by Legislator Cilmi. Is there a second on the motion?

LEG. MURATORE:

(Raised hand).

D.P.O. HORSLEY:

By Legislator Muratore. All those in favor? Opposed? So moved.

MR. LAUBE:

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

D.P.O. HORSLEY:

(Public Hearing on) IR No. 1013-12 - Adopting Local Law No. -2012, A Local Law to amend the County prohibition on the sale of synthetic cannabinoids (Browning). Would anyone like to be heard on this?

No one wants to be heard on cannabinoids. That being the case, Legislator Cilmi, how do you feel -- oh, Browning, I'm sorry.

LEG. BROWNING:

Motion to close.

LEG. CILMI:

I'll second.

D.P.O. HORSLEY:

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

MR. LAUBE:

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

D.P.O. HORSLEY:

(Public Hearing on) IR No. 1014-12 - Adopting Local Law No. -2012, A Charter Law to ensure accountability and honesty in the budget adoption process (Cilmi). Would anyone like to be heard on this? Would anyone like to be heard? Okay. That being the case --

LEG. CILMI:

Motion to close, please.

D.P.O. HORSLEY:

Motion to close by Legislator Cilmi. Do I have a second by Legislator Muratore. All those in favor? Opposed? So moved.

MR. LAUBE:

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

D.P.O. HORSLEY:

(Public Hearing on) IR No. 1015-12 - Adopting Local Law No. -2012, A Local Law To Sunset Living Wage Subsidies (Cilmi). Would anyone like to be heard on this? Would anyone like to be heard on this? That being the case --

LEG. CILMI:

Motion to close.

D.P.O. HORSLEY:

-- Legislator Cilmi would like to close. Seconded by? Do you have a second on this motion?

LEG. BARRAGA:

Second.

D.P.O. HORSLEY:

Second by Legislator Barraga. All those in favor? Opposed?

MR. LAUBE:

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

D.P.O. HORSLEY:

So moved.

(Public Hearing on) IR No. 1017-12 - Adopting Local Law No. -2012, A Charter Law to promote openness and participation in Legislative business (Cilmi). Do -- would anyone like to be heard on this.

On 1015, would anyone like to be heard on 1015? Legislator Cilmi.

LEG. CILMI:

Motion to close.

D.P.O. HORSLEY:

Legislator Cilmi seeks a motion to close. Do I have a second on the motion?

LEG. BARRAGA:

Second.

D.P.O. HORSLEY:

Second by Legislator Barraga.

LEG. MONTANO:

That was 1015 you just closed?

D.P.O. HORSLEY:

No, that was 1017.

LEG. MONTANO:

Okay.

D.P.O. HORSLEY:

Okay? All those in favor? Opposed?

MR. LAUBE:

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

D.P.O. HORSLEY:

So moved.

(Public hearing on) IR No. 1020-12 - Adopting Local Law No. -2012, A Charter Law to require timely filing of budget amendments to increase public awareness (Cilmi). Would anyone like to be heard on this, on 1020? Would anyone like to be heard on 1020?

LEG. CILMI:

Motion to close.

D.P.O. HORSLEY:

Legislator Cilmi makes a motion to close. Do I have a second on the motion?

LEG. BARRAGA:

Second.

D.P.O. HORSLEY:

Legislator -- Legislator --

LEG. CILMI:

Barraga.

D.P.O. HORSLEY:

Barraga makes a motion to second.

LEG. BARRAGA:

Is Ba-ra-ga closing or Barraga closing?

*(*Laughter*)*

D.P.O. HORSLEY:

Both, and he's quite a guy.

*(*Laughter*)*

All those in favor? Opposed? So moved.

MR. LAUBE:

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

D.P.O. HORSLEY:

(Public Hearing on) IR No. 1021-12 - Adopting Local Law No. -2012, A Charter Law to require legislative approval of changes to the fee structure for review of septic, sewer and water systems (Cilmi).

Would anyone like to be heard on this? Would anyone like to be heard on this? Legislator Cilmi, how say you?

LEG. CILMI:

Motion to close, please.

D.P.O. HORSLEY:

Legislator Cilmi would like to close the hearing.

LEG. MURATORE:

(Raised hand).

D.P.O. HORSLEY:

Second by Legislator Muratore. We don't want to confuse the Barragas.

LEG. BARRAGA:

(Laughter)

D.P.O. HORSLEY:

All those in favor? Opposed? So moved.

MR. LAUBE:

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

D.P.O. HORSLEY:

(Public Hearing on) IR No. 1023-12 - Adopting Local Law No. -2011, A Charter Law to improve the process for adopting the County's Operating Budget (Romaine). Would anyone like to be heard on this? Yes, sir?

MR. NICOSIA:

Just a quick question.

D.P.O. HORSLEY:

Please. Why don't you come up to the microphone and state your name and address for the record.

MR. NICOSIA:

Salvatore Nicosia, Holbrook, New York, 50 Pine Street, 55 years.

Just a question; how is this going to be promoted? That's all I want to ask.

LEG. ROMAINE:

You want me to answer? I'm the sponsor.

D.P.O. HORSLEY:

Mr. Romaine, I think that's a fine idea; why don't you answer this.

LEG. ROMAINE:

Very quickly. Sal, this is going to do a couple of things. Let me talk about the basic thing it's going to do. Number one, right now the County budget is -- the County Exec releases his budget the third Friday in September for the Legislature to consider. This now would be released on the third Monday at noon, so about four and a half days earlier.

Number two, all amendments to the budget must be made available to everyone three days ahead of time, three business days ahead of time. No waiver by the Presiding Officer. I didn't know half the things I was voting on because they received waivers until I got here the day after the election. Do you know when I got the budget amendments this past year? At 11:22 PM on Election Day. I wasn't in my office for some strange reason, but the next morning when I came here to vote I found what they were. I want them three days ahead of time, no waivers of the Presiding Officer.

And most importantly, we would be obligated to vote on the budget before Election Day. It could be the day before, it could be three days before, it could be five days before. So those are the key elements. Why? Transparency, so that the people in the audience, people that have an interest. For example, some of the unions that represent our County workers would know what the budget amendment said three days ahead of time so they can comment at our budget meeting. How could anyone comment? I as a Legislator didn't get this until less than 12 hours before we voted at 11:22 at night on Election night; a vacation, a holiday in this County. Incredible. And yet they expect an intelligent vote.

D.P.O. HORSLEY:

Legislator, keep to the facts, please.

LEG. ROMAINE:

Okay. What? That is a fact.

D.P.O. HORSLEY:

I know, you've answered the question. Thank you very much.
We appreciate that.

LEG. ROMAINE:

Thank you (*Laughter*). I know some of my colleagues are on the other side on this issue, but I thought I'd jazz it up a little bit.

*(*Laughter from Audience*)*

D.P.O. HORSLEY:

As I trust you may always do. Would anyone else like to be heard on this motion, on this hearing?
Would anyone else like to be heard on this hearing?

LEG. MONTANO:

You don't have to say it twice.

D.P.O. HORSLEY:

I understand. I can do what I want. Legislator Romaine?

LEG. ROMAINE:

Motion to close.

LEG. CILMI:

Second.

D.P.O. HORSLEY:

Motion to close on this. Seconded by Legislator Cilmi. All those in favor? Opposed? So moved.

MR. LAUBE:

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

D.P.O. HORSLEY:

(Public Hearing on) IR No. 1048-12 - Adopting Local Law No. -2012, A Local Law to require all retail stores to display fees associated with layaway programs (Presiding Officer Lindsay). Would anyone like to be heard on this hearing? Would anyone like to be heard on this hearing? That being the case, may I have a -- I guess I'll make a motion to -- you want to close it? It's Bill's.

MR. NOLAN:

Yeah, close it.

D.P.O. HORSLEY:

Motion to close. Second on that by Legislator Gregory. All those in favor? Opposed? So moved.

MR. LAUBE:

Sixteen.

D.P.O. HORSLEY:

(Public Hearing on) IR No. 1054-12 - Adopting Local Law No. -2012, A Local Law to extend the date for filing disposal plan for unused medications (Kennedy).

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

That being the case, Legislator Kennedy, how say you.

LEG. CILMI:

He doesn't.

D.P.O. HORSLEY:

He doesn't. He's not here.

(*Laughter*)

LEG. ROMAINE:

Motion to close.

D.P.O. HORSLEY:

Why not?

LEG. CILMI:

All right. I'll second it.

D.P.O. HORSLEY:

Legislator Cilmi seconds the motion. All those in favor? Opposed?
So moved.

MR. LAUBE:

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

D.P.O. HORSLEY:

All right, *(Public Hearing on) IR No. 1055-12 - Adopting Local Law No. -2012, A Local Law to increase licensing fees for motor fuel facilities operating in Suffolk County (Kennedy)*. I do have several cards on this public hearing. Let me call up Sergio Celikoyar. And by the way, Sergio, this is three minutes for the public hearings.

MR. CELIKOYAR:

I will try to make it shorter. My name is Sergio Celikoyar; address is 500 Townline Road, Hauppauge, New York, 11788. I'm running a local gas station and it's becoming very hard to operate, and I just heard about this increase on the fuel facility upgrading permit fee per meter. It's almost impossible at my station. I have four pumps, times four meter on each one of them makes it 16 meter, times \$20 is going to be \$320. Right now I have \$50 per year; jumping up to \$320 is almost impossible for me. Thank you.

D.P.O. HORSLEY:

Thank you very much. We do appreciate your comments. Also on this public hearing, I have Kevin Beyer.

MR. BEYER:

Hi. Thank you for having me.

MS. LOMORIELLO:

Put your finger on the button, please, and hold it down.

MR. BEYER:

My name is Kevin Beyer. I'm the President of Long Island Gasoline Retailers Association, many of you know me. I also own a station right here in Smithtown.

We had a discussion on this several times. Last year I thought this would actually be done already, but what had happened was we agreed, we tried to come to an agreement as to keep it the way it is as far as dealing with a registration fee versus a meter fee. The registration fee we feel is fair. The meter fee we feel is going to be too cumbersome, it's going to be very expensive for dealers. We can't afford to do it the way -- as \$20 per meter. And we had met with the County Exec on this, we actually met with Legislator Kennedy on this and that's why we were coming up with I'd rather it be done Legislatively than through -- they could just do it regulatory just putting it in; they have ability to do that now.

But the fairness of this, this whole thing is if you have -- we came to an agreement that we would come up with parity to what other businesses are paying to Consumer Affairs right now. So we figured why not -- if we did it that way, you would have -- our application right now is \$50, we offered to bring it up to \$200. That's just the initial application, which you have about 15% turnover very year in stations. So that's just the application fee that would normally get \$50, it would go to the 200.

The registration fee right now is \$50, it's biannual that they collect it. We offered to bring that to the 200 biannual which would bring it to 400. And like I said, the reason we're offering to bring this is to parity with the other industries that are regulated by the Consumer Affairs. We really would like to have it under Legislative process from now on this way we're able to come out and speak about this, not find out about it by getting a card in the mail saying that your fee is going to go up to \$20 per meter.

And just to give you an -- a couple of examples, a quick one, I'm going to just give you two. One gas station with an owner has 40 meters which is on the high end, 40 meters is high, pay \$50 a year; with an increased registration fee, it would go to 200 per year. A quadruple increase which my members would have to take and swallow, which I'm willing to present to them to say that we're bringing it to parity with what the plumbers pay, what the electricians pay. So that's one way at least we can present it.

But with the increased fees, on that 40 -- on the 40 meters, the \$20, it brings it to \$800 a year when they're paying \$50 a year. Now, that's on a high end. But on a normal station, an average station, which is actually my own, a gas station with eighteen meters pays \$50 a year; with the increased registration fee, that would go to 200 a year, the quadruple increase. With the inspection fee is \$20 per meter; that would go to \$360 a year, something I'm paying \$50 a year for.

Now, the other thing you need to understand is you can only collect on the meter fee as long as you go to the stations and do the inspections. There are years that they don't get to all the stations, so now you're not able to collect the money you think you're going to get because you're not going to the stations. There's 520 stations, I think you have two inspectors; you have bad weather, you have anything that's going to hamper that, it's going to affect you collecting. This, you know what you're getting every year, you know the registration fee is there every year. And we're willing to back that up, we're not willing to sit there and challenge it if Legislator Kennedy's bill -- what happened was when it was presented originally, the \$200 application fee was left as a \$50 application fee and we felt it was -- we brought it to your attention and we brought it to their attention saying, "Look, you guys made a mistake in there and you're really not going to collect the money you wanted," so that's why it was pulled.

D.P.O. HORSLEY:

Kevin, could you please wrap it up?

MR. BEYER:

Okay. You know, that's really it. The main thing is is to remember that, you know, we're paying a ton of fees out here. We're paying to the Health Department, we're paying New York State all sorts of fees, sign fees, cigarette licensing fees, Ags & Marketing fees and plenty of County fees, underground storage fees. This is the only fair way to do this, is to just stick with the registration fee the way we were doing it. It's not -- as far as the money is concerned, according to the BRO, the difference that we were figuring out, it's like a \$33,000 difference compared to really hitting these guys hard the other way, which to me is totally unfair. It's unfair to all of us.

D.P.O. HORSLEY:

Thank you.

LEG. MONTANO:

Question.

D.P.O. HORSLEY:

Yeah, sure. If there's a question, maybe Kevin can finish his statement then.

LEG. MONTANO:

Yeah. Actually -- Hi, Kevin. Actually, I had a question for Robert. Robert, I recall in the budget process that we had a discussion about this. This issue doesn't effect the budget or wasn't run into the budget, was it? Do you recall the way I do the -- this issue coming up in the process?

MR. LIPP:

Yeah, it's actually -- there was -- there would be a shortage, as Mr. Beyer is saying. His estimate is I believe thirty something thousand and we come up with 65, 70,000, the shortfall in the budget this year, if this resolution is passed.

LEG. MONTANO:

Say that again? If the resolution is passed, we would come up --

MR. LIPP:

Our estimate is there would be a short -- a small decrease in revenue received as a result of this resolution.

LEG. MONTANO:

So if the resolution is passed, what you're saying is that we're going to wind up with a deficit in the budget in this category?

MR. LIPP:

Yes. But that being said, in fairness, also in our fiscal impact we did note that there are a few vacant positions in Consumer Affairs that have yet to be filled that could offset that shortfall; in other words, budgeted positions.

LEG. MONTANO:

Right, but that has nothing to do with the shortfall, that's to make up for the shortfall; am I correct?

MR. LIPP:

Correct.

LEG. MONTANO:

All right. So but just dealing with the shortfall, if we pass the resolution, there's going to be a shortfall of about 35,000 you said, or 65,000?

MR. LIPP:

We would say 65. Well, that's an annualized basis, so it's really a little bit less than that, like 50ish for this year because it hasn't taken effect yet, the year has already started.

LEG. MONTANO:

Okay. Thank you.

LEG. ANKER:

Can I ask a question?

D.P.O. HORSLEY:

Thank you. Of course; Legislator Anker.

LEG. ANKER:

Let me ask you a question, also. Now, we're increasing the license fee, but we're going to make less money for next year.

MR. LIPP:

It would be a switch from a fee of \$20 per meter, which is the current fee, to a registration and application fee. You can't charge both, so it's one or the other. So the loss would be we wouldn't charge you \$20 per meter, instead we would charge the \$400 application fee, that difference is an estimated net loss of a little bit of money. That being said, you know, the industry is saying that they believe this is a fair way of doing it, dollars aside.

LEG. ANKER:

Okay. And Kevin, now, you're saying that it's not helping your association and it's not helping the County. So who's gaining with this legislation?

MR. LIPP:

The legislation is helping the industry, my understanding is they're supporting this legislation.

MR. BEYER:

If I may. We would support the legislation of the increase and the increase in the registration fee; you know, let's get that straight. The registration fee, we're willing to keep the registration fee and go for the increase. What we proposed we felt was fair, it's a quadruple increase. You're going to have revenue stream that you know is coming in. Whether they make it to the stations to check the meters or not, you're going to constantly get that money. You are short people right now in Consumer Affairs that go out, and there's years that they -- there's been years that they don't come to my station. So you're not going to be able to charge unless they go to the stations.

And with that being said, we just feel this is the right way to do it. We were willing to support the legislation, even though it was a tremendous increase, you know, it's a quadruple increase, we were going to support that because it brings it up to parody, like we said, with, you know, any of the other trades that pay to Consumer Affairs and as compared to the meters.

And also with the meter fee, the other problem with the meter fee is if I have a station that has -- they came around today, did all the meters, checked them all, collected for it; a month from now I decide to change out a few pumps or I have a problem and I change out pumps, they're going to come back and they have the ability to charge me again another \$20 per meter that I just paid the

month prior. It's just a total unfair way of doing it. You know, we're willing to go for the increase if we did it Legislatively. This way we wouldn't -- you know, we're not going to come and oppose it.

*(*Legislator Kennedy entered the auditorium*)*

LEG. ANKER:

Did you work with Legislator Kennedy? Oh, he's here right now -- you know, when he proposed this legislation? In other words, were you part of the key people?

MR. BEYER:

Yeah, we were part of that process.

LEG. KENNEDY:

I apologize for being late. Yes, as a matter of fact, I put this forward. And I don't want to debate the bill right now, we want to hear from the public, but this was an alternative that was something that would actually be a fairly substantial increase for the industry. The prior fee schedule was at \$50 and they're voluntarily moving to a biannual charge of \$400. So when you look at the percentage increase, we're talking about several hundred percent.

Nevertheless, it allows them to be able to go ahead and take the increase, justify it with the fee schedule that we have with occupations throughout the County and not necessarily be subject to a drastically and radically different methodology which was previously put forward in the recommended 2012 Operating Budget. So I think we have the best of all worlds with this legislation.

D.P.O. HORSLEY:

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

LEG. SCHNEIDERMAN:

I was part of that budget work group and we had looked at this, and I thought we thought that we were being fair, in a sense, by doing the meter fee, because the bigger stations were going to be paying more and the little guys were paying less. So, you know, rather than treating every gas station the same, you have some with, you know, 10, 20 pumps and some with three or four, like the guy who was in here earlier.

I guess the fairest way would probably be a combination of -- because you're going for a certain pot of money. So how you collect it across the board, it seems like the bigger stations would require more work on our part, the County part, inspecting more pumps; maybe they ought to be paying a little bit more than the smaller mom and pop types of stations. But you can't do both, as I understand it. You can't have a \$5 meter fee and a \$100 registration fee, something like that, which might be the fairer system. Robert, why can't you do both?

MR. LIPP:

I believe that's State law.

LEG. SCHNEIDERMAN:

You have to pick one or the other, so we went with what we thought was going to be the fairest based on the size of the station.

MR. BEYER:

No.

LEG. SCHNEIDERMAN:

And you're saying it's not fair.

MR. BEYER:

No, we prefer to keep it the way it is because we know what we're dealing with. It's not fair if you get to come out two months later and go to my meters again and charge me again for my meters the second time that year. You might come a third time, there might be a customer complaint, which is not validated, they'll come out, they'll check the meters, find nothing, but guess what? I got another fee. That's the scary part of it.

LEG. SCHNEIDERMAN:

Okay. But we're still collecting the same amount of money. So what BRO is saying, it's short, it's \$60,000 short. So that registration fee, which was, I think, \$50 and you're saying make it \$200, isn't enough? Robert, do you know what it would have to be? Because I know the gas station, the retailer who was here before, you know, didn't want to go from \$50 to \$300, it may be \$300 before you're done.

MR. LIPP:

The registration fee would have to be significantly more than the 400.

LEG. SCHNEIDERMAN:

Significantly more than \$200.

MR. LIPP:

Yeah, right; it's 200 per year or 400 biannually.

LEG. SCHNEIDERMAN:

Right. And we know how many service -- you said how many service stations there were in the County?

MR. BEYER:

Five hundred and twenty-one that were listed.

LEG. SCHNEIDERMAN:

Five hundred and twenty-one. So to pick up another 60,000, at least \$100 a piece, right? So we're talking a fee in the range of \$300. You're shaking your head no, but --

MR. BEYER:

Well, the reason --

LEG. SCHNEIDERMAN:

-- we have an amount in the budget.

MR. BEYER:

You're not taking into account, first of all, the 15% that you have turnover every year, so that you're getting an application fee every year. And truthfully, and I don't mean to sound harsh, but you can't balance your budgets on us all the time. We pay a lot of fees to the County as gas stations. We pay underground storage tanks, we pay to the Health Department, we pay to have signs, we pay -- you know, it comes to an end. We can't keep paying, you know, to balance this budget. You're short two people in the Consumer Affairs right now, you're not going to be able to get to all the locations and you're going to be short on your money.

LEG. SCHNEIDERMAN:

I understand that. I also understand that we have a budget with a projected amount and we can collect that amount one way or another, and you're suggesting that we collect it, you know, through a fixed registration fee per station rather than a pump fee, I just want to make sure that --

MR. BEYER:

Plus an application fee.

LEG. SCHNEIDERMAN:

-- those two ways add up to the same amount of money so that our budget is whole. And we're not trying to balance the budget on the backs of retailers. We have a budget, though, that has a fixed amount. I just want to make sure we're comparing apples to apples, that's all.

MR. BEYER:

Well, if you take some of those salaries out, then maybe you'll -- for people that are missing, it will bring your number down.

LEG. SCHNEIDERMAN:

What I hear in your argument is that we're not going to actually get the full fees from all the pumps because we don't have enough people to check them all. But I don't know if that's factored in to, Robert, your numbers.

MR. LIPP:

Well, conversations with the department are such that they feel that they could get to all the pumps, all the meters.

LEG. SCHNEIDERMAN:

Okay. So you've factored this. Okay.

D.P.O. HORSLEY:

Okay? Thank you very much, Legislator Schneiderman. Legislator Cilmi is biting at the bit.

LEG. CILMI:

(Laughter), yes. Thanks, Mr. Chair. Kevin, how are you?

MR. BEYER:

Okay.

LEG. CILMI:

I have some questions, and I apologize if these questions seem leading. But it's always frustrating to me, and you sort of articulated, Kevin, just a minute ago the nature of my frustration, that we try to balance budgets on the backs of small businesses. And the more we do that, the more we send small businesses packing and the less revenue that we have.

So the first thing I was going to ask you is can you enumerate for us -- and you don't have to give us the amounts, but enumerate for us the whole plethora of governmental regulations and fees that your members have to deal with; not only at the County level, but at every level of government.

MR. BEYER:

I appreciate that. Yes, I actually stapled a few together that I took with me from the station real quick. A cigarette license fee is \$400 to the State every year. The \$100 to Suffolk County Consumer Affairs, which is what we're talking about now, which is biannual. I paid for -- everybody pays a different amount on the tanks underground; I paid \$103 for the underground storage tank. Ags and Marketing license was another \$200; sign permits was another \$112, and these are just

some of the fees that we deal with. I mean, it doesn't end. And everybody looks to move their fees up, each one of these departments will always look to move their fees up. So that's why -- you know, everybody says, "Well, it's only another \$100"; it's more than just another \$100 because we're dealing with it on all ends.

And on the licensing fee, on the cigarette licensing fee, let me just give you a quick little synopsis of that. The only reason it's \$400 is it was almost going to be \$5,000 for some of the stations, and the only reason that it came down to that 400 is because we sued LIGRA, along with other groups, sued the State. We held them up for two years and we finally sat down and caucused and came up with an agreement after they felt they weren't going to win. We're trying to do the same thing here; instead of fighting, let's come to -- you know, I felt that we offered a fair agreement. It's easier for me to go to my members and say that we're coming, you know, close to everybody else, what the electricians pay, what the plumbers pay, what everybody else is paying to Consumer Affairs.

LEG. CILMI:

So let me ask you another question. What's the -- in your mind, what's the purpose of these inspections that we charge you for?

MR. BEYER:

Well, they do serve a purpose when they do come. Sometimes they'll have -- if it happens to be out of the ordinary, a customer might complain, they think they're getting shortchanged of gasoline, they'll put in a complaint, they'll come down, Weights & Measures will come down, do a test, they'll take a five gallon can, test it, make sure that the meter is proper and it's working. Otherwise, they usually come -- like I've had years where they haven't been able to show up, you know, whether it be weather or less employees or whatever the case may be. But otherwise, they'll come down and they'll check the meters to make sure everything is, you know, pumping the right way, that five gallons is five gallons.

LEG. CILMI:

And is it your experience that typically five gallons is five gallons, or is there widespread, rampant, you know, fraudulent behavior on the part of these gas stations?

MR. BEYER:

When it comes down to most of this with the testing, usually when there's been a problem with a meter with me, I've actually been pumping a little bit too much. But it's not -- it's so fractional, usually one way or the other, that it's insurmountable to a consumer or to myself, but what will happen is we're required to obviously repair the meters.

LEG. CILMI:

So I realize you have a board and you have members and you'd probably have to vet this with your members, but don't you think a system by which we would punish the criminals and recuperate whatever money we need to recuperate from the criminals, the people who are purposefully abusing, you know, their customers? Would be better than to go after the honest businesspeople who are trying to make a living and charge -- and keep, you know, increasing their fees and putting in new regulations? Because it's really counterproductive.

MR. BEYER:

Well, I agree a hundred percent. I've given Consumer Affairs a couple of locations that we knew, you know, were a problem, and what happens is ultimately, which we feel is unfair, they bargain down the fine. Instead of bargaining down the fine, hit them hard. We have no problem as an industry, hit them hard with what you're allowed to. If you're allowed to hit them for 30,000, why would you bargain down to 6,000? There's no reason for it because he's a winner at that point; he pays the 6,000, starts doing the same thing again. And, you know, you're we're all suffering; you're

looking for money, we're looking for fairness out there. I'm looking to have fair competition, not competition that could sit there and undercut me because he's being unscrupulous.

LEG. CILMI:

And we can come on to these gas station properties at any time and inspect their pumps. Do we have some sort of -- so we obviously do have some sort of a penalty system in place when it's found that somebody is abusing.

MR. BEYER:

Absolutely, but a lot of times they won't -- I've never seen them go for the full amount.

LEG. CILMI:

All right, last question. You're supporting this legislation, and I certainly appreciate my colleague, Mr. Kennedy, working with the association to try and come up with a solution to your problem. But your problem and the reason you're supporting this is because your back is up against the wall and if you don't support it, the increase is really going to be ridiculously out of control.

MR. BEYER:

Absolutely. But --

LEG. CILMI:

And it's going to put your members out of business.

MR. BEYER:

You know, it can because it's -- everybody thinks it's only a couple of hundred dollars, but just like I read off those other fees to you, it never ends. And then the next one is going to look for another increase, and where does it stop? So at least with this --

LEG. CILMI:

Well, it stops when you board up your gas station.

MR. BEYER:

That's what happens.

LEG. CILMI:

Thank you very much.

D.P.O. HORSLEY:

Thank you very much, Legislator Cilmi. Legislator Stern.

LEG. STERN:

Thank you, Mr. Chairman. You rattled off a list of other fees and other jurisdictions; in general, how often do those fee amounts change? As a business owner, you have to budget going forward, you have to know what the fees are. I mean, how often do you need to change what you're doing because of the change in fees?

MR. BEYER:

Since the economy has went -- you know, since the economy went crazy, it's happened quite often now. Prior to that, it would be every couple of years maybe, maybe every five years there would be, you know, a change in a fee, an increase.

Let me -- even the cigarette licensing fee where I told you is \$400 that I paid, I used to pay \$100, when I first started in this business I paid \$20. So you could see where we're at, you know, it constantly increases. When I started in this business, we did inspections, we're now getting -- you

know, not to get off the beaten path, but we're doing an inspection for \$37 to check your car out fully, we're getting \$10 for the safety portion; the \$10 for the safety portion has been in place since 19, I think, '85 or '86. But we can't get an increase on that because it would be too burdensome on the consumer, but this isn't too burdensome on us.

LEG. STERN:

And generally when those fees change, who changes it?

MR. BEYER:

It's usually done by either the departments or by -- it could be in the budget, some of the State things might be in the budget. That's how they increase the cigarette fee. It was going to be in the budget but we held -- like I said, we held that up, you know, we sued the State on that.

LEG. STERN:

So then the majority of times are they changed through regulation by the administrative agency, is that where the difference in the dollar amounts come from?

MR. BEYER:

Yeah, it seems to be through each agency. And one of the reasons that we were hoping that it would go through Legislatively, it gives us the opportunity to come out here and speak about it instead of -- like I said, I received a card in the mail saying that my meter fee was going to be \$20 a meter and it was going to start right away, basically. It gives you no -- you know, if I didn't call up and start, you know, barking about this, this would have been, you know, jammed up all the stations.

LEG. STERN:

Well, in addition to the change in the dollar amount and then the methodology there, I mean, the big change would seem to me is provision G, right, "Any additional administrative fees imposed by the department must be approved by Legislative resolution." And you were saying that from your perspective, that's going to give you the better ability to be a part of the process and to -- if there is going to be a change, to be a part of that process and know what you're in for going forward.

MR. BEYER:

Absolutely.

LEG. STERN:

Thank you.

D.P.O. HORSLEY:

Thank you very much, Legislator Stern. Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. And Kevin, I appreciate you being here and I appreciate the time that you and Michael spent in the office. I know we had our former Consumer Affairs Director Charlie Gardner with us, BRO came over. And this effort that you see before you really is about trying to work with a schedule that's not only acceptable to the industry, but also practically speaking is something that our Consumer Affairs Department is going to be able to process. There's a very important difference between metering fees and registration, and I'm not sure if I can articulate it, but you understand it well, Kevin; could you explain that to us?

MR. BEYER:

The difference is the registration fee has been -- the process been the same. You receive the invoice, you send it in, the people at Consumer Affairs know exactly how they're handling it and it's

done, it's the same price. The paperwork is not cumbersome compared to doing it this way. There's going to be different prices all over the place. And you know, this is according to Charlie Gardner, he had mentioned, he said it's going to be a nightmare as far as paperwork and the extra work that's got to go -- you know, which would be involved in handling all these different fees. Because it's not going to be the same for any location and it's not going to be the same time of year. It's going to be all -- you know, instead of knowing that you're getting this on January 1st or whenever the registration fee comes into play, now you have it as whenever the inspectors do get out to the locations, whenever they do those meters and whenever they're able to get all that paper work together and get it inside.

LEG. KENNEDY:

Also, I believe when I was talking about this, what Mr. Coleman had said was the registration process would not be abandoned if there was conversion to metering, because the information that's captured in registration is important to the enforcement efforts, I believe.

MR. BEYER:

When we spoke with Charlie Gardner on this, he also said compared to Nassau County, Suffolk County has got it so much better because in your registration process, you know who the owner is of not only the property but you know the owner of the State, who's running that location. And a lot of times that's really important when you're going after looking to enforce something when you don't know who to go to. In your registration fee that you have now, the way it's done is you have a list of every -- you have a list of the property owner, what company it is and also what dealer is in there at the time.

LEG. KENNEDY:

So I'll just --

D.P.O. HORSLEY:

Legislator Kennedy, please keep it to questions, okay? Like Jeopardy.

LEG. KENNEDY:

There you go. So of the 570 or so stations here in Suffolk County, of which your membership represents a large number of them, it's a fair statement to say this process you can support, correct?

MR. BEYER:

Absolutely.

LEG. KENNEDY:

There you go. How do you like that?

D.P.O. HORSLEY:

Correct.

LEG. KENNEDY:

(Laughter) Okay.

D.P.O. HORSLEY:

Okay? All righty, thank you very much. Is there anyone -- any further questions of Mr. Beyer? Okay. Thank you, Kevin. We appreciate it.

MR. BEYER:

Thank you.

D.P.O. HORSLEY:

I have another card here from Rudy Massa. Good afternoon.

MR. MASSA:

Good afternoon. Rudy Massa, Gasoline Heaven, Jericho Turnpike in Commack. I'm also a Smithtown resident. I haven't been in front of you guys for years and in the last month I've been here twice, so I guess we're getting familiar with each other.

I don't want to be redundant to everything Kevin said, but in my particular location, to just give you an example, I have 16 fueling points which means 16 cars can get gas at one time; that's 32 meters, \$640. And what Kevin said is the truth, you know, whether you're aware of this or not, our industry has gone backwards. I mean, in 19 -- I'll be there 40 years. In 1973 I'll bet you we made 12 or 13 cents a gallon on regular gas, today we're making 16; that would be like any one of you gentleman getting a 2% raise in 30 years. So it's an industry that really went backwards and it's just not keeping pace. And all the fees that Kevin is talking about was exactly what's going on, it's really a disaster. And for me to go from \$50 to \$640 to get these meters -- and by the way, when they come to my station, we've known these fellas for years, they work hard. That guy is schlepping around those gas stations for a half a day, because he's back and forth to the tanks and if it's raining he's got to stop and if it's snowing he can't do it and they reschedule. If you got your fee every year, like Kevin said, in my particular case, I've never had a problem. Those gasoline meters are so accurate the way they make them today that they very rarely go out of calibration. So the issue is you can get your fee, maybe the guy can come every two years and you've still got your money and then you don't have to worry about hitting every station. Again, just to repeat it again, my place, maybe I'm unusual but I don't think I am, not one meter out of whack in 40 years. That's about it.

D.P.O. HORSLEY:

Thank you, Mr. Massa. And we appreciate your business in Suffolk County. Michael White (sic) has a card in on this matter as well.

MR. WATT:

Thank you very much for the chance to address the Legislature on this issue. I am here representing the Long Island Gasoline Retailers Association as its Executive Director. Much of what I was going to say has already been addressed by Kevin and Rudy, so I just would like to reemphasize the fact that, you know, when you do the meter fees, the money is not collected until the inspection is conducted, which could become problematic under certain weather conditions and given the magnitude of the amount of meters across the Island. And one of the things that our members really appreciate is stability. You know, as much as they're going to not be happy about a quadrupling of the registration and licensing fees, as long as they know that that's what the fees are going to be for the next two years, it gives them the ability to plan accordingly and the stability is something that they can deal with much more readily than they can not knowing when the inspection is going to be and when to expect to have to cover that cost.

So it's money up front for the County, ease of collection for the County and stability for the members of the Long Island Gasoline Retailers Association. I think you have a quintessential win/win situation there. So thank you very much for your time.

D.P.O. HORSLEY:

Thank you very much, Michael. All righty, that concludes -- I do have a card here from Maryann Johnson, it didn't say what the card was -- what public hearing. Is she here, Mary Ann?

LEG. ROMAINE:

No, she's not.

D.P.O. HORSLEY:

She's gone. All righty.

LEG. ROMAINE:

Motion to close the public hearing.

D.P.O. HORSLEY:

Motion to close; is that Mr. Kennedy?

LEG. KENNEDY:

Yeah, motion to close.

LEG. ROMAINE:

Motion to close the public hearings.

D.P.O. HORSLEY:

Okay. Let's close this one first. You're going to close -- second the motion of Mr. Kennedy's?

LEG. KENNEDY:

He seconded my motion, yes.

D.P.O. HORSLEY:

We have a motion to close. All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen (Not Present:

D.P.O. HORSLEY:

Thank you very much. And as much as I'd like to take Mr. Romaine's motion, I do -- cannot because we have three more that apparently are coming in as CN's that were posted more than an hour ago and we have to have our public hearings on these three issues.

All right. That being the case, let me just start with *(Public Hearing on) IR No. 1173-12 - 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 Economic Development and Planning (County Executive)*. Would anyone like to be heard on this? Would anyone like to be heard on this? All right, we --

LEG. ROMAINE:

Point of information?

D.P.O. HORSLEY:

Mr. Romaine, point of information.

LEG. ROMAINE:

When this public hearing is recessed or closed, if it's closed, does that mean that it's capable for a vote today?

D.P.O. HORSLEY:

I believe it is, yes. Counsel, you want to answer that?

MR. NOLAN:

Yeah, we do this from time to time. It's provided for in the Charter that a Local Law or a Charter Law can come over with a CN, you post a public hearing for an hour, hold a public hearing; if it gets closed, yes, it could be voted on today.

D.P.O. HORSLEY:

Okay. There's no one to be heard on this hearing. We have a motion to -- I'll make the motion to close. Seconded by -- give me somebody.

LEG. CALARCO:

Second.

LEG. SPENCER:

I will.

MR. NOLAN:

Calarco.

D.P.O. HORSLEY:

Legislator Calarco. All those in --

LEG. ROMAINE:

Do we have discussion on this motion?

D.P.O. HORSLEY:

Absolutely we can have a discussion on this.

LEG. ROMAINE:

This is an important change which I think that should be considered by the committees. I think that we're going to -- this may be a rush to judgment because I think I'm concerned what you said, that it could be subject to a vote today.

D.P.O. HORSLEY:

Uh-huh.

LEG. ROMAINE:

So I would love to see this go to committee so there could be some discussion of this. I understand your point of view, so I've made mine. Thank you very much.

D.P.O. HORSLEY:

Thank you very much. And maybe we'll take that up if there's a motion, but right now what we have is a motion to close of the public hearing, and we can deal with the issue when it comes up if it is a resolution. We have motions to close and second, Legislator Stern and Anker. All those in favor? Opposed? So moved.

LEG. ROMAINE:

I'm opposed to closing it.

MR. LAUBE:

Seventeen (Opposed: Legislator Romaine).

D.P.O. HORSLEY:

This is just the public hearing. Okay, *(Public Hearing on) Introductory Resolution 1174-12 - Adopting Local Law No. -2012, A Charter Law consolidating departmental functions within a newly created Department of Economic Development and Planning (County Executive)*. Would anyone like to be heard on this public hearing? Sir, please, come on up.

MR. NICOSIA:

No, I have a question on the --

D.P.O. HORSLEY:

No, you've got to --

P.O. LINDSAY:

You've got to go to the mic.

D.P.O. HORSLEY:

You've got to go to the mic, sir.

MR. NICOSIA:

Okay?

D.P.O. HORSLEY:

Yes.

MR. NICOSIA:

Do I introduce myself again?

D.P.O. HORSLEY:

Yes, please.

MR. NICOSIA:

Salvatore Nicosia, 50 Pine Street, Holbrook, 4th Legislative District.

D.P.O. HORSLEY:

Welcome, Sal.

MR. NICOSIA:

The question I'm asking, the material I have in my hands that I received when I came in, that particular thing is not listed here for the people in the audience. So how are we going to be able to raise our hands on something we have no information on?

D.P.O. HORSLEY:

Counsel, is that something we should answer?

MR. NOLAN:

I don't know how to answer it.

*(*Laughter*)*

D.P.O. HORSLEY:

Okay.

LEG. CILMI:

Good question.

*(*Discussion held off record*)*

It is in our Charter provisions that we can -- that this process can be moved forward.

LEG. CILMI:

Shouldn't he get a copy of the bill?

D.P.O. HORSLEY:

This is a Public Hearing.

LEG. NOWICK:

Wayne?

D.P.O. HORSLEY:

Yes.

MR. NOLAN:

It was circulated.

LEG. NOWICK:

No, I'm just going to say that if there are questions at a Public Hearing, certainly I think they could ask the question and then we're allowed to respond at a Public Hearing.

D.P.O. HORSLEY:

Oh, absolutely.

LEG. NOWICK:

So he could ask what is this about.

D.P.O. HORSLEY:

Uh-huh. Well, why don't we do this? Maybe what we could do is get the administration to --

LEG. ROMAINE:

Go up there and --

P.O. LINDSAY:

Let me answer this. Sal, sit down. I assume that your question is what is this about. When we do the budget, the first version is sent over by the County Executive and it's modified by the Legislature. In general, the Legislature changes about 5% of what the budget from the County Executive is. This year we made some very dramatic changes -- could you hold it down, please, guys? And this year we made some very dramatic changes in the interest of trying to save money.

The original version from the County Executive was to lay off over 700 County employees; we paired that down to 88 and only funded the rest for six months. In the process, you just don't layoff employees, you have to figure out in a logical way how are you going to do that. And we eliminated a lot of departments and one of the departments we eliminated was Economic Development, we eliminated Minority Affairs, we eliminated Women Services, and I can't remember the rest, but there was like five or six of them. And by doing that, some of the people we were laying off were the high-priced guys, you know? The County Executive was laying off the peons at the bottom. So we passed a budget for right or wrong.

But the new County Executive, I've told him over and over again, in our haste to pass a budget and some of the real serious decisions we made are absolutely Executive decisions, and we knew that when we did this but we had to do something to try and balance this budget. So that anything that he wants to rearrange or change, let us know. And what this bill is about is to change something that we did, that he values economic development greatly and that he wants to reconstitute that in this form. You come to the mic and you can answer any questions of me.

MR. NICOSIA:

In the interest of what I'm trying to get at as an 84-year old senior citizen is I'm teaching about transparency in government. I appreciate your comments, Mr. Presiding Officer Lindsay, who I respect greatly as a gentleman. I'm merely saying we want to be edified to support what we're doing. I'm not here as an advocate of controversy, I'm here as an advocate of clarification and enlightenment. So I just learned something about what was the resolution about.

P.O. LINDSAY:

Yes.

MR. NICOSIA:

I think that if the people here were able to be enlightened about it, they would come here and be in support of your endeavor rather than be opposed. So that's all I'm saying.

P.O. LINDSAY:

Yeah, just stay there for a minute, Sal. Go ahead.

MR. NOLAN:

Just so you understand. The County Executive brought over three bills today with a Certificate of Necessity; he wants them to be voted on today. So this is the first time the Legislature has gotten these bills. Under our Charter, when that situation happens, we have to hold the Public Hearing that day, and we can do it on a day's notice. So we got the bills, this is our process to deal with it, just so you understand the process.

P.O. LINDSAY:

And right or wrong, that's all it awards the local government. It's long established practices, we kind of -- we prefer for things to go through the normal process rather than vote on them immediately.

My own opinion is this particular decision I think rises to the level that necessitates that we vote on this for the simple reason, we're in desperate shape. This County is in desperate, desperate shape. Within days we're going to get a financial analysis of just how bad a shape we're in, and I think it's going to shock a lot of people. And this Executive has no time to learn, he has to make decisions quickly on how to solve this horrendous problem.

MR. NICOSIA:

Then I'm happy that I brought this question up, because now the people that are sitting in the audience and whoever is writing the press article, that I'm sure there will be, will be able to write that kind of clarification and realize the exigency with which you're acting and result in getting support for your endeavor rather than getting an appearance of ledger domain. That's all I want to say.

P.O. LINDSAY:

And we appreciate your questions, they're very good questions. And just appreciate under the

Public Hearing, we don't have the ability for clarification on the bill, we can just answer questions from the audience. If this does -- hearing is closed and we do address it later, you know, some of the same points that I just made I will add to the debate then.

MR. NICOSIA:

Just to quickly respond and compliment Mr. Horsley for his patience in asking, very judiciously and quietly and consistently, if there are any people in the audience that wish to speak. I think that particular endeavor by you is hardly appreciated by a person like myself, since I've been a teacher trying to edify young people to become empowered to understand what they're voting for and some of which they do not get educated about. I appreciate this opportunity. Thank you.

P.O. LINDSAY:

Sal, if you would just stay there for a minute, Legislator Cilmi has a question.

LEG. CILMI:

I'm not sure that it's a question for this gentleman or for Mr. Presiding Officer, but I think -- would it be appropriate to ask to have, when we're doing Public Hearings on Certificates of Necessity like this, to have copies for the folks in the audience to look at so that they can, you know, sort of determine what they want to ask about these bills?

P.O. LINDSAY:

To the greatest extent possible, I would be happy to accommodate.

I know the Clerk's Office has been a little stretched and a little panicky today because of these CN's and the Public Hearings, but I think it's a very appropriate request and we will try to accommodate it.

D.P.O. HORSLEY:

I agree.

MR. LAUBE:

I would be happy to hand you mine.

D.P.O. HORSLEY:

All right. Is there anyone else who would like to be heard on this Public Hearing? Is there anyone else who would like to be heard on this Public Hearing? That being the case, I'll make a motion to close. Second by?

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

P.O. LINDSAY:

Duwayne.

D.P.O. HORSLEY:

Legislator Gregory.

LEG. GREGORY:

Mr. Chair, if we may, we have a recess for five minutes?

P.O. LINDSAY:

Fine.

D.P.O. HORSLEY:

Before we vote. So we have a motion to close, it's been seconded, and now we're -- there's a request on the table to recess for five minutes.

MR. LAUBE:

Eighteen for 1174, that's closed.

D.P.O. HORSLEY:

It is closed, 1174 --

P.O. LINDSAY:

No, it's not closed.

D.P.O. HORSLEY:

No, it's not closed.

P.O. LINDSAY:

All we voted on is --

MR. LAUBE:

It's not closed.

D.P.O. HORSLEY:

No, we didn't vote.

LEG. MONTANO:

We're recessing before the vote.

D.P.O. HORSLEY:

Recess before the vote.

MR. LAUBE:

Got it.

D.P.O. HORSLEY:

But we have a -- we have a motion to close and it's been seconded.

MR. LAUBE:

And a second.

D.P.O. HORSLEY:

It's pending.

MR. LAUBE:

Thank you for the clarification.

(*THE MEETING WAS RECESSED AT 3:26 P.M. AND RESUMED AT 3:53 P.M. *)

P.O. LINDSAY:

Okay. Madam Clerk, would you call the roll? I think we have almost everybody here. Oh, by the way, Madam Clerk, tomorrow's your birthday.

MS. ORTIZ:

No, it's not

P.O. LINDSAY:

Yes, it is.

MS. ORTIZ:

No.

P.O. LINDSAY:

Yes, it is.

MS. ORTIZ:

It's Saturday.

P.O. LINDSAY:

Oh, Saturday. Okay. I won't -- I won't ask how old you're going to be, I know that's a no-no.

MS. ORTIZ:

Twenty-nine.

P.O. LINDSAY:

Twenty-nine, okay.

*(*Laughter*)*

D.P.O. HORSLEY:

Not hard to believe that.

P.O. LINDSAY:

Go ahead, call the roll.

*(*Roll Called by Ms. Ortiz, Chief Deputy Clerk of the Legislature*)*

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

Here.

LEG. MURATORE:

Here.

LEG. HAHN:

Present.

LEG. ANKER:

Here.

LEG. CALARCO:

Here.

LEG. MONTANO:

Here.

LEG. CILMI:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Here.

LEG. GREGORY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. SPENCER:

Here.

D.P.O. HORSLEY:

Here.

P.O. LINDSAY:

Here.

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Okay. Madam Clerk, if you could just review the motion before us. I believe we're dealing with 1174.

MS. ORTIZ:

That's correct, motion to close.

P.O. LINDSAY:

Motion to close. Any other comments? All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

It stands closed. Okay. The next public hearing is *1191 - A Charter Law to establish Suffolk*

County Employment Residency Requirements (County Exec.). Is there anyone in the audience that would like to speak to us on this subject? Seeing none, I'll accept a motion.

LEG. SPENCER:

Motion.

P.O. LINDSAY:

Who made the motion?

LEG. SPENCER:

(Raised his hand).

LEG. D'AMARO:

I'll second.

P.O. LINDSAY:

Motion by Legislator Spencer to close, seconded by Legislator D'Amaro. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Is that -- okay. Okay. That concludes the public hearings for today and --

LEG. SCHNEIDERMAN:

Can I just ask a technical question of George?

P.O. LINDSAY:

You've got to use a microphone, Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Just a technical question for George. If a bill like that last one gets modified, do we have to reopen the public hearing?

MR. NOLAN:

Only if it's a substantial change.

LEG. SCHNEIDERMAN:

Okay. Thank you.

P.O. LINDSAY:

Okay. I'm going to make a motion to set the date for the following public hearings of March 13th, 2012, 2:30 p.m., Maxine Postal Auditorium, Riverhead, New York:

I.R. 1059 - A Local Law expanding the County's Farmland Development Rights Acquisition Program to include Commercial Equine Operations (Calarco).

I.R. 1065 - A Charter Law to provide for fair and equitable distribution of Public Safety Sales and Compensating Use Tax Revenues (Schneiderman).

I.R. 1069 - A Local Law to establish the Gabreski Airport Conservation and Assessment Committee

(Schneiderman).

I.R. 1074 - A Charter Law to ensure funding for sewer infrastructure improvements (Horsley).

I.R. 1105 - A Charter Law amending Resolution No. 1130-2011 to expand the "Contractors Wall of Shame" to include all professions licensed by Suffolk County (Spencer).

I need a second to that.

LEG. ROMAINE:

Second

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Okay. We're going to go to the overrides. First up is *I.R. 914 - A Local Law to address improved properties and increase affordable housing in Suffolk County (Browning)*.

LEG. BROWNING:

Motion to override.

P.O. LINDSAY:

Motion by Legislator Browning to override. Do I have a second? I'll second it. All in favor? Opposed? Abstentions?

LEG. MONTANO:

I'll oppose it.

MS. ORTIZ:

Who's opposing?

LEG. MONTANO:

I am.

MS. ORTIZ:

Seventeen.

P.O. LINDSAY:

Okay. Next up is *1110 - A Local Law to increase application fees to the Suffolk County Planning Commission (Presiding Officer)*. Consistent with the budget, I will make a motion to override.

D.P.O. HORSLEY:

Second.

LEG. D'AMARO:

Bill.

P.O. LINDSAY:

Second by Legislator Horsley. And on the question, Legislator D'Amaro.

LEG. D'AMARO:

I don't know if I misplaced them, but I don't have copies of these overrides, the vetoed resolutions. Are we voting --

MS. ORTIZ:

They should be in your folder.

MR. NOLAN:

Manilla folder.

MS. ORTIZ:

They should be in your folder.

P.O. LINDSAY:

Okay. Now he needs it.

LEG. D'AMARO:

I just looked through the whole folder and I don't have them. I don't know what I'm voting on.

P.O. LINDSAY:

Does anybody else not have them?

LEG. D'AMARO:

All right. My apologies, I have them.

P.O. LINDSAY:

You do have them, okay. Okay. I read it. Looking -- we have a motion and a second. Is there any discussion about the increase in application fees veto? Seeing none, all in favor? Opposed? Abstentions?

(*OPPOSED SAID IN UNISON BY LEGS. ROMAINE, MURATORE, CILMI, BARRAGA AND D'AMARO*)

MS. ORTIZ:

Thirteen.

P.O. LINDSAY:

Next up is **1119 - A Local Law to increase Medical Examiner fees (Presiding Officer Lindsay)**. Consistent with the budget, I will make a motion to override.

D.P.O. HORSLEY:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1222 - A Local Law to increase tax map verification fees (Presiding Officer Lindsay).
Consistent with the budget, I'll make a motion to override.

D.P.O. HORSLEY:
Second.

P.O. LINDSAY:
Second by Legislator Horsley. On the question? All in favor? Opposed? Abstentions?

MS. ORTIZ:
Eighteen.

P.O. LINDSAY:
J.R. 1223 - A Local Law to increase certain subscription service fees in Real Property Tax Service Agency (Presiding Officer Lindsay). Consistent with the budget, I'll make a motion to override.

D.P.O. HORSLEY:
Second.

P.O. LINDSAY:
Second by Legislator Horsley. On the question? All in favor? Opposed? Abstentions?

LEG. ROMAINE:
Opposed.

MS. ORTIZ:
Seventeen.

P.O. LINDSAY:
1224 - A Local Law to authorize advertising in the County tax map album and set advertising rates (Presiding Officer Lindsay). I'll make a motion. Consistent with the budget, I'll make a motion to override; seconded by Legislator Horsley. On the question? All in favor? Opposed? Abstentions?

MS. ORTIZ:
Eighteen.

P.O. LINDSAY:
Okay. ***1225 - A Charter Law consolidating functions within the Department of Planning (Presiding Officer Lindsay).*** And I will not make a motion to override. Is there any motions? Seeing none, the bill stands. The override stands.

LEG. D'AMARO:
The veto stands

P.O. LINDSAY:
The veto stands. Thank you. Okay. This is one that I'm being told was handed out separately, it's ***991.*** I'll give you a chance to find it. It's ***adopting a Local Law authorizing the sale of the County's ownership interest in the Residual Trust established under the declaration and agreement of trust by and between the Wilmington Trust Company and the Suffolk Tobacco Asset Securitization Corporation (Presiding Officer Lindsay).*** It's a veto.

MS. ORTIZ:

It should be at the very back of the --

P.O. LINDSAY:

Everybody have it?

LEG. ROMAINE:

Yep.

P.O. LINDSAY:

Okay.

LEG. SCHNEIDERMAN:

Motion to override.

P.O. LINDSAY:

Did you make a motion to override Legislator Schneiderman?

LEG. SCHNEIDERMAN:

(Nodded in the affirmative).

LEG. GREGORY:

Second

P.O. LINDSAY:

Second by Legislator Gregory. Is there any discussion? Yes, it's consistent with the budget that we passed. And if we didn't pass it -- if we didn't go forward with this, it would create another 30 million dollar in hole in the budget? Yeah.

MR. LIPP:

Twenty million.

P.O. LINDSAY:

Who said that?

MR. LIPP:

I did. Twenty million for 2012.

P.O. LINDSAY:

And?

MR. LIPP:

And an additional 10 million next year.

P.O. LINDSAY:

Wow, Robert. Twenty and 10 is 30.

*(*Laughter*)*

MR. LIPP:

Yeah, but the point is, for this year's budget, that would be the hole.

P.O. LINDSAY:

Yeah, see, I might be -- you know, maybe you'll hire me.

(*Laughter*)

MR. LIPP:

How much is 20 plus 10?

P.O. LINDSAY:

Okay. We have a motion to override and a second. Is there any discussion? All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Okay. That concludes the overrides. We have a couple of Procedural Motions. ***Procedural Motion No. 2 of 2012 - Designating Veterans Organizations to receive funding for Memorial Day observances for 2012 (Stern)***. Motion by Legislator Stern, second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

D.P.O. HORSLEY:

Cosponsor.

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Okay. ***Procedural Motion No. 3 - Approving partial settlement of the AWP Litigation (Presiding Officer)***. And this is part of the pharmaceutical lawsuit. We're getting some money. Somebody want to make a motion?

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine.

LEG. MURATORE:

Second.

P.O. LINDSAY:

Second by Legislator Muratore. Take the money. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Procedural Motion No. 4 - Authorizing a public hearing for approval of freight ferry license for Roncalli Freight Company, doing business as Coastline Freight (Presiding Officer). This is authorizing -- just public hearing. I'll make a motion.

LEG. HAHN:

Second

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Okay. Then we got *Home Rule No. 3 - Requesting the State of New York to adopt an act to amend the Suffolk County Tax Act in relation to giving the County Treasurer discretion to exempt penalties on late real property tax payments (Schneiderman)*. I will make a motion.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Second by Legislator Schneiderman. Questions?

LEG. D'AMARO:

Bill.

P.O. LINDSAY:

Who had a question? I'm sorry, Legislator D'Amaro.

LEG. MONTANO:

You could put me on the list.

LEG. D'AMARO:

Yeah. I understand that this is a Home Rule Message so there must be legislation -- oh, here it is -- pending in Albany, but -- and it sounds, you know, on the face of it like something that we should be doing, giving somebody discretion somewhere to listen to a hardship case, but I don't really know much more about it, you know, what are the standards, who gets the discretion, when can it be exercised, things like that.

P.O. LINDSAY:

How about --

LEG. D'AMARO:

So, short of having an opportunity to have an explanation, I can't -- I feel like I can't vote on this at this time.

P.O. LINDSAY:

I think that Counsel could maybe help, if you will allow him to.

LEG. D'AMARO:

Great. I appreciate that, yes.

MR. NOLAN:

Yeah. The bill should be attached, but it really doesn't answer all the -- any of those questions. The State legislation basically says the County Treasurer, in his or her sole discretion, may waive penalties and interest on late payment of taxes. It doesn't set forth any standards or time frame, or

anything like that. It's --

LEG. D'AMARO:

Yeah. You know, I question it because I know we had procedures and we've had these debates in the past about waiving the redemption at a late period along in the process, and this Legislature has that discretion, it's not necessarily the Treasurer or anyone else. And, you know, I'm at a loss as to why -- the Treasurer is more of an administrative type of stewardship of the County finances and cash and cash flow, and I'm just questioning, you know, if that discretion is proper to lie with the Treasurer as opposed to a Legislature like this.

P.O. LINDSAY:

Well, the only thing that I can say, and not so much in defense of the bill because I'm not familiar with it, but it's true, that we have some very narrow, narrow ability to waive some of these fines and fees. And over the years, I know in my tenure here, it's been a very frustrating process for me, because in all my years here, I've never been able to waive anything. Any time I ask, "No, you can't waive," you know, "That's not your discretion." And I would love for my colleague to bail me out on this, Legislator Nowick, who is a former tax collector that could --

LEG. NOWICK:

Legislator D'Amaro, this is something that I think we should have been doing a long time ago. But I do agree, that I don't believe it should be in the sole discretion of the County Treasurer. First of all, I think it puts almost too much of a burden on her. But right now, there are practically -- there are practically no reasons why somebody can have these penalties waived, and the penalties are so severe, between the 5% and the 1% every month, that anybody that misses, misses their tax bill by one day -- and believe me, an excuse can be made and these have happened, I've been in the Tax Receiver's Office. I've had people come into me, "My mother passed away and I was flying to Florida and I forgot." Forget that. There are no really good -- there are no excuses. Every once in a while, once we passed one, I remember Legislator Barraga had something and we passed, but I don't ever remember any in the last ten years other than that. You can't get them, and people -- people sometimes that can't pay their bill, or for some reason, get so deep in debt with this 11% on June -- what is it, June 1st, 11%, that they can't pay it. I think the County would -- maybe it's not the way to go, giving it sole discretion to the County Treasurer.

P.O. LINDSAY:

Yeah.

LEG. NOWICK:

It's probably not going to pass anyway, but maybe it's a start.

P.O. LINDSAY:

I agree with the concept.

LEG. NOWICK:

Yeah, I agree.

P.O. LINDSAY:

But I agree with Legislator D'Amaro, that this body should have the power to do that.

LEG. NOWICK:

And what I think it should be is that the law itself needs to be rewritten with a few more caveats, because if you don't pay your mortgage, you have 15 days, they don't kill you until the 15th of the month. American Express, you don't pay the bill, you don't get hit by 11%. So I think -- I think that the Tax Act itself should be changed. This is probably not the way to go. It will probably never

get passed, but maybe it's a start to be recognized that there is a problem.

P.O. LINDSAY:

So are you --

LEG. NOWICK:

I'm going to vote for it just because I think I'd like to bring attention to the fact that this is -- this is really over the top, these penalties.

P.O. LINDSAY:

Well, you know, in reality, I mean, I don't think it makes much difference what we do with this, because it's a one-house bill.

LEG. BARRAGA:

One-house bill.

LEG. NOWICK:

Yeah. That's what I said, it's not going to -- no. I just can't say no to it, because I think the penalties are so severe as it stands.

P.O. LINDSAY:

Legislator Spencer.

LEG. SPENCER:

My concern is that how do we prevent this from opening up the floodgates if you have a subjective measure to this, whether or not we put that burden on ourselves or the Treasurer, that anyone that's subject to these penalties all of a sudden will be bringing those cases, whereas -- you know, I'm just concerned. If there's no parameters and it's subjective, how do we handle that?

P.O. LINDSAY:

Good point. Legislator Nowick?

LEG. NOWICK:

I think that -- I think with a bill well written, some of those parameters could be dealt with, very clearly written. And as Receiver, I know that most of the time when people don't pay and come up with a reason, they're not lying about the reason. And if they were, you know what, they'd try it again in two years and you'd get the picture. So I think that a well written new law could help and I think that could be done.

LEG. D'AMARO:

Bill.

P.O. LINDSAY:

Legislator D'Amaro.

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

LEG. D'AMARO:

Yeah, and I think Legislator Nowick and Legislator Spencer are both right, I think we have a need for it. I think a well-written bill would solve the problem. I'm concerned about opening up floodgates with unfettered discretion. You know, we don't even know today what the standards are to even consider waiving and, you know, is it going to open up floodgates? We don't even know that

because we don't know what the standards are. I would recommend -- I don't know if we could table this for a cycle just so we can get more information as to what we're voting for, or commit it to committee; I don't know if that's something that we can do. It's a procedural.

P.O. LINDSAY:

I --

LEG. NOWICK:

No, it's not.

LEG. D'AMARO:

Oh, it's a Home Rule, it's a Home Rule Message.

LEG. MONTANO:

Send it to committee.

LEG. D'AMARO:

But I wouldn't vote for this today because I just don't know what the fiscal impact's going to be, what are the standards that are going to be applied, who really should have the discretion. I think we need to think that through a little bit. How would you make your case? I mean, these are all valid considerations that we have in other areas where we do waive hardship -- issue a waiver in hardship cases, but we don't really know what the case is here.

P.O. LINDSAY:

So you're making a motion to commit?

LEG. D'AMARO:

I will, yes. Thank you.

LEG. MONTANO:

I'll second it.

P.O. LINDSAY:

Second by Legislator Montano. Any other discussion on this? Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Yeah. I mean, I don't think it's a terrible hurry on this. We can certainly -- this came to me through my Assembly representative. There is a bill in the Assembly. There is no Senate bill, as far as I know, and this probably faces an uphill battle even in the Assembly, but I do think it's a good idea.

I don't know if it's a good to have every one of these come before this body. I think you have an elected representative who is your Treasurer, that person should be given some discretion in cases of hardship to be able to waive these penalties. So I think it's the right direction. Maybe it could be tweaked a little bit, there's not a lot of direction within the current bill. I'll talk to Assemblyman Thiele in this case and see if he might be willing to modify his bill a little bit to state some criteria. I don't think it's a good idea to bring each one of them back to us and debate whether somebody has an adequate hardship; I think that would be a mistake.

P.O. LINDSAY:

But that's the way it used to be.

LEG. SCHNEIDERMAN:

Do you want that? You want to spend our time debating whether, you know, somebody's situation

is extreme enough to grant them, you know, relief from a thousand dollar penalty? It just seems to me we have better things to do right now.

LEG. NOWICK:

That's not the way it works.

LEG. D'AMARO:

Can I answer that? That's why you need standards.

LEG. NOWICK:

That's right.

LEG. D'AMARO:

Because when we have the waiver procedure for redemption, they're very narrowly-drawn standards, and then it's also vetted by the Legislator who represents the person seeking the waiver.

LEG. SCHNEIDERMAN:

Like a medical condition or something like that.

LEG. D'AMARO:

Correct. And I think we -- I can't even tell you sitting here if that's what this bill proposes because I don't know what this bill proposes; that's my point.

LEG. SCHNEIDERMAN:

All right. So procedurally, if you want to send it back to committee or table it, can we keep it on the floor, just table to the next meeting?

LEG. MONTANO:

No.

P.O. LINDSAY:

I think the motion was to commit it to committee.

LEG. MONTANO:

It has a second.

LEG. SCHNEIDERMAN:

That's the motion?

LEG. MONTANO:

Yeah, that's the motion.

LEG. SCHNEIDERMAN:

Which committee are we sending it to?

P.O. LINDSAY:

Probably Ways & Means.

LEG. SCHNEIDERMAN:

I'd prefer it stay on the floor.

*(*Laughter*)*

Give me one cycle to talk to the Assemblyman.

P.O. LINDSAY:

Okay, then you have to make a motion to table.

LEG. SCHNEIDERMAN:

I'll make a motion to table it for one cycle.

P.O. LINDSAY:

Is there a second to the tabling?

LEG. BROWNING:

I'll second it.

P.O. LINDSAY:

Okay. Legislator Stern, I'm sorry.

LEG. STERN:

Yeah. It's actually a little bit more disconcerting than that. I mean, it would be one thing entirely if the discretion was placed within the Treasurer's Office and he or she had the discretion to waive the fee. There are no standards and so that concerns all of us. But if you read the legislation, it's actually -- it's not even that good. Because here it says that a penalty "may be imposed", it's actually the other way around. It essentially is saying here there's no penalties for anybody, but the Treasurer does have the discretion to impose a penalty.

LEG. D'AMARO:

It does?

LEG. STERN:

Yeah, right here. And that -- this is the whole bill right here.

LEG. D'AMARO:

That's it?

LEG. STERN:

This is what was placed before us anyway. So that does not work.

LEG. MONTANO:

*(*Laughter*)*. It's not much of a bill, I'll tell you that.

LEG. STERN:

So I will support the tabling motion.

LEG. SCHNEIDERMAN:

Is that not what's existing?

LEG. STERN:

I'm sorry?

LEG. SCHNEIDERMAN:

Is that not what's existing and they're adding the discretion to waive that penalty?

LEG. STERN:

This is what it is.

LEG. D'AMARO:

Yeah, you are right.

LEG. SCHNEIDERMAN:

They're taking the "shall" and they're adding "may".

LEG. STERN:

It's a paragraph and that's it, and essentially it takes -- it changes a "shall" to a "may" which, again, would give the County -- the County Treasurer the discretion to perhaps impose a tax based on their own discretion, which I think we would all agree is not acceptable.

P.O. LINDSAY:

There's too much power in one person's hands.

LEG. D'AMARO:

This basically wipes out the penalty provision.

D.P.O. HORSLEY:

Yeah.

LEG. SCHNEIDERMAN:

All right. Let me talk to my Assemblyman and we'll see if we can get the bill modified.

LEG. MONTANO:

Also, you need a -- if I may, Bill?

LEG. ROMAINE:

A tax bill burn party.

P.O. LINDSAY:

Legislator Romaine, I would love to hear from you with your years of experience at this.

LEG. ROMAINE:

As always, Presiding Officer, this is an issue I agree with you on in its entirety.

*(*Laughter*)*

I believe that this body has the probity and the judicial will to make decisions on these matters. I think it would behoove us to ask someone in the majority in the Assembly and the Senate to draft a bill to give us that discretion which we will exercise very carefully. Again, as always, Mr. Presiding Officer, you've hit the mark.

*(*Laughter*)*

P.O. LINDSAY:

What a love-fest, huh?

*(*Laughter*)*

Does anybody else want to commit? Want to comment? Okay.

LEG. MONTANO:

We have two motions.

MS. ORTIZ:

We have three motions.

P.O. LINDSAY:

No, we have three motions.

LEG. MONTANO:

What's the third one?

P.O. LINDSAY:

What is the motions we have before us?

MS. ORTIZ:

We have a motion to approve, a motion to send to committee and a motion to table.

LEG. SCHNEIDERMAN:

I'm just going to withdraw it.

LEG. ROMAINE:

Yeah, that's easier.

LEG. SCHNEIDERMAN:

I'm going to withdraw it and I'll come back with a new one.

MR. NOLAN:

He's withdrawing the resolution.

D.P.O. HORSLEY:

Withdrawn; that's another one.

LEG. SCHNEIDERMAN:

The resolution's withdrawn.

P.O. LINDSAY:

Oh, withdrawn.

LEG. MONTANO:

The whole resolution?

P.O. LINDSAY:

The whole resolution.

LEG. SCHNEIDERMAN:

Is withdrawn.

P.O. LINDSAY:

That a boy.

(*Laughter*)

LEG. SCHNEIDERMAN:

You'll see it next month.

P.O. LINDSAY:

Okay. We have a *Home Rule Message (No. 4-2012) requesting the State of New York to amend the Tax Law in relation to requiring Revenue Distribution Agreement for equitable allocation within the County of Suffolk for public safety purposes of sales and compensating use tax (Senate Bill S.2638 and Assembly Bill A.3735) (Schneiderman)*. Oh, my God. Motion by Legislator --

MS. ORTIZ:

I'm sorry. Is that Home Rule 4?

P.O. LINDSAY:

-- Schneiderman.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Who seconded?

LEG. ROMAINE:

I did; I have to.

P.O. LINDSAY:

I know that. Just so everybody --

LEG. SCHNEIDERMAN:

It sounds like a companion.

P.O. LINDSAY:

-- understands that if this was to pass, the State would mandate that the sales tax revenue would have to be distributed equally by population, right?

LEG. SCHNEIDERMAN:

For public safety.

P.O. LINDSAY:

For public safety, which takes away the total discretion of this body and creates another \$5 million hole in our budget.

D.P.O. HORSLEY:

Is that all?

LEG. CALARCO:

Motion to commit.

MR. NOLAN:

Calarco makes a motion to commit.

P.O. LINDSAY:

We have a motion to commit.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro.

LEG. SCHNEIDERMAN:

On the motion.

P.O. LINDSAY:

On the motion; yes, Legislator Schneiderman.

LEG. SCHNEIDERMAN:

When New York State gave us the ability to charge the additional sales tax, it probably should have done this right from the start and not let this money be played with.

P.O. LINDSAY:

But did they?

LEG. SCHNEIDERMAN:

This requires that if you're going to use the money in the Police District, you have to have fair sharing of the sales tax money outside the Police District. It's not just an eastern Suffolk thing, there are lots of villages that require -- that have their own Police Departments outside such as Amityville, Northport and Asharoken, lots of areas.

So this is just a -- requires fairness with the distribution and the money and it gets it off of our plate. It allows Albany to debate the bill. Whether they'll pass it, I don't know, but it would be great to have it done at the State level. I've said that for years it should be done at the State level and if you pass a Home Rule Message, you allow the State to wrestle with this issue. And I think it's an issue of fundamental fairness and we should allow it to move forward at the State level.

P.O. LINDSAY:

Okay. Any other comments? The commit resolution has priority. All in favor of committing this Home Rule Message to committee?

LEG. SCHNEIDERMAN:

Opposed.

P.O. LINDSAY:

Opposed?

LEG. ROMAINE:

Opposed.

LEG. GREGORY:

Opposed.

P.O. LINDSAY:

Abstentions?

P.O. LINDSAY:

We've got two opposed. Three opposed.

MS. ORTIZ:

Fifteen.

P.O. LINDSAY:

Okay, it's committed.

Okay, we have the red file. Okay, in the red file we have **Certificates of Necessity:**

First up is **1154-12 - Delegating authority to refund certain erroneous tax payments to the Suffolk County Treasurer (County Executive).**

LEG. NOWICK:

This sounds familiar.

P.O. LINDSAY:

Mr. Zwirn, are you capable of -- thank you.

MR. ZWIRN:

Mr. Presiding officer, this bill is sort of pro forma, we've done this -- we do this every year; last year we did it at the March meeting, this year it's February. It gives the Treasurer the ability to refund small amounts of tax refunds, I think it limits it to twenty-five hundred dollars.

P.O. LINDSAY:

Okay. I'll make a motion.

D.P.O. HORSLEY:

Second.

P.O. LINDSAY:

Second by Legislator Horsley. Any questions?

LEG. D'AMARO:

Just on the motion, Mr. Presiding Officer. Ben, so it's not really a discretionary authority, it's just if there was an error and an investigation shows there was an error.

MR. ZWIRN:

That's correct.

LEG. D'AMARO:

Okay. Thank you.

P.O. LINDSAY:

Question, Legislator Montano.

LEG. MONTANO:

Ben, it has -- we're talking about erroneous payments. It has a limit of twenty-five hundred. What's the procedure if the refund exceeds twenty-five hundred?

MR. ZWIRN:

It would be a much more formal procedure, she could do that right in the office. I presume it would have to go back --

LEG. MONTANO:

But it doesn't come to us.

MR. ZWIRN:

Well, sometimes they do come back to the Legislature and we do that as technical corrections. They do come back, you'll see it when it comes back from the town, where there's a mistake, we bring it back to the Leg.

LEG. MONTANO:

We don't get a lot of those, do we?

MR. ZWIRN:

No.

LEG. MONTANO:

No. Okay.

P.O. LINDSAY:

We had a big one from Brookhaven last year.

LEG. MONTANO:

Yeah.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1179-12 - Amending the 2012 Operating Budget and restoring certain positions in the Department of Public Works (County Executive).

I'll make a motion to do this.

LEG. CALARCO:

Second.

P.O. LINDSAY:

Legislator Calarco seconded. Ben? I believe I asked the County Executive for --

MR. ZWIRN:

Yes.

P.O. LINDSAY:

-- this resolution.

MR. ZWIRN:

That's correct, Mr. Presiding Officer. And Gil Anderson, the Commissioner of Public Works, spoke this morning, I believe he explained to the Legislature at that time. They're just -- there were

positions that some employees are leaving the County and there were positions there that they thought were critical to Public Works, so they were going to use that money that had been budgeted just to save these positions.

P.O. LINDSAY:

And it's revenue neutral, or pretty close to it, right?

MR. ZWIRN:

Within a thousand dollars.

P.O. LINDSAY:

Okay. Okay, I'll -- I made the motion already, Madam Clerk?

MS. ORTIZ:

Yes, sir.

P.O. LINDSAY:

And I have a second from Legislator Horsley?

MS. ORTIZ:

Calarco.

P.O. LINDSAY:

Calarco, I'm sorry. Any other questions? All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Amending -- okay, we've got *1180-12 - Amending the 2012 Operating Budget in connection with one (1) position in the Department of Planning/Community Development Division (County Executive)*.

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine. Do I have a second? Second by Legislator Spencer. And Ben, this is to restore one Neighborhood Aide in Planning, right?

MR. ZWIRN:

In the CDA, Community Development Agency.

P.O. LINDSAY:

Okay.

MR. ZWIRN:

It's a bilingual individual and there's grant money that can save that position, so we're going to use it

P.O. LINDSAY:

And this is another one, in our exuberance, that we cut out, we probably shouldn't have.

MR. ZWIRN:

Well, they found -- no, I don't think so. I think money was found during the -- after the budget was adopted so that this position can be saved.

P.O. LINDSAY:

Okay. That's great. Every job we can save, we're happy to do it.

MR. ZWIRN:

Absolutely.

P.O. LINDSAY:

All right, we have a motion and a second. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1181-12 - Accepting and appropriating a grant in the amount of \$6,000 from the New York State Division of Criminal Justice Services for the Motor Vehicle Theft and Insurance Fraud Prevention Program (MVT/IFP) (County Executive). Legislator Calarco, would you like to sponsor that?

LEG. CALARCO:

Yes.

P.O. LINDSAY:

Make the motion.

LEG. CALARCO:

Motion.

P.O. LINDSAY:

Motion by Legislator Calarco. Do I have a second?

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1182-12 - Amending the 2012 Operating Budget in connection with a position in the Labor Department (County Executive).

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Second by Legislator Kennedy. And Ben?

MR. ZWIRN:

I'm sorry. Yes, sir?

P.O. LINDSAY:

This is additional restoration besides the one we've already made, the nine we already made?

MR. ZWIRN:

Yes.

P.O. LINDSAY:

Yes, okay. And this is -- again, we found some Federal money?

MR. ZWIRN:

Yes. And Commissioner Chu is here if you have any questions; he came back because this was important to him. They found this additional funding to save a couple of spots.

P.O. LINDSAY:

We would love to hear from Commissioner Chu.

COMMISSIONER CHU:

We are recipients of roughly \$7 million of Workforce Investment Act Funding. These are positions that will be covered by that funding. We recently found we were -- there was a slight increase in those fundings, and also as part of this we would be eliminating a funded yet vacant Assistant Deputy Commissioner position. So we certainly think it's a better use of funds to keep the rank and file workers. As you know, we have seen an increase in the level of service that needs to be provided over the last several years, the increase in the unemployment rolls, so this would be a great benefit and it is completely funded by Workforce Investment Act Funds.

P.O. LINDSAY:

Wonderful. Thank you very much. Any questions? Okay, we have a motion and a second. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Next up is *1188-12 - Amending the 2012 Operating Budget in connection with positions in the Sheriff's Office (County Executive)*.

LEG. ROMAINE:

Motion.

LEG. BROWNING:

Second.

P.O. LINDSAY:

Okay, we have a motion by Legislator Romaine, a second by Legislator Browning. Ben, are you

going to --

MR. ZWIRN:

No, Chief Sharkey is here from the Sheriff's Office.

P.O. LINDSAY:

Okay.

MR. ZWIRN:

He'll answer your questions on this one.

P.O. LINDSAY:

Okay. Go ahead, Chief. Maybe just explain what we're doing here.

CHIEF SHARKEY:

In this case, there's a restoration of five full-time positions and two part-time positions for a total of six full-time equivalents.

The salaries are offset by a reduction in a 107 account of an equal amount, so there'll be no fiscal impact involved. However --

P.O. LINDSAY:

What is the 107 account?

CHIEF SHARKEY:

It is contractual payments to employees; it includes stand-by pay, several bonuses that are due to employees. It's an account that's within the Sheriff's ability to manage.

P.O. LINDSAY:

Okay. Is that account -- are you portraying that it's over-funded?

CHIEF SHARKEY:

Portraying -- the amount that's taken out of that fund represents approximately 18%. The Sheriff is confident that due to the current economic conditions, he can manage that fund and cut the expenses to cover these positions.

P.O. LINDSAY:

Okay. But we're not -- the nine positions, or what is it, seven positions?

CHIEF SHARKEY:

Six full-time equivalents.

P.O. LINDSAY:

Six full-time equivalents. We're not substituting other people for those six, it's just -- and again, I used probably the wrong term, but there's an over-funding in this 107 account that the Sheriff thinks is properly funded if we fund these positions.

CHIEF SHARKEY:

Yes. And I would just like to point out that the positions that are addressed in this resolution, in reality, if they are abolished, would actually cost the County money. I'll give you some examples.

The Public Safety Dispatcher is a position that would have to be filled on overtime, actually the net

result of the layoff would be an additional over \$20,000 in overtime to the County.

By way of example, in the Neighborhood Aides, their function is as bail expeditors, were they to reduce the population of the jail by even one inmate per day, with our outside jail costs, that equates to about \$46,000 per year.

The Auto Mechanic is actually a workforce multiplier; when they work, they enable us to use inmates as free labor to maintain the County fleet. And the Assistant Jail Head Cook also would have to be replaced on overtime as we're mandated to have meals ready for the inmates.

P.O. LINDSAY:

Forgive me, and it's not that I'm trying to give you a hard time about this or anything. But by taking the money from 107, it's really a one-shot. How do you intend on replicating to keep this neutral next year?

CHIEF SHARKEY:

We're going to have to address that in the budget process during this year when we submit our operating budget and look where else we can find funding for next year.

P.O. LINDSAY:

Okay. And when we did the budget, and I'm going to lean on Legislator Kennedy with his vivid memory.

*(*Laughter*)*

We dealt with a lot of departments when we looked at the budget. If I recall, the original budget given to us by the Executive had sworn officers in the Sheriff's Department --

LEG. KENNEDY:

Yes.

P.O. LINDSAY:

-- being eliminated, and that's the one thing that we didn't want to reduce our sworn anywheres in the County. And I believe there were some discussions with the Sheriff about what are we going to do here and was there any offsets. And maybe -- you know, I could be wrong, but I thought some of these positions were given to us by the Sheriff's Department. Legislator Kennedy, maybe you could add to that.

LEG. KENNEDY:

We did have a lot of discussion. I was not the Legislator that had the direct conversation with the Sheriff, but I do remember that it was very clear that Sheriff DeMarco, nor none of us wanted to see Deputy Sheriffs that were pulled out very clearly in the recommended budget, I believe it was six that were identified in there. We also had some discussion about commissary funds or something that --

P.O. LINDSAY:

We did that.

LEG. KENNEDY:

Yeah, we -- that one got put in, that made up some of the slack, right?

P.O. LINDSAY:

No, it had nothing to do with the layoffs. It gave us another -- filled in another huge hole.

LEG. KENNEDY:

Oh. Someone -- who dealt with the Sheriff? Who had a conversation with the Sheriff? Somebody dealt with the Sheriff directly and there were a couple of items that he gave us --

P.O. LINDSAY:

You don't have any knowledge of that?

CHIEF SHARKEY:

I will say that there were certain positions that were discussed; these were not among them. And these are not all of the positions we are impacted on, there are others that are still going to be lost.

P.O. LINDSAY:

Do you know how many others you're losing out there?

CHIEF SHARKEY:

Without this in this January -- I'm sorry, in the February -- after the February date, we would have eight demotions and ten layoffs without this.

P.O. LINDSAY:

Okay, without this. So this is restoring six of the eight?

CHIEF SHARKEY:

This would restore six of the ten. We'd still have the --

P.O. LINDSAY:

Of the ten, so you still have four. Okay. Yes, Legislator Romaine.

LEG. ROMAINE:

A quick question about one of the layoffs. I believe it's in the Bureau of Identification. Is it Criminal Identification? What do you call the bureau in the Sheriff's Department that processes prisoners and takes them in?

CHIEF SHARKEY:

It's a Criminal ID Tech.

LEG. ROMAINE:

A Criminal ID Tech. I believe there was a layoff at the very top of the department for someone that had been positioned there and they had bounced all the way down and there was one guy at the end; is he still being laid off?

CHIEF SHARKEY:

He is still impacted, yes.

LEG. ROMAINE:

Okay. How is that going to factor in to the opening of the Yaphank jail? Are you going to need more people in that section when you open the Yaphank jail? And I assume it would be some time this year, maybe later this year, maybe in the fall, but at some point this year I assume Yaphank will be opening; correct me if I'm wrong.

CHIEF SHARKEY:

At some point in this year Yaphank will be opening, yes.

LEG. ROMAINE:

Right. How is that going to effect the opening of the Yaphank jail in that section? Do you have enough techs? Do you have enough people in that field to do the work, or will you have to rely on overtime?

CHIEF SHARKEY:

I would -- we will get the job done, number one, first and foremost, and the Criminal ID Techs that we have are professionals and will get the job done. At this point, I can't say exactly how much we'd have to rely on overtime, but it's likely we'd have to rely on some overtime.

LEG. ROMAINE:

I know I'm putting you on the spot, sir, and I don't intend to do that, but I do intend to raise this question. So what I would ask, Mr. Sharkey, if you would go back to the Sheriff's Office and do a calculation in that unit, in the Criminal Identification Section and determine if there's enough personnel for us to open Yaphank, and whether we meet any -- if there's any State mandates that we would not meet. And if we were to open Yaphank and if we don't restaff, what type of overtime would we experience.

Now, if you could have that in two or three weeks, that information, because I understand it might take some time to put together, I certainly would appreciate that. Because I think that we should be cognisant of the decisions that we make, because if we're just simply going to say, "Okay, we're going to cut back on staff to save the budget," but the type of functions the Sheriff's Office does is mandated and we run off overtime and the overtime exceeds what we would have spent in staff, we look pretty foolish at the end of the year.

And I'm looking at this one position, and the reason I'm raising it, you know, I'm a Legislator, but one of my first things is my constituents are owed my best efforts. The gentleman involved is a constituent, so that's why I'd like to know that and would like to know the calculations. But I think my colleagues would, whether their his constituents or not, because it may impact our budget. We may be saying, "Oh, we're cutting these positions and we're saving," but because of the jail, of all places in this County, has such mandated requirements, we may be spending more than we could have had we kept the people employed because of the overtime, because overtime is time and a half and holidays is double time.

So if you could do an analysis of that, maybe in the next few weeks and get that to my office, I would be very interested. And if you could share it with the Chairperson of Public Safety, I would greatly appreciate that. Thank you so much.

CHIEF SHARKEY:

I would be happy to take care of that for you.

P.O. LINDSAY:

Chief Sharkey, that's called a softball you were just thrown. Legislator Kennedy, D'Amaro, Spencer, or Spencer, D'Amaro; I think Spencer was first. I'm sorry.

LEG. SPENCER:

Thank you. Mr. Sharkey, I had a question that's very similar with regards to the infirmary, one of the Assistant Physicians that was laid off, a constituent of mine. And my particular concern was that I understand that there's a need a lot of times for independent medical evaluations, where if you have someone that isn't a Workers Comp situation, there's time lost in terms of lost productivity as well as the need where they're waiting to have a disposition. And from at least the analysis that was

brought to me, this Assistant Physician indicated that, one, they were the only ones that were qualified to do these independent medical evaluations, and if that position is terminated that would have to then go out for contract. And two, in terms of productivity hours saved, that the position more than compensated for itself in terms of revenue earned.

Again, that's just the analysis that was presented before me, but I would like some confirmation. Because according to that, it seemed that that position being cut would actually potentially cause a loss of revenue. So if you could take a look at that. And I'm also on Public Safety, and if you could bring that back to us, I would appreciate it.

P.O. LINDSAY:

Chief Sharkey, I don't remember, did we layoff a doctor?

CHIEF SHARKEY:

Yes. Excuse me, yes, one of the positions is a physician.

P.O. LINDSAY:

Okay.

D.P.O. HORSLEY:

Wow.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you. I just want to go back to the aspect of this being a one-shot as opposed to putting back positions that would have some source of funding that's recurring. Looking at the bill, it seems to be saying that the positions pay for themselves. Because if you hire, then the funding that's saved or received by the County is greater than the amount that it cost if we didn't have the positions; is that the position of the Sheriff's Office?

CHIEF SHARKEY:

Essentially, yes; each of these would cost more to layoff than they are to retain. But the fact of the matter is we had to come up with the salary to pay for them to achieve the savings to begin with.

LEG. D'AMARO:

For this year, that's correct. But I would assume then going into next year that the position would be that don't lay these positions off again because they're actually a positive source of revenue as opposed to a drain on revenue.

CHIEF SHARKEY:

It would be our priority in our budget this year and will be again next year is to retain our positions.

LEG. D'AMARO:

So then the offsets that you're using are coming from the overtime account; is that where the money is coming from for this year?

CHIEF SHARKEY:

Some of it is from the overtime account and some of it is from other contractual obligations.

LEG. D'AMARO:

Okay. But from the overtime account, you can take the funding from there because these positions, in effect, would be providing that service on regular time; is that where it washes out?

CHIEF SHARKEY:

Yes, that's correct.

LEG. D'AMARO:

Okay. Thank you.

LEG. KENNEDY:

Mr. Chair, could I ask just a question of the Chief?

P.O. LINDSAY:

Yes, Legislator Kennedy.

LEG. KENNEDY:

Chief, just one more question. In the fall, as a matter of fact, your predecessor, Chief Otto, came to us and he spoke on behalf of one of your employees, I guess, who looked like he was going to get laid off. I believe it was the Assistant Cook, Mr. Van Went, maybe, or something to that effect?

CHIEF SHARKEY:

John Van Wyck.

LEG. KENNEDY:

Yes. So that is one of the positions here that would be restored or recreated?

CHIEF SHARKEY:

It is.

LEG. KENNEDY:

Okay. He was very ill, I believe. Has he recovered and has now come back?

CHIEF SHARKEY:

The result of the abolishment of Mr. Van Wyck's position was that he would have been demoted to a jail cook and the resulting layoff would have been of a jail cook.

LEG. KENNEDY:

Okay.

CHIEF SHARKEY:

At this point, Mr. Van Wyck has not returned to work. However, even though he hasn't, he will still bump the junior jail cook who will be laid off and that will inhibit our ability to prepare the meals for the inmates.

LEG. KENNEDY:

Again, I think as the Presiding Officer is saying, look, the Sheriff as a separately elected certainly knows what he needs for the operations of not only the existing facilities but the new facilities, and ultimately I think that's what we all, you know, attempted or collaborated to do. He's also cognisant, every one of us knows what we're facing very, very shortly as far as the budget goes. So, you know, I'll support it, I'll leave it to the fact that he's already sharpening his pencil knowing what we're going to have to face coming up in 2013.

P.O. LINDSAY:

Anybody else? I'll just wrap it up and say, Chief Sharkey, I'm going to support this. I'm almost sure some of these positions were given to us by the Sheriff's Office and that's upsetting to me.

All we're trying to prevent here is the Budget Committee made some awfully tough decisions and we're very reluctant to open the door on reconsidering the layoffs, the refunding of contract agencies, all of the things that we did that we're just being haunted by from every angle. So forgive us for the exuberant questioning about the positions, you know.

So with that, we have a motion and a second to approve. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

CHIEF SHARKEY:

Thank you.

P.O. LINDSAY:

1189-12 - Amending the Suffolk County Classification and Salary Plan and the 2012 Operating Budget to fund the Department of Economic Development and Planning (County Executive). Is this eligible?

Is this what came up in the Public Hearing?

MR. NOLAN:

This is separate, this is the budget piece.

P.O. LINDSAY:

Maybe we should do the other piece first.

LEG. ROMAINE:

Yeah, do that first.

MR. ZWIRN:

There's also the Police; you have that one, too? I just want to make sure -- there's so many, I just want to make sure you have that.

P.O. LINDSAY:

All right, I'm just going to ***skip over 1189*** to address that whole budget issue.

So let's go to ***1190-12 - Amending the 2012 Operating Budget in connection with positions in the Police Department (County Executive)***. And this is something, again, that I told the County Executive that we would reconsider; it's the restoration of five permanent positions.

In our over exuberance with the budget, we cut and eliminated the Crime Stoppers, the whole department, and we knew that we had to fix that.

It was a mistake, I admit the mistake, I take the full responsibility for the mistake.

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine.

LEG. CALARCO:

Second.

P.O. LINDSAY:

Second by Legislator Calarco. So after I did my mea culpas, you wouldn't even let me sponsor it; Jesus.

*(*Laughter*)*

But that's okay. That's okay.

LEG. ROMAINE:

The blame is not yours alone.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

LEG. ROMAINE:

Would the Clerk please add me as a cosponsor?

MS. ORTIZ:

Yes, sir.

P.O. LINDSAY:

1192-12 - Authorizing the County Treasurer to accept funds from the Town of Brookhaven to be applied to 2012-2013 Chargebacks incurred by the Town of Riverhead --

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

-- for the 2011-2012 tax year (Romaine).

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Motion and a second. I'm not sure I understand it. Could someone explain it to me?

LEG. ROMAINE:

Yes. I think Ben can, but I will offer a very brief explanation.

MR. ZWIRN:

I was going to suggest that maybe you should go to committee.

*(*Laughter*)*

LEG. ROMAINE:

No, no, no, no, we're over that phase. We're ready to go on this one. We're ready to go on all of

them. In any event -- and we are ready to go on all of them. In any event, what this is in the Hamlet of Shoreham there was a nuclear power plant that's not operating, but on those facilities LIPA put several generators. The consultant for the town looking at the assessment rolls forgot that New York State Law allowed us to impose property taxes against a public benefit municipal corporation such as LIPA and they erroneously exempted that, thus raising the taxes, the school and fire district taxes for those on the Wading River side of Riverhead. This is an attempt to correct an erroneous assessment, which we can do if the taxpayer involved agrees. LIPA -- and let me say something nice about LIPA for a change -- did agree to allow it to be done this way so that this refund can be promulgated to the residents of Riverhead in the Shoreham-Wading River School District and the Wading River Fire District on the Riverhead side.

P.O. LINDSAY:

Okay.

MR. NOLAN:

I would just say this was requested by the County Treasurer and by the Towns of Brookhaven and Riverhead.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Okay. And madam Clerk, we have a motion?

MS. ORTIZ:

Yes, sir.

P.O. LINDSAY:

And a second?

MS. ORTIZ:

Yes, sir.

P.O. LINDSAY:

Anybody else on the question? All in favor?

LEG. ROMAINE:

I just want to thank the County Executive for bringing this forward on a CN and I look forward to working with him on this.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1193-12 - To readjust, compromise, and grant refunds and charge-backs on real property correction of errors by: County Legislature (Control No. 882-2012) (County Executive).

MR. NOLAN:

It's related to the prior resolution, it's technical.

P.O. LINDSAY:

Okay. Counsel is telling me it's related to the prior resolution and it's really a technical correction. Would it be all right if we do same motion, same second, same vote?

LEG. KENNEDY:

Sure.

P.O. LINDSAY:

Okay.

MS. ORTIZ:

Eighteen.

MR. NOLAN:

We're waiting for the other two CN's.

P.O. LINDSAY:

I'm going to call a very, very brief recess because we're waiting for copies of corrected CN's. All right?

LEG. MONTANO:

Is that all we have left, Bill?

P.O. LINDSAY:

That's all we have left. Oh, wait a minute, I could go through -- could I go through this here? Never mind, I won't call for it.

Late Starters:

MR. NOLAN:

Motion to waive the rules.

P.O. LINDSAY:

Motion to waive the rules and lay the following resolutions on the table:

1172 is assigned to Health; 1175, Economic Development & Energy; 1176, Parks & Rec; 1177, Ways & Means; 1178 to Public Works & Transportation; 1185 to EPA.

MR. NOLAN:

And setting the Public Hearing for the next General Meeting.

P.O. LINDSAY:

For 1185?

MR. NOLAN:

It's a Local Law, yeah.

P.O. LINDSAY:

Okay. And set the Public Hearing for --

MR. NOLAN:

The March General Meeting, March 13th.

P.O. LINDSAY:

March 13th at the Riverhead Center, right?

MR. NOLAN:

Yes.

P.O. LINDSAY:

Okay, at 2:30; 1186 to Ways & Means; 1187 to Public Safety; 1194 to Parks; 1195 to Ways & Means and set the Public Hearing for March 13th, 2:30 PM at the Riverhead Center.

MR. NOLAN:

Same with the next one.

P.O. LINDSAY:

1196 to Ways & Means and, again, setting the Public Hearing for March 13th, 2:30 at the Riverhead Center; 1197 to EPA.

MR. NOLAN:

And set the Public Hearing.

P.O. LINDSAY:

Set the Public Hearing for March 13th, 2:30 at the Riverhead auditorium; 1188 to Parks & Recreation; 1199 to Parks & Recreation. Okay, we have a motion. Do I have a second?

LEG. D'AMARO:

Second.

P.O. LINDSAY:

All in favor? Legislator D'Amaro is the second. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

And again, the recess will even be shorter now.

*(*Meeting Recessed: 4:54 PM - 5:01 PM.*)*

P.O. LINDSAY:

Okay. Madam Clerk, call the roll.

*(*Roll Called by Ms. Ortiz - Chief Deputy Clerk*)*

LEG. ROMAINE:

(Not present).

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

Here.

LEG. MURATORE:
(Not Present).

LEG. HAHN:
Present.

LEG. ANKER:
Here.

LEG. CALARCO:
Here.

LEG. MONTANO:
(Not Present).

LEG. CILMI:
Here.

LEG. BARRAGA:
Here.

LEG. KENNEDY:
Here.

LEG. MONTANO:
Here.

LEG. NOWICK:
Here.

LEG. GREGORY:
Here.

LEG. STERN:
Here.

LEG. D'AMARO:
Here.

LEG. SPENCER:
Here.

D.P.O. HORSLEY:
Here.

P.O. LINDSAY:
Here.

LEG. MURATORE:
Here.

MS. ORTIZ:

Seventeen.

LEG. ROMAINE:

I'm here.

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Okay. You should have two new documents in front of you, they're marked "revised". And I'm going to take up 1173 which is the redoing of Planning and Economic Development. I'm going to ask someone from the administration to come to the mic and point out the revisions to me. Mr. Schneider, if you'd introduce yourself for the record.

MR. SCHNEIDER:

Yes, sir. My name is Jon Schneider, Deputy County Executive for Intergovernmental Affairs.

P.O. LINDSAY:

Okay. We, you know, had a request to add "Environment" to the title of that department; where is it?

MR. SCHNEIDER:

Yes, sir. It's in -- the "*Division of Planning*" is now the "*Division of Planning & Environment*", and that is in the amended copy of the bill.

P.O. LINDSAY:

Where does it say that?

MR. NOLAN:

Page --

D.P.O. HORSLEY:

Everything I see says Division of Planning.

MR. NOLAN:

Hold on. Here we go.

LEG. GREGORY:

It's page eight.

LEG. D'AMARO:

It's page eight.

MR. SCHNEIDER:

I'm sorry. It's throughout the bill, there are multiple mentions of the division.

MR. NOLAN:

There we go, "*Division of Planning & Environment established*", page fourteen.

P.O. LINDSAY:

Okay. Legislator Hahn, have you had a chance to review this?

LEG. HAHN:

Yes. Thank you --

P.O. LINDSAY:

Does this satisfy your request?

LEG. HAHN:

-- to the County Executive.

P.O. LINDSAY:

Are there any other questions about this? Legislator Anker.

LEG. ANKER:

Yeah, I also want to thank you for making sure that this component of environment is visually -- has a visual impact in this document, because that's what people see. And if they don't see this and perceive it that it is as important, environment, open space, maintaining farmland is as important as economic development, which in itself it is economic development, then we're all going to lose. So again, thank you for making sure that this word "environment" is a strong proponent in this document.

P.O. LINDSAY:

Okay. Yes, Legislator Hahn, did you forget something?

LEG. HAHN:

And we just look forward, you know, as members of the Environment Committee, to working with you to ensure that the environment is high priority.

MR. SCHNEIDER:

Oh, no, thank you, Legislators Anker and Hahn, as well as all of the members of the Legislature.

This bill -- you know, obviously this is a commitment of the County Executive's commitment to Economic Development in Suffolk County.

But certainly the environment is integral to a healthy economy in Suffolk County; frankly, it's integral to the quality of life, what brings a lot of us out here. So we definitely appreciate your commitment on this issue and we very much look forward to working with you.

LEG. HAHN:

Thank you.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. And I would like to, first of all, thank the County Executive and Chief Deputy Schneider for having made the trip to our caucus the other day to talk about some of the priorities in this bill in particular and a couple of other bills. And I would say to you that we share the County Executive's vision and priority on economic development. And as you'll hear me speak in a little bit, it is more critical than ever that we focus on jump start and do some work, some very much needed work on our economy.

That being said, just assure me that in the deletions of positions with the creation of the department, we are not deleting any existing personnel, nor are we downgrading them? I'm asking you to give me the quick skinny, if you can, on how the shuffle goes.

MR. SCHNEIDER:

No, sir, we are not. I appreciate that. Look, what this bill -- what this resolution fundamentally represents, and I appreciate everyone's indulgence on it, is many members of this body, frankly from both sides of the aisle, have been working with the County Executive and have basically said, you know, let us work together to give you the tools to manage this County and to -- and to strengthen our economy.

The County Executive, after a lot of deliberation, is not asking this body for any additional funds, simply what he's asking for is some flexibility. That's why you will notice that while this resolution emphasizes economic development, it does not, you know, add to the County's bottom line, but it does add some positions out of existing funds, notably that this department will be led by a Commissioner of Economic Development & Planning. But essentially, you know, as he said, it represents sort of a shift in the existing department, the existing personnel. You know, none of those functions, you know, none of those personnel would change as a result of this. We're simply looking to strengthen the economic development component in a few key areas. And again, we appreciate the Legislature's working together with us to make sure that we have the resources and most importantly the flexibility to work together to bring this County forward.

LEG. KENNEDY:

Good. Thank you.

LEG. D'AMARO:

Bill?

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you. Article 40 deals with the County real property. Were there any changes to Articles 40-1 through 40-8, which is substantively basically the entire real property sections?

MR. SCHNEIDER:

No, I do not believe so.

LEG. D'AMARO:

Other than, you know, terminology.

MR. SCHNEIDER:

Absolutely, yes. Yes, sir.

LEG. D'AMARO:

Right. And then right after that Article 40, on page 30 of the attachment it says -- there's a section 1001-4, "Review of applications by Department of Economic Development & Planning." I don't have the prior adopted provision in front of me, but just what -- what applications are we talking about there? Is this something -- is this a change where there were reviews traditionally done by the Planning Department and now not being done by the Planning Department?

MR. SCHNEIDER:

Correct. Again, this is simply a case where we're simply changing around the name.

LEG. D'AMARO:

Well, for example --

LEG. ROMAINE:

Old wine, new bottles.

LEG. D'AMARO:

Okay, I just want to make sure that's the case. So in other words, the Department of Economic Development & Planning is going to be reviewing all these applications, whatever they may be under this -- under these provisions. But in the past, was that not done by the Planning Division?

MR. SCHNEIDER:

That was done --

LEG. D'AMARO:

Or will it still be done by the Planning Division?

MR. SCHNEIDER:

Right, everything is the same. So something that was done essentially by the Planning Department now will be done by the Department of Economic Development & Planning, and we can work within that to put it under the Division of Planning & Environment.

LEG. D'AMARO:

Okay.

P.O. LINDSAY:

Anybody else?

LEG. CILMI:

Yeah. Bill?

P.O. LINDSAY:

Oh, I'm sorry; Legislator Cilmi.

LEG. CILMI:

Thank you very much. I guess a couple of questions, Mr. Schneider.

Do you -- do you anticipate any direction from the County Executive in terms of the Commissioner of Economic Development & Planning? Do we have any idea who that might be at this point?

MR. SCHNEIDER:

We do not.

LEG. CILMI:

Okay. Under the previous County Executive, to some degree at my urging, a committee was formed called Suffolk Unified Permit Portal Committee; I'm not sure if you're familiar with it. But basically, what this committee sought to do -- and it was really spearheaded, or led rather, by the Commissioner of Economic Development, Yves Michel, and the Commissioner of Planning, Sarah Lansdale.

What this committee sought to do is put together all of the planning folks and building folks from all the different towns within Suffolk County to create a system whereby people who were applying for building permits and the like would have eventually a complete one-stop shop for those applications.

All the information from all the towns could be found on the Internet, on the web, in one place, in a very transparent way. And eventually -- and it was a huge undertaking because you have different, you know, systems involved in all the different towns. But eventually the idea was to be able to do a completely interactive, on-line system whereby anybody from any town could go to the Internet and, you know, at least complete the beginnings of building applications and the like. And it didn't even have to be exclusive to building applications but, you know, the myriad of applications that exist within the towns. In any event, my question is this; does the County Executive have a commitment, through the Economic Development Department, to that effort in some way, shape or form.

MR. SCHNEIDER:

Oh, absolutely, yes. Yes, sir.

LEG. CILMI:

Very good. A long question and a very short, succinct answer; I appreciate that. Thank you.

P.O. LINDSAY:

And I can back that up, Legislator Cilmi. I've had discussions with the Executive about a computer program that I had been working on, even before his election, with our IT Department to eliminate the paperwork specifically in Waste Water Management; that builders can apply on-line, can track it on-line to see where they are.

LEG. CILMI:

Very good.

P.O. LINDSAY:

Anybody else? No one. Thank you, Mr. Schneider. I appreciate it.

MR. SCHNEIDER:

Thank you.

P.O. LINDSAY:

Madam Clerk, do we have any motions on this?

MS. ORTIZ:

No. No, we don't.

P.O. LINDSAY:

No, we don't. I'll make a motion to approve.

LEG. CILMI:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

And I thank you, Mr. Schneider, for making that change.

MR. SCHNEIDER:

Thank you.

P.O. LINDSAY:

1191-12 - Adopting Local Law No. -2012, A Charter Law to establish Suffolk County Employment Residency Requirements (County Executive).

And again, this has been revised. And I'll start off by asking, Mr. Schneider, where are the revisions?

MR. SCHNEIDER:

Thank you, Presiding Officer. The revision is on Article 6, Section 2, specifically line six to say that, *"Provided that the County Executive has issued a statement of need."*

LEG. NOWICK:

Wait a second. Where is that?

LEG. CILMI:

Wait a minute.

LEG. D'AMARO:

What page?

MR. SCHNEIDER:

Page three, Article 6, No. 2.

P.O. LINDSAY:

And the concern, my caucus, is that if we are to pass this, we wanted this to mirror as best as we could the Nassau County process. And I -- Mr. Brand is in the audience; Newsday was wrong this morning when it said in Newsday that Nassau doesn't have a waiver process. Their County Executive has the sole power to hire in restricted areas out-of-County, and I believe that's how Mr. Kopp lived in Suffolk County and worked for Nassau. And that's -- I believe Christopher Hahn, who is a long-time Suffolk resident, was the Chief Deputy of the County Executive for a number of years.

So we're -- the revisions we asked for was that the County Executive has to take an affirmative action to exercise this ability, that it isn't a blanket for anybody in those categories. I mean, I don't know how they would be hired if the Executive didn't approve of them because they're all Executive staff people, but we just wanted it clarified in the legislation.

MR. SCHNEIDER:

Yes. Thank you, Presiding Officer. And I should note, also as a result of conversations that we had with both caucuses, we've made every effort -- again, while we might mirror the language in Nassau, we are far, far, far more limited in the number of positions that may fall into this potential waiver.

P.O. LINDSAY:

Okay. They're just Executive positions.

MR. SCHNEIDER:

They're positions, correct, that are under the County Executive; correct.

P.O. LINDSAY:

Right. Okay. Is there any questions on this? Legislator Nowick.

LEG. NOWICK:

Is there a motion?

P.O. LINDSAY:

We haven't made a motion yet, no.

LEG. NOWICK:

Can I wait for the motion?

P.O. LINDSAY:

I guess I should get a motion, right? I'll make a motion to approve.

LEG. GREGORY:

Second.

P.O. LINDSAY:

Second by Legislator Gregory. On the question.

LEG. NOWICK:

And Jon, I know we spoke about this yesterday. I'm not going to support this because I have a problem with an across-the-board -- is this coming through? With an across non -- with an across-the-board kind of a resolution.

My feeling now is that with such problems in the economy and in Suffolk County, where my constituency happens to be, I don't want to give my constituents the idea that I've given permission to go out of the County to hire someone. And I say that because I think that certainly County Executive Bellone -- who, by the way, I respect, I have a great deal of respect for. I think it would be a better idea if we -- in the rare occasion that he found somebody in Nassau County, and I believe it would probably be a rare occasion, would it be so hard to come back to the Legislature -- and certainly we could take the time to vet it -- rather than a blanket authority to go out and be able to hire at will someone in Nassau County?

My district, which is -- I have different areas in my district and I have areas along the north shore, along Fort Salonga and Head of the Harbor which are beautiful areas, but there are people with beautiful homes there that worked on Wall Street that are out of work. And so I would not want to give them the impression that I'm giving blanket authority to go into Nassau. This does not mean that I would not say yes or vote for somebody.

But a question that I have is with all of the talent in Suffolk County, how does somebody in perhaps Bill Lindsay's district or maybe Tom Muratore's district or whoever's district, how do they know that there is a job out there and how do they know -- say somebody is out of work. Say somebody very talented is out of work; how do they know that there's a position that they can look into? How -- how do you know that there's not anybody in Suffolk County that can do the job? Do you advertise, or is that just --

MR. SCHNEIDER:

I mean, it depends on the position. Sometimes there are advertisements, sometimes there are not. I mean, look, Legislator, I'm very, you know, understanding of the point you're raising. And truthfully, this is -- this is an issue where, A, I believe, you know, we've made every effort to limit the number as much as possible. And where the County Executive I think has told members of both caucuses as well as the public that we we're obviously going to keep this as low as possible simply because, if nothing else, there certainly is no incentive -- in fact, there's a great disincentive -- to hire Nassau County residents if there was someone of equal or greater talent in Suffolk.

You know, I for one, I'm a resident of the Town of Brookhaven. In the last few years, the Town of Brookhaven has twice expanded its residency requirement on the position of Commissioner of Finance; first to hire a resident of the Town of Southampton and then to hire a resident of Nassau County. That's not to say there aren't a lot of very qualified people in the Town of Brookhaven, but simply for something of that specialized in nature. And I think for the County Executive, I think that's what he's looking at, is we're talking about a relative handful of very highly specialized areas where there are very few qualified applicants and, you know, again, we may never exercise one of these waivers.

LEG. NOWICK:

How many do you think? I mean, you must have something in mind for this across-the-board kind of resolution.

MR. SCHNEIDER:

We do not. There -- this is not a case of where we have a person in mind and we're trying to back into it. What the County --

LEG. NOWICK:

Because that leads me to believe one or two or three. How difficult would it be -- let's say there were three; how difficult would that be to just not give blanket authority and come to the Legislature and let it be vetted?

MR. SCHNEIDER:

I appreciate the point. The County Executive's feeling on this matter is that, you know, again, it's on -- you know, it's going to be on the County Executive and we're going to use this sparingly. But when we're going out and trying to recruit in some, you know, very highly specialized areas, again, what we have asked for from this body and appreciate, you know, certainly from the previous bipartisan vote, what we've asked for from this body is flexibility to move this County forward. In this case, you have the word of the County Executive that we will use this authority as sparingly as possible, if ever.

LEG. NOWICK:

No, I certainly trust the County Executive. And you would have my word as a Legislator that we would certainly use our authority in the right way. My -- as I said, I just -- I live in Suffolk County, my constituency is in Suffolk County. I don't disagree that once in a while there may not be someone to fill those shoes; I can't manage it, but there might be somebody that the County Executive feels the need for out of the County. And I would just like to say I would like to keep it the way it is and I would say if there was somebody out of the County, that one person, just come back to us. But, all right.

MR. SCHNEIDER:

No. And again, I'm -- we're very appreciative of the point. And again, it's our feeling that, you know, this -- essentially, you know, it removes -- you know, it removes any potential politics or any situations that may arise, you know, in the future. And again, in a number of very -- you know, a very narrowly defined area gives us that flexibility. But, you know, again, I certainly appreciate the points you're raising.

LEG. NOWICK:

Okay. I could almost equate it to a few years ago when we talked about hiring people to do work for the County municipal -- Capital Projects. Lou always felt keep it in Suffolk County; sometimes you can't. But that was kind of like a blanket policy we took and I kind of feel this is the same way. Thanks.

P.O. LINDSAY:

Just to clarify that. Legislator Nowick, our policy on hiring contractors has a 10%, you know, sliding scale there, it isn't exclusive that we can only hire contractors.

LEG. NOWICK:

No, no, I understand that. But what I said was we always said let's try to keep it in Suffolk County.

P.O. LINDSAY:

Yeah, and no doubt about it. And of course you's realize that there is certain positions that don't have to be Suffolk residents now.

LEG. NOWICK:

I do.

P.O. LINDSAY:

Yeah.

LEG. NOWICK:

And I can't help thinking, and this is not the fault of the County Executive or anybody else. But I can't -- I was just talking to Legislator Kennedy and I can't help thinking, there's probably so many households in Suffolk County with the husband or the wife that is out of a job, educated, fine people that have no idea what positions could be available for them. I wish there was a way to get that word out when the time came.

P.O. LINDSAY:

Well, I think -- you know, my advice to anybody who calls me is to check the Civil Service website for available jobs all the time.

LEG. NOWICK:

But these kind of jobs wouldn't be under Civil Service.

P.O. LINDSAY:

Well, these kind of jobs, I think you have to give the Executive some leeway to hire his team to the very best people he thinks that can put it together. Okay. Legislator Kennedy and then Barraga.

LEG. KENNEDY:

Thank you, Mr. Chair. And Jon, again, I appreciate the Exec came across and spoke at length and he talked about some concern as he went through trying to get through the best and brightest.

Like Legislator Nowick, I was elected to go ahead and be an advocate for my constituents and I guess be a steward of the County. And I shared with all my colleagues today the warn notice -- actually, County Executive Bellone received a copy of this -- about the MetLife Mortgage Origination Unit right here in Hauppauge that's closing at the end of April and is letting go 55 people. Now, interestingly, it's actually got a list of folks that are in there, some of them actually probably quite qualified, particularly on the fiscal side of the equation, loan underwriters, loan originators, loan managers.

I also have a warn notice about Innovative Stone right here on Motor Parkway that is closing in another week and -- I'm sorry, another month, that's another 47 positions. Right here is 110 positions that I can go ahead and talk to you about, not all of which might be appropriate at the supervisory level, but maybe some, maybe some. And I think what drives my concern here is that we have a process in place that has been in our statutes since 1979, and you must be familiar with the Salary & Classification Board and the appeals process. If the County Executive did a wide search and found someone from Staten Island or Orange County or Westchester, there's a mechanism to go

ahead and have the waiver granted from residency requirement; not only here, but actually a permanent waiver if that was something that he deemed necessary.

Quite frankly, I also -- I'm going to vote against it because of the concerns that I have. But now seeing that you're expanding the waiver to only Nassau County, I'd say to you what does the qualified individual who lives in Westchester say then? You've elected to just annex about another 25 miles geographically west of us and that's it. The logic is really escaping me now. And I'll just suffice it to say, on this one I think we have a process and I think the Exec could go ahead and bring on board his team with the mechanism we have.
Thank you.

D.P.O. HORSLEY:
Legislator Barraga.

LEG. BARRAGA:

Thank you. Mr. Schneider, I am prone to give you and the County Executive what you wish. I think certainly, I'm not speaking for the entire Legislature, but your team was elected this past November, the people have faith in you and they want you to succeed, and I want you to succeed. And I've dealt with County Executives before and Governors before, and the first five or six months, to be honest with you, I've supported them because I think you have a right to put your team together, both in terms of individuals and the organizational structure that you feel you need to succeed. So I'll support this legislation, but I will give you a word of caution. I want you to succeed, and if you do well you take the glory. But if things go poorly, don't come back in here and start blaming somebody from the previous administration or this Legislature or someone else, because you're given -- you're going to be given all the tools to succeed, just go out and do it.

Our situation here, from a fiscal perspective, as you know, is desperate. We need things to happen and happen very, very quickly, especially over the next several months. And if this residency requirement helps you, if this new planning environmental division helps you to achieve that and other things you need, you come in here and ask; I think we will be prone to give you what you wish. But we also want to see results and we need the results very, very quickly. Do we understand each other?

MR. SCHNEIDER:
I believe so. Thank you, Legislator.

LEG. BARRAGA:
Thank you.

D.P.O. HORSLEY:
Legislator Gregory.

LEG. GREGORY:

Thank you, Mr. Presiding Officer. I am supporting this legislation. And as Legislator Barraga mentioned, I believe that we should give the County Executive the flexibility to build a team that he needs to be successful. I think the voters have given him that, that voter confidence to do so. They obviously believe in his agenda and his plan and he feels that this is necessary to be a part of a mechanism that's necessary to help him accomplish that, and we should be supportive of that.

Vacancies in the private industry do not necessarily equate to more, I guess, availability of talent. I was approached during the transition by some members of the transition team to seek, you know, applicants, qualified applicants, and there are several people that I reached out to that work in New

York City, with Masters' levels of education and one with a PhD, and they were very -- they were not interested at all in working for a municipal government, they're in the private sector. So because someone's in the private sector or lost their job recently doesn't necessarily equate an interest in working for the government, particularly when we've seen how the confirmation process can go at an appointment to one on the boards, no pay, and this woman's past history from 20 years ago was brought up, not many people are going to want to be subjected to that type of scrutiny when they can make more money, probably have better benefits; yes, with a commute. So, again, I would just reiterate that because there are vacancies in the private sector, or jobs being lost in the private sector doesn't necessarily equate to an interest in working for the government.

So I support the County Executive. I believe we all support the County Executive, we want the best interest of Suffolk County's residents. Some have mentioned some concerns and I validate those concerns, but I believe that the County Executive will, with this tool, be able to put together the team he needs to be successful.

MR. SCHNEIDER:

Thank you very much, Legislator. And again, I very much echo those comments. And again, the priority will always be, you know, obviously to hire Suffolk County residents but, again, we appreciate the flexibility in limited circumstances.

D.P.O. HORSLEY:

Legislator Romaine.

LEG. ROMAINE:

Both my colleague Legislator Nowick and Legislator Kennedy make telling points, but government sometimes doesn't depend on telling points. Government depends on trust. And I also listened to my colleague, Tom Cilmi, and he made a telling point; you're a new administration, you're facing great crisis. There will be a report out next week that will say certainly that the deficit is well north of \$200 million. These are probably the most difficult times that any County Executive has faced in Suffolk history. If you had come to me at another time, I would side with Legislator Kennedy, Legislator Nowick. But you come to me at a difficult time, a time of great crisis for this County and for this new Executive who is owed an opportunity to be successful.

The great reluctance -- I'm going to support this. I'm going to support this out of trust, because in the end of the day we can have all the rules and regulations and resolutions, and if there is trust it will mean nothing. We just had a County Executive leave who told me the budget was balanced and the County was in great fiscal shape. When the report comes out next week, the deficit we face will be well north of \$200 million; so much for trust. And that is why over his tenure, and there were people here that were on to that Executive, and that was the Executive that had many good ideas that people wanted to support, but as he broke trust, little by little, incrementally he lost every Legislator here, even those who supported him most loyally. I am giving you my trust because I think you need it more now than ever. Don't break trust, keep the faith. Run the race, finish the course, keep the faith. Thank you.

P.O. LINDSAY:

Well done. Well said.

D.P.O. HORSLEY:

That was truly inspiring.

*(*Laughter*)*

I was going to add something more to that, but I think you've wrapped it up and you've said it all,

Ed, and I defer to your comments.

With that, are we good? Anybody else who would like to be heard?
Do we have a motion on this?

LEG. NOWICK:

Yes.

MS. ORTIZ:

Yes.

D.P.O. HORSLEY:

We do, and we have a second. The feeling is? All those in favor? Opposed?

LEG. KENNEDY:

Opposed.

LEG. MURATORE:

(Raised hand).

LEG. CILMI:

(Raised hand).

LEG. NOWICK:

Opposed.

P.O. LINDSAY:

Abstentions?

D.P.O. HORSLEY:

Abstentions?

MS. ORTIZ:

Fourteen (Opposed: Legislators Kennedy, Muratore, Cilmi & Nowick).

D.P.O. HORSLEY:

Fourteen, it is approved. Congratulations.

MR. SCHNEIDER:

Thank you very much.

D.P.O. HORSLEY:

God's speed.

P.O. LINDSAY:

Okay, I'm going to take over again. Counsel wants to put something on the record.

MR. NOLAN:

Just for the Clerk's Office; IR 1174, which came over as a CN, is being withdrawn by the County Executive. Okay?

MS. ORTIZ:

Thank you.

P.O. LINDSAY:

Okay, we have one more reso left; am I correct?

MR. NOLAN:

You are correct.

P.O. LINDSAY:

1189-12 - Amending the Suffolk County Classification and Salary Plan and the 2012 Operating Budget to fund the Department of Economic Development & Planning (County Executive). Being that this is a CN -- Mr. Schneider, I mean, you sat down and relaxed; come on back up and tell us what this does.

MR. SCHNEIDER:

Oh, I'm sorry. This is the budget transfers for the newly formed Department of Economic Development & Planning as well as budget transfers which will allow the County Executive to put together a Performance Management Unit.

P.O. LINDSAY:

Okay. And is this -- this is revenue neutral?

MR. SCHNEIDER:

Yes, sir. And again, this gets back to -- you know, this body has asked the County Executive what can we do and we asked not for money but for flexibility.

P.O. LINDSAY:

There's no two ways about it; this was caused by our budget mischief. And I personally told the Executive, you know, if you want to rearrange what we did, just let us know. Okay, thank you.

MR. SCHNEIDER:

Thank you, sir.

P.O. LINDSAY:

I'm going to make a motion to approve.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro. On the question, is there anybody that would like to comment? Good enough. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Okay, it's approved.

And I do not have any other business for this body, so I'll make a motion to adjourn.

LEG. STERN:

Second.

P.O. LINDSAY:

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

We stand adjourned.

MS. ORTIZ:

Eighteen.

*(*The meeting was adjourned at 5:37 PM*)*

{ } - Denotes Spelled Phonetically