

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

FIFTH DAY

April 23, 2013

Verbatim Transcript

MEETING HELD AT THE EVANS K. GRIFFING BUILDING

IN THE MAXINE S. POSTAL LEGISLATIVE AUDITORIUM

300 CENTER DRIVE

RIVERHEAD, NEW YORK

Minutes Taken By

Alison Mahoney & Lucia Braaten - Court Reporters

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

*(*The meeting was called to order at 9:36 A.M. *)*

P.O. LINDSAY:

Mr. Clerk, if you could come to the podium and --

MR. LAUBE:

Right here.

P.O. LINDSAY:

Okay. Yeah, okay, start the roll.

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

LEG. KRUPSKI:

Here.

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

Here.

LEG. MURATORE:

(Not Present).

LEG. HAHN:

(Not Present).

LEG. ANKER:

Here.

LEG. CALARCO:

Present.

LEG. MONTANO:

Here.

LEG. CILMI:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Here.

LEG. NOWICK:

Here.

LEG. GREGORY:

(Not Present).

LEG. STERN:
(Not Present).

LEG. D'AMARO:
Here.

LEG. SPENCER:
Here.

D.P.O. HORSLEY:
Here.

P.O. LINDSAY:
Here.

MR. LAUBE:
Fourteen (Not Present: Legislators Muratore, Hahn, Gregory & Stern).

P.O. LINDSAY:
Could everybody remember to shut off their phones? I welcome you to the General Meeting of April 23rd in our wonderful home here in Riverhead. And we're going to start off with a salute to the flag led by Legislator Rob Calarco.

Salutation

Next, our visiting clergy will be introduced by Legislator Calarco.

LEG. CALARCO:
Good morning. I'm proud to introduce today Pastor Gerald Bonfiglio of the Patchogue Church of the Nazarene. Pastor Jerry, as I know him, served as the Assistant Pastor of the Valley Stream Church of the Nazarene from 1982 to 1986, at which time he was asked to serve as the interim Pastor at Patchogue Church of the Nazarene, shortly becoming the Senior Pastor that February, in 1986, and he's been with the church and in the Patchogue community since.

He was since ordained as Reverend after completing his theological studies at the Northeast Extension of the Nazarene Bible College on April 28th of 1990. Pastor Jerry has been married to his wife Ann for 41 years and has an adult son. I got to know Pastor Jerry very well after the murder of Marcelo Lucero in our community in Patchogue. Shortly after that tragedy, the Unity Coalition formed and Pastor Jerry was one of those people who served on it, as well as myself, to try to find ways to heal our community and come together. Since then Pastor Jerry has also joined a force -- a voice, excuse me, which is a local initiative by Bias-Help that tries to address prejudice and intolerance within our Patchogue-Medford community.

In addition, Pastor Jerry has been an integral part of the Play For Peace Soccer Tournament. Play-For-Peace Soccer is a tournament that we run through my office every year, we've done it for the last four years, to try to bring together people from our community of different backgrounds and something that they all share in common which is soccer. So pastor Jerry has really been, in the last four or five years, one of those people that's trying to make a difference in our community and help heal the wound. So it's my pleasure today to introduce Pastor Jerry Bonfiglio.

PASTOR BONFIGLIO:
Thank you. Good morning, everyone.

"Good morning" said in unison

I sincerely want to thank Legislator Rob Calarco for inviting me today. I am sincerely honored to be here today. Our -- no, that's okay, I'm good. I was going to tell a joke, but I didn't know if that was proper so I won't --

P.O. LINDSAY:

Yeah, go ahead.

D.P.O. HORSLEY:

Jokes are good.

PASTOR BONFIGLIO:

Jokes are good? Oh, great. Oh, man.

(*Laughter*)

That will calm me right down. That will calm me right down. Actually, the first time I heard this joke was from the Nassau Executive, Tom Gulotta. Gulotta?

P.O. LINDSAY:

Gulotta.

PASTOR BONFIGLIO:

He came to a church function and he told this joke, so I think it's only fair that I come now to here and tell this joke to you, and here's how the joke goes.

A man went hunting and as he's in the woods and he turns, he suddenly sees this ferocious grizzly bear, you know? And he's so nervous that he tries to shoot but he drops his gun. So he turns and he runs and the bear is right on his heels, you know, and he's running and he's running. Finally he comes to a cliff and there's no place to go, so he starts to pray and he says, "Lord, make this bear a religious bear. Give this bear some religion." And suddenly, just before the bear is supposed to -- is about to pounce on him, the bear stops in his tracks, falls on its knees, puts his two paws together and begins to pray, and he prays, "Lord, thank you for this meal which I am about to receive."

(*Laughter*)

(*Applause*)

The Bible urges us to pray for our leaders. It says this; "*I urge you to pray. Ask God to help them. Intercede on their behalf and give thanks for them. Pray for all who are in authority so they can -- so that we can live peaceful and quiet lives marked by Godliness and dignity.*" And I want you to know that our church prays regularly for you guys we will continue to do that and if there's anything ever specific that you need us to pray for, you let us know and we'd be glad to do that. And with that say, let's pray together.

Lord, we begin this day with prayer because you are sovereign over all things. You are almighty and we need you. It is in you that we put our hope and we put our trust. I want to thank you, Lord, for these wonderful people who have answered the call to serve. The task that you and we have called them to is a huge responsibility and, therefore, Lord, they need you. I pray that you would bless each one with your supernatural protection and love and power and wisdom. May they seek you in prayer for the decisions that they make, the directions that they take and the work that they do. Deliver them from temptation and evil, guide them, direct them and lead them to follow your purposes. Unite them, Lord, as they work together.

Before I close this prayer, just if you have anything on your mind, on your heart that you want to just lift up to the Lord this morning, just take a moment to do that, just silently do that, and then I'll close.

Moment of Silence Observed

Lord, may your will be done in our lives and in this great County, Lord. Bless this County. For, Lord, you give all good things.

Thank you for the honor of being here in the presence of these wonderful leaders today and for the honor of always being in your presence. Bless our country. Bless these people, Lord. I pray these things in your name, amen.

"Amen" Said in Unison

P.O. LINDSAY:

If everyone could remain standing for a moment of silence. First of all, for the victims of the Boston Marathon bombings last week, and for those people that survived that horrible tragedy as well. And I particularly have a personal prayer there because my oncologist was about a half hour behind the bomb in the race, so it would have been a personal disaster for me if something happened to him. Let's also keep in mind the victims, those men and women in the military who put themselves in harm's way every day to protect our country.

Moment of Silence Observed

PROCLAMATIONS

D.P.O. HORSLEY:

Good morning, everybody. We're going to be moving to the portion of our agenda where we give out proclamations, and our first proclamation this morning is from Legislator Krupski who will present a proclamation to the Mattituck Wrestling Team, and Tomasz Filipkowski and Chris Baglivi and Bobby Becker for winning the Division II Suffolk County Championship.

(*Applause*)

LEG. KRUPSKI:

Okay, this is pretty exciting for Mattituck to win the County Championship for the first year. Where is your coach? The coach deserves a lot of credit, he should be up here, too. Because my children just recently graduated from Mattituck, I do know Coach Dolson and some of the boys on the team, and they should be very proud of themselves to -- they did a lot of hard work and, you know, a lot of dedication. And three of the boys went on to the State Tournament and they represented Mattituck at the State Tournament and they should be very proud; Tomasz Filipkowski, actually, for his third time going to the State Tournament; that's a really tremendous achievement.

(*Applause*)

So, congratulations. I'll give this one to the coach and this is one for you and for the team.

COACH DOLSON:

Thank you very much.

LEG. KRUPSKI:

And keep up the good work and we'll see you here next year, right?

COACH DOLSON:

Thank you very much. Yes, absolutely. Hopefully, yeah (*laughter*).

LEG. KRUPSKI:

Okay, good. Congratulations.

*(*Applause*)*

D.P.O. HORSLEY:

Congratulations. I understand, Legislator, that you have also a proclamation for *Shanice Allen?*

LEG. KRUPSKI:

I do.

D.P.O. HORSLEY:

You may proceed.

LEG. KRUPSKI:

I heard you didn't want her to graduate so you would have her for another year.

MISS ALLEN:

My coach is here, too.

LEG. KRUPSKI:

Oh, bring your coach up.

Shanice is here with her parents, Kim and Willy Allen from Riverhead, and her coach. Shanice was a guard for the Riverhead Blue Waves, was on the varsity team for five years. She broke Felicia Hobson's 20-year record of 1,195 points scored in a career and scored 1,448 points total as a Blue Waves player. In addition to her record-breaking accomplishment, Shanice is a five-times All-League, four-times All-County and first-team All-Long Island Selection. She was also the League III MVP this year. Coach David Spinella, who was named 2012 Suffolk County Coach of the Year, led the team to a victory in the Long Island Championship, the first time in the history of girls basketball in Riverhead. Shanice has won a full scholarship to play basketball at Pace University, an NCAA Division II school, to study, Biology. So. Congratulations.

*(*Applause*)*

D.P.O. HORSLEY:

Legislator, I understand that you have a proclamation also for *Howard Waldman.*

LEG. KRUPSKI:

I do, and I'm going to read this because I want to make sure I get the details right. Howie's sort of an old neighbor from Indian Neck, so I want to make sure I get everything right.

D.P.O. HORSLEY:

So let's get it right then.

LEG. KRUPSKI:

Okay.

"Howard Waldman, drawing on his 37 years of experience as a member of the Jamesport Fire Department, utilized his instincts and skills to intervene to save a resident of Herrick's Lane.

*And **WHEREAS**, Howard Waldman, on March 30th, 2013, while delivering flowers to the home of Jamesport resident Ann Baillet, and receiving no response after knocking on the door, noticed the door ajar and movement from within the house.*

*And **WHEREAS**, Howard Waldman called into the house and heard Mrs. Ballot respond, "I'm here", and then entered the house and found her on the floor where she had been lying for two days after falling.*

*And **WHEREAS**, Howard Waldman called 911, administered appropriate first aid and comforted her until EMS personnel arrived and transferred her to the hospital for treatment.*

*And **WHEREAS**, Howard Waldman, through his actions, may have very well saved Mrs. Baillet's life.*

*And **WHEREAS**, Suffolk County, having a sincere respect and admiration for those who contribute of themselves so generously and professionally, wishes to recognize Howard Waldman for his outstanding dedication and professionalism to the residents of our County.*

*Now, **THEREFORE**, be it **RESOLVED** that I, Al Krupski, on behalf of the Suffolk County Legislature, hereby extend my congratulations and commendation to Howard Waldman as he is a man truly worthy of the day's honor and everlasting admiration of Suffolk County."*

MR. WALDMAN:

Thank you. Thank you so much.

*(*Applause*)*

D.P.O. HORSLEY:

Congratulations, Mr. Waldman.

All righty. We're moving to Legislator Browning who will present a proclamation on behalf of the Suffolk County Legislature to the Suffolk County Police Department's 911 operators to recognize the contributions and sacrifices Suffolk's 911 workers make to ensure the well-being of our communities and safety of our citizens.

LEG. BROWNING:

Good morning. I'd like to introduce to you who I have here. I have Anne Marie DiLorio, Public Safety Dispatcher; Andrea Land, Public Safety Dispatcher; Lissette Vega, the Spanish-speaking Emergency Complaint Operator; Gertrude McAllister, Emergency Complaint Operator; Deborah McKee, Public Safety Dispatcher; Dawn Ruggiero, Public Safety Dispatcher; Karen Hauff, a Public Safety Dispatcher; Patricia Dunn, Public Safety Dispatcher III; and Susan McBride, Public Safety Dispatcher, but she's also the Suffolk County AME Police Emergency Unit President.

Why we're here today is to let you know that the week of April 14th through the 20th was National Public Safety Telecommunications Week. During this time we recognize the tremendous contributions and sacrifice that our nation's 911 operators make to the well-being of our communities and the safety of our citizens. The employees of the Suffolk County Police Department's 911 Center not only provide direction, assistance and a safety net to our Police Officers, they help keep neighborhoods safe while offering a calm, reassuring voice to our residents during some of their most difficult times until help arrives.

The Suffolk County Emergency Complaint Operators, Public Safety Dispatchers and Teletype Operators handle over one million calls for service each year, with many of those calls being emergency situations where a life -- the life of a first responder or the public may hang on the balance. It takes a highly qualified, dedicated and trained person to fill these positions. The residents of Suffolk County are fortunate to have highly committed, extremely dedicated emergency telecommunicators that we do -- that do work for our communities.

I'm honored to recognize the critically important and stressful work that they do to help keep our families and friends safe 24-hours a day, 365 days a year.

And I have to say, you know, in light of many of the events that we have had, between the wild fires and Super Storm Sandy and also the major snow storm, they have to show up to work, like it or not they have to get to work. And many of them, when they get to work, they can't get home because of the weather conditions. So I just want to say I think we should all -- here on behalf of the Legislature, we want to say thank you because your work is not going unnoticed.

*(*Applause*)*

D.P.O. HORSLEY:

On behalf of the full Legislature, thank you very much for your service. We do appreciate you.

"Thank you" said in unison by Honorees

*(*Applause*)*

D.P.O. HORSLEY:

All righty. Legislator Browning, I understand you have another presentation to Manuel Cruz, a 4th grader?

LEG. BROWNING:

Yes, I'd like to introduce you to Manuel. Come on up here, Manuel. Mom and Dad want to come? Good.

Okay. Manuel is a 10-year old 4th grade student at the Charles E. Walters Elementary School in the Longwood Central School District, living with Juvenile arthritis. Manuel is the former Youth Honoree of the 2010 Long Island Arthritis Walk and has recently been appointed as the Arthritis Foundation's Youth Ambassador for the Northeast Region. Manuel recently returned from a three-day lobbying effort in Washington D.C. for the National Arthritis Foundation where he testified on Capital Hill. And I can tell you, he's a very impressive young man and he speaks very well.

As a youth ambassador, he was awarded a scholarship to attend the National Arthritis Foundation's Advocacy Summit representing the Northeast Region. In his message to Congress, Manuel stated, "There are some states that don't even have one pediatric rheumatologist or have only one for the entire state, like Pennsylvania." I'm sorry Doc Spencer's not here yet, because I think he'd be very interested to hear this. Manuel's goal is to ensure that every child receives much needed care and that funds are allocated for research. By being a youth ambassador for the Arthritis Foundation, Manuel will enable those who do not have a connection with arthritis, especially in the nearly 300,000 children with juvenile arthritis, to put a face to the disease. Manuel's favorite subject is science and he loves to talk about circuits and magnets. He loves reading and expressing himself through writing and he's looking forward to a future career in medicine; I can't imagine why, or possibly veterinarian medicine.

So I want to say, Manuel, you're a very -- an amazing young man and we are very proud of you. And I have a proclamation to say thank you and congratulations for so much hard work that you're already doing at such a young age.

(*Applause*)

Do you want to say anything? Now he's dumbfounded. Does he want to say anything? No? Okay. No pressure.

D.P.O. HORSLEY:

Congratulations, Manuel.

LEG. BROWNING:

I figured if he could talk in front of Congress he could do it in front of us (*laughter*). Congratulations.

D.P.O. HORSLEY:

That's great.

All righty. Legislator Anker, I understand you're making a presentation to the Suffolk County Community College, Kevin Peterman will accept on behalf of the college.

LEG. ANKER:

Kevin?

D.P.O. HORSLEY:

Is Kevin in the room?

LEG. ANKER:

Actually, this is specifically for Kevin Peterman. This is an award -- is Kevin -- there's Kevin. Come on up. Kevin has been a member of The Faculty Association at Suffolk Community College for over 25 years. Thank you so much for the many years of service that you have given.

You recently have received an award for the Higher Education Member of the Year from New York State United Teachers. And again, this is an important recognition because it's our teachers that create the next generation of productive community members, and you're there to support those who are doing that. And you also, you yourself, you know, as a teacher -- you are a teacher; excuse me, I'm not even speaking proper English (*laughter*). I'm sorry. You have been in the educational field for many years and it is with great honor that I present this award to you. Would you like to say a few words about the Suffolk Community College?

MR. PETERMAN:

I guess so. I just want to thank you. And I guess, since I have the mic, I want to thank you for all your support over the years and keep it up. Thank you.

D.P.O. HORSLEY:

Kevin, also on behalf of the Legislature, we respect your role as an advocate for the college. You do a really great job.

MR. PETERMAN:

Thank you.

LEG. ANKER:

Thank you.

D.P.O. HORSLEY:

Congratulations.

*(*Applause*)*

Okay. I understand, Legislator, that you also have a proclamation to the [Rocky Point Historical Society?](#)

LEG. ANKER:

I do. And as they're making their way over here, recently the Rocky Point Historical Society has acquired the Noah Hallock House. The house -- actually, it was last summer, 2012. The house was -- has had eight generations of the Hallock Family. They -- the Historical Society was able to raise \$200,000 for this beautiful, historic house which I believe is the oldest home in Rocky Point.

MS. AURUCCI-STIEFEL:

1721.

LEG. ANKER:

1721 it was built. So they applied also for a grant from Suffolk County Department of Parks, which our office had sponsored, so that hopefully will help in the many maintenance requirements the house will have. And again, if there's anyone out there listening to this that would like to help volunteer for this beautiful house, it is such a jewel in Suffolk County. And to be in Rocky Point, again, we've got so many wonderful, historical landmarks with the Hallock House and the {Tessler} and it's just great that you guys are here in support.

Natalie, I'd like to ask you to come forward and just give us just a couple of minutes about what you're doing, how this happened, how you were able to acquire. It's no -- it is no small feat to acquire the amount of financial support and, again, I invite you to speak a little bit about that.

MS. AURUCCI-STIEFEL:

We're very fortunate in having a community that loves their history. Every one of these people in our offices and board, I'm so proud to serve with them. We have a humanitarian in Rocky Point by the name of {Mark Bashe} who is extending a no-interest mortgage and we're going to have this opportunity to bring a wonderful piece of history to Rocky Point. I want to thank the Legislators, thank Sarah Anker. And like I said, we are very proud to preserve. This is a privilege and an honor to do this work. Thank you so much. Appreciate it.

LEG. ANKER:

Thank you. And again, for all of your work, I appreciate it. Thank you so much.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you. On behalf of the Legislature, we thank you for saving our heritage. It's a noble cause. To all of you.

All right. Thank you very much, Legislator.

LEG. ANKER:

Thank you.

D.P.O. HORSLEY:

Legislator Hahn, are you ready?

LEG. HAHN:

Yes.

D.P.O. HORSLEY:

Ah, there you go. [Legislator Hahn](#) will present a proclamation to Shilpa and Shweta Iyer from Comsewogue (sic) High School to twin sisters becoming honored for winning the Long Island Science & Engineering Fair held at the Brookhaven National Lab.

LEG. HAHN:

Comsewogue High School.

D.P.O. HORSLEY:

I knew -- I just corrected myself to Tom Cilmi. I said, *"I can't believe I said that."*

*(*Laughter*)*

We have all the respect for Comsewogue.

*(*Laughter*)*

LEG. HAHN:

Shweta and Shilpa, congratulations to the two of you for this award. It is just -- it's always exciting when there are young women who are interested in science and are pursuing technology in science and furthering that and are so successful. It's so important that women are in this field. And they have come up with a method of producing hydrogen inexpensively and efficiently?

MISS SHILPA IYER:

Yes.

LEG. HAHN:

Okay. And so that's about all I can say about that. I'm going to let them share a little bit about their project. But again, it's so wonderful to see young women get excited about science, excel in science field. You two are completely shattering the stereotypes about women in science and I hope that you realize that you're also helping other girls to see that science experiments and furthering and activity in science can be fun, it can be fabulous, it can be fascinating. And I hope that you continue in your fields and I hope you will also take this time just to give us two sentences, three sentences about the project and the implications it could possibly have in our energy, in our world and for energy.

MISS SHILPA IYER:

Hi, everyone. My name is Shilpa and my sister and I wanted to quickly thank some really amazing and inspirational people in our life for making this possible. First we wanted to thank our parents, Regini and Srinivasan Iyer, for their support, as well as our mentor, Dr. Wei-Fu Chen at the Brookhaven National Lab who has been so inspiring. And also to our teacher, Ms. Casey and our principal, Mr. Caniglione.

MISS SHWETA IYER:

Our project at the Brookhaven National Lab is that we've developed a catalyst that splits water into hydrogen for fuel production, and our catalyst is actually made out of soy beans and {maligdinum} which is a very cheap and abundant metal. This catalyst rivals the efficiency of current industrial platinum catalysts and we truly believe that this will change the face of alternative energy, and we are actually patent-pending and our paper has been accepted to the Journal of Energy & Environmental Science.

*(*Applause*)*

I'm sorry, I'm getting goose bumps just hearing that. It really is -- it was so impressive, you had to hear it. You had to hear it, and I wouldn't have done it justice. So, thank you for indulging us and allowing her to explain that.

And on behalf of the Legislature, I would like to present to you these proclamations as a congratulations, and hopefully an encouragement to continue on. Obviously you're going to continue on in this field, but do all you can to encourage other women. Because when women get involved, when women are in science, this is what they can achieve.

D.P.O. HORSLEY:

Legislator, you've spoken for the full Legislature. And ladies, we appreciate your future, and thank you for letting us see how important work at Compsequogue (sic) is (*laughter*). Thank you.

*(*Applause*)*

All righty. Again, thank you very much, Legislator.

The last proclamation that I have listed is Legislator Cilmi will present a proclamation on behalf of the Suffolk County Legislature to Sheriff Vincent DeMarco and the Correction Officers that volunteer for the Youth Tier Intensive Program.

LEG. CILMI:

Thank you very much, Mr. Deputy Presiding Officer. If I could ask the Sheriffs to -- Correction Officers to join me here at the podium.

It's great, by the way, to see Legislator Hahn beaming with pride of the youth in our community. We all share that pride.

Normally I have prepared remarks for proclamations, but in this case, I'm going to speak from the heart. I'm one of these guys who really tends to have a hard heart for criminals and, you know, if you do the crime, then be prepared to do the time. A couple of months ago I took the opportunity to -- by the way, I should mention that Sheriff Vincent DeMarco is on his way, he got help up at the office. A couple of months ago, myself and a couple of colleagues took the opportunity to go out to the jail to sort of look at a program that the Sheriff devised called the Youth Tier Program. And I think Legislator Calarco was with me, I think Sarah Anker was with me as well, maybe one or two others. And what this is is a rehabilitative program for younger folks who find themselves incarcerated. And it really moved me, the extent to which these kids, really -- and they were, you know, 15, 16, 17-year old kids -- took to this program. And it's a program that they had to sort of apply for, they weren't just brought into it. You know, they had to say, "*Here's why we want to be part of this program.*"

And the Correction Officers who are standing with me, and there are others, also had to volunteer to be part of this program. You know, each of us in life has our own ways of making a difference in people's lives and in the world, and many of us choose to do so working with youth and these Correction Officers have done so as well in a much more difficult situation than many of us have an opportunity to do. So I really wanted to honor them for their service to the County and for their service to the residents, and particularly those who have chosen to be enrolled in this program at our jail.

Standing with me today, and forgive me if one or two of you came in late, are Correction Officers Monique McCray, Russell Turpin, William Cassella, Thomas Miller, Glenn Olsen, Luis Scarpatti, Steven Spiegeleire.

OFFICER SPIEGELEIRE:

Spiegeleire.

LEG. CILMI:

Spiegeleire? Okay; I tried to give it a little Italian flavor to that.

*(*Laughter*)*

And Justin Francis. Did I miss anybody? No? Okay, good.

So when I got back to the office that afternoon, after this presentation, I was so moved by what I saw that I took the opportunity to write each of these kids a little note to say good luck to them and that we're counting on them and that we're proud of them for, you know, taking this opportunity that some people just don't take. You know, sometimes you have opportunities and you just don't take them, but these kids are taking the opportunity and they're making the best of it. And I received -- I received one relatively short letter back from one of the inmates, which I'd like to read because it's equally as moving. It says;

"Dear Tom, I'm sorry about the late reply, I just had mail piled up everywhere. I just want to start off by saying thank you for the letter and for the support, I really appreciate it. I'm actually making the best out of this program. It's definitely a great thing for us kids; well, if you actually commit to it. I took my GED, got my Plumbing Apprentice Certificate and OSHA card. I'm going to Catholic services every Wednesday and just taking in all of the information I can from all the programs we go to. My family is very supportive and very proud of me; well, not for being in here, but just accomplishing a lot since I've been here.

When I get out I'm going to be living with my grandparents in Queens, so I won't be around all the negative people back at home with my parents. I'm going to try and attend college, get a part-time job, and hopefully I can get into Con Ed and become an electrician. But overall, when I get out, which will be in September, I'm going to stay productive, keep myself busy as possible. If there is any way that I can get in contact with you when I get out, that would be great. Once again, it was great to hear from you and thanks for the support. Hope to hear from you soon."

And I won't say who that was from, but I'm sure that sentiment is shared by all of the children, they are children, in the Youth Tier at our jail.

So, Ladies and Gentlemen, thank you so very much for what you're doing for these kids. You're giving them hope, you're hopefully giving them a shot at a new life, and hopefully those lives will be very, very productive as a result of your care. So God bless you for what you do and congratulations on behalf of each and every one of us in the Legislature.

*(*Applause*)*

D.P.O. HORSLEY:

To all of you, thank you very much for your service. We do appreciate you.

PUBLIC PORTION

All right, I think that concludes the proclamations by the Legislature -- Legislators. And we'll be opening the -- that is true, correct? We'll be opening the Public Portion of our agenda, and we do have some cards of speakers who would like to speak. And of course, it will be reminded that you'll be provided three minutes to speak and that we have a clock on that issue.

All right, the first speaker that we have this morning is Mr. Thomas Rooney who wants to speak about Foley. On deck is Edward Shultz.

MR. ROONEY:

Good morning.

D.P.O. HORSLEY:

Good morning.

MR. ROONEY:

My name is Tom Rooney and I'm here today on behalf of my wife, Doreen Rooney. Doreen is 55-years old and she's been a resident of John J. Foley for nine years. She suffered a series of mini-strokes when she was 46-years old that left her with severe cognitive deficits and some physical deficits as well. At the time this happened, we had been married for approximately eight months.

A few weeks ago I attended a family meeting regarding the closure of the facility. At this meeting we were provided with a list of nursing homes and told we had approximately two months to find another place for our family members. We were further told that if we couldn't find a place, one would be chosen for us; it could be as far as 50 miles away and probably not to our liking, so we better not waste any time in finding a place. Personally, I was shocked by the lack of empathy that was shown by the Administration in delivering this devastating news to us.

To date, I have contacted over 30 nursing homes in Suffolk County and I haven't had any success at all. Last night I attended a nursing home presentation at John J. Foley, and out of 20 nursing homes that were scheduled to be there, only four showed up for the evening presentation. Two of these places expressed an interest in helping my wife, and I'll follow up on that today. One of them is located in Long Beach and one of them is located in Southampton.

Now, there's a reason why I've been unsuccessful in finding placement for my wife. The first reason I'm going to say is the bed availability just isn't there, contrary to what's been said in the media. This is based on conversations that I've had with over 30 admission directors. This is what they're telling me, the availability just isn't there and it's further exacerbated by the fact that we have people who were displaced by hurricane Sandy that are also taking up places in these nursing homes.

The second reason why I'm having a problem, it's a result of the way nursing homes are reimbursed by the State. They're reimbursed by the State based on the services that they provide for each individual, such as toileting or feeding or clothing or -- anything that they have to do for the residents, they're billed separately. Okay? I never thought I'd be saying this, but unfortunately, in my wife's case, she just happens to be too high functioning. Okay? Some of these nursing homes that were honest enough to tell me this, they said, "*She's just not a money maker in the private sector.*" My wife can't compete for a bed in a private nursing against somebody who's less high functioning than she is. That's just the sad reality of it and that's why we need a place like John J. Foley. Private nursing homes have to keep an eye on the bottom line. John J. Foley has always been there to keep people like my wife from falling through the cracks. It's always been a safety net. And that's why it's also been -- it's been -- it has a history. It's been there in one form, shape or another for over a hundred years for that reason.

And I'll leave you's with this. What happened to my wife could happen to anybody in this room, any one of us or any one of our family members, God forbid. And I don't know what I would have done if John J. Foley hadn't been there to take my wife in for these past nine years. And I also don't know what's going to happen because I don't have a place to put her. So this is something everyone needs to consider. Thank you very much.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you very much, Mr. Rooney. Edward Shultz, and on deck is Peter Mastando.

MR. SCHULTZ:

When someone looking for a vote represents themselves as a determined advocate for John J. Foley and then, when elected, goes back on his word and instead fights for just the opposite, to close the facility, then this means that all this prior representation was just disingenuous, fraudulent and just outright lies. If he honestly attempted to make a financial go of Foley instead of blocking admissions, he would have entertained the offers from Brookhaven Hospital and others who have offered to partner with Foley in his attempt to make the facility profitable. If he was truthful in his alleged endeavors to fight for the facility who would work with the County Legislators who have been trying to reason with him and work with him towards this goal. He's trying to close the facility under a guise of a financial crisis. In fact, this alleged crisis is nothing more than a deceitful, manufactured, financial crisis created by those who have closed the facility. Per diem workers have been hired who sit around all day long doing nothing creating a financial loss, and improper bookkeeping deliberately doctored to show a loss. There's a study by Leading Edge New York which shows the economic impact on anything the County does which shows Foley generated and contributed almost \$80 million in direct economic activity to this region in payroll, goods, services purchased and used by Foley.

Foley has boosted the local economy by over \$20 million generating business such as private ambulance companies and a host of other private concerns. It has significant impact on employment directly and indirectly supporting 399 jobs. In reality, the County Executive wants to close this facility for nothing more than political gain, for financial greed and to cover up excessive spending.

In your capacities, you make decisions that affect the lives of people, most of which are Suffolk County taxpayers. In legal jargon, you know or should know that it is a medically proven fact that when you remove an alzheimer's patient out of their environment, they medically spiral downhill at a much more rapid pace and literally die. Medically, this is known as environmental trauma. The courts called it something else, they called it negligent homicide. The New York State Penal Code describes this as someone acting with depraved indifference to human life and, by their actions, causes irreparable harm to a person resulting in death. Sound familiar? Your decisions to close this facility under a fraudulent and deceitful manufactured, financial crisis has a direct, negative and medical impact to these alzheimer's residents and other residents and is causing unprecedented stress and hardship to all family members, some of which are suffering direct stress-related health issues because of your actions. These decisions have indirectly caused the deaths of five residents already. It will be interesting to see if the courts agree with me.

Suffolk County, one of the most populated and wealthiest Counties in America, has leaders who are completely devoid of any human compassion and humanity. The people that are making these decisions remind me of a 19-year old kid who placed a bomb next to an eight-year old boy and others and blew them up, destroying their lives, and then goes to school the next day and works out in a gym completely devoid of any human compassion or humanity. Sound familiar?

(Beeper Sounded)

D.P.O. HORSLEY:

Thank you very much, Mr. Shultz.

MR. SHULTZ:

The same results --

D.P.O. HORSLEY:

We appreciate your comments.

MR. SHULTZ:

It's not about money, land or greed. People die as a result of your actions yeah.

*(*Applause*)*

D.P.O. HORSLEY:

Peter Mastando, and on deck is Richard -- I'm not sure, Arder? (Laughter). I couldn't recognize your writing. Sorry, Richard Amper.

MR. MASTANDO:

Good morning. Peter Mastando, I work at John J. Foley, I've been here many a times saying the same thing over and over again. I like the way we opened the session with *"I pledge allegiance"*. Most important I like is the ending, *"and justice for all."* What happened to John J Foley? Justice for all. They were left out.

Mr. Bellone, you failed us. You failed your taxpayers. We are taxpayers. Those residents were taxpayers, their families are taxpayers. You're the only one that wants to shut down John J. Foley. Our vote at John J. Foley, we stood strong as union members not to close it. We voted to close it only because to get you to the negotiation table.

Why does the news media come out to ask us questions? I've asked the news media to go out and ask Bellone questions. What kind of tax deal does he have? Why is he so hooked up under Shermans? Why is he thick-headed, spiteful, inhumane act against humanity.

I heard your speech on the Facebook, Tom. You're right, you should look forward not to have a big deficit. If we don't have a problem at John J. Foley, if he comes out and makes those beds full at John J. Foley you will not have a problem with John J. Foley. It can't afford itself, it's been proven. They threw out the administrator that did it, it's been done. Democrat, Republicans come together, it don't mean you vote this way because you're a Democrat. If it's not right, you don't vote that way if it's wrong, you follow the right road. You've got to come together. We need you. I don't need you, those residents need you.

I just have one more thing to say. We also -- we all were charged, everybody in this room and the United States, I guess, were charged a payroll tax. Fifty dollars a month comes out of my check, tax. Thirty-one cents a year pays for John J. Foley if you needed to keep it, if you had to pay for it; 31 cents. Now, is that justice for all? No. No, it's not. And we urge you to stop this Bellone stuff because he's wrong. He's wrong, and we want you to stop. IR 1255, stop the inhumanity act that Bellone is causing here. The Lord will have the last word. When you go to heaven he will ask, *"What have you done to my people?"* Thank you very much.

D.P.O. HORSLEY:

Thank you very much, Mr. Mastando.

*(*Applause*)*

Dick Amper? Dick, my apologies on the name. Your writing is a little confusing.

MR. AMPER:

My writing is excellent, it's the hand that's the problem.

D.P.O. HORSLEY:

There you go.

MR. AMPER:

Good morning. For more than a year we in the environmental community have been worried about what we perceive as efforts to stop the Land Acquisition Program, which is already on life support because of diminished funding. And that's what happened last year, as we reviewed now the acquisitions in 2012. The only parcels that the County bought were those that were already in contract, we don't have authorization for title searches, surveyors or anything authorized for new purchases. And at \$5 million a year, we're not going to buy much land. So it seems improbable that we need to do what committee Chair Kara Hahn has suggested and that is prioritize or reprioritize land acquisitions.

The environmental community has already done that. Has this Legislature been squandering money by buying the wrong parcels? And if so, we should get a list of that and see what mistakes the Legislature has made and then we can all reform them. But only \$5 million left per year to spend, it's unlikely that you're going to buy the wrong parcels, I shouldn't think. And if there's any question about it, why don't we look at the list that this -- well, not this Legislature, a previous Legislature has asked the environmental community to please produce to identify what's important. And especially now where the number one environmental challenge, number one public health challenge is protecting water quality. We need to be buying the land that sits above the aquifer. That's what the Drinking Water Protection Program is all about. I know Legislator Spencer and Legislator D'Amaro and Stern, and Ms. Nowick, you've always been supportive, Mr. Kennedy; we could go on all day. But I would ask you to reconsider this and to do the following:

I'm asking of you to review the list of acquisitions advanced by the environmental community, prioritized by the environmental community over the years, and to bring to our attention anything that was unworthy of purchase, anything that wasn't a priority. We're only buying priorities. The environmentalists know what the priority is. Mr. Gregory has correctly pointed out, we don't want politicians to be making these decisions. Any sensible Legislative body, and I don't mean that you're not always, but you would go to the environmental community and look for that expertise from The Nature Conservancy and Citizens Campaign and the Group for the East End and the Pine barrens Society and you've done that. So to pretend that we're in danger of not buying the right properties unless we put in new legislation that will restrict and reprioritize it when, in fact, it's simply going to delay what little we are doing is problematic.

I'd like you to reconsider it if you -- if there are things that are essential to your function in that bill, can it not be amended to not impose the kinds of restrictions that we're concerned about? We're not buying the wrong land. The recommendations that the environmental community have made as to what we should buy, everybody understands and we should be focusing on that and will. And then most of all, the most important thing you can do is to look and say, "After 25 years of land and water preservation, can we really afford to stop? How will we fund the protection of our underground water supply? Read the County Health Department's report, look at the magnitude of the problem and see if you can's with the environmental community tog et this program moving. Thanks very much.

D.P.O. HORSLEY:

Thank you very much, Dick. And thank you for the comments on us being sensible, that's high praise. Marlene Patrella, and on deck is Antoinette Kaucky.

D.P.O. HORSLEY:

Ms. Patrella, are you ready to go?

MS. PATRELLA:

Yes. I just want everybody to have the letter.

D.P.O. HORSLEY:

Okay. Thank you.

MS. PATRELLA:

Good morning. My name is Marlene Patrella. I am a Democratic Committee Person. I am the reason the Foley Nursing Home is closing. You see, in the Fall -- in the Spring of 2011, I went to the Democratic Committee and asked Steve Bellone's opinion -- not his opinion, but his thoughts on how he wanted to keep the nursing home open or closed.

You all have a copy of the letter.

I am a volunteer at the Foley Nursing Home with a therapy dog, so I went for four years every month. I gave the letter that you have that states he's going to keep it open to every single person who works there, their families, the patients and the patients' families. They believed him. Now when I go there, they don't want to talk to me, my word is tarnished. I'm ashamed to be a Democrat, because Steve Bellone made a promise; I think it's fraud, misrepresentation and I don't know what to do about it. When I go, the people pull at me and ask me why I prayed with them, why I promised them. And I have a big problem here because my word is gold, and I want to know what you're going to do about it. That's a legal contract that he wrote and nobody is doing anything about it. Okay?

And I made 11,276 phone calls for that man from July to November, and every single person heard that he's keeping the nursing home open. Not only that, but his opponent came out in the newspaper, Angie Carpenter, and said she wasn't sure if she was going to keep it open. So I was railroaded, my name is tarnished and that's the story. Somebody has to do something, that's a legal paper and he signed it. Thank you.

(*Applause*)

D.P.O. HORSLEY:

Thank you very much, Ms. Patrella. Antoinette Kaucky, and on deck is Anthony Prudentz.

MS. KAUCKY:

Good morning. My name is Antoinette Kaucky and I'm here because the residents and because I made a promise to my daughter. I see it is closing because you, as Legislators, decided to pay somebody, like CMS, to help get rid of our residents. But guess what? These people are not doing the job. The people that's doing the job are the nurses and the social workers and their families, because they're being threatened, "You better get a place or you might have your person far away." Well, guess what? A lot of these people are hard to manage and they're full-term people. Guess what? How the heck can you take care of somebody who's 24/7? It's not easy. They were promised that they would have someplace; they have someplace, yet you's all want to turn around and get them out to faraway places.

You want to know something? My husband was there. They took care of him beautifully. I was a worker there for 25 years, I loved every day I went to work. I was an activities aide, okay? Today I go there as a volunteer. Steve Bellone made me so ashamed to go back because I helped him because I told the patients, "*This guy is good. Look at him, he's got a nice, honest smile.*" I thought a lot about him.

He made it sound so good, so honest. He turned around and took his promises and just did whatever he wants. He's selling the place and he's giving it away, he's not really selling it. We bought that place for a whole lot more. We got the property for free. Guess what?

How do you take somebody who gets a property for free and then we turn around, build a building much more than what this guy is selling it and say, *"We'll even help you with your taxes."* How the heck do you do that? Plus this guy's helping. We had the place filled and we did have the place filled, we made our money and the County couldn't say nothing. They take us in and out of the budget and play games with us and it's not fair, because you've got people there that are 24/7 care takers.

We have to take care of these people. I took my husband home. I had a hooyer lift, I had a nurse's aide helping me. I paid out of my pocket because Social Security only paid so much. If you really want to know, some of these people who have to go home, and I was already asked to buy my hooyer lift, and that hurts because I know what it's like to take somebody hard to take care of and use a hooyer lift. I was already asked if I would sell it; yes, I am going to sell it, but hopefully not to somebody who lives at John J. Foley. If it was something else, yes.

But thank you for your time, because I knew you didn't hear nothing. I should have talked to the wall, I would have gotten better sense. Thank you.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you, Ms. Kaucky. Anthony Prudentz, and on deck is Kathleen Reeves.

MR. PRUDENTZ:

Good morning. My name's Anthony Prudentz and I'm here as a concerned citizen. Really, what I'm looking for is to give you a little different idea of what Foley really is and give you an idea why it shouldn't be closed.

MS. MAHONEY:

Can you pull the microphone closer, please?

MR. PRUDENTZ:

Oh, sure. Better?

MS. MAHONEY:

Yes.

MR. PRUDENTZ:

Okay. Basically there are other facilities that are -- or organizations that are actually being attacked just like Foley, and there's going to be more closures. As an example, I'm just giving you a comparative, the Post Office department came up with a concept, because it's losing money, to eliminate Saturdays. Now, we all -- you know, the banking industry doesn't collect anything on Saturday, so what happens is that they could deliver a letter at 45 cents, whereas if you go to Fed Ex or UPS, they can't do it for less than \$10 or \$12 for a package or an envelope. So what you're telling me is there's a big, big disparity between private organizations and a public organization. Now, you would have to think that private organizations should be able to do it better and cheaper; it's not always the case. There are certain things that have to be done by a government agency.

And just to give you another example, I took a snapshot of the financials of what Foley actually has. I took it on September 5th, 2012. On the breakdown of the vacant beds, we have HIV, we have three units; rehab, we had 14; out of the hospital was nine; and the standard rooms there are 54. These are all vacant.

Now, HIV, they get \$384, which comes out to 1,152 per day, plus \$180, it comes out to 13,332; and I'm reading this pretty quickly, so. Below, the Census of 90%, that means they're being charged \$20 per bed as a penalty.

In the rehab, okay, they get 450 to almost \$800 per bed. That means there's 14 beds that are actually vacant, that comes out to 625, that's eight hundred -- 8,750 per day.

On the standard room, which is 54, which is \$284 equals 15,336 per day.

(Beeper sounded)

On twenty-five, four one eight --

D.P.O. HORSLEY:

Mr. Prudentz, you're going to start wrapping it up?

MR. PRUDENTZ:

Yeah, I'm doing it as quick as I can. As an example, it comes out to a total of ten thousand, two hundred and ten and five hundred ten dollars. If the beds were in effect --

D.P.O. HORSLEY:

Please, Mr. Prudentz, we're going to have to start wrapping it up. Please?

MR. PRUDENTZ:

All right, I'm moving as quick as I can. If all the beds -- all the beds -- all the beds were occupied, you would have close to thirteen million, two hundred and ninety-two dollars and three hundred and ninety dollars.

D.P.O. HORSLEY:

Okay.

MR. PRUDENTZ:

Which means there's only a quarter of what Bellone's actually saying that is missing, a million a month; it's not.

D.P.O. HORSLEY:

Thank you very much. We do appreciate your comments, though.

MR. PRUDENTZ:

Thank you.

D.P.O. HORSLEY:

Kathleen Reeves, and on deck is Jonathan Cohen.

MS. REEVES:

Good morning. My name is Kathleen Reeves, I'm a nurse at John J. Foley. I've been here many times before.

One of the things I want to talk about is IR 11 -- 1255, as far as the contract for the CMS group. The CMS -- and I brought this up at the Health Committee the other day -- have done nothing but upset our residents. Our nurses have done the PRI's, our social workers have done the placements, they've upset our residents. We've had residents that have died, as must Shultz says, we have indirectly five residents that have died, which is more than we've had in the last year. And also, as

Mr. Rooney said, at the meetings the families were basically told, "*Find yourself, your family member a place, because if you don't, we will and you probably won't like it.*" All right?

What is being done at John J. Foley right now I would say borders on abuse to our residents. We had one resident who had an extremely violent reaction and the CMS people can't even go in there unless I go in there with them. It happened to be on my floor. The County is willing to pay \$205,000 for people to come in and upset our residents, and as I said, it borders on abuse. Well, if that's what you want to do, pay me the \$205,000 because I can do it, too. I can do PRI's. All of our RN's can do PRI's. We don't need them to do it and they haven't done any. All right? So you're just wasting -- again, wasting County money on something that doesn't need to be. I also want to, while I'm up here, shortly address the letter that you were given. Okay? It has -- we voted down the lease with the Shermans, to work for the Shermans for a reason. We don't want to work for them and we don't want them taking care of our residents. They don't have a very good reputation in the business. And also, I just want to read this to you, it's on the letters I think you all have.

"The Bellone/Sherman model is a dangerous one. It is our small group of employees -- if our small group of employees agreed to accept this deal, this would have set a precedent on how business is done in Suffolk County. What would this mean to the next round of employees facing privatization in our health centers? What would this mean for the laws that have been broken in order to reach a sale agreement with the Shermans? If we concede, conceded from what we know to be an honest and fair position, what else would this administration and future ones get away with? In the end, we decided that fighting for what is right, legal and just is the only thing worth fighting for. By voting to accept a corrupt and illegal process, we would be sentencing our fellow County workers to the same fate."

This is bigger than John J. Foley. It is about protecting all County services, now and into the future. We are willing to accept whatever consequences come from our actions, but we do so while holding our heads high. This is what we're fighting for. We're fighting for the residents, we're fighting for the staff, but we're also fighting for what's right and what's legal. And we all know, whether you want to admit it or not, that the agreement for the sale with a ten vote was illegal, you needed a super majority and you didn't get it.

D.P.O. HORSLEY:

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

MS. REEVES:

I will wrap it up. Okay?

D.P.O. HORSLEY:

Thank you.

MS. REEVES:

And the same goes for the lease you're going to vote on. That's also illegal, because no RFP's went out for that either. Thank you.

(*Applause*)

D.P.O. HORSLEY:

Thank you. Jonathan Cohen, and on deck is Michael Finland.

MR. COHEN:

Good morning, everyone. I'm here this morning to support the resolution that you're considering today that would cancel the contract which has been secured to close the John J. Foley Nursing

Facility in Yaphank.

I'm supporting this because I honestly believe that doing so would create an opportunity for all sides to take a step back and a deep breath and to look at this issue with a fresh pair of eyes. Forgive me. All right. You know, I've always believed that the responsibility of government is to take care of those who can't care for themselves, and that's exactly what the core mission is this facility is to do, but they take it a step farther. Not only does Foley care for people who can't care for themselves, but they care for people who couldn't find that care anywhere else. So I believe that those missions are inseparable.

To be clear, I'm not suggesting that the County can afford to spend \$12 million a month to subsidize the operation. But what I've learned is that if it's managed properly, the facility would be an asset that Suffolk County can't afford to lose.

*(*Mr. Cohen's child spoke into the microphone*)*

They're listening to you, too, I swear. So over the last few weeks I've been meeting with some members of the union, but mostly residents at the facility, and we've been advocating for a three-step plan that I believe gives you guys the option to make the facility profitable and to keep it in County hands. First and foremost, and it sounds simple, but you need to fill the beds. If you do this alone, the cost to the County would be reduced from \$12 million a year to less than four. While you're doing this, take advantage of funding, Federal grant funding that's available to create what they're calling Centers of Excellence for returning Iraq and Afghanistan war veterans with Post Traumatic Stress Syndrome and Traumatic Brain Injury. I've been told there is a substantial amount of this funding available and that it could potentially allow the facility to break even.

Third, I'm not sure whether you're all aware, but every room at John J. Foley is piped for oxygen, which as a paramedic I know is unusual for a nursing home. And it allows you to create a pediatric vent unit. Because there are hundreds of ventilator-dependent children from Long Island that are living in facilities outside of New York right now because there's no place here that can accommodate them. These are our kids and they belong here and we can give them a home. And at the same time, imagine that you could create a state-of-the-art facility that would not only embody our democratic values and our human values by caring for these people, but it would also generate revenue for this County that, in the short term, you could use to close your budget deficit. And in the long term, once that's under control, you could use it to reinvest back into the system --

(Beeper Sounded)

I'm done, I swear. Reinvest back into the system to improve and expand upon the care that we provide. So all I'm asking is that you consider giving this process one more chance, because this doesn't have to be the end of the road if we don't choose to make it the end of the road. Thank you.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you very much, Mr. Cohen. Michael Finland, and on deck is Joanne Hoffman-Beechko.

MR. FINLAND:

Good morning, everyone. There's an old saying that history repeats itself. I do recall that on this date, or actually on April 24th, 2012, the Suffolk County Legislature made the difficult decision to reduce the workforce of Suffolk County government. Emotions ran very high at that time, and that certainly was a sadly memorable day in government and for labor.

Here we are, one year later, and we are, once again, in the midst of making onerous choices over the fate of our workforce. Most specifically, I am referring to the John J. Foley Skilled Nursing Facility. I have previously referenced this institution as the jewel in the crown of Suffolk County government. The committed and devoted staff that work there have provided immeasurable services to the residents and patients that inhabit the nursing home.

Last Friday, AME gave the employees at Foley an option to consider regarding the future fate of the home, the residents and the employees. An agreement had been drafted which the County workers would essentially become employees of the Sherman Brothers and they would be guaranteed 18 months of employment. As part of the agreement, they would have comparable accruals, wages, health insurance, benefit fund accoutrements, and the Shermans would contribute toward a 401K retirement plan for each employee. For their own personal reasons, the employees voted to reject this plan for a plethora of reasons. They would no longer be County workers, they would not be a member of AME union, they would no longer be a part of the New York State Retirement System, they would relinquish their seniority and they would become private instead of public sector employees.

This is just a brief synopsis and capsulation of the Foley workers' rationale behind defeating this proposal. We had multiple meetings for discussion purposes to educate and inform the members about this proposal. They requested time to digest and analyze it and subsequently requested modifications to it. Despite the meetings and any ancillary changes, they chose to reject the agreement. Some workers expressed the mindset that AME had sold them out on negotiating this contract. The Executive Board of AME has worked tirelessly, around the clock, on behalf of all the Foley members. Ideally, I would prefer to see the nursing home remain within County hands under Suffolk County's purview and see the workforce remain gainfully employed; unfortunately, this was not an option during negotiations.

In moving forward, I respectfully request that the Suffolk County Legislature and the Suffolk County Executive's Office keep the door open within the realm of negotiations and alternatives.

(Beeper Sounded)

I am fully cognisant of the fact that the County Executive has filed a closure plan and it has been approved by the State. The County Executive has given every indication that he intends to move forward with this plan. It is my fervent hope that we still have room for an equitable plan to be worked out.

D.P.O. HORSLEY:

Michael, start wrapping it up, please.

MR. FINLAND:

My bottom line is to represent the best interests of the Foley workers, the patients and the residents who are there. I am sure we will work in tandem toward obtaining this goal. I thank you for your time.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you very much. Joanne Hoffman-Beechko, and on deck is Peter Quinn.

MS. HOFFMAN-BEECHKO:

Thank you. My name is Joanne Hoffman-Beechko, I'm the President of the Long Island Pharmacists Society which is an affiliate of the New York State Pharmacy Society, the State of New York, which is a volunteer organization of pharmacies and pharmacists throughout the State. I'm going to read a

brief letter that was sent to all of the Legislators regarding Suffolk County employee unions' potential contract to send prescriptions out of state.

"Suffolk County is negotiating a contract with Optum Rx or another PBM out-of-state pharmaceutical benefits managers for the purpose of taking away the freedom of choice for County employees when it comes to filling prescriptions of more than 21 days. By forcing County employees to shift to mandatory mail order for the longer maintenance prescriptions, the Employee Medical Health Plan Labor Management Committee is not only breaking a generations-old bond between Suffolk employees and their neighborhood pharmacies, they're threatening to send tax-paying business and jobs out of state. But how does the Labor Management Committee that agreed to turn over the maintenance prescriptions to Optumum RX or another PBM know whether they are getting a good deal when Optumum RX claims the shift can save the County \$17 million a year? In fact, union school districts and other public entities around New York State that have been able to pierce the veil of secrecy imposed by PBM's have discovered savings ranging from tens of thousand dollars a year for a school district in Utica to tens of millions of dollars a year for New York City's District Council 37 Municipal Union.

New York State Legislators, two years ago, passed the Anti-Mandatory Mail Order Bill and Governor Cuomo signed it into law, despite a protracted and very expensive campaign against it by PBM's. Under the provisions of the AMMO bill, patients could not be forced into mandatory mail order if retail pharmacies are prepared to match the conditions of prescription plans when it comes to reimbursement for drugs and the copays. The bill exempted prescription plans that included parts of the union contracts, that exempted the union contracts, but that's not stopped union school districts and other public entities around the State from assessing the relative financial benefits of mandatory mail order versus allowing retail pharmacies to compete on a level playing field. In fact, the recently enacted budget for New York State mandates that all Medicaid patients be given the choice to have all and any prescription medications filled at the pharmacy of their choice, assuming the pharmacy is contracted with the Medicaid Program."

I'll have to skip to the end. A recent record indicated that the plan started -- was going to start in April, and I know it's been delayed until May. We're asking for an opportunity to come to meet with you and the colleagues in the hope to take a better look at the real cost benefit analysis of retail pharmacies versus mandatory mail order before going ahead with a plan that may force closure of local pharmacies at the cost of both jobs and local tax dollars. There's no question that out-of-state mail order houses cannot match the service and guidance that County employees receive from professional pharmacists that have worked with them for generations. Compare this to the voice on the other end of a 1-800. If they can't match us on service and we can match them on price, why would the County move this" --

D.P.O. HORSLEY:

Ms. Beechko, yes, you've got to --

MS. HOFFMAN-BEECHKO:

-- to mandatory mail." Okay?

D.P.O. HORSLEY:

You have to wrap it up.

MS. HOFFMAN-BEECHKO:

Thank you very much.

LEG. HAHN:

By the way, the understanding is that it has been put off now for a year, not just through May.

MS. HOFFMAN-BEECHKO:

Well, that's excellent.

D.P.O. HORSLEY:

That's the latest that the employees received anyway.

MS. HOFFMAN-BEECHKO:

That's excellent to hear. And we hope that mandatory mail is not forced from any contract at all. Thank you for hearing me.

D.P.O. HORSLEY:

Thank you very much for coming down today. Peter Quinn, and then Nanci Dallaire on deck.

MR. QUINN:

Good morning, Members of the Legislature. I thank you for your patience. You've heard enough speakers, I suppose, already about the Foley Nursing Home, but I am echoing the previous comments of those who support retaining it as a County facility and support the union members who are trying to maintain a lifestyle for the future. The thing we know about a budget is that it's a flexible document, and no matter whether you've got a debt or whether you're above board in budgeting, you still have to move things around.

So let me offer three suggestions. One is that the State mandated that the sex offenders have to be removed from their facilities of trailers, and I would suggest that since you've got a hundred vacant seats, beds in the Foley facility, that you try to, with some jiggling, close walls off, create gates and locks, and you could accommodate these sex offenders in that facility. Shifting money around.

Second. Suppose the Legislator who proposed that there are parents and children living in locations far distant from their school districts on Social Services, be acclimated to closer locations. I would submit that there are lots of people who are poor, living in Yaphank that could be accommodated. You can find a hundred families to move in to that facility and the children could be accommodated in that school district, not far from where the Foley Home is.

But I've also proposed in the past, a couple of years ago and then last year, that you try to do something with the Industrial Development Agency arrangements. Here you dole out money by the truck load to companies who can't even create the jobs they allege they are going to do when they are given the benefits. So they're taking our taxpayer dollars through various arrangements -- sales tax, property tax elimination, et cetera -- and one way, then, if you had a moratorium for three years on those businesses who don't provide jobs, the County would have -- would be flushed with money to accommodate the John J. Foley home and make it functional. Thank you.

D.P.O. HORSLEY:

Thank you very much, Mr. Quinn.

*(*Applause*)*

Nancy Dallaire, and on deck is Donald Grauer.

MS. DALLAIRE:

Good morning. I begin with a scripture, Philippians, 313, it tells me to forget what is behind and strain toward what is ahead. Unfortunately, past mistakes continue to be repeated and waiving the rules has become standard operating procedure that I fear what the future holds.

When my County can hire outside residents before considering our own County residents, what kind of future can we expect? The County can justify hiring an outside resident to help employ our

unfortunate unemployed? The County can afford to hold a job fair for the ex-offenders? The County will help convicts find jobs as they force the hard-working County employees of John J. Foley out of their jobs? Well, as one of those hard-working employees, I'm offended.

The County will invest \$3.7 million just to plan the next phase of that jail, but will complain about subsidizing vital public health services for the taxpaying citizen? Mr. Bellone hired an outside resident to help with his press functions; I question what press functions? While the hard-working County employee, Mr. Paul Margiotta, holds the title of Chief Deputy County Attorney, Acting Director of Labor Relations, and now he will head up that Traffic Violation Bureau? That seems like a lot of functions for one man. Although I'm sure they are all uniquely qualified to fill their positions, they will all have objectives to fill, just like the administrator of John J. Foley who has testified that he was put into that position to close the facility. So why is anybody surprised John J. Foley is closing today.

Regardless of the results from that vote that was forced upon the committed County employees who have tried for years to prevent these results, it's not fair to blame them now. That so-called agreement may have saved a few jobs for a new months, but it would not preserve our vital public health services and it will not protect this community when the next major crisis strikes our County. Although we appreciate the willingness to cooperate with the Shermans, Suffolk County should have shown us that same spirit of cooperation. The Shermans bargained with us in good faith, unfortunately we could not receive that same good faith from our County. Now vulnerable residents suffer, the workers live with knowing that this tragedy could have been avoided, and sadly we will all live with the fact that these valuable resources were lost for the cost of 31 cents a household. And I urge everyone to contact the Attorney General, file a complaint and request a full investigation because we deserve an explanation.

*(*Applause*)*

D.P.O. HORSLEY:

Donald Grauer, and Celeste Ruhe on deck.

MR. GRAUER:

Good morning. As President of the Suffolk County Probation Officers Association, I'm here today to request your support for Introductory Resolution 1247 of 13, to appoint Patrice Dlhopsky as the Director of the Suffolk County Probation Department.

As reported earlier in committee, Patrice has both the experience and the working knowledge of the department to qualify her for this position. And the Probation Officers Association union strongly believes that we can work together with the Probation administration under Patrice's leadership on issues such as staffing -- I'm sorry, staffing, officer safety and productivity. So I ask you all to please support Resolution 1247. Thank you.

P.O. LINDSAY:

Thank you, Don.

D.P.O. HORSLEY:

Thank you, Don. Celeste Ruhe, and on deck is Craig Northacker.

MS. RUHE:

Good morning, everyone. My name is Celeste Ruhe. I would like to take this opportunity to speak on behalf of my husband, William, who was diagnosed with dementia and is a resident of John J. Foley.

Since I received the notice that they are closing, I have applied to nine other facilities and have not gotten an approval. The reason they have given me is that they are unable to provide the care that my husband requires, or there are no available beds. I do not believe anybody should be treated in this manner, especially those who have served the communities. My husband is a retired Police Officer who gave 13 years of his life and the fulfillment of this duties. Is this how he should be treated? I fear where and how far my husband will end up. I feel the same for other residents whose families need a place like John J. Foley to remain open in our community. They continuously go above and beyond for the residents to provide the care for everyone, no matter what the illness or disability.

Like some of the residents who live there, my husband needs total care; that means he is confined to his wheelchair. An aide needs to help him on and off the bed with the help of a hooyer lift. He needs total assistance for showering, dressing, feeding and to the bathroom. Many nursing homes are not willing to provide this level of care, and John J. Foley is the only place, I feel, that has treated my husband with the dignity and respect that he deserves. This is a horrible illness to have and I hope that nobody here has to ever deal with the heartbreak and the pain that I have felt since he was diagnosed. I do not know where to go next and I do not know what to do. If I do not find a local place, they will find a place for him that could be at least 50 miles away, including out of state, if necessary. I work driving a school bus seven hours a day and cannot see myself driving two hours or more to see my husband. We have been married for 26 years. I have been with him every day. I do not want this taken away from him or myself. I am all he has. Thank you very much.

*(*Applause*)*

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

D.P.O. HORSLEY:

Thank you very much, Ms. Ruhe. Craig Northacker, and on deck is Pat Rollings.

MR. NORTHACKER:

Okay. I need to pass these out. All right. Someone left a Montblanc pen, too, if anybody's interested. Anything to help close the budget.

I'm Craig Northacker. I'm a retired CPA; I'm a disabled veteran. I'm the Executive Director for Vets-Help, and I'm here about the Foley Home. That's something you haven't heard much about today.

Folks, I'm disturbed by the lack of candor involving the potential sale, lease, etcetera, of the Foley Nursing Home. I gave some thoughts last week in front of the Health Committee. This is important enough for me to postpone a trip this week to my offices in North Carolina.

I spent 35 years in the accounting field, most of them as a CPA with my own practice. I'm retired now and run Vets-Help, which, as you can see when you see the letterhead, has some significant partnerships with the U.S. Government. I was recently appointed to Guide Star Advisory Panel, and being interviewed for a position as a White House Fellow in one of their programs. I spent quite a bit of time with the New York State Society of CPA Committees and AICPA Conferences, including being a founding member, and later, Office for Litigation Support Committee here on Long Island.

The sale of a major asset, especially a business, is a complex affair. Valuation is an essential part of the process in order to establish value to the business. A minimum of five years tax returns and/or financial statements are the baseline to be followed with extensive reviews of contracts, liabilities, contingent liabilities, the value of the underlying fix, and other tangible assets, the good will of the establishment, reasons underlying the results of operations of the business.

Further attention must be paid to the format of the valuations, which they came up with several variations, depending upon the use of the assets. Government and business generally look at the best use of asset for underlying appropriate methods of valuation. Absent these materials and reports, it is virtually impossible to exercise any kind of judgment on the value of the business.

Your oaths of office preclude you from making any uninformed decision, and the willful violation of these oaths constitutes a breach of ethics. Such breach requires a recusal from any decision-making on the subject. If done with respect to a major asset such as the Foley Home, it is a major breach of ethics, subject to investigation and/or recall or resignation. Since this is being done in more than one County at this time, I submit as an advocate for our veterans and for our disabled that the civil rights of the patients may be under attack under at least Title II of the Americans With Disabilities Act, and the countenance should be sought from the United States Department of Justice to preclude any actions against the County of Suffolk. That would become a costly mess to fix.

Procedurally, it is my understanding that all materials need to be in front of the respective committee. They have not and do not have any of the items mentioned above. Therefore, any vote on the sale at this time is not only premature and unethical, it is a violation of the Legislature's own governance.

Now, notes that I passed on last week, very briefly, is Suffolk County pays all the bills and incurs an undisclosed monthly administrative fee for its troubles, which, with colleges and other people, can range anywhere from 20 to 50% of the bill.

Second, there's no comparison as to how well the program runs compared to other similar county runs in the U.S. or privately run programs. No occupancy rates, derivative business sales, which almost figure prominently in any sale price, the natural observation being that the County has a fiduciary obligation to maximize the value of the asset being sold, and without this critical performance evaluation and comparison, any figure discussed is premature and inappropriate.

And I have a whole bunch of other things here, but the -- at the end of the day, somebody else mentioned that the veterans have a lot of entitlement programs that are not only allocated and budgeted, but they're funded, and we can bring millions of dollars and help set up Foley as a training program for the veterans, and I am happy to assist in any and all of those.

D.P.O. HORSLEY:

Thank you, Mr. Northacker, we appreciate it.

*(*Applause*)*

MR. NORTHACKER:

Just so you know, I have my own direct contacts as a result of being in the White House, a partnership program with 14 separate agencies in the Secretary's Office of those agencies.

D.P.O. HORSLEY:

Thank you.

MR. NORTHACKER:

Well, thank you very much.

*(*Applause*)*

D.P.O. HORSLEY:

Appreciate you coming down here today. I'm going to need a motion to extend the Public Portion. Second? Motion made by Legislator Cilmi, seconded by Legislator Barraga. All those in favor? Opposed? So moved.

MR. LAUBE:

Fourteen.

D.P.O. HORSLEY:

Pat Rollings, and on deck is Pamela Greene.

MR. LAUBE:

Fifteen. (Not Present: Legs. Kennedy, Nowick and Gregory).

MS. ROLLINGS:

Good morning. You know, I'm sure you're all sick and tired of me being up here, and I'm not so happy about having to come here again and again, but here we go.

I wanted to let you guys know why we really voted this contract with the Shermans down. We want this lawsuit to continue. The County Executive is breaking the law. This entire deal is illegal, he's not following the law, laws that this body has set. No RFP process, not needing a super-majority, and calling waivers whenever it suits him, this is setting a precedent. If we let this continue, there will be no need for a Legislature, the County Executive can do as he pleases. What other laws will he twist to suit his needs? What ploys will he use to shutter the health centers? This is just the beginning, folks.

He's coming to you with a smile. This is not like the previous Executive who was giving everybody a hard time, and who was just nasty and fighting and fighting. This guy's coming to you with a smile with the best intentions. Right.

We've told you many, many times that this facility is capable of self-sustainment and can be profitable. Right now, 60 beds that are empty are capable of bringing in \$700,000 a month. We're bleeding a million a month; there's 700,000 right there. Get rid of the agency, there's a couple of more hundreds of thousands. They're just throwing money away.

This CMS company, I don't know what you thought with hiring them. All they're doing is harassing and scaring the residents. I do not believe they've gotten one patient into another nursing home. And we're supposedly being trained on transfer trauma. We got an in-service. A woman sits, reads a piece of paper, and tells us how -- what to expect, which we know all about transfer trauma. We know patients are going to go into shock, and depression and are going to die. We know this, and it's like a funeral home up there already.

Also, this CMS group, by the way, to add insult to injury, told us not to abuse our residents, being that we're in such a -- you know, bad feelings about what's going on. How dare they tell us not to abuse our residents. We love our residents. They've been going through this with us for the last five years.

The Shermans know what a gold mine this facility is, that's why they're going to do whatever it takes to acquire it.

One thing I do want to say about the abuse, the only abuse going on here is perpetrated by the County Government as far as our residents go. They were told that -- by Mr. Bellone that he wasn't going to use them as a political football. Well, guess what, game is still on.

And one last thing I want to finish this with. My 14-year-old daughter, who's getting pretty aware what's going on around her, she saw the newspaper about the jail and she asked me, "Mom, why are they giving criminals such a nice place to live, but they won't take care of sick people?" I had no answer for her. Thank you.

(*Applause*)

D.P.O. HORSLEY:

Thank you very much, Ms. Rollings. Next speaker, Pamela Greene.

MS. GREENE:

Good morning, Mr. Deputy Presiding Officer and Members of Legislature. My name is Pamela Greene from Bayport, New York.

And, Mr. Presiding Officer, may I just take a moment to say it is lovely to see you, sir, and to thank you for your ever cordial kindness in our dealings with each other. And we did not get to say a formal good-bye before I left County service last year, so it's very nice to see you.

I am speaking to you today on I.R. 1254, which, as I read it, is intent on inserting significant delays in the Land Purchasing Program, and may erode the public confidence in what is a nationally recognized and award-winning program by only having now monthly reviews on purchase of property cut down to twice a year.

The rejection rates, if the confidence is eroded by the public in the Land Purchasing Program, will increase, and that will quickly lead to you having less property available to purchase. A dedicated funding source for the preservation of property does little good if there is no property left to preserve. So think carefully before intentionally inserting delays into what is already a carefully monitored and lengthy process as it is.

Finally, I just wish to point out that the copy of the legislation that appeared on the Legislative website under Section 1070-19, referring to the Environmental Trust Review Board, has that -- the meetings will now take place semi-annually, and says the ETRB will consist of nine members. The legislation goes on to list four. I don't see it listing the other five. I don't know if that's an oversight or correction that has to be made to the legislation on Page 6.

D.P.O. HORSLEY:

Okay. Thank you very much.

MS. GREENE:

Thank you very much.

D.P.O. HORSLEY:

Thank you very much, Ms. Greene. It's good to see you.

MS. GREENE:

Thank you.

D.P.O. HORSLEY:

That is the last card that I have. Would anyone else like to be heard? Would anyone like -- else would like to be heard? No, sir, you've already had your opportunity. Thank you, though, Mr. Northacker.

MR. STRAUSS:

Good morning. Alex Strauss, 184 Radio Avenue in Miller Place.

We had somebody get up here that wants to buy land. You know, we can spend money on land that nobody's allowed to use, and, yet, I got a letter last week saying that Suffolk County wants to sell a piece of property in my backyard. It's a nature preserve, that's what it says on the map that they sent me, and they want to know if I wanted to buy this 25-foot-by-60-foot piece of property that's

landlocked, and that it would -- I couldn't divide my property, I couldn't divide anything with this.

Why are we selling nature preserves, and, yet, we want to buy other pieces of property that I sit here and listen to spending money on buying property to preserve that nobody's allowed to go on? We have parks that aren't -- right on William Floyd Parkway, we've got a gigantic park there, nobody's allowed to go in it. It looks beautiful from the outside, it looks great.

We've got all this water protective property. You know, I had a well on my property, never had a problem getting water. I don't know of anybody on Long Island that has a problem getting water, but we're going to preserve it. For what, I don't know, I don't know why.

When it comes to the taxes, I bet you 90% of the people in this room does not know exactly how much money they pay in Suffolk County taxes. I do because I look at my tax bill. I pay \$92 a year, \$92 a year out of \$10,000 that my tax bill is. We haven't raised the County taxes, if I'm not mistaken, in 11 years. I think it's time to raise the taxes a little bit. If we did a little bit every year, we wouldn't have this problem with Foley, we wouldn't have a problem with all the other stuff that we keep cutting, laying off people, to say that we have the biggest property to save water, and save the environment, and have beautiful parks that nobody's allowed to go in. I think it's a waste of our money to do that. I think it's time that we have to raise taxes a little bit. Two dollars a year would not hurt anybody in this room, and it would save people's jobs, and also save the people that have the least that they can do to find a home. These people that are in Foley now, it's just going to be ridiculous. Thank you for your time.

*(*Applause*)*

P.O. LINDSAY:

Okay. I'm going to just take the liberty of the Chair for a minute, Alex, and just answer two things that you bring up. The landlocked property is something that we're mandated to do by law that we passed here, and it came about as a result of the residents who clamor that border on the County property. They're usually little strips of property that we've acquired through tax liens. And they've come to us and they say, "Why can't the person adjoining to it buy that property for a bigger backyard for my kids to play," or for whatever reason. That's how that program came about. It isn't something that we necessarily initiated out of a whim, it's something that came about as a result of the people wanting to do it. And it comes up at every Ways and Means Committee, we have these little slivers of property. And to tell you the truth, they're so small, they have such little value, it almost doesn't pay for us to keep them on the books, so we literally give them away for what the tax consequences on that property are. It's really a good deal if you live adjacent to it, you know.

And the second thing about raising taxes, you fell for what so many have said over the years, is that the General Fund tax has not went up in eight years. The Police taxes went up, the College taxes went up, some of the other taxes have went up, but not the General Fund portion. Okay?

MR. STRAUSS:

Thank you.

D.P.O. HORSLEY:

All right. Just to close out the public portion -- we have one more. We're not trying to keep you out.

MS. BLUM:

Sorry. I wasn't going to. I'm not the speaker of the family. My name --

D.P.O. HORSLEY:

Okay. Your name and address, first of all.

MS. BLUM:

My name is Diane Blum. I live at 68 Beachfern Road, Center Moriches, New York, 11934.

Twenty years ago, there was a group of people, just like you, and we built that nursing home. We built it with a super-majority. It took forever for -- everything you guys work for can be turned in five years because someone else decides they want something -- they're going to change it. You have to realize the love, the passion, the lives that have gone through that building. John Foley, Rose Caracappa, Herb Davis, these are your people. These are your people that made this place happen. We built it with the people, we built it with the residents and we built it with the community. You have such a gem in that building.

I know you've heard it all, I know you've been through it all. Miracles have happened in that place. You have to save it. Push the pause button. You guys get to get together. I know what both sides are like. I know the pressure you guys are feeling. But once this place is gone, it's going to be gone for good. Once you hand in that license, 264 beds leave Suffolk County, never to be gotten again. You have to push the pause button. Come up with something, derail it, do whatever you need to do. You guys have been there. The building is amazing, it's beautiful.

You keep saying we're going to -- we've got all this grant money. We redid Five Tower, it looks beautiful, and then we're going to close it. We got into the building; two years after we were in the building, you were going to close it. You keep closing it on us and never let us get going.

I know it's been said before, and I am not the speaker of the family, but I am a passionate one. Please do what you can to save the building. I can retire, it's not for me. There is a magic that happens in that building. We take care of people, we know all their little personality traits. We pick up who we're going to look like when we get there, "Oh, that's going to be me," and, "that's going to be me." Nobody plans on getting sick, nobody plans on getting that card dealt to them, but you know it happens. We all know people that come to that building. My mother has been there for a knee replacement, my stepfather was there for Alzheimer's and passed away.

I'm telling you, you have a jewel here. John Foley knew it, he built it. On his death bed, "Please do not get rid of that building." I keep his prayer card with me. Please, make him proud. Thank you.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you very much. Would anyone else like to be heard? We're all good. We'll take a motion to close the Public Portion.

LEG. CILMI:

Motion.

D.P.O. HORSLEY:

Legislator Cilmi makes the motion, seconded by Legislator Barraga. All those in favor? Opposed? So moved, Public Portion is closed.

MS. ORTIZ:

Seventeen. (Not Present: Leg. Montano)

P.O. LINDSAY:

Okay. I'm going to resume the chairmanship of the meeting. And my understanding is that we

have a nominee for Probation Director, has been patiently with us in the audience, Patrice Dlhopsky. Forgive me, Patrice, if I'm mispronouncing your name. Patrice, if you'd like to sit down at the table, wherever you'll be more comfortable. For those, it's I.R. 1247 in Public Safety on Page 11. I'm not making a motion to take it out of order. I'm handling it under Item A, under the County Executive's Report. How are you, Patrice?

COMMISSIONER HEANEY:

Fine, thank you.

P.O. LINDSAY:

How do you pronounce your last name?

MS. DLHOPOLSKY:

Actually, last week I gave Public Safety a lesson, and so I will do it again.

P.O. LINDSAY:

Okay.

MS. DLHOPOLSKY:

You think of it has two separate words, Della and Polsky, and put them together and that works best.

P.O. LINDSAY:

Dlhopsky.

MS. DLHOPOLSKY:

Dlhopsky, yes.

P.O. LINDSAY:

Okay, very good.

MS. DLHOPOLSKY:

Thank you.

P.O. LINDSAY:

All right. Why don't you tell us a little bit about yourself. I know we have your resume, but it would be good to hear it from your lips.

MS. DLHOPOLSKY:

Well, I have been a Suffolk County Probation Officer for close to 40 years. In that time, I've served in every rank and in every capacity in the department. I provided a good deal of detail to the Public Safety Committee last week, but I know that you're all busy here today with a big agenda, so I will make it a little briefer here.

I've served in both Criminal Court and Family Court as a Line Officer and as an Administrator. Finally, in the period from November of 2010 through November of 2012, I served as the de facto Deputy Director of the department, and since December 1st of 2012, I have been the Acting Director.

I wanted to say here that I want to thank the County Executive and the members of his staff who were involved in the process of selecting the person to fill the Director position. There were many qualified candidates, and I appreciate the trust they've shown in me by choosing me to do this job.

In my years of service, I've been honored to be a member of the department. I've served with many fine professionals, all of whom share a dedication to the dual mission of our department, enhancing public safety and providing client assistance and rehabilitation. The consistent aim of our department is to reduce crime and prevent victimization by lowering recidivism. Statistics from New York State confirmed that our department has had success in lowering the recidivism rate among probationers for the past 11 years. Of course, it is our goal to continue that trend and to accelerate the rate of reduction.

I also want to take the opportunity to praise and thank the department staff. Peace officers and civilian staff in the Probation Department evidence a daily dedication to performance of their duties that goes beyond providing mandated services. We expect all employees to put in a fair day's work for a day's pay, but our employees consistently show genuine concern for the population we serve and for the general community. Our staff was quick to volunteer after Super Storm Sandy, staffing shelters, answering phones and providing ancillary services. Many members of our department share their time and energy with their communities on a regular basis as firefighters, emergency service workers, and in many other capacities.

For myself, after many years with this department, I remain committed to our goals, and convinced that probation is a cost-effective method of providing effective community supervision for offenders, and it would be an honor to serve -- to be confirmed to serve as Director of this department. Thank you very much for your consideration.

P.O. LINDSAY:

Okay. Before I open it up to my colleagues, Patrice, let me just start off by saying it's very refreshing to see that we're promoting one of our own to the position of Director, which is a very, very important position for this County. We don't do it enough, in my opinion. And I would -- I, for one, would like us -- to see us do it more. So I congratulate you on your nomination, all right, on that note. And I know you have my vote, but I know some of the other Legislators do have some questions for you.

MS. DLHOPOLSKY:

Certainly.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Thank you, Ms. Dlhopsky.

MS. DLHOPOLSKY:

Dlhopsky.

LEG. SCHNEIDERMAN:

I thank you. And I echo the sentiments of the Presiding Officer. It's great to see somebody from within, somebody with your years of experience. You're an excellent candidate. I just want to ask you about Probation. There's something I believe, and I think this is -- we need to have a functioning Probation Department so that we have less people incarcerated and smaller -- you know, lower recidivism rates. But I've been increasingly concerned about the growing caseloads per Probation Officer exceeding what the national standards are, and how that's going to impact the success of the Probation Department.

I've also firsthand saw the wait period, that when people are reporting to their Probation Officers, often are sitting in that room for hours and missing out time with their employers. And I fear that if they have to wait too long to see a Probation Officer because of those staffing levels, then they're

going to end up losing their job, and that's going to just lead to more likelihood that they'll end up being incarcerated again by repeating their offenses. So I'm deeply concerned about the shortage of Probation Officers and the very high caseloads. And I would like you to respond to that, how you're going to manage that.

MS. DLHOPOLSKY:

Certainly. Obviously, these are trying economic times. I certainly could not say that I would be unhappy to see an increase in our staffing. I also am aware that there are monetary constraints at present. We do the very best we can to manage our staff, and I think we do a pretty good job. In fact, we make a real attempt to make sure that services go into where they're needed the most. Sometimes that means diverting from other areas such as presentence investigations, where we may be able to handle the situation when necessary through the judicious use of overtime in order to staff our supervision functions appropriately, because this is not something that you can staff through overtime. You can't staff somebody doing their routine job that way.

Basically, we've managed to keep most caseloads in a fairly manageable level by the standards of the State. Some caseloads do tend to get bigger and we have to watch that occasionally. Certainly there's spikes in population in different areas. We monitor that. We have to keep a close eye to that.

The waits in our waiting rooms, that's a hard thing to figure, because some days, you know, people tend to come in bunches. I've seen it where nobody's waiting, and I see it where there are 10 people waiting to see an officer. I can remember that was true myself when I was a Probation Officer. If I had somebody with a real problem, people behind them tended to get a bit backed up. Certainly, it will be my attempt to do the best we can to manage the resources available to us.

I think I have a good handle on what the needs are of the department, because I've done just about everything you can do in that department, and I hope to be able to do a good job and making sure that probationers are seen in a timely fashion, and that we keep the resources where we need them to be to protect the public safety.

LEG. SCHNEIDERMAN:

If I could just follow up. And first, I have nothing but respect for the Probation Officers. I've seen what they do.

MS. DLHOPOLSKY:

Thank you.

LEG. SCHNEIDERMAN:

It's hard work, it's often dangerous work.

MS. DLHOPOLSKY:

Very hard.

LEG. SCHNEIDERMAN:

And, you know, I want to support your department however I can. In terms of scheduling, you know, perhaps one suggestion is rather than just say the person reporting to Probation has to show up between, let's say, 3 o'clock and 8 o'clock, maybe to pinpoint a time and say, "Your spot is 7:15," or whatever it might be, so they could come in and get out much quicker, or have, you know, a different type of system where they wouldn't have to wait so long, because that can affect somebody's employment.

But do you know what the caseloads currently are, because I've heard it's like up to 90 --

MS. DLHOPOLSKY:

It can be.

LEG. SCHNEIDERMAN:

-- individuals, 100 individuals.

MS. DLHOPOLSKY:

That is actually pretty much considered fairly routine-sized caseloads, and smaller than in many jurisdictions. Now, truthfully, I would like to keep the caseloads somewhere around 75 to 80 as a maximum, and many of ours are 75 to 80. A few of them grow beyond that size, some of them substantially beyond it, and sometimes that requires that we look at the caseloads to determine if we need to make adjustments.

LEG. SCHNEIDERMAN:

Okay. But as long as you're allocating those resources, you know, obviously, you have nonviolent versus violent offenders.

MS. DLHOPOLSKY:

Right.

LEG. SCHNEIDERMAN:

And, you know, if you're not overloading a Probation Officer with some more intensive people, then I guess, you know, nobody's more qualified to do this than you are.

MS. DLHOPOLSKY:

Thank you.

LEG. SCHNEIDERMAN:

So --

MS. DLHOPOLSKY:

Actually, we're making a real attempt to make sure that the caseloads have some division by that. The State has come out with some new methods of, not classification, but supervision recommendations, and we're seeing what we can do to make sure that those requiring the most intense supervision are seen on reduced caseloads.

LEG. SCHNEIDERMAN:

Okay. Because, again, it is so critical that probation works, because the cost of going the other route, both society and economically are -- you know, are extreme.

MS. DLHOPOLSKY:

Yes.

LEG. SCHNEIDERMAN:

So thank you, and I certainly will be supporting you.

MS. DLHOPOLSKY:

Thank you.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. And, Pat, thank you for being in front of us again. We had a good chance to

speak last week, both personally and on the record, and there was -- I was pleased to see, I guess, the perspectives and the familiarity that you had, you know, with a whole range of things, whether it was electronic monitoring, the body armor, and our issuance and the currency on it, but -- and by and large, I support you, I support your candidacy. And, like my colleagues, I feel that, you know, Probation Officers are an extremely important element in the whole criminal justice responsibility that we have here at the County level.

But having had the opportunity to interact with a couple of your predecessors, and, you know, maybe after nine years finally understanding a little bit about this process, this is my last best opportunity to kind of find out your thinking and your commitment, if you will, particularly to the budgetary aspects of this function, and what you see in the way of personnel coming up, particularly as 2014 is kind of heading like a freight train down the tracks at us with everybody screaming about deficits. So what are you going to be able to do to make sure we have the people necessary in order to go ahead and keep a handle on these folks?

MS. DLHOPOLSKY:

Certainly.

LEG. KENNEDY:

How do you like that one?

MS. DLHOPOLSKY:

Well, I will attempt to give you a good answer. I will make a fair representation to the County Executive's Office of our needs. I'm well aware, as people reach retirement age in our department, that people will be leaving, and I will seek to have replacements for those people and to obtain additional staffing. As I said to you, I'm well aware that this is not a very good economic climate in which to say that we need further staffing, but I will certainly make a fair representation to the County Executive's Office of what I believe to be our needs.

I do believe, I know -- I believe Mr. Toulon is here in the audience today, and he has been a very good person for me to work with, he's an Assistant Deputy County Executive in the Administration, because he is very willing to listen to what our needs are. Certainly, I will make the best plans that I can make to work with our existing staff, but I will present fairly and honestly, because, quite frankly, I wouldn't know how to do it otherwise. I have to say what we need and I will say what we need to the County Executive's Office.

LEG. KENNEDY:

Excellent. And you reference Mr. Toulon, and for a whole variety of reasons. I know Errol very well, as a matter of fact, and I have nothing but the utmost respect for him.

MS. DLHOPOLSKY:

Me, too.

LEG. KENNEDY:

And I do know that he has a detailed knowledge of the population you work with and what's required. But let's stay on that component for just a second. So you must, as you sit there now, have some sense of how many individuals at least are eligible for retirement and may elect to exercise that, and what we would need in the way of recruits or trainees coming in. That doesn't happen overnight. There is an academy, I believe, for Probation Officers.

MS. DLHOPOLSKY:

There's a two-week training required. The big lead-up with Probation Officers is, as with anybody, as with the Police or anything like that, it's the process of interviewing and having the psychologicals, the medicals, etcetera. That's where you really get the big lead-up time.

LEG. KENNEDY:

Okay. So where are we at now? Do we have an existing list. Is there -- are there people --

MS. DLHOPOLSKY:

We have a list.

LEG. KENNEDY:

-- who have been vetted and can be brought up relatively quickly, or do we have to go through a process?

MS. DLHOPOLSKY:

We would have to go through a process. There's an existing list, but that list, there's a test being given again in the Spring. As a matter of fact, in a few weeks they're giving a new test. And so there will be a new list coming into place sometime later this year. So, I mean, there is certainly an existing list for Probation Officers, right.

LEG. KENNEDY:

But for all intent and purposes, if we have a new test that's being administered --

MS. DLHOPOLSKY:

Probably any --

LEG. KENNEDY:

-- in all likelihood, if we were going to be bringing on new individuals, they'd be coming off that new list.

MS. DLHOPOLSKY:

That would be very likely, yes.

LEG. KENNEDY:

Just ballpark, do you have any idea at this point how many of your staff, your Probation Officers are eligible for retirement?

MS. DLHOPOLSKY:

They have not necessarily shared that with me. Many people, I think, think about it for quite a while before making a final decision.

LEG. KENNEDY:

Sure.

MS. DLHOPOLSKY:

I'm not -- we have lost quite a few in the last few years. Many people have retired who are eligible. I am thinking it will probably be for the rest of the year. My guess, and this is only a guess, would probably be somewhere in the neighborhood of maybe four officers, people of Probation Officer rank or above. That is a guess, it really is just that.

LEG. KENNEDY:

Okay. Let's just go to one other area that I don't know specifics about, but, obviously, I rely on your knowledge and expertise. Like any military organization or paramilitary organization, you work with rank. So there are officers that are supervised by Senior Probation Officers or Principal Probation Officers?

MS. DLHOPOLSKY:

The officers, there are officers, Probation Officers, and Senior Probation Officers. They're differentiated by different functions that they perform. They are supervised by supervising Probation Officers, who in turn are supervised by Principal Probation Officers.

LEG. KENNEDY:

How is your hierarchy going up? Are you sufficient with your -- it's top-down supervision, I would imagine.

MS. DLHOPOLSKY:

Yes. We have an Acting Director. I am hopeful that we will have in the very near future a Deputy Director, and then we have a sufficient number of Principal Probation Officers.

LEG. KENNEDY:

That Deputy Director, that will be somebody that will come from within-side, or is that something --

MS. DLHOPOLSKY:

From within. It is expected, I am expecting, that that will come from the ranks of the Principal Probation Officers.

LEG. KENNEDY:

Is that based on your recommendation?

MS. DLHOPOLSKY:

That is based on my recommendation.

LEG. KENNEDY:

Assuming that you get made the Probation Director?

MS. DLHOPOLSKY:

Assuming.

LEG. KENNEDY:

Which I assume is going to happen. Okay. So that will be somebody that you select who will act as a second to you?

MS. DLHOPOLSKY:

Yes, with the agreement of the County Executive's office.

LEG. KENNEDY:

Okay. All right. Thank you. I appreciate you for indulging me in the specifics --

MS. DLHOPOLSKY:

Certainly.

LEG. KENNEDY:

-- but it sounds like you have a good handle on it. Thank you.

MS. DLHOPOLSKY:

Thank you.

P.O. LINDSAY:

Anybody else? Yeah, Kara, Legislator Hahn.

LEG. HAHN:

Thank you, Presiding Officer. Hi, Ms. Dlhopsky. Thank you. Thank you for all that you do for this department. And I asked some questions at the Public Safety Committee.

MS. DLHOPOLSKY:

Yes.

LEG. HAHN:

And I just want to reiterate some of them. I don't think I'll go into as much detail as I did then. But I am concerned about the Narcotics Unit in the department and how you're handling the narcotics cases. I'm concerned about the caseloads of those officers who are handling narcotics cases, given what we are facing, the epidemic we are facing in prescription drugs and heroin on the rise. I need to be assured that you are well on top of those caseloads and those officers, and that we are doing all we can to tackle that program. And so I want to hear just a little bit from you about -- there have been some recent changes to how the department handles those caseloads, and I want to know how you would take them forward.

MS. DLHOPOLSKY:

Okay. Let me start off by saying that when we talk about the narcotics caseloads, many, actually almost all, of our probationers have narcotics conditions, because now it is a part -- we changed our general conditions over a year ago, and so a part of our general conditions are narcotics conditions, which give Probation Officers the authority to test for narcotics, if needed. However, obviously some people who have these general conditions certainly have more of a problem than others, and, certainly, for people who we know have a serious problem, they have specialized narcotics conditions. The people who have narcotics problems are handled on several different caseloads. The ones I think you're talking about are the intensive narcotics caseloads.

What I do want to make clear is that on all caseloads, there's a special effort made to deal with people who have drug problems, along with alcohol problems, substance abuse problems. This is a serious issue. It has certainly been a contributor to many crimes, and so we pay close attention to this. So they are supervising a number of caseloads. We have intensive supervision caseloads, we have a whole variety of different areas which are supervised, but we do have four caseloads of intensive narcotics. There, obviously, these are people who have the most specialized attention to that problem.

I know that you're concerned about the staffing. I understand your concern because the fact that there are four officers who are covering the County for that. I realize that's a valid concern. I am hopeful, but it's a little too soon for me to say it, because we're kind of in the process. In fact, I have a meeting this afternoon, assuming that I'm confirmed, I have a meeting this afternoon in which we have to discuss staffing, and allocation, and possible changes to be made. But I am hopeful that we may, in fact, be able to boost the number of people devoted to that particular area. So, certainly, this is something that's on my radar and I will do what I can to increase the resources that we apply to that problem.

LEG. HAHN:

Thank you very much. I appreciate your attention to this. I know that, you know, it's difficult when caseloads are up and they're above what is recommended, and people are pressed for time.

MS. DLHOPOLSKY:

Yes.

LEG. HAHN:

And I just want to make sure that you're monitoring that particular group as well. You know, we could go on about sex offender caseloads, we could -- you know, every -- each caseload is different

and has its own urgency. And I have a particular interest in the narcotics field. And I also want to talk to you about the possibility of maybe officers getting trained to use Narcan. It's so successful with our --

MS. DLHOPOLSKY:

Certainly, that's something we can discuss.

LEG. HAHN:

-- police officers as well. And if it's appropriate for the Narcotics Unit, we should absolutely look into that. But thank you. I look forward to working with you as part of the Public Safety Committee and as part of -- and I'd like to just meet with you separately to discuss this in greater detail.

MS. DLHOPOLSKY:

Certainly.

P.O. LINDSAY:

Okay. Thank you, Legislator Hahn. Anybody else? Nobody else? Okay. Patrice, thank you very much for answering our questions. It was very informative. Is anybody from the Administration here that wants to talk about this woman? Tom, are you back there? Where is he? Come on forward Errol.

LEG. HAHN:

Do we want to take it out of order?

P.O. LINDSAY:

I didn't see him back there.

LEG. HAHN:

Do we move to take it out of order?

P.O. LINDSAY:

Well, right now, it's under the County Executive's report. If --

LEG. HAHN:

But to vote it on it, we should take it out of order.

P.O. LINDSAY:

We will.

LEG. HAHN:

Okay.

P.O. LINDSAY:

We will. Come on forward to the podium, Errol.

DR. TOULON:

Good morning.

P.O. LINDSAY:

Good morning, Errol.

DR. TOULON:

Dr. Errol Toulon, Jr., Assistant County Executive for Public Safety.

P.O. LINDSAY:

Nice to see you again, Errol.

DR. TOULON:

Thank you, sir. And thank you, everyone, for letting me -- giving me the opportunity to speak.

I met Ms. Dlhopsky early on in -- when I first came on to the Administration after Hurricane Sandy, and her administrative skills, and also her leadership skills in moving some functions of Probation out from the Yaphank facility to the Oser facility so we can accommodate FEMA was very impressive and very instrumental in helping us move the process along after Hurricane or Superstorm Sandy affected our area. Since that time, I've had the opportunity to work with her daily.

I can honestly say we speak once or twice every single day regarding different issues in the Probation Department, and I find her to be not only very personable, I see a lot of the Probation staff, and I've had the opportunity to go to every Probation facility and speak to Probation Officers throughout our County, and not only do I see the respect and admiration that they have for her as a leader, but also as a person.

And just like I said previously, working with her every day, I've learned and I've grown to appreciate a person who I want to work with every single day, and I think will lead our Probation Department, after speaking to Robert Maccarone, who's the Director of DCJS up in New York State, to where it should be. And I think that, finally, she'll definitely help the County. Thank you.

P.O. LINDSAY:

Errol, forgive the levity, but it's nice to see you have that Paul Tonna haircut, you know?

DR. TOULON:

Thank you.

P.O. LINDSAY:

He used to always polish it up before he came in to meet us. Thank you very much for your comments and I respect your opinion.

LEG. KENNEDY:

Let me ask Errol. Errol, specifically about DCJS, now Probation is one of the areas that's actually an aided function for us. What is it, roughly 18, 20%.

MS. DLHOPOLSKY:

About 11% these days, yup.

LEG. KENNEDY:

Eleven percent at this point. Any indication from them as far as they're going to maintain it, they're going to acknowledge the extent of what we do? How about the funding aspect, or hasn't that even come up?

DR. TOULON:

It hasn't come up in specific conversations, but Director Maccarone did invite us up to Albany, which, hopefully, after today, Patrice and I will be able to take a trip up to Albany to actually sit down with them and talk specifics about Probation, State funding and Suffolk County.

LEG. KENNEDY:

And in that conversation, I would assume, or I would hope, that you're also going to speak about the

alternatives. Legislator Hahn spoke about it, others have spoken about it. You know I know firsthand about the drug and alcohol alternatives in particular. The Sheriff sent us all a letter about a week or 10 days ago, you know, strongly encouraging us to embrace additional support of alternatives to incarceration, so I'm hoping that's something that's going to be on the agenda to discuss.

DR. TOULON:

Yes. And, actually, I spoke to Judge Hinrich and also Judge Camacho, who -- he just transferred out from Queens, regarding different alternatives to incarceration programs for those that come before them.

LEG. KENNEDY:

We had spoken about that in committee, as a matter of fact, to actually try to go ahead and do something that promotes a little bit better dialogue between the courts and Probation --

DR. TOULON:

Right.

LEG. KENNEDY:

-- You know, so the judges have those alternatives before them when it comes to sentencing, so I'm glad to hear that.

DR. TOULON:

Right. I started that dialogue already.

LEG. KENNEDY:

Excellent, good. Thank you very much.

P.O. LINDSAY:

Thank you, Errol.

DR. TOULON:

Thank you, sir.

P.O. LINDSAY:

Anything else from the Administration while you have the floor?

MR. VAUGHN:

There's absolutely nothing that I could add that Mr. -- I'm sorry, Dr. Toulon has not already said on our nomination of Ms. Dlhopsky. I got that name right.

*(*Laughter*)*

So congratulations, Ms. Dlhopsky, in anticipation of what I'm sure will be a very favorable outcome.

We have two other individuals here today, Mr. Presiding Officer, Reverend Pearson and Liz Pearsall, to speak on two other matters, if you have a moment for them.

P.O. LINDSAY:

Sure. Reverend Pearson, it's always a pleasure to see you.

REVEREND PEARSON:

And always good to see you, Presiding Officer. Good to see you that you are back with us and

working.

P.O. LINDSAY:

Thank you.

REVEREND PEARSON:

To the Legislators this morning, I'm here in the role of Youth Bureau Director, and also as the Chair of the Workforce Investment Board Youth Council in support of Resolution 1116, introduced by Legislator Sarah Anker, to establish the Jobs Opportunity Board to centralize career advancement and educational opportunities in the County of Suffolk.

As you know, we are losing our young people upon graduation because there are not career opportunities to keep them here in Long Island and keep them here in Suffolk County. And so I think this is a valuable effort to retain our young people, to help enhance our economy by working with educational facilities as Suffolk Community College and other colleges, working with the business community. I think this is a great step in the right direction toward that, and so we are in full support of this resolution.

P.O. LINDSAY:

Okay. Thank you very much, Reverend Pearson. Okay. That's it, Tom? Mrs. Pearsall?

MS. PEARSALL:

Good morning, Mr. Presiding Officer. Good morning, Legislators.

I am Elizabeth Pearsall, Deputy Commissioner of Labor, Licensing and Consumer Affairs. I'm here with Stacey Lesko, the Director of the Youth Division of the Department of Labor. We are here representing Commissioner Chu, and he does send his regrets for not being able to be here himself.

In regard to I.R. 1116, establishing the Job Opportunity Board, Commissioner Chu is in full support of this legislation, and welcomes any help from the Body to give the residents of Suffolk County every opportunity that we can. Thank you.

P.O. LINDSAY:

Okay. Thank you. Anything else, Tom? That's it? Okay.

LEG. ANKER:

Can I ask a question.

P.O. LINDSAY:

Sure. Ms. Pearsall, come back. Legislator Anker has a question for you.

LEG. ANKER:

I just want to thank you for coming out this morning. I know it's not great weather, and Riverhead is a little far from where you guys are. But I just wanted to confirm now, the resolution basically creates a committee or board to look into job opportunities, internship, mentorships, ways to keep our kids here, local on Long Island, with jobs.

What the County has right now that your Youth Board is working on, just briefly, in three sentences, how does that differ from what we're going to be working on together with this -- with this resolution's understanding?

REVEREND PEARSON:

I'm going to let Mrs. Lesko speak to that.

MS. LESKO:

At the Labor Department we're serving a bit of a different population than I think the people that you're looking to support in this bill. We're working with a younger group of kids, and a majority of them are high school dropouts, recent grads that perhaps aren't going on to college, so it's a bit of a different population.

LEG. ANKER:

Okay. And, again -- you know, again, my concern with this particular board was we have so many of our local children, local kids, college students coming out of college with massive loans, student loans, and they can't find jobs. So, again, this will be focusing on mainly the college students that are coming out of school. It differs than what the County is focusing on now, which is high school kids and younger population; is that correct?

MS. LESKO:

Correct.

LEG. ANKER:

Great. Thank you.

P.O. LINDSAY:

Okay. Anybody else? Seeing none, thank you, Ladies.

Okay. With that, I'm going to make a motion to take ***I.R. 1247. Confirming appointment of County Director of Probation (Patrice Dlhopsky) (Co. Exec.)*** out of order. It's on page 11. It has to do with the appointment of Patrice. I have a motion by Legislator Muratore, a second by Legislator Schneiderman to take it out of order. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. It's before us. The resolution carried and it's before us now. And I'd like to make a motion to approve.

LEG. CILMI:

Second.

LEG. BROWNING:

Second.

P.O. LINDSAY:

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

LEG. SCHNEIDERMAN:

Congratulations.

MR. LAUBE:

Eighteen.

(*Applause*)

MS. DLHOPOLSKY:

Thank you very much.

P.O. LINDSAY:
Congratulations.

MS. DLHOPOLSKY:
I look forward to working with all of you. Thank you.

P.O. LINDSAY:
And while I'm at it -- so that was approved. Let's go back to page 10, which is the other resolutions, right at the top of the page. It's **1116 - Establishing the Jobs Opportunity Board ("JOB") to centralize career advancement and educational opportunities in the County of Suffolk (Anker)**. I make a motion to take it out of order, second by Legislator Anker. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1116 is now before us. And, again, I'll make a motion to approve. Seconded by Legislator Anker. Any comments?

LEG. CILMI:
On the motion.

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

LEG. CILMI:
I just wanted to get on the record. We talked about this in committee. Certainly, I recognize the problems that our children have finding jobs. My daughter is about to graduate college in a month or so, and very proud for that. And if it were not for the fact that we recently learned that she landed herself a gig down in Washington D.C., we would be as stressed as anybody with -- you know, with the lack of jobs here for our college graduates, and everybody, all of our youth, and certainly many of our adults here in Suffolk County. That said, the resources that exist to perform the functions that Legislator Anker envisions with this board are many, not the least of which are our colleges that the students that we're targeting here are graduating from. All of the colleges that at least I've been exposed to, including Suffolk Community College, have very robust career placement services. In fact, they oftentimes make those services part of their -- part of their mission, and part of their prime marketing pitch to prospective students.

In addition to the colleges that work on this, we have a number of employment agencies, headhunters, etcetera, who make their living in the private sector trying to find work for people. And I recognize that that work is hard to come by these days, and that's unfortunate, and that's a problem that we should all try and address. But creating a new board at the County level to squeeze more juice out of this lemon that has no more juice in it just doesn't make any sense to me when there are resources already available to do it.

And, furthermore, our financial resources and our personal resources in terms of our -- you know, the folks who would be on this board are already stressed. And as much as we like to -- as much as we like to say we have to do more with less, at some point in time the sheer reality dictates that you can't do much more with less anymore. And this would be trying to do more with less when there are so many other priorities, and so many other areas that aren't duplicated in the private sector and that aren't duplicated by our colleges. So while the cause is noble, for sure, this is just not an area that the County should be delving into.

We have a Labor Department and I understand that our Labor Department isn't in this precise arena, and maybe they're not there because they recognize that there are those resources available.

So I'm not going to make a motion to table. I think, you know, there's no reason for that. It should be an up or down vote. My applause to Legislator Anker for thinking about this issue, I think it's worthy of thought. I think we should be spending more time talking about and working on how we can -- how we can free up the private sector to create more jobs in Suffolk County so that we do have the -- so that our children, as they graduate college or they graduate high school and they look for careers, are able to find them here at home, rather than leaving our state for other greener pastures. Thanks.

P.O. LINDSAY:

Okay. Any other comments on the bill?

MR. NOLAN:

Sarah wants to.

LEG. ANKER:

Can I?

P.O. LINDSAY:

Sure, go ahead, Legislator Anker.

LEG. ANKER:

I wanted to respond. As far as, you know, taking more time to think about, we don't have time to think about getting our kids jobs, because Suffolk County's economy is plummeting because our children are leaving the Island. We have the strongest, as far as I consider, educational force here in the country and our kids are leaving us. I have a 21-year-old daughter. I'm hoping she'll come back to Long Island, but if the job's not there, they're not going to stay. So that's exactly what this bill does is to actually pull up our sleeves, sit around the table and do something about it.

I have a -- 60% of college graduates that participated in a paid internship for 2012 got a job, 37% of graduates that participated in an unpaid internship, they received a job, and this is according to the National Association of College and Employers.

We need to do more. The County is focusing on jobs for our high schoolers and maybe for low income people in need, then that is vitally important, but we also need to look at what can we do. So, basically, this board, JOB, Job Opportunity Board, will gather the stakeholders that are the movers and shakers of Long Island for job employment, and that includes County members, so -- and I spoke to Commissioner Chu from our Labor Department and he is fully on board of this initiative.

P.O. LINDSAY:

Yeah, I got you, John, but Legislator Stern and then you. I have you on the list, John.

LEG. KENNEDY:

Thank you.

LEG. STERN:

Thank you, Mr. Presiding Officer. While I agree with many of the issues and concerns raised by Legislator Cilmi, I also applaud Legislator Anker for her efforts.

Just a quick question through the Chair, Mr. Presiding Officer, to the sponsor. This convenes really an effort of these various people holding these various positions to meet together, to brainstorm, to

come up with ideas, to ultimately determine whether or not an effort at the County level is something that is viable and something that should be pursued. So, at this point, what this resolution calls for is a group of professionals and government representatives to have a discussion about what, if anything, to do going forward, correct?

LEG. ANKER:

Absolutely. And I think, as I've worked on before, we worked on a website, the Scam Alert website. This could possibly centralize some of those opportunities that Legislator Cilmi had mentioned that's out there. Those resources are out there, but if people don't know about them, it does absolutely no good. So maybe say different colleges have different ideas as far as internships available. We can connect those colleges with business opportunities. I know Kirk Cronk from our Labor Department, we received a number of e-mails about employment opportunities. So maybe there's a way we can facilitate, and network, and really get this information where it's desperately needed.

LEG. STERN:

Thank you.

P.O. LINDSAY:

Okay. Legislator Kennedy.

LEG. KENNEDY:

Yes, thank you, Mr. Chair. We talked about this quite a bit in committee, as a matter of fact. But I just got an opportunity to get some additional information from Dr. Lipp. And it seems that in 2013, in this year, this budget that we're in, I believe it's nine million dollars is appropriated for the Labor Department under WIA funds; is that correct?

MR. LIPP:

Correct.

LEG. KENNEDY:

Okay. So I'll go back to, I guess, what we heard from the Department individual before, that the Department elects to go ahead and focus on kids that haven't graduated high school, or relatively younger kids. And, as a matter of fact, I've had some of them in my office and it's admirable work. But I'm wondering with that much of a commitment in the department right now why it is that we're not having a broader effort emanating out of the department. I guess to the sponsor, what has Commissioner Chu said when you've spoken with him about it?

LEG. ANKER:

Specifically about what?

LEG. KENNEDY:

Well, about this concept that you have in the bill to, I guess, identify the internships and the mentorships.

LEG. ANKER:

Basically, from what I'm understanding, it's filling in a missing link, because, again, what the Labor Department works right now on are high school kids, they don't focus on our college kids.

LEG. KENNEDY:

Okay. Well, then, I guess, really the thing that I would raise to you at this point is, and when see Commissioner Chu in the building, I mean, I'm around in the building all the time, I'm going to ask him, why don't you? What's the -- what was the default decision that decided, with a nine million dollar budget for this year, that the Department is electing to deal only with high school drop outs?

LEG. ANKER:

Again, you'd have to ask the Commissioner of that specifically. But, again, it's something that's needed. And I think you're agreeing with me, it is absolutely needed. And maybe this is something that we can discuss during the Board's discussions that can help focus in. Again, we want to save taxpayers money, we don't want to waste our County employees' time. So this could be a good question that could be set in the middle of the table and we could discuss this. So, again, thank you for that great idea.

P.O. LINDSAY:

Maybe if you two would accept an interruption, I see Mr. Vaughn there from the Administration. Maybe he could shed some light on this issue. Would you suffer an interruption?

LEG. KENNEDY:

Certainly, certainly.

P.O. LINDSAY:

Go ahead, Tom.

MR. VAUGHN:

We've actually just asked to see if Ms. Pearsall is still in the back, but it is my understanding, however, that WIA funds are limited in terms of what they can be used for, so we might have a nine million dollar, we might have an 18 million dollar commitment. But if there's a limitation on what those funds can do and who they can serve, this bill, as my understanding of it, does fill in that missing gap. So we can talk to Commissioner Chiu and have him speak to you more about it, but I did think that there was a certain limitation on who qualified to be able to use those funds and how those funds could be applied. I don't think that we're -- I think we're mixing apples and oranges here.

LEG. KENNEDY:

Well, I -- and, as a matter of fact, it's good that you bring that point up, because no matter what level of government identifies funding, there's usually some parameter wrapped around it. I, by no way, shape or form am an expert in Labor Department funding, but I do have that question, and the question goes to, if there is an unmet need here, is it something that's beyond the parameters or the constraints of the funding as it exists right now? And is the sponsor really bringing forward something that remedies an unmet need, or is it a decision on the Department's part to address only a segment of youth and, for whatever reason, not to go to others? And I don't have the answer for that right now.

MR. VAUGHN:

Well, Legislator Kennedy, could I just add, personally, when I was a student who had just recently graduated college, I obtained a job with the County, I would say approximately about a year-and-a-half, maybe two years after I had graduated school. I apologize, I don't have the timeline exact. But one of the first functions that I had here in County government was to work on a student outreach initiative program, and it was a program in which we would bring high school students into the County government and we would give them tours of the facility. You may or may not -- I don't remember if you were a member of the Legislature at that point in time, but we would bring them to the different County departments. And the reason that I bring up this story, sir, is that one of the very first places, as we were trying to put together this tour at that point in time under the Gaffney Administration, one of the very first places that we visited was the Labor Department, and we saw the multitude of resources that were available there in the Labor Department for some disadvantaged individuals, for people who were just looking for job service. And the one thing that I wished, as I quote, unquote, discovered the Labor Department in my professional career, was that I had known about the Labor Department prior to this because it might have made my job search a lot easier prior to coming to the County. Now, had my job search been

easier and I not came to the County, I probably wouldn't be standing before you here today, and we could debate the pros and cons of that.

LEG. KENNEDY:

Which would be our loss, wouldn't it? (*Laughter*).

MR. VAUGHN:

I would hope so, sir. However, I do see think -- I do see that this board that Legislator Anker has developed as, hopefully, facilitating that missing link, and, hopefully, better educating, not only high school students in a manner that we had done at one point in time, but also dealing with those college students who have just gotten out to make them -- to make them aware of the whole host of resources that we do have available here.

I mean, the County Executive's Office, for example, sits in -- sits back in the Labor Department's offices right now where they typically hold -- provide access to computer terminals, provide updates on how to better a resume, a whole host of issues. So if that's one of the -- if that's one of the things that this board can help provide, that link, that bridge, I think that it's well worth our time.

LEG. KENNEDY:

Look, I don't want to delay the discussion. First of all, I will say I'm glad you're here with us in County government. You got a great start with a great County Executive. And nobody knows the benefit of internships more than I, having had over 40 interns in my office in my nine years here. My question goes to the specifics associated with the funding. Perhaps what I'll do, and I try very hard not to do this, but I have unresolved questions, so I guess I'll vote according to that. Thank you.

P.O. LINDSAY:

Legislator Cilmi for another word.

LEG. CILMI:

I guess through the Chair to Mr. Vaughn. What missing link? Explain to me where the missing link is.

MR. VAUGHN:

So, for example, the missing link that I would say is if we have programs that can address -- that can address utilize -- underserved youth, but if we also have individuals like myself, I went --

LEG. CILMI:

Excuse me for a second. Underserved youth.

MR. VAUGHN:

Economically underserved, sir.

LEG. CILMI:

How -- what was that?

MR. VAUGHN:

Economically underserved, sir.

LEG. CILMI:

Okay.

MR. VAUGHN:

My understanding, we --

LEG. CILMI:

Who went to college, who didn't go to college? What, kids who haven't gone to college?

MR. VAUGHN:

That is my understanding of how the WIA funds work, is it is for individuals who are in -- who qualify economically. As I said, Commissioner Chu is the expert on utilization of the WIA funds. My statement, sir, on the missing link, quite frankly, was very specific to my own personal experience here in that if there was a board here that could help to bring different organizations together to make better aware of the services that are available through our Labor Department, that that could certainly benefit the residents of this County.

LEG. CILMI:

So are we not having those conversations now with the colleges in Suffolk County? Are we not talking to the New York Institutes of Technology, the Dowlings the world, the Hofstras?

MR. VAUGHN:

Sure.

LEG. CILMI:

The Stony Brook Universities? Do we not have a dialogue with them that they don't know that we have a Labor Department that can help our students?

MR. VAUGHN:

Sure. And wouldn't we all benefit, though, from bringing all those individuals to one place at one time, just like we have a Legislature here? I mean, and isn't that really what we're talking about with this bill?

LEG. CILMI:

I think if you asked each one of those institutions, they would say that we're perfectly capable of providing those services to our students. And while it may benefit to bring them together to form yet another discussion, another board to talk about, you know, trying to find work for our kids, when the real problem is that there isn't work for our kids, it doesn't make any sense to me.

MR. VAUGHN:

I, quite frankly, don't --

LEG. CILMI:

There's no missing link, the links are all there. The only thing that's missing is jobs, and that's a result of many different things, not the least of which is a terribly anemic economy which has a variety of causes. So creating this board to try and reach out to students who are graduating college, apparently that's the target, students who are graduating college and don't have jobs, creating a board to do that outreach is simply duplicating what the colleges are already doing. And, for that matter, we have organization after organization after organization that have stated purposes of trying to find ways to help our youth get jobs, and trying to encourage job growth in our County. We have Long Island Association, we have Action Long Island, we have Accelerate Long Island. I could probably spend a half an hour listing organizations, but I won't, in deference to --

*(*Laughter*)*

So, in any event, I just -- I fail to see the need for this. I fail to see where we have the resources to do this. And I see abundant resources in the community to accomplish this very same goal and I just don't see the reason for it. Thank you.

P.O. LINDSAY:

Okay. So that's a no vote.

LEG. CILMI:

That's a no vote.

P.O. LINDSAY:

That's a no vote, okay.

*(*Laughter*)*

LEG. CILMI:

Count me as a no vote.

P.O. LINDSAY:

Okay. I have three people, more speakers, and I don't mean to -- but I'd like to vote this pretty simple bill up or down before lunch. Legislator Nowick.

LEG. NOWICK:

Quick question to the sponsor. I do not see any fiscal impact on this; is there one?

LEG. ANKER:

Okay. Rob, could you answer that?

MR. LIPP:

Yes. The fiscal impact is that there is an indeterminate positive economic impact, indeterminate being --

LEG. NOWICK:

That is so your answer.

MR. LIPP:

No, no, no, it's not, seriously.

*(*Laughter*)*

There is no way -- there is no way to determine an actual economic impact because we don't know how the program will actually work out.

LEG. NOWICK:

Actually, I think what I was trying to ask you is if there was money allocated for this?

MR. LIPP:

No.

LEG. NOWICK:

Okay. That's what I wanted to ask.

MR. LIPP:

No. The only positive or negatives is the economic impact, and that's -- there's an indeterminate positive economic impact.

P.O. LINDSAY:

Okay.

LEG. NOWICK:

So there's no economic impact.

MR. LIPP:

There's no fiscal -- there's no fiscal impact.

LEG. NOWICK:

Okay. I have to say here, what's the big deal if we can help 10 students get a job, knowing how hard it is to get a job, if it's not going to cost us anything? The only thing I can't understand is meeting only maybe at a minimum of twice a year, because I don't think that's going to do enough. But if this helps 10 students, five students, 20 students navigate the system, why not try it?

LEG. ANKER:

Right. And I just -- could I reply?

P.O. LINDSAY:

Why not go now and use your time. Good, go.

LEG. ANKER:

Okay. The two meetings a year could easily be sub-meetings. In other words, once we decide what issues we want to talk about, we can break off into sub-meetings, if there is an interest. So once we, you know, find out where the priorities are -- and, remember, this is mainly internships, mentorships, but also we could spin off to affordable housing. If kids -- if our students have jobs, they need a place to live. And I also have some ideas on affordable housing, which could, again, continue the conversation in a different area. And then there's also STEM. I mean, we're trying to educate our children to get jobs. If they're not being educated from kindergarten on up into college, how are we going to know if they're going to be qualified for those jobs, and that's exactly what STEM focuses on.

So there are different areas that will be discussed within the JOBS initiative, so, again, it could really take off to many different directions, but thank you for your questions.

P.O. LINDSAY:

Okay. Legislator Gregory.

LEG. GREGORY:

Thank you, and I'll be quick. I think this is a unique idea, I think it's out of the box and creative. Yes, you could make the argument that it's duplicative, but I think this is an area where there's a need for a concerted effort to make opportunities available for our young people. Colleges do, or supposed to, work on internships, externships and placements, but, as we know, you know, some colleges put more of an emphasis on placements of their graduates, as opposed to internships. One of my staff members, her daughter is a freshman in college in Pennsylvania. She couldn't find an internship here in Suffolk County, she found one near the school where she's going to school, and she's already talking about spending her summer in Pennsylvania and not coming back to Long Island when she graduates in three years. This is what's happening. People are leaving Long Island because they're finding other opportunities. And this group, I see it as an opportunity to get the stakeholders together and to have a discussion and encourage opportunities for internships. There's no cost to it, just bringing those that have the wherewithal to make these opportunities available together and I support it, and I thank the sponsor.

LEG. ANKER:

Thank you.

P.O. LINDSAY:

Okay. I think that's it, right? Okay. We have a motion on the floor just to approve, right, Tim? And a second.

MR. LAUBE:

That's correct.

P.O. LINDSAY:

All right. Maybe we'll, because so many people have spoken, are excited, do you want a roll call?

*(*Negative Response from Legislators*)*

P.O. LINDSAY:

No? Okay. All in favor? Opposed?

LEG. CILMI:

Opposed.

LEG. KENNEDY:

Abstain.

P.O. LINDSAY:

Abstentions? Okay.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

It carries.

D.P.O. HORSLEY:

Congratulations, Sarah.

P.O. LINDSAY:

Okay. Let's see if we can do maybe a couple of other bills. Oh, yeah. We didn't do the Consent Calendar yet. I'm sorry about that. The Consent Calendar is Page 6. Do I have a motion on the Consent Calendar?

LEG. BARRAGA:

Motion.

LEG. CILMI:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

It carries.

TABLED RESOLUTIONS

Tabled resolutions to Page 9. Okay. First one 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) (Schneiderman)***. Legislator Schneiderman, what's your pleasure?

LEG. SCHNEIDERMAN:

I'd like to see it approved, but under -- you know, since we haven't voted on Kara's bill, I'll say why don't we table it.

P.O. LINDSAY:

Okay. We've got a motion to table.

LEG. CILMI:

Second.

LEG. KRUPSKI:

Second.

P.O. LINDSAY:

And seconded by Legislator Cilmi. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1935 - A Local Law to safeguard employees displaced by privatization (Browning).

Legislator Browning?

LEG. BROWNING:

Motion to approve.

P.O. LINDSAY:

Motion to approve.

LEG. CALARCO:

Second.

P.O. LINDSAY:

Seconded by Legislator Calarco. Any comments?

LEG. GREGORY:

Motion to table.

P.O. LINDSAY:

Motion to table by Legislator Gregory.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

Second by -- who made the second?

LEG. BARRAGA:

I did.

P.O. LINDSAY:

Legislator Barraga. Okay. Any discussion? All right. The tabling would go first. All in favor of tabling? Opposed? Abstentions?

("Opposed" Said in Unison)

MR. LAUBE:

Hold your hand up just for a second.

(Opposed to Tabling: Legislators Schneiderman, Muratore, Hahn Calarco, Schneiderman, Montano and Kennedy)

MR. LAUBE:

Eleven to approve.

P.O. LINDSAY:

Yeah, I know, but there was seven to table.

MR. LAUBE:

Well, to approve the tabling motion.

P.O. LINDSAY:

Right.

MR. LAUBE:

I'm sorry.

P.O. LINDSAY:

Okay.

MR. LAUBE:

So it was tabled.

LEG. MONTANO:

Yeah.

P.O. LINDSAY:

Okay. *2108 - Studying the preservation of sensitive properties damaged by Hurricane Sandy (Browning)*. Legislator Browning?

LEG. BROWNING:

Motion to table.

P.O. LINDSAY:

Motion to table.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1155 - Appropriating planning funds for the new replacement Correctional Facility at Yaphank Phase II (CP 3008) (Co. Exec.). Do I have a motion on this?

LEG. SCHNEIDERMAN:

I'll make a motion to approve.

P.O. LINDSAY:

Okay. A motion by Legislator Schneiderman to approve.

LEG. SCHNEIDERMAN:

I would like to hear from the Sheriff or somebody from his department.

P.O. LINDSAY:

Administration?

D.P.O. HORSLEY:

And I'll second the motion on the approval with the understanding that we'll hear from the Sheriff.

P.O. LINDSAY:

Okay. We have Chief Deputy Sharkey.

CHIEF SHARKEY:

Good afternoon. I don't know if you have a specific question, but I'll start off by saying these are planning --

P.O. LINDSAY:

I think the question is, is if we further table this or if we defeat it, what effect will it have with State Corrections?

CHIEF SHARKEY:

Well, if you defeat it now, it's going to make these funds unavailable for at least until next year, when we would put it -- again, put them into next year's '14/'15/'16 Capital Program.

These are planning funds for Phase II. The short answer is the State is mandating that Phase II commence following the Phase I completion, where we are now occupying nearly fully Phase I of the project.

I don't think that there's a harm in approving the planning funds, because the facility design is based on a modular design. The discussions with the State Department of Corrections initially had been to replicate the first set of pods, six pods of 60 each for 360 to create another 360 beds. However, that is not a foregone conclusion. This is modular, as I said, so you could have two pods for 120 beds, or four pods, or six pods.

So I think the most prudent thing at this point would be to move ahead with the planning funds. We're going to be discussing the entire Capital Program next month, which will deal with the construction funds, etcetera.

P.O. LINDSAY:

I have a number of questions here. Let me start with Legislator Hahn, and then Legislator Horsley. Go ahead.

LEG. HAHN:

Chief, I feel really strongly that we shouldn't approve planning funds until we know exactly how many pods we have and what we're going to be planning for. We were -- I think we were kind of hoping you'd come here today and kind of prove the case that we need Phase II, and, you know, where we are with -- what do they call it -- variances, and how many we need, and what we're going to need in the future. And I think we've had some questions as to whether or not -- you know, over the years, there had been talk about we might not need to do Phase II.

CHIEF SHARKEY:

I can discuss variances with you as you like. I just opened with a statement discussing that the overarching reason to move forward with Phase II is that the State is mandating it. The State views variances as a bridge loan, not a permanent solution to housing.

As we've discussed in past meetings, we have had approximately 511 variances that we operate with. We built 440 beds. The State's ultimate goal is that we operate with no variances, which means we built 440 beds. And if you go by the State's ultimate design, is that we actually would be in a negative capacity from what we've been using all these years. We've built 440 beds and we have 511 variances. Since the facility opened, they have already reduced us to approximately 370 variances.

P.O. LINDSAY:

Okay?

LEG. HAHN:

I just -- I think we were hoping for a really detailed laying out of kind of where we were. We built the new facility. Here we are now, here's how things are looking into the -- you know, when you're talking about having 511 variances, we've built a 440-bed facility, so there's 71 extra, but where are --

P.O. LINDSAY:

Legislator Hahn, would you suffer an interruption?

LEG. HAHN:

I'm sorry.

P.O. LINDSAY:

No, no. Would you just suffer -- Chief Sharkey, if we tabled this for another cycle and had further discussions on this -- I see Commissioner Anderson behind you, I'm sure he could add some light on this, and I have like four Legislators that are very interested in this subject, would it immediately affect our variance level? I think that's what we're all concerned about. We don't want to blow up this -- get the State so mad at us that they suddenly come in and pull all our variances. But we just want a more comfort level of where we're going, you know, and I think that's going to take a little bit more discussion.

CHIEF SHARKEY:

All right. I think that a -- voting the planning funds down today would send a negative message.

P.O. LINDSAY:

No, but we'll just table it.

CHIEF SHARKEY:

But I've not had any discussions directly with the Commission to support this position.

P.O. LINDSAY:

So you don't know what --

CHIEF SHARKEY:

However, seeing as we're going to be discussing the full Capital Program next cycle, in mid May we're going to be presenting the full Capital that will include all discussions on this project, that's --

P.O. LINDSAY:

Sounds reasonable.

CHIEF SHARKEY:

To me.

P.O. LINDSAY:

Okay. Do you want to do that?

LEG. SCHNEIDERMAN:

Change my motion to approve to a motion to table.

P.O. LINDSAY:

Yeah. I mean, you want to table it, because there's an awful lot of questions, and I think we have a lot of -- you know, it's a big Capital Program and I would like to know where we're going. What do you think, Commissioner Anderson, is that doable?

COMMISSIONER ANDERSON:

I agree that tabling one cycle would be fine.

P.O. LINDSAY:

Okay.

COMMISSIONER ANDERSON:

As long as it's not voted down.

P.O. LINDSAY:

Yes.

LEG. BROWNING:

I just -- I was going to make a recommendation, if we're going to table it this cycle, that maybe you'd like to have the Sheriff and some representatives come, maybe DPW, to -- Public Safety is next week, and maybe do a presentation at the Public Safety Committee to get some more information.

CHIEF SHARKEY:

But, I mean, I can certainly answer your questions, if you have them, today. Or if you -- you know, if you want very, very specific items that I'm not prepared to speak about today, I would appreciate it if it could be forwarded to my office so I can have the answers for you.

P.O. LINDSAY:

Well, yeah.

CHIEF SHARKEY:

However, I did make myself available today, if you did have questions, to answer them.

P.O. LINDSAY:

And we appreciate that, Chief Sharkey, but you've got to understand something, that we're in very, very dire fiscal straits here, and we really don't know what to do with some of our major problems. And this is a huge fiscal problem that we've taken on for the last five years. And, if nothing else, I'm looking around the horseshoe, probably a third of our Legislators are fairly new and were not here when the original jail design and this whole pod thing took place. So I think it would behoove us to start from the beginning and refresh everybody on what we're doing here, what the State recommends, why we're doing it. I mean, half the audience is asking us questions why are we building this jail when we're closing a nursing home? Why are we building this jail when we're laying off County employees? Why are we building this jail when we're cutting out this service and that service? And they're good questions and they deserve to be answered, but I think we need to know the answers a little bit ourselves. So --

CHIEF SHARKEY:

As you know --

P.O. LINDSAY:

I'm going to make a motion to table. And did you want to say something?

D.P.O. HORSLEY:

On the tabling motion, just quickly, when you do your preparation for public safety, could you also break down how much each pod costs, you know. So, if we can do this incrementally, you know, I'd like to know what the costs are if it's broken down into sub-sections. Maybe that

--

CHIEF SHARKEY:

I mean, I would even say, DPW, we really discussed construction costs with DPW.

D.P.O. HORSLEY:

Okay, that would be fine. Gil, would that make more sense for you to answer that question?

COMMISSIONER ANDERSON:

Of course. And as the Chief said, if we could get answers ahead of time, certainly, it would be beneficial to get the answers.

D.P.O. HORSLEY:

That's the question.

COMMISSIONER ANDERSON:

Yes, that's the question.

D.P.O. HORSLEY:

You know, if we're looking at the pods and how that relates to the variances, maybe that would be the discussion between the two offices, so that we can have some sort of feel for, if we do one two, none, etcetera.

P.O. LINDSAY:

Okay. Legislator Kennedy, quick, quick.

LEG. KENNEDY:

Real quick. Just, Chief, the Commissioner on Corrections sends -- so much of what they say ultimately governs what we do. If you're going to brief us, then, next week, or whatever, can yourself and the Sheriff at least kind of weigh in with them? You know, I get this impression it's like the three wise men sitting someplace.

P.O. LINDSAY:

I don't know whether that's a good idea, Legislator Kennedy.

LEG. KENNEDY:

No?

P.O. LINDSAY:

Why don't the Sheriff and Chief Sharkey talk about it with them? I don't know.

LEG. KENNEDY:

Okay.

P.O. LINDSAY:

I just -- I just trust --

CHIEF SHARKEY:

I mean, I will just say that you're aware of reference to recent communication from the Sheriff. The letter is still --

LEG. KENNEDY:

I saw his letter, and, as a matter of fact, I agree with it, and I asked to meet with him.

CHIEF SHARKEY:

He's supportive of alternatives to incarceration --

LEG. KENNEDY:

Absolutely.

CHIEF SHARKEY:

-- and exploring all options that would be --

LEG. KENNEDY:

I think he's right on target.

CHIEF SHARKEY:

-- you know, economically sound. But there is also glaring at us a State mandate.

LEG. KENNEDY:

Okay.

P.O. LINDSAY:

Okay. Is everybody all right with that, if we do that and then go to lunch?

(Affirmative Response)

P.O. LINDSAY:

Yeah. You got lunch or discuss the jail, which do you want to do.

*(*Laughter*)*

LEG. SCHNEIDERMAN:

Go to lunch.

P.O. LINDSAY:

Okay. So I make a motion to table.

LEG. SCHNEIDERMAN:

Second.

D.P.O. HORSLEY:

Second.

P.O. LINDSAY:

Seconded by Legislator Schneiderman on 1155. All in favor? Opposed? Abstentions? It stands tabled.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

And we'll take this up next week. And with that, we stand recessed until 2:30.

(The meeting was recessed at 12:33 p.m.)

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

*(*The meeting was reconvened at 2:36 P.M. *)*

D.P.O. HORSLEY:

Mr. Clerk, I see that you're here. It is time. Why don't we call the roll.

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

LEG. KRUPSKI:

Here *(said loudly)*.

*(*Laughter*)*

MR. LAUBE:

That's how I like it, say it loud.

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

LEG. SCHNEIDERMAN:

Present.

LEG. BROWNING:

Here.

LEG. MURATORE:

Here.

LEG. HAHN:

Present.

LEG. ANKER:

Here.

LEG. CALARCO:

Present.

LEG. MONTANO:

(Not Present).

LEG. CILMI:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

(Not Present).

LEG. NOWICK:

Here.

LEG. GREGORY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. SPENCER:

Here.

D.P.O. HORSLEY:

Here.

P.O. LINDSAY:

(Not Present).

MR. LAUBE:

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

PUBLIC HEARINGS

D.P.O. HORSLEY:

Okay. Welcome back, everybody. We are going to do the affidavits of publication that are for public hearings, and we're going to go through those public hearings that were set for today in Riverhead.

I have a special note here that I'd like everyone to hear, that rumor has it and the word has it that's been spread around the horseshoe is that this is Legislator Barraga's birthday.

(*Applause*)

LEG. CILMI:

Ah. Shall we sing?

D.P.O. HORSLEY:

Yes, sounds like a good -- led by Mr. Cilmi. Where do we start?

Legislature & Audience Sang Happy Birthday to Legislator Barraga

*(*Applause*)*

LEG. BARRAGA:

I want to thank you very much. I'm really a 21-year old stuck in a 70-year old body.

*(*Laughter)**

And you know you're getting a little older when you go for your annual physical and the physician spends most of his time talking about urine flow and regular bowel movements, which is exactly what happened.

*(*Laughter*)*

Thanks very much. Just very quickly, I've been here eight years and I've enjoyed every single moment of it so far. Thank you.

*(*Applause*)*

D.P.O. HORSLEY:

Let's see if we can fix that.

*(*Laughter*)*

All righty. Let us move to public hearings.

The first one is ***(Public Hearing on) IR 2027-13 - Adopting Local Law No. -2013, A Charter Law to strengthen monitoring of sewer plants operating in Suffolk County (Schneiderman)***. Well, what a letdown after that, huh? *(Laughter)*. I don't have any cards on this public hearing. Would anyone like to be heard? Would anyone like to be heard on 2027? Seeing none, Legislator Schneiderman, what do you want to do?

LEG. SCHNEIDERMAN:

Motion to close.

D.P.O. HORSLEY:

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

MR. LAUBE:

Fourteen (Not Present: Presiding Officer Lindsay & Legislators Montano, Kennedy & Spencer).

D.P.O. HORSLEY:

(Public Hearing on) IR 2064-12 - Adopting Local Law No. -2013, A Local Law to ensure adequate gasoline distribution to the public after disasters (Stern). Would anyone like to be heard on this? I do not have any cards. Would anyone like to be heard on 2064-12? Seeing none, Legislator Stern, what do you want to do?

LEG. STERN:

Recess. Motion to recess.

D.P.O. HORSLEY:

Motion's to recess.

LEG. CILMI:

Second.

D.P.O. HORSLEY:

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

MR. LAUBE:

Fourteen (Not Present: Presiding Officer Lindsay & Legislators Montano, Kennedy & Spencer).

D.P.O. HORSLEY:

(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). Legislator -- would anyone like to be heard on this? I do not have any cards. Would anyone like to be heard? Seeing none, Legislator Cilmi, what would you like to do?

LEG. CILMI:

Motion to recess, please.

D.P.O. HORSLEY:

Motion's to recess.

LEG. CALARCO:

Second.

D.P.O. HORSLEY:

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

MR. LAUBE:

Twelve (Not Present: Presiding Officer Lindsay & Legislators Browning, Muratore, Montano, Kennedy & Spencer).

D.P.O. HORSLEY:

(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). I do not have any cards on this motion -- on this IR. Would anyone like to be heard on this? Would anyone like to be heard? Seeing none, Legislator Cilmi, what would you like to do?

LEG. CILMI:

Motion to recess, please.

D.P.O. HORSLEY:

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

MR. LAUBE:

Thirteen (Not Present: Legislators Browning, Muratore, Montano, Kennedy & Presiding Officer Lindsay).

D.P.O. HORSLEY:

Thank you.

(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). Part three I don't -- I do not have any cards on this IR. Would anyone like to be heard? Would anyone like to be heard on this IR? Seeing none, Legislator Cilmi, what would you like to do?

LEG. CILMI:

Motion to recess.

D.P.O. HORSLEY:

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

MR. LAUBE:

Thirteen (Not Present: Legislators Browning, Muratore, Montano, Kennedy & Presiding Officer Lindsay).

D.P.O. HORSLEY:

(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). I do not have any cards on this. Would anyone like to be heard? Mr. Vaughn, is that -- Mr. Vaughn.

MR. VAUGHN:

Thank you, Mr. Deputy Presiding Officer. We would just ask that this Public Hearing please be closed.

D.P.O. HORSLEY:

Thank you very much. Would anyone else like to be heard on this? Okay. We have a motion to close. Second on --

LEG. CILMI:

Who made the motion to close? Tom can't make the motion.

D.P.O. HORSLEY:

Tom can't make the motion. I'll make the motion to close, Legislator Cilmi. Legislator Barraga, the birthday boy, says we'll close, seconds the closure. All those in favor? Opposed? So moved.

MR. LAUBE:

Thirteen (AMENDED VOTE: Fourteen - Not Present: Legislators Muratore, Montano, Kennedy & Presiding Officer Lindsay).

D.P.O. HORSLEY:

All right.

(Public Hearing on) IR 1173-13 - Adopting Local Law No. -2013, A Local Law to ensure adequate ferry service (Calarco). I do have a card on 1173 and the card is from Donald Rettaliata. Welcome, Mr. Rettaliata. It's always a pleasure to see you.

MR. RETTALIATA:

Nice to see you, Mr. Deputy Presiding Officer. Donald Rettaliata, 4250 Veterans Memorial Highway, Holbrook, New York. I'm here representing Davis Park Ferry Company of Patchogue.

I've attended a couple of meetings with Legislator Calarco that he held in his office, along with representatives of my client, the Fire Island Ferries in Bay Shore and the Sayville Ferries in Sayville.

We all want to thank Mr. Calarco for his cooperation in having these meetings and meeting with us and discussing -- discussing the various aspects of this Local Law.

That being said, we're still opposed to it. We don't feel there's a need for the Local Law. And as a group, these companies feel that the present systems works as is and it works well and that there isn't a broken situation that has to be fixed. Another -- we feel it's another example of government involving itself in the operations of small businesses.

The preamble to the Local Law has this legislation -- Legislature, I'm sorry, making a finding that some ferry companies, operators, after obtaining a license for a fare increase, have dramatically decreased their service after the schedules and reduced their schedules accordingly. We don't feel that that has ever actually happened. We know of no instances where a company has decreased their service or that which was filed with the Legislature at the time of a license.

Additionally, it's my understanding, and I just talked to Legislator Calarco and he has not received it, but Mary Parker of the Davis Park Association has indicated as of yesterday that she was e-mailing a communication to Legislature (*sic*) Calarco's office indicating that she didn't feel that this Local Law was necessary. Apparently it hasn't been received yet and is sitting at his desk. Otherwise, that's it.

I have nothing else to add and I thank you for the time.

D.P.O. HORSLEY:

Thank you very much, Mr. Rettaliata. Would anyone else like to be heard on 1173? Would anyone else like to be heard on 1173? Seeing none, Mr. Calarco, how would you like to --

LEG. CALARCO:

Motion to close.

D.P.O. HORSLEY:

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

MR. LAUBE:

Thirteen (Not Present: Legislators Browning, Muratore, Montano, Kennedy & Presiding Officer Lindsay).

D.P.O. HORSLEY:

(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 do have a card on this; Mary McLaughlin.

MS. McLAUGHLIN:

Good afternoon. I'm Mary McLaughlin from Huntington.

D.P.O. HORSLEY:

Welcome.

MS. McLAUGHLIN:

And I'm here speaking on behalf of the League of Women Voters of Suffolk County.

As a regular observer for the League, I attend most General Meetings and some committee meetings of this Legislature. I follow and report on discussions and actions taken on issues affecting residents of Suffolk County, especially those matters on which the League has positions.

Over the last few years, we've become more aware of an increase in Certificates of Necessity resolutions presented to the Legislature by the County Executive on an emergency basis. These CN's, according to the Rules of the Legislature which you adopt each year, usually come forward at the end of the Legislative session and the audience or public attending the session are unaware of the subject and issues involved. If the CN resolution is then presented -- passed with 12 votes, it has bypassed the avenues of open government, including the discussion by Legislators at a committee meeting or a public hearing.

Clearly, the League recognizes that emergencies can arise which would require the late admission -- submission of the resolution. But it seems to us that there has not only been an increased number of CN's, but more importantly, some of them related to significant matters on which the public should have a right to be heard.

As you know, the League as a non -- is a nonpartisan organization that encourages the informed and active participation of citizens. It appreciates every effort of this Legislative body to further transparency and government operations. In light of the above, the League supports IR 1182 which would strengthen Legislative oversight and public participation by requiring reasonable restrictions on the issuance of Certificates of Necessity. Thank you.

D.P.O. HORSLEY:

Thank you very much, Mrs. McLaughlin. I have -- excuse me, Ms. McLaughlin? Legislator Cilmi has a quick question.

LEG. CILMI:

Hi. How are you?

MS. MARR:

Well.

LEG. CILMI:

Thanks for being here. If I could just ask you to have a look at IR 1032, 1033 and 1034, when the League has a moment, to look at those three bills that I've introduced. I'd be interested to hear your comments.

MS. MARR:

Okay.

LEG. CILMI:

Thank you very much.

D.P.O. HORSLEY:

Thank you very much, Legislator Cilmi. Thank you very much, Mary. Would anyone else like to be heard on 1182? Would anyone else like to be heard on 1182? It is my understanding that the author has asked to have it recessed. I'll make the motion to recess.

LEG. CILMI:

Second.

D.P.O. HORSLEY:

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

MR. LAUBE:

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

D.P.O. HORSLEY:

(Public Hearing on) IR 1208-13 - Adopting Local Law No. -2013, A Charter Law to clarify employee residency requirements (Cilmi). Okay, before -- would anyone like to be heard on? I do not have any cards on 1208. Would anyone like to be heard? Would anyone like to be heard on 1208?

LEG. CILMI:

Mr. Chairman, I understand that there was a problem with the public hearing advertisement on this, so I'll make a motion to recess.

LEG. CALARCO:

Second.

D.P.O. HORSLEY:

Second by Legislator Calarco. We have a motion to recess and seconded. All those in favor? Opposed? So moved, it has been recessed.

MR. LAUBE:

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

D.P.O. HORSLEY:

All righty.

(Public Hearing on) IR 1250 - Adopting Local Law No. -2013, A Local Law to enhance and improve Suffolk County's E-911 Service (Kennedy).

I have several people who would like to testify on 1250. I'd like to first call up my good friend, Councilman Tom Donnelly of the Town of Babylon.

COUNCILMAN DONNELLY:

Good afternoon. Tom Donnelly, 298 West 7th Street, Deer Park, New York, here representing Babylon Central Fire Alarm as well as the Town of Babylon.

I just would like to take a few moments, first and foremost, to thank Legislators Horsley and Kennedy for introducing this bill to the County Legislature. Babylon Central Fire Alarm is one of two fire service PSAPs in Suffolk County, along with a Smithtown area that also provides dispatching services to the local fire departments. This bill is being introduced to make the funds more equitable of its distribution in how the fire service PSAP's actually receive their money.

In the Town of Babylon, Babylon Central Fire Alarm provides communication and dispatching services to ten fire departments within the Town of Babylon. They're a 501(c)3 corporation, which means they're a private corporation amongst all the fire departments, but they receive additional revenue from bills like this that allow them to maintain their infrastructure which is so critical in today's climate. So I would ask that the County Legislature take this bill into serious consideration. It does affect many residents of the Town of Babylon, the dispatching in public safety communications capabilities, as well as providing for the upgrade of equipment as we go forward.

And once again, thank you for a few minutes to speak before you and thank you to Legislators Horsley and Kennedy for introducing this bill.

D.P.O. HORSLEY:

Councilman, maybe I just might want to ask you a quick question. Maybe -- you know, we have some new Legislators here, maybe you might want to give just a small conversation on what the PSAP is, what it does and the role of it being a redundancy to the 911 system. Maybe you might just tell us, what do they do?

MR. OLIVER:

The PSAP, the way the PSAP or E-911 money is distributed is that it's distributed among public safety access points, that includes law enforcement as well as fire service. And what it does is it provides additional revenue to help with daily operations.

An audit was conducted by the County Comptroller, Mr. Sawicki, that it found that the Smithtown Fire Service PSAP as well as the Babylon Central Fire Alarm PSAP were not necessarily getting their equitable distribution of how the funds were coming in. In the Babylon Central Fire Alarm case, we have communications equipment and computer equipment that desperately needs to be upgraded. This PSAP money is used for that specific infrastructure rebuilding. It's not used for salaries, it's not used to pay overtime. It's very, very target specific in that it helps to maintain the communication's infrastructure.

Having this additional revenue coming in is critical given today's climate that we work in. And to just kind of comment on what we saw in Babylon during the super storm, they handled thousands of alarms, and not only was the communications and the computer equipment taxed to its ability, some of it did sustain some damage and it desperately needs to be -- it desperately needs to be upgraded. So it was local fire officials as well as myself, not only representing Babylon Central Fire Alarm, but as well as the Town Board and the Town Supervisor in Babylon that approached Legislator Horsley and he got together with Legislator Kennedy who also is involved with the Smithtown Fire Service PSAP to try and move this bill forward.

D.P.O. HORSLEY:

Thank you very much, Councilman. We appreciate it.

LEG. KENNEDY:

Wayne, can I -- Councilman?

D.P.O. HORSLEY:

Legislator Kennedy.

COUNCILMAN DONNELLY:

Yes. Thank you for --

LEG. KENNEDY:

No, no, thank you for the acknowledgement. As a matter of fact, Legislator Horsley and I have had an opportunity to kind of collaborate on this, as has Legislator Nowick. We share both parts of the Smithtown town area. Ten departments you dispatch for?

COUNCILMAN DONNELLY:

We do, yes.

LEG. KENNEDY:

Okay. So you must handle a pretty significant volume of calls, I would image.

COUNCILMAN DONNELLY:

We do, and there's personnel from Babylon Central Fire Alarm that can give you specific data on that.

LEG. KENNEDY:

I also think that what happens is the PSAPs are kind of as a redundancy or a back up sometimes if we have any issues with our County-based 911.

COUNCILMAN DONNELLY:

Very much so.

LEG. KENNEDY:

I've heard in the past that when there's actually been issues associated with 911, our PSAPs will take over and actually do primary dispatch then.

COUNCILMAN DONNELLY:

Absolutely. If you have an overload of call volume, the PSAPs have the ability to assist the County in dispatching additional calls.

LEG. KENNEDY:

So it really is a partnership and a collaboration then.

COUNCILMAN DONNELLY:

Very much so.

LEG. KENNEDY:

Okay. Thank you very much for coming out today and making the trip.

COUNCILMAN DONNELLY:

Thank you, Sir.

D.P.O. HORSLEY:

Councilman, just one more quickly, and then I know we're going to probably have some questions from Mr. LaFerrera as well. But the -- if the dollars fall short of what the County has given in past years, which is what has been happening in the last couple of years, who has -- who makes up that difference between what the County gave several years ago compared to today?

COUNCILMAN DONNELLY:

In the Babylon Central Fire Alarm case, they're a 501(c)3 corporation amongst the ten fire departments that participate. So their net budget contribution to Babylon Central Fire Alarm would have to go up in order to maintain the services as is, which is why this funding is critical.

D.P.O. HORSLEY:

So in other words, what you're saying is that the central alarm which is helping all of Suffolk County, the monies would have to come from the individual fire departments --

COUNCILMAN DONNELLY:

Yes, sir.

D.P.O. HORSLEY:

-- that support it, whether it be the villages or whether or not they're incorporated.

COUNCILMAN DONNELLY:

Yes.

D.P.O. HORSLEY:

And they would have to pay more monies into the pot to get the central alarm working the way it should be working.

COUNCILMAN DONNELLY:

Yes, sir.

D.P.O. HORSLEY:

Thank you very much.

COUNCILMAN DONNELLY:

Thank you.

D.P.O. HORSLEY:

All righty, I also have a card from Anthony LaFerrera.

MR. LA FERRERA:

I don't have to push a button here. I haven't been out here that much. Sorry about that (*laughter*).

Good afternoon, Deputy Presiding Officer. Thank you. Legislators, thank you. I'm here to ask for support of IR 1250. And as has just been said by the Councilman, we're looking to look for support to fix what we think is broken.

Just a quick background. This started E-911 back in July of '97. Around 2000, 2008, some funds were decreasing and we couldn't figure out why. Mr. Horsley presented a bill back then for a surcharge through cell phones would help with the monies. The monies when we started was roughly around \$98,000 per PSAP throughout the County. As of today, the 12 PSAPs are roughly getting maybe \$60,000, and it's pretty -- I don't know how that happens with the increase of cell phones throughout the County, especially with that one surcharge.

Anyway, thanks to Legislator Kennedy, Horsley and the Comptroller who did the audit, we were able to find that there were things broken in how we collect our surcharges. And so much so where now the Legislators have presented a bill to correct these problems.

The problems were, as I say, in collecting the surcharges, that's where the funding was decreasing. Not how the money was distributed, how we were collecting it. So the most important thing is collecting what we are entitled to, meaning the County. They'll take that money, take that 20%, divide it by 12 through the PSAPs and we should hopefully be back towards that \$98,000. We'll help keep the infrastructure going throughout all PSAPs, especially Babylon Central Fire Alarm, Smithtown Fire District PSAP as well.

Also, I -- excuse me, I didn't say Anthony LaFerrera. I'm also the co-chairman of the Suffolk County FRES Commission and representing Babylon Central Fire Alarm today. So I apologize for not saying that.

But that is what I'm here to say. Hopefully we can get the support of all the Legislators. I know some of you have heard me go around with this before. I'm a strong proponent of E-911 and what we're entitled to and what we need to do to serve the public, and the infrastructure is a big part of it. So I appreciate your time.

D.P.O. HORSLEY:

Thank you very much, Anthony.

P.O. LINDSAY:

He has a question.

D.P.O. HORSLEY:

Legislator D'Amaro?

LEG. D'AMARO:

Thank you. Welcome.

MR. LA FERRERA:

Thank you.

LEG. D'AMARO:

Good to see you again. I just want to take the opportunity, while you're here, to go through some of the problems that you're speaking generally to, because I do remember when we passed the legislation for the allocation of funding --

MR. LA FERRERA:

Correct.

LEG. D'AMARO:

-- to non-County PSAPs. So what you're saying is that revenue recently that you've been receiving is going down.

MR. LA FERRERA:

Yes.

LEG. D'AMARO:

And the reason for that primarily is what, tell us what that is?

MR. LA FERRERA:

Okay. Through the Comptroller's Office?

LEG. D'AMARO:

Yes.

MR. LA FERRERA:

Very thorough report, and this came out on March 5th of this year. It seems that there hasn't been -- you know, I don't want to use the wrong words, but good accountability of what we're collecting, the County's collecting. What vendors are we collecting from? Are we collecting from all the vendors? Are the vendors giving us the right amount of money that we're entitled to? There's been no -- I guess the right word is accountability.

LEG. D'AMARO:

Right. So we started off with a concept --

MR. LA FERRERA:

Correct.

LEG. D'AMARO:

-- that we were going to get some funding down to these very vital services that are being provided.

MR. LA FERRERA:

Correct.

LEG. D'AMARO:

But now it's time -- now that we've implemented that, it's time to kind of tweak it or fix it and make it work much more efficiently so we get the most bang for the buck and the most revenue.

MR. LA FERRERA:

One hundred percent. And through that report, that's what was brought out to us, Legislator Kennedy, Horsley, is that we need to be more accountable and get what we're entitled to, and then we could help provide the PSAPs with the proper funding.

LEG. D'AMARO:

Right. Now, do you think -- right now the current percentage going to the non-County PSAPs is what, what's the --

MR. LA FERRERA:

Twenty percent.

LEG. D'AMARO:

It's still 20%? And --

MR. LA FERRERA:

Twenty percent divided by twelve.

LEG. D'AMARO:

Right, divided by the twelve, okay. So that's not changing.

MR. LA FERRERA:

No.

LEG. D'AMARO:

All right. So what you're trying to do is say just give us our fair share.

MR. LA FERRERA:

Correct.

LEG. D'AMARO:

And let's account for where does the money come from, who's keeping track of it.

MR. LA FERRERA:

Let's be accountable of how we take it in. Like I said, there's no problem with the distribution, it's how we're collecting it and how we're being accountable in collecting those revenues.

LEG. D'AMARO:

Right. Now, how frequently do you receive the PSAP funding?

MR. LA FERRERA:

Once a year, a check.

LEG. D'AMARO:

Because this bill wants to change that.

MR. LA FERRERA:

Right, which is fine.

LEG. D'AMARO:

Right.

MR. LA FERRERA:

Which makes it even easier.

LEG. D'AMARO:

Okay.

MR. LA FERRERA:

Especially when we go through our budget process.

LEG. D'AMARO:

Okay. So you'll have a quarterly distribution, which just for planning purposes --

MR. LA FERRERA:

It makes it a lot easier and more accountable.

LEG. D'AMARO:

-- and more accountability.

MR. LA FERRERA:

Right.

LEG. D'AMARO:

So what you're really looking for, then, is just to put in the procedures now, that we need to make sure --

MR. LA FERRERA:

Procedures that we found that we maybe should have done way back when.

LEG. D'AMARO:

Right.

MR. LA FERRERA:

And now it's done, let's go forward.

LEG. D'AMARO:

Right.

MR. LA FERRERA:

Let's fix what's broken. I guess it's easy for me to say that. And hopefully we could -- I won't have to come back here --

LEG. D'AMARO:

Right.

MR. LA FERRERA:

-- and ask for any assistance (*laughter*).

LEG. D'AMARO:

Okay. Well, thank you. I think it's a great idea because, you know, we certainly want to make sure that if you're entitled to 20%, that before we distribute the 20% that the pool of funds available has to be, you know, maximized. You know, we should get what we're entitled to and then we should make sure that you're getting a true 20%.

MR. LA FERRERA:

That's the biggest thing.

LEG. D'AMARO:

Right.

MR. LA FERRERA:

What the County's receiving and what they're entitled to, correct.

LEG. D'AMARO:

Right. There's no tracking really going on right now.

MR. LA FERRERA:

Well, hopefully it will be better now --

LEG. D'AMARO:

Okay. Fair enough.

MR. LA FERRERA:

-- if this goes through.

LEG. D'AMARO:

Very good. Thank you, Mr. LaFerrera.

D.P.O. HORSLEY:

Okay. Mr. LaFerrera, let me just ask you just a couple of quick questions. One would be when you say that there's 12 PSAPs across the County, we're talking about that most of the Legislators districts thought they have PSAPs somewhat related to their towns?

MR. LA FERRERA:

Somewhere along the line, the 18 Legislators have a PSAP that will help their E-911 system, correct.

D.P.O. HORSLEY:

Right.

MR. LA FERRERA:

Whether it be your Village PD, your Town PD as in Smithtown and the Town of Babylon, of fire and EMS services. Well, Amityville Village, too, in the Town of Babylon.

D.P.O. HORSLEY:

That's correct. And each would get an equal share. So say someone like Legislator Schneiderman, he would have one for, what, East Hampton?

MR. LA FERRERA:

He's part of the bill, too, I want to thank him, too (*laughter*).

D.P.O. HORSLEY:

There you go. I'm just making a point here (*Laughter*).

LEG. SCHNEIDERMAN:

I appreciate that. I have several PSAPs, I think two in East Hampton, one in Westhampton.

D.P.O. HORSLEY:

Right.

MR. LA FERRERA:

Correct.

D.P.O. HORSLEY:

So in other words, they're spread out across the County. So this is not just a Smithtown,

Babylon-centric type of bill.

MR. LA FERRERA:

Yes.

D.P.O. HORSLEY:

Okay. Thank you.

The other issue is the monies in which we would be seeking 20% from would -- does it come from something called Voice Over Internet Protocol, VOIP?

MR. LA FERRERA:

I hope they'll be getting that money.

D.P.O. HORSLEY:

That's the 20% that we're looking for that is now presently going all to the County and you're now looking for it in this bill, 20%

MR. LA FERRERA:

Equal share, about 20%.

D.P.O. HORSLEY:

A 20% share split between 12 different PSAPs.

MR. LA FERRERA:

Correct.

D.P.O. HORSLEY:

Thank you. Okay. Legislator Kennedy?

LEG. KENNEDY:

Yeah, sure, let me jump in. If you recall, Tony, you were, you know, instrumental when we had the cell phone surcharge first come in and the original discussions with voice over, that whole surcharge methodology hadn't even been put in place yet, and most of this was really very difficult to quantify. Nobody really knew what it was going to generate. And now, as we saw in Comptroller Sawicki's report, we'll have a very clear track record. Although the 2012's actuals were not included because they hadn't been audited yet, we did get a chance to see them. The numbers are actually -- you know, they're quite clear, voice over is pushing one point six, 1.7 mill.

MR. LA FERRERA:

Correct.

LEG. KENNEDY:

So -- but I wanted to ask you to just speak a little bit about what Councilman Connelly (sic) had spoken about with the backup or the redundancy type of role that the PSAPs play in conjunction with 911 out of Yaphank. There have been issues sometimes, I believe, where Yaphank has --

MR. LA FERRERA:

Goes down and the PSAP takes over

LEG. KENNEDY:

So without a robust PSAP network, we --

MR. LA FERRERA:

You're a hundred percent right.

LEG. KENNEDY:

We'd have no ability --

MR. LA FERRERA:

Thank God it doesn't happen often, but it has.

LEG. KENNEDY:

Well --

MR. LA FERRERA:

Not for a long time, but a short period of time.

LEG. KENNEDY:

And particularly in this day and age when all of us talk about planning to be able to address any type of eventuality, it does seem that this is an important network.

MR. LA FERRERA:

Correct. And I just want to emphasize, the Councilman spoke about infrastructure and equipment; that's not only the two PSAP's he mentioned and myself just mentioned, that's all PSAPS get all that equipment, the same equipment, everything's the same. Everybody's on the same playing field.

LEG. KENNEDY:

So you'll have standardized -- okay, good.

MR. LA FERRERA:

Correct.

LEG. KENNEDY:

All right. Thank you for coming out.

MR. LA FERRERA:

Thank you.

D.P.O. HORSLEY:

Okay. Thank you very much, Mr. LaFerrera. We appreciate you coming out to Riverhead.

MR. LA FERRERA:

Thank you. Presiding Officer, good to see you.

P.O. LINDSAY:

Thank you very much.

D.P.O. HORSLEY:

Would anyone else like to be heard on 1250? Would anyone else like to be heard on 1250? Unfortunately, Mr. Kennedy, we have to recess this, apparently it was misadvertised.

LEG. KENNEDY:

We heard that before. I guess snaffoos happen even with our County newspapers, huh, Mr. D.P.O.?

D.P.O. HORSLEY:

That' a shock.

LEG. KENNEDY:

I will make the motion to table, or to recess, I guess.

D.P.O. HORSLEY:

Right.

LEG. KENNEDY:

Only because we have that issue and we'll have it before us again, I guess, in Hauppauge in two weeks.

D.P.O. HORSLEY:

That's correct, and we'll close it at that point in time. I'll second the motion to recess. All those in favor? Opposed? So moved, it has been recessed.

MR. LAUBE:

Seventeen (Not Present: Legislator Montano).

D.P.O. HORSLEY:

Thank you.

(Public Hearing on) Procedural Motion No. 5-2013 - Calling for a public hearing for the consent to the acquisition of additional land at Sag Harbor – East Hampton Turnpike (NYS Route 114), Town of East Hampton, County of Suffolk, State of New York, by Temple Adas Israel for cemetery expansion purposes (Schneiderman). I do not have any cards on this. Would anyone like to be heard? I do not have any cards. Would anyone like to be heard?

LEG. SCHNEIDERMAN:

Motion to close.

D.P.O. HORSLEY:

Seeing none, Legislator Schneiderman makes a motion to close.

LEG. KENNEDY:

Second.

D.P.O. HORSLEY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Montano).

D.P.O. HORSLEY:

I'll make a motion to set the date for the following Public Hearings for May 3rd, 2013, at 9:30 AM, Maxine Postal Auditorium, Riverhead, New York. I need a second on that by -- yeah, 2014-2016 Capital Budget & Program. And also I will set the date for the following Public Hearings, May 7th, 2013 at 2:30 PM, Rose Caracappa Auditorium, Hauppauge, New York: The 2014-2016 Capital Budget & Program; IR 1257, a Local Law to amend requirements for contract agency funding; IR 1258, a Local Law authorizing the exemption in County's backflow testing law; IR 1302, a Local Law to clarify Board of Ethics authority to issue advisory opinions; IR 1307, a Charter Law adopting and incorporating a 2% tax cap into County budget processes; IR 1316, a Charter Law to improve hiring opportunities for Suffolk County residents.

LEG. CILMI:

Second.

D.P.O. HORSLEY:

Second by Legislator Cilmi. We have a motion and second. All those in favor? Opposed? So moved, the hearings have been set.

MR. LAUBE:

Sixteen (Not Present: Legislators Montano & Kennedy).

D.P.O. HORSLEY:

Those hearings have been set.

RESOLUTIONS TABLED TO APRIL 23RD, 2013

Okay, we're going to move to page nine, Resolutions Tabled to April 23rd, 2013.

MR. NOLAN:

1180.

D.P.O. HORSLEY:

Okay, we're down to 1180, it's three from the bottom.

1180-13 - Approving payment to General Code Publishers for Administrative Code pages (Presiding Officer Lindsay).

LEG. GREGORY:

Motion.

LEG. STERN:

Second.

D.P.O. HORSLEY:

Okay, motion by Legislator Gregory. Second by Legislator Stern. All those in favor? Opposed? So moved, it has been approved.

MR. LAUBE:

Sixteen (Not Present: Legislators Calarco & Kennedy).

D.P.O. HORSLEY:

1186 has been withdrawn, that was appropriating funds for the study and monitoring of public health related harmful algae blooms has been withdrawn.

1186, there's a Bond Resolution for that and so that is moot because of it being withdrawn.

INTRODUCTORY RESOLUTIONS FOR APRIL 23RD, 2013

Education, & Information Technology:

Okay. We're moving over to page ten. The first one we have -- this is under Education & Information Technology. We've done 1116, that was Sarah's bill.

1236-13 - Appropriating funds in connection with the acquisition of a Disaster Recovery Project (CP 1729)(County Executive).

LEG. ANKER:

Motion to approve.

D.P.O. HORSLEY:

Legislator Anker makes the motion to approve. Is there a second on the motion?

LEG. CILMI:

Second.

D.P.O. HORSLEY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Calarco).

D.P.O. HORSLEY:

1236A, the corresponding Bond Resolution (*Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$500,000 bonds to finance the cost of acquisition of hardware and related software for a Disaster Recovery Project (CP 1729.522)*), roll call vote.

MR. NOLAN:

Same motion, same second.

D.P.O. HORSLEY:

Same motion, same second.

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

LEG. ANKER:

Yes.

LEG. CILMI:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. MONTANO:

Yes.

LEG. CALARCO:

(Not Present).

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. KRUPSKI:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen (Not present: Legislator Calarco).

D.P.O. HORSLEY:

Thank you very much.

1237-13 - Appropriating funds in connection with the acquisition of Fiber Cabling Network and WAN Technology Upgrades (CP 1726) (County Executive).

LEG. ANKER:

I make a motion to approve.

D.P.O. HORSLEY:

Motion to approve by Legislator Anker. Seconded by? Anybody? I'll make the second on the motion. Any discussion? All those in favor? Opposed? So moved.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

1237A, the corresponding Bond Issue (***Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$600,000 bonds to finance the cost of acquisition of fiber cabling network and WAN technology upgrades (CP 1726.111 and .516)***), same motion, same second. Roll call vote.

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

LEG. ANKER:

Yes.

D.P.O. HORSLEY:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. CALARCO:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. KRUPSKI:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

Thank you very much.

Environment, Planning & Agriculture:

1254-13 - Amending Chapter 1070 of the Code of Suffolk County for Real Estate appraisal, acquisition and disposition, and implementing the "Triple A" acquisition procedure (County Executive).

LEG. HAHN:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Hahn.

P.O. LINDSAY:

Second.

D.P.O. HORSLEY:

Seconded by Legislator Lindsay.

LEG. KENNEDY:

On the motion.

D.P.O. HORSLEY:

On the motion, Legislator Kennedy.

LEG. KENNEDY:

We heard testimony earlier this morning from Mr. Amper and we've acted on this area, actually, ever since I've been in office, for the last nine years. And while I admire the sponsor's recognition of the realities of our funding capabilities at this point, I have concern that what we would be doing by this would be imposing another layer above what has been a process we've adhered to since 2004. It's a very set, regimented process for land acquisition. Each and every one of us around this horseshoe has brought a planning step to the table from time to time, I think it's one of the most basic and elemental things that we do as Legislators and it's reflective of our knowledge of our individual districts and I am concerned that by adding this step, in essence what we would be doing is deleting our ability to actually act as individual Legislators, and so I'm concerned. I don't know whether I'm going to make a motion to table or oppose the resolution, but that's my concern.

D.P.O. HORSLEY:

Well, we'll wait upon your decision. Okay, Legislator Krupski.

LEG. KRUPSKI:

I would like to give Legislator Hahn a lot of credit here for working with Planning on this. You know, being new here, I looked into the whole land acquisition process. And being very familiar with it on a town level, the County process was a lot different. And now that I see how the process has gone in the past few years where the money was borrowed and then spent and now there's just a very small amount available, you really have to prioritize and this process allows for that. And I don't see where with the limited amount of money that's available, that you're going to slow -- you could possibly slow the process down any further. The process is slowed because you have very little money to spend, that's how it's slowed down. It's not going to be slowed through process itself.

So I think Legislator Hahn did a great job working with Planning, coming up with a process that's going to better prioritize and it's going to give everyone a better chance to look at individual parcels collectively so that you get to say, "Well, this one ranks above this one, it's pretty obvious we should" -- "If we have this much to spend this year, this is where we should spend it." Not just sort of -- I don't want to say random is the wrong word, but not in a -- in not a global sense, this is a lot more global because you can see where the money is going to be prioritized. And, also, it gives the -- well, it gives the advantage of other municipalities to say, "This is really important. We're going partner with the County," so they're going to maximize their input, their dollars, because they're going to partner with the County who's going to now maximize our dollars because it's going to spread the wealth around. So it's going to make the townships also prioritize and say what's important.

LEG. KENNEDY:

Can I respond?

D.P.O. HORSLEY:

Is it relating to his conversation?

LEG. KENNEDY:

Yes.

D.P.O. HORSLEY:

Because I do have quite a list here.

LEG. KENNEDY:

Let me just, if I can, to --

D.P.O. HORSLEY:

Just real quick.

LEG. KENNEDY:

Okay. Legislator Krupski, I recognize the importance of the comments that you bring to the table, particularly having served previously as a Town Councilman and actually having collaborated and partnered with your predecessor on a lot of significant acquisitions. And the importance of collaborations with whether it's a town or a village and the County. Not every town is similarly situated, though. And heres where without, you know, lecturing my colleagues, because every one of us took civics, we're a different level of government than a town is. And when a parcel may be brought to our attention by a group in our district, a civic group or an environmental group or, for that matter, maybe even a PTA for a park purpose or something like that, while we all make every effort to collaborate with our town partners, all I can do is cajole. I have no ability to go ahead and bring the Town of Smithtown to any particular transaction at all ever. But nevertheless, that doesn't diminish my responsibility as a County Legislator to come forward with an important piece of property, and if that becomes a key element, then, in essence, my ability becomes diminished as to whatever the partnerships are for other towns that are willing to go ahead and collaborate.

Now, some may say, "So be it." Maybe the Town of Smithtown will learn to come forward, maybe they won't. But quite frankly, I don't think that's the proper approach that we should be taking. It's important for us to always collaborate up and down, but we don't like mandates from the State to us.

D.P.O. HORSLEY:

This is going to be quick, he said.

LEG. HAHN:

Point of information?

P.O. LINDSAY:

No, come on, guys. He's got a list. We have about eight speakers and you're monopolizing the conversation.

LEG. KENNEDY:

No, no, no, I'm just addressing what Legislator Krupski brought up.

D.P.O. HORSLEY:

Okay.

P.O. LINDSAY:

You're going on for a few minutes.

LEG. KENNEDY:

Well, I can do that sometimes.

P.O. LINDSAY:

I know, but you're going longer than that.

D.P.O. HORSLEY:

Okay. Legislator D'Amaro.

LEG. D'AMARO:

Thank you, Mr. Deputy Presiding Officer. I wanted to first note -- well, I wanted to ask some questions. Is there anyone here from the Administration that can answer?

D.P.O. HORSLEY:

There is. Legislator Vaughn? Mr. Vaughn?

MR. VAUGHN:

I am not an elected official.

LEG. D'AMARO:

Oh, Sarah, hi. I'm sorry, I didn't even see you there, I apologize. Great. Welcome. I'm glad you're here.

Just a preliminary question. Let's assume we put this entire new procedure into place today and it goes into effect; would that preclude my ability to introduce legislation for an acquisition?

MS. LANSDALE:

My understanding is no, we would not.

LEG. D'AMARO:

Okay. All right. So if I found some kind of priority in my own Legislative District, let's say, a parcel I thought was worthy of consideration on preservation, I can still bring that forward?

MS. LANSDALE:

Most definitely.

LEG. D'AMARO:

Okay. And then it would go through committee and, you know, you can make your case, so to speak.

I'm looking at a process overview sheet that I was given, okay? And I think that's very helpful. It seems to me the Legislature itself gets three bites at the apple here, voting -- the initial vote would be to say, okay, go ahead, see if there's interest, send out the letter, order the appraisal. The second vote would be to approve the prioritization and order some title/survey work. And then the third vote would be after everything's complete, to give the final approval to purchase; correct?

MS. LANSDALE:

Yes, that's right.

LEG. D'AMARO:

Okay. So what I want to focus on is that Procedural Motion, the first item that I see on this list, it's EPA Committee ranking, and to me, that seems to be the major change compared to what we do now because that would give this committee an opportunity to rank several parcels all at the same time as opposed to doing it piecemeal, one at a time and not knowing what basically came before, comparing it to what's before us now, comparing it to what may be coming down in the future, in the near future. And when you have a limited pool of funds, I think it's important to have as much information as possible so we get it right the first time and set our priorities and spend the County funds as best we can with the highest priority. So that's the goal.

But what I want to ask you is when the EPA Committee is doing this ranking, what are the criteria? What are the criteria for several members of the Legislature to look at, let's say, ten parcels and decide how to rank these parcels for this limited pool of funds we have available? What's the criteria that's going to be used?

MS. LANSDALE:

The criteria would be specifically what's used right now in terms of they would be provided with even more information. They would be provided with the appraised value; this would occur in executive session. So they would be informed with the appraised value that was set by the Environmental Trust Review Board which is ETRB. They'd also be provided with the Planning Division's rating form and the rating and any background information that we have. And then from there they would make an informed decision based on the information given to them.

LEG. D'AMARO:

So the committee would be getting even more information than it presently receives on a parcel-by-parcel or piecemeal basis.

MS. LANSDALE:

That's right.

LEG. D'AMARO:

Because now you have ordered the appraisal and some other information from the ETRB I think you had said.

MS. LANSDALE:

Well, the appraised value is set by the Environmental Trust Review Board, yes.

LEG. D'AMARO:

Oh, that's right, with the appraisal, right.

So let me ask you this question, then. In making that ranking and setting priorities when the committee is doing this, is it still free to consider criteria outside what you just stated?

MS. LANSDALE:

Yes, it would be.

LEG. D'AMARO:

Okay. So for example, if we found that the environmental community had already done a report or done some ranking of their own, which I know we have several experts throughout the County that are very active --

MS. LANSDALE:

Uh-huh.

LEG. D'AMARO:

-- and actually do a great job in helping, partnering with the County in this Legislature in particular to try and get this right; could we still consider all of that information that would come to us from the environmental community and the ranking and all the efforts they've put in in the past?

MS. LANSDALE:

Definitely. Also, another piece of information that would be provided would be the balance of what are the funds available currently.

LEG. D'AMARO:

Right. And these are all factors that go into the ranking.

MS. LANSDALE:

Yes.

LEG. D'AMARO:

After that ranking is complete and all of these factors have been considered, then the Legislature would then take its second vote and, in effect, approve the ranking; is that correct?

MS. LANSDALE:

That's right.

LEG. D'AMARO:

All right. And then my last question is after it's been ranked and let's say we have approved these ten properties in this order, the offer is extended, the survey and title are ordered, there's an environmental site assessment, the offer is accepted; now it comes back to the Legislature for a final approval. Is that done on a case by -- a parcel-by-parcel basis, or are all of these properties bundled together?

LEG. D'AMARO:

It's done on a case-by-case basis.

LEG. D'AMARO:

So even at that late date, if a sitting Legislator has an objection to a particular parcel or maybe doesn't agree with the ranking, you still have an opportunity to make that case and to vote individually on each parcel?

MS. LANSDALE:

That's right, they can vote individually on each parcel.

LEG. D'AMARO:

Okay. All right, I have no other questions then. Thank you.
Thank you, Mr. Chair.

D.P.O. HORSLEY:

Thank you very much, Mr. D'Amaro. Legislator Barraga.

LEG. BROWNING:

I think I've made it clear --

D.P.O. HORSLEY:

Oh, I'm sorry. Legislator Browning, I said Barraga.

LEG. BROWNING:

Oh, sorry.

D.P.O. HORSLEY:

You're coming up, though, soon.

LEG. BARRAGA:

Thank you, Mr. Chairman. As I look at this piece of legislation, I'm beginning to wonder whether or not it's a bill with a solution in search of a problem.

I don't quite understand why the current process cannot be adhered to. I understand what the prime sponsor is saying; look, because of limited fundings, we want to make sure that the neediest parcels, the most important ones get the dollars. Can you not accomplish that without changing the current process, which has been in place for many years. What you're advocating, among other things, would take longer to do. I know Mr. Amper this morning, who every once in a while comes up with a pretty good idea --

*(*Laughter*)*

-- indicated this morning that he felt that I guess the appropriate agency and maybe the Chairman of the Environmental Conservation Committee and the environmental community could get together and come up with the appropriate priorities to meet the needs of limited funding available. I thought that was a pretty good suggestion, without having to completely change the process we've been using for many years.

I spoke to Mr. Krupski and I guess in his local government they had this sort of a system in place, and I guess it worked. I'm not so sure it's really necessary at this level. I mean, I think there's a much easier solution if the environmental groups, the Administration and the appropriate Legislative committee go ahead and get together and say, "Look. You know, we have X amount of dollars, let's see if we can come up with the appropriate parcels to purchase," and then go through the regular, normal process that we've used for many years. And there's never been any criticism of that process, certainly there's been a little bit of debate on the floor in terms of some of the parcels, whether or not we should be purchasing or how much should we purchase them for, but the process itself has always worked. This process makes it more cumbersome, it's more bureaucratic and it takes much too long to finalize the deal. Thank you.

D.P.O. HORSLEY:

Thank you very much, Legislator. Legislator Gregory.

LEG. GREGORY:

Thank you. I think the -- I would like to congratulate the Director and the Chair of the EPA Committee for doing an excellent job for putting this bill together. Although I believe there is no perfect plan, I think this is certainly an excellent plan. I do have my reservations, I've stated them, you've probably read them. But I do think that to continue the status quo would be a disservice to the program. With limited funds, we have to be more critical of the properties that we -- that come before us for a review, and I think that's the most prudent course that we have.

I do have another concern and I think it could be addressed, and that's just the disparity between the east and the west end towns, maybe we can adjust the ranking forms. I know Legislator Krupski has mentioned in the past, maybe even in the committee if not privately to me, that, you know, just by -- by way of example, that, you know, maybe if there's a partnership, that those partnerships were given more weight. Well, me coming from Babylon where we're 98% developed, you know, west end towns generally don't have CPF funds, they're not going to bond for those funds. I just happen to have, coincidentally, I think the largest, if not one of the largest open space tracks in all of the Town of Babylon. So I think I would like to see that addressed some way in the ranking. I don't know how you do it, but I think, you know, we can tweak the ranking forms to compensate for the disparity that the west end towns would face in comparison to east end towns that they're going to have more monies. But I think this is an excellent way to go. Not perfect, I don't think any plan would be perfect, but we certainly have to change the way first come/first serve basis, the way of doing things to be more prudent and responsible. So I will be supporting the bill.

D.P.O. HORSLEY:

Thank you, Legislator Gregory. Legislator Schneiderman?

LEG. SCHNEIDERMAN:

Thank you, Mr. Deputy Presiding Officer. Let me start off by saying that I believe strongly in open space preservation and the County has quite a proud history in preserving our woodlands, our aquifer, our beaches. It's been a long program and a very successful one. In the past, though, the County was a major player in open space preservation. We had the quarter -- the new Quarter Penny Program, we went out, we borrowed against future proceeds, we had hundreds of millions of dollars to spend on open space preservation.

The times have changed and now we are down to a very small amount of money. Less than \$3 million potentially available, that's less than what Southampton takes in in a month in CPF funds.

In our program, in the old days, basically, we did planning steps and we would say, "Oh, it's just a planning steps resolution. It looks like it's a good one to look at, let's look at this one," but then we won't see it again. We wouldn't see it again until we got the authorizing resolution. Now they had a signed contract with the seller and we were asked to approve it, and we usually did. We usually did. Even though that first step was so kind of quick, then it came back and, yeah, we would buy it. And it was almost like we had, you know, this endless pot of money; well, we don't have an endless pot. We are down to virtually no money.

P.O. LINDSAY:

We have no money.

LEG. SCHNEIDERMAN:

We are not a major player in this, the towns are. Now, DuWayne, you mentioned, well, Babylon doesn't have a CPF. Those towns who have it are taxing themselves. They are taxing the property to generate money to do this because they believe in it. And actually, the real estate values are holding strong in those areas. It probably was a smart move for those communities to do it and they are less reliant right now on the County than some of the other areas. But I would not adjust the system to give a higher ranking to western Suffolk. I feel that the thing that should drive this is

the environmental attributes. This was -- the money that we have was approved by the voters for water quality protection and we should be looking at access to public places like beaches, we should be looking at habitat protection, and the environment should drive it, not east versus west. And when I looked at the numbers, western Suffolk already is getting more than half of the money. And Eastern Suffolk, the two districts that Legislator Krupski and I represent, are more than half the geography of the County, and it happens to be where a lot of the open spaces are. So if you're going to say no, western Suffolk gets more, I don't think that's the way this program should be run. It should be based on where it makes sense to spend the money, where it's going to have the best public and environmental benefit. But if anybody is saying that this -- what Legislator Hahn has introduced is putting the brakes on the program, they're mistaken. No money is what's putting the brakes on the program.

P.O. LINDSAY:

Yep.

LEG. SCHNEIDERMAN:

This is just taking a careful look, with the tiny bit of money that we have left, to make sure we spend it wisely. And wisely is how we should spend it, not politically, not my area over your area, where it makes sense. And those recommendations really should come through the Planning Department and maximize our money. If we could leverage it, great; if not -- and I get in western Suffolk, a little park in a congested area may make a real difference to those people, and I'd support those acquisitions as well. But I think we probably should have had something like this a long time ago, to really -- an added extra step, and I've been saying that we should have this extra step a long time. This goes a little bit beyond it in terms of congregating these parcels into one -- you know, one, like an Omnibus resolution. But I think it's a good measure. I'm a little bit sad that the County isn't a major player anymore in land preservation, but that's not -- Kara's not to blame, that's just the economics of it and the situation we're currently in. Thank you.

D.P.O. HORSLEY:

Legislator Schneiderman, that was well put. The only question I would have on that is that you say half the monies for open space purchases goes to the western end; where did you start, in Riverhead? (*Laughter*).

LEG. SCHNEIDERMAN:

No, I'm counting the Towns of Brookhaven, the five East End Towns.

D.P.O. HORSLEY:

Whatever, we'll deal with that later.

LEG. SCHNEIDERMAN:

The characteristics of the East End.

D.P.O. HORSLEY:

(*Laughter*) okay. Legislator Browning.

LEG. BROWNING:

Okay. You know, I do think if it's not broke don't fix it. And I don't think anything is broke about our purchase, it's about the fact that we have no money. I respect that.

My concern with the new proposal, when I look at it, I've sat in the ETRB meetings and we only have a couple of elected official who sit in there. We have very qualified people who work in our Planning Department and our Real Estate who make very wise decisions, and I'm very concerned that we are going to politicize this because of the shortage of money.

Legislator D'Amaro and Gregory, the west end, we need to preserve as much west end properties as there is, what's left of it. And, you know, Lou, you had mentioned about, you know, if you have a priority piece in your district and it ranks high. Once you put it into the pot with the entire County, it may not necessarily rate as high. So I do have concerns that it is going to be, again, if you remember, the east versus the west, and that you will start to see that your districts and the environmentally sensitive priority pieces in your district may not rank as high. And you could sit forever, you could sit for years waiting for that piece to finally qualify.

I really do have concerns with the fact that it's got that third step, the Procedural Motion which creates this executive sessions of the Legislature, and I just can see that there's just going to be a lot of horse trading going on; "Well, if you support my piece now". That's my concern, is that we're going to see too much of that.

I think the process as it stands right now is fine. And to say that it moves too quick, it certainly does not. I have open space in my district that we have worked to purchase, it's taken well over a year, some of them up to two years. So to say it's too quick, I don't think so.

I know we have limited money, but I still think that there's something else that we can do. I think the process as it stands right now, it's in the hands of our Planning Department, it's in the hands of our Real Estate Department, that's where it should be. It should not be in ours because, I don't know, I mean -- I don't know about the rest of you, but I certainly am not an expert in what our Real Estate does, in what our Planning Department does. They're the experts, they were hired by us to do the job, and I think leave it in their hands, let them make the priorities and let them make the decisions. And when they decide that it's ready for us to vote on, then let it come to us. I just -- again, I don't want to see the politics involved with this new process. So I would prefer to see a tabling motion and see something done differently. I'm very concerned about this new process.

D.P.O. HORSLEY:

Thank you very much, Legislator Browning. Legislator Calarco.

LEG. CALARCO:

Yeah, I'm going to kind of echo some of the comments of Legislator Browning. But also, I'm going to take a point of view that's really just on behalf of my district. The 7th Legislative District being in Southwest Brookhaven, it's one of those ones that's on the borderline right now. We've certainly benefitted from open space preservation programs, there's many properties along our small rivers and estuaries that had been preserved through the programs and we're lucky for that. But I think that this new process we're looking to put in place is going to greatly hamper my ability to continue to seeing those area's benefits. I don't have the large properties in my district that are going to rank up there very high. And all throughout our land acquisition programs, we've always taken efforts to make sure that the west end properties would have a fair shot in the game, so to speak. And in fact, when we renewed this program in 2007 and extended it, we included pocket parks and active recreation into the program that was always historically just for water quality projects and water preservation programs, so that the western end towns could see some acquisitions through this program in your district. And how do you go and rate an active recreation parcel in the Town of Brookhaven or the Town of Islip versus an open space parcel, actually, within the Town of Brookhaven as well, because Brookhaven is very much rural on the eastern portion of the town still. And I don't think that you can, I don't think that there's a way and I think that's where we've always avoided pitting these properties against each other and leaving it as a fair and open opportunity for anybody's property that qualifies for the program to be included in the program as opposed to a process where we're only going to pick the cream of the crop. But I can understand the concerns and the dollars are waning and we don't have as much in the program, and I won't get into the reasons why I feel they are, but I think that's because of past decisions.

I just feel that this is going to make it very difficult for some of the other districts that don't happen to have properties that are very valuable, so to speak, to be able to be participating in the process.

So I'm going to oppose this at this time. Thank you.

D.P.O. HORSLEY:

Thank you very much, Legislator. Legislator Cilmi.

LEG. CILMI:

Thanks, Mr. Chairman. First let me say that I have the utmost respect for Director Lansdale, and I know she worked very hard on this with Legislator Hahn, and I have the utmost respect for her as well. I think the intentions are good. Where I disagree with Legislator Browning in saying that the current process is fine, I don't think it's fine. There are some things in this bill that I like and there are others that I don't like.

For example, I like the fact that, you know, many of these proposed purchases will be looked at collectively rather than, you know, just as -- on an as-we-go basis. Because there is cost associated with planning steps, and if we continue to just sort of willy nilly approve planning steps, you know, month after month, meeting after meeting, you end up with all of these resolutions kind of sitting in there and all this work that's been done, sometimes unnecessarily and, you know, you may get to a point where, you know, you've approved one set of planning steps for a parcel that may rank just in terms of, you know, if you had a ranking from one to 10, for example, may rank four, and then maybe later on in the year you get to a parcel that maybe ranks an eight, but you can't do it because you've already spent the money that you had. So I like the fact that this resolution seeks to look at parcels collectively.

At first blush. I was a little concerned, and I still am concerned, that politics -- and not necessarily politics, Republican/Democrat politics, but geographic politics as well -- might play a role in -- you know, in those parcels that get approved for purchase, ultimately. I don't like -- and I understand the reasons why, but I don't like the fact that the Environment, Planning & Agriculture Committee is given the responsibility to sort of make those decisions. And I further don't like that they get to talk about it in executive session.

Again, I understand the reasons why, you're talking about values of properties and such, but I don't like that. I like sunlight and that doesn't lend to sunlight.

So -- and further, so much of what we do in this area we do in cooperation with those folks who counsel us as to issues important to the environment and to drinking water protection. Dick Amper, you know, while we sometimes disagree and, you know, makes a point that certainly there is cause to have him and to have Citizens Campaign and all of the other stakeholders and folks who have been sort of, you know, chest deep in this for years involved in the process in a substantive way. So to have them come out and oppose this legislation is disappointing to me, because I would have hoped that those stakeholders and Legislator Hahn and the Administration -- and maybe they have and I just don't know about it, I would like to hear if they have -- I would have liked to have seen them get together and sort of hash something out collaboratively that we all could support.

So there's no question really there, but there is some remarks, and maybe those remarks could be responded to by either the sponsor or Director Lansdale or Mr. Vaughn.

LEG. HAHN:

Now, do you want me to -- because I can certainly --

D.P.O. HORSLEY:

Can Legislator Hahn answer, respond to that?

LEG. CILMI:

Absolutely.

D.P.O. HORSLEY:

Legislator Hahn.

LEG. HAHN:

The piece about the advocates?

D.P.O. HORSLEY:

Right, whichever.

LEG. HAHN:

First of all, there was only one individual who came today.

LEG. CILMI:

But normally you would have --

LEG. HAHN:

Yes. And --

LEG. CILMI:

I expect Citizens Campaign to send a letter to say, "We fully support it," and certainly they've come to --

LEG. HAHN:

No, I didn't go for that. I didn't go to that. And, I mean, if what Tom was asking for earlier was that we write in approval by Dick Amper before we move forward, then, you know, if that's the will of the Legislature, that we need to get their approval before we move on any piece of property, we can certainly do that.

LEG. CILMI:

I don't think that's what Legislator Barraga was suggesting.

LEG. HAHN:

Well, that's certainly what --

LEG. CILMI:

I certainly wouldn't put words in his mouth.

LEG. HAHN:

That's certainly what it sounded like earlier.

LEG. CILMI:

I think what he was suggesting and what I was suggesting is that there be inclusion in the process.

LEG. HAHN:

There were. And in my wrap-up, you'll hear -- they actually asked for us to do this, and I'll explain that.

D.P.O. HORSLEY:

Okay. And you are more on the -- I've got you on the list. Okay, Legislator Kennedy, it's back to you.

LEG. KENNEDY:

Well, there we go. So now pardon the discussion, let's first do some housekeeping; I will make a motion to table.

LEG. CALARCO:

Second.

D.P.O. HORSLEY:

Motion to table. Second by Legislator Calarco. We now have an approval and a tabling motion on the floor.

LEG. KENNEDY:

I think whoever prepared this contrast sheet, this is the first time that I'm seeing this, and some of the general sense of concern I had, I think I'll go right to a very specific and I'll ask everybody to look at this item E where ETRB, which meets now monthly, is now going to meet only twice a year; is that correct, Sarah?

MS. LANSDALE:

At least twice a year.

LEG. KENNEDY:

Well, who in their right mind is going to sell property to us when it only gets viewed twice a year? That, in essence, would -- forget the money, the whole program, we might as well shut it down right now. Let's pronounce the death of it. Because nobody vets real estate predicated on the fact that a prospective purchaser in six months from now is going to take a look at it; that is absolutely positively inherently at odds with the whole notion of purchasing sale of property.

D.P.O. HORSLEY:

Sarah, answer the question.

MS. LANSDALE:

Sure.

D.P.O. HORSLEY:

I mean, because I've heard you do this before.

MS. LANSDALE:

Okay. So I just wanted to point out that currently, back in 2010, this Legislature passed reforms to Chapter eight, the Farmland Program, and in that it created an annual preservation priority list. So right now we have as a model the Farmland Program, the County Farmland Program that just looks at things once a year.

LEG. KENNEDY:

And yes, similar in that both programs deal with real property. However, with agriculture we're talking about acquiring development rights. And in fact, we have that threshold, several thresholds that got put in which we dealt with specifically associated with the Marion Carll Farm. So although I have no farms in the 12th Legislative District, I've got the education in farm purchase.

Absolutely positively, I would say we're talking about two very different processes, if you will. Because with agriculture, as Legislator Krupski knows very well, we want to do everything in our power to take the pressure off of farmers to go ahead and sell the property and, in fact, actually keep them in the business of farming the property, and that goes back to John Klein in 1973. We led the country in that process. And so anything that helps us perpetuate and enhance the farmland program I'll cosponsor with you. You'll never see an issue from me when it comes to the farmland. However, I'll disagree vehemently that acquisition of full fee for parkland or something analogous to that is in any way, shape or form similar to farmland; very, very, very different prospects.

Sarah, look. That brings me to my next question which now goes to BRO. Who do we have here from BRO who can tell us what's the amount of money that we have at this point? Nobody. When somebody comes back, maybe they'll tell us.

D.P.O. HORSLEY:

Sarah, do you have that figure?

MS. LANSDALE:

I do.

D.P.O. HORSLEY:

Would you accept that from Director Lansdale?

LEG. KENNEDY:

Of course, yes. No, absolutely. Although I would like to hear it confirmed by BRO. Sarah, you know, look, I'll be happy to come and talk with you and Legislator Hahn and Legislator Krupski. I'm willing to accept that we are in a different place than, you know, where we started when the current process went into effect ten years ago. I'm not quite ready to say that Suffolk County is not a partner or a player land acquisition. Legislator Schneiderman and Legislator Krupski have the benefit of representing the five East End towns. I know the CPF process well; as a matter of fact, I was part of the process to write the returns and collected the money over here just on the whole.

And I'll go back to what I started with about 25 minutes ago; I'm a Legislator for the 12 Legislative District of Smithtown. And just like all 17 of my colleagues here, I have a responsibility to advocate for parcels that are brought to me by community stakeholders. Supporting this bill will diminish my ability to be successful with that. So right now, that's the reason for me to motion to table.

D.P.O. HORSLEY:

Okay. Didn't we have a question in there somewhere, that you wanted how much money was left in the pot? Robert, you want to answer that question? Then we'll move on to the next Legislator.

MR. LIPP:

Yes. Sarah has the information that comes from Real Estate Division, and it is -- if you net out all of the --

LEG. KENNEDY:

Yes, of course. I'm sorry.

MR. LIPP:

Yeah, all the -- if you net out everything that's either in contract or accepted offers are in negotiation, there's \$2.44 million left. That's if you're tying up the money that's already -- that's being negotiated.

D.P.O. HORSLEY:

Two point four four? Okay.

P.O. LINDSAY:

Okay, move on.

D.P.O. HORSLEY:

Moving on. Okay, Legislator Gregory.

LEG. GREGORY:

Thank you, Mr. Chair, Vice-Chair. I just wanted to respond to Legislator Schneiderman's comments earlier. By no means did I encourage or mean to encourage this rift or battle between the west end and East End. I was only simply stating that if we're going to give preference to those towns that are willing to offer partnership because they have community funds, community preservation funds, the west end towns innately are going to be at a disadvantage. So how can we kind of level the playing field, not give an advantage to the west end, but level the playing field for the west end towns. Because in that -- with that criteria, the west end towns will never be preserved. I mean, Babylon hasn't preserved land, I don't know in how long. I think something like that should be considered. That's simply what I was trying to say. Thank you.

D.P.O. HORSLEY:

Okay, thank you very much. Legislator Hahn, I have you next, but why don't I ask Legislator D'Amaro, he's got a quick one, and then you'll be the wrap up.

LEG. HAHN:

Okay.

D.P.O. HORSLEY:

Legislator D'Amaro?

LEG. D'AMARO:

Am I up?

D.P.O. HORSLEY:

You're up.

LEG. D'AMARO:

Okay, thank you. It's tough to know where to start. The -- I've listened to this debate. The present system -- I mean, I sat on the Environment committee for six years. And Legislator Barraga, you asked, you know, give, me a reason why we should change it. And Legislator Hahn, correct me if I'm wrong, but I think you witnessed, my frustration with the present system.

LEG. HAHN:

(Nodded head yes).

LEG. D'AMARO:

And I often complained about it.

LEG. HAHN:

To say it was never criticized is --

LEG. D'AMARO:

Well, all right. But, you know, different Legislators on different committees. But my problem with it was that in -- with the dwindling pool of funds that we had available, let's say a \$9 million purchase would come before us on the committee, and we have only \$11 million available for the year, let's say. You talk about being a Legislator and fulfilling your function. What you want to do is have the most information available so that we can assure that when I spent that \$9 million, that in the next cycle I wouldn't get two other properties that perhaps should have taken a higher priority. That was my concern, like we're doing this in a vacuum.

And if you remember, we had all kinds of debates here about, you know, revising planning steps and people talked about moratoriums and all that other stuff, and we got through all of that. So I wouldn't view this really as a radical change to this system, but it does address a problem. It just --

I think it's more of a tweak to the system in that it adds a stage where we can get more than one property before us, maybe several at a time, and decide, you know, looking at all of the rating forms together and all the other information, and now even the appraised value which is a factor which we never had, and decide whether or not one parcel is more of a priority than the other parcel, and that was a big frustration that I had in the present system, and I think even in a good economy, this is a good way to do business. Because even if we had -- like Legislator Schneiderman pointed out, at times where it seemed like, you know, limitless funds for open space preservation and land acquisition. We have a responsibility to make sure we're prioritizing and spending funds appropriately. When you do this piecemeal, as we've been doing, you don't have that opportunity. You don't know what's coming down the pike in the next two weeks or the next two months, we're trying to attempt to address that. That's really the crux of what's happening here. So I have been very critical of the present process.

Another point I want to make is that when we're in the new process, in my mind the environmental community is going to have the same input that that environmental community has now. Nothing's changing in that respect. We have committee meetings, they come to committee meetings, they can talk about it, submit reports. I really don't see how this is diminishing our reliance on the environmental community, which as I said before, they're excellent at what they do and I do rely on most of the information that they give me.

As far as the executive session goes, I believe -- Legislator Hahn, correct me if I'm wrong, but the real purpose of that is because you're discussing appraisals and appraised value. It doesn't preclude the committee from having a discussion during the public portion of that committee meeting. I don't think at that point you're going to reveal appraised values. But certainly I would expect this committee outside of legis -- executive session, to be having an open discussion about priorities and why. Now, you may want to state on the record one parcel's more expensive than the other, but we're certainly not going to reveal value. I think that's the only reason why there's an executive session. It's not to pull the whole ranking process behind closed doors. It's only to give committee members more information specifically the appraised value, and then have the debate in a public of forum during regular committee.

As far as affecting the west end properties, I'm not convinced that this new procedure will somehow diminish the chances of a west end property to be acquired by the County. Because if it's in my district. I'm going to be here making the same case, whether I've introduced the bill myself, whether it's in the second Procedural Motion process and I'm going to committee and talking about why this should rank higher than others, because there's no limits on the criteria that can be considered. I can still make the case, can still make the argument.

And by the way, given the limited pool of funds available, I think part of the ranking will be dictated by the fact that we have limited funds and the lesser expensive properties may actually get more of a priority. So, but I wouldn't want to rely on that. What I'm saying is that I'm going to make the same case for a parcel in my district, in Babylon or Huntington, that I would make under any procedure, and try and convince whether it's the EPA Committee that's doing a prioritization or whether it's a Legislator here who's going to do the same prioritization in their mind on the day of the vote; is this important enough for me to vote for over other properties. But at least now you'll have the information. At least you'll know what it's competing against, what the other values are, where they stand in this overall ranking, and I have called for this for several years. And I agree with Legislator Gregory, it's not perfect. You know, we can't get all properties in front of us at one given time, so there's still a risk that we'll approve a batch of properties and then in the next batch there will be one that's even more important. But this is starting to address that problem. It is tremendously frustrating to sit on that EPA Committee and be told by the Department of Real Estate and by the Planning Department, "Here's our limited funds. Oh, and by the way, today we have two parcels on, so make your decision." My first question is, "Well, what's coming up in two weeks?" "Well, you know, we don't know and we don't have that information available to you." That's a big

problem. And I think it's more responsible to get as much information as we possibly can to set these priorities so when you're casting that vote in that committee and then in this full Legislature, you are confident that we are truly spending limited resources on the most important parcels.

I do not agree that this is dismantling the system or slowing down the process. This is actually improving the system to give us more information and make sure that we spend these funds in the proper manner. And I would really urge you to support this bill, I think it's extremely important, especially if you sat on that EPA Committee. Thank you.

D.P.O. HORSLEY:

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

LEG. CALARCO:

Thank you. I just had a quick point of clarification, I think.

Ms. Lansdale, when you spoke about the Chapter 8 Program, the Farmland Program, right now we have a once-a-year review, but that's for properties that any property owner can come and make application to be included in the program; correct? Does it require legislation to make application for the program?

MS. LANSDALE:

No, it doesn't.

LEG. CALARCO:

Okay. So that once-a-year is for that particular process, correct?

MS. LANSDALE:

That's right. And if there's parcels that are outside of the -- outside the annual review process, then it would require legislation.

LEG. CALARCO:

Correct. But if a Legislator so chose, they could make an application for a particular property in their district, and if they had it approved here, which was not an uncommon thing, then that committee will review that application and will consider the property and give it a score, correct?

MS. LANSDALE:

That's right.

LEG. CALARCO:

So there's a way to compel the participation whereas we wouldn't have that under the current process or the proposed process, because ETRB is only going to meet twice, maybe three times a year. The ETRB, there's no provision saying that a Legislature passes a resolution and ETRB is going to have to consider that; correct? While under Chapter 8, the Farmland Committee must consider a parcel that a Legislature includes through the process.

MS. LANSDALE:

That's right.

LEG. CALARCO:

There's exemptions, in other words. And in fact, I'm looking at it and it's not just through the Legislature; a town or village or a not-for-profit conservation organization may be considered outside the annual review period as well. So there's a lot of other exemptions that can allow review outside of that once-a-year process. Thank you.

MS. LANSDALE:

That's right.

D.P.O. HORSLEY:

Thank you very much, Legislator Calarco. Legislator Krupski, I have you; you're good?

LEG. KRUPSKI:

I'm good.

D.P.O. HORSLEY:

Ah, you're a man of few words, that's great. Legislator Anker.

LEG. ANKER:

You know, I'm on the EPA Board and it's -- you know, it's very difficult to understand the priority of land acquisition. And I understand that Dick Amper was here and he spoke how important it is for land preservation. But we need to protect the water, that's the whole -- that's one -- not the whole problem, that's one of the priorities of land preservation is for water quality.

The other part for land preservation, of course, is to understand that it has economic value for our tourists and why people come to Suffolk County to spend their money so we can get the taxes and so we can continue on in an economic stability way that affects everybody living in Suffolk County.

With that in mind, we no longer have the funds available that we had before. In fact, there's a small percentage in using the money, Suffolk County's money to preserve land. We have to prioritize and that is what this bill does. Sara, can you tell us how long it takes, approximately, to acquire a parcel? Briefly. I believe there's 18 steps right now. We were worried about how quickly it is and how important it is to make sure that we put in the land and this will slow down the process. Right now, though, how long does it take?

MS. LANSDALE:

The Real Estate Division has approximated 18 months to finalize the deal.

LEG. ANKER:

So right now it's 18 months. Okay, yes, the ETRB meets -- in this proposed legislation, will meet twice a year. In your professional opinion, would that deter people from submitting parcels they may want to, you know, have the County look at for acquisition?

MS. LANSDALE:

I don't believe so. It -- you know, the -- we estimated that this will -- you know, the current process takes about 18 months to close on a real estate transaction for open space, for farmland or active recreation. We estimate that it will take an approximate six extra months for this process.

LEG. ANKER:

And again, I think we need to understand, too, though, that it's prioritizing. You know, we don't have the money to buy parcels that like we used to. So again, I support this legislation. We can always refine it. We work very well with our Planning Department and Planning Commissioner. Sarah, you'll let us know how this works. If there are issues down the road, they can always be corrected, I'm sure. So again, I want to thank your department and the Environmental Committee for working on this bill and supporting this.

D.P.O. HORSLEY:

Okay, I think we're winding down on our conversations. The last one, Legislator Browning, and then I'm going to give it to Legislator Hahn.

LEG. BROWNING:

Yeah, I just -- you know, looking at this, when it gets to the Procedural Motion and having this, you know, executive session where they're going to look at the appraisals or make a decision, that's what ETRB's about. So why don't we just abolish ETRB? Leave it at that.

D.P.O. HORSLEY:

Okay.

LEG. BROWNING:

If we're going to go with this new way, get rid of ETRB.

*(*The following was taken and transcribed by
Lucia Braaten - Court Reporter*)*

D.P.O. HORSLEY:

All right. Legislator Kennedy has one question he wants to ask Sarah, then Legislator Hahn.

LEG. KENNEDY:

You know, maybe I should have looked at this beforehand, but I'm trying to do a compare and contrast. And getting a chance to sit on the ETRB, and one of the, again, very important tools that a seller has is to reply to an offer that the County has made with their own independent appraisal if the seller believes that the appraisals we secured did not accurately reflect the value.

In looking at this bill, 1254, in that first section, it's Sub D, I believe, I don't see anything that references that process that sellers have at this point. Are we intentionally eliminating that ability?

DIRECTOR LANSDALE:

Yes, we are. The offer that we make will be the only and final offer that the County will extend.

D.P.O. HORSLEY:

Okay?

LEG. KENNEDY:

That's done by design? In other words, that's the actual intention, that we're eliminating that ability for a seller to independently purchase and obtain and present an appraisal that they secured out of their pocket to, I don't want to say challenge, but, quite frankly, I mean, appraisal, as you know, is something that --

D.P.O. HORSLEY:

Okay. I think she answered yes.

LEG. KENNEDY:

I would seriously question that significant a policy elimination or omission, and I'll say specifically, from sitting in the ETRB, with the radical difference with how appraisals have been presented to us. I would vehemently oppose that.

D.P.O. HORSLEY:

Okay. Thank you very much, Legislator. Legislator Hahn, I think we're going to wrap this up with you. Legislator Hahn, are you listening? You're on.

LEG. HAHN:

I'm sorry. My daughter called saying it's urgent, and sent --

P.O. LINDSAY:

You want to go?

LEG. HAHN:

No. I'm sending Debbie to do it.

P.O. LINDSAY:

You want a few minutes?

LEG. HAHN:

No. Thank you to Sarah and to the Planning Department for all the work that they did on this. And, you know, when I came on as a Legislator 14 months ago, whatever it was, 15, 16, whatever, environmental advocates, Budget Review Office, the Planning staff outlined for me what I knew, from having been here for many, many years and heard over the years for so long, was where we were with the funds for acquisitions was going to be an obvious hurdle moving forward for all of us, and it was going to be one of the key things we would have to deal with as environment -- as an Environmental Committee, we'd have to decide, are we going to find new revenue? That's problem -- priority number one. And so, without real interest from everyone in finding significant new revenue, in our discussions as we move forward, three key issues came out that faced our Land Preservation Program, they were identified. Master lists were outdated. The County didn't know how many acres were on the master list, how many parcels remained, how many had been developed and how many purchased by other municipalities. And this Legislature acted and we had the Planning Department do that master list evaluation and rate all the properties.

The other two key issues that were identified was the procedure had a very well-recognized, often-discussed criticism, and, yes, a flaw. You know, to say that the program was never criticized, it was often talked about, very well recognized that could become a great -- and it would become a greater problem as funds diminished, and this was the so-called "it's only planning steps" flaw to the system, whereby we'd all sit here, we've all heard it from Jay, "Yeah, it's a 20 million dollar property, but it's only planning steps." And we'd pass it and spend a lot of money, and then we'd get to the place, "What do you mean you're going to say no to this property? We just signed a contract with the sellers, we have to buy it." You know, so that was an obvious flaw that's well recognized, well -- you know, everyone here is -- we've all talked about it. It's the "only planning steps" flaw. You all know what I mean.

The other flaw was the kind of one-at-a-time, first-come-first-served method or process to the system. We're not a deli counter here. We don't -- you know, just because you come in first doesn't mean you get -- shouldn't mean you get bought. But, you know, when you have 60 million to spend a year, you can basically say yes to everything that meets the 25 out of 100 point standard that we put on things, right, standard or threshold. You can say yes to everything that meets 25 out of 100 when you have 60 million a year that you're spending. How much did we spend the last couple of years? It was like 54 million in '12, and, you know, more than that, almost 60 million. When you have 60 million a year to spend, you don't have to worry that what you buy in February might make it impossible to buy the next higher rated parcel in April or in June or in September, right? When you have 60 million a year to spend, you know, you can essentially say all open space is good for all of our communities and we can -- and we can get it all and it's all good, and it is because open space is good.

And now we're faced with -- if you saw the chart, we're at a place where, you know, we have 2.4 million dollars available right now, maybe we bring in four-and-a-half million this year, and then maybe we get a million worth of stuff in negotiation that gets rejected. So what happens if you meet 12 times a year? Let's just say that number is 8 million. If you divide -- does anybody know, divide 8 million by 12? So you have about \$666,000 on average in a month that you're talking about, the amount of dollars that if you divide up by the 8 million by the 12 months, and how much

money do we have, making sure that we're not going to ever go over what we have available. So the idea when -- and then 8 million is just this year, because we're talking about some left over funds from last year, from the pay-go that had accumulated. You know, as we move forward with pay-go dollars, we're talking about 4.5 to 5 million a year. You divide that by 12 and, you know, you have \$375 about a month if you're going to -- if you're going to --

LEG. SCHNEIDERMAN:

Three hundred and seventy-five thousand.

LEG. HAHN:

Is that what I said?

LEG. SCHNEIDERMAN:

You said \$375.

LEG. HAHN:

Oh, \$375,000. Sorry. At least I didn't put an "M" on there. So to do it twice a year, yes, are we slowing down slightly? But the benefit is we're getting to look at the properties against each other and together. And, you know, Lou really kind of almost wrapped up for me on this point, but you have -- we're not talking about a lot of dollars. And we have to make sure that we're not getting ourselves committed to dollars that we don't have now more than we ever had to do before. And so twice a year, you know, we're talking about maybe having two-and-a-half million in a six-month period to think about, and we're going to have to say there's a -- what if there's a 9 million dollar parcel? We can decide to save amongst certain things, you know, from ETRB to ETRB meeting, or we can say, "Well, we're going to buy, you know, a two million dollar parcel and a couple of \$300,000 parcels, and we're going to divvy up the money we have to spend, but that's going to be decided.

And, George, I'm going to ask you a question. Who decides now? This Legislature. Who's going to decide in the new process.

*(*Laughter*)*

LEG. KENNEDY:

That was good, George.

MR. NOLAN:

Yeah.

D.P.O. HORSLEY:

I thought it was a trick.

LEG. HAHN:

Who's going to decide in the new process? This Legislature. So, you know, you talk about politics might play a role. Well, the same people are making -- are deciding and we're just -- we're adding in additional information, and we're adding in the ability to know what else is available.

You know, I think it's so important when this program is so well respected. This program, we have done tremendous -- we now -- 25% of all land in Suffolk County is preserved, not by the County alone, but that includes Federal land, State land, etcetera, but 25% of all land in Suffolk County is preserved. We've spent a billion dollars since the 1950s, a quarter of a billion in the last several years, and, you know, we have -- we have made significant strides.

The situation we're facing now we were asked to create. We were asked to bond against future revenue, bring the dollars forward and spend them so that the land wouldn't get eaten up and developed in these years. And we knew when that decision was made in 2007, when we were asked to set up what we're facing today, we knew we'd have to spend three-quarters of what comes in on debt service for land we've already purchased, and that we would only have a quarter left as pay-go. And here we are, and it's a very difficult place to be, it's a very different place from where we've been, but I think this legislation, which isn't mine, I can't take the credit for -- I can't take the credit for having developed it, the Executive Branch did the hard work, but it comes out of months and months of discussion with the environmental community, amongst some of ourselves, with the Planning Department, with ex, you know, real estate staff, etcetera, on how can we fix what had been obvious and well-discussed flaws in the system that are especially important now, when we have so little money?

And so I hope that you'll support this, because I do think that this is the right thing to do at this time. I am -- you know, I am supportive of getting more revenue for land preservation, and I hope you all are, too, and maybe we'll be dealing with that in the coming months. But, right now, with the money we have that's dwindling, we need to make sure that our process is as refined as possible, and those flaws that have been well identified get fixed, and I think this legislation does it. So thank you.

D.P.O. HORSLEY:

Okay. Thank you very much, Legislator Hahn. I said, absolutely, there'll be no more speakers until Mr. Lindsay just said, "I would like to speak," and so I am -- what could I say?

P.O. LINDSAY:

No, just go.

D.P.O. HORSLEY:

Legislator Lindsay, then call roll call vote.

P.O. LINDSAY:

Okay. I just want to say that, you know, a lot of you don't remember; you mentioned 2004. In 2004, there was a scandal here about land preservation, and the Director was involved with some private industry. And a special committee was set up, sounds familiar, and there was two Legislative representatives, myself and Angie Carpenter, and we kind of wrote the -- or helped to write some of the provisos in the current plan the way it is, and here we are 10 years later and we're looking at it again, and I don't think that's a non-healthy thing, to look at it again, and if it needs to be tweaked, let's tweak it. Okay.

D.P.O. HORSLEY:

Mr. Clerk, would you call the roll? We have a motion to table? We do have a motion to table, yes, and the tabling motion goes first.

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

LEG. KENNEDY:

Yes.

LEG. CALARCO:

Yes.

LEG. SPENCER:

No to table.

LEG. D'AMARO:

No.

LEG. STERN:

No.

LEG. GREGORY:

No to table.

LEG. NOWICK:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Pass.

LEG. MONTANO:

Pass.

LEG. ANKER:

No.

LEG. HAHN:

No.

LEG. MURATORE:

No.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

No to table.

LEG. KRUPSKI:

No.

D.P.O. HORSLEY:

No.

P.O. LINDSAY:

No.

LEG. CILMI:

No.

LEG. MONTANO:

No.

MR. LAUBE:

Five.

D.P.O. HORSLEY:

The tabling motion fails. Motion to approve. All those -- we don't need a roll -- do we need a roll call on that? Okay. Roll call vote.

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

LEG. HAHN:

Yes.

P.O. LINDSAY:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

No.

LEG. KENNEDY:

No.

LEG. BARRAGA:

No.

LEG. CILMI:

Pass.

LEG. MONTANO:

Pass.

LEG. CALARCO:

No.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

Yes.

LEG. KRUPSKI:

Yes.

D.P.O. HORSLEY:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

MR. LAUBE:

Thirteen.

D.P.O. HORSLEY:

Motion is approved. Congratulations.

P.O. LINDSAY:

Okay.

LEG. GREGORY:

Mr. Chair.

P.O. LINDSAY:

Yes.

LEG. GREGORY:

We have representatives from the Town of Babylon. I'd ask the Deputy Presiding Officer if, after we pass this resolution -- or voted on this resolution, could we take 1215 and 1216 out of order?

P.O. LINDSAY:

1215 and 16, could you give me the pages?

LEG. GREGORY:

Sure. It is Page 11 in Public Works and Transportation, Page 11 and 12, at the bottom.

P.O. LINDSAY:

Okay. We have a motion before us -- do you mind if I take them both together -- to take I.R.

1215 - Authorizing execution of an agreement, pursuant to Local Law No. 11-2010, by the Administrative Head of Suffolk County Sewer District No. 3 - Southwest with WR Communities - ALLC (BA-1477.1-002) Wyandanch Rising (Co. Exec.). If we'd take that one out of order --

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

-- along with ***1216 - Authorizing execution of an agreement, pursuant to Local Law No. 11-2010, by the Administrative Head of Sewer District No. 3 (Southwest with WR Communities - B LLC BA-1477.1-003), for the same, Wyandanch Rising Project (Co. Exec.).*** I could take them together, right?

MR. NOLAN:

Yes.

P.O. LINDSAY:

Yeah. So before us is a motion --

D.P.O. HORSLEY:

Second.

P.O. LINDSAY:

-- to take 1215 and 16 out of order; it's seconded by Legislator Horsley. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: Legislator Montano)

P.O. LINDSAY:

Okay. Both 15 and 16 are before us. On the motion.

LEG. GREGORY:

I'd like to make a motion that we -- I.R. 1215.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Motion by Legislator Gregory on 1215; seconded by Legislator D'Amaro on 1215 as well. And could we have an explanation of what the -- to just execute the agreement.

MR. NOLAN:

Well, it also is waiving the sewer connection fee.

P.O. LINDSAY:

Okay. Go ahead. Commissioner, do you have --

COMMISSIONER ANDERSON:

No. George spelled it out exactly, that's their -- the request is made to waive the connection fee for this facility. It meets all the requirements of the Local Law 11. And it was approved by the Sewer Agency, and we recommend that it be approved.

P.O. LINDSAY:

Okay.

LEG. KENNEDY:

The Chair --

P.O. LINDSAY:

On the question, Legislator Kennedy?

LEG. KENNEDY:

Yeah. What is the amount? How much is being waived, Mr. Commissioner?

COMMISSIONER ANDERSON:

This is 1215, right?

LEG. KENNEDY:

Well, I believe both of them would involve waiver of fee, right? So --

COMMISSIONER ANDERSON:

Okay. Twenty -- this is for -- I apologize. We're on 1214?

P.O. LINDSAY:

We're on 15 --

COMMISSIONER ANDERSON:

Thank you.

P.O. LINDSAY:

-- and 16. But why don't you -- Commissioner, why don't you give us both numbers --

COMMISSIONER ANDERSON:

Yup.

P.O. LINDSAY:

-- because I'm sure they're going to be asked for.

COMMISSIONER ANDERSON:

Okay. 1215, it is for the -- it is for \$914,190, which is based on a flow of 30,473 gallons per day times the connection rate of \$30 per day -- \$30 per gallon per day.

The I.R. 1216, the connection fee that we are requesting be waived is \$796,410 based on gallonage per day of 26,547 gallons per day.

P.O. LINDSAY:

Okay. Thank you. Is that it, Legislator Kennedy?

LEG. KENNEDY:

Well, and just one other question, Commissioner. Sewer connection fees, refresh my recollection, please. Do they stay with the district, or do they revert to General Fund?

COMMISSIONER ANDERSON:

I believe they stay with the district.

LEG. KENNEDY:

So these would be funds that would have stayed with SD 3?

COMMISSIONER ANDERSON:

Right.

LEG. KENNEDY:

With Sewer District 3?

COMMISSIONER ANDERSON:

Correct.

LEG. KENNEDY:

Okay. Thank you.

P.O. LINDSAY:

Okay. Legislator Cilmi, did you have a question?

LEG. CILMI:

I think it was answered.

P.O. LINDSAY:

Okay.

LEG. KENNEDY:

You live in Islip.

D.P.O. HORSLEY:

I have a quick question.

P.O. LINDSAY:

Legislator Horsley.

D.P.O. HORSLEY:

Yes, but the sewer connecting fee is being waived, but not the price of the actual effluent itself.

COMMISSIONER ANDERSON:

Well, the annual rate, the tax rate is not being waived, it's only the connection fee.

D.P.O. HORSLEY:

Right, that's correct. I just wanted to make that clear.

P.O. LINDSAY:

Okay. Any other questions, Legislator Cilmi?

LEG. CILMI:

So what's the impact, then, Commissioner, to -- if this is coming directly out of the Southwest Sewer District, what's the impact to the ratepayers, or the taxpayers, I suppose, in the Southwest Sewer District?

COMMISSIONER ANDERSON:

In this particular case, the waiver is based on the -- one of the things that it's based on is the fact that the local municipality has constructed the infrastructure and is turning it over to the County or the District in this case. So, in this case, we don't have to build that connector from the northerly end of Sewer District 3 all the way up to the Wyandanch Rising. In fact, they've also in this project, the pipe that they put in is oversized with anticipation of being able to eventually connect in residences and businesses that come along that route, so -- which, again, reduces the cost to the District of having to provide such a pipe.

P.O. LINDSAY:

And we're not discounting any future connection fees.

COMMISSIONER ANDERSON:

No, no. And there's a five-year limit on this.

P.O. LINDSAY:

Okay.

COMMISSIONER ANDERSON:

I mean, the Town and the developer have to make this happen within five years, otherwise that connection fee is -- this waiver sunsets and they would have to pay the connection fee.

LEG. CILMI:

Who might otherwise be paying these fees?

COMMISSIONER ANDERSON:

It would have been the Town. I mean, if it was --

LEG. CILMI:

The Town of Babylon would be paying these fees?

COMMISSIONER ANDERSON:

Correct, because it's a Town of Babylon project. But, I mean, are you saying like as far as the developer?

LEG. CILMI:

I'm saying who would be paying these fees?

COMMISSIONER ANDERSON:

Well, I mean, if it's --

LEG. CILMI:

If it's the Town or the developer, or whoever it is.

COMMISSIONER ANDERSON:

This is really a Town of Babylon project, and the Town is the one who has -- they've put in the sewers, they've created the infrastructure, they're paying for the -- you know, the repair of the roads and the like. So there is -- you know, that offset is seen, and I believe that's what was envisioned when the law was changed.

LEG. CILMI:

So we're letting the Town of Babylon off the -- I should say the Southwest Sewer District is letting the Town of Babylon off the hook for a million-six, million-seven, roughly?

COMMISSIONER ANDERSON:

Yeah, give or take, in this case. And it's, again, based on -- again there is -- it's a transit-oriented development. It's an urban renewal. It's a, you know, designated urban renewal district and --

LEG. CILMI:

I understand that. And, you know, you and I have been working on a bill to deal with impact fees in the County.

COMMISSIONER ANDERSON:

Right.

LEG. CILMI:

And there is a tremendous amount of concern on the part of some of my colleagues, on the part of the Administration, I think, that we were going to be losing money if we start -- you know, if we eliminate impact fees.

COMMISSIONER ANDERSON:

Correct.

LEG. CILMI:

And those impact fees come to us throughout the course of a year, and they amount to three, \$400,000 on average, I think we figured out annually. And here in one fell swoop, we're waiving

almost a million-seven of fees to connect to the sewers.

I understand there's a distinction, and, you know, in this case, we're waiving a fee, and it certainly positively impacts commerce in that area, and it certainly impacts positively the Town of Babylon and its taxpayers. But, you know, the same arguments hold true to the impact fees to some extent, so -- and I hesitate a little bit, because I understand that you and I have been working on the impact fees thing. And, frankly, I have been slow to respond to you on that, but I believe I'm waiting for you on something at this point on that issue. In any event --

COMMISSIONER ANDERSON:

You're right, you sent an e-mail earlier this morning.

LEG. CILMI:

In any event, you've answered my questions. Thanks.

COMMISSIONER ANDERSON:

Again, I would -- you know, just to reiterate, this is -- the Town has done the build-out on all the infrastructure here, and --

LEG. CILMI:

Is that something that the County would have had to do otherwise?

COMMISSIONER ANDERSON:

To promote this type of development, yeah, I think so. I mean, it's outside -- to bring in -- again, to bring in a pipe of that distance from north of the railroad down to the north end of Sewer District 3 is a substantial undertaking. And, again, I would reiterate that they not only put in a pipe to service their facility, but also --

LEG. CILMI:

That otherwise would have been our responsibility.

COMMISSIONER ANDERSON:

Correct, it could have been. It could have been.

LEG. CILMI:

Could have been.

COMMISSIONER ANDERSON:

Yeah. They -- all that infrastructure, that pipe that carries it to the sewer district is, again, oversized to handle future expansion, which is something that the County has been pursuing.

LEG. CILMI:

And we're waiving a fee that we otherwise wouldn't have had anyway. It's not like we've been receiving, you know, these fees and then they go away.

COMMISSIONER ANDERSON:

There is an annual tax, if you will, that will be paid by the development, the eventual owners of that development so --

LEG. CILMI:

Plus the economic development and the sales tax revenue, and all the other things that come out of the development --

COMMISSIONER ANDERSON:

Right.

LEG. CILMI:

-- of this project, which benefit the County.

COMMISSIONER ANDERSON:

Correct.

LEG. CILMI:

Okay, thanks.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Yeah, I'm going to defer to Legislator Gregory.

P.O. LINDSAY:

Thank you very much.

LEG. D'AMARO:

Sure.

P.O. LINDSAY:

Legislator Gregory.

LEG. GREGORY:

Thank you, Mr. Chair. Thank you, Legislator D'Amaro. I just -- I thought it was important just to put on the record that the legislation that allows for this -- these two bills to go forward was passed in 2010. It's not specific to the Wyandanch Rising project, it is -- you know, it's available for projects like the Ronkonkoma Hub and Heartland, and others that encourage development, that encourage towns and transformative development, and all the different criteria.

So I just wanted to put that on the record. It's not a Wyandanch Rising specific project. The Wyandanch Rising project qualifies under the parameters of the legislation, which is available for other transformative development projects in the County.

P.O. LINDSAY:

Legislator Stern.

LEG. STERN:

Yeah. Thank you, Mr. Chairman. In fact, I would take Legislator Gregory's comments a step further. While I appreciate Legislator Cilmi's questions, and they're important questions that we should always be asking when we're presented with this type of legislation, this is not discretionary. Because of the earlier law that we had passed, it specifically says that if there is such a project that fits the criteria, then this hookup fee shall be waived. That's what is before us right now. So as long as the project satisfies the criteria, that's the procedure that we are set to follow because of the earlier law.

P.O. LINDSAY:

Okay. Legislator D'Amaro, did you want to get back on?

LEG. D'AMARO:

Yeah, if you don't mind, Mr. Presiding Officer, just very briefly. You know, this is an opportunity for us to -- for the County to put its money where its mouth is. We talk about economic development, we talk about revitalization, we talk about, as Legislator Cilmi says, the impact, the multiplier effect, if you will, into the local economy, sales tax. This is also, as we all know, a more depressed area of the County trying to pull itself up by its bootstraps. We're helping it along as best we can.

And I just want to tell my colleagues, on a personal note, I drive through this area just about on a daily basis and it's really a great project that's moving along. It's going to give this area of the County the attention that it deserves, finally, I believe. And, you know, at some point, this County has to make this type of investment.

We always talk about sewers, the need for sewers, and here's a great opportunity to not necessarily go out of pocket, but at least to make this investment by waiving a fee so this project can continue along. And I'm certainly going to support it.

And I think we also should just point out on the record that this was a project that the Town of Babylon has undertaken. It was extremely ambitious. It took real leadership to get this project off the ground. Our current County Executive should take a lot of credit for doing that, he did a wonderful job, as the present Supervisor is now seeing it through. And I think the County needs to completely extend its partnership with the Town and make sure this gets done. I think this is a very positive step for this area. And there are other areas in the County that should be doing the same thing.

P.O. LINDSAY:

And we have other areas coming down the line. Legislator Browning.

LEG. BROWNING:

I'm glad you said that, Lou, that there's other areas should be doing it. Yeah, we should be doing it, too, in the Shirley/Mastic community. However, that money was taken out of the budget. But I will support this project because I know the economic development. I know that Wyandanch is long -- it's long past due for them to get what they deserve.

I just want to remind you not to forget all of Suffolk County when it comes to the need for sewerage, and making sure that we have the funding and economic development. And I guess I'll talk about something else later when we get to that bill, but I can support this. But we should make sure that everywhere, from the West End to the East End of Long Island where sewers are needed, that it is funded.

D.P.O. HORSLEY:

Noted.

P.O. LINDSAY:

Okay. We're all set? On 1215, we have a motion and a second?

MR. LAUBE:

That's correct.

P.O. LINDSAY:

To approve?

MR. LAUBE:

Yes.

P.O. LINDSAY:

Okay? You want a roll call?

(Negative Response from Legislators)

No? Okay. We are all set with a hand vote? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. It makes it simple.

All right. **1216** we took out of order as well. Do I need a motion and a second?

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Motion by Legislator Gregory, second by Legislator D'Amaro. Any questions? Same debate. Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, it passed. Let's go back to Page 10, Government Ops.

1230 - Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Brookhaven for Affordable Housing Purpose (SCTM No. 0200-069.00-08.00-007.001) (Co. Exec.)

LEG. CALARCO:

Motion.

P.O. LINDSAY:

Motion by Legislator Calarco.

LEG. BROWNING:

Second.

P.O. LINDSAY:

Second by Legislator Browning. On the question, anybody? No? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. 1249 - Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$313,000 in bonds to finance the cost of infrastructure improvements under the Suffolk County Affordable Housing Opportunities Program, Summerwind Square in Riverhead (CP 6411) (Co. Exec.)

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman, and Krupski is second; is that right, guys?

LEG. SCHNEIDERMAN:

Other way around.

P.O. LINDSAY:

Other way around. Motion by Legislator Krupski, second by Schneiderman.

LEG. SCHNEIDERMAN:

Roll call?

P.O. LINDSAY:

Okay. But we need a roll call on this. The Counsel tells me so. Roll call.

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

LEG. KRUPSKI:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. CALARCO:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. *1251 - Amending the 2013 Adopted Operating Budget to transfer funding from the Brentwood Union Free School District (UFSD) and the Town of Islip-ACCESS/ACCESSO programs to various agencies for the provision of chemical dependency services (Co. Exec).* Do I have a motion?

LEG. MONTANO:

I'll make the motion, but I want to comment on it.

P.O. LINDSAY:

Okay. Legislator Montano makes the motion. Second? Do I have a second?

LEG. MURATORE:

(Raised hand).

P.O. LINDSAY:

Second by Legislator Muratore.

LEG. MONTANO:

Yeah, just very briefly. Mr. Vaughn, I had to leave the Health Committee meeting early at the last session, but we had spoken, and this is something that the school district, I understand, is in favor of; am I correct on that?

MR. VAUGHN:

Yes, sir.

LEG. MONTANO:

Okay. That's all I need to put on the record.

P.O. LINDSAY:

Okay. And we need a roll call, right?

LEG. MONTANO:

No.

P.O. LINDSAY:

No, not on this one. Okay. So we have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1255 - Terminating the County's contract with CMS Compliance Group (Muratore).

LEG. MURATORE:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Muratore.

LEG. BROWNING:

Second.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Seconded by Legislator Browning. Any discussion?

LEG. MURATORE:

On the motion.

P.O. LINDSAY:

On the motion.

LEG. MURATORE:

You know, I put this in and a lot of people are looking at it, well, we're going to stop the sale of Foley. But, you know, it really focuses on transparency, or, as Tom Cilmi said, sunshine.

Is there someone from the County Exec's Office that I can beat up on, I guess, or ask questions of?

*(*Laughter*)*

I like this young man, too, he's such a nice young man. Tom, just some questions, not many. All right. We have an RFP process, but we didn't use it; why?

MR. VAUGHN:

My understanding, sir, is that the reason that we didn't go with the RFP process on this one is that we specifically wanted to hire CMS. And the reason that we wanted to hire CMS is that they have a familiarity with the County dating back to 2008.

We had gone through an RFP process in which they were selected approximately in 2011, I believe. I believe Dr. Tomarken could give you that specific date. And, at that point in time, when we did go through the RFP process, it was CMS who we came up with. Since they did have that familiarity with the process, that's why we went back and selected CMS through the RFP waiver.

LEG. MURATORE:

So you're saying they're the best group out there to do this for us? That's what we heard this morning.

P.O. LINDSAY:

Commissioner Tomarken, why don't you join us? I see you joined us, but I'm sure your expertise is going to be needed. You want to talk to the Commissioner, Legislator Muratore, or is your questions done? Legislator Muratore.

LEG. MURATORE:

No, I have some more.

P.O. LINDSAY:

Okay. Do you want to talk to the Commissioner, or do you want to talk to Tom?

LEG. MURATORE:

Whoever wants to answer it.

P.O. LINDSAY:

Okay, go ahead.

LEG. MURATORE:

I'm going to go with Tom to begin with. Commissioner, you can dive in if you want, so can the rest of the crew there. How do we know this is -- how do we know this is a fair price with paying these people? What are we gauging it on? I mean are we required by law to hire people like this to do a process like this?

MR. VAUGHN:

Dr. Tomarken can certainly address this far greater than I could, but no, we are not required under law to have a closure consultant when we are going through the process of closing a facility. However, we do believe that having a consultant and someone who is an expert in these matters, we do believe that it will make the process as smooth as possible. Now that's not to say that we think that this is a smooth process or it will be an easy process for anybody involved. However, we do believe that having a consultant does facilitate and make it a better process.

LEG. MURATORE:

Who recommended this CMS Compliance Group to the County Exec; do you know who might have done that? Was it Dr. Tomarken? Was it you? Was it anyone else?

MR. VAUGHN:

I know that Dr. Tomarken has a familiarity with CMS; correct, sir?

COMMISSIONER TOMARKEN:

Yes.

P.O. LINDSAY:

Take the mic.

COMMISSIONER TOMARKEN:

I met them in 2011 when they were almost hired to do the closure at that time, and then they -- the contractor was -- the whole process was stopped because the Legislature voted to fund the nursing facility. They have been involved with Suffolk County going back to 2008, and the President of CMS, and then she formed her own company in 2011.

LEG. MURATORE:

So they came up with this price of \$205,000. So what are they basing it on? How did they come to that price? Is it per hour? Is it per week? Is it per patient? How is it?

COMMISSIONER TOMARKEN:

I didn't negotiate the price, so I'm afraid I can't give you any information about it.

LEG. MURATORE:

So who negotiated the price?

COMMISSIONER TOMARKEN:

The Administration.

LEG. MURATORE:

Okay. Tom, can you tell me how they came up with the price?

MR. VAUGHN:

Yes, sir. CMS has a proposed hourly rate ranging from 170 to \$200 per hour. I would also add that it's up to \$200,000, it is not necessarily \$200,000.

I would also add that we have discussed for some length of time about the cost of the continued operation of the Foley Center, and we believe that that operation currently takes place -- the Administration pegs that dollar amount at about a million dollars a month. As Dr. Tomarken will be more than happy to state, should we get rid of the consultant, we do believe that the process will greatly -- will be greatly exaggerated. So, currently, under the New York State closure plan, which we have put forward, which we sought and got approved by New York State, we estimated the closure would take approximately 60 to 90 days. We believe that without a consultant on board, someone who is familiar with this process, we believe that the length of time could be dragged out by at least 30 days. Given that, if you take 30 days at a million dollars for a month, and 200,000 for the consultant, you are not saving anything by getting rid of this consultant contract at this time.

LEG. MURATORE:

You know, my concern is the process. You know, I look back when the prior County Executive tried to do this. He did it by the numbers, and I think a lot of numbers are being skipped here. A lot of things are being done behind our backs, and we're kind of being treated like mushrooms here, and I don't think it's right for this group. They're a very ethical group, they work hard, they deserve accountability, and I don't see that happening here. Some of my learned colleagues that have been here a while, and they've went through the ringer with the former County Executive. And now another one comes along where he promises to people, breaks the promises, and, you know, goes ahead and hires a firm to do something, we come up with an arbitrary number, you know, and we don't have the money to pay for this. On the Financial Impact Statement, there's no way to pay this. How are we going to do this?

MR. VAUGHN:

Where do we have the money to continue operating the center, sir?

LEG. BROWNING:

Fill the beds.

*(*Applause*)*

P.O. LINDSAY:

Legislator Muratore, if I might.

LEG. MURATORE:

Of course.

P.O. LINDSAY:

The process before, there's a Waiver Committee to look over RFPs, and the Waiver Committee used to consist of three Deputy County Executives, and we objected to that, this Legislature objected to that. And I think I sponsored the legislation, although I could be wrong, to replace that with representatives from the Legislature on that committee. And my office fulfills that Legislative role, along with two people from the County Executive's staff, so that we have direct input into what's going on.

And maybe these guys could correct me, because my memory is kind of fading a little bit, but I believe we selected the same company last time when the RFP went out the first time. So I don't -- I'm certainly not familiar with the numbers this time, but it can't be that much different than the last time, I would think. And maybe you guys can correct me if I'm wrong.

MR. VAUGHN:

Yes, sir, they were the same company that we selected the last time.

P.O. LINDSAY:

Okay.

LEG. MURATORE:

Mr. Lindsay.

P.O. LINDSAY:

Yes. Anybody else?

LEG. MURATORE:

I just have one question for Dr. Lipp.

P.O. LINDSAY:

Sure.

LEG. MURATORE:

And it's really not about this, but just curious. Through the grapevine, I heard that we spent \$900,000 for physical therapy equipment due to a grant that didn't materialize; is that true or not?

MR. LIPP:

I'd have to get back to you on that, I'm not sure.

LEG. MURATORE:

How long is that going to take you? Can you do that now?

MR. LIPP:

I will try. I'll have to e-mail the office.

LEG. MURATORE:

Okay, great. Thanks, Doc.

P.O. LINDSAY:

Okay. We have several people on the list. Are you finished?

LEG. MURATORE:

Yes, sir. Thank you very much.

P.O. LINDSAY:

Okay. Legislator Gregory.

LEG. GREGORY:

Thank you, Mr. Chair. I felt it was important that I state something. I've been relatively quiet on this issue, as of late, anyway. But it's difficult to be silent when you see the impact of lives of the residents and the employees being affected. This issue has gone on for six years. It's -- personally, it's been exhaustive, it's been torturous at times as well. It's affected personal relationships, I hope just temporarily, not permanently, and that's something that's important to me.

But a bigger concern that I have is just the misinformation that's out there, it really, really bothers me, one of which -- and I state that because of recent events of the vote that was taken. I sincerely hope that decisions weren't made based on misinformation, or hopes, or some misguidance, one of which is this fallacy that's out there that if we just fill the beds, everything would be okay. Everything will not be okay. BRO has stated if you fill every bed, 100% occupancy, we'll still run a five million dollar deficit. So filling in the beds is not a solution. I hope someone didn't make their vote based on that -- predicated on that information or misinformation.

There's even this fallacy out there, well, the County won't close the facility because it's going to cost more to close it than to keep it open, we'll run a 12 million dollar deficit. BRO has stated that it would cost us three million dollars to keep the facility, the utilities if it's closed. In my calculation, that's a nine million dollar savings. So that's not true.

And then reading the article after the vote, there was a statement that was made about the County Executive, "Well, we don't think he has the guts to close the building." I certainly hope that people haven't predicated their decisions on whether Steve Bellone has the mettle to follow through on something that he believes in, and I certainly do think that he believes that this is the right decision, unfortunately, to -- and he wanted to sell the facility, he wanted to lease the facility. I certainly don't think that he's going to back away from this when he thinks this is the only course of action that's left.

General Barraga and myself were former military officers, he's a military officer. One of the things that they train us is that you have to study your enemy, you have to study your opponent. You study his tactics, his past maneuvers, and my history and knowledge of Steve Bellone is -- and he's done some tough decisions. We talk about Wyandanch Rising and all the accolades and much to do, but there was very much, very much opposition to the Wyandanch Rising project. There was a lot of racial opposition to it. People were concerned that, "Why are you taking monies from our communities and giving it to those communities?" And even the people in the Wyandanch community was against it because they were afraid of justification. He was a young Supervisor who put forward a creative, transformative project to his political detriment, but he felt it was the right thing to do for that community, and that's just one decision. He stuck with it, and he's been better for it, and I think the community is going to be better for it. So I think those that think that he doesn't have the nerve to follow through on something that he believes in, I think you made a grave miscalculation.

And to the point just for this resolution, CMS, I think there's this talk about, "Well, if we just eliminate the contract, then, well, all is done, we can't close the facility." I think the Administration just spoke to that point, that's not going to happen. So I sincerely hope that people didn't make decisions that's going to affect their lives and the lives of the residents based on misinformation. And it's unfortunate, it's sad and it's unfortunate.

This bill does nothing. It doesn't solve anything. If we stop the closure, we still are going to run at a deficit. I would like to see if you want to end the contract to end the closure, you should put 12 million dollars in the budget, find it wherever, you know, fund it. This creates a problem, it doesn't solve a problem. And, you know, I would just -- we have to move on. This has gone on long enough. And I think we're at that point where we need closure, no pun intended, but closure on this issue, because we have bigger things to address. And thank you, Mr. Chair.

P.O. LINDSAY:

Thank you. Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. And let me talk about the bill first, and then I want to go ahead and speak a little bit about Legislator Gregory's comments. But as to the bill first -- and I'm going to ask through the Chair if we could have Dr. Tomarken come to the podium.

P.O. LINDSAY:

He's there.

LEG. KENNEDY:

Doctor, you recall that Health Committee last Thursday? At that appointment, we had a fairly frank and candid discussion where a nurse from John J. spoke specifically about a -- I don't know if I want to say abuse, being a layman, I would call what she related and characterized as abuse of conduct, but, at the very least, it was certainly something that does not appear to be a prudent way to engage with a patient or a resident. And there were some who thought that this might be exaggerated, but we had a pretty frank exchange; do you recall that?

COMMISSIONER TOMARKEN:

Yes.

LEG. KENNEDY:

Okay. And based on what was related at that point, did it sound like it was something that would be abuse of conduct?

COMMISSIONER TOMARKEN:

I can't address the term "abusive". There may have been people speaking in ways that were less than professional or less than ideal, but I think the best way to address that issue is to have the Administrator of the nursing facility, who was there every day, who interfaces with these people --

LEG. KENNEDY:

Okay. But before we turn to Kevin Carey, if I can just ask you, Doctor, because you're somewhat uniquely situated to go ahead and respond to this. Do you know what the term "mandated reporter" means?

COMMISSIONER TOMARKEN:

Yes.

LEG. KENNEDY:

Okay. What is a mandated reporter, Doctor?

COMMISSIONER TOMARKEN:

For a physician, it's anybody who knows of any behavior or hears of any behavior that could be considered inappropriate for a professional; has to report it to their licensing body.

LEG. KENNEDY:

Okay. And do we have other licensed professionals in John J. Foley that are mandated reporters as well?

COMMISSIONER TOMARKEN:

Yeah. As far as I know, yes.

LEG. KENNEDY:

Okay. Nurses, they're mandated reporters, social workers?

COMMISSIONER TOMARKEN:

Right.

LEG. KENNEDY:

Okay. And from what I've been told, there was actually a report that was filed with the abuse hotline related to this conduct. I've also been told some of the other conduct with CMS has not just been problematic, but has been woefully inadequate, both with residents and with staff. That's why I'm in favor of terminating the contract with this vendor. I do not in any way, shape or form think that this resolution will stop the County Executive's drive to close that facility, but I have knowledge now of a vendor who's acting in an abusive and improper manner. And when it's brought to our attention, we're compelled to act. So, as to some of the discussion that's gone on, that's my purpose for being a second on this and for supporting it.

And if I can just speak to what Legislator Gregory spoke about, this has been an issue, we've talked about for quite some time. As a matter of fact, I've taken the extraordinary step, as you know, being a plaintiff in a lawsuit. I don't think that the employees here in the facility underestimated the County Executive's stated intention to close the facility. You have known him much longer than I have. He may have this idea in his mind that that's the direction he wants to go in. I think that he once again forgot that we're the policy-making body and not him, but I guess that's his prerogative.

And I also will say that what I know of the employees in the facility, each and every one of them are adults or grownup, and they made decisions based on the fact that they care for that their residents are going to do, and they did so with eyes wide open. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Okay. Legislator Spencer.

LEG. SPENCER:

I have a few remarks and also a statement, and this is something that's been extremely difficult for me on a lot of different levels. I think I'll, again, just ask a couple of questions of Dr. Tomarken.

To this -- to date, how many patients have been placed at the Foley?

COMMISSIONER TOMARKEN:

Thirty-eight have been transferred.

LEG. SPENCER:

Have been transferred. And has CMS played a role in the placement of these patients?

COMMISSIONER TOMARKEN:

Yes.

LEG. SPENCER:

They've been responsible for the placements?

COMMISSIONER TOMARKEN:

It's both CMS --

LEG. SPENCER:

Have they facilitated --

COMMISSIONER TOMARKEN:

CMS and the County staff working together.

LEG. SPENCER:

Okay. And with regards to the process of when they're interacting with the patients, I've heard extensive testimony at the Health Committee regarding potential -- just inappropriate interactions that was alluded to.

At the facility, my understanding is that there's a New York State ombudsman who is there who would --

COMMISSIONER TOMARKEN:

There are ombudsmen assigned to the facility. They generally are there once or twice a week. They're available at any time.

LEG. SPENCER:

Have there been any complaints regarding CMS to the ombudsman, as you are aware?

MR. CAREY:

No.

COMMISSIONER TOMARKEN:

No.

LEG. SPENCER:

To the Administration, with regards to the RFP process and seeking a waiver, I mean, I think the RFP process is there to, you know, make sure that we have a selection process that's fair and aboveboard. Are you aware of some of the criteria in this situation that may have warranted a waiver?

MR. VAUGHN:

I think the most critical criteria, and certainly Dr. Tomarken can correct me if I'm wrong, but certainly the most critical criteria that the Administration considered in this RFP waiver was the fact that CMS had previous experience with the County, and that they had once before been selected by an RFP.

LEG. SPENCER:

Now, to the -- my understanding, in a sense, then, is that not only previous experience, but we're talking about specific unique criteria that would be difficult to find in an open process?

MR. VAUGHN:

I think finding another closure consultant who had specific and intimate knowledge of the workings of the John J. Foley facility would have been very difficult, yes, sir. And Dr. Tomarken can certainly correct me if I'm wrong on that.

LEG. SPENCER:

Okay. That's really important. And I can say that I have struggled with this issue, both as a physician who's taken an oath to do no harm. And as I look at this process, and, again, just as I ran and looked at the County and became familiar with Foley, just I have the utmost respect for the staff that's there, and I think that, again, in some of the situations where they have performed and taken care of patients, it's just been second to none.

And I haven't been happy at all about the prospect of closing, and I can I understand the passion. And, again, I do have some concerns where, you know, I've seen the reputation of the Shermans as it has been besmirched, regardless if deserved or not. I understand there's freedom of speech. I've seen the Executive, where there's been a concern with broken promises.

I will take a point of personal privilege, and you know, we're one of the few levels of government where you can't walk into the -- into Washington and go into Congress and get your three minutes, nor can you do that in the state. I've had this conversation with some of my colleagues. But one thing that I was -- I felt was very unwarranted and really crossed the line, and although I understand the emotions, was there was a comparison made earlier in the public testimony comparing this Body or the Executive Body to the Boston Bomber. And those remarks are despicable and that should never -- the people who are here, regardless of how you feel about the decisions that we make or the politics, when you take a situation where you have literally people that are still in the hospital for a situation that is that fresh, and it's something that just ate at me. And I hope that -- I understand the rhetoric is high, but to me, there's -- I understand freedom of speech and I understand the frustration, but that crosses the line. So I will take a point of personal privilege to say that that is wrong, that type of, you know -- and I hope that in the future, if -- you know, if that type of remark is made, you know, that I will -- I will say something at that time.

But back to the question of when I look at the CMS process and the closure, I'm not happy with the process. I'm not happy with the process. And what has been really hard for me, as I do understand both the economics and the history, and a difficult process, but my concern is that if we suspend this contract, at the end of the day, regardless of criticizing the CMS group, I do believe, from my Health Committee and from listening to testimony, that they do bring some expertise that criticize it, like it or not.

Do I believe that by delaying it, whether it's 30 days, or whatever, that patients could potentially be hurt or compromised? Even if they help out one patient, the fact that we're bringing professional services -- and I believe the nurses there are capable of carrying out some of those functions, but, at the end of the day, to have the closure go on without professional guidance I think would be a bigger concern to me.

So, anyway, that's my statement. Thanks for answering my questions. That's all I have.

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

Okay. You mentioned it's 170 to \$200 an hour, and you estimate 60 to 90 days, with up to \$205,000. So what if we exceed the \$205,000 or exceed those 60 to 90 days, what do we do with CMS?

COMMISSIONER TOMARKEN:

I don't have the answer to that because I didn't -- I'm not privy to the formulation of the contract. I guess that would have to go back to the contracting department, and Legal and sort that out. That's not an issue that I can address.

LEG. BROWNING:

Okay. CMS placements, you told Doc Spencer that there's about 38 residents who have been placed. So, when you say that CMS did placement, so did they directly call the nursing homes to get them placed, or did they basically just do their PRIs? What exactly did they do for placement?

COMMISSIONER TOMARKEN:

First of all, it's a joint activity. They didn't do all 38 by themselves, so it's a joint activity, and I think Kevin can give us a clearer understanding of what they do.

I would just like to add quickly that without a closure consultant, we've estimated a minimum of 30 days of extension to accomplish the closure. That adds anxiety, and indecision, and uncertainty to the patient population, the residents and their families, and I think that's a negative.

I think the second thing that can happen is that when a bed becomes available, and popular nursing homes will literally call and say, "Can you send somebody today, we have a vacancy," because every day that they don't have a bed filled, they lose money. And if we can't respond to that --

*(*Laughter*)*

-- in a timely manner, patients may not be able to get their first choice.

And the third thing to keep in mind is that the longer this process takes, the higher the likelihood that our staff, County staff, and contract agency staff will be looking for other work, other places where they can have permanent placements. And so the continuity of care may be interrupted and we may have to have many more agency nurses. Each one, if they're brand new, requires one week's training. So there are potential consequences for delaying the closure.

LEG. BROWNING:

Okay. So we have -- we don't have an answer to if we exceed the \$205,000. And the CMS -- I've talked to many of the residents, and Mr. Carey knows I'm there quite often, especially these days. And, you know, you're talking it's about a month now that CMS has been there and you have about 38 residents. My guess is, is that those residents are probably the easiest to place at this point in time. We still have about 165 residents that need to be placed. So we're going to get to a point -- it took 30 days to place about 38 residents. If you do the math, it certainly seems it's going to take a lot more than 60 to 90 days to place the remainder of the residents.

COMMISSIONER TOMARKEN:

It isn't a linear equation like that. You have to keep in mind, there are two issues when people are being placed, and this happens when somebody comes out of an acute care hospital and needs a nursing facility. You have to find a facility that can, number one, deliver the care that that individual needs.

LEG. BROWNING:

Correct.

COMMISSIONER TOMARKEN:

And secondly, you have to find a facility that has a bed, and a bed that may be determined by their gender, for instance. So you may have a female individual and they may only have a male bed today. Tomorrow, a female bed may open up. So there are -- it's a constantly moving target. So it

isn't something where if we had 38 so far, you just multiply that out by the "X" number of weeks. There are multiple variables involved. And if today a facility can't take an individual because they can't handle their -- they don't have the appropriate type bed, they may have it tomorrow, they may have it next week, they may have it next month. So it's not something that we can predict with certainty.

LEG. BROWNING:

Okay. And, in my conversation with the County Executive, I asked him about guaranteeing, because I've continually heard, not just from this County Executive, but from the prior Administration, that there are plenty of beds here on Long Island and here in Suffolk County for each and every one of those residents. Do you agree that we will be able to place every single resident in a nursing home, preferably in Suffolk County first, and no further than Nassau County?

COMMISSIONER TOMARKEN:

I can't make that guarantee.

LEG. BROWNING:

Okay. Because we know that's not true. Okay. And I'd like to respond to the -- you know the County Executive's decision.

You know, many of you were at a recent event that AME had and talking about privatization. And I don't know how many of you stuck around to listen to Tom Germano and his conversation about privatization and what it does. And, you know, Bill, you know Tom and you know how passionate he is and how well-spoken he is on the issue, and he talked about the effects on privatization on workers, reducing their salaries, reducing their benefits, and many times to the point where they get no benefits. And I think it was amazing, because he wasn't talking about the nursing home, but it certainly sounded like it. And then we look at this County Executive, who's making this decision to close John J. Foley Skilled Nursing Facility. In my opinion, he made a great decision to come walk into that nursing home with me and call me his friend, and walk in there and ask these people, standing right behind you, for the vote, asked the residents to vote for them -- for him, and he promised that he would do the best he could. And I've told him to his face, and I'll tell everybody here, he did nothing, absolutely nothing.

*(*Applause*)*

He's been absent for an entire year, has done absolutely nothing to work with me, to work with any of us to do anything to turn this home around.

That 12 million dollars, if the taxpayers want to complain about that 12 million dollars it's going to cost a year and a million dollars a month, it's because the beds are not filled, and because he created that hole, not us, he did that. Not one of us did that, he did that.

*(*Applause*)*

And you want to talk about, right, it might cost three to five million dollars. And I remember asking Robert and Gail a long time ago to give me the number on -- Bill, if you remember when we had Lowell Fine, we had an eight million dollar deficit -- subsidy, I should say, not a deficit. The nursing home has its own fund, the Enterprise Fund. We subsidized that fund. We were at an eight million dollar subsidy. In less than two years, Mr. Fine brought it down to four million dollars and he said he could do better. And I spoke with him again recently and he said he'd love to be able to come back, because he knows he could bring it back. He knows he could get us a profit.

*(*Applause*)*

But there was no discussion to try and do any of that. That four million dollars, according to our Budget Office, equates to about thirty-one cents per household per year. Is that an awful lot to ask, thirty-one cents? Absolutely not.

I've had zero cooperation from this County Executive. He went in there, he asked these people for their vote. They put a lot of confidence in him, because they really felt that he was true to his word, and now we find out he's not and he can't be trusted.

Yeah, he might believe in what he does. He believed in them when he was looking for their vote, but he's not believing in them anymore. He got a closure consultant, no RFP. Sale, no RFP. Now he wants to lease it, no RFP. Do we see the trend? Never -- how about just eliminate RFPs, let him pick and choose, hand-pick whoever he wants.

And Mr. Peckman, you all received a copy of his letter. Why wouldn't we have picked Mr. Peckman? Mr. Peckman said that he did not need a 10-year tax abatement at \$300,000 a year. He said he would do it for two. Why didn't we pick him? He said that the comments that were made here one day about, "Well, we picked Sherman because he's union," Mr. Peckman is union. He has 1199 in all of his shops. He said he's turned nursing homes around, public and private, and brought in revenue. He even told Regina Calcaterra, "Why would you want to sell this?" He says, "It doesn't make sense to sell it." He actually recommended a lease agreement. They told him no, they didn't want to lease it, but now they're talking about a lease. So why aren't we putting out an RFP for a lease? Because maybe somebody's been hand-picked.

We look at -- I asked for some information on the nursing home, how much it actually cost to build it, and I think it was about 32 million dollars to build it when it was built initially. And over the years, it's cost us about 42 million dollars with equipment, supplies and everything that's in that nursing home. We're going to give it away for 23 million dollars. Then the -- Mr. Sherman, he gets the County Attorneys to go to the Town of Brookhaven to apply for a variance. Mr. Peckman was told that he would have to apply for a variance with the Town of Brookhaven. The paperwork would be submitted to him. They would give him everything he needs, but he's on his own, that he would have to apply for the variance on his own. He was called on a Tuesday and asked if he was interested. He received the paperwork on Thursday, and he was told, "We need your response by Monday with a 1.2 million dollar deposit." Now who does that? So, as far as I'm concerned, that was a CYA for this Administration to say, "We reached out to somebody."

I certainly have some serious concerns about the choosing of Mr. Sherman as a buyer for this nursing home. And I think each and every one of you, as Legislators, you're attorneys, you're sworn to uphold the law, and I think you all should be rethinking your position, because this whole deal stinks.

*(*Applause*)*

And if you want to go ahead and support what this County Executive is doing, somewhere down the road you're going to be very sorry. These are my constituents, these are Steven Bellone's constituents. Many of these people here in this room are not just my constituents, they're constituents of each and every one of you. They don't just live in my district, many of them do, but the residents in there are my constituents. And when I've heard that five have died recently, transfer trauma, maybe it's just because of their sickness, I don't know, but there's certainly a few more deaths than what there normally is. I think you all need to be thinking twice about what you're doing here.

P.O. LINDSAY:

Okay. You got my attention. All right?

LEG. BROWNING:

Good, Bill.

P.O. LINDSAY:

All right? I want a list of the five people that died. I keep hearing about five people have died. You're the Director. Do you know of five people dying since being transferred?

MR. CAREY:

Yes.

P.O. LINDSAY:

You do?

MR. CAREY:

Well, since being transferred, no.

P.O. LINDSAY:

No?

MR. CAREY:

No.

LEG. BROWNING:

No, they --

P.O. LINDSAY:

Dr. Tomarken, do you know of five people that died since they've been transferred?

COMMISSIONER TOMARKEN:

No. These are -- three people died inhouse, two people died at an acute care facility; went there because of medical issues.

P.O. LINDSAY:

And what's the norm?

MR. CAREY:

Well, there is no norm, but the Medical Director has reviewed all the deaths and there is nothing unusual and nothing that wasn't unexpected in all the deaths. The 38 patients that were discharged to other facilities, the Social Work Department has called up every single facility and all 38 are doing fine.

P.O. LINDSAY:

And I just had to get to that because I keep hearing this, and I keep asking for the names and circumstances.

The other thing is, Kate, you mentioned -- what's this guy's name, Peckman?

LEG. BROWNING:

Bruce Peckman.

P.O. LINDSAY:

Okay.

LEG. BROWNING:

I sent a copy of his letter to you.

P.O. LINDSAY:

Well, that's wonderful, you sent me the letter. I was on the RFP Committee. We had four responders come in, he wasn't one of them.

LEG. BROWNING:

He was one of --

P.O. LINDSAY:

Where was he?

LEG. BROWNING:

He was a responder under the initial RFP.

P.O. LINDSAY:

No, he wasn't.

LEG. BROWNING:

Under the former Administration, there was Rozenberg, him and one other.

P.O. LINDSAY:

I thought there was four; there might have been three.

LEG. BROWNING:

He was one of the high bidders back in the Rozenberg days.

P.O. LINDSAY:

Okay.

LEG. BROWNING:

He was called. Like I said, he was called and asked if he still had an interest. Now he was called on Tuesday and told to submit everything by Monday.

P.O. LINDSAY:

Okay. But I don't recall him in the initial survey, so if --

LEG. BROWNING:

Well, it might have been under a different name. It could have been under --

P.O. LINDSAY:

Well, it might have been a different name, or he might have come back after the fact.

LEG. BROWNING:

No, no, no. He was called by Regina Calcaterra and asked to submit the information.

P.O. LINDSAY:

But I'm talking about you questioned the RFP process. I'm telling you, I sat in that chair, I do not recall a Mr. Peckman.

LEG. BROWNING:

Well, he is one of the bidders.

P.O. LINDSAY:

But, I mean, I'll go check my notes again, but I do not recall him. I do not recall him --

LEG. BROWNING:

I will find out if he came on a different name.

P.O. LINDSAY:

-- responding under the initial RFP.

LEG. BROWNING:

Well, like I said, he could not understand for the life of him why we'd want to sell it for 23 million dollars, and he was willing to --

P.O. LINDSAY:

Well, he didn't make that presentation when he came in the room.

LEG. BROWNING:

I'm telling you, when he spoke with Ms. Calcaterra --

P.O. LINDSAY:

I wasn't there with Ms. Calcaterra.

LEG. BROWNING:

Right.

P.O. LINDSAY:

I was there when supposedly this man was in the room. He didn't say that.

LEG. BROWNING:

Okay. I will -- I'll certainly make sure you get his phone number so you can call him.

P.O. LINDSAY:

Why would I want his phone number?

LEG. BROWNING:

You want to get the fact? Speak with the person directly, then.

P.O. LINDSAY:

Yeah, I know, but you're making these statements that I can't validate.

LEG. BROWNING:

He put it in black and white, it's in the letter.

P.O. LINDSAY:

Yeah, I know, he put it in black and white, but he was supposed to put it before the RFP Committee.

LEG. BROWNING:

He was a responder.

P.O. LINDSAY:

But he didn't say that when he came there. Don't you understand? He didn't say that.

LEG. BROWNING:

He was a responder to the initial RFP, and he was contacted by Ms. Calcaterra --

P.O. LINDSAY:

I heard you.

LEG. BROWNING:

-- when they decided to pick Sherman. He was not given an adequate amount of time, unlike Mr. Sherman, who was taken by the hand throughout the entire process.

P.O. LINDSAY:

Okay, but I don't know that.

LEG. BROWNING:

This is an illegal and, in my opinion, a corrupt process.

P.O. LINDSAY:

Okay. Everybody's entitled to their opinion. Okay. Legislator Nowick.

LEG. NOWICK:

Oh, God, I forgot.

*(*Laughter*)*

I just have to say to the sponsor, weren't we voting on this because you wanted the contract agency -- the contract terminated due to the fact that there was no RFP? Wasn't that what this was about? Because I don't know. I have heard so many different testimonies.

I'm going to vote for this in a few minutes one way or the other. And I'm under the impression your reason for this is because the procedure was not done the way you feel was the proper way. Was that what this was about, or was it -- because I'm hearing so many different testimonies.

LEG. MURATORE:

No, that's it, that's it. You know, I don't feel it was done properly. If you read the resolution on your computer, it says it right there, it just wasn't done properly.

LEG. NOWICK:

So, if this goes -- if we approve this and then the contract is terminated, what? Then do we choose another -- somebody else to do this for us and then we do that through RFP, or what happens if this is terminated? And I think the County Executive's Office could probably answer that for me.

MR. VAUGHN:

Legislator Nowick, I actually agree with something that you said right at the beginning of this, and that was that you've heard so many different things, and there's so many different things twirling around.

LEG. NOWICK:

But I don't want to hear anymore, because --

MR. VAUGHN:

No. I --

LEG. NOWICK:

I just want to know what his -- what I thought his resolution was about a half an hour ago. Isn't it -- is it based on what you feel is not a responsible way to have chosen CMS; is that what it is?

LEG. MURATORE:

One of the WHEREAS clauses, "WHEREAS, the County's contract with CMS Compliance Group is inconsistent with sound public policy. And, therefore, be it RESOