

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

FOURTH DAY

March 19, 2013

Verbatim Transcript

MEETING HELD AT THE WILLIAM H. ROGERS LEGISLATURE BUILDING

IN THE ROSE Y. CARACAPPA LEGISLATIVE AUDITORIUM

725 VETERANS MEMORIAL HIGHWAY

SMITHTOWN, NEW YORK

Taken By

Lucia Braaten & Alison Mahoney - Court Reporters

Kim Castiglione - Legislative Secretary

General Meeting - March 19, 2013

*(*THE MEETING WAS CALLED TO ORDER AT 4:05 P.M. *)*

P.O. LINDSAY:

Mr. Clerk, are you back there?

MR. LAUBE:

I am.

P.O. LINDSAY:

Okay. I'm behind -- they'll do anything to try and upstage me. They put all these people all dressed up in front of me. So would you, please, start calling the roll.

MR. LAUBE:

Will do.

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

LEG. KRUPSKI:

Aye.

LEG. SCHNEIDERMAN:

Present.

LEG. BROWNING:

Here.

LEG. MURATORE:

Here.

LEG. HAHN:

Here.

LEG. ANKER:

Here.

LEG. CALARCO:

Present.

LEG. MONTANO:

Here.

LEG. CILMI:

Back here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Here.

LEG. NOWICK:

Here.

General Meeting - March 19, 2013

LEG. GREGORY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. SPENCER:

Here.

D.P.O. HORSLEY:

Here.

P.O. LINDSAY:

Here.

MR. LAUBE:

Seventeen. Oh, there's Kara, 18.

P.O. LINDSAY:

Okay. With that, I would like to introduce this beautiful group in front of me. It's the Eastport South (Manor) Concert Choir, directed by Daniel Graf. Thank you, Ladies and Gentlemen, for being with us today.

Choir, if you're not ready yet, I forgot the pledge. Would Dr. Spencer please come forward and lead us in the pledge? I'm sorry.

*(*Salutation*)*

P.O. LINDSAY:

Okay. We can be seated, I think. We're not playing the National Anthem, are we? Okay, go ahead.

*(*The Eastport-South Manor Concert Choir Performed*)*

P.O. LINDSAY:

Thank you very, very much. That was beautiful, beautiful. Thank you for being with us.

*(*Applause*)*

Maybe I should -- as you pass out, could young Mr. Pitcher raise their hand? Okay, he raised his hand. Okay, great. Yes. Mike Pitcher, our Communications Director, it's his son. Thank you for a beautiful rendition. Thank you.

*(*Applause*)*

P.O. LINDSAY:

What a handsome group. And, Mike, your son has hair.

MR. PITCHER:

Not for long.

*(*Laughter*)*

General Meeting - March 19, 2013

P.O. LINDSAY:

Okay. Welcome to the March 19th meeting. It's a pleasure to be here. It's one of those things that if you miss it a little bit, then you know -- and you learn to feel that you need it, you know, and it's a pleasure to be back here for me.

(*Applause*)

Thank you. We're going to start off our meeting with visiting Clergy, who will be introduced by Dr. William Spencer.

LEG. SPENCER:

It is really nice to have our Presiding Officer back. And he's been really fighting on his personal front, but he's maintaining doing a great job as our Presiding Officer.

P.O. LINDSAY:

Thank you.

LEG. SPENCER:

It's good to have you back, Bill.

P.O. LINDSAY:

Thank you very much.

(*Applause*)

LEG. SPENCER:

Today I have the privilege of introducing our guest Clergy, and today Rabbi Arthur Schwartz, who is actually in my Legislative District, but he's also the Head -- the Rabbi and my family's synagogue, so I have a personal relationship.

But a little bit about Rabbi Schwartz. Prior to entering the seminary, Rabbi Schwartz served as a police officer in Hyannis, Massachusetts. He was a graduate of Hebrew Union College Jewish Institute of Religion. For over 35 years he's been the spiritual leader at Kehillath Shalom Synagogue, a Reconstructionist congregation in Cold Spring Harbor.

Over the course of these years, Rabbi Schwartz has been a guest lecturer and a counselor at various 12-step retreats all over Long Island and has helped develop a number of programs for Jews in recovery.

A respected social activist, Arthur Schwartz has been deeply committed in helping develop services for people who are living with HIV/AIDS. From 1987 through 1995, he was Deputy Chairman of the Board of Directors at the Long Island Association for AIDS Care, and Rabbi has served as President of the Huntington Clergy Association.

Rabbi Schwartz has been a guest lecturer at the Hutton House Lectures at C.W. Post College. And, together with Father Petriano and Seif Ashmawy, he presented "*Religious Zealotry and Terrorism: Three Traditions,*" and "*Secret Doctrines of Three Faiths: Journeys of the Soul.*" He has also delivered lectures at Oxford University.

Recently, Rabbi Schwartz served on the Board of Directors for both Planned Parent Hudson Peconic, and the Reconstructionist Rabbinical Association.

General Meeting - March 19, 2013

Not only a community leader, Rabbi Schwartz is also an athlete. He holds a Black Belt in Akido, and recently received his Black Belt in Jiu-Jitsu. Furthermore, he plays a pretty mean set of bagpipes, which the congregation will only let him do outdoors.

*(*Laughter*)*

On a personal note, Rabbi Schwartz actually performed at my wife's Bat Mitzvah, and he Bar Mitzvahed my son two years ago, and in six weeks my daughter will have her Bat Mitzvah, so he's been a big part of our family. And it's my distinct honor to welcome here -- him here tonight to deliver the invocation. Rabbi Arthur Schwartz, thank you.

*(*Applause*)*

RABBI SCHWARTZ:

After that, I should have brought the pipes.

*(*Laughter*)*

This is a lot shorter than the introduction.

*(*Laughter*)*

God, for all those who are assembled here today, we pray. Bless them with strength, with health, with wisdom and patience. Give them the courage of their convictions, strength that comes from your spirit, and the wisdom to guide our future. For here decisions are made that shape the lives and the circumstances of our community. Hear our prayer, oh, Lord. Bless this house and all who serve it. May they serve with dignity and honor, that through them our community achieve the destiny that you have set for it. Guide us all to make good decisions as we hold fast to your truth and your compassion. May we use our talents and abilities in ways that are good and just and are a benefit to those we serve. Eternal God, through whom we see what we could be and what we can yet become, thank you for giving us this day. Amen. Amen. Amen.

P.O. LINDSAY:

Thank you, Rabbi, for that very humble and brief blessing. Okay. Everybody could be seated.

Oh, yeah, I'm sorry. I got a little chemo brain today. Would you please rise again?

We have a Moment of Silence for Steve Gravano's father, our Legislative Photographer, Steve Gravano, who passed away in Florida.

And, also, let us remember the seven Marines killed and several others injured in an explosion during a training exercise in Western Nevada. The Marines were members of the Second Marine Division, an expeditionary ground combat unit based at Camp Lejeune, North Carolina. And let us always remember all those men and women who put themselves in harm's way every day to protect our country.

*(*Moment of Silence*)*

Okay. Let's see if we can get through the rest of the program without me making any mistakes.

All right. First up under proclamations is our Legislator Spencer, who will present a proclamation to Alvin White, who was recognized by the Suffolk County Martin Luther King, Jr. Commission as a person who embodies the spirit and work of Dr. King.

General Meeting - March 19, 2013

LEG. SPENCER:

I'd like to ask if Mr. White would join me. Alvin White has been a resident of Huntington Station since 1973. Widowed at a young age, Al raised four daughters and three sons by himself. Since 1974, Al has been employed by the Huntington School District, and starting out as a custodian and working his way up through the ranks. In 2011, Al assumed the position as School District's Director of Facilities.

Known as a perfectionist with very high standards, Al strives to exceed the community's expectations, often meeting with principals and faculty members to ensure that their facility needs are met.

Over the years, Al has been deeply involved in the community. And civic organizations, including Porter-Trejo, Take Back the Block Advisory Board, the Huntington Enrichment Center's Kids Cafe, the Huntington Chapter of the NAACP, and the Loyal Order of Moose in Greenlawn Lodge. He served on the Huntington Comprehensive Plan Advisory Committee and the Lowndes Avenue Task Force.

On January 18th, 2013, the Suffolk County Dr. Martin Luther King, Jr. Commission chose Al to honor at their 24th Annual Awards celebration as a person who embodies the spirit and the work of Dr. King through his personal and professional life. As the Legislator of the 18th District, on behalf of the Suffolk County Legislature, it gives me great pride and pleasure to present this proclamation to Alvin White in recognition of his outstanding leadership, dedication, commitment and community service to the Huntington community. And the significant honor bestowed upon him by the Martin Luther King Commission. Congratulations, Al.

*(*Applause*)*

P.O. LINDSAY:

Okay, Doc, good. Next up is Legislator Cilmi, who will present a proclamation to Probation Officer Nagengast.

*(*Applause*)*

LEG. CILMI:

So thank you, Mr. Presiding Officer. And let me echo the words of our colleague, Dr. Spencer, and welcome you back. It's good to have you back.

It's again my great privilege to come before you on behalf of all of my colleagues and congratulate one of our fine members of our Public Safety Team here in Suffolk County, Probation Officer Tara Nagengast.

Officer Nagengast has been a Suffolk County Probation Officer since 2009, and she is assigned to the Criminal Court Adult Supervision Unit in the Coram office. Last October, while conducting a routine unannounced home visit, Officer Nagengast approached the house and noticed the probationer's vehicle. She looked in the window and saw drug paraphernalia and numerous baggies used for drug sale in plain view on the front seat of the car. Officer Nagengast immediately contacted the Southampton Police Department and East End Drug Task Force for assistance.

With the probationer inside the house, officers tried for an hour to gain access into the home, until eventually a search warrant was signed and officers gained access. Once they gained entry, the probationer was found to have a small bag of drugs in his pocket. In his vehicle was a scale, baggies and a sock containing approximately 18 grams of cocaine and one small bag of crack. Hidden in the attic of the home was also a gallon-sized bag of marijuana. The probationer was arrested and charged with two drug-related felonies and three drug-related misdemeanor charges.

General Meeting - March 19, 2013

Officer, it's our great pleasure, as we do often here at the Legislature, to say thank you to you for your great service on behalf of Suffolk County. You are, indeed, one of the members of our Public Safety Team that we are most proud of. Our Probation Department does a terrific job. And we wish you all the best, and keep up the good work and be safe.

OFFICER NAGENGAST:

Thank you.

*(*Applause*)*

P.O. LINDSAY:

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

LEG. STERN:

Thank you, Mr. Presiding Officer, and hello, everyone. It is really a pleasure to present this next proclamation on behalf of our community to a really special person who is well known in our area for giving of his time and his efforts for so many great causes. But Neil Harris is here with us today so that we can recognize his passion and his willingness to serve all of us in need, and to recognize Neil for having accomplished a tremendous milestone of having made his 100th lifesaving donation of platelets and plasma to the New York Blood Services in our area. One hundred donations, which overtime, no doubt, has saved many lives of accident victims, burn victims, those undergoing cancer treatments and terminal illness.

So many people have been affected -- so many people have been assisted by Neil's unwavering commitment to continue to serve. And so here I'm going to say congratulations to Neil on this tremendous milestone. Most importantly, though, your efforts in continuing to raise awareness of this important effort on your behalf, and really to send the message for all of us to follow that we all have a role to play in serving our community, most importantly, to say thank you.

*(*Applause*)*

MR. HARRIS:

I'd like to take this opportunity to thank Legislator Steve Stern and the Suffolk County Legislature for their recognition of the important contributions made by volunteer platelet donors and whole blood donors alike. Platelets are the components in our blood that are responsible for clotting. They have a shelf life of only five days, so a fresh supply must be continually replenished. Platelets are most often used, as Legislator Stern explained, for cancer patients, accident victims and others.

The process for donating platelets is very similar to normal whole blood donations. Whole blood is removed through a sterile single-use needle, but then the platelets are separated from the rest of the blood through the Apheresis process. The platelets are collected while the remainder of the blood is returned to the donor. Small batches of blood are processed over the one-to-two-hour donation time. This process yields six to ten times the volume of platelets that are collected during a normal whole blood donation. The process is painless, but for a little pinch, and it's totally safe.

I started making whole blood donations when I was 18 years old and started donating platelets over a decade ago, almost two decades ago. When my 18-year-old son is home from college, we go and donate platelets together. It's two hours of real quality time.

I just recently passed my 100th platelet donation. I donate platelets, not because they serve Lorna Doone butter cookies at the canteen, although that doesn't hurt, but because there's no way to grow platelets artificially or in a lab, and there is a constant need for platelets at our local hospitals.

General Meeting - March 19, 2013

Periodically, I receive e-mails from the New York Blood Center letting me know where and how a recent platelet donation was used. Knowing that I've had part in the treatment of so many patients at area hospitals gives me tremendous satisfaction. The wonderful staff at our local Long Island Blood Service collection centers make the donation process quite pleasant, and I look forward to my next scheduled donation just a week from tomorrow.

I encourage each of you who is physically able to join me and become a platelet donor. If not, please consider a whole blood donation. Legislators, please use your positions and influence to encourage and organize blood donation drives throughout our communities to ensure the continuity of the blood supply. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Thank you, Legislator Stern. Next up is Legislator Anker.

LEG. ANKER:

I just wanted to remind everybody, it is Women's History Month. And I had recently went to a presentation about the Suffragists. And if you realize, it's been less than 100 years since women have had the right to vote. Women have -- now are able to own property, surprisingly, you know, which is great. I found out I have relatives in Long Island, Bahamas. Women just got the right to own property about 10 years ago. I know, you have to think about this.

And I have some amazing women here with me to show the success that women can have when they're focused and motivated. And these two women in front -- behind me here, they should be in front of me, they are my mentors, and they are just amazing women here. And I'm going to talk about Andrea Lohneiss.

Andrea Lohneiss was appointed Regional Director of the Empire State Development Corp. in 2008 by the County. She's a regional leader of the program. She oversees the projects of economic growth in both Nassau and Suffolk County. Prior to that, she worked at the Town of Riverhead with the Enterprise Park in Calverton. She was the creator and administrator of the Riverhead Empire Zone. And as you can tell, if you ever take a drive into Riverhead, it is absolutely beautiful. It really has come from a place of concern to just a very beautiful economic and healthy downtown. So, again, it's just a wonderful place to visit. And, also, prior to that, she was Suffolk County's Economic Development Commissioner.

I want to, again, thank Andrea for coming here. And I was wondering, could you maybe just speak briefly about some of the things that you're working on related to Suffolk County?

MS. LOHNEISS:

Thank you, Legislator Anker. And it's nice to see Legislator Lindsay here today. I actually just came over here from the Dennison Building, working closely with Commissioner Minieri on a number of projects that are of great importance to Suffolk County. And I work also with business owners in most of your districts, working to keep them on Long Island to create and retain their jobs. So that's the primary focus of our work at Empire State Development. And we welcome referrals from all of you, and are anxious to work together with Suffolk County to keep and grow our businesses on Long Island.

LEG. ANKER:

Thank you. Thank you so much.

*(*Applause*)*

General Meeting - March 19, 2013

See, you notice, you know. I think women have a hard time of accepting awards and recognition, I know I do at times. And, Andrea, come back over here, come back. She's one of the most powerful women in New York State, I want you to know this. I know she likes being behind the scenes, but I'm here today to recognize you.

I also want to recognize another amazing woman that I feel is, again, another mentor in my life. You know, as a photographer and an artist and a journalist, I admire Christine Coniff-Sheahan. Christine founded Networking Magazine, that's a beautiful magazine that you see throughout Long Island, in 1991. She's currently the publisher. The magazine focuses on women's social causes, health-related issues, and also has wonderful environmental news in the publication.

The magazine was further -- furthers women's advancements, and features and has featured Kirsten Gillibrand, Madeleine Albright, Christie Brinkley and Gloria Steinem. She also is an accomplished portrait painter. And, again, if you go online and Google Christine Coniff-Sheahan, you'll see some of her beautiful portraits that she has done. I think Susan Lucci, you had worked on her family, you know, painting a portrait.

Would you mind coming up here and give us a little bit of information about Networking? It's always a good publication to look at. So please join us.

MS. CONIFF-SHEAHAN:

Thank you very much. Networking is a business-to-business publication. We are unique, I think, in that we talk about women that -- primarily, and also men, who are very successful in business, but they also give back to the community. We're very, very focused also on their philanthropic endeavors. And we have been able to write about some very extraordinary people that are Long Islanders, primarily, and who have done great, great work. Besides their great, great work that they do at work, they do great work all the time.

AUDIENCE MEMBER:

All the time.

MS. CONIFF-SHEAHAN:

Yes, that's right, great. Thank you.

*(*Laughter*)*

We're also very involved with our green movement. We were the first publication to, on a regular basis, write about what's new, what's green, what's happening, and that came from a personal agenda that I have. And it has grown to and it will grow farther, too, yet, because I did think these are things that have to be considered in what's happening to the environment. It's very important. I was -- I am very encouraged to hear what the Pope had to say about that. So I think that maybe that might help change some of the attitudes. I hope not -- I hope that it does. Thank you very much.

*(*Applause*)*

LEG. ANKER:

I'm going to present you your recognition proclamations. And, again, thank you for your accomplishments. You will continue to inspire not only women, but men, the people throughout Suffolk County. So, again, thank you for being here today. Thank you.

*(*Applause*)*

General Meeting - March 19, 2013

P.O. LINDSAY:

Next up is Legislator Hahn.

LEG. HAHN:

Thank you. Hello. You all know how excited I get when we have Ward Melville High School students represented here, because I'm an alumni of Ward Melville High School. So I'm really excited to call up today Dr. Baldo, George Baldo. He's the Director of InSTAR Science Research for the Three Village Central School District. And the students we have today, Gina Ma, Phoebe McAuliffe, Sanjula Singhal and Gloria Zheng. If you could come forward.

*(*Applause*)*

The Intel Science Talent Search Competition and 2012 Siemens Foundation Science, Technology, Engineering and Mathematics, STEM, Competition is an incredibly prestigious competition. And we have -- well, in front of us, we have three semifinalists. Gina. These are -- these, as you all know, incredibly talented scholars, researchers, they give back to our world through their work and their discoveries. Yes, these are scientists in front of you here who have made a contribution already that is going to make a difference in our health and our economy, and I'm going to tell you about three of them at the moment. Gina?

Gina, is not here. I won't tell you about Gina at the moment.

Phoebe, and this is so complicated, so I'm not going to read you the very complicated titles of their projects, if you don't mind; i'm going to try to do my best, and then you'll help me if I don't do a good job of it, showed that there is a neural and a hormonal connection between obesity and infertility in women. And that's an incredibly important thing to show and we need to work on that.

Sanjula, using DNA markers to prevent counterfeiting on any product. We're really excited about your results in that. Whoops. I'm turning this off, I think.

And Gloria uncovered -- I need your help with this one. This is -- they are so complicated, these Intel projects, but better aesthetics.

DR. BALDO:

Essentially looked at a receptor.

LEG. HAHN:

Come forward. Come forward, Dr. Baldo.

DR. BALDO:

The last student here today, Gloria Zheng, worked on the interaction of a common anesthetic, Propofol, and its effects on a particular receptor. The goal here is to better understand the mechanism of action and come up with more effect anesthetics in the future. Very sophisticated techniques were used and she did a wonderful job, as did all my students.

LEG. HAHN:

Thank you.

*(*Applause*)*

But, you know, again, I want to reiterate just how important it is what you are doing, how thankful we are that you are committed to your field. You are excelling at such a young age and the world is in front of you, and we look forward to all the contributions you're going to make as you continue to do your research. And so, on behalf of the entire Legislature, I'd like to thank you for your work and

General Meeting - March 19, 2013

congratulate you for this achievement.

*(*Applause*)*

And Legislator Kennedy is here as well.

LEG. KENNEDY:

If I can just echo the complements from Legislator Hahn and congratulate all three of you young ladies. Scientists are what make our world better. Women in science actually help to make all of us, including the men in science, better. Madame Curie and many, many profound female scientists have led our nation to a much better place, and, certainly, you three young ladies epitomize what great careers women in science can have. So thank you so much, and I appreciate it, all the good work.

*(*Applause*)*

LEG. HAHN:

In addition we have the Ward Melville High School Girls Fencing Team. Representatives of the Ward Melville High School Girls Fencing Team, if you could come forward.

The ladies from Ward Melville High School have truly dominated this sport. Congratulations, girls. This year they are the Suffolk County Girls Fencing Champions and the Long Island Fencing Girls Champions. And, as I said, they've dominated fencing, because this is the 12th straight Ward Melville Girls County Championship. And so I want to congratulate them for continuing the fine tradition in fencing.

*(*Applause*)*

Your dedication and commitment, your strength and determination has been awarded, and I really, really want to congratulate you for that. And is your coach here? She's not here, right, Alexa?

AUDIENCE MEMBER:

No.

LEG. HAHN:

Congratulations.

*(*Applause*)*

And the Boys Fencing Team. Again, Ward Melville is dominant in fencing. This is the two individuals from the men's team, and this is the sixth straight Ward Melville Boys County Title. This year they were Suffolk County Boys Fencing Champions and the Long Island Boys Fencing Champion. So, again, I would like to congratulate you for, you know, your dedication, your commitment, your strength, your perseverance, and really sticking with it, and it pays off, it really does.

*(*Applause*)*

Travis and Jake. Okay. We have an extra one as well. Congratulations, Travis.

TRAVIS:

Thank you, appreciate it.

General Meeting - March 19, 2013

JAKE:

Thank you.

*(*Applause*)*

P.O. LINDSAY:

Okay. Thank you, Legislator Hahn. Next up --

LEG. HAHN:

One more.

P.O. LINDSAY:

Okay.

LEG. HAHN:

Nick. Did Nick {Penchinitie} make it today? No, okay.

P.O. LINDSAY:

Next up is Legislator Nowick and Kennedy for the purpose of a proclamation.

LEG. NOWICK:

Today we are going to congratulate the Intel Finalists and Semifinalist winners. Could you come up, Michael Zhang from Smithtown High School, Nicholas -- how do you say his name? Nicholas.

LEG. KENNEDY:

You're the Italian. It's Spiezio, come on.

LEG. NOWICK:

Come on, Nicholas, where are you?

LEG. KENNEDY:

It's Spiezio.

*(*Laughter*)*

LEG. NOWICK:

Kavita Jain and Prady Manepalli.

LEG. KENNEDY:

Manepalli.

LEG. NOWICK:

Where are you? Come on up. Legislator Hahn is absolutely right, we could not be more proud of these young people. And this is Smithtown High School, which is my alma mater. And, John, I'm not sure, you're --

LEG. KENNEDY:

Yeah, yeah.

LEG. NOWICK:

Yeah, you're a lot older than I am, so --

*(*Laughter*)*

General Meeting - March 19, 2013

I am very proud to bring these four students from Smithtown High School today. And can I just correct the name, because I probably butchered it? It's Michael Zhang?

MR. ZHANG:

That's right.

LEG. NOWICK:

Who was a finalist in the Annual Intel Science Competition. And the three semifinalists were Nicholas, and I --

MR. SPIEZIO:

Spiezio.

LEG. NOWICK:

Spiezio from Smithtown High School, Kavita Jain. Did I say that right?

MS. JAIN:

Jain.

LEG. NOWICK:

Yes, Jain. And Prady Manepalli from Smithtown High School West. Also, I'd like to ask Principals Coady and Thompson, and Eileen Rowe, who's the Director of Science, Maria Zeitlin, who's the Science Research Coordinator, to come up. Are you here today? Come on up.

And as all of you may know, the Intel Science Talent Search is America's oldest and most prestigious pre-college science competition in the nation. Previous Intel winners have made extraordinary contributions to science, holding more than 100 of the world's most coveted science and math honors, including seven Nobel Prizes and three National Medals of Science. And I go by a script so I don't forget to say anything. And from the 1700 applicants, 300 Intel Semifinalists were selected. That number was narrowed down to 40.

As a finalist, Michael -- Michael, raise your hand again. Michael was one of the 40 students who went to Washington D.C. to participate in the final judging of the competition. He has since been recognized for his scientific intellect by being inducted into the Long Island Technology Hall.

I am so proud of all of you from Smithtown, and also to your Coordinators, to -- your Principals are here, and you must feel overwhelmed by four of them from our school, from our town. Smithtown, as I said, is my alma mater. When I went, there was no two schools, there was one school, and they had no hot and cold running water.

*(*Laughter*)*

I am here with my colleague, John Kennedy, who is a Legislator from the 12th District, who also represents Smithtown.

LEG. KENNEDY:

And as I have always come to learn, Legislator Nowick is thorough, comprehensive, and so the best thing that I can say today is, is ditto.

*(*Laughter*)*

Congratulations. As a matter of fact, pursuit of science, I think, is one of the things that each and every one of us aspire to. And at such a young age, to show such great promise, each and every one of us hold great hope that you will go forward to make the discoveries that we all know we so

General Meeting - March 19, 2013

desperately need in our world. Congratulations.

And to each and every one of you as the academics and the educators, kudos to the foundations that you lay that allow these young minds to thrive and to flourish. Thank you again so much.

*(*Applause*)*

P.O. LINDSAY:

Okay. I think we -- Legislator Nowick, we have one more proc from you?

LEG. NOWICK:

Yes, yes, yes. John, don't disappear. Okay. This is such an important proclamation, and although this is one of my Women of Distinction from my District, I will also call up Legislator Kennedy to join me, because Legislator Kennedy is my colleague from Smithtown and is very familiar with this wonderful, wonderful woman from Kings Park. Maureen Rossi, can you come up, please?

*(*Applause*)*

And could your parents come up as well? My mom and dad are here as well, as well you should be.

It is my pleasure to present Maureen Rossi, a resident of Kings Park, with a proclamation signed by all 18 Legislators, acknowledging her as the 2013 Suffolk County Woman of Distinction.

*(*Applause*)*

She was selected by the Suffolk County Women's Advisory Commission, and some of the members are here this afternoon. Women's Advisory, back there also. Everybody here?

AUDIENCE MEMBER:

Right back behind here.

LEG. NOWICK:

With the flowers. This is an amazing woman, truly amazing. You never stop. You continue, you're into everything. Just I will have to tell the audience Maureen started volunteering as a candy striper at a hospital near her home and has continued throughout the years to be a volunteer. From volunteering on the PTA for her children's school to serving as a den mother for the Scouts, coaching her children's games, establishing Parents Resource Center in Kings Park, founding Kings Park in the Know, a particularly incredible organization, teaching Catholic studies at Saint Joseph's School of Religion, providing cheer and coffee to the rescue workers at Ground Zero, which I know was particularly dear to you and to your heart, collecting and distributing items of necessity and clothes to the victims of Hurricane Sandy. And Maureen has a job besides that. She's a dedicated daughter, mother, wife, friend and volunteer.

I want to tell you that I had a coat drive at my office. My whole office was full, full. I walked in one day and I said to my Aide, "What is all this?" Bags of coats. Maureen came to make sure they were distributed.

There is never a time that I have a need for someone to do something to volunteer where Maureen is not there. And it was my pleasure to put her name in as Woman of Distinction. And kudos to the Suffolk County Women's Advisory Commission for making such a decision and, among such wonderful applicants, choosing this woman.

*(*Applause*)*

General Meeting - March 19, 2013

And I am joined here today by my colleague, Legislator John Kennedy, who is part of the Smithtown as well.

LEG. KENNEDY:

And I guess I'm going to say the same thing again, ditto.

*(*Laughter*)*

But to know all of the things that you do in the community to make it so great is outstanding. But I want to particularly commend you for all the hard work with Kings Park in the Know.

A few things that I've had the opportunity to be involved with since I've been a Legislator I think have had more of a meaningful and a profound effect. And because of some of the groundbreaking work with this group, we're at the point today where we have Narcan programs and we have some other things. Back in the dark days, it was tough. Nobody wanted to talk about the fact that there was drugs in their school. You sounded a loud voice and said, "Let's stand up, let's address it, let's confront it and let's get our arms around it." So, for that, I say thank you from each and every one of us. Congratulations.

MS. ROSSI:

Thank you, so much. Thank you, John.

*(*Applause*)*

I just want to say, "I love the Rabbi who plays the bagpipes."

*(*Laughter*)*

He's my new hero. Great to see you back, Legislator, and feel well. You're in our prayers. And thank you very much.

I'm very humbled by this. And it's rather fitting that we had all these beautiful young people here today singing for us, because that's what we fight for. Every child in Suffolk County is worth fighting for.

And it's also quite apropos that we have our energy drink people here today, because that's exactly what they do. These are the best and brightest minds of prevention in addiction. And I'm just glad to see all my friends over there. So thank you so much, folks.

*(*Applause*)*

MS. GEED:

Maureen, just on behalf -- my name is Christine Geed, I'm Chair of the Suffolk County Women's Advisory Commission, and on behalf of the Commission, an organization that advocates for women, it is an honor to honor a woman who advocates for everyone. And on behalf of the Commission, I'd like to present you with these flowers. And it definitely was a choice well made. Congrats.

MS. ROSSI:

Thank you so much. Thank you.

*(*Applause*)*

General Meeting - March 19, 2013

P.O. LINDSAY:

Okay. I think that's it for proclamations. We're about to start the public portion. And our District Attorney has been waiting around to address us first, as we normally do for elected officials, we give them that opportunity, but you beat him out. There's just too many proclamations. He had urgent business to attend to back in his office. He said he might be back, and if he's back, we'll put him right on. But I know he's here to talk about the seizure law that's before us today, to urge us to pass it. So I hope my colleagues will keep that in mind. And it's always good to have him with us. I'm sorry that we got bogged down a little bit.

Okay. Public portion, I remind everybody it's three minutes. And because it being a night meeting, we're going to adhere very strictly to the three minutes, as well as the practice of having somebody on deck ready to speak, and see if we can get through it in a timely manner that we can all go home.

All right. First up is Doreen Boehme. On deck is Lori Benincasa. Go ahead. Oh, okay.

MS. BOEHME:

Good afternoon.

P.O. LINDSAY:

Tom I'll put you on right after she's done.

MS. BOEHME:

My name is Doreen Boehme. I'm here today as a parent. I live in South Huntington. I am very concerned about the effects of energy drinks on our youth.

According to a report by the Academy of Pediatrics, which I'm sure you're familiar, it's entitled "*Health Effects of Energy Drinks on Children, Adolescents and Young Adults: Energy Drinks Pose Health Risks to Adolescents*". The report reads that although healthy people can tolerate caffeine in moderation, heavy caffeine consumption, such as drinking energy drinks, has been associated with even more serious consequences, such as seizures, mania, stroke and sudden death. It also states that although the USDA limits caffeine content in soft drinks, which are categorized as food, there is no such regulation of energy drinks, which are classified as dietary supplements.

The report concludes that, one, energy drinks have no therapeutic benefit. And both the known and unknown pharmacology of various ingredients, combined with reports of toxicity, suggests that these drinks may put some children at risk for serious adverse health effects.

Two, typically, energy drinks contain high levels of caffeine, taurine and guarana, which have stimulant properties in cardiac and hematologic activity. The manufactures claim that energy drinks are nutritional supplements, which shield them from caffeine limits imposed on sodas and the safety testing and labeling required of pharmaceuticals.

Three other ingredients vary, are understudied and are not regulated.

Four, youth-aimed marketing and risk-taking adolescent development tendencies combine to increase overdose potential.

Five, high consumption is suggested by self-report studies, but is under documented in children.

Six, interactions between compounds, additive and dose-dependent effects, long-term consequences and dangers associated with risky behavior in children remain to be determined.

General Meeting - March 19, 2013

I find it disturbing that these products are marketed to young children. The colorful labels, fun-looking cars, and creative displays and product placement make it enticing for young people. Parents are unaware of the dangers and need to be educated.

When these companies can get a hold of sports team mailing lists and mail samples directly to your youth, something must be done, this is not acceptable.

The South Huntington School District Athletic Department banned energy drinks at all athletic events seven years ago. The National Federation of State High School Associations cautioned that caffeinated energy drinks, often confused with such products as Gatorade, a fluid-replacement drink, should not be consumed before, during or after physical activity, because they raise the risk of dehydration and increase the chance of potentially fatal heart illnesses.

The organization also warned of possible interactions with prescription medications, including stimulants, to treat ADHD. As a parent of two high school athletes, this concerns me greatly. Suffolk County Board of Health has --

P.O. LINDSAY:

Doreen, please wrap up.

MS. BOEHME:

I am. The Suffolk Region PTA passed a motion that supports Legislator William's efforts to draft legislation that would clearly define what constitutes as energy drink, and would prohibit the sale of said energy drinks to minors in Suffolk County.

Please do not bow to the pressure of the energy drink lobby. Their profits cannot trump the lives of our children. Please, help us protect our children.

I would like to thank Legislator Spencer for his work on this topic and proposing the bill that you are considering. I ask the Legislators to support these bills. They do not go far enough, but they are a start. Thank you.

P.O. LINDSAY:

Thank you, Doreen. Okay. Our District Attorney, Tom Spota.

MR. SPOTA:

Thank you for taking me out of order, I appreciate it.

P.O. LINDSAY:

I apologize, Tom, that we couldn't do it sooner.

MR. SPOTA:

No, no, that's quite all right. I just wanted to speak very briefly on behalf of the resolution that has been introduced by Legislator Browning and supported by so many of the other Legislators before you, and that speaks to the issue that we are facing today, which I believe is a crisis in Suffolk County. And that is not only DWIs, people who are driving while intoxicated as a result of ingesting either alcohol, drugs or a combination of alcohol and drugs. We are now processing over 5,000 DWIs a year just in Suffolk County alone, and probably this year it will be even far more. There is no question, too, that hit-and-run drivers are posing a significant threat to our public safety. They are leaving the scenes of accidents, and most of them are, quite frankly, people who have been driving while intoxicated. They're leaving people who could -- they could call the police, they could render assistance in some fashion themselves, but they don't, they flee, and sometimes they know that the people that they hit are dying for sure.

General Meeting - March 19, 2013

Under current law, drivers who leave the scene of an accident and are arrested later face significantly less criminal charges than they would if they were caught at the scene, especially, again, if the offender was driving while he was drunk or while under the influence of drugs.

There is pending before the State, I have requested the Senate -- New York State Senate has passed a law, or, rather, they have passed their portion of the law which significantly increases the penalties for leaving the scene of an accident. For instance, and only by way of example, if they leave the scene of an accident where a person has passed away, the penalty goes from seven years to 15 years. That is now before the Assembly. I would hope that this body, and this is a very influential body, not only here in Suffolk County, but throughout the State, if you could write to our Assembly people, or however you choose to do it, to urge that they join with the Senate in passing that -- the proposed legislation that I had asked the Senate to do.

I urge, though, everybody on the Legislature to, and I think you'll be voting tonight, today or tonight, to pass Legislator Browning's resolution. I know there are many, many cosponsors. It's a well-deserved resolution. It will enhance the penalties. It will take away from these people their vehicles. They can be seized. And there is a process, as there is now, for DWIs, so that everybody will have a fair hearing. It won't be just seizing the vehicles and they'll never see them again. And so I would urge you, on behalf of all the law enforcement community, the State Police, our local police, the County Police, our Sheriffs and our Town and Village Police, to pass Legislator Browning's resolution.

Thank you so much for taking me out of the order.

P.O. LINDSAY:

Thank you very much, D.A. Spota.

(*Applause*)

And we'll do our best. Next up, is -- again, I'm going to take him out of the order -- is our Health Commissioner, Commissioner Tomarken.

DR. TOMARKEN:

Thank you for the courtesy of taking me out of order, and I'll be brief. I just want to make basically four points regarding energy drinks and the legislation pending before you.

Number one, our concern at the Board of Health and in the Health Department is that there's a great deal of misinformation and lack of education in the community. Parents have -- we've noted parents have bought these substances for their children. And because they're sold in food stores, we assume that they really don't know what they're purchasing. And when we've -- we've heard stories of when they've been told what they are, they're quite shocked.

Secondly, as has been said many times, there are medical concerns about the complications and associations with serious medical conditions associated with these beverages. I would like to read two lines from the Journal of the American Medical Association which puts out a patient information sheet that physicians are advised to give to their patients, and it says, "*The American Academy of Pediatrics recommends that young children should not consume energy drinks. Caffeine may be especially harmful for children.*"

Since there's no nutritional value in these drinks, and because it sends a very bad message in terms of public health policy, that being take an external drink like this rather than getting proper rest and eating a proper diet, we think these -- this legislation that's before you is appropriate and very much

General Meeting - March 19, 2013

needed, and would send a very strong message to other counties and other agencies throughout the country regarding our position on this, these substances. Thank you.

P.O. LINDSAY:

Thank you, Doc. And, again, we have another Commissioner, Dave Genaway, who is the Commissioner for the Town of Islip for Planning. Hey, Dave? It's always a pleasure to see you.

MR. GENAWAY:

Always a pleasure. Good to see you back.

P.O. LINDSAY:

Thank you.

MR. GENAWAY:

Good evening, Presiding Officer Lindsay, Members of the Legislature. Just wanted to speak very briefly on agenda item, I believe, it's 1153, which was the potential acquisition of the property that we in the Town of Islip call the Rolling Stone Estates Property, or the Roll-Stone Property. This is -- I'm pretty sure most of you are aware of the location of this. It's a property immediately adjacent to the railroad tracks on the southern line of the Long Island Railroad.

Quite a bit of history on this property, including probably around a decade ago, an application for a major subdivision on this property, comprising about 27 single-family dwellings. Again, if we think -- if our mental map thinks about a picture of this property and how you get to this property, clearly access into and out of the property has been one of the difficult issues to resolve. Part of the property is a right-of-way, it's about a 30-foot right-of-way adjacent to the railroad tracks, which provides access to the property.

And on balance, in thinking about the difficulties of processing a 27-home subdivision on this property, it became clear after that process that perhaps the property might be eligible for acquisition under the -- one of the County's programs. I'm not sure of the name of it, but I believe it's a Drinking Water Protection Act, or funding source, and that the use of the purchased properties would have to be used for active recreational ball fields.

So, on that front, we began considering that we could enter into a relationship with the County wherein the County could purchase the property, the Town of Islip would be guaranteeing its development for active recreational use, and then, in turn, our concessionaire, a group or a single neighborhood sports group would be developing and operating the property. And I believe this is no less than the third time, there may be even more models that have been formalized in the past where this exact model and series of relationships between the County, the Town and an ultimate community group would be established.

So what we are contemplating here is no more than three lacrosse or multi-use sports fields in connection with this development. The Town of Islip would commit to entering into an intermunicipal agreement with the County to make sure that all of the details and logistics about this operation would be clearly specified in an intermunicipal agreement.

And I guess I'll just leave the Legislature with one last point, too. I believe this came up in some of the briefings and discussions, was that I believe there was concern that the Town of Islip may have been trying to work in the possibility of a revenue stream in connection with the use. In all of my time involved in the project, I can't remember any discussion about the Town charging an access fee, taking any revenue-sharing in terms of concessions, or, you know, in terms of the soda drinks, or snacks, or chips from a concession stand. That had never been part of our consciousness, it had never been part of our discussion.

General Meeting - March 19, 2013

If any of the members of the Legislature are still concerned about that, I'd like to say today that that is not part of our plan. And although I can't speak for Commissioner Montuori, I don't believe that that's really in the proposal here.

So that's really all I have. I'd be happy to take any questions, if you have any.

LEG. MONTANO:

Can we ask questions?

P.O. LINDSAY:

I'd rather not, then we'll open it. Dave, in our rules, we don't ask questions under the public portion. I'm sorry.

MR. GENAWAY:

Okay.

P.O. LINDSAY:

But maybe if you could avail yourself for a few minutes, if --

LEG. MONTANO:

I'll ask him privately.

P.O. LINDSAY:

Yeah, if any of the Legislators --

MR. GENAWAY:

Sure.

P.O. LINDSAY:

-- are going to step out of the room and ask you any questions, all right?

MR. GENAWAY:

No problem.

P.O. LINDSAY:

But I appreciate you coming down, and I hear you're doing a great job over there. Thank you.

MR. GENAWAY:

We're doing our best.

P.O. LINDSAY:

All right.

MR. GENAWAY:

Thank you.

P.O. LINDSAY:

Okay. Getting back to -- do we have any other people of distinction here? I shouldn't say this. Everybody is distinctive. But I started out before by calling two names, Lori Benincasa. I'm sorry, Lori. I called your name a long time ago to be ready and you've been ready.

MS. BENINCASA:

That's quite all right. I've been here before to speak about the proposals regarding stimulant drinks, so I'll keep my comments brief. You've heard a great deal of debate about whether these products are harmful to health or not. Clearly, they provide no benefit to health. They're empty calories in a country that's facing an epidemic of obesity. If a child drinks a stimulant drink to quench thirst, that drink is taking the place of other healthful drinks.

In our school education programs, we encourage youth to drink plenty of water and lowfat milk to promote hydration and health; stimulant drinks do neither. Major health and medical agencies caution against children drinking these products. It all comes down to who is more credible. Why does the beverage industry fight against this legislation that is so unlikely to affect their bottom line? Possibly they are afraid this will generate more questions about their products.

I hope you'll pass these modest proposals today and further the discussion about the use of these drinks. The health of our children may depend upon it. Thank you.

P.O. LINDSAY:

Thank you very much, Lori, for being very distinct and getting to your point. And just as soon as I say something, I put my foot in my mouth. The next person up is a Woman of Distinction. She's the head -- the Chair of our Ethic Commission, which is doing a wonderful job, Robin Long. Robin, would you come forward? And it's followed -- she's followed by Patricia Bishop-Kelly.

MS. LONG:

Somehow, when you said "distinction," I couldn't get up that quickly. I'd like to, on behalf of the Suffolk County Board of Ethics, pass our good wishes to the Presiding Officer, in seeing you here.

I'd also like to introduce our Vice Chair, Tom Isles is here, and our Executive Director, Samantha Segal.

I've come, and I appreciate you taking this bill out of order, but I've come to speak today on I.R. 1075, which is a bill to revise the financial disclosure statement. As you may all well know, we became fully composited in May of last year, and we passed through our first cycle of looking at the financial disclosure forms. And we have found in reviewing the financial disclosure forms that most people wanted to give us the correct information, but the forms sometimes didn't quite ask the right question or was a little confusing. And I know that the Legislature worked very hard on this form, but until you get your hands on it and start reviewing the number of forms we had to review, we started to see that certain problems -- there were certain problems in formatting or the way that the question was asked.

So we have now, the bill that is before you does not make substantial changes to the substantive issues. It doesn't change the questions being asked. What we've tried to do is to ask the questions in a format that is clearer and will elicit the information.

Also, we did something a little unique, we added an instructions list. So there is some, you know, instructions in the beginning of the financial disclosure form that explains some of the questions. That's what we're trying to do. And we also are looking now at this format. As people will become familiar with this format, we're hoping in the future to be able to do electronic recording and electronic disclosure, and this format would be much more adaptable to that kind of submissions.

So I ask your -- perhaps if you can see that bill pass so that the next round of financial disclosures, as they go out, will go out in a much more user-friendly form. Thank you.

P.O. LINDSAY:

Thank you very much, Robin. Patricia Bishop-Kelly, followed by Pamela Mizzi.

MS. BISHOP-KELLY:

Good evening, and thank you for this opportunity again. By now, most of you have heard powerful arguments from some authentic voices of your Suffolk County constituents about the marketing to and the use of stimulant drinks by our children, adolescents, and young adults.

I began to realize that current marketing and advertising schemes of these products bear a strong parallel to those predatory advertisements created by the tobacco industry that we worked so hard to control only a few short years ago.

Nicotine is an addictive drug, caffeine is an addictive drug. Both cigarettes and stimulant drinks are drug delivery devices. Not until it was almost too late did we wake up and begin to educate ourselves about the truth about tobacco, the lies we were told and the tragic toll it had taken, both in terms of human and economic treasure. We know that children, adolescents and our young adults are the most impressionable targeted market demographic for advertising and marketing.

While athletes were the first targeted group for these stimulant products, their marketing and advertising strategies have expanded to include a wider consumer base, such as the hip crowd, extreme sports enthusiasts, students, and the video game crowd. All, however, share one dynamic. They're all young and impressionable.

Slogans like *"Ignite Your Mind," "Excite Your Fantasy,"* or, *"Performance and Endurance are Enhanced"* focus on youthful attitudes. Other slogan ad one-liners are less serious and more in your face. *"Drink This And You'll Feel Less Sucky, Because It Will Give You All The Energy You Need To Annoy Everybody Else."* These are clearly designed for our young who are more concerned with instant gratification, and are appealing because they are flashy and funny, not because they impart any definite truth or wisdom.

Realizing the impact that marketing, such as free give-aways, sports and event sponsorships, contests, coupons and product gear has on kids, tobacco companies are no longer allowed to sponsor sports events with direct product names, or give away free samples of their addictive products, or advertise in publications read by primarily youth. We can draw a parallel line between the marketing of tobacco and these stimulant products because they both contain addictive drugs that promote an increased use and will cause withdrawal when the user stops using them, and their primary target market are kids and young adults.

We still don't know the full story about these stimulant drinks. So many questions have been raised and gone unanswered about their safety or potential harm. We must not abrogate our responsibilities as parents and protectors of our children and allow the beverage manufacturers full access to our children with their predatory marketing and questioning products. All three pieces of legislation proposed today are reasonable, modest proposals that will help educate our children and adolescents and restrict their access to these addictive products. Why would we want to wait until there are more deaths or hospitals before we are compelled to act?

If we would have had full knowledge 40 to 50 years ago that tobacco would cost us over 400,000 lives every year and 96 billion dollars in health care costs, I'm sure we would have chosen to enact restrictions and public education sooner.

P.O. LINDSAY:

Patricia, unfortunately, you're out of time.

MS. BISHOP-KELLY:

One more. Today we have an opportunity to do the right thing for our children. Act as their protectors and role models and pass these Legislative proposals.

P.O. LINDSAY:

Thank you very much, Patricia. I'm going to try tomorrow morning on my wife that slogan, drink an energy drink and you'll feel less sucky, see what kind of a reaction I get.

*(*Laughter*)*

Pamela Mizzi, followed by Kym Laube.

MS. MIZZI:

Good afternoon. Thank you for this opportunity. I come to you from the Quality Consortium, a group of over 20 addiction prevention treatment and recovery professionals practicing here in Suffolk County, comprising a total of over 70,000 of your constituents. I'm also an addiction professional for the last 30 years, and I have just a few quick points to make, clearly, wholeheartedly in favor of all three of the bills in front of you today, the resolutions in front of you today, supporting restrictions on energy drinks.

Back in 2010, there was a youth development survey done here in Suffolk County of high school youth, and we found one of the most profound facets of that survey was the fact that kids are using at younger and younger ages. We had a feeling, but this was proof that kids are starting to use drugs and alcohol at 11 1/2 years old. The seniors in that group didn't use until they were 14 1/2 years old. And that was a very, very troubling statistic that we've been working on.

Secondly, the adolescent brain, extremely vulnerable, not fully developed. It isn't fully developed until the mid-teens, mid-to-late -- actually mid to late twenties, the brain is fully developed and able to make rational decisions based on -- based on something more than just emotion, and, as was referenced earlier, the buzz of being high. So the adolescent brain being so vulnerable makes the predatory marketing practices that we see with these energy drinks, targeting youth and young adults, grooming them for that quick fix, that feel good just at the risk of their good health.

I think it makes good sense to pass all three of these resolutions to provide for these protections to these young members of our County. Thank you very much.

P.O. LINDSAY:

Thank you very much, Pamela. Kym, followed by Tracy Trypuc.

MS. LAUBE:

Good afternoon. Thanks for having us. My name is Kym Laube. I'm the Executive Director of HUGS and the President for the Quality Consortium. The QC does represent over 20 alcohol and drug prevention treatment and recovery agencies, and represents over 70,000 constituents, as mentioned before. We are absolutely in support of these resolutions that are ahead of you.

In 2012, energy drink sales totaled nearly seven billion dollars, which is a 19.4 increase from 2011. This figure is astounding. And it should be noted energy drinks now outsell bottled water in the United States. Energy shots made up almost a billion in sales themselves, with some seeing triple-digit growths since last year alone. These energy shots are small and easily hidden, and quick and easy to consume. One can clearly understand why there's been so much resistance from the industry to limit the sale on any level. Caffeine is one of the world's most used drugs, that comparatively one could argue has minimal side effects. Yet, to a young developing body, high doses of caffeine, along with other chemicals, can negatively affect all major organs, creating health

General Meeting - March 19, 2013

risks, including, dehydration, rapid heartbeats, spikes in insulin.

The manufactures will tell you that they don't target -- that they absolutely market to the 18 to 30-year-old crowd. We know it's the middle school and high school youth that are most influenced. Most extreme sporting events, such as X Games, skateboarding competitions, are sponsored in part or in whole by energy drink companies. Many websites popular with our youth include a plethora of advertising. Product placement in stores is often at counter level for quick pick up at checkout between soft drinks and alcohol products, placed strategically for our youth to see, not to mention energy drinks were one of the advertisements during the Super Bowl this year, not done by accident.

Young people report drinking many stimulant drinks in a row to get a buzz, and often you will find young people wearing necklaces that have colorful aluminum tabs as a badge of honor.

We have an epidemic with addiction happening in Suffolk County, and at some point we need to stop treating the symptom and look at early onset and early predictors. Getting a buzz on stimulants early on is high-risk behavior and should not be minimized, nor ignored. We must step in where others don't and stand for our young people. Our youth are not protected by the industry, and, therefore, must be protected by the Suffolk County Legislature.

One has to ask why there is so much resistance to these bills, why the industry has fought so hard. How will they have -- how much have they spent fighting for it, and whose interest do they have? At the end of the day, I know whose interest I fight for and my colleagues fight for.

The QC of Suffolk County would like to thank Legislator William Spencer and his colleagues for revisiting this legislation and taking a lead in creating effective efforts to protect our youth. Until that happens, we will continue to educate and empower our youth to lead successful chemically free lives.

P.O. LINDSAY:

Thank you, Kym. Tracy, followed by Mary Finnin.

MS. TRYPUC:

Good afternoon, Presiding Officer Lindsay, esteemed Members of the Suffolk County Legislature. My name is Tracy Trypuc. I'm here to speak as a private citizen. I am also a member of the Suffolk County Board of Health. I am here today to speak on behalf of the resolutions introduced by Legislator William Spencer. These comprehensive energy drink stimulant resolutions will create first-in-the-nation education and protection plans, which include prohibiting the marketing and advertising of stimulant drinks to minors, prohibiting the distribution and sale of stimulant drinks to minors in County parks, and educating Suffolk's youth about the health risks associated with stimulant drinks.

I have spoken about this Legislative Body's long and proud tradition of passing progressive, innovative and health-oriented legislation, and we should be proud of that history. That history includes passing first-in-the-nation laws.

Legislator Nowick -- can't find you -- I would like to thank you for first bringing attention about the concern of energy drink consumption in children, and for initiating the debate that would follow.

Presiding Officer Lindsay, I would like to thank you for asking the Board of Health, under the leadership of Dr. James Tomarken, to research this important public health issue. As you are aware, the Board of Health spent much time researching, debating and discussing this issue.

General Meeting - March 19, 2013

When Legislator Spencer, a pediatrician, was elected to this body, he became Chair of the Health Committee and a member of the Board of Health. The Board had mounting concerns about energy drink consumption in children and adolescents. Some of these concerns included an increase in emergency room visits due to adverse reactions to energy drinks, an increase in consumption of energy drinks by adolescents, one report, 31% of 12 to 17-year-olds in the United States; continued in expanded marketing to adolescents through video games, sporting events, athlete sponsorships and product placement; recognized dangers to health, including cardiovascular problems, anxiety, insomnia and others; inconsistent labeling. Use of energy drinks has been associated with poor sleep and poor school performance.

In November, the Board voted 6-0 unanimously on its recommendations, and these were presented to Presiding Officer Lindsay and Legislator Spencer at the Health Committee and were read into the record.

Most recently, the American Academy of Pediatrics stated that energy drinks have no place in the diet of children and adolescents due to their stimulant content, but manufactures continue to advertise directly to adolescents in media, also viewed by children. A recent American Academy of Pediatrics article in Pediatrics in Review states top selling energy drinks contain high unregulated amounts of caffeine, as well as other stimulants that can enhance the effects of caffeine and can produce harmful effects in adolescents.

Energy drinks mixed with alcohol presents serious potential for harm and abuse. And many of these products, on their own cans, clearly state "Not Recommended for Children."

This body, in the tradition of protecting public health after identifying a known risk, has passed many laws to protect Suffolk County residents. And now, Legislator Spencer's resolutions have advanced through both the Parks and Health Committee and are before you today. It is now time again for action. Today you can make a difference in a child's life. It is time to advocate today, as is the tradition of the Suffolk County Legislature, for public health policy.

It becomes incumbent upon public health officials and elected officials to advocate on behalf of our vulnerable populations. I am asking you to, please, continue to protect the health and well-being of our children in the proud tradition of this great County and vote yes on these resolutions.

I have a quote in my home office by Marian Wright Edelman, "if we don't stand up for children, then we don't stand for much." Legislator Spencer, thank you for standing up for children. Presiding Officer Lindsay, thank you for charging us with this task.

P.O. LINDSAY:

Thank you.

MS. TRYPUC:

And thank you for allowing me to speak today.

P.O. LINDSAY:

Thank you, Tracy. Thank you very much. Mary, followed by George Talley.

MS. FINNIN:

Good afternoon. And welcome back, Mr. Lindsay. We're glad to have you with us.

I came here and presented, and I think it's been sent to you, a copy of the concerns I raised at the Health Committee about moral and legal issues over the sale of health care. We're listening to all these issues around addiction and health care issues, so why are we getting out of the health care business? Why is health care being used as the bat to supposedly balance the budget? It doesn't

General Meeting - March 19, 2013

make any sense. And if you look at the entire budget, including capital expenditures, the amount of money used for health care in Suffolk County is minimal.

Several years ago, we asked for a three-dollar tax increase that would have covered everything. We wouldn't have even been looking at these problems. But we're here today, you know, trying to -- and I know some of you are tired of hearing about Foley and the closing of the health centers, but they're also looking to close our addiction centers. You know, look at all the issues that have been raised today.

And, you know, we have not had public hearings, we have not had the information about the revenue that is brought in in these health centers, they only say what it costs. They don't tell you, "they" meaning the County Exec, because it's his proposal. They don't give you the information about the fact that where they've lost money in some of these places, because they've cut the staff, they've cut staff that would do the billing. You may have done a million, two million dollars worth of services, but there's no one to send out the bill. So the whole thing is malarkey, I'll use Vice President Biden's word, because we're dealing with loss of money and grants for infectious diseases, AIDS, TB, all of these kinds of things.

It's critical, and the County has been obligated under the Charter and a moral obligation to the people for the -- provide for the health of all of the residents, rich or poor. But all of the things that are going on right now will have the greatest impact on our most vulnerable, those without insurance and those without other means of getting health care.

I think there's -- I hope you will look at the list of things where there's revenue that's not been identified. And, in the meantime, as an example of the waste, capital expenditures are being used to build a beautiful new health center in Wyandanch. Wonderful, I support that, but why build it if you're going to give it away or sell it to someone else?

The other issue is why are we giving or selling our business to out-of-county businesses? If you want to really put it on the table, talk to the hospitals that have been providing the care all these decades. There have been different opportunities where you could give or contract with them. Give them the Article 28.

Well, if you're not going to keep the kind of a network that we have, then I would rather see the business stay here with our community hospitals, with our community services, with the people who have been taking care of the people in Suffolk County all these years. Stop giving it away.

And, you know, I think it's -- well, I have another -- okay. Please have public hearings. Please have a level playing field. And before these RFPs are even considered, sit down and talk with the individual community hospitals that are providing the services right now. Thank you.

P.O. LINDSAY:

Thank you, Mary. George Talley, followed by Roland Jimenez.

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

MR. TALLEY:

It's nice to see you back, Mr. Lindsay.

P.O. LINDSAY:

Thank you very much.

General Meeting - March 19, 2013

MR. TALLEY:

My name is George Talley, I'm with the Brentwood Board of Education. I'm here to see if you people can help us collect the correct amount of educational tax. Everybody does not want to see tax increases, and maybe we have a solution where you won't have to increase people's taxes. We have a number of homes in Brentwood. They have sent three and four families of children to our school, we have not complained. But now it's getting to the point where we have to cancel our music, our sports, our art, and it's time to have something done.

I wrote letters to Mr. Croci and Mr. Bellone before they took office and our patience is turning into impatience. If you're going to be a landlord and rent your home out to three different families, that's fine, but then you owe the school district three different educational taxes. We cannot continue and maintain our sports and everything else that all these other schools have if we're going to continue to collect one educational tax and educate three different families that come out of that household. It's impossible.

Now, I've seen the children and the students that have come here today. We had an In-Tel winner three years ago, a homeless girl, Samantha Garvey. We have the National Champions in soccer. We worked our way up, we've got more championships in Suffolk County, Nassau County and New York State for our soccer team; it's going to be eliminated. Our *Green Machine* has been to two President Inaugurations. Our *Green Machine* has been to the State Championships a number of times, it is now ranked a national, a national high school team; it's going to be eliminated. How much do we have to suffer?

We have the lowest paid Superintendent in the entire State of New York. Everybody's closing their schools, their population is going down. Not in Brentwood; Brentwood's student population is going up. Our Superintendent is the lowest paid Superintendent. Our teachers gave a freeze three years ago, our custodians and 237 are the only union that did not, they preferred to give up ten people. Our clericals took a hard freeze. Our town is not going to pass a 60% tax, it's not going to happen, so we can't even talk about it. But look at the people, the landlords; they're taking hard-earned tenants money, putting that cash in their pocket. We need to correct educational tax to be collected by Islip Town.

You guys are the ones that make the laws and we need you to help us. If I come to you with a list of addresses with three and four families coming to our school, well, then what I'm looking from you is so that we can collect three or four taxes, and we expect Islip Town to be the collector of those taxes. Thank you very much.

P.O. LINDSAY:

George, I know I'm violating my own rule here by commenting, but if you would bring that information to me. I don't think I can do anything about it. You say I write the laws, but when it comes to collecting taxes for the town and the school, I don't think we can do that. But I will be very happy -- I'll be very, very happy to add my voice to your voice and write a letter to the town urging them to examine some of their laws to see if we can do what you say, because I agree with you a hundred percent.

MR. TALLEY:

That's where we're going right after this meeting we're going on-line at Islip Town to get there so we can explain the situation to them, because I understand they are the collector of taxes.

P.O. LINDSAY:

Yes. But do me a favor and get me the info so I can add my voice to that appeal.

General Meeting - March 19, 2013

MR. TALLEY:

I will. Can I get your card or your numbers and what have you from anybody?

P.O. LINDSAY:

Sure, I'll have an aide come to you and give you the information.

MR. TALLEY:

I'll be standing outside.

P.O. LINDSAY:

All right. Thank you.

MR. TALLEY:

Thank you very much.

P.O. LINDSAY:

Roland.

MR. JIMENEZ:

As stated previously by a distinction -- a *Woman of Distinction Award* winner, and I quote, "Every child in Suffolk County is worth fighting for," and that's why I'm here today.

I've been a resident of Suffolk County, and primarily the Brentwood community, for over 55 years, and I'm here due to the potential cuts that our school will be facing this year of the music and arts program. And if the budget that would save these programs was proposed on the ballot this year, it would mean an increase to the taxpayers of Brentwood of well over 20%, and that's well over the 2% tax cap.

This is why I echo the previously stated comments by school board member Mr. Talley and look into this untapped and ignored revenue stream so that every resident, homeowner and renter, can pay their fair share of taxes. Thank you.

P.O. LINDSAY:

All right. Laura Jens-Smith.

MS. JENS-SMITH:

Hi. My name is Laura Jens-Smith, I'm with the North Fork Alliance, we're a drug-free community coalition. I know that you've heard a lot about the energy drinks and I'm just going to reiterate a few things that I think are important.

The energy drink related visits to the ER have doubled from 2007 to over 20,000 in 2011. Almost 150 adverse events have been reported to the FDA since 2010 concerning energy drinks. What is even more disturbing is that it is estimated that only one to 10% of all adverse events linked to supplements are reported to the FDA. Prior to the influx of energy drinks into the market, the average caffeine consumption of a typical 14 to 21 year old was around 110 milligrams for a boy and about 103 milligrams for a girl, and this was mostly consumed by carbonated beverages. Today, a 14-year old can have one can of a Monster Energy Drink and consume 160 milligrams of caffeine. Monster, on its can, recommends a limit of three cans per day for a total of 480 milligrams of caffeine for a child 13-years or older, and 30 to 50% of youth report using energy drinks.

Although the American Beverage Association's guidance for responsible labeling and marketing of energy drinks, the guidelines for the energy drinks recommend that energy drinks list the amount of milligrams of caffeine per eight-ounce -- eight fluid ounces of beverages. Many energy drink

General Meeting - March 19, 2013

companies do not follow the American Beverage Association's guidelines and do not comply with this, so many consumers do not know what they are consuming.

Energy drinks are either a dietary supplement or a beverage energy drink. What separates a dietary supplement energy drink from a beverage energy drink is an indefinite, murky line. An example of a can of Rocket Star, which is a dietary supplement, and a can of Amp, which is a beverage; they look almost the same, the description of the two cans are also similar. One way they are dissimilar is that Rocket, on its nutritional label, says, "*Supplement Facts*" and Amp has a "*nutritional facts*" panel. Why is one a supplement? These products often have ingredients like botanical extract that have not been approved for use in a beverage. Or they may contain food-approved ingredients, but at levels in excess of those typically used in beverages.

You have heard testimony that these drinks are regulated by the FDA and that they are approved for use; that is not really true. They're monitored by the FDA and they are not submitted to the same regulatory requirements as other food and drugs. Energy drinks that are dietary supplement, which many of them are, are responsible for ensuring that the product is safe before it is marketed. The FDA does not require the manufacturer to submit products for approval or testing. And if those ingredients were on the market before 1994, they are not even subject to approval by the FDA. The FDA is only responsible for taking --

P.O. LINDSAY:

Laura, maybe you can wrap up, you're over your time. Okay?

MS. JENS-SMITH:

Yep. The FDA is only responsible for taking action against unsafe dietary supplements after it reaches the market, and this is done through adverse event reporting. Only supplements have to report adverse events. If a nutritional drink or supplement is labeled as a food, it does not have to report adverse events, it is done so on a voluntary basis.

And also, when they had the Health Committee meeting, there was the attorney for the American Beverage Association who intimated that a bill proposed by Senator Durbin would soon, in several months, be in effect which would regulate energy drinks with more rigor, similar to cola, and this is not true. I spoke to Senator Durbin's Office and that is not the bill. It is a dietary supplement label amendment that is just proposed and has not passed.

P.O. LINDSAY:

Thank you, Laura.

MS. JENS-SMITH:

Thank you.

P.O. LINDSAY:

James McGreevy, followed by Jim Castellane.

MR. McGREEVY:

Good afternoon. Thank you for the opportunity to speak in opposition to the current proposals related to energy drinks. I'm Jim McGreevy from the American Beverage Association. I submitted a longer statement to this body a few minutes ago and I'll just make a few brief points.

First of all, I want to thank you for the discussion on this topic over the last few weeks and in the years past. You've heard a lot of point/counter point even today about the topic and we appreciate the chance to give you our point of view.

General Meeting - March 19, 2013

We ask that you reject the proposals before you today for several reasons. Proponents have not shown a scientific basis that the products are harmful. Energy drinks are fully regulated and enforced by the FDA, and the FDA is about to embark on hearings similar to this one to review some of the same issues that you've been debating here. And the vast majority of energy drinks consumed in the United States have lower levels of caffeine than similarly-sized coffee house coffee products.

I'm going to be very brief today. We appreciate the chance to give you our point of view on this. We have submitted over the past few weeks numerous research papers and studies supporting our point of view. We've made experts available to you to discuss these issues and we very much appreciate the opportunity to be heard. So thank you very much.

D.P.O. HORSLEY:

Thank you very much, Mr. McGreevy. Jim Castellane, and on deck is Jennifer Appel. Jim Castellane? I don't see Jim. Okay. Ms. Appel?

MS. APPEL:

Good evening. My name is Jennifer Appel and I'm the General Counsel and Program Advisor to the Long Island Housing Partnership. I'm here tonight on Resolution 1200, authorizing funding of infrastructure improvements for the Wyandanch Rising Project.

LIHP would just like to reiterate its support for the Wyandanch Rising Project. We've been working with both the developer, the Albanese Organization, and the Town of Babylon for several years in bringing this project to fruition. LIHP believes that the Wyandanch Rising Project is the first of its kind in the region and represents a true model of private and public partnership. We believe the project is transformative and will bring much needed affordable rental housing and economic stimulus to Wyandanch. We urge the Legislature to adopt this resolution so that the project can continue and construction can commence. Thank you.

D.P.O. HORSLEY:

Kathleen Reeves.

MS. REEVES:

Good afternoon, Presiding Officer Lindsay and members of the Legislature. My name is Kathleen Reeves, I've been here before, I'm a nurse at John J. Foley.

County Executive Bellone states that the nursing home is costing the County approximately \$1 million a month. Well, we lost approximately 17,360 just today because of empty beds, 40 of which have been closed for over a year, and approximately 8,500 for empty day-care slots. This deficit is self-created by the County.

One of our employee's father is in Brookhaven Hospital, he's a dementia patient. They've applied to multiple nursing homes in Suffolk County and they would not be accepted. He applied to -- they're applying to John J. Foley, and as yet they haven't even gotten response because the County Executive says he's going to close us.

The County Executive also says that our residents can be placed in other facilities. We have numerous residents who can't be placed elsewhere, and you all know that because we've given you specific examples in the past. Every one of our residents are people, just like you and me, regardless of what their infirmities are. They don't deserve to be taken out of their homes and sent to whatever facility will take them, if at all. The County Executive says if the lawsuit is dropped that he won't close the facility, but it will go to the Shermans. Yet Israel Sherman stated that if there were residents like some of ours applied to his facility, that he would not accept them. Our residents

General Meeting - March 19, 2013

are not commodities to be picked by how much profit they can make for the owner.

Regardless of what has transpired in the past, it is up to this Legislature to ensure that the laws made by the Suffolk County Legislature are followed and not bypassed by waivers or deals made behind closed doors. Our residents deserve at least that much from you. Thank you.

D.P.O. HORSLEY:

Thank you very much, Ms. Reeves. The next speaker is Mary McLaughlin. And on deck is Matthew Vishnick.

MS. MARR:

I'm Mary McLaughlin and I'm speaking on behalf of the League of Women Voters of Suffolk County. We note that IR 1182, which is before you on the public hearing agenda this evening, proposes strengthening Legislative oversight and public participation in the lawmaking process. This is a concept that the league supports and we welcome a public discussion by the Legislators on the issues involved and why this bill would be a step in the right direction.

The League of Women Voters, as a non-profit, nonpartisan organization that encourages the informed and active participation of citizens, appreciates every effort by this Legislative body to further transparency in government operations. Thank you.

D.P.O. HORSLEY:

Thank you very much, Mary. The next speaker is Matthew Vishnick. On deck is Patricia Lehmann.

MR. VISHNICK:

Good afternoon. My name is Mathew Vishnick, I'm a registered lobbyist speaking in opposition to 1086.

First, I find it extremely disconcerting when a drug counselor or a nurse with her own agenda who submits a report based on selective studies to support her view rather than presenting a complete, objective report for the Suffolk County Legislature to rely on seems to me that she's been given more credibility than neurologists, pharmacologists and toxicologists with decades of experience directly regarding the subject matter of the proposed resolutions. It is surprising and unnerving that certain members may not be analyzing the facts and studies objectively and basing their opinion on selective and unfounded information in order to obtain a desired result, notwithstanding that such result may be unfair, prejudicial, inaccurate and unsupported by the credible evidence.

Although Resolution 1086 may be well-intentioned, the fact remains that the resolution is discriminatory, unjustified and unwarranted, as the underlying basis of the resolution cannot be supported due to the lack of documentary evidence. Due to the inability to substantiate the resolution, same cannot be enacted into law. To infringe on the constitutional rights of one is to infringe on the rights of all.

The stigma or mystery of energy drinks is not a reason to ban or restrict their marketing, distribution or sale, as no documentary evidence exists to support the alleged correlation between energy drinks and the alleged ailments which, as we've heard from pharmacologists, toxicologists, neurologists, are extremely unlikely to occur due to the de minimus amounts of ingredients in energy drinks that cause the alleged illness or conditions. Soft drinks like colas with high fructose corn syrup and caffeine; cotton candy, which is pure sugar, or white death. Hot dogs, with all of the nitrates, sodium and fat, are more detrimental to the consumer than energy drinks, and all are sold regularly at County parks and beaches. More people die from food allergies, like peanuts, wherein about 124 people die annually, or acetaminophen where 450 people die annually. However, this

General Meeting - March 19, 2013

Legislature chooses to discriminate against energy drinks which allegedly are linked to a few deaths over a 15-year period. If energy drinks were so harmful, we would have definitive evidence of same, as in Suffolk County alone, over 1,000 energy drinks are sold per hour. If the allegations were true, our hospitals would be inundated with consumers. Billions of energy drinks have been consumed, billions, simply reviewing the amounts consumed and comparing it to the alleged incidents in and of itself proves that energy drinks are safe.

(Beeper Sounded)

D.P.O. HORSLEY:

Mr. Vishnick, would you please wrap it up?

MR. VISHNICK:

Bottom line, a few isolated incidents that are not directly linked to energy drinks should not justify the infringement of the entities' rights. Energy drink consumption is a parenting issue --

D.P.O. HORSLEY:

Mr. Vishnick, please, wrap it up.

MR. VISHNICK:

I'm wrapping it up. A parenting issue, an education issue which should be in a proper, nutritional diet to both parents and children through our schools. The ingredients of energy drinks are not banned substances, energy drinks are not banned substances. Therefore, any ban is unconstitutional and unjustified. What is this Legislature going to do with caffeine gum, caffeine yogurt?

D.P.O. HORSLEY:

Mr. Vishnick, I know you're paid, but --

MR. VISHNICK:

I thank you for the opportunity.

D.P.O. HORSLEY:

Okay. Thank you. All righty. Patricia Lehmann. On deck is Jeff Heydt.

MS. LEHMANN:

Good afternoon. I have nothing written on paper here because I was just on my way to work at St. Catherine's Hospital, and I've have seen some reports on TV and I just stopped before work today, so please bear with me. I'm a little nerves a little, but hopefully I can get my point across.

My aunt many years ago was a resident at John J. Foley Nursing Home, and the thought that the County would no longer have this nursing home for people who have paid taxes, myself 40 years now. I'm getting close to be a senior citizen soon and the fact that that might not be an option available to me, I thought I need to come and speak to you about that.

My uncle had gone into the hospital many years ago, John J. Foley was full with residents and he was unable to go there when he got ill, and they -- they shipped him off to Queens, and it was very hard for the family to go visit and, you know, keep in contact with him, watch over him and see what was happening with him. I know a few people who have worked at John J. Foley, I know the torment that they personally have gone through as employees, health care workers taking care of people, senior citizens, the disabled. So, you know, sharing with them at times different points of where the money has gone as opposed to -- as to how much is owed or whatever.

General Meeting - March 19, 2013

Using agency nurses in any facility, if we have two or three at St. Catherine's, everybody starts getting nervous and starts shifting things around. But to have a whole facility filled with agency nurses, there's something wrong with the money that they are spending there, and I'm sure that is just the beginning of the iceberg. I don't know what the process is. Is there someone that overlooks the spending, you know, before making this big decision of getting rid of the nursing home, you know, for our County people, you know, seniors who have paid taxes all these years? Is there an agency or something that overlooks exactly where they put their money? There's a big --

D.P.O. HORSLEY:

We can't answer questions.

MS. LEHMANN:

Well, no, no. I'm throwing it out.

D.P.O. HORSLEY:

It's rhetorical. Okay, thank you.

MS. LEHMANN:

This is a question. You know, we just implemented a whole big epic computer system at St. Catherine's Hospital. I was under the impression that the word had gotten around that John J had it too; have they implemented it? Have they used it? You know, that's millions of dollars spent on a system that might not even be used in that nursing home, that's money already spent but they're not showing that this is -- you know, it's one of the numbers they put on the list of things.

So I just thought I'd stop by. And as we speak up for our children, we need to speak up for our disabled and elderly, because we're not going to be children again but we are going to be a senior citizen someday.

D.P.O. HORSLEY:

Well, thank you for expressing your thoughts.

MS. LEHMANN:

Thank you, Sir.

D.P.O. HORSLEY:

Jeff Heydt, and on deck is Peter Mastando.

MR. HEYDT:

Good evening. I'm here for Resolution 1166. I'm CEO of International Warehouse Group. We're trying to expand the Free Trade Zone to allow us, which is a Melville-based warehousing logistics company, to attract new clients, to allow us to hire many additional staff to compete in today's tough economic conditions. We would like to go after electronic companies to import components that would allow us to assemble them without those companies paying duties or tariffs. I'm asking for your support for 1166. Thank you.

P.O. LINDSAY:

Thank you.

D.P.O. HORSLEY:

Thank you, Mr. Heydt. You were here the other day at the committee, right?

MR. HEYDT:

Yes, I was.

General Meeting - March 19, 2013

D.P.O. HORSLEY:

And you didn't have an opportunity to speak, so I'm glad you got your time.

MR. HEYDT:

Thank you very much.

D.P.O. HORSLEY:

Peter Mastando. On deck is Bobby Blessingame.

MR. MASTANDO:

Good evening, Peter Mastando. I work at John J. Foley. Mr. Lindsay, like I said, I'm happy to see you well again.

P.O. LINDSAY:

Thank you.

MR. MASTANDO:

It's always a pleasure, because we work with people that are not well and we appreciate them when they get better.

Mr. Kennedy, glad to see you. Kate Browning, glad to see her; she was just there a minute ago, and everybody else on the board here.

Why John J. Foley? Why do they always pick on John J. Foley? John J. Foley can support itself if they leave it alone, and you's know that; we've discussed that before many times. You're going to hear a lot of things over again. Why don't you sell the Dennison Building? Why don't you sell some of those bushes you have over there and the trees and stuff that you support there, preserve. Sell some trucks, County trucks. You need money? Sell something else. Why people? You're selling people. These are people, live people.

Anyway, the next thing I wanted to say was we went up to the New York State, New York City, we took a ride there with the union and they were going to vote on the sale of John J. Foley. Well, they did vote and it was 10-0, unanimous, not to sell John J. Foley. What happened between now and then which we didn't get there yet? We were supposed to be there on the 21st. Somebody got to the State? I don't know. Something went on that made them make a decision without us even being there and without us seeing the vote. I mean, this is underhanded stuff. You see this picture? This was taken without me knowing it, crying, happy tears that we won that vote 10-0; 10 zero. Where's the tears from the other people for these people? This was for the people, this wasn't for me. This came from the heart. We love those people. You's can't seem to see that. You's can't see it. Because you know why? Maybe you don't see it that way in your own heart. And I hate to pick on your heart all the time because that's where everything comes from. Are you Catholic? Are you religion? No matter what religion you are, you've got a heart. It comes with love. We love these people.

I don't know what to say. We need your help. I always ask for your help. We thank Mr. Kennedy, he gives his time up, helps us, Kate Browning. I went out to help Mr. Montalbano (sic) with his last election. We're willing to help everybody. I mean, nobody is our enemy. I mean, come on. It's been in front of you so much, so long.

And Mr. Bellone, you know, he -- he doesn't tell the truth in front of the public, I have to say. You know? He keeps telling the public, "Your tax monies are wasted on John J. Foley"; not true. Not true at all.

General Meeting - March 19, 2013

D.P.O. HORSLEY:

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

MR. MASTANDO:

Okay. John J. Foley can support itself, it's been proven. And I wish he would stop doing that to the public, telling them that their tax money is being wasted on John J. Foley. It is not true, the public is not aware of these statements. Thank you.

D.P.O. HORSLEY:

Thank you very much. Bobby Blassingame, and on deck is Jonathan Keyes.

MR. BLASSINGAME:

Shalom shalom. I'm Mr. Blassingame, community leader in Wyandanch, that's our unofficial Mayor of it. We are truly happy with the Wyandanch Rising. We're down here to thank all of you.

D.P.O. HORSLEY:

Bobby, would you please speak into the mic? We're having trouble hearing you.

MR. BLASSINGAME:

We are truly happy in Wyandanch. I've been walking around talking, it's been a long time overdue. Wyandanch is truly -- we feel like we are being marched out of a long dark past, and that's how on June 8th Wyandanch will be celebrating the Wyandanch Family Day. We want to finally march with Wyandanch and tell them she made it. You know, because it is a feeling, it is a psychological feeling that took not only Wyandanch, it took you all, it took the Town of Babylon. And yes, it's been a hard road. I've been talking to Jonathan Keyes, I've been -- that's how to get to DuWayne Gregory. But we are truly happy. I mean, we see the digging, we see that's how the sewer going in. I know it's taking a while, but I tell everybody I'd rather for it to be done right than done wrong. That's how -- you know, a project that is done right, we -- we're over static. And when somebody tells me they don't like what's going on in Wyandanch, I say, "There are nine roads, you're welcome to leave." You know? Because we don't -- we would no longer look at Wyandanch past. And I don't want nobody mentioning everything that went wrong back then. Sure, something went wrong, something happened. Something happens with everybody, but now this board can say Wyandanch is finally coming out of her dark, long path. You can no longer -- and don't say what happened then, each and everybody played a part in what's happening, every individual, and I want you to march with me. We don't have a ban in Wyandanch. But I think all of you all could come on June 8th, we're going to march down {Mount} Avenue. Tell Wyandanch -- what's that song that said, "Lift up your voice and say, tell them, you made it! You finally made it! We made it!" I've been there 40 years, I've never been so happy.

I said I look at it, I'm thankful, I am. I can't appreciate -- you know, I'm an unofficial Mayor. I stand in lines with Mayor Brad who passed, you remember Mayor Brad. I stand in line as the sixteenth unofficial Mayors. We worked diligently, just as hard as any man might work, as he's getting paid. I know we believe. And this thing -- this is not just to Wayne Gregory. I don't know all your names because you're meeting me, but I thank you all individually and don't give up on us. But we would no longer let Wyandanch slide back in the path. And when they call and say they have a problem, you direct them to their Mayor. Because I don't mind to tell you, we will make it and we thank you. I thank this young lady right here, the Wyandanch Housing. I wanted to meet her. She don't find it robbery, don't find it robbery. Nobody found -- I said it coming down there, "I see the mens working and they don't give up, it's pouring rain down there sometimes and I still see them down there just diligently toiling along.

General Meeting - March 19, 2013

People don't do that because you're paying them. There's something in a person here. They have to be something in you all here to know that Wyandanch was here in your heart. And I thank you for it from the bottom of my heart. And as a community leader, the unofficial Mayor of it, I think each and every one of you, on June 8th, please join me and help this hamlet to walk out of her -- it will be something to us all.

P.O. LINDSAY:

Thank you, Mayor Bobby.

MR. BLASSINGAME:

Thank you.

P.O. LINDSAY:

You did a great job. And get the band, get the band, you know.

*(*Laughter*)*

MR. BLASSINGAME:

Well, that takes the school board.

P.O. LINDSAY:

Okay. Jonathan Keyes.

MR. KEYES:

Good evening. How are you?

P.O. LINDSAY:

All right.

MR. KEYES:

Thank you. My name is Jonathan Keyes, I'm the Director of Downtown revitalization for the Town of Babylon and the project lead for the Town on the Wyandanch Rising Project.

Supervisor Schaeffer just asked me to stop by and make a brief statement of support for the application of the Albanese Organization tonight. You have a resolution before you authorizing the award of funds towards the Albanese Organization for site infrastructure improvements for Wyandanch Rising. Just want to again affirm the town's support and commitment to this project and support for this application.

Wyandanch Rising, briefly, is a comprehensive community-based revitalization initiative dating back over a decade. It's received numerous local, State and Federal awards and designations;

In 2009, the State named it one of three Brownfield opportunity area spotlight communities, one of only three communities in the State to receive that designation along with the South Bronx and South Buffalo.

In 2010, the project was named one of ten communities nationwide as a showcase for the U.S. Green Building Council's new lead for Neighborhood Development Standard.

In 2011, the project was designated a Project of Regional Significance and a transformative project and has received funding; the largest award of funding under Governor Cuomo's Economic Development Council and Long Island Regional Economic Development Council Program for each of the first two rounds of that program. The significant support received to date for this project demonstrates the importance both for the community of Wyandanch and for the Long Island region.

General Meeting - March 19, 2013

So I just want to reiterate, we've worked tirelessly over the past ten years to bring this project to fruition. A thorough community visioning process has brought us to this point and a number of {sharettes} and, as you just heard, has widespread support of the community.

We work through an RFP and an RFQ process to select the master developer for this project, and that's the Albanese Organization; you'll be hearing from them a little later this evening. And again, we've been working with that developer towards the successful groundbreaking of this project and the funding that's being requested tonight, both for Building A and the future requests for funding for a future building are both critical to the success of this project. It's very important to get these buildings in the ground to create that sense of place and create the vibrancy and walkability for downtown Wyandanch that we've all been working towards for the past ten years. So once again, just on behalf of Supervisor Schaffer, I thank you for your consideration. Thank you very much.

P.O. LINDSAY:

Jonathan, George Aridas is the next speaker, is he from Albanese?

MR. KEYES:

Yes, he is.

P.O. LINDSAY:

Okay, then I'll address my questions to him. Thank you.

MR. KEYES:

Thank you.

P.O. LINDSAY:

George Aridas. George, you're the man I've been looking for.

MR. ARIDAS:

Thank you, I think.

*(*Laughter*)*

Thank you. It's a pleasure to speak before the Legislature in favor of the request for infrastructure support. The Wyandanch Rising is, as Jonathan indicated, a comprehensive revitalization. We are proud to be named the master developer and we are moving forward with phase I which will include two mixed-use, mixed-income buildings to establish a sense of place. At the Wyandanch train station, we are working in cooperation with the Long Island Railroad, with the County and with the town. And we have before you a request for infrastructure support for the first building. We will be coming to you again as we move forward on the second building, each of those on either side of the new park that would be created by the town. We have, that we can leave with you today, materials that I had given to the committee, a summary of the scope and the income distribution and unit distribution for the units. The first building will be 91 family-oriented units, more than half are two and three bedrooms, with roughly 17,500 square feet of service-oriented and community-oriented retail in the base.

I can take your questions now. I do ask for your support. This is --

P.O. LINDSAY:

George?

MR. ARIDAS:

Yes?

General Meeting - March 19, 2013

P.O. LINDSAY:

This is kind of a privilege of the Chair, and I know I'll pay for this, but we don't normally ask questions. We've been assured that the Albanese Organization will build this job union.

MR. ARIDAS:

Yes.

P.O. LINDSAY:

Okay.

MR. ARIDAS:

We have only bid to union contractors and I've given that assurance.

P.O. LINDSAY:

That's a wonderful thing, and we're concerned about our working people in this County. Please keep your commitment, because if you don't we'll remember that.

MR. ARIDAS:

(Laughter).

P.O. LINDSAY:

Thank you very much.

MR. ARIDAS:

And I hope you remember that we do keep it.

P.O. LINDSAY:

Okay. We will.

MR. ARIDAS:

Thank you.

P.O. LINDSAY:

Okay. Thank you very much.

Is there anybody else who would like to address the Legislature? Alex?

MR. STRAUSS:

Yep. Just a couple of quick points. You know, it's nice to see these fine gentlemen that represent the beverage company come up here and talk about a nurse, what in the heck did she come here to tell you her expertise when all their expertise were paid, including him and the other gentleman. Which is fine, it's all right, but don't try and knock down somebody's voice because they come up here before you and they don't have anything to gain; they're not gaining a penny, they're not gaining anything. They're trying to help our children not get sucked into this garbage. That's one thing.

The second thing, John J. Foley. I sit here many days, many nights, and listen to all the things that we purchase in Suffolk County. We purchase more parkland that never gets developed, but we have it all. We have the most parkland, you go down on -- on William Floyd Parkway, we've got that giant park there that nobody's allowed in. It's got a fence around it, it looks beautiful, the birds probably play in there, the little bunnies run around, but we don't use it. We buy property that just sits there. It's amazing. We spend money on people not to develop their land. And then, you know, later on they decide they're going to sell it to the County. So not only do we pay them once

General Meeting - March 19, 2013

for not developing it, now we're paying them to take it from them. It's amazing, it's absolutely amazing that we do these things. And yet we have our -- the people that need the help the most in John J. Foley that don't have anything. And I know it's not only the Legislature that does this, I know it's the County Executive; the last one was a fool, this one here is a little bit better. But, you know, sometimes we have to get to a point where we actually raise taxes to help pay for some of these things. I mean, we supplement many different things in Suffolk County, which is good because a certain amount of people can't pay for everything. A person that uses the bus, I'm sure that that bus cost more than the price that we charge, but that's okay because not everybody can afford a car. We've got to look out for the whole County, not just for the rich, not just for the people that have, we've got to speak to the people that don't have, and I know this Legislature would do that. And I just hope that someday, somebody, somewhere around here or anywhere will actually raise taxes a little bit to help pay for some of these things that we're going to lose. That's all I wanted to say and thank you and have a good night.

P.O. LINDSAY:

Thanks, Alex. Would anybody else like to address the Legislature? Please come forward and identify yourself.

DR. LEVCHUCK:

Hi. My name is Dr. Sean Levchuck, I'm the Chairman of Pediatrics and Pediatric Cardiology at St. Francis Hospital. I'm a Board Certified Pediatric Cardiologist, I've been practicing out on Long Island for 18 years. Before that I was at St. Christopher's Hospital for Children in Philadelphia. And I'm here to weigh in on the energy drink.

When we as cardiologists are called -- pediatric cardiologists are called to evaluate a child who may or may not be having a heart problem, we rely on several tools. Some of these tools are the ones we commonly know, the EKG, the echocardiogram, but we also look at blood tests, blood tests that identify markers that suggest cardiac damage at the cellular level.

Last week I was called to evaluate a 13-year old boy in the emergency room. He came in with a resting heart rate of 130. His EKG was normal, his echocardiogram was normal, he was bouncing all over the place. His blood work was normal with the exceptions of the small cardiac levels of cardiac enzymes that were elevated. Typically these are seen in myocardial damage. I talked to him for a while, residents in there, everybody's in there, what's going on, and as I walked out he said, *"Oh, yeah. By the way, Doc, I forgot to tell you, I had a can of Amp an hour before I got to the emergency room."* And that's all I have to say about the energy drink.

MR. STRAUSS:

Thank you.

P.O. LINDSAY:

Okay. Anybody else? Seeing none, I'll accept a motion to close the public portion.

LEG. BARRAGA:

Motion.

LEG. CILMI:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen (Not Present: D.P.O. Horsley & Legislator Montano).

LEG. SCHNEIDERMAN:

I'm here.

P.O. LINDSAY:

Motion is closed.

Go to the *Consent Calendar*. I'll accept a motion.

LEG. BARRAGA:

Motion.

LEG. CILMI:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Consent calendar is passed.

Go to page seven, *Resolutions Tabled to March 19th:*

First up is *1841-12 - Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Tuccio property – Town of Southampton) (SCTM No. 0900-248.00-01.00-110.003).*

Legislator Schneiderman?

LEG. SCHNEIDERMAN:

Motion to table.

P.O. LINDSAY:

Motion to table.

LEG. CALARCO:

Second.

P.O. LINDSAY:

Seconded by Legislator Calarco. All in favor? Opposed? Abstentions?

LEG. CALARCO:

Mr. Presiding Officer?

P.O. LINDSAY:

Yes.

LEG. CALARCO:

I would like to make a motion to take a resolution out of order.

P.O. LINDSAY:

Okay.

LEG. CALARCO:

No. 1115, it's on page ten, it's licensing for the Davis Park Ferry. They're in the audience here today and I would like to get them out of here so they don't have stay.

P.O. LINDSAY:

Okay. 1115 on page ten.

MR. LAUBE:

Eighteen on the other.

D.P.O. HORSLEY:

All the way down on the bottom.

P.O. LINDSAY:

Okay, all the way down on the bottom under *Public Works & Transportation:*

We have a motion before us to take 1115 out of order.

LEG. HAHN:

Second.

P.O. LINDSAY:

Seconded by Legislator Hahn. All in favor of taking it out of order? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, it passed, the motion is before us.

LEG. CALARCO:

Motion to approve.

P.O. LINDSAY:

1115-13 - Approving the extension of the license and franchise of Davis Park Ferry Co., Inc., for Cross Bay Service between Patchogue, New York and Fire Island Community of Davis Park (Presiding Officer Lindsay).

LEG. CALARCO:

Motion.

P.O. LINDSAY:

I note that it doesn't ask for an increase, so.

LEG. CALARCO:

No, it's just the license.

P.O. LINDSAY:

Okay. Motion by Legislator Calarco. Seconded by Legislator Muratore. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

LEG. BROWNING:

Mr. Presiding Officer, I'd like to make a motion to take 1087 out of order. There's some people who would like to leave once we get this done.

P.O. LINDSAY:

What page is that on?

LEG. BROWNING:

Page 10, Public Safety.

P.O. LINDSAY:

Okay. There's a motion by Legislator Browning to take 1087 out of order.

LEG. HAHN:

Second.

P.O. LINDSAY:

Let me find it.

MR. NOLAN:

It's under Public Safety.

P.O. LINDSAY:

Okay, 1087, I got it. We have a motion by Legislator Browning, seconded by Legislator Hahn to take 1087 out of order. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, it passed. It's before us.

1087-13 - Adopting Local Law No. -2013, A Local Law to deter motorists from leaving the scene of an accident (Browning).

LEG. BROWNING:

Motion to approve.

P.O. LINDSAY:

Motion to approve. Seconded by Legislator Muratore. Okay. And I'd like to add myself as a cosponsor to that, Mr. Clerk.

MR. LAUBE:

You got it.

LEG. ANKER:

Cosponsor.

LEG. NOWICK:

Cosponsor.

LEG. SCHNEIDERMAN:

Cosponsor, too.

LEG. KENNEDY:

Yes, cosponsor.

LEG. SPENCER:

Cosponsor.

P.O. LINDSAY:

See if anybody doesn't want to cosponsor. Okay.

MR. LAUBE:

Got it.

P.O. LINDSAY:

Okay. The motion is before us and the second. Anybody want to address us on that issue?

LEG. BROWNING:

No, I just want to say thank you to all my colleagues for supporting it. Mr. Hughes was not able to stay, but in honor and memory of his daughter Erika, I just want to say thank you.

Like I said earlier, we can't let her death go in vain and we need to get a clear message out here in Suffolk County that if you kill someone or seriously hurt someone by -- and just leaving the scene, we are going to be very tough on you and they need to get that message not to do that again. There's just been too many. I think you heard the District Attorney, over 5500 hit and run incidents just in 2012, and it's getting out of control. So we need to get that clear message here in Suffolk. So thank you to everyone.

P.O. LINDSAY:

Okay. We have a motion and a second, right? Did we take the vote?

MR. NOLAN:

Not yet.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, it passed unanimously.

LEG. SPENCER:

Mr. Presiding Officer?

P.O. LINDSAY:

And I'm sure that he is -- that man is going to be ecstatic that it passed eighteen nothing. What a tribute to his family.

D.P.O. HORSLEY:

Absolutely.

LEG. BROWNING:

Yes, he is.

P.O. LINDSAY:

Yes?

LEG. SPENCER:

Under Tabled Resolutions, I have someone that's appearing before us and I would like permission to take it out of order. IR 1089, to appoint Early Intervention Task Force, Kimberly Snyder. She's here and she has to get home. If there's any way we could consider her, I would appreciate it.

LEG. SPENCER:

Tabled Resolutions, page seven.

LEG. SCHNEIDERMAN:

I'll second.

LEG. SPENCER:

Could I make a motion to take IR 1089 out of order?

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Okay, we have a motion by Legislator Spencer to take 1089 out of order. Second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

It stands before us now.

1089-13 - To appoint member to the Early Intervention Task Force (Kimberly D. Snyder) (Spencer). And I see Ms. Snyder is at the podium, if anybody has any questions of her. Does anybody have any questions of her? Seeing none, Ms. Snyder, first of all, I want to thank you for volunteering to serve in this capacity for the County. We have so many volunteers and I'm very happy to add you to that long list.

MS. SNYDER:

My pleasure. Thank you.

P.O. LINDSAY:

Thank you.

LEG. SPENCER:

Motion to approve, please.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. The motion was by Legislator Spencer and second by Legislator D'Amaro.

LEG. D'AMARO:

Mr. Presiding Officer, if I may?

P.O. LINDSAY:

Yes.

LEG. D'AMARO:

I would like to --

LEG. SCHNEIDERMAN:

If I may, too. Go ahead.

LEG. D'AMARO:

I would like to also propose taking Resolution 1075 out of order.

LEG. SCHNEIDERMAN:

That's the same one I was going to ask for.

LEG. D'AMARO:

There are members of the Ethics Commission here and we heard testimony this afternoon and I would like to get them back to work as well.

LEG. SCHNEIDERMAN:

I'll second. I was going to make the same motion.

MR. STRAUSS:

What page?

LEG. SCHNEIDERMAN:

Page eleven, second one under *Ways & Means*.

P.O. LINDSAY:

Okay. Okay, we have on page 11 a motion by Legislator D'Amaro, seconded by Legislator Schneiderman; is that okay?

LEG. SCHNEIDERMAN:

Yes.

P.O. LINDSAY:

To take *1075, a Local Law to revise Suffolk County's Financial Disclosure Statement (Presiding Officer Lindsay)*, out of order. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

LEG. D'AMARO:

I'd also like to offer a motion to approve as well.

LEG. SPENCER:

Second.

P.O. LINDSAY:

Okay? We have -- the motion passed to take it out of order. And we have a motion by Legislator D'Amaro for approval and seconded by Legislator Spencer. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, it passed. Anybody else?

LEG. SCHNEIDERMAN:

Yeah, one more on Page nine, 1188, this is for the Peconic Estuary System. The Director is here, Alison Branco; she's here to answer any questions we may have. And she's been patient and I want to give her the ability to go home.

P.O. LINDSAY:

1188?

LEG. SCHNEIDERMAN:

1188.

P.O. LINDSAY:

Okay. We have a motion to take **1188** on Page nine out of order. It's *appropriating funds in connection with the Peconic Bay Estuary Program (CP 8235) (County Executive)*.

Do I have a second?

LEG. HAHN:

Second.

P.O. LINDSAY:

Second by Legislator Hahn. Any questions?

LEG. KENNEDY:

Yeah, on the motion.

P.O. LINDSAY:

On the motion, Legislator Kennedy.

LEG. SCHNEIDERMAN:

To take it out of order.

P.O. LINDSAY:

Right.

LEG. KENNEDY:

Oh, okay. No, not on that.

P.O. LINDSAY:

Okay. Any questions on taking it out of order? Seeing none, all in favor of taking it out of order? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay.

LEG. SCHNEIDERMAN:

I will make a motion to approve.

P.O. LINDSAY:

It's before us, 1188, and I have a motion to approve. Do I have a motion to second?

LEG. GREGORY:

Second.

P.O. LINDSAY:

Second by Legislator Gregory. On the question?

LEG. KENNEDY:

An explanation.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Yes. Can we just get an explanation?

P.O. LINDSAY:

Sure.

LEG. KENNEDY:

Either through Counsel or somebody?

P.O. LINDSAY:

Sure. Who's going to explain?

LEG. SCHNEIDERMAN:

I think the Director --

P.O. LINDSAY:

Go ahead.

LEG. SCHNEIDERMAN:

-- would be probably the best qualified to answer this.

MS. BRANCO:

I'm Alison Branco, I'm in the Suffolk County Health Department, Division of Environmental Quality, and I'm also the Director of the Peconic Estuary Program.

This resolution is appropriating the Suffolk County capital funds for a project to conduct an Economic Evaluation Study of the Peconic Estuary. This we feel is an important planning step in a lot of pollution prevention and water quality protection initiatives that we have sort of coming down the pike in the future. The idea is to calculate and assess the value of our natural resources in financial

General Meeting - March 19, 2013

terms so we can compare apples to apples when we need to do a cost benefit analysis or a return on investment assessment for pollution prevention initiatives, so that we can gauge the public's support for initiatives like that.

LEG. KENNEDY:

Well, forgive me. No, I didn't hear about this in committee. So you're trying -- this study will try to quantify how much commercial activity is associated with restaurants or baymen. Or do we not think that there's not a lot of economic activity around the Peconic?

MS. BRANCO:

No. We certainly think there is a lot of economic activity, but we don't have a good quantification of what it is, and, most importantly, what -- how it would change if pollution prevention initiatives are either completed or not completed. So the idea is to quantify that so we can compare -- we all know that there are benefits, but -- so that we can compare them on even terms.

LEG. KENNEDY:

Okay, thanks.

LEG. SCHNEIDERMAN:

Can I ask --

P.O. LINDSAY:

Yes, Legislator Montano.

LEG. MONTANO:

Just this is -- this is appropriating funds in the Capital Budget, in this year's capital, am I correct?

MS. BRANCO:

That's right.

LEG. MONTANO:

And how much are the funds?

MS. BRANCO:

It's \$200,000.

LEG. MONTANO:

Okay.

P.O. LINDSAY:

Okay. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

And I believe there's a match, a Federal match to this; is that right?

MS. BRANCO:

Yes. In addition to the merits of the study itself, this Capital Project would serve as part of the required Federal match for the Peconic Estuary Program's grant that we get from the Federal Government each year, so the County normally matches some part of that Federal Grant. And so this is the appropriate source of the matching funding.

LEG. SCHNEIDERMAN:

A match. But, no. Will this -- I know there's been talk of a lot of projects for this system,

General Meeting - March 19, 2013

particularly sewage treatment in various areas that would help keep nitrogen out of the Peconic Bay System. So is this study somehow going to position us better to receive Federal money or State money to help us improve water quality?

MS. BRANCO:

Yeah, it will, absolutely. In addition to sort of justifying the need for those things, it will help us justify the cost of them, assess the costs of those types of initiatives, which are quite expensive, versus the economic benefits that they'll bring. And it's also -- we feel it's a critical step toward our assessment of which options are most appropriate to move forward with, especially with things like dealing with wastewater on the East End.

P.O. LINDSAY:

Yes, Legislator Krupski.

LEG. KRUPSKI:

Well, we did speak earlier today, and we spoke about the wisdom of borrowing \$200,000 to leverage borrowed Federal money. Could you give me an indication, if this resolution did pass, how that study would be conducted and who would conduct it?

MS. BRANCO:

We would do a traditional RFP process to find the best qualified contractor to conduct it. A similar study was done about 20 years ago for this system, and so the same contractors would be an option so that the methods could be similar. That way the values back then could be compared to values now. But we don't -- we don't have a contractor in mind right yet. We'll do a normal RFP process to find the best one.

LEG. KRUPSKI:

Thank you.

LEG. KENNEDY:

One more.

P.O. LINDSAY:

Yes. Legislator D'Amaro.

LEG. D'AMARO:

Thank you. Thank you for answering those questions. I had a few of them myself.

Is this an updating of an existing study, or is this something new that we're doing?

MS. BRANCO:

Well, it's sort of both. These studies have been done in various systems in the past. A study of the Peconic Estuary System was done, like I said, about 20 years ago. So that information is quite old. A lot of things have changed about the system. Our understanding of the system has changed quite a bit.

LEG. D'AMARO:

Have we received any grant money to benefit the Estuary Program in the last 20 years?

MS. BRANCO:

Yeah, quite a bit --

LEG. D'AMARO:

Quite a bit.

MS. BRANCO:

-- of money, yeah, absolutely.

LEG. D'AMARO:

Yeah. So we got all that money without doing the study, though.

MS. BRANCO:

Well, often, when we get those grants to do a habitat restoration project or water pollution prevention projects, water quality control project, we cite studies like this and the importance of good water quality to industries like baymen, tourism industry on the East End, those kind of things.

LEG. D'AMARO:

But it seems like you already have the basis of the study completed, and you know all the issues, and you know about the importance. And I'm just questioning at this point why 200,000? Why 200,000?

MS. BRANCO:

Why that number?

LEG. D'AMARO:

Yeah, how do you know that's the right number?

MS. BRANCO:

That's an estimate based on several years ago. The Estuary Program spoke with some contractors who do this type of work when another funding source was being examined to do this kind of a project. And so it's an older estimate, but it's only a few years old, that's the estimate.

LEG. D'AMARO:

It seems to me that to spend \$200,000, which is a number given to us by the industry, right, based on some prior studies that were done?

MS. BRANCO:

Uh-huh.

LEG. D'AMARO:

To spend that kind of money at this time to study an area in the County that we've already studied in the past, we've already received grant money before, I don't see really your -- how is this helping us at this point?

MS. BRANCO:

Well, I think, in addition to helping --

LEG. D'AMARO:

Can you name one specific grant that we will not get if we don't do this \$200,000 study?

MS. BRANCO:

I don't know necessarily if I could name one specific grant.

LEG. D'AMARO:

Okay.

MS. BRANCO:

But I do know that even this, the Estuary Program itself is having a hard time continuing to get the financial support it needs to match the Federal Grant that we're getting. And so establishing the importance of water quality in the system in economic terms I think is critical to that financial --

LEG. D'AMARO:

But we haven't been denied; is that correct?

MS. BRANCO:

No, no, not at the moment.

LEG. D'AMARO:

Right. So not at the moment, we haven't been denied, and you feel that we will be denied without the study?

MS. BRANCO:

There are some grants that we haven't received. I don't know if you could necessarily say this -- the lack of this particular study alone is responsible for that.

LEG. D'AMARO:

How many -- I'm sorry. What department are you in again?

MS. BRANCO:

The Health Department.

LEG. D'AMARO:

The Health Department. So how many similar studies are we doing in the Health Department like this?

MS. BRANCO:

Studies like this?

LEG. D'AMARO:

Yeah.

MS. BRANCO:

None.

LEG. D'AMARO:

None?

MS. BRANCO:

None that I know of right now.

LEG. D'AMARO:

The whole Health Department is getting all the grant money without doing any other studies, similar -- you know, similar studies. I'm just trying to again understand.

Where did the idea come up that we needed this study? Were we directed -- we were directed -- excuse me -- to do this study, or was this something that was assessed in-house? Where did the idea for this study come from?

MS. BRANCO:

The idea came primarily from the Peconic Estuary Program, which is sort of an association of partners that includes various levels of Federal agencies --

LEG. D'AMARO:

Yeah.

MS. BRANCO:

-- non-profit, those --

LEG. D'AMARO:

Right.

MS. BRANCO:

All those people.

LEG. D'AMARO:

So the Estuary Program itself recommended the study.

MS. BRANCO:

Right.

LEG. D'AMARO:

And then we're going to pay for it, right? I see, uh-huh. Do you think we can get along without this study for a little while?

MS. BRANCO:

I think that -- I think this study -- without this study, I think that we're missing a really critical step in justifying, as well as better shaping, the water quality improvement projects we have coming down -- County projects such as the on-site wastewater treatment studies, prevention of harmful algal blooms, storm water upgrades to keep shellfish beds open. All those kind of things, I think without this type of study, we won't -- we won't be as able to justify those projects, and we won't be as able to assess the cost and benefits to make the right decisions about how to do them.

LEG. D'AMARO:

Okay. Well, fair enough. It sounds like a belt-and-suspenders approach. But you're not saying we cannot justify, you're just saying it would be nice to have this in place?

MS. BRANCO:

I'm saying -- I'm saying we may not -- we may not do as good a job choosing the right platform without this information.

LEG. D'AMARO:

The information that we haven't had for the last 20 years, though?

MS. BRANCO:

Well, we had it 20 years ago and it's gotten older, and now it's really old.

LEG. D'AMARO:

Can't be updated in-house? The Health Department can't do this?

MS. BRANCO:

No, we don't have the skill set, I don't think, to do that in-house.

LEG. D'AMARO:

Okay. Thank you very much for answering my questions.

P.O. LINDSAY:

Okay. Anybody else, any questions for -- Legislator Krupski.

LEG. KRUPSKI:

Can I ask for a roll call?

P.O. LINDSAY:

A roll call for what? But I'm still taking questions of this young lady.

LEG. KRUPSKI:

Oh, I'm sorry.

P.O. LINDSAY:

Legislator Stern had some questions?

LEG. STERN:

Yeah. Thank you, Mr. Chairman. I'd like to find out more about the Federal portion of this grant. If this was approved, this would be approved for \$200,000. Tell me about the Federal portion.

MS. BRANCO:

So the Federal grant that was mentioned is the Peconic Estuary Program Grant that comes from EPA, and it's a 50/50 match. So some part of that Federal grant, which typically most years is \$600,000, this year we're not so sure what it will be, some portion of that grant comes to the County and the rest goes to the State, and the County normally matches the portion that comes to the County. So this project could serve as the match for that grant.

LEG. STERN:

Again, there's a portion that comes to the State through the Federal Government?

MS. BRANCO:

The Federal grant --

LEG. STERN:

The Federal grant.

MS. BRANCO:

-- comes to the program, and some of it is administered by the State and some of it is administered by the County.

LEG. STERN:

So the number that's chosen here, the \$200,000, what is the relationship between that number and the number that we may or may not get in some kind of proportion between the Federal and the State Government? There's some portion that's determined to flow through to the County as a match, and some portion does not come to us; does that stay with the State?

MS. BRANCO:

Right. So we expect about \$300,000 to come through to the County for this upcoming year. But this number was not chosen based on that, this number was chosen based on the estimate of how much the study would cost.

LEG. STERN:

That number that comes -- that's an annual number?

MS. BRANCO:

It's an annual grant that comes to the program, and depending on what's in the budget for the program, some of it's administered by the County and some of it's administered by the State.

LEG. STERN:

So it's a specific line item for the Peconic Estuary Program?

MS. BRANCO:

That's right.

LEG. STERN:

All right. Thank you.

P.O. LINDSAY:

Okay. Legislator Kennedy.

LEG. KENNEDY:

Yes. Let's stay on Federal grant for a second. So you expect that this year there's going to be 300,000. We've just recently seen that the Federal Government actually went into some sequestration, I believe is what it's called.

MS. BRANCO:

Right.

LEG. KENNEDY:

So there's speculation as to what's going to happen with Federal funding in a whole variety of different ways.

MS. BRANCO:

Right.

LEG. KENNEDY:

Have you received any kind of information from State, from DEC or from Federal EPA? Will that action or lack of action affect this grant funding for this cycle?

MS. BRANCO:

It will definitely affect this grant funding, but they haven't been able to tell us yet exactly how. They're still waiting to find out how much leeway they'll have within the agency to distribute the cuts that they are dealing with. So we should know more, hopefully, in a few weeks or months what impact that will have on the program budget.

LEG. KENNEDY:

In how long?

MS. BRANCO:

Hopefully, in a few weeks --

LEG. KENNEDY:

Okay.

MS. BRANCO:

-- from the EPA.

LEG. KENNEDY:

You spoke about this as being a component of match --

MS. BRANCO:

Right.

LEG. KENNEDY:

-- for the EPA grant. So you're anticipating it would be 300,000. What else suffices as a match? Do we have staff, do we have salary, or do we have other activities that are done through the Department? What falls under the umbrella of match?

MS. BRANCO:

Typically, we use Suffolk County Capital Projects and also Water Quality Protection and Restoration Program, and the Quarter Percent Fund project --

LEG. KENNEDY:

477 money.

MS. BRANCO:

Yes. So any of those projects that are directly relevant and priorities of the Estuary Program are eligible to be a match project.

LEG. KENNEDY:

And is it within the whole confines of the Peconic Bay Estuary? I mean, that's everything from Riverhead out to Montauk and Orient Point.

MS. BRANCO:

Yes.

LEG. KENNEDY:

And how much 477 projects do we have going on right now with that?

MS. BRANCO:

Going on right -- there are a few new ones in our area that are coming online soon. We have a couple going on right now, I think three.

LEG. KENNEDY:

Would they approach \$300,000?

MS. BRANCO:

The new ones all put together?

LEG. KENNEDY:

Sure.

MS. BRANCO:

I'm not sure, actually.

LEG. KENNEDY:

Okay. All right. Thank you.

General Meeting - March 19, 2013

P.O. LINDSAY:

Okay. We have to wrap this up because we have to go into Public Hearings. So I'm going to finish this reso.

Before us is 1088 that is taken out of order -- 1188, excuse me. And we have a motion and a second, Mr. Clerk.

MR. LAUBE:

Yes, you do.

P.O. LINDSAY:

Okay. And I've been asked for a roll call on this, so we'll call for a roll call. All in favor?

LEG. MONTANO:

You want a roll call?

P.O. LINDSAY:

Roll call. I've been asked for a roll call.

LEG. SCHNEIDERMAN:

Yeah, not all in favor.

P.O. LINDSAY:

Okay. Well, he's going to do a roll call. Go ahead, Tim.

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

LEG. SCHNEIDERMAN:

Yes.

LEG. GREGORY:

Yes.

LEG. KRUPSKI:

Because of our economic status, it's not based on the merits of the study, but because I think it's wrong to borrow money for a study at this time, no.

LEG. BROWNING:

Yes.

LEG. MURATORE:

No.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. MONTANO:

No.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

No.

LEG. NOWICK:

No.

LEG. STERN:

No.

LEG. D'AMARO:

No.

LEG. SPENCER:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Nine.

P.O. LINDSAY:

Okay, it fails.

If we can go to [Public Hearings](#) which are on page three.

I only have a few cards. First up is ***(Public Hearing on) IR 2027-12 - Adopting Local Law No. -2013, A Charter Law to strengthen monitoring of sewer plants operating in Suffolk County (Schneiderman)***. And it doesn't look like I have any cards on this subject. Is there anyone in the audience that would like to address us on this subject? Seeing none, Legislator Schneiderman?

LEG. SCHNEIDERMAN:

Motion to recess.

P.O. LINDSAY:

Motion to recess. Do I have a second?

D.P.O. HORSLEY:

Second.

General Meeting - March 19, 2013

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Stern).

P.O. LINDSAY:

Okay.

(Public Hearing on) IR 2064-12 - Adopting Local Law No. -2013, A Local Law to ensure adequate gasoline distribution to the public after disasters (Sterns). Do I have a --

LEG. D'AMARO:

Motion to recess.

P.O. LINDSAY:

Yeah. Does anybody want to speak to us on this Public Hearing? Seeing none, I have a motion to recess by Legislator D'Amaro.

LEG. CILMI:

Second.

P.O. LINDSAY:

Second by?

LEG. BROWNING:

Second.

P.O. LINDSAY:

By Legislator Cilmi. All in favor of recessing? Opposed? Abstentions?

MR. LAUBE:

Sixteen (Not Present: Legislators Hahn & Stern).

P.O. LINDSAY:

Okay, it's recessed.

(Public Hearing on) IR 1032-13 - Adopting Local Law No. -2013, A Charter Law to adopt tax policy prior to Election Day ("Taxpayer Awareness Act Part 1") (Cilmi). Does anybody want to address us on this subject? Seeing none, Legislator Cilmi.

LEG. CILMI:

Motion to recess.

P.O. LINDSAY:

Motion to recess by Legislator Cilmi. Yes, Sir, what do you want?

UNKNOWN AUDIENCE MEMBER:

I had a card in for that.

P.O. LINDSAY:

You want to address us on this? Please come forward.

MR. SCANLON:

On the Taxpayer Awareness Act, I guess it's --

MS. MAHONEY:

State your name, please.

MR. SCANLON:

Andrew Scanlon.

P.O. LINDSAY:

You have to press the button, I'm sorry.

MR. LAUBE:

It's on.

P.O. LINDSAY:

It's on? Okay.

MR. SCANLON:

And I speak pretty loud anyway.

P.O. LINDSAY:

Just speak into the mic, if you could.

MR. SCANLON:

There's three resolutions, 1032, 1033 and 1034. I think these are great resolutions. I think it's a common-sense type of resolution, it's something that -- first of all, thanks to Legislator Cilmi for putting this forward, because I think it's something that the taxpayers and voters are going to appreciate as time goes on. And I can actually see how excited all of you guys are about this, it's pretty interesting.

LEG. MONTANO:

(Laughter)

MR. SCANLON:

What this does is this is a resolution that brings the spending of taxpayer dollars out into an open forum. It -- and it does it prior to you guys seeing it and signing it, which is huge.

It also allows us, the taxpayers, to get input about what you're going to pass prior to you passing it, which is, again, another -- it's a common sense thing, but it's also a noble concept. The back room deals, you know, the feather-bedding and not us knowing about it until after it's been done, I think that needs to change.

The pressure, you know. I mean, you guys were getting these budgets and you had how many hours? You know, when were these presented to you in the past, how many hours did you have? Did you have a day to review this? What was typical?

P.O. LINDSAY:

First of all, I don't know whether it's an appropriate forum to answer these questions, but the budget process here goes on for a couple of months and it is very open and transparent. There is -- I can't tell you how many public hearings we have where the public participates in what they need, what we need to know and what the programs are all about.

General Meeting - March 19, 2013

MR. SCANLON:

Well, from what I gather, when you guys finally have your final budget and when it's finally done and when it's presented to you for signature, they are not presented to you with a timely fashion to review it and to make changes.

P.O. LINDSAY:

Well, Sir, we beg to differ. Okay?

MR. SCANLON:

Okay. Well, then I do favor this going forward because I think --

P.O. LINDSAY:

Okay.

MR. SCANLON:

-- what this does is present the difference of what you're saying and the difference of what I'm saying, and I don't see why a bill of this sort which would just promote transparency and allow you guys five days to make changes, allow us as taxpayers to review the changes. I mean, you are spending our money.

P.O. LINDSAY:

There's no doubt about it.

MR. SCANLON:

Okay? So I think we are allowed the right to say yay or nay, okay? Also to know who it was that made those changes, you know.

So I guess, in closing, I made my point. I do -- I support these three bills, 1032, 1033 and 1034, and I hope that all of you guys think about before you sign off on this. I mean, anybody who would vote nay on this, I think you're both -- you're basically going to say to us as taxpayers that you want to go along with the old system.

P.O. LINDSAY:

Well, sometimes the old --

MR. SCANLON:

Okay? And I think transparency --

P.O. LINDSAY:

Sometimes the old system isn't necessarily the worst system.

MR. SCANLON:

Well, I think transparency is a grave improvement upon what's been going on. And I think we -- you owe it to us for us to have the time to see it.

P.O. LINDSAY:

Okay.

MR. SCANLON:

Thank you.

P.O. LINDSAY:

We have a motion before us to recess and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. Next up is IR 1032-13 -

MR. NOLAN:

Thirty-three.

P.O. LINDSAY:

Thirty-three, excuse me. *(Public Hearing on IR) 1033-13 (Adopting Local Law No. -2013, A Charter Law to require open deliberations in budget amendment process ("Taxpayer Awareness Act Part 2")) (Cilmi)*. Does anybody want to address us on this subject? Seeing none, Legislator Cilmi?

LEG. CILMI:

Motion to recess, please.

P.O. LINDSAY:

Motion to recess. Do I have a second?

LEG. MURATORE:

(Raised hand).

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

(Public Hearing on) IR 1034-13 - Adopting Local Law No. -2013, A Charter Law to improve transparency and participation in setting spending priorities ("Taxpayer Awareness Act Part 3") (Cilmi).

Again, is there anyone in the audience that would like to address us on this subject? Seeing none --

LEG. CILMI:

Motion to recess.

P.O. LINDSAY:

Motion to recess. Second by Legislator Muratore. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

(Public Hearing on IR) 1171-13 - Adopting Local Law No. -2013, A Charter Law to implement One-Year Rolling Debt Policy under 5-25-5 Law to mitigate budgetary shortfall (County Executive). Do I have -- I don't have any cards on this subject. Is there anyone in the audience that would like to address us on this subject? Seeing none, I'll make a motion to recess.

LEG. CILMI:

Second.

P.O. LINDSAY:

Or to close? No, I guess to recess.

LEG. CILMI:

I'll second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

It stands recessed.

(Public Hearing on IR) 1172-13 - Adopting Local Law No. -2013, A Charter Law to ensure a fully functional Board of Park Trustees (Presiding Officer Lindsay). And I don't have any cards on this subject. Is there anyone in the audience that would like to address us on 1172? And again, I'll make a motion to approve?

MR. NOLAN:

Close.

P.O. LINDSAY:

Close.

LEG. CILMI:

Second.

LEG. STERN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, *(Public Hearing on IR) 1173-13 - Adopting Local Law No. -2013, A Local Law to ensure adequate ferry service (Calarco).* And I have one card, Donald Rettaliata.

MR. RETTALIATA:

Good evening, Mr. Presiding Officer.

P.O. LINDSAY:

How are you, Donald?

MR. RETTALIATA:

I'm fine, Sir. And how are you?

P.O. LINDSAY:

Okay.

MR. RETTALIATA:

Good. It's nice to see you at the meeting.

P.O. LINDSAY:

Thank you.

MR. RETTALIATA:

The ferry companies, on the south shore at least, are opposed to this resolution or Local Law as it now is written. We had a meeting, two companies and myself had a meeting with Legislator Calarco yesterday. The third company has spoken to him, I believe, maybe either on the phone or in a meeting. And he has indicated that he is going to revisit the language of the Local Law, and at that time we'll meet again and continue a process with it. Obviously we'll wait until the final version before we can give you a final opinion on it.

P.O. LINDSAY:

Okay.

MR. RETTALIATA:

Thank you.

P.O. LINDSAY:

Okay. Do I have anybody else that would like to address us on this subject? Seeing none, Legislator Calarco, what is your pleasure?

LEG. CALARCO:

Motion to recess.

P.O. LINDSAY:

Motion to recess.

LEG. CILMI:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

(Public Hearing on) IR 1182-13 - Adopting Local Law No. -2013, A Charter Law to strengthen legislative oversight and public participation in lawmaking process (Montano).

I don't have any cards on this subject. Is there anyone in the audience -- this is 1182 -- that would like to address us on this subject? Seeing none, Legislator Montano?

LEG. MONTANO:

Yeah, we're contemplating researching some changes. Motion to recess.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Motion to recess by Legislator Montano. Seconded by Legislator Kennedy. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

All right, it stands recessed.

(Public Hearing on IR) 1183-13 - Adopting Local Law No. -2013, A Local Law to amend "Suffolk's Safer Waterways Act" (Schneiderman). I don't have any cards on this subject. Is there anyone in the audience that would like to address us on this subject? Seeing none --

LEG. SCHNEIDERMAN:

Motion to close.

P.O. LINDSAY:

Motion to close by Legislator Schneiderman.

LEG. BROWNING:

Second.

P.O. LINDSAY:

Seconded by Legislator Browning. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

It stands closed.

(Public Hearing on IR) 1194-13 - Adopting Local Law No. -2013, A Local Law to expand exemptions to boating safety instruction requirements (Krupski). I don't have any cards on this subject. Is there anyone in the audience that would like to address us on this subject? Seeing none, Legislator Krupski, what's your pleasure?

LEG. KRUPSKI:

Motion to close.

P.O. LINDSAY:

Motion to close, okay.

LEG. MURATORE:

Second.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

(Public hearing on IR) 1197-13 - Adopting Local Law No. -2013, A Charter Law to provide for fair and equitable distribution of public safety sales and compensating use tax revenues (Schneiderman). I don't have any cards on this subject. Is there anyone in the audience who would like to address us on this subject? Seeing none, Legislator Schneiderman, what is your pleasure?

LEG. SCHNEIDERMAN:

Motion to close.

P.O. LINDSAY:

Motion to close by Legislator Schneiderman.

LEG. KRUPSKI:

Second.

P.O. LINDSAY:

And you're going to second the closure, Legislator Krupski? Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

It stands closed.

(Public Hearing on IR) 1207-13 - Adopting Local Law No. -2013, A Local Law to amend Local Law No. 36-2012 to amend advertising in the County Tax Map Album and set bulk purchase advertising rates (County Executive). I have no cards on the subject. Is there anyone in the audience that would like to address us on this subject? Seeing none, I'll make a motion to close.

D.P.O. HORSLEY:

Second.

P.O. LINDSAY:

Seconded by Legislator Horsley. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

I'd like to set the date for the following Public Hearings of April 23rd, 2013, 2:30 PM, Maxine Postal Auditorium in Riverhead;

1208-13 - A Charter Law to clarify employee residency requirements.

And that's it. I need a motion.

LEG. CILMI:

Motion.

P.O. LINDSAY:

And a second?

D.P.O. HORSLEY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. If we go back to the agenda --

Okay, we're on page seven, *Resolutions Tabled to March 19th (Continued):*

We did 1841, I believe; is that correct, Tim?

LEG. SCHNEIDERMAN:

Yeah, we did that.

MR. LAUBE:

That's correct.

P.O. LINDSAY:

Okay. That was closed?

MR. LAUBE:

1841 was tabled. You're on 1920.

P.O. LINDSAY:

Okay, *1920-12 - Establishing "The Truth About Stimulant Drinks" public education campaign to increase awareness of side effects associated with stimulant drink consumption (Spencer).*

LEG. SPENCER:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Spencer.

LEG. ANKER:

Second.

LEG. NOWICK:

Second.

P.O. LINDSAY:

Where's the second?

MR. NOLAN:

Nowick.

P.O. LINDSAY:

Legislator Nowick seconds the reso.

LEG. CILMI:

On the motion?

P.O. LINDSAY:

On the motion, Legislator Cilmi.

LEG. CILMI:

Thank you, Mr. Chairman. I'm sure I'm going to be the odd man out here, so I figured I'd sort of explain myself.

I am all for education. Certainly chemicals in energy drinks, caffeine particularly, there's no reason why we shouldn't educate students about potential dangers of those chemicals and the potential dangers of a a myriad of other things; skateboarding comes to mind, soccer.

LEG. NOWICK:

Football.

LEG. CILMI:

There's a variety of things that are potentially dangerous to our kids. I just don't think that this is the body to be scoring or getting involved with contests, you know, for kids to tell us why they think these things are bad. Are we going to start having contests about all of these other things? I mean, I think -- you know, folks elect us to -- we have a \$250 million budget deficit that we're looking at over three years and we're going to be spending time looking at videos and public relations campaigns on, you know, why energy drinks are bad? And for that matter, why don't we have an energy campaign on -- why don't we have an educational campaign on why caffeine is bad, which is really the primary chemical in these things, I suppose. And for that matter, why don't we have an education campaign on why coffee is bad, because coffee contains caffeine and, in many cases, more caffeine than what's contained in energy drinks.

So I just don't think we should be spending our time doing this. I think we have, frankly, more important things to do. I think the education is important, but I just don't think it's within our purview to be getting involved, and so I'll be voting no to this resolution.

P.O. LINDSAY:

Anybody else?

LEG. D'AMARO:

Right here.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Through the Chair, to the sponsor. When this came out of committee, my understanding was that you were going to consider amending this so that the Legislator should not be the judge; was I correct in that? Because I think I requested that at the time I voted for it. In other words, I don't want to be responsible for judging.

LEG. SPENCER:

You don't have to be, it's volunteering.

LEG. MONTANO:

But the change was not made.

LEG. SPENCER:

We made some changes in the resolution. I considered the change, when we found out it was voluntary participation, no, the change was not made.

LEG. MONTANO:

All right. Thank you.

P.O. LINDSAY:

Okay.

LEG. ANKER:

(Raised hand).

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you, Mr. Chairman. I'm going to support this legislation and I'm also going to support the other two energy drink related bills that are coming up later on the agenda.

Just with respect to this particular bill, though, I really want to thank my colleague Legislator Spencer for putting this forward. I think we've all had experience with other contests that are run within our districts, ones about pool safety, I believe, and I think we also have one about mosquitoes as well, "*Dump the Water*". And I have to tell you, I've gone to my school districts and conducted these contests and they go a long, long way in educating young students, young children about the perils of mosquitoes and all the harms they can cause from standing water or about, you know, being pool smart. And this is a really low cost way to bring a message into our respective school districts and make it fun for kids to learn about something.

Now, the issue was raised why don't we do this about caffeine drinks or coffee, and I'll tell you why. The reason why we don't do that for coffee is because it's not marketed to children. So here's a tool that's really not that controversial, where even if you don't agree with banning or if you don't want to not prohibit marketing to minors, here's an opportunity to go into the schools, educate our children at no cost, the kids can have a little fun, and this is to combat the marketing that is done directly to these kids for something that's highly questionable whether or not they should even be learning about it when they're eight, ten or twelve years old. So I'm going to support this bill.

P.O. LINDSAY:

Legislator Anker.

LEG. ANKER:

Legislator D'Amaro basically stated the point as far as, you know, this I think is directly marketed to children and to teens, to pre-teens. We don't know the long-term effect on these kids. We've had so much testimony from nurses, doctors, researchers on both sides, mainly the sides that are supporting this legislation, that this could be a precursor to addiction and our society is getting creamed with addiction. We can't tolerate it any further. And again, yeah, maybe we should look into the caffeine drinks, coffee, sodas. You know, again, New York City's being proactive. But again, when something's being aggressively marketed to our children, it's up to us as parents and especially as government-elects, to protect those individuals, and I support the three resolutions.

P.O. LINDSAY:

Okay. Legislator Cilmi.

LEG. CILMI:

Just to quickly redress, I don't want to belabor it. But, I mean, again, we market cereal, breakfast cereal to kids, there's all kinds of chemicals in breakfast cereal, but we're not proposing to have contests about breakfast cereal.

And as far as -- somebody made the point that there's not enough -- there's confusion, there's a lot of confusion when it comes to these drinks. You hear, you know, the quote/unquote lobbyists saying one thing and the industry saying one thing and you have other people saying other things, and so there's confusion. And there seems to be science on both sides, to be fair. So do we want -- I mean, certainly we've seen some very bright students here today, but do we want students presenting research? I don't know. I just think -- I think there's -- there are better ways to be spending our time, that's all.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Mr. Chair, my question is actually for Counsel. And I think I'm going to disagree with the sponsor in that when I read the first, second and the third RESOLVEs -- I'm sorry, the second and the third RESOLVEs, this resolution is instructing that each Legislator "shall". There's nothing permissive in there. As a matter of fact, George, you and I know, it's a matter of three letters of five. "Shall" means each and every one of us are supposed to do it; "may" means that we could actually choose whether or not we want to go ahead and participate; am I reading it wrong or what?

MR. NOLAN:

No, the way you're reading it is correct. The only thing I will say is that we've passed other resolutions in years past directing Legislators to do these type of contests, and notwithstanding the language mandating it, Legislators don't always do it.

*(*Laughter*)*

LEG. KENNEDY:

You know, George, we can be a contrary bunch, can we, I guess.

MR. NOLAN:

Yes.

*(*Laughter*)*

(Laughter) as we've seen time and time again in many different ways. But, you know, with eyes wide open, I really hope that we didn't kind of like just, you know, flip it off and say we're going to pass it and then not participate.

MR. NOLAN:

But it is -- the language is that each Legislator is supposed to do it, to reach out to the community, to judge the submissions; that is the language in the resolution.

LEG. KENNEDY:

Okay. Then through the Chair and to the sponsor; Doctor, I really see no harm in this whatsoever. And as a matter of fact, as Legislator D'Amaro has spoken about, I've done pool education, I've done some other things, but that's my choice as an elected. I -- quite frankly, the way it's written now, I other probably won't vote for it because I disagree with the fact that it's directing that I have to undertake that activity. If you want to invite me to take that activity, that's fine.

LEG. SPENCER:

I would like to invite you to take that activity.

LEG. KENNEDY:

Well, you could, but then that would mean you would have to amend your resolution, Doctor. So based on the language, I guess, that's where my issue lies. Thank you.

P.O. LINDSAY:

Okay. Legislator D'Amaro.

LEG. D'AMARO:

Just a very brief point. I also just wanted to put my colleagues on notice that I will propose a contest for breakfast cereal --

*(*Laughter*)*

-- as soon as the American Society of Pediatrics tells me that breakfast cereals have no place in the diets of children. But before that, I will not be making that proposal.

D.P.O. HORSLEY:

Cocoa Puffs.

LEG. KENNEDY:

Shall I be in it or may I?

LEG. CILMI:

That might just be the invitation that they need, Legislator D'Amaro *(laughter)*.

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

P.O. LINDSAY:

Anybody else? No? Okay. I'm just going to say something in conclusion. I don't really think that the energy companies need help in marketing their products. In all the testimony that we've received here, I just asked one of my colleagues, did we ever get a number of how much they've spent on advertising, and it seems to be one of the numbers that didn't come forward. And I -- do you know, Doc?

General Meeting - March 19, 2013

LEG. SPENCER:

I do.

P.O. LINDSAY:

How much.

LEG. SPENCER:

In 2008, the energy drink industry spent 120 million on media to advertise its products. In 2010, it increased 37% to 164 million.

P.O. LINDSAY:

That's a pretty healthy number. We'd have to run a hell of a lot of contests to overcome that number. But my point is that our measly contest to counter that is -- I don't think really stands a chance, but I guess it's our stab at leveling the playing field a little bit, you know? So I will be supporting this bill.

Anybody else? Seeing none, we have a motion and a second; am I right? You want a roll call or you want --

LEG. NOWICK:

Can I just ask a question?

P.O. LINDSAY:

Go ahead, Legislator Nowick.

LEG. NOWICK:

Back to Legislator Kennedy's comments about "shall", "shall send letters." Would e-mail be letters?

LEG. SPENCER:

Yes.

LEG. NOWICK:

Thank you.

P.O. LINDSAY:

Okay.

LEG. NOWICK:

I just want to make sure, a stamp is a stamp.

P.O. LINDSAY:

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

LEG. CILMI:

Opposed.

P.O. LINDSAY:

Abstentions?

LEG. MONTANO:

Abstention.

General Meeting - March 19, 2013

LEG. KENNEDY:

I'll abstain.

LEG. HAHN:

Recuse.

P.O. LINDSAY:

Okay. All right. First oppose. Hold your opposed up. What do we have, two opposed?

MR. LAUBE:

One opposed.

P.O. LINDSAY:

One opposed.

LEG. KENNEDY:

I'm opposed.

P.O. LINDSAY:

Okay.

LEG. MONTANO:

Two abstentions.

P.O. LINDSAY:

Two abstentions, and one recusal.

MR. LAUBE:

Fifteen.

P.O. LINDSAY:

Okay, you got it, it passed.

LEG. SPENCER:

Mr. Presiding Officer.

P.O. LINDSAY:

Congratulations.

LEG. SPENCER:

If I may, while we're on the topic, there are two other resolutions. Would it be appropriate to take those out of the order so that we can finish --

P.O. LINDSAY:

If you'd like to, we'll be happy to do whatever pleases you. Where are they?

LEG. SPENCER:

I appreciate that.

MR. LAUBE:

Fourteen on the last count.

P.O. LINDSAY:

Okay. Help me out, George. Health?

LEG. SPENCER:

I would like to make a motion to take I.R. --

P.O. LINDSAY:

1085?

LEG. SPENCER:

1085 out of order.

P.O. LINDSAY:

Page 9.

LEG. SPENCER:

On Page 9 in Health, and that's the Local Law to protect minors from direct mail.

P.O. LINDSAY:

Okay. *I.R. 1085, a Local law to protect minors from direct mail stimulant drink advertising and samples*, out of the order. We have a motion to take it out of order by Legislator Spencer.

LEG. CILMI:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

LEG. SPENCER:

I'd like to make a motion to approve.

P.O. LINDSAY:

Okay. The motion is before us, and we have a motion by Legislator Spencer. Do I have a second.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro. On the motion, anyone? Seeing none.

LEG. NOWICK:

Wait.

P.O. LINDSAY:

Wait, wait, wait. Legislator Nowick, take your time. Take your time. Don't choke there.

LEG. NOWICK:

Legislator Doctor, just to go over this, a Local Law to protect minors from direct mail stimulant. Direct mail, what -- when it says direct mail like that, I'm thinking what you're saying is, and I just want to clarify this on the record, that the Beverage Associations can't send mail? You don't mean -- tell me what you mean by direct mail.

LEG. SPENCER:

Certainly. This, again, I'm not trying to inhibit free speech, advertising in magazines. I know that they're in stores, and they're on social media, but direct mail in the case where my colleague has a minor that receives a letter that's addressed directly to a minor with an advertisement, a sample, a coupon, a solicitation that minor can receive.

And one of the things that was important when I was considering this was Legislator Browning's advice, where she said nothing should substitute for parenting. And I'm not looking for an overreach.

I think that in a situation where a child can get a sample that's addressed directly to them, that that parent may not have the opportunity to exercise their parental authority. That's an unlevel playing field. And in that situation where I see the advertising dollars, we know that there's a blitz, there's a media, there's a lot of enticements for the young people. But I think that parents have a role, and I'm not denying that role, but when we talk about direct mail where a child can get a sample in the mail and use that sample without a parent being aware of it, that's where I think that it crosses the line and we should intervene with this resolution.

LEG. NOWICK:

All right. I just -- and you know how supportive I am about all of this, and I do want parents to be aware.

I do have to ask a question of Counsel. Can we actually govern what goes into the United States Post Office and gets mailed? Can we -- how do we do that?

MR. NOLAN:

Well, we discussed this in committee, that it would be an enforcement challenge. But in terms of prohibiting somebody from mailing something to a minor, I believe we can prohibit that. The law is broader than that. It prevents any distribution like at events and so forth.

LEG. NOWICK:

And I understand the events.

MR. NOLAN:

Yeah. But the mailing is --

LEG. NOWICK:

I'm a little concerned about actually telling -- I just didn't know that we can tell someone not to put something in the United States mail. Is that something we can do?

MR. NOLAN:

I think we can say to somebody, knowingly, you're not going to mail a free sample of this particular product to a minor. In the County of Suffolk, we can do that.

LEG. NOWICK:

We can?

P.O. LINDSAY:

We're all-powerful.

*(*Laughter*)*

LEG. MONTANO:

Put me on the list.

P.O. LINDSAY:

Okay. Legislator Montano.

LEG. MONTANO:

Yeah. I would just like to follow-up on Legislator Nowick's point. Direct mailing isn't defined in the bill, at least not in the definition section. But under the prohibitions, I guess that's where you find it, this shall apply to -- what is direct mailing? Does that mean that it has -- is a direct mailing something that's addressed to the individual? In other words, does it have to have the name of the person under 18 on it? What if it's a direct mailing to the Montano -- well, I don't have anyone under 18 in my house. To someone's residence. Who's got a kid under 18? The Cilmi residence. Would that qualify as direct mailing?

LEG. SPENCER:

That would be fine.

LEG. MONTANO:

You got an 18-year-old, right?

LEG. SPENCER:

We're talking about --

LEG. CILMI:

I have an 18-year-old.

LEG. MONTANO:

Okay.

LEG. SPENCER:

Specifically, the intent here is specifically when a soccer roster or a baseball team with children that could be 14, 15, 16, get pieces of mail that are addressed directly to them, as in the case --

LEG. MONTANO:

Okay. So it would be Loren Montano, under -- she's not under 18, but as a hypothetical it would be addressed to her. But if something came to my household that said the "Montano Residence, you're entitled to ten free or samples upon presentation," that would not be a violation?

LEG. SPENCER:

Unfortunately, I would like it to be, but no, it would not be a violation. And, again, that's where I would hope that something that would come to the household, that the head of household, a parent would have the ability to look, educate, discern and make that appropriate decision.

LEG. MONTANO:

Right, okay. And then if I, as the parent, said to my 18-year-old or 17-year-old, "Here's ten free samples, if you want to go get one, you can get one," that's not a violation under this bill, right?

LEG. SPENCER:

It would not be, no.

LEG. MONTANO:

Okay.

LEG. SPENCER:

You have that right.

LEG. MONTANO:

Now, on the penalty aspect, violation shall be -- what if the direct mailing -- is this limited to direct mailing from someone in Suffolk County, someone in New York, someone in the United States, or someone worldwide?

LEG. SPENCER:

Well, it would have to be, just in terms of under our jurisdiction, something that someone or an entity that's doing business or distributing within Suffolk County, that's based here, that would have some sort of jurisdiction over within our business oversight. So it wouldn't apply, unfortunately, to out of Suffolk County.

LEG. MONTANO:

All right. Now, just so I'm clear, "doing business" means you sell it in the stores, you have a plant here? You know, what triggers -- maybe direct this to Counsel. What triggers the jurisdiction? Is this a long-arm jurisdiction, is this something that only applies to, you know, manufacturers in Suffolk County? I'm just trying to get a -- what if something comes in from Texas?

MR. NOLAN:

I don't think the Health Department can get jurisdiction over an entity from Texas.

LEG. MONTANO:

I didn't think so either, that's why I'm asking.

MR. NOLAN:

It would have to be from within the County of Suffolk.

LEG. MONTANO:

So it has to emanate from within the County of Suffolk.

MR. NOLAN:

I would think so, yes.

LEG. SPENCER:

That would be correct.

LEG. MONTANO:

Okay. Thanks.

P.O. LINDSAY:

Okay. Legislator Barraga.

LEG. BARRAGA:

Certainly, as the Legislature, we can take a look at these three pieces of legislation and discuss the enforcement provisions, but I think we're missing the point. What these companies are afraid of, they're afraid of the marketing aspects associated with these bills. They're in the marketing business to sell their product. They don't want government in the marketing business against them.

When I came here this morning, I turned on WCBS Radio. This story about what this Legislature was going to do on these three bills was coming across the radio. 1010 started with something along the lines of "Suffolk County is passing bills against energy drinks." Those companies don't

General Meeting - March 19, 2013

want to hear that. They don't want anybody else marketing, especially against them, because it sends a message to everybody who's listening to the radio, or the television, or News 12, or tomorrow when it's in Newsday. When you hear the story, you kind of remember, "You know, there was something that wasn't right with these drinks. And, as a parent, maybe" -- "you know, maybe I shouldn't be drinking them. Maybe my kid shouldn't be drinking them. That's what they don't want, because, overall, in the end, it affects their bottom line.

They don't want us in the marketing business in government. That's why they're here to try to kill these bills, because they don't want to turn on the radio or the television and hear what we did here today, because it sends a message to the general population that there may be something wrong with these drinks, so I don't drink them and my kids don't drink them. They don't want that. That's why these bills are effective. That's why they have to be passed, and unanimously. Thank you.

P.O. LINDSAY:

Legislator Barraga, you get to the heart of things, you know.

*(*Laughter*)*

Legislator Cilmi.

LEG. CILMI:

Yes, I just have a question for the sponsor, I suppose, as far as the distribution at events goes. So let's say I'm 17 years old.

LEG. GREGORY:

You wish.

LEG. CILMI:

I know, I wish. I wish, it's true.

*(*Laughter*)*

I had more hair back then. And I'm at an event and somebody's handing out these free samples. The law said -- the proposed law says that those samples should not be distributed to those under 18. So, first of all, if you're 18, then you can -- I guess, if my colleague, Legislator Barraga here, was the actual distributor, he could distribute them to me or market -- or give them to me, or whatever.

LEG. BARRAGA:

Give you a heavy dose.

LEG. CILMI:

I'd get a heavy dose. Thank you. I appreciate that sentiment, Tom.

*(*Laughter*)*

So, however, if I'm 17, what happens exactly? Am I allowed -- as a 17-year-old, am I allowed to walk up to a booth or something and take one, or am I not permitted to do that? And if I do that, am I the one who's violating the law, or is the company that's either actively handing them out, or if they're sitting there in a -- you know, in a -- some sort of a -- at a table, for example, what happens there?

LEG. SPENCER:

I think that, again, this would be complaint-driven. There would obviously be a process that we have in the Board of Health. We execute and we have a hearing process for the Sanitary Code for tobacco use. And what the intent is in this situation is not to get into -- I know that you have to get into the nuances, but I'm talking about an outright situation where there is an event that is for kids, a soccer tournament, 13 and 14 years old, and there is just a van that pulls up and a distribution to kids that are obviously underage.

I don't think anyone is going to be looking over their shoulders to see if someone is 17-years-11 months-old within the spirit of it. I think there's a reasonable process that allows for some common sense that to -- but the Legislative intent in this situation is to stop situations where there are obviously middle school children that are maybe at a theater, or in an outdoor event, or in a tournament where there is a pull-up and distribution.

And I would say that in fairness to most of the companies, this isn't an issue, I think that they try to adhere to those things, but there are outliers out there, and that is witnessed, as we see that's personally happened here.

So my Legislative intent is to stop the distribution to outright children. I'm not looking at, you know -- that's the spirit of the law.

LEG. CILMI:

So if there's a youth soccer tournament, or something like that, this would basically preclude energy drinks from being displayed or in any way marketed at that youth soccer event. But if there's an event that's, you know, more trans-age, you know, maybe a tennis tournament, or something like that, where you have adults participating and youth participating, it becomes more difficult, I understand, and that's not really your intent.

LEG. SPENCER:

Exactly.

LEG. CILMI:

Okay. Thank you.

P.O. LINDSAY:

Legislator D'Amaro, did you want to say --

LEG. D'AMARO:

I did, thank you. I want to make a few points, just first about whether or not the bill is even enforceable. My understanding of how that would work is these companies have a presence in the State of New York by -- and in Suffolk County by doing business in Suffolk County, and deriving substantial revenue from Suffolk County residents. So, in my opinion, I believe that they would be subject to the jurisdiction in New York and in the County, and perhaps in the Federal Courts, but, certainly, there would be jurisdiction.

So I just want to make that clear on the record, that although I know there was some discussion about whether or not this is enforceable or not, I believe that it is. I mean, if you're a company doing business in Suffolk County, then you are subject to the law of Suffolk County, and you'd be amenable to a lawsuit, as a matter of fact, in the County of Suffolk. So let's not just concede that issue. That may be something that later on the courts are going to decide, but I'm certainly not willing to concede that issue here today. That's one point.

General Meeting - March 19, 2013

I want to make a few other points. First, you know, let's just remember, as we're voting on this bill, we're not talking about banning energy drinks, we're talking about protecting kids, that's what this is about. Our kids are bombarded by all kinds of advertising. Some things are worse than others. There's always a matter of degree, but the fact of the matter is that energy drinks, just by the name alone, are a misnomer because they don't give you energy. But, yet, that's the message that's being given to our children, telling them that as we live in a more and more hectic world, and maybe it's more and more difficult to find the time to do everything you want to do in a day, here's the quick solution. Have an energy drink, you'll feel great, and you'll just keep on going.

I think it's even more egregious for athletes, kids in schools, kids that are in school playing, maybe even high school sports, to believe that energy drinks somehow will enhance your performance and make you a better athlete, because they will not, they will not. But, yet, this industry insists on calling these things energy drinks and they're not energy drinks. They give you a caffeine high and a sugar high and then you crash. It reduces your performance and it adds to fatigue. And that's why we need not only a campaign in the schools about this, but we have to be careful about this stuff being marketed to our children.

A couple of points I want to make in response to the American Beverage Association's testimony here today, and I'm referring to the testimony, written testimony that was offered by the Senior Vice President of Government Affairs, Mr. McGreevy, who I do appreciate coming here and engaging in this debate with us. However, a couple of things in this testimony. It says -- first of all, it concedes that they do not -- voluntarily, they do not market energy drinks to children. I'm quoting the letter. That's just not true. That is just not true. To make that kind of assertion, this is the kind of information that's being thrown out there to convince folks like us that everything is just fine and the industry is self-policing, there are no issues and no problems here, "We don't market energy drinks to children." It's just not true. Kids are bombarded by advertisements for energy drinks. I mean, just the other day a guy jumped from outer space and came down with a Red Bull sign on his helmet. My kids looked at that. You got to be kidding me. I mean, come on. You know, you want to say that to us about misinterpreting the science and all of that, that's fine, but, you know, give me some factual testimony, number one.

Number two, they're doing us a favor, I found out, in the next clause in this letter, because it says, "And we don't sell or market to them in K through 12 schools." Why not? If there's nothing wrong with it, why are you not going into the schools? But it's okay to market to K through 12 when they're outside the school. Where's the logic in that? That just makes no sense to me. This is the kind of testimony that we've been hearing for actually years, when Legislator Nowick first took up this issue.

A couple of other points I want to make. I'll put my hopes any day of the week on the American Society of Pediatrics who are telling us that energy drinks have no place in the diets of children. This bill is about marketing. Let's go back to the testimony. We're told in this testimony that other similar drinks have similar or lower levels, and I'm quoting, of caffeine, like home brewed coffee and things like that. You know, that's like saying about -- let's take cigarettes. You know, you're better off smoking the low tar and nicotine cigarette than the Camel without the filter. I mean, that's the logic that's being thrown at us here today.

We're talking about children. We don't want them drinking any caffeine. I don't care if that compares to a cup of coffee or not. The debate is not about caffeine, it's about the abuse of caffeine. And what this marketing is doing, it's telling our children at a very early age that it's okay to go ahead and drink these things because you're just going to feel great, and I don't want my kids subjected to that type of marketing, I don't care how much money you're making from it. That's another point I want to make.

General Meeting - March 19, 2013

And, finally, again, going back to the caffeine and the coffee, iced tea, diet iced tea, diet coke, coffee is not marketed to children with the claim that you'll feel better and you'll perform better in your sports, after-school sports, or that this is the answer to your fatigue. We're talking about marketing here. This industry needs to listen to the message that's being sent here today. You need to pull back on how you are marketing this product to this country's children. It's not just here in Suffolk County, it's probably all over the world. You're making a boatload of money off this stuff, but you need to stop marketing this to children. It is not their answer, it does not give them energy. If anything else, it's counterproductive to their health.

The industry needs to hear the message being sent today, and I urge my colleagues to support this bill, and I thank the sponsor.

P.O. LINDSAY:

Okay. Anybody else? Go ahead.

LEG. ANKER:

I'll go quick. Again, I think it was the situation where my son received in his name an energy packet, powdered energy packet, to my home. Now, again, how did he get it? I don't know. He's on soccer teams, he plays the Game Boy, or whatever, the Xbox. He could have gone online and said, "Okay, just send it to me." I honestly don't know, and he hasn't told me and I did ask him, so -- but the point is it still got to him. He's 16. It could have gotten to another member of my family, a 12-year-old, it could have gotten to a friend of mine's four-year-old. They just would have had to open up the envelope and had the packet right through.

So, again, this legislation has to do with direct marketing. It's putting this packet in an envelope and sending it out and to residents' address. And we don't know if children as young as two years old, eight years old, 12 years old is going to open this envelope, pour some water and try it. You know, again, it's just a way of pulling back.

And I also heard rumors, and again, these are all rumors, because you never know what's true, is that, you know, coaches were giving this to their football team before practice, you know, or their sports teams, or whatever, and I have heard them, and I hope that's not true, because, if it is, we have some education to do to the parents and to coaches. And I think this is just the beginning of our education and awareness campaign. So thank you, and I will be sponsoring this.

D.P.O. HORSLEY:

Thank you very much, Legislator. Anyone else? I don't believe I have anybody else on the list.

LEG. NOWICK:

Just say one thing.

D.P.O. HORSLEY:

Well, Legislator Nowick, the last word.

LEG. NOWICK:

Just one last thing.

D.P.O. HORSLEY:

And you deserve the last word.

LEG. NOWICK:

Although I think it's going to be very difficult to monitor the mail, the U.S. mail, I think if we can in any way educate parents, and this is an educational process when the Suffolk County Legislature

General Meeting - March 19, 2013

passes legislation, and we are always ahead of our time, and if we can do this, I'll take the chances that we may or may not be able to monitor the mail and I'll support it.

D.P.O. HORSLEY:

Thank you very much, Legislator, and we appreciate that. Okay. I only have a motion to approve; am I correct on that, Mr. Clerk?

MR. LAUBE:

I have a motion and a second for 1085.

D.P.O. HORSLEY:

For 1085 and that's what we have. All those in favor? Opposed? So moved.

LEG. HAHN:

Recuse.

D.P.O. HORSLEY:

And one recusal.

MR. LAUBE:

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

D.P.O. HORSLEY:

Sixteen. Thank you very much.

LEG. SPENCER:

Mr. Deputy Presiding Officer, I'm going to -- if it's okay, I'm going to go for the hat trick with the third one and I'll leave us alone.

D.P.O. HORSLEY:

Okay. Where is it? And help us out.

LEG. SPENCER:

It's in Parks.

D.P.O. HORSLEY:

Yes.

LEG. SPENCER:

I woke up at four to prepare my summation on this topic, and Lou D'Amaro did a great job.

D.P.O. HORSLEY:

It's always good to have a helping hand here in the Legislature.

LEG. D'AMARO:

I've been watching Legislator Barraga a little too much, I think.

LEG. SPENCER:

And Legislator Barraga. Thank you very much. I may have to weigh in on the next one. But in Parks, I'd like to make the motion, what's the number?

MS. GELLERSTEIN:

1086.

LEG. SPENCER:

1086 out of order.

D.P.O. HORSLEY:

Got it. Okay, right at the top of the page. All right. *1086 (A Local Law to prohibit distribution of stimulant drinks to minors in County parks) (Spencer)*. You're making a motion --

LEG. SPENCER:

Page 10.

D.P.O. HORSLEY:

-- to take it out of order. Is there a second on the motion?

LEG. D'AMARO:

Second.

D.P.O. HORSLEY:

Second by Legislator D'Amaro to take it out of order. All those in favor? Opposed? So moved, it is taken out of the order, 1086, adopting --

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

Adopting a Local Law to prohibit distribution of stimulant drinks to minors in County parks. Do I have a motion?

LEG. SPENCER:

I'd like to make a motion to approve.

D.P.O. HORSLEY:

Seconded by Legislator Nowick. We have a motion to approve and seconded. Any other motions? We're good? On the motion? We're good? Have we talked ourselves out on this? Okay. We have a motion to approve and seconded. All those in favor? Opposed?

LEG. CILMI:

Opposed.

LEG. BROWNING:

Opposed.

LEG. STERN:

Opposed.

LEG. MURATORE:

Opposed.

D.P.O. HORSLEY:

1086.

LEG. MONTANO:

1086? We're voting?

D.P.O. HORSLEY:

We're voting.

LEG. MONTANO:

Oh, I thought we were doing --

D.P.O. HORSLEY:

We are just way ahead of you Mr. Legislator.

LEG. HAHN:

Recuse.

D.P.O. HORSLEY:

Okay. We have a recusal. Okay.

LEG. MONTANO:

Wait, wait, wait, wait.

D.P.O. HORSLEY:

Let's get this back again. All those --

LEG. MONTANO:

Can I ask for a roll call?

P.O. LINDSAY:

Sure.

D.P.O. HORSLEY:

Sure.

LEG. MONTANO:

All right. We didn't have a debate on this, obviously.

D.P.O. HORSLEY:

No, we didn't.

P.O. LINDSAY:

The vote was passed.

D.P.O. HORSLEY:

I asked.

LEG. MONTANO:

My apologies. All right. I'll ask for a roll call.

D.P.O. HORSLEY:

Okay. The Legislator wants a roll call. Mr. Clerk, give us a roll call.

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

LEG. SPENCER:

Yes.

LEG. NOWICK:

Yes.

LEG. KRUPSKI:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

No.

LEG. MURATORE:

Abstain.

LEG. HAHN:

Recuse.

LEG. ANKER:

Yes.

LEG. CALARCO:

Abstain.

LEG. MONTANO:

No.

LEG. CILMI:

No.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

No.

LEG. D'AMARO:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eleven.

D.P.O. HORSLEY:
The motion passes.

LEG. SPENCER:
I love you guys. Thank you.

(*Applause*)

P.O. LINDSAY:
Let's get this going and get out of here, huh? Okay. We're back on Page 7.

1935-12 - Adopting a Local Law to safeguard employees displaced by privatization (Browning). Do I have a motion? Legislator Browning? Legislator Browning?

LEG. BROWNING:
Sorry.

P.O. LINDSAY:
Your bill, 1935.

LEG. BROWNING:
Motion to table.

P.O. LINDSAY:
Motion to table; second by Legislator Kennedy -- or Cilmi.
All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
Okay, it stands tabled.

1943-12 - Directing drug treatment referrals for individuals receiving Narcan (Hahn).

LEG. HAHN:
Motion.

P.O. LINDSAY:
Motion by Legislator Hahn.

LEG. MURATORE:
Second.

P.O. LINDSAY:
Second by Legislator Muratore.

LEG. CILMI:
On the motion.

P.O. LINDSAY:
On the motion, Legislator Cilmi.

LEG. CILMI:

I just want an explanation as to how this is going to work, first of all. Maybe the sponsor or maybe the Health Department, if that's -- or the Police Department.

P.O. LINDSAY:

She's pulling up the bill, right? You're ready? Huh?

LEG. HAHN:

I wanted to pull up the bill. Sorry. I got it.

P.O. LINDSAY:

All right. Legislator Hahn, go ahead.

LEG. HAHN:

Thank you. As you know, the Narcan program that was put into place in our sector cars has saved more than 51 lives, and I did not think it was enough to stop there. The epidemic, opiate epidemic that has hit Suffolk County, Long Island, New York State, this nation, has taken dozens -- hundreds of lives in the past year, thousands of lives if you think about it nationwide.

What the intent of this legislation is to reach out to each individual saved and to try to encourage them to get treatment. So what this does is it makes sure that our Police Department provides to our Health Department, which they already do, but it's facilitated, so it's done quickly, the PCR report from the Narcan dispersal or implementation, however you say it. And so the Health Department will then utilize that and what's available there to reach out to the individual that was saved. And that's really the gist of it.

LEG. CILMI:

Okay. So I guess my question, then, is --

LEG. HAHN:

And it could be the Department or it could be their -- you know, they could contract with an agency to do it.

LEG. CILMI:

Well, that's a -- that presents another question. If it's the Department, my question would be who exactly in the Department would be doing this? Do we have the resources to do it? You know, if it's 50 or so a year, it doesn't seem like it's a heck of a lot of work to do, but --

LEG. HAHN:

That's only in -- so maybe double that, because it's only been five or six months.

LEG. CILMI:

A few months, right?

LEG. HAHN:

Yeah.

LEG. CILMI:

So, I mean, even so, it doesn't seem like it's a heck of a lot of work. I would imagine the Health Department could do that, but I'd love to hear the County -- the Administration's take on it. If you're going to hire somebody or, you know, contract with an outside agency to do it, then it starts to cost money. And then I would ask, well, where's the offset for it. So I'm hoping that Mr. Vaughn will come up and say they're prepared to do this inhouse.

MR. VAUGHN:

Good evening, Legislator Cilmi. How are you, sir?

LEG. CILMI:

Terrific.

MR. VAUGHN:

Fantastic. The Health Department has worked extensively with Legislator Hahn to develop a piece of legislation that we can work through. I have heard nothing and had no conversations with the Health Department about needing to hire additional staff to perform the measures required by this bill.

LEG. CILMI:

And should we assume that if they weren't able to provide the resources to support this bill, you would have heard?

MR. VAUGHN:

Yes, sir.

LEG. CILMI:

So you're confident that they have the resources necessary to support this bill?

MR. VAUGHN:

I'm confident there's probably not a department in the County that wouldn't like additional resources, but in terms of this --

LEG. CILMI:

Of course.

MR. VAUGHN:

In terms of this measure right now, I believe that we have the resources available to do this.

LEG. CILMI:

So, from that point of view, there's no fiscal impact; is that correct, Robert?

MR. LIPP:

Correct, there is no offset, as you're noting, in the bill. The fiscal impact notes that there could be some insignificant, is the term we use, costs.

LEG. CILMI:

Okay. Thank you.

MR. VAUGHN:

And I would assume, Robert, that we're talking about opportunity costs, correct. Like, for example, if we had an employee doing one task, they would be unable to perform another task at that exact moment in time; correct, sir?

MR. LIPP:

Actually, we note that there could be some possible other costs like printing materials and supplies. And, obviously, implicitly, the bill assumes that anything like that would be taken care of with existing funds in the budget, otherwise it would have to be an offset.

LEG. CILMI:

Right. Tom, and maybe Legislator Hahn --

LEG. HAHN:

I realized there was one other piece to it that I forgot to mention.

LEG. CILMI:

Sure.

LEG. HAHN:

The officer on the scene, if possible, it's recommended that that officer offer to let's say a parent, if a parent's on the scene, or if it's a group of friends that are also using at the time, they would offer -- what is it called -- the list of treatment options that could be available to them, maintained by the Suffolk County Communities of Solutions, there's a list that they provide. So, you know, having that list with the Narcan kit at all times -- you know, we recognize that the scene is -- could be hectic, it might not be possible in every scenario that someone could get this list of treatment options, but sometimes there are parents that are present, they find their children have overdosed, they're present when the officer arrives, they might want to join a group for parents, etcetera. There may be occasionally an opportunity to help others in addition to the individual who was saved.

LEG. CILMI:

So, do either you, Legislator Hahn, or you, Tom, know whether or not in the short time that we've been running this program, have there been any repeat administrations of Narcan?

LEG. HAHN:

I don't have that information.

MR. VAUGHN:

I don't have that information either, sir.

LEG. CILMI:

If you could just take a look at that for me and provide that to me afterwards, I'd appreciate it.

MR. VAUGHN:

We would be happy to.

LEG. CILMI:

Thank you.

P.O. LINDSAY:

Okay. Anybody else? Seeing none, we have 1943-12 before us. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. I have a motion by Legislator Gregory to take I.R. 1200 out of order, which is on Page 9. And *I.R. 1200 - Authorizing the funding infrastructure of improvements and oversight of real property under the Suffolk County Affordable Housing Opportunities Program and execution of agreements for the Wyandanch Rising Project (Co. Exec.)*. Do I have a second? Second by Legislator Horsley. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

All right. 1200 is before us. Is there a question?

LEG. GREGORY:

I'd like to make a motion.

P.O. LINDSAY:

Motion by Legislator -- same motion, same second. Any questions? Seeing none, we have a motion to approve and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay.

LEG. GREGORY:

Thank you for your support.

P.O. LINDSAY:

It passes unanimously. Okay.

D.P.O. HORSLEY:

And don't forget the promise.

P.O. LINDSAY:

Okay, yes. And I won't forget the promise, you can bet on that.

Okay. And now we're back on Page 7 again. We can't get off Page 7.

2108-12 - Studying the preservation of sensitive properties damaged by Hurricane Sandy (Browning). Legislator Browning? Where is Legislator Browning?

LEG. BROWNING:

Oh, I'm sorry. Motion to table.

P.O. LINDSAY:

Motion to table, and I'll second that. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. Then we're on to Page 8. ***1201 - Amending the 2013 Operating Budget and appropriating funds in connection with bonding for a settlement for liability cases against the County (Co. Exec.).***

LEG. GREGORY:

Motion.

P.O. LINDSAY:

Motion by Legislator Gregory. Do I have a second?

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Second by Legislator Kennedy. All in favor?

LEG. MONTANO:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Montano?

LEG. MONTANO:

Yeah. I just -- the resolution only talks about the settlement amount. It says it's a liability case. Could I ask Gail from the County Attorney's Office to step up, through the Chair? I just want to get a brief explanation as to what we're paying for. And please stay there, because there are three of them that we're going to do.

MS. LOLIS:

The one before you and the next one arise out of a motor vehicle accident involving a police vehicle. They're all plaintiffs in the same case. It was divided into two resolutions, I'm not exactly sure why.

LEG. MONTANO:

When you say a police vehicle, was like this a police chase, or was this just a --

MS. LOLIS:

There was a finding of liability by a jury. This is a settlement finding -- following a jury --

LEG. MONTANO:

Oh, okay. That applies to the first two?

MS. LOLIS:

Yes.

LEG. MONTANO:

But the third one is a different case?

MS. LOLIS:

Yes.

LEG. MONTANO:

All right. So when we get to that, I'll ask you that one.

P.O. LINDSAY:

We have a motion on 1201 and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

General Meeting - March 19, 2013

P.O. LINDSAY:

Okay. On the accompanying bonding resolution, 1201A, same motion, same second. Roll call.

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

LEG. GREGORY:

Yes.

LEG. KENNEDY:

Yes.

LEG. KRUPSKI:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. NOWICK:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. On *1202 (Amending the 2013 Operating Budget and appropriating funds in connection with bonding for a settlement for a liability case against the County (Co. Exec.))*, can I do same motion, same second, same vote?

*(*Affirmative Response*)*

Okay.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

And on the accompanying bond resolution, 1202A, same motion, same second roll call.

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

LEG. GREGORY:

Yes.

LEG. KENNEDY:

Yes.

LEG. KRUPSKI:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. NOWICK:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. *1203 - Amending the 2013 Operating Budget and appropriating funds in connection with bonding for a settlement for a liability case against the County (Co. Exec.).* And do I have a motion?

LEG. D'AMARO:

Motion.

LEG. GREGORY:

Motion.

P.O. LINDSAY:

Motion by Legislator Gregory, seconded by Legislator D'Amaro.

LEG. CILMI:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Cilmi.

LEG. CILMI:

Robert, at some point in time we used to have a fund, is that correct, to pay these settlements out of, or did we always bond them?

MR. LIPP:

That's right, we used to actually pay out of Operating. We still keep a small amount of money in operating to pay for this, but we've been borrowing perhaps a few million a year. I don't have the file in front of me, though, for this. Basically, instead of doing pay-as-you-go, we're doing it this way, in part, large part, because of our fiscal issues.

LEG. CILMI:

Right. So you just sort of answered my second question, which would be how much do we borrow a year as a result of these types of cases or settlements? And then my next question would be how much in interest are we paying?

MR. LIPP:

Sure. So, based upon a calculation that I just did in anticipation of that, the three suits or settlements together add up to \$550,000, which we would borrow, and an estimate is about 42,000 a year, or over 750 dollars -- \$750,000 over an 18-year assumed bond.

LEG. CILMI:

Okay. So while we're settling these cases for a total of 550,000, you guess that over the course of the life of the bonds, that it will end up costing us roughly 750,000?

MR. LIPP:

Seven hundred and fifty thousand. That's more than a guess, that's based upon some sound analysis.

LEG. CILMI:

Okay, good. Well, not good, but I appreciate that it's based on sound --

MR. LIPP:

Understood.

LEG. CILMI:

-- science.

MR. LIPP:

And, like I said, at the risk of being repetitive, it's a little over or approximately 42,000 a year in each of the next 18 years, starting -- if we, for instance, borrowed it this year, the debt service would be -- would commence the year after, so it would first show up in the '13-'14 budget.

LEG. CILMI:

Gail, could I ask you to --

MS. LOLIS:

Sure.

LEG. CILMI:

I'm not sure that this is a question for you, really. But, I mean, do we take that into consideration when we're settling these cases? Do we know? I mean, I know that the actual -- that the plaintiffs are only getting the money that we're -- the face value, I guess, of the bonds, but no?

MR. LIPP:

I believe it's not the Law Department's determination, it's a budgetary issue in the County, I would believe, and the County Executive makes a determination whether there's sufficient funds in the Operating Budget.

General Meeting - March 19, 2013

LEG. CILMI:

Well, no, I'm sorry. That wasn't my question, Rob, I don't think. My point is that, in this -- on this resolution, for example, we're settling for \$150,000, I think?

MS. LOLIS:

Yes.

LEG. CILMI:

Okay. So that's all they get. I mean, they get \$150,000, Robert, right?

MS. LOLIS:

Yes.

MR. LIPP:

Correct.

LEG. CILMI:

It's just costing us more because we're borrowing the money.

MR. LIPP:

Correct.

LEG. CILMI:

So my question is, you know, do we factor that into our, I guess, negotiations with these plaintiffs?

MS. LOLIS:

We don't -- when we recommend settlements, we recommend settlements based upon what we believe is a fair settlement to the plaintiff. How it is going to get paid is for the budget officers to determine.

LEG. CILMI:

Robert, would it make sense at all, is there any economies of scale to -- if we're going to continue borrowing money to pay these settlements, would there be any economies of scales to be had by borrowing, you know, a substantial amount of money all at once and thereby maybe getting a lower interest rate, I'm not sure how that works exactly, as opposed to going out with each settlement and borrowing the smaller amount of money?

MR. LIPP:

The short answer is no, but we have looked at other issues that -- I'm not sure if they've actually ever been vetted out. In particular, we were talking about looking at the amount of insurance we have, and it's substantial, the cost each year. And the payback that we've gotten for that insurance, which is above a certain maximum, we've rarely gotten any return at all on that. So the recommendation we've made in the past is perhaps we should completely self-insure, and those funds could be used up to that threshold for operating, as opposed to having to borrow.

LEG. CILMI:

Okay. Well, that's certainly worthy of further discussion, which we can do at a later time. But I guess I have one last question, then. Is it possible to borrow these funds from one of our own funds and pay one of our own funds back the interest, rather than borrowing the money from a -- wherever it is we borrow it from?

MR. LIPP:

No.

LEG. CILMI:

It's not possible?

MR. LIPP:

No.

LEG. CILMI:

Why?

MR. LIPP:

The interfund borrowing, which is, I believe, what you're talking about, is money that we have to pay back the fund at the end of the year anyhow. That's by State Law, so we really can't do that. And the way the mechanism would go for doing this is either in the next bond issue in the Spring, which would be in May, probably, or possibly, depending upon how the settlement would work, in the Fall. It would be part of approximately one of, or three I should say in this case here, of perhaps 120, maybe, different capital projects that all get rolled into the one bond issue.

LEG. CILMI:

Okay. If you could just provide me at some point in the next couple of weeks an analysis of how much money we've spent in excess of the settlement amounts for the last three years because of the bonding.

MR. LIPP:

Sure, we'll have a conversation.

LEG. CILMI:

Right. Okay, thanks.

LEG. MONTANO:

Wait, wait, wait. No, I have a question.

P.O. LINDSAY:

Okay. Legislator Montano.

LEG. MONTANO:

Hi, Gail. Not so fast. Gail, I'm sorry, I didn't hear all of that.

MS. LOLIS:

Right.

LEG. MONTANO:

Did you just explain what the case was? What do we -- I know what we're paying. The question is why are paying it and what happened? And I don't need a long explanation.

MS. LOLIS:

I could tell you very generally. I mean, if you want specifics, then I would need to go into executive session.

This arises out -- it's a Federal Court action. The settlement is for the plaintiff, as well as for attorney's fees, and it arises out of an altercation between the plaintiff motorist and a police officer.

LEG. MONTANO:

The plaintiff motorist and a police officer?

MS. LOLIS:

Yes.

LEG. MONTANO:

So is this -- this wasn't a motor vehicle accident?

MS. LOLIS:

No.

LEG. MONTANO:

Bear with me, because I don't want to go into executive session.

P.O. LINDSAY:

Gail, you want a cup of coffee?

*(*Laughter*)*

MS. LOLIS:

Had it before I got here.

LEG. MONTANO:

You want caffeine? All right. I don't want to -- I don't want to burden this by going into executive session. I'm sorry, I took it off my screen. How much was the settlement here?

MS. LOLIS:

One hundred fifty thousand.

LEG. MONTANO:

And this was not -- this is a pure settlement, this was not a liability finding?

MS. LOLIS:

That is correct.

LEG. MONTANO:

What can you tell me without going into executive session?

MS. LOLIS:

I told you.

*(*Laughter*)*

LEG. MONTANO:

You really want to go into executive session?

MS. LOLIS:

I'll be more than happy to speak with you --

LEG. MONTANO:

All right, yeah.

MS. LOLIS:

-- privately. I'll stick around if you want.

General Meeting - March 19, 2013

LEG. MONTANO:

Okay. That would be acceptable. Thank you very much.

P.O. LINDSAY:

Okay. Anybody else? Seeing none, we have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: Leg. Spencer)

P.O. LINDSAY:

Okay. On the accompanying bonding resolution, 1203A, same motion, same second? Roll call.

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

LEG. GREGORY:

Yes.

LEG. D'AMARO:

Yes.

LEG. KRUPSKI:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. STERN:

Yes.

LEG. SPENCER:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. ***1166 - Authorizing the submission of an application to the United States Department of Commerce, Foreign Trade Zone Board for Foreign Trade Zone-Alternative Site Framework designation (Co. Exec.)***. Motion. Do I need a motion?

D.P.O. HORSLEY:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Horsley.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen -- 17. (Not Present: Leg. Montano)

P.O. LINDSAY:

Okay, we're done. ***1153 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - active recreation/Hamlet Park/Historic and/or Cultural Park component - for the Oakdale Greenhouses, LLC as assignee of Rolling Stone Estates, Inc. Property - Town of Islip (SCTM Nos. 0500-354.00-02.00-002.000, 0500-354.00-02.00-003.000 and 0500-355.00-03.00-068.000) (Co. Exec.)***. I'll make a motion.

LEG. CALARCO:

Second.

P.O. LINDSAY:

Second by Legislator Calarco. On the motion? Seeing none, all in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

I thank you.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1154 - Authorizing acquisition of land under the Old Suffolk County Drinking Water Protection Program [C12-5(E)(1)(b)] - for the Ceraldo Construction Corporation property - Pine Barrens Trail County Park addition - Pine Barrens Core - Town of Brookhaven (SCTM Nos. 0200-461.00-03.00-039.001 and 0200-461.00-03.00-045.000) (Co. Exec.). Do I have a motion?

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Who's the second?

LEG. SCHNEIDERMAN:

I'll second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1156 - Accepting New York State Clean Water/Clean Air Grant Funds, amending the 2013 Capital Budget and Program and appropriating funds in connection with the Carmans River Fish Ladder (CP 7180) (Co. Exec.).

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning for the fish ladder.

LEG. BROWNING:

Yes.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1157 - Amending the Adopted 2013 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2013 Capital Budget and Program, and appropriating funds in connection with the Coastal Steward's Shellfish Restoration Project (CP 7180) (Co. Exec.).

LEG. HAHN:

Motion.

P.O. LINDSAY:

Motion by Legislator Hahn.

LEG. ANKER:

Second.

P.O. LINDSAY:

Second by Legislator Anker.

LEG. KRUPSKI:

On the motion.

P.O. LINDSAY:

All in favor?

LEG. D'AMARO:

Just on the motion --

P.O. LINDSAY:

On the motion.

LEG. D'AMARO:

-- on that, please.

P.O. LINDSAY:

Yes, Legislator D'Amaro.

LEG. D'AMARO:

I'll defer to Legislator Krupski.

P.O. LINDSAY:

Okay. Legislator Krupski.

LEG. KRUPSKI:

Thank you. This is coming out of the Water Quality Protection, Fund 477. It's -- to me, it's almost a stretch that this could be coming out of that fund. I don't think -- I don't think anything beyond brick and mortar water quality improvements that you could quantify. Water quality improvements should come out of this fund, that includes salaries.

General Meeting - March 19, 2013

I will support this. I spoke to the -- I spoke to the applicant, Coastal Stewards, and I spoke to other people who are very familiar with shellfish, and they assured me that they are planting mature animals that will survive the normal predation at a pretty decent rate. So, for that reason, I'll support this, but I will support it for one year. They've assured me also that they'll quantify the survival of the oysters, because without that, if you don't know what -- you know, you could put anything out in the water and they could die from predation, from -- if there's disease of oysters, which is prevalent on the North Shore, for drills or starfish, and in a month you could have no oysters left. So, if they can quantify this, it's going to be really important, because \$115,000 is a lot of money, as opposed to putting it into a storm water project that you know is going to protect the water a lot better.

LEG. ANKER:

On that.

P.O. LINDSAY:

Yes, go ahead.

LEG. ANKER:

I understand your concerns, and, again, if this program isn't working, you know, there's no reason to have it. But from what I understand, the research behind it is that the shellfish actually purify the water extremely well. And they've done research and studies on this and we're really in a situation where we have to keep our waters and our harbors clean. Mount Sinai Harbor has been closed down many times, mainly during the summer months. Another reason, and I know this sounds terrible, but the people bring their animals and pets down, and everything gets washed into the harbor. I have this problem, I know Legislator Hahn also has this problem, Port Jeff. But this is one of the most productive, efficient ways to really clean up the harbor, is this type of project.

So I look forward, though, of getting -- clarifying the efficiency of this particular project.

LEG. D'AMARO:

Bill.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you. I had a few questions about this particular program, and I was wondering if there's anyone present who can answer some of my questions. Is anybody here? Okay. The Coastal Stewards Shellfish Restoration Project.

Oh, Director Lansdale, welcome. I would like to ask, first of all, just how long has this program been in place?

MS. LANSDALE:

I don't have that answer, but I can definitely get back to you on that.

LEG. D'AMARO:

Is it an ongoing program?

MS. LANSDALE:

I believe it is.

LEG. D'AMARO:

It is. Can you just --

MS. LANSDALE:

I can get those details for you.

LEG. D'AMARO:

Okay. Can you give me a brief description of exactly what the County's role is in the program?

MS. LANSDALE:

Sure. The County's role is to provide funds through the Quarter Percent 477 Program. And it's not a study. This is actual releasing of oysters into the waters, and the oysters then provide a filtering feature. Each oyster filters about 50 gallons a day of water.

LEG. D'AMARO:

All right. And the County's funding is being used to purchase the oysters, or is it for some other purpose?

MS. LANSDALE:

It's being used right now to support the program. I don't have the details with me of specifically what elements are -- how it's being funded, but I can get that to you.

LEG. D'AMARO:

How do you quantify or justify the need for the purification?

MS. LANSDALE:

According to the Department of Environmental Conservation, there are impaired waters in the Port Jefferson Harbor, and where many of these oysters are being released. So this is -- this is one of the reasons why this project was deemed an important priority project for the Water Quality Committee.

LEG. D'AMARO:

You know, I would really like to know, before -- especially given the funding source, the 477, which I know we've looked at very closely and utilized over the last few years, I would really like to know if this program has been -- if this project has been done before, what were the results? How much have we spent in the past? What kind of bang for our buck are we getting with this project? It's just very difficult for me to vote to fund something like this without having that information.

MS. LANSDALE:

Understood. I would be happy to get back to you.

LEG. HAHN:

Isn't that kind of what that other study was for that we didn't pass, finding that kind of information?

LEG. D'AMARO:

I don't think so, but do you want to have that debate now, too?

LEG. MONTANO:

I don't think so.

P.O. LINDSAY:

Guys, let's get together here.

LEG. D'AMARO:

So --

P.O. LINDSAY:

Legislator D'Amaro, you have the floor.

LEG. D'AMARO:

Thank you.

P.O. LINDSAY:

Please, finish up.

LEG. D'AMARO:

Thank you, sir. So, you know, again, given the funding source, I mean, it's a noble project, and I understand what the need may be, but we're not -- we're not quantifying the need, we're not -- I really need to know if this has been done in the past and it's been successful, because my understanding is, if there's a need for it now, perhaps it was tried and failed, and I would really like to know that.

I just have a lot of open questions about this, Mr. Presiding Officer. I would like to table it, you know --

P.O. LINDSAY:

Okay.

LEG. D'AMARO:

-- whether or not it gets tabled.

P.O. LINDSAY:

So make a motion to table.

LEG. D'AMARO:

I will offer a motion to table just for the purpose of getting more information.

LEG. KENNEDY:

I'll second.

P.O. LINDSAY:

Seconded by Legislator Kennedy. Okay. So now we have a motion to approve and a second, and a motion to table and a second. Okay.

And I have a long list here that I've been writing down. I don't know whether the questions have been asked or not. Legislator Krupski, did you have any open questions?

LEG. KRUPSKI:

No, thank you.

P.O. LINDSAY:

Okay. Legislator Hahn.

LEG. HAHN:

Yes, a couple of answers.

P.O. LINDSAY:

No, questions. We want questions.

LEG. HAHN:

No. I'm going to speak on this bill, and I'm going to answer some questions that were asked.

P.O. LINDSAY:

Oh, okay, good. Go ahead. Maybe you can clarify things.

LEG. HAHN:

Hopefully. They use the same strain of American Oyster that the commercial hatcheries and shellfish farmers are using, because they are resistant to the diseases that some people have questions about.

P.O. LINDSAY:

Okay.

LEG. HAHN:

There's some mortality, but according to Tom Carrano of the Town of Brookhaven DEP, Gregg Rivara of Cornell Cooperative Extension, they have an excellent survival rate.

I have maps showing where in Port Jefferson Harbor we have a problem, significant problem in Port Jefferson and Mount Sinai Harbor. As we said, these oysters filter, filter the water. They put them into the water and in containers, spats -- no, I'm sorry. They release the oysters by using the method of free-casting one tote at a time. Each tote holds approximately 1,000 adult oysters. What that means is that they release the oysters throughout the Port Jefferson and Mount Sinai Harbor at regular intervals, different water depths. They try to put them on hard bottom to prevent them from smothering in sediment.

They do this to maximize dispersal of fertilized eggs throughout the harbors, minimizing mortality. They scuba dive at various sites to check on the growth and the survival and they document the results. They use the underwater video camera to check on them.

They have shellfish wholesalers who estimate, based on buying from baymen and taking -- that approximately 800,000 oysters have been harvested each year for the past three years from the harbors. I'm just reading a little bit of information for you here, I don't want to read the entire problem. They keep them protected in the gear for one year or more, and let them grow to a size where most are actually legal size, and they have a far greater chance of survival. Again, an adult oyster can filter of up to 50 gallons of water per day.

And, hopefully, that answers many of the questions.

P.O. LINDSAY:

Okay. I have one along those lines; maybe it answers there. I know on the South Shore, we had a reseeded program for clams. And one of the interesting things that they found in the initial research was that the clams, more than being devastated by any kind of disease, or starfish, or anything like that, it was overharvesting in a lot of the areas. And they are trying to solve that problem by seeding beds that belong to the Blue Point Oyster Factory so they can restrict the clamming in that area, because it's private bay bottom. And, you know, it's yet to be seen whether that's going to work here or not, but I don't know whether that's something that involves the oysters or not, but something that they should really look into.

LEG. HAHN:

They release in both certified and non-certified waters.

P.O. LINDSAY:

Okay.

LEG. HAHN:

They do both.

P.O. LINDSAY:

Okay, very good. Okay. Legislator Stern, do you have any open questions?

LEG. STERN:

Thank you, Mr. Chairman. Maybe this is through the Chair to Legislator Hahn, maybe it's for Director Lansdale.

This is Suffolk County, I guess, essentially funding a program that is going to be -- is it administered by the Town of Brookhaven? The Town of Brookhaven seems to be the entity that is entering into the agreement with the consultant. So what role does Suffolk County really have going forward, both in the administration of the contract, as well as what role, if any, in quantifying and analyzing the results?

MS. LANSDALE:

Your question was the role in the project, as well as the role of the contract, right?

LEG. STERN:

Well, as I read it here, we're providing the funding, but it's the Town of Brookhaven that is entering into the agreement with the -- with the company that's performing the services. So, to what extent do we retain some kind of involvement, some kind of oversight, both in terms of the performance of the contract, as well as quantifying the results?

MS. LANSDALE:

I'd have to look at the terms of the contract to be able to answer that question.

LEG. STERN:

There's a -- further in the bill, here it says this is going to be a project that's initiated -- will be initiated within three years of the date of adoption of this resolution. Three years from adoption of the date of resolution, what's going to be going on and when under this contract over the course of three years?

MS. LANSDALE:

With regards to the program or --

LEG. STERN:

Well, it says that, the way I read it here, it's in the WHEREAS clause, the project will be initiated within three years of the date of adoption of this resolution. My question is does it go on for three years and we quantify results at the conclusion of the three years, or will this -- will these efforts under this contract perhaps not even begin for up to the next three years?

MS. LANSDALE:

I would be happy to get back to you, unless -- I'm more than happy to answer that question fully.

LEG. STERN:

Thank you.

P.O. LINDSAY:

Okay. Next up is Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. I have similar questions with this, too, Sarah, and I guess, you know, mine run through a little bit in the more broader context of the 477 Program. But can we invite Director Lansdale back up again?

MR. VAUGHN:

Legislator Kennedy, with your indulgence, sir, I think there are a number of questions here that we would like to get some additional answers on. So what I would just ask, if we could skip over this for just a few minutes. Let's see if we can get some better answers to some of the questions that have been asked here, and let's see if we -- rather than continue to ask questions that we may or may not have an answer to. I would just ask that there are still some other items on the agenda, let's see if we could just pass over this one, with the Legislature's indulgence, and move forward from there.

P.O. LINDSAY:

Tom, I appreciate you trying to shorten my meeting, but do we have any assurances, Commissioner Lansdale, that we're going to have these answers in a few minutes?

MR. VAUGHN:

Mr. Presiding Officer, what I would ask is this: If you could give me ten minutes to see what I can do to get better answers. If in ten minutes I don't have them, do what you -- table it, adopt it, whatever we've got to do. I would just ask for --

P.O. LINDSAY:

You're recommending ten minutes to table it if we don't have the answers?

MR. VAUGHN:

Fair enough.

LEG. KENNEDY:

But, Mr. Chair, I mean, I'm always impressed by the mental capacity of the administration, but I haven't even asked the questions yet.

*(*Laughter*)*

MR. VAUGHN:

I apologize.

LEG. KENNEDY:

So, I mean, if you just want to come on up here and we'll have at it again in ten minutes, go right ahead.

P.O. LINDSAY:

Well, but maybe you're the mentalist or something.

LEG. KENNEDY:

I could very well be.

(*Laughter*)

P.O. LINDSAY:

Why don't we do this. Shoot off your --

LEG. KENNEDY:

I'll be on the front page of Newsday.

P.O. LINDSAY:

Shoot off your questions and then you guys note the questions and see if you can come back and answer them in ten minutes. Go.

LEG. KENNEDY:

I was going to talk about a broader concept of 477, but I won't.

P.O. LINDSAY:

Thank you.

LEG. KENNEDY:

So then let's just get down to how much of this grant is actually going for product, how much is going for salary, how much is going for equipment, and what's the season that they actually get out there and seed?

P.O. LINDSAY:

Okay.

LEG. KENNEDY:

All right? Thanks.

P.O. LINDSAY:

That's very generic and I appreciate that. Very good. Okay. And now, do we want to continue this questioning?

LEG. D'AMARO:

If we're going to do that, I would ask -- I had a few other questions also.

P.O. LINDSAY:

All right. So do you want to wait for them to come back?

LEG. MONTANO:

No, let us ask the questions.

LEG. D'AMARO:

Yeah.

P.O. LINDSAY:

Go ahead. Go ahead, Legislator D'Amaro.

LEG. D'AMARO:

Right. I just want to ask. I want to support this program, I know that the goals are worthy, at least in my mind of supporting. However, I need to know what is the condition of the area that we're putting this in, what is the success rate? Have we done this in the past? What was the outcome? What's the likelihood that we will succeed?

General Meeting - March 19, 2013

How do you measure that? What do you consider success? All right?

So I just -- if I'm going to vote for a program and put County money into it, I want to get some assurance that it's a worthwhile cause from a practical standpoint, that it's going to succeed, or at least have a good likelihood of succeeding, because I believe things like this have been done in the past without much success. Okay.

P.O. LINDSAY:

Okay. You're done, Legislator D'Amaro?

LEG. D'AMARO:

Yes, thank you.

P.O. LINDSAY:

Okay. Legislator Montano, you have some?

LEG. MONTANO:

Yeah. I think -- I think you have most of the questions. I did want to -- just, Sarah, later, when you come back, or Tom, whomever, just give me a brief explanation on the second RESOLVED clause, you know, the priority rank, and I want to know what that refers to and, you know, if that's high or low.

The other question I had, I think Legislator Stern touched on it, I'd like to know what we're doing with the Intermunicipal Agreement with the Town of Brookhaven? What are they doing, you know, what are we doing?

And the third question I had is with respect to the contract that we're going to be entering into with the Coastal Steward Shellfish Restoration Project for 115 -- actually, it's Coastal Steward, Inc., that 115,786. What exactly are we contracting with?

So I think you've gotten all of the questions, you know, that I'm looking for answers for.

P.O. LINDSAY:

Okay. Are we good now? So in ten minutes you're going to have the answers as to why is the sky blue.

LEG. SCHNEIDERMAN:

I have questions.

P.O. LINDSAY:

Oh, God help me. Go ahead, Legislator Schneiderman.

*(*Laughter*)*

LEG. SCHNEIDERMAN:

I was on the list, Bill. I'm sorry. No, I just -- you know, we've done -- this is at least the third time we've seen something like this where we're seeding an area. I think in 2005 we gave Cornell some two million dollars for a scallop project. Can we just get that data in terms of -- I just want to know that these projects are being -- are effective, that it's actually leading to result. I imagine one year out, probably they're great, but I want to know two or three years out, four years out. I want to make sure we're not throwing money away. Other Legislators brought up the issues of what are the conditions that are causing these die-offs. If we're not eliminating the conditions --

P.O. LINDSAY:

Okay.

LEG. SCHNEIDERMAN:

-- we got the same problem.

P.O. LINDSAY:

We got it, we got it.

LEG. SCHNEIDERMAN:

So, if you could get me that data, I'd appreciate it.

P.O. LINDSAY:

Okay. Are we all set? All right. Legislator Nowick, I did not forget you. How could I forget you.

LEG. NOWICK:

Is this something that has to be passed tonight?

P.O. LINDSAY:

No, it doesn't.

LEG. NOWICK:

Is it an emergency?

P.O. LINDSAY:

We might table it in ten minutes.

LEG. NOWICK:

Because my point is there's like a million questions.

P.O. LINDSAY:

If we get the questions out in ten minutes.

LEG. NOWICK:

Why don't we just --

P.O. LINDSAY:

Table it.

LEG. NOWICK:

-- table it, and each one of you individually could get answers in the next few weeks.

P.O. LINDSAY:

We're on the road to that.

LEG. MONTANO:

But they want ten minutes.

P.O. LINDSAY:

Okay. Thank you, guys. All right. I'm going to recognize Legislator Horsley for a motion that is more generic.

D.P.O. HORSLEY:

Right, whatever. Okay. I'd like to take out of order **1169 - Confirming the appointment of Dennis M. Brown, County Attorney of Suffolk County (Co. Exec)**. They have been very patient.

P.O. LINDSAY:

No.

D.P.O. HORSLEY:

He's here.

P.O. LINDSAY:

Oh, okay.

D.P.O. HORSLEY:

Can I have a second on the motion?

LEG. CILMI:

Second.

LEG. BARRAGA:

Second.

D.P.O. HORSLEY:

Second by Legislator Cilmi. Oh, I'm sorry.

P.O. LINDSAY:

That's okay, that's okay. We have a motion and a second to take Dennis Brown's appointment as the County Attorney out of order. And all in favor? Opposed? Abstentions to taking it out of order?

MR. LAUBE:

Seventeen. (Not Present: Leg. Browning)

P.O. LINDSAY:

Okay. It's before us.

D.P.O. HORSLEY:

I'll make a motion to approve the --

P.O. LINDSAY:

Motion to approve.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Do I have a second?

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro.

General Meeting - March 19, 2013

MR. LAUBE:

Who was the motion and the second?

P.O. LINDSAY:

Okay. Dennis, it's before us. What do you got to say for yourself?

D.P.O. HORSLEY:

Make it quick.

*(*Laughter*)*

MR. BROWN:

First of all, thank you very much.

P.O. LINDSAY:

You're welcome.

MR. BROWN:

I have a -- there was a statement that I read at the committee and which I'd like just to have the opportunity to read right now.

P.O. LINDSAY:

Go ahead.

MR. BROWN:

And, basically, I would like to thank Steve Bellone for his show of confidence in me by asking me to serve as the County Attorney. It is one of the highest honors that can be bestowed on a lawyer, and it is a privilege to be asked to join the ranks of those who have preceded me in the role. I will use all of my efforts and work to the best of my ability to faithfully and diligently serve the Administration.

I also am fully cognizant that I represent all elected officials of the County of Suffolk. I will employ all the resources available to me to assure that zealous representation is provided to all other elected officials of the County, and that I give clear and accurate advice as promptly as possible and dispense to all.

I would also like to thank Dennis M. Cohen for his support. We first started working together 15 months ago. My goal was to make for a seamless transmission of the new County Attorney by providing him the information he needed about County operations as and when needed. I gave him the best advice I was capable of giving, and my goal is to continue to do the same for him in his new role as Chief Deputy County Executive.

The attorneys in the Municipal Law Bureau, they're all excellent; the support staff is all excellent as well. Were it not for them, I wouldn't be here, because they've always made my job easier.

So, in anticipation of your vote of approval, I look forward to serving the people of Suffolk County, all of you, all of the elected County officials, the County-wide elected officials, and am grateful for the opportunity.

P.O. LINDSAY:

Very nice, Dennis.

MR. BROWN:

Thank you.

P.O. LINDSAY:

Any questions of Dennis? Yes, Legislator Gregory.

LEG. GREGORY:

Just a quick statement, Mr. Chair. I just want to say it would be my extreme pleasure to support you, Dennis. I've always been a fan of yours. I think you carry yourself very well. You're articulate, an intelligent lawyer, and I think you'll serve the position very well, and us in the County, and just congratulations.

P.O. LINDSAY:

And he's an Islip boy. He's an Islip boy.

D.P.O. HORSLEY:

I love him.

MR. BROWN:

Thank you very much.

*(*Laughter*)*

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Thank you. Dennis, I, too, support the appointment. You and I had a conversation the other day about your role as County Attorney, and the fact that you represent the County Executive and the County Legislature, and I appreciate that.

I just wanted to ask the simple question, do you plan -- do you have any particular plans for changes either in staffing or any other changes in the County Attorney's Office at this point? Because when your predecessor came in, there were certain changes that were made. Do you have any plans, you know, at this moment, or you haven't really --

MR. BROWN:

No. You know, I know the people in Municipal Law, I know a lot of people in Torts and in General Litigation. I really don't know the people in Family, the Family Court Bureau, I don't know the people in Human Rights. And, of course, it's a really big task now that there's been a merger with respect to Insurance and Risk Management and getting to know them. And, in fact, I'm meeting with Leslie for the first time tomorrow. I don't have any -- I don't have any plans for any changes at this point in time.

LEG. MONTANO:

Okay.

MR. BROWN:

I just -- you know, the people that I know, they're all hard workers and I'm happy to be with them.

LEG. MONTANO:

Right. Last question. How many attorneys are presently on the staff?

MR. BROWN:

Today, 56.

LEG. MONTANO:

Thank you. Thanks, Dennis, and congratulations.

MR. BROWN:

Thank you.

P.O. LINDSAY:

Okay. Legislator Cilmi.

LEG. CILMI:

Hi, Dennis.

MR. BROWN:

Hi.

LEG. CILMI:

Just a quick question. How's that Case Management System working out?

MR. BROWN:

I hope that we certainly have the RFP out, if not this month, within a few weeks into April. As far as the substantive aspects of it with respect to the Law Department are concerned, that's all done. So, really, it's just a matter of making sure that it conforms to the County's I.T. specs.

LEG. CILMI:

Very good.

MR. BROWN:

Thank you.

LEG. CILMI:

Thanks. Congratulations. I look forward to working with you.

MR. BROWN:

Thank you.

D.P.O. HORSLEY:

Legislator D'Amaro.

LEG. D'AMARO:

Yeah, thank you. Hi, Dennis.

MR. BROWN:

Hi.

LEG. D'AMARO:

I just wanted to let everybody know that Dennis did come before the Ways and Means Committee and we had a nice discussion there as well. It got a little bit more into the nuts and bolts and the operations of the County Attorney's Office, the Department of Law. And, at least to my satisfaction, he answered all our inquiries.

General Meeting - March 19, 2013

And I just want to say on a more personal level that I think we're lucky to have you. You've done an outstanding job, in my experience here, representing the County and coming before this body. I think your honesty and your integrity are beyond reproach. And, certainly, as you're detailed to the Ways and Means Committee, you certainly have the background, the experience, and even the practical experience, having been here for how many years has it been?

MR. BROWN:

Eight years.

LEG. D'AMARO:

For eight years. To bring that all to the table at a time when we really don't want on-the-job training, and you bring all of that to the office. So I'm happy to support your appointment, and I urge everyone else to do so.

MR. BROWN:

Thank you.

D.P.O. HORSLEY:

Legislator Spencer.

LEG. SPENCER:

Hi, Dennis. And I spoke to you privately. Thank you for really reaching out to see if there were any concerns, and I don't have any concerns with you. And this may just be more of a point of just for my own knowledge as a relatively new elected official.

In your role as County Attorney, I know we've had a lot of controversial issues that have come before us with regards to looking at the process and whether or not we were following a particular procedure as proscribed by law. In your role as County Attorney, is it your job to figure out a way to advance kind of the Administration's policy, or do you stand as a neutral kind of judge to advise if something is following the correct procedure of law, and how to you reconcile the difference? How do you say no to your boss, "You can't do this"?

MR. BROWN:

If something's illegal, you say, "No, you can't do it." As far as taking a neutral stand is concerned, we look at the law, whether it's me, or by myself in conjunction with all of the lawyers in the Department, we look at the policies and goals, not only of the County Executive, but of all the elected officials. And if it's -- short of it being illegal on its face, we try to give advice so that the goals and policies can be achieved within the bounds of law.

LEG. SPENCER:

I think that's a great answer. I know there have been times where I guess if we were debating in the public or had a question in terms of is this legal, then a lot of times, it's, "No, no, the County Attorney says that we can do this, it's okay." And I didn't know if -- it's interesting because you're representing the elected, the Executive and -- but, also, you are looked at a lot of times as a final authority --

MR. BROWN:

Right.

LEG. SPENCER:

-- if we are pursuing the correct path.

General Meeting - March 19, 2013

MR. BROWN:

Yes.

LEG. SPENCER:

And sometimes I wonder if those paths could be conflicted, and how do you resolve the conflict?

MR. BROWN:

There are two sides to every legal argument. Paths might be conflicted in terms of policy, but we don't give advice in terms of policy, we give advice in terms of what the legal arguments are. And our legal advice could be different than what a Judge thinks, because, remember, it's all just opinions, and even when there's a decision by a Judge, it's just his opinion, or by the Appellate Division, the opinion of five Judges, or by the Court of Appeals, the opinions of more Judges. So there certainly can be more gray than black and white in any legal argument. But, like I said, we don't -- we try not to take sides with respect to policy issues, those are left to be decided by the elected official, and just give best, honest, accurate, as clear advice as possible when it comes to the legal issues.

LEG. SPENCER:

Thank you.

MR. BROWN:

Thank you.

D.P.O. HORSLEY:

Legislator Hahn.

LEG. HAHN:

Thank you. I'm sorry that I didn't get to connect with you before this meeting, but thank you for trying.

MR. BROWN:

And I apologize to you, also, we missed each other.

LEG. HAHN:

Yeah, several times, so -- and I'm quite impressed that you answered all of Legislator D'Amaro's questions. That must have been --

*(*Laughter*)*

I said I was impressed that he answered all of your questions.

LEG. D'AMARO:

Oh, thanks.

LEG. HAHN:

Impressed. And I was not in the committee, so I just wanted to -- and I'm sure you can't answer it now, but I'm hoping maybe, it is at the committee level, if we could get a report on what's going on with -- Risk Management had been moved into -- under the County Attorney's Office.

MR. BROWN:

Yes.

General Meeting - March 19, 2013

LEG. HAHN:

And so I'd like to hear an update on that. There were many, many, many questions we asked at the time it was moved, many concerns that we had about how it had been handled previously. And I'm hoping that you can commit to us to give us kind of an update on how that move is working, and what we are doing to improve the way we're handling our Risk Management policies.

MR. BROWN:

Yeah, I'd be happy to do that. It's one of the things that I have to get my hands around and educate myself about the Department as much as possible. It wasn't under the Law Department before, so I really didn't have any exposure to it. So I'm meeting with Leslie tomorrow, and my goal is to learn as much about that Department as quickly as possible, and to see about its operations, and be happy to report back, yes.

LEG. HAHN:

Thank you. I'm hoping maybe it's appropriate in Ways and Means, and maybe Legislator D'Amaro will bring that there. But thank you, I appreciate that.

MR. BROWN:

Yes, definitely.

LEG. HAHN:

And thank you for your service. And I agree with what's been said about how you handle yourself here with us, and we appreciate that very much, and thank you.

MR. BROWN:

Thank you, appreciate it.

D.P.O. HORSLEY:

Okay. And just as a last word, maybe I might want to mention that I had the pleasure of dragging Dennis up to Albany one day to fight National Grid and LIPA together, involving manufactured gas plants, and he handled himself in an admirable fashion. I'll never forget it, Dennis, for having done that.

MR. BROWN:

Thanks, I appreciate it.

D.P.O. HORSLEY:

So with that, I don't have any further speakers. I have a motion to approve. All those in favor? Opposed? So moved, it's been approved.

MR. BROWN:

I thank you very much.

D.P.O. HORSLEY:

Congratulations, Dennis.

MR. BROWN:

Thank you.

*(*Applause*)*

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

All right. I'd also like to take out -- a motion out of order.

1196 - Confirming the appointment of the Executive Director of the Suffolk County Traffic and Parking Violations Agency, Paul J. Margiotta (Co. Exec.), also a Bay Shore boy. Okay. Is there a second? I missed the second on that.

LEG. D'AMARO:

Second.

D.P.O. HORSLEY:

Second by Legislator D'Amaro. All those in favor? Opposed? So moved, it's taken out of order. Same motion, same second, Mr. D'Amaro, on -- for an approval?

LEG. D'AMARO:

Yes.

D.P.O. HORSLEY:

I'll make that. We have same motion, same second. Mr. Margiotta, you want to -- there you are.

MR. MARGIOTTA:

Hello.

D.P.O. HORSLEY:

Okay. On the motion, anybody like to speak?

P.O. LINDSAY:

I do.

D.P.O. HORSLEY:

Okay, Mr. Lindsay.

P.O. LINDSAY:

Mr. Margiotta, how are you?

MR. MARGIOTTA:

Good, sir. How are you?

P.O. LINDSAY:

I've never had the opportunity to have a discussion with you. You know, I know you're going to head up a brand new department for us, which I'm sure must be very challenging --

MR. MARGIOTTA:

It is.

P.O. LINDSAY:

-- to set something up and groom it to the way you want it, and hope it works well, right?

MR. MARGIOTTA:

Yes, sir.

P.O. LINDSAY:

All right. Do you have any thoughts about the department you're about to form?

MR. MARGIOTTA:

Mainly, that it will be run as if we're running a retail service operation. We're going to treat the people that come through the doors as customers. We're going to try and move people through as quickly as possible, so they don't spend too much time in the agency and get frustrated. We are kind of the hybrid between the TVB and the Nassau County Parking Violations Agency. And we will be handling red light cameras and parking as well, so we are kind of a hybrid. And we're going to function more of an arm of the District Court than TVB did.

P.O. LINDSAY:

Well, as an enforcement agency, you're not going to be beloved, you realize that?

MR. MARGIOTTA:

Yes, I do. I was the Prosecutor in Babylon for years --

P.O. LINDSAY:

Yeah, okay.

MR. MARGIOTTA:

-- so I wasn't very loved.

P.O. LINDSAY:

But, nevertheless, we wish you well. The County absolutely needs the revenue that you are capable of bringing in, and I think deserves the revenue. I've thought that for many, many years, that it doesn't seem fair that we do a lot of the administrative and enforcement work and we don't share in, adequately share in the rewards of the fines, you know, so --

MR. MARGIOTTA:

Yes, sir.

P.O. LINDSAY:

I wish you -- I wish you really the best of luck with it, and in your role to endeavor to do it in a way that you're consumer friendly is interesting.

MR. MARGIOTTA:

Thank you, sir.

P.O. LINDSAY:

Thank you. Bye-bye.

D.P.O. HORSLEY:

Thank you very much, Mr. Lindsay. Legislator D'Amaro.

LEG. D'AMARO:

Thank you. I just want to echo the Presiding Officer. We, again, had the opportunity to discuss this appointment at the Ways and Means Committee. Mr. Margiotta came in and presented his educational background, as well as his experience, which is substantial. And I have to say, I came away from that hearing or our discussion that we had at the committee as being quite impressed.

I had concern, not specifically about Mr. Margiotta, but just that we're putting a new County agency together at a time when government is really looking to contract rather than expand. And so it was very important to me, and I believe the committee members as well, to make sure that when the County is expanding into this area, that we put our best foot forward. And I can assure you that Mr. Margiotta sufficiently, or more than sufficiently answered all the questions that I had. And I

General Meeting - March 19, 2013

have every confidence in you, sir, that you're going to run this new department successfully. So I welcome you, and I'm certainly going to support you, as I'm sure, I hope, most of us will, or all of us.

MR. MARGIOTTA:

Thank you.

D.P.O. HORSLEY:

Thank you, Mr. D'Amaro. Legislator Spencer.

LEG. SPENCER:

Good evening.

MR. MARGIOTTA:

Good evening.

LEG. SPENCER:

I had a question just with regards to -- you had mentioned that you were a prosecutor in the past, and we've had this debate with regards to just red light cameras and yellow, and time for people to stop. And I guess my question more relates to this is a revenue-producing department, and we have red light cameras. And overall, is our goal, our philosophy for safety or revenue generation? And so I guess my question relates to, as you're looking at a bureau where you are adjudicating tickets, and the person, someone comes in, and they may plea and there may be a negotiation, is that impacted by the amount of revenue that's coming in? So people start to figure out where the red light cameras are, there's a lot of compliance. Then do we become tougher in terms of how we adjudicate tickets? And what is your ultimate goal? Because, ultimately, let's say in a perfect world, which will never be, or you wouldn't exist, that if you had significant compliance with the law, we'd have a very safe Suffolk County where we wouldn't generate a lot of money in our Traffic Violations Bureau. So how do you reconcile that? What are your instructions to people that are adjudicating these cases? Does it vary? Do you move the cameras around, or do you give stiffer sentences when you see that the revenue is a little down?

MR. MARGIOTTA:

If I can, I would answer that two-fold. As far as red light cameras go, we do move the cameras. There comes a point where we realize that people are obeying the traffic signs at certain locations. We look for locations that are much more dangerous where people are not obeying. We move the cameras to those locations. The intent of that program is a safety program.

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

While it does generate revenue, it's a safety program to put in people's minds when you come to a red light you should stop. If this helps bring people's behavior around, which we have seen that it does, that's a great thing. As far as I can guarantee this body that, and those who know me from Babylon that public safety would never be sacrificed under any situation if I am involved. So while it will be a generating agency and we will generate a lot of money, I would never put the public safety at risk under any circumstances.

LEG. SPENCER:

Thank you.

MR. MARGIOTTA:

You're welcome.

D.P.O. HORSLEY:

Thank you, Legislator. Legislator Gregory.

LEG. GREGORY:

Thank you. Hi, Paul. I didn't have the opportunity to attend the Ways & Means Committee, but I did listen in to the meeting and I heard your answer to Legislator D'Amaro's questions and a number of other members of the committee. I have known you for a few years now.

MR. MARGIOTTA:

Yes, sir.

LEG. GREGORY:

I've certainly learned some new information about your background. I think given that information, I think you were even qualified before, but I think you are even more suited for the position that you're going to hold now. So I certainly will be supporting your nomination and wish you congratulations.

MR. MARGIOTTA:

Thank you very much.

D.P.O. HORSLEY:

Legislator Nowick.

LEG. NOWICK:

We meet again. And I know we've spoken about a few things, and I appreciate your input. Just a quick question. The -- I recall -- would it be a judge that sits?

MR. MARGIOTTA:

A judicial hearing officer.

LEG. NOWICK:

And a judicial hearing officer, does that have to be an attorney?

MR. MARGIOTTA:

That has to be a judge who has sat with at least two years experience in a traffic court and be certified by the Chief Judge of the Suffolk County Courts. When they get a certification they can send me the certification and then I can use them as a judicial hearing officer.

LEG. NOWICK:

So it will be an attorney that has sat as a judge.

MR. MARGIOTTA:

I can't say that because there are counties Upstate where do you not have to be an attorney to sit as a judge, so if they had sat for more than two years in a traffic court they would be eligible under the certification.

LEG. NOWICK:

Do you think I could get a job doing that? *(Laughter)* I'm in.

D.P.O. HORSLEY:

Okay. Are we -- yes, Legislator Montano.

LEG. MONTANO:

Hi, Paul. Could you just repeat that? I wasn't clear on what you said in terms of the qualifications. Run that by me again.

MR. MARGIOTTA:

Sure. The law provides that I may hire judicial hearing officers or contract with judicial hearing officers that are certified by the Chief Judge of Suffolk County, which is Judge Hinrichs. The requirement to be certified is that you have sat a minimum of two years in a traffic court, and that's the only requirements, and I --

LEG. MONTANO:

Well, let me ask you, I'm curious about that. I never heard that. If you are a practicing lawyer and you're -- you've been a lawyer for five years or if you've been a lawyer for ten years you can become a District Court Judge or a -- why are you smiling? You know where I'm going, right?

MR. MARGIOTTA:

I absolutely do, sir.

LEG. MONTANO:

Obviously then why do you need to be in traffic court for two -- you're limiting your pool to those already there. Why is that? I don't see that that's necessary.

MR. MARGIOTTA:

This is the State legislation. It provides for the only way for me to hire a judicial hearing officer is that they be certified and their law to certify is the requirement that they sit for two years in a traffic court.

LEG. MONTANO:

So basically what they said was you can open up the court, but you have to hire those that were in the other court?

MR. MARGIOTTA:

Yes.

LEG. MONTANO:

By putting in the requirement that seems to me to make no sense.

MR. MARGIOTTA:

Yes, sir.

LEG. MONTANO:

Thank you. That's honesty. I like you. I'm going to support you.

MR. MARGIOTTA:

Thank you.

LEG. MONTANO:

I was going to support you anyway.

*(*Laughter*)*

General Meeting - March 19, 2013

D.P.O. HORSLEY:

Okay. Everybody good? Okay. We have a motion to approve and seconded. All those in favor? Opposed? So moved. Congratulations, Paul.

MR. MARGIOTTA:

Thank you all very, very much.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, let's move. Did we do 1157, Tim?

MR. LAUBE:

No.

P.O. LINDSAY:

We did 1157, right?

MR. LAUBE:

No. You passed over it, you were waiting.

P.O. LINDSAY:

Oh, right. Tom, are we ready with 1157?

MR. VAUGHN:

Legislator -- Mr. Presiding Officer, thank you very much for the indulgence of passing over it, but at this point in time we would ask that it be tabled so that we can provide this Legislature with more information.

P.O. LINDSAY:

Okay.

LEG. D'AMARO:

Motion to table.

P.O. LINDSAY:

Everybody all right with that?

LEG. KENNEDY:

Yeah, yeah.

P.O. LINDSAY:

Okay. Who made the motion to table?

MR. NOLAN:

D'Amaro.

P.O. LINDSAY:

Motion by Legislator D'Amaro has already been made. And a second --

MR. LAUBE:

It was seconded by Legislator Kennedy.

P.O. LINDSAY:

Okay. All right, we have a motion to table and a second before us on 1157 *(Amending the Adopted 2013 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2013 Capital Budget and Program, and appropriating funds in connection with Coastal Steward's Shellfish Restoration Project (CP 7180)(Co. Exec.)*. All in favor? Opposed? Abstentions? It stands tabled.

LEG. HAHN:

Opposed.

LEG. ANKER:

Opposed.

MR. LAUBE:

Just the two opposed? Sixteen (Opposed: Legislators Hahn & Anker).

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

P.O. LINDSAY:

1186 - Appropriating funds for the Study and Monitoring of Public Health Related Harmful Algal Blooms (CP 8224) (Co. Exec.).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion. Who made the motion? By Legislator Schneiderman.

LEG. SPENCER:

Second.

P.O. LINDSAY:

Second by Legislator Spencer. On the question, anybody? No?
All in --

LEG. D'AMARO:

What -- excuse me. What bill are we on?

P.O. LINDSAY:

1186. Who said that?

MR. NOLAN:

D'Amaro.

P.O. LINDSAY:

Okay. So we have a motion and a second on 1186. Any questions?

LEG. KENNEDY:

Yeah, on the motion.

P.O. LINDSAY:

On the motion, Legislator Kennedy.

General Meeting - March 19, 2013

LEG. KENNEDY:

Can anybody explain what this one is and why we're letting a \$25,000 bond.

LEG. MONTANO:

Is that what the bond is?

LEG. KENNEDY:

Who -- anybody?

P.O. LINDSAY:

Okay. First, let's start with the explanation of the bill.

LEG. KENNEDY:

Okay.

P.O. LINDSAY:

George, can you explain the bill for me?

MR. NOLAN:

All I can tell you is it's a strict appropriating resolution for money that's in the --

P.O. LINDSAY:

Budget.

MR. NOLAN:

-- Capital Budget and Program. And, you know, the details of the program, somebody else would have to explain those to you.

P.O. LINDSAY:

Okay. I don't --

LEG. KENNEDY:

Is there anybody here to explain that?

P.O. LINDSAY:

Okay. But we're going to ask Tom to do why the bond -- why you have a bond on 25,000.

LEG. KENNEDY:

Okay.

P.O. LINDSAY:

Go ahead, Tom.

MR. VAUGHN:

This was a program that was included in part of the Capital Program.

P.O. LINDSAY:

Right.

MR. VAUGHN:

As the backup material on this states, it's going to be used to monitor --

P.O. LINDSAY:

Algae blooms.

MR. VAUGHN:

-- cyano bacterial blooms and cyano toxins, which I'm pretty positive that I'm pronouncing -- mispronouncing at this moment in time. They are blooms that actually occur in freshwater bodies in Suffolk County and that contain public bathing beaches. This is a continual monitoring program that we do every year.

LEG. KENNEDY:

Is this for Lake Ronkonkoma?

MR. VAUGHN:

Is this for Lake Ronkonkoma?

LEG. KENNEDY:

Well, that's -- unless you're talking about rivers, that's the only inland freshwater body we have --

P.O. LINDSAY:

Yeah, we've got some rivers.

LEG. KENNEDY:

-- other than out there on the North Fork or --

P.O. LINDSAY:

We've got some rivers.

LEG. KENNEDY:

Yeah, but that.

LEG. KRUPSKI:

That's true, we've got a few, but --

P.O. LINDSAY:

You don't get a bloom because the water moves there.

LEG. KRUPSKI:

We've got a few, but we don't have what Tom's has.

MR. VAUGHN:

The place describes --

LEG. KENNEDY:

What, blooms? Yeah, you're right.

MR. VAUGHN:

Pardon me, sir. The places described in the backup material that I have are Meeting House Creek and -- Sag Harbor, pardon me.

LEG. SCHNEIDERMAN:

I think this is through Stony Brook. And, if I may --

LEG. KENNEDY:

Whoa, whoa, whoa. Wait, wait, wait, wait. Sag Harbor isn't freshwater. I thought Sag Harbor was saltwater.

LEG. SCHNEIDERMAN:

Yeah, I didn't say freshwater.

LEG. KENNEDY:

Well, he said freshwater.

LEG. SCHNEIDERMAN:

All right. They're looking at paralytic shellfish disease which can be deadly to humans. This is a public health and safety thing through Stony Brook with Chris Gobler, who is a very renowned doctor in this area and --

LEG. KENNEDY:

Okay.

LEG. SPENCER:

It is not --

LEG. SCHNEIDERMAN:

-- well published.

LEG. SPENCER:

It is not just freshwater. And when -- you know, I see it's stated there. But, fortunately, the reason I seconded this motion, in Huntington Bay, we're the epicenter for the red tide algae bloom in Long Island and for most of the East Coast. And the algae bloom, when it's present, it comes in late August, it shuts down all the clamming beds. It is toxic to humans. It's usually because of increased nitrogen in waters. It prevents the beaches from being open. There is --

LEG. KENNEDY:

Doctor, I'm fairly familiar with --

LEG. SPENCER:

Sure.

LEG. KENNEDY:

-- brown tide and red tide. My only question is -- with this is, A, why we were bonding it; B, what it does; and C, has -- have we had any kind of results? We've had brown tide for the last 10 years.

LEG. D'AMARO:

Thank you. That's what I've been saying.

LEG. KENNEDY:

Has any of this money helped stop it? You know what, I'll just make a motion to table.

LEG. D'AMARO:

I'll second.

P.O. LINDSAY:

Unless somebody can come up with a better explanation, I'm going to support your tabling motion. We'll maybe handle it earlier in the -- which we will if it's tabled, and maybe we can have someone

General Meeting - March 19, 2013

from the Health Department here that could add some expertise to this. And more importantly, we can't scratch up 25 grand to pay for this cash, you know?

MR. VAUGHN:

Legislator Lindsay, I completely agree with you on this.

P.O. LINDSAY:

Okay.

MR. VAUGHN:

If we don't have the answers, then agreed, that this should be tabled.

P.O. LINDSAY:

Okay. So we have a motion to table and a second. All in favor? Opposed?

LEG. HAHN:

Opposed.

LEG. KRUPSKI:

Opposed.

LEG. SCHNEIDERMAN:

Opposed.

LEG. ANKER:

Opposed.

P.O. LINDSAY:

Abstentions?

MR. LAUBE:

Fourteen.

P.O. LINDSAY:

Okay. I'm sorry. You should have raised some questions.

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

P.O. LINDSAY:

Okay. We're at **1205 - Authorizing, empowering and directing the Suffolk County Department of Economic Development and Planning to file a grant application pursuant to the New York State 2012-2013 Local Government Efficiency Grant Program to Evaluate Wastewater Operations in Suffolk County (Co. Exec.)**. Anybody have a feeling to --

LEG. HAHN:

Motion.

LEG. CALARCO:

Second.

P.O. LINDSAY:

Who made the motion?

LEG. HAHN:

(Raised hand).

P.O. LINDSAY:

Motion by Legislator Hahn, seconded by Legislator Calarco. On the question, anybody have any questions on 1205? Seeing none, we have a motion to approve and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

It passed.

Government, Operations, Personnel, Housing & Consumer Protection:

1191 - Modifying Resolution No. 625-2002, to permit the Town of Southampton to construct affordable housing on parcels previously transferred pursuant to Section 72-h of the General Municipal Law and authorizing execution of agreements (Co. Exec.).

LEG. CALARCO:

Motion.

LEG. SCHNEIDERMAN:

Motion.

LEG. CALARCO:

Second.

P.O. LINDSAY:

I've got a motion by Legislator Schneiderman, second by Legislator Calarco. And I have a question, maybe Legislator Schneiderman would know this. Why are we modifying a program from 2002?

LEG. SCHNEIDERMAN:

Okay. This was originally a 72-h transfer, but they -- the town, as part of the transfer, they were told that they -- they weren't actually going to develop housing on these lots, they were only transferring the density from it to other lots where they were going to do affordable housing. Later they discovered that they actually could do affordable housing on these lots, so they're trying to take away the restriction that says they can't put affordable housing on these lots.

P.O. LINDSAY:

Okay. It sounds like Southampton. Okay. I knew Legislator Schneiderman would have the answer to this question. Thank you very much. Any other questions? Seeing none, we have a motion and a second to approve. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. *1193, Amending the Suffolk County Classification Plan and the 2013 Operating Budget in connection with the newly created Suffolk County Traffic and Parking Violations Agency (Co. Exec).*

LEG. CALARCO:

Motion.

P.O. LINDSAY:

Motion by Legislator Calarco.

LEG. BROWNING:

Second.

P.O. LINDSAY:

Second by Legislator Hahn was that?

LEG. BROWNING:

No.

P.O. LINDSAY:

Browning? Okay. On the question, anybody have any questions? Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1193 stands approved. *1206 - Granting a temporary waiver of Suffolk County residency requirements for the employment of Katherine Daniel (Co. Exec.).* And I'll make that motion. Do I have a second?

LEG. GREGORY:

(Raised hand).

P.O. LINDSAY:

Second by Legislator Gregory.

LEG. MONTANO:

Who is this?

D.P.O. HORSLEY:

Kat Daniels.

P.O. LINDSAY:

Any questions? Any questions? No questions.

LEG. CILMI:

Yeah, I have a question.

P.O. LINDSAY:

You have a question. Legislator Cilmi.

LEG. CILMI:

I guess to -- is it Commissioner still?

COMMISSIONER CHU:

Sure. I think I've answered this question.

LEG. CILMI:

Or Sammy?

COMMISSIONER CHU:

Whatever you would like, Legislator.

LEG. CILMI:

Talk to us about Ms. Daniel. Why the waiver? Who is she? Where does she come from? Why did we not have somebody in Suffolk County who can fulfill this position?

COMMISSIONER CHU:

First I'll answer --

LEG. CILMI:

She's not currently working for the County, correct?

COMMISSIONER CHU:

That's correct.

LEG. CILMI:

Okay.

COMMISSIONER CHU:

I will first answer to the last question, which speaks to the principle of hiring and creating local jobs, of which I am a full-throated supporter. I am acutely aware of the need for local job creation. I am acutely aware of the need to make sure that we are promoting, not only hiring, but the development of a healthy and talented workforce here in Suffolk County, to which I feel since I've been the Commissioner of the Department, the Department has been doing an exceptional job fulfilling that mission. But I also recognize that we're here to speak to an exception of that principle, which it's my duty to prove the merit of. So to that end, I will explain where my -- how I had come to know Katherine Daniel and why I think she's uniquely qualified for this position.

In my previous position before I came to work for the County, I had an opportunity to work on some pretty great programs, the energy efficiency space at a time when green jobs was topic de jour. It's a little more tepid now, but I think it's still an extremely relevant topic. I was fortunate enough to be able to participate in national circles on the conversation of green job creation. It was through those channels which I was invited to participate in several forums that brought together practitioners from around the country to specifically talk about how green job -- how we could use the opportunity of the green economy to create jobs for populations that had generally -- had been generally left out of opportunities, economic opportunities, for generations. These included not only populations from low income communities, but also populations that included ex-offenders, who have historically had a very difficult time reentering the workforce when they have left the criminal justice system. And through those channels and in those forums I had the opportunity to meet Katherine Daniel, who is actually the convenor and the Program Director for one of those forums in particular.

General Meeting - March 19, 2013

She is someone that I had grown to trust, someone whose opinions I trust, someone who has had an opportunity to work and collaborate with the best practitioners in the country around the specific mission of making sure that we're creating opportunities for disadvantaged populations. And this, as has been stated, the County Executive stated before, this is a priority of his administration, to make sure we're addressing our recidivism, but also creating economic opportunity for populations that have been left out of those opportunities in the past.

LEG. CILMI:

So Commissioner, you and I have had this conversation --

COMMISSIONER CHU:

Yep.

LEG. CILMI:

-- already. I'm sure it's also the County Executive's priority to put people in Suffolk County, who live in Suffolk County presently, back to work.

COMMISSIONER CHU:

No doubt.

LEG. CILMI:

And there are a great many people who found themselves a year or so ago working for Suffolk County, who are no longer working for Suffolk County as a result of budget problems that the County has had.

COMMISSIONER CHU:

Certainly.

LEG. CILMI:

So I question even why we need somebody. We combined departments. I'd be curious to know how Bob Meguin fits into the equation here. But in addition to that, I'm wondering again for the record how many individuals we interviewed for this job, if any, from Suffolk County. And in general, what are our procedures when we -- when a position like this comes available. Do we typically -- and this is a -- this is a non-union position, right.

COMMISSIONER CHU:

This is an exempt position.

LEG. CILMI:

Right. So do we typically go out and post job advertisements on, you know, a website or in the newspapers or something, or do we just kind of handpick people from our history?

COMMISSIONER CHU:

Sir, for most positions filled within the context of Suffolk County government, they're filled within the context of Civil Service, which means that --

LEG. CILMI:

Right, but I'm talking about the exempt positions.

COMMISSIONER CHU:

Well, the exempt positions don't have a prescribed procedure. Exempt positions are filled much in the similar ways that you, the Legislators, would select their own aides, which are people that they trust and are comfortable with to exercise their priorities. You know, I could expand on, you know,

General Meeting - March 19, 2013

what my -- what the process was that came, you know, for me to determine that Kat Daniel was the best person, but there is no -- I would say there is no prescribed process for filling exempt positions.

LEG. CILMI:

So without you having to reiterate the conversation that you and I had privately, I understand the process that you used to select Kat, but the bottom line is that we really didn't look locally. We didn't look within Suffolk County to fill this position.

COMMISSIONER CHU:

I would --

LEG. CILMI:

If you could just, again, if you've already said it and I missed it I apologize, but explain to us in the -- within the hierarchy of the department, how you plan to utilize this position and how Mr. Mequin fits into the equation, how you fit into the equation and whether or not you plan on hiring anybody else to fill similar positions. I'm sorry, I know I loaded you up there with a bunch of questions.

COMMISSIONER CHU:

That's okay. I'll start with myself. So as a Commissioner, you know, my responsibilities are manifold, setting, you know, executive vision for the department, in addition to signing off and making sure I approve, you know, contracts.

LEG. CILMI:

And I know you're doing much more than your Commissioner's responsibilities in the County and I certainly appreciate all the hard work that you put in, so don't misunderstand me.

COMMISSIONER CHU:

No, and none taken, and I appreciate the question and I'll be glad to answer it. And also, one of my responsibilities as Commissioner is as the appointing authority of that department, and that is to make sure I fill positions and make sure positions in my organizational chart are positions to maximize benefit for the mission that they have been prescribed to serve.

As far as Commissioner -- Deputy Commissioner Meguin, I would say yes, prior to the consolidation, which happened the first of the year, Bob Meguin was Commissioner of the Consumer Affairs Department. He is now Chief Deputy Commissioner, and Mr. Mequin is still actively serving in the Consumer Affairs function. He is an attorney, he's an asset in terms of making sure that we have -- we're paying close attention to regulations that this body has passed that may have not gotten much attention. And in the coming months, you know, I have tasked Commissioner Meguin with making sure that we are coming back to this Legislature to make sure that we are proposing things and cleaning up legislation or cleaning up things that are on the books that may not be serving the constituents as well as they can be, but may have been, you know, two decades ago. So I think he is a person that is uniquely qualified to do that and, you know, being that he had a year of executive experience with that function of County government.

As far as Kat Daniel, her prescribed role and why, you know, I think she's uniquely qualified, and I do not take lightly the fact that we have many folks in the County who are seeking employment.

P.O. LINDSAY:

Hold it down back here, guys. Go ahead.

COMMISSIONER CHU:

Thank you. That there are many folks seeking employment in the County, is that she has access not only to a knowledge base and as someone who has been collating best practice for working and

General Meeting - March 19, 2013

placing people from disadvantaged populations on to a path of self-sufficiency, she has access to an incredible network of people. She has been convening, participating, collecting information from and studying the best practices in the entire country to do this.

So I would say as a principle local job creation and hiring from a local pool is extremely important to me. It's something that I hold very dear to me. It's something that our department has worked I think twice as hard as it ever had in the past to make sure we're following. We've had more job fairs in the department out of our Business Services Unit, which I really appreciate that many members of this Legislature have gotten in the habit of promoting on their own sites. We've had hundreds of individuals come into those job fairs. We have a job fair next week, which is the first job fair specifically targeted to ex-offenders in the country, and we actually have employers that have committed to us and that they are open and willing to hire ex-offenders.

So Kat Daniel brings to us not only a passion, a mission based attitude that I trust, that I trust, and as assistant to the Commissioner one of the major qualifications for that position is trust, but she also brings a perspective of the best practice in the entire country. So as dear to my heart as local job creation is, I have to say, again, just as this body has to consider, I consider this the consideration that she will serve this job and have such great benefits and economic benefits on this County, that it considers the merit of exception.

LEG. CILMI:

And she has every intention of moving into Suffolk County?

COMMISSIONER CHU:

I had a conversation with Ms. Daniel. She's aware of law. The law grants a one year exception. She's aware of the law, she understands what that means, that she's going to have to look for residence.

LEG. CILMI:

And she intends to do so.

COMMISSIONER CHU:

Yes.

LEG. CILMI:

Okay. Thank you.

P.O. LINDSAY:

Okay. Anybody else? Legislator Nowick. I'm sorry, why do I keep forgetting you?

LEG. NOWICK:

I don't know, Bill. Commissioner, I do respect you and I do respect your decision, but I have to -- I have to say I agree with your questioning, Legislator Cilmi. I cannot understand, and I'm hoping my colleagues do not understand, why with all of the people out of work in Suffolk County that we can't find one highly qualified person that would like to have or need this job. I cannot imagine having to go out of the County, out of the state, for someone. And I understand that this is a very well qualified person. This has nothing to do with that. And I do understand that it is your choice, but we as Suffolk County Legislators who sit here and talk about jobs and talk about anything we can, health of the children, work for unions, how do we justify -- this is not the first time -- going out of our County when there are so many people out of work?

General Meeting - March 19, 2013

I respect what you say about Katherine Daniel. I don't know her. I'm sure she's highly qualified. There has to be somebody in the County in which we legislate that can fill this position. And having said that, I just can't -- I can't justify a yes vote.

COMMISSIONER CHU:

Well, Legislator, to answer that I would suggest, you know, that there's many statutes on the book that, you know, that would call for an exception. There are waivers that have been considered before this body, and there are members that feel that certain, you know, that they're nepotism waivers where we understand that that's a principal that the County government is not -- does not applaud, but it does merit exception in certain cases.

LEG. NOWICK:

No, no. Commissioner, I understand there are exceptions, and I don't mean to cut you off. I know about the exceptions. I understand the exceptions. I'm talking more the way I know I feel about the constituents, my constituents and the citizens of Suffolk County. I know you can do it. I know it's legal. I know -- because we had legislation on this not too long ago, which I don't even believe I voted for. I know you can do it, I know there are exceptions, I know it's temporary, maybe, maybe yes, maybe no. I just think it's wrong.

COMMISSIONER CHU:

So I would offer this. You know, in the midst of Hurricane Sandy, you know, I remember when I first came in -- when I first came in as a Commissioner last year. You know, they were talking about a grant called the NEG Grant, which was a National Emergency Grant for employment, and it was with regard to Irene, which had actually been several months before, and there had been no action taken on it. And when we had Sandy, one of my first calls amongst all the chaos was to the New York State Department of Labor to say, "Hey, how about those NEG grant -- NEG funds." I'm glad to say not only were we the first County to get those funds delivered to -- from Sandy, including New York City. Outside of New York City we have -- we were able to put \$1.2 million of people -- of dollars into employment from emergency grant funding in local jobs and over 250 positions.

LEG. NOWICK:

Commissioner, I understand. You could have been a politician.

*(*Laughter*)*

But I'm not sure what that has to do with what I just said. I'm going to, because it's late -- I'm finished.

P.O. LINDSAY:

Thank you, Legislator Nowick. I just -- Commissioner, we're Legislators.

COMMISSIONER CHU:

Understood.

P.O. LINDSAY:

We have the ability to disagree.

COMMISSIONER CHU:

Understood.

P.O. LINDSAY:

All right? So let us disagree once in a while.

COMMISSIONER CHU:

Absolutely.

P.O. LINDSAY:

Legislator Gregory.

LEG. GREGORY:

Thank you, Mr. Chair. I'll be quick. I know everyone's trepidation with waivers in general, and particularly with this waiver given that it's not just outside Suffolk County or Nassau County or even New York State, it's on the other coast.

I think one thing that -- I think the County Executive has a vision, he has a vision to address recidivism. It's a unique approach that County Executives, other County Executives haven't taken. Some of those efforts are undergoing in my district and I appreciate that. I think it's unique -- I think it's fortunate, excuse me, that Commissioner Chu has a relationship with this person who has a unique background to address this unique program that Suffolk County is seeking to address, and I think it's worthy of -- if for not that, I wouldn't support this. But I will be supporting this and I encourage my colleagues to as well.

COMMISSIONER CHU:

Thank you.

P.O. LINDSAY:

Anybody else? Legislator D'Amaro.

LEG. D'AMARO:

Thank you very much. Commissioner, welcome. I don't -- I don't know Katherine Daniel, but I take you -- I take your testimony at its word that she's uniquely qualified, I guess, given her background and her experience, and I'm looking at her resume here and it's very impressive. And she -- you're saying that she fits the goals of these job creation tasks that you want to engage the County in, including plugging folks into the green economy.

COMMISSIONER CHU:

Broader than green economy.

LEG. D'AMARO:

Broader than that, some other areas as well, and addressing recidivism among convicts, things like that. Putting them back into employment, that's an integral part of integrating folks back into society.

COMMISSIONER CHU:

One of the most difficult as well.

LEG. D'AMARO:

And very difficult to do and this individual is uniquely qualified and has hands on experience in doing all of that.

COMMISSIONER CHU:

For policy.

LEG. D'AMARO:

Right.

COMMISSIONER CHU:

This is a policy position.

LEG. D'AMARO:

Yeah, for policy. I know Legislator Cilmi asked this question, I apologize for asking it again. I didn't really get the answer. Was there any kind of search done within the County for this type of qualification?

COMMISSIONER CHU:

I'll be glad -- not within the County, but I will be glad to tell you the story of how I arrived at, you know, offering Kat Daniel the position. When I knew that I had a position -- this position open, it's an existing position, and I will add a heavily aided position by Workforce Investment Act funding.

LEG. D'AMARO:

Right.

COMMISSIONER CHU:

That I was going to go to my most trusted person in space, who happened to be Kat Daniel, about exactly what I should be looking for when I hire this position. I worked for three consecutive weeks, many conversations with Kat, never thinking that someone who has a good job on the west coast doing great work was even going to consider to take this job. And after we penned this out, you know, she said to me, "Hey this is a pretty great job. You have a government that has policy levers of social services, of labor, of probation, of policing. You have relationships -- very close relationships with corrections." She said, "You are in a position to really do amazing things here if you get it right."

So one, the fact that she understood that, the fact that she gets that, the fact that she understood how all those things relate to one another, of course is why I was speaking to her in the first place. And the fact, and I will be perfectly honest. The fact that she -- what she said, you know, she was interested in the position, I'm going to be a hundred percent honest, my search ended there. I never considered she would even be interested in the position. The fact that she was willing to relocate here, I said there's nobody better to do this job. She was my first stop to make sure I could find exactly what the right job was to accomplish what we were trying to accomplish.

LEG. D'AMARO:

Well, I appreciate that answer. As the Commissioner of Labor, though, don't you feel a sense of duty and obligation to do a search within the County as well?

COMMISSIONER CHU:

I would say it's my first obligation to make sure that position is filled by the best person.

LEG. D'AMARO:

I don't disagree with that.

COMMISSIONER CHU:

Yeah.

LEG. D'AMARO:

But how do we know she's the best person if we haven't looked within Suffolk County.

COMMISSIONER CHU:

Well, there's an important component there and I think that's a valid question, and this is also an exempt position, and by nature of an exempt position, just as I alluded to, Legislators and elected

officials and those who are commissioners also have to select their most trusted aides, and trust is that component. So I would say even if I had found other folks that I felt were qualified, in the category of trust and someone who has a shared vision and someone I know will execute this with every bit of effort that we need to get this job done, I can say that no one will have that trust like Kat does.

LEG. D'AMARO:

And I appreciate your trust in Ms. Daniel and your support for her, but again, it brings me back to the point that it doesn't mean that that cannot be fostered with other individuals who are in Suffolk County. But I want to get past the residency situation.

I agree with the program, I agree with the goal, but the question I have is can we afford to do it? That's my question because there are a lot of things that we want to be doing right now but that we cannot afford to do and we're setting these priorities. And it's my understanding that you already have several deputies within your office, and I'd like to ask you explain to me why it's so important to fill this position whereas not doing it in-house with the existing staff and resources that you have.

COMMISSIONER CHU:

Well, again, I think Ms. Daniel is uniquely qualified to perform this task. I would also say Labor is unique in the regard that the deputy positions are actually Civil Service and tested positions, with the exception of the Senior and the Chief Deputy. The Chief Deputy, which is Bob Meguin, came over from a Commissioner to a Chief Deputy, so I would say we saved a Commissioner even though he's a Chief Deputy. But there was no increase in salary line. I had a deputy retire. I also had another high level title retire, and there was no -- I didn't backfill either one of those positions, one of which was heavily Federally aided, so there is aid available for this position. And again, I think Kat's uniquely qualified to do something that none of my existing senior staff is equipped to do.

As far as cost, in terms of cost of delivery of service, again, I think this is a scenario where the County is spending millions and millions and millions of dollars to deliver services. And I think everyone -- you know, we've had these many conversations, you know, over the past year and change that I've been here about delivering services better, delivering them more efficiently. I think this is a huge component to that. So, again, when looking at the direct cost of a position I think we can, but I also think, you know, this was a position that happens to be heavily aided, so it's not going to be from County funding.

LEG. D'AMARO:

What's the percentage of aid coming in.

COMMISSIONER CHU:

Well, depending on -- it's going to be at least 50%, but it could go as high as 70 depending on the activities. But I think this is a position that could have secondary impacts that are much greater than the salary line. That being said, it is an aided position. I hope that answers your question.

LEG. D'AMARO:

So you're comfortable with not having done any type of search within Suffolk County. You're comfortable with that.

COMMISSIONER CHU:

I wouldn't be before you if I wasn't.

LEG. D'AMARO:

Okay. Thank you.

P.O. LINDSAY:
Legislator Stern.

LEG. STERN:

Thank you, Mr. Chairman. Commissioner, going back to what you had said regarding the funding and the aid in funding will depend on duties. Let me ask you about the duties. Would you say that this is a -- this is a goal that's been identified by the County Executive as an important policy, but as far as a program goes to provide these kinds of services, this is a new program?

COMMISSIONER CHU:

This involves a restructuring of existing programs. Again, we deliver many -- a multitude of services, so this is about how we -- the first step is making sure we deliver and coordinate the delivery of services to make sure that they're equipped to serve populations that we're trying to reach as best I can.

One thing I'll point to, one example. My department, the Labor Department is right across the street from this building. It's next to -- it's behind the police station, it's abutted to a courthouse, the Medical Examiner is on the other side, we have a very stately looking Legislature building. It's not the most inviting place for people who have had -- who have had not the greatest experience, you know, with the government.

P.O. LINDSAY:

But Legislator Kennedy is in there.

COMMISSIONER CHU:

That's the scariest place of all. That's the most intimidating place of all, is Legislator Kennedy's office. My point is, is we have to find a better way. I think by restructuring the way we deliver services and actually finding people, some of the efforts that we had done in Babylon like the Resource Center. I think there's existing local resources that we are not coordinating well external to the County. I think Wyandanch is a great example of how that is beginning to change, and there's other communities in Suffolk County that need service, not in a sequential fashion, but need it now and need it immediately. We're not going to get there if we don't have the type of folks to put the policy in place that's going to make sure we have a precise plan to do that. Planning is critical here. If we don't precisely plan, evaluate and understand the resources at our disposal and how to exercise them, we're going to have inefficiencies and we're going to have failures, and that's what we're trying to avoid.

LEG. STERN:

Okay. So that -- I appreciate all of that and I also take you at your word that Ms. Daniel is uniquely qualified to perform many of these services. But from your explanation about the services to be offered I'm hearing descriptions like coordination of programs, restructuring, putting policy in place. My question to you is specifically regarding Ms. Daniel, exactly what is she going to be doing and we're talking about bringing in a particular person to hold a particular --

COMMISSIONER CHU:

Uh-huh.

LEG. STERN:

-- policy making type of a position. I'm hearing these type of action words, to plan a program, to put it in place, to help with restructuring.

COMMISSIONER CHU:

Yep.

LEG. STERN:

Tell me in your opinion why would it be so necessary to have someone like Ms. Daniel, who is perhaps uniquely qualified in putting together a program and going through the restructuring process, what value -- what unique value, then, could she bring in the long-term in the administration of the program, which would seem to be a little bit different than the action steps that need to be taken in order to create the program, to structure the program from inception.

COMMISSIONER CHU:

So I've been working with Deputy Commissioner -- Police Commissioner Risco Lewis, as well as Dr. Toulon, his Assistant County Executive who has been really delving into probation, having frequent whiteboard sessions. So what I have -- and the result of those whiteboard sessions is a chart that actually looks very much like an NCAA bracket where you have your intake sources, which are many, you have your service delivery models, which we're building around. Right now we're building around 16 and older and 16 and younger to make that differentiation. A lot of the grant programs and a lot of resources make that delineation as well, and then outtake, which are going to be categorized as on-site and off-site services.

What we're trying to build here, and what we have right now, is a road map for a local service delivery model. What we don't have is the details on how all those pieces are going to get mapped out. I know Kat Daniel can fill in that road map for me. I know. Not I think, I know. I also know that when she hits unique problems, unique to certain functions and unique circumstances, she has relationships and connections with all the best practitioners in this space in the entire country that have met similar obstacles that she can call and draw upon to make sure we're bringing that knowledge to Suffolk County to address these problems. So I hope that answers some of the -- I mean, and one of the answers is, you know, Kat knows what Kat knows, and Kat knows things that I don't know, and that's why --

P.O. LINDSAY:

Guys, I'm about ready to throw up my arms and quit. Please, please get to the point.

LEG. STERN:

My question here for the Commissioner is that you are suggesting that then that the unique value proposition that this particular candidate brings is not just in the setting up of the program and the restructuring of the program, but the actual administration of this program for the long-term.

COMMISSIONER CHU:

This is someone who has unique qualifications to design the proper program.

LEG. STERN:

Understood, but do you need her to administer the program in the long-term as well.

COMMISSIONER CHU:

Sure, there will be an administrative approach, yes.

LEG. STERN:

All right. Thank you.

P.O. LINDSAY:

Thank you. Okay, Legislator Cilmi. Please make it short.

LEG. CILMI:

I'll be brief. So, Sam, listen, I certainly appreciate your excitement after having spoken with Ms. Daniel that she would actually consider coming here to work. Regardless of -- I still think that you

General Meeting - March 19, 2013

should have made an effort to explore potential candidates here in Suffolk County before making the decision in your own mind that she was the, you know, be-all end-all to this position. Regardless of how this vote goes, I implore the Administration and, in fact, I implore you as the person in charge of Labor in this County, to come up with a program so that when we have positions available in Suffolk County government, we find a way to reach out to everyone in Suffolk County, be they employed currently or unemployed, to find qualified candidates for those positions who live in Suffolk County, rather than just, you know, picking people from other places. So because you're the Commissioner of Labor you have the resources at your fingertips to make something like that happen. And I, again, implore the Administration for all future appointments to look within Suffolk County. That's all.

P.O. LINDSAY:

Legislator Krupski.

LEG. KRUPSKI:

Thank you. Commissioner, in 30 minutes or less --

P.O. LINDSAY:

No, no.

LEG. KRUPSKI:

(Laughter).

P.O. LINDSAY:

No, 30 seconds or less.

LEG. KRUPSKI:

Is there any way, if this gal is so qualified for this position, could we -- and it goes back to the shellfish question of providing water quality. Is there any way you can quantify this, say in 30 days you could issue us a report what has she done towards providing jobs for the County, in 90 days providing us with a report, so that we, in fact, know that she comes so highly rated, but can we prove that?

COMMISSIONER CHU:

I won't commit to 30 days, but I can commit to six months coming back to this Legislature with a plan, you know, and that's I think about the appropriate amount of time that it's going to take.

P.O. LINDSAY:

Okay.

LEG. KRUPSKI:

I don't mean a plan, I mean like what she's done. The plan was today.

COMMISSIONER CHU:

Sure, you know, I mean, every employee that reports to me has to do reports on what it is they're doing and I'm aware of what their activities are, so -- but the -- her function here is to make sure we're flushing out the plan, the roadmap we have. So, I mean, I'll be glad to come back -- the short answer is I will be glad to come back and report on 30 days on progress. I always will be.

LEG. KRUPSKI:

Thank you.

General Meeting - March 19, 2013

P.O. LINDSAY:

Okay. Are we done with this? Okay. We have a motion and a second. All in favor?

LEG. MONTANO:

Are we going to do a roll call?

P.O. LINDSAY:

You want a roll call? If you want a roll call I'll give you a roll call. We have a motion and a second. All in favor? Opposed? Abstentions?

LEG. KENNEDY:

Opposed.

LEG. NOWICK:

Opposed.

LEG. MURATORE:

Opposed.

LEG. CILMI:

Abstention for me, please.

MR. LAUBE:

Thirteen. (Opposed: Legislators Kennedy, Nowick and Muratore; Abstention: Legislator Cilmi; Not Present: Legislator Spencer)

COMMISSIONER CHU:

Thank you.

P.O. LINDSAY:

Okay. Let's move on. *Health Committee. 2230-2012 - Adopting Local Law No. -2013, A Local Law to amend the membership of the Suffolk County Disabilities Advisory Board (Cilmi).* Do I have a motion?

LEG. CILMI:

Motion.

P.O. LINDSAY:

Motion by Legislator Cilmi. Do I have a second?

LEG. MURATORE:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1085, we did it already. Okay. Did that pass?

D.P.O. HORSLEY:

Yep.

P.O. LINDSAY:

Okay. *1151 - Directing the Department of Health Services to become a certified training center for Narcan overdose responders (Hahn).*

LEG. HAHN:

Motion.

LEG. MURATORE:

Second.

P.O. LINDSAY:

Motion by Legislator Hahn, second by Legislator Muratore.

LEG. CALARCO:

Cosponsor.

P.O. LINDSAY:

On the motion, Legislator Cilmi.

LEG. CILMI:

Just a question. Again, fiscal impact, do we have the resources to do this?

LEG. HAHN:

Yes. Bob DeLagi said that he could work in to what they -- the training that they already do, an additional 25 individuals per month I believe he said, without any additional staff.

P.O. LINDSAY:

The training is subsidized heavily by the State. Don't say it unless you have to.

LEG. CILMI:

All right. It's subsidized by the State and we have the resources to do it.

P.O. LINDSAY:

Yup.

LEG. CILMI:

Fine.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

LEG. HAHN:

Thank you.

P.O. LINDSAY:

1179 - To appoint member to the Food Policy Council of Suffolk County (Robert A. Schaefer) (Hahn). Legislator Hahn?

LEG. HAHN:

Oh, I'm sorry. Motion.

P.O. LINDSAY:

Motion by Legislator Hahn. Do I have a second?

LEG. D'AMARO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1187 - Appropriating funds for the Purchase of Equipment for the Environmental Health Laboratory (CP 4079) (Co. Exec.). Do I have a motion? Doc, how about you, on the Health Department -- you have a motion on this? You have any insight?

LEG. SPENCER:

It's good. Motion to approve.

P.O. LINDSAY:

Tom, you're going to answer this?

MR. VAUGHN:

Yes, sir. This is actually to purchase two pieces of equipment. One is an automated purge and trap piece of equipment. It's for \$45,000. The piece of equipment is over 12 years old.

P.O. LINDSAY:

Okay.

MR. VAUGHN:

It is used by the District Attorney's Office to make sure when they're conducting search warrants on hazardous materials.

P.O. LINDSAY:

Okay, it sounds good.

LEG. SPENCER:

I support it.

P.O. LINDSAY:

Okay. You make a motion?

LEG. SPENCER:

Motion.

P.O. LINDSAY:

Motion by Legislator Spencer. Do I have second?

LEG. KRUPSKI:

(Raised hand).

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

On the accompanying Bond **1187A - Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$125,000 In Bonds to finance the cost of acquisition of equipment for the Environmental Health Laboratory (CP 4079.524)**, roll call. Same motion, same second. 1287A, roll call.

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

LEG. SPENCER:

Yes.

LEG. KRUPSKI:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Thank you. Okay. *1195 - To appoint member to the Food Policy Council of Suffolk County (Erin Leigh Thoresen) (Hahn).*

LEG. HAHN:

Motion.

P.O. LINDSAY:

Motion by Legislator Hahn. Do I have a second?

LEG. ANKER:

Second.

P.O. LINDSAY:

Second by Legislator Anker. On the question, anybody? No? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Human Services:

1001 - Adopting Local Law No. -2013, A Local Law to ensure the safety of children in child care facilities (Hahn). Legislator Hahn.

LEG. HAHN:

Motion.

P.O. LINDSAY:

Motion by Legislator Hahn.

LEG. ANKER:

Second.

P.O. LINDSAY:

Second by Legislator Anker. You ladies have been very busy over there tonight.

LEG. ANKER:

(Laughter).

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Parks & Recreation:

We did 1086. ***1150 - Authorizing use of Indian Island County Park by Birthright of Peconic, Inc., for a fundraising walkathon (Krupski)***. Legislator Krupski, what's your pleasure?

LEG. KRUPSKI:

Motion, please.

P.O. LINDSAY:

Motion by Legislator Krupski.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Second by Legislator Spencer. On the question? Nobody? All in favor? Opposed? Abstentions?

LEG. HAHN:

Abstain.

MR. LAUBE:

Seventeen. (Abstention: Legislator Hahn).

P.O. LINDSAY:

Okay, it carries.

1152-13 - Authorizing use of Smith Point County Park property by Mastic Beach Fire Department, Inc., for public safety services fund drive (Browning).

LEG. BROWNING:

Motion.

LEG. MURATORE:

(Raised hand)

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1204-13 - Authorizing use of Blydenburgh County Park by New York Blood Center for a Hike for Life Hike (Kennedy).

LEG. KENNEDY:

Motion.

LEG. CILMI:

Second.

P.O. LINDSAY:

Motion by Legislator Kennedy, second by Legislator Cilmi. On the question, anybody? Nope. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Public Safety:

1087, we did that one already. Okay.

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

P.O. LINDSAY:

1155-13 - Appropriating planning funds for the New Replacement Correctional Facility at Yaphank Phase II (CP 3008)(County Executive).

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator --

MR. NOLAN:

Browning.

LEG. CALARCO:

Second.

P.O. LINDSAY:

-- Browning. Second by Legislator Muratore.

LEG. KENNEDY:

On the motion.

General Meeting - March 19, 2013

P.O. LINDSAY:

On the motion, Legislator Kennedy.

LEG. KENNEDY:

We have to go a full 3.7? This is all planning or is this planning and construction money? And is this something we're --

P.O. LINDSAY:

Tom, are you back there yet? What did they leave you here by yourself tonight? Where is everybody tonight?

*(*Laughter*)*

MR. VAUGHN:

It's a little late, Legislator.

P.O. LINDSAY:

Okay. I'll take that as an answer.

MR. VAUGHN:

Yes, Legislator. We do need to go forward with it, it is Phase II of the program. Part of the reason that we need to go forward with the program at this time is commitments have been made to New York State Corrections.

P.O. LINDSAY:

Okay.

LEG. KENNEDY:

And so this represents construction and planning money. It's not just 3.7 million worth of planning, is it?

MR. VAUGHN:

Yes, it is 3.7 million worth of planning, correct.

LEG. KENNEDY:

It's just planning.

MR. VAUGHN:

Yes, sir.

LEG. KENNEDY:

All right.

P.O. LINDSAY:

It's different. It's different, though, Legislator Kennedy, we're not suing them.

*(*Laughter*)*

LEG. KENNEDY:

Oh, that's good, I guess.

P.O. LINDSAY:

Okay.

LEG. CILMI:

Question, please?

P.O. LINDSAY:

Yes, question by Legislator Cilmi.

LEG. CILMI:

This was in Public Safety, so Legislator Browning. Was there a fairly significant presentation on what exact -- what type of plan you get for \$3.7 million?

LEG. BROWNING:

You know what? I don't believe there was.

LEG. CILMI:

I mean, that's a heck of a plan, \$3.7 million.

LEG. BROWNING:

Well, it's a heck of a mandate.

LEG. CILMI:

It's a heck of a mandate, that's right.

*(*Laughter*)*

So who's the contractor? Who's the con -- do we have a contractor already selected for this?

MR. VAUGHN:

I have no idea.

LEG. CILMI:

For the plan itself?

P.O. LINDSAY:

We don't know.

MR. VAUGHN:

I do not know.

P.O. LINDSAY:

I'm going to make a motion to table.

LEG. KENNEDY:

Second,

MR. VAUGHN:

And we will bring the Sheriff down at the next meeting and have him explain the plan.

P.O. LINDSAY:

Yeah, please. It's too much money to just -- okay. We have a motion and a second to table. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen. What was the motion and second again?

MS. MAHONEY:

Lindsay and Kennedy.

P.O. LINDSAY:

Legislator Kennedy.

MR. LAUBE:

I'm sorry. Thank you.

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

P.O. LINDSAY:

Okay. ***1174 - Accepting and appropriating a Supplemental Award of Federal Funding in the amount of \$10,000 from the United States Department of Justice, U.S. Marshals Service, for the Suffolk County Police Department's participation in Operation Northeast Shore Restore II with 78.90% support (Co. Exec.).***

LEG. BROWNING:

Motion.

LEG. CALARCO:

Second.

P.O. LINDSAY:

Motion by Legislator Browning.

LEG. CALARCO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1175 - Accepting and appropriating Federal Funding in the amount of \$15,000 from the United States Department of Agriculture, Office of Inspector General, for the Suffolk County Police Department's Participation in the U.S. Department of Agriculture's Supplemental Nutrition Assistance Program (SNAP) Fraud Investigation with 78.89% support (Co. Exec.). I'll make a motion.

LEG. CILMI:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1184 - Appropriating funds in connection with the purchase of Communications Equipment for Sheriff's Office (CP 3060)(Co.Exec.).

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Hahn.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

On the accompanying Bond Resolution, *1184A - Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$220,000 in bonds to finance the cost of acquisition of communications equipment for the Sheriff's Office (CP 3060).* Same motion, same second.
Roll call.

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

LEG. HAHN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KRUPSKI:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1190 - Amending the 2013 Capital Budget and Program and appropriating funds in connection with improvements to the Suffolk County Fire Training Center (CP 3405) (Co. Exec.).

LEG. HAHN:

Motion.

P.O. LINDSAY:

Motion by Legislator Hahn.

LEG. ANKER:

Second.

P.O. LINDSAY:

Second by Legislator Anker. On the question? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

On the accompanying Bond Resolution *1190A - Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$100,000 in bonds to finance the cost of acquisition of equipment for the Suffolk County Fire Training Center (CP 3405.512)*. Same motion, same

General Meeting - March 19, 2013

second. Roll call.

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

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. KRUPSKI:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. CALARCO:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, *Public Works & Transportation:*

We got *1998-12 - Directing the Department of Public Works to conduct a traffic study on a portion of County Road 28 (Gregory).*

LEG. GREGORY:

Motion.

P.O. LINDSAY:

Motion by Legislator Gregory. Do I have second?

LEG. CILMI:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

We did the next one on the Davis Park Ferry, 1115. We did 1115.

We didn't do 1199. Next up, *1199 - Directing the Division of Transportation, Department of Public Works, to promote 511ny.org for planning public transportation routes (Gregory).*

LEG. GREGORY:

Motion.

P.O. LINDSAY:

Motion by Legislator Gregory. Do I have second?

D.P.O. HORSLEY:

Second.

P.O. LINDSAY:

Second by Legislator Horsley. On the question anybody? Nobody? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, it passed.

Ways & Means:

MR. LAUBE:

Seventeen. (Not Present - Legislator Hahn)

2205-12 - Increasing transparency of § 72-h Program (Cilmi).

LEG. CILMI:

Motion.

P.O. LINDSAY:

Motion by Legislator Cilmi, second by Legislator Kennedy. Could I ask what exact information do we want on this transparency?

LEG. CILMI:

Is that to me?

P.O. LINDSAY:

Yes.

LEG. CILMI:

So what we're looking for is the County's investment, the size of the parcel and originally the resolution was worded to require an appraisal of the property, and it was regardless of the size of the property. I worked with Jill Rosen-Nikoloff to change the wording of the resolution to take out the word appraisal because that has a legal --

P.O. LINDSAY:

Not only that, but some of these properties are so small --

LEG. CILMI:

Right, and we did that as well.

P.O. LINDSAY:

It would cost more for the appraisal than --

LEG. CILMI:

Exactly. So we removed the word appraisal. We changed it to provide an approximate value for properties that exceed a certain size.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. We did 1075.

1137 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Doreen Smith and Harlan Simonson, as joint tenants with right of survivorship (SCTM No. 0100-153.00-02.00-068.000)(Co. Exec.).

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Who made the motion?

LEG. D'AMARO:

(Raised hand).

P.O. LINDSAY:

Legislator D'Amaro made the motion.

LEG. STERN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

1138 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Rose Marie Riggs (SCTM No. 0100-138.00-02.00-039.000)(Co. Exec.). Do I have a motion?

LEG. D'AMARO:

Motion.

LEG. KENNEDY:

Same motion, same second.

P.O. LINDSAY:

Same motion, same second as the last one? Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen -- seventeen. (Not Present: Legislator Montano)

P.O. LINDSAY:

1139 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 1923 Route 25 Corporation (SCTM No. 0200-350.00-01.00-012.000)(Co. Exec.). Same motion, same second okay with everybody? Same vote.

MR. LAUBE:

Seventeen. (Not Present: Legislator Montano)

P.O. LINDSAY:

1158 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Timothy Caraftis (SCTM No. 0200-159.00-01.00-001.000) (Co. Exec.). Same motion, same second, same vote.

MR. LAUBE:

Seventeen. (Not Present: Legislator Montano)

P.O. LINDSAY:

1159 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Wyandanch Volunteer Fire Company, Inc. (SCTM No. 0100-056.00-03.00-060.000)(Co. Exec.). Same motion, same second, same vote all right?

LEG. GREGORY:

Tim, cosponsor.

MR. LAUBE:

Seventeen. (Not Present: Legislator Montano)

D.P.O. HORSLEY:

Me, too, Tim.

P.O. LINDSAY:

1162 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Barrett L. Richards and Catherine N. Richards, a/k/a Nicole Richards, his wife (SCTM No. 0200-866.00-04.00-039.000)(Co. Exec.).

LEG. CALARCO:

Same motion.

P.O. LINDSAY:

Same motion, same second, same vote.

MR. LAUBE:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

Okay, *1163 - Approval of Auction Rules for the disposition of surplus property acquired under the Suffolk County Tax Act (Co. Exec.).*

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro. Do I have a second?

LEG. CALARCO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Not Present: Legislator Montano)

P.O. LINDSAY:

1164 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Alfred Bedford (SCTM No. 0100-173.00-01.00-127.002)(Co. Exec.).

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro. I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: Legislator Montano)

P.O. LINDSAY:

1165 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 John Fiorini Jr., and Deborah Fiorini, husband and wife (SCTM No. 0500-376.00-01.00-024.000) (Co. Exec.). That doesn't sound right.

(*Laughter*)

That's either a typo or it's a new classification we're getting into here. Okay, whatever it is, I guess we'll make a motion. Does somebody want -- seconded. Okay, we got that -- that might go down in history, Legislator Cilmi.

MR. LAUBE:

Who's the second?

LEG. CILMI:

I was the second.

P.O. LINDSAY:

Motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: Legislator Montano)

P.O. LINDSAY:

1167 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Richard J. Niegocki (SCTM No. 0200-206.00-04.00-006.000) (Co. Exec.).

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro.

LEG. CALARCO:

Second.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Not Present: Legislator Montano)

P.O. LINDSAY:

It passed. *1168 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Desmond D'Souza (SCTM No. 0100-083.00-02.00-018.000) (Co. Exec.).*

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Same motion, same second, same vote. How's that? We did 1169.

MR. LAUBE:

Seventeen. (Not present: Legislator Montano)

P.O. LINDSAY:

Okay. *1180 - Approving payment to General Code Publishers for Administrative Code pages (Pres. Off.).* I've been told to table this. There has to be some corrections made to it.

D.P.O. HORSLEY:

Second.

P.O. LINDSAY:

Second by Legislator Gregory -- not Gregory, Legislator Horsley. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: Legislator Montano)

P.O. LINDSAY:

Yeah, you guys look alike, what can I say.

(*Laughter*)

1192 - Authorizing the lease of premises located at 15 Pinehurst Drive, Bellport, NY for use by Suffolk County Department of Fire, Rescue and Emergency Services (Co. Exec.).

LEG. CALARCO:

Motion.

P.O. LINDSAY:

Motion. Who made the motion?

LEG. CALARCO:

Motion.

P.O. LINDSAY:

Motion. Thank you very much, Mr. Calarco.

LEG. KRUPSKI:

Second.

P.O. LINDSAY:

Seconded by Legislator Krupski. Thank you. We have a motion and a second. All in favor? Opposed? Abstentions?

General Meeting - March 19, 2013

MR. LAUBE:

Seventeen. (Not Present: Legislator Montano)

P.O. LINDSAY:

And we are done with the regular agenda. Don't go away on me.

MR. NOLAN:

There's nothing in the manilla folder we have to do.

P.O. LINDSAY:

There's nothing in the manilla folder we have to do. We have some late starters and we don't have any CN's.

MR. NOLAN:

No CN's.

LEG. CILMI:

Mr. Chair, if I could also ask for a moment when you are done with the late starters, please.

P.O. LINDSAY:

Sure, not a problem. Okay. We need a motion to waive the rules and lay on the table the following Late Starters. Motion. Who made the motion?

LEG. MURATORE:

Me.

P.O. LINDSAY:

Okay, Legislator Muratore made the motion. Seconded by Legislator Krupski okay?

LEG. KRUPSKI:

(Thumb's up).

P.O. LINDSAY:

You got it. Okay. Under Public Safety, 1247; 1247 is assigned to Public Safety; 1248 to Public Safety; 1250 to Public Safety and set a public hearing for 4/23, 2:30 at Riverhead Auditorium; 1251 to Health; 1252 to Ways & Means; 1255 to Health; 1153 I should have said to Energy, Economic Development & Energy; 1255 to Health and that's it.

MR. NOLAN:

Did you do 1254?

P.O. LINDSAY:

I didn't do 1254.

MR. NOLAN:

1254 to Ways & Means.

P.O. LINDSAY:

Okay, 1254, I skipped it, it's to Ways & Means. Okay. We have a motion and a second to waive the rules and lay those following Late Starters on the table. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: Legislator Montano)

General Meeting - March 19, 2013

P.O. LINDSAY:

And I'll accept a motion to adjourn.

LEG. CILMI:

Mr. Chair, before we adjourn.

P.O. LINDSAY:

Yes, I'm sorry. Legislator Cilmi would like the floor for a point of personal privilege before we adjourn.

LEG. CILMI:

This is critically important, millions of dollars worth of important. As we speak the New York State Assembly and the New York State Senate are negotiating on a budget deal which would include funding for the upper class portion of the FIT out-of-County tuition burden that we have faced for years. It would help, it would help if each of us tomorrow at your earliest convenience sent an e-mail or a letter or made a phone call to the Governor's Office, because I know the Governor has many financial priorities, but this has got to be a priority for our County. Please, help me send a message to Governor Cuomo that we cannot afford to continue to pay for out-of-County tuition to FIT for upper classman. This is a New York State Law and it should be the New York State -- a New York State commitment to help us fund this program. So I hope all of you will help me with that and send an e-mail either through your local representative, Scott Martella, or to the Governor's Office directly. Thanks, Mr. Chairman, for the time.

P.O. LINDSAY:

We'll send out a memo to all Legislators tomorrow on this issue and if you can please do that, all right. And with that, we are adjourned.

*(*The meeting was adjourned at 9:44 PM*).*

{ } - Denotes Spelled Phonetically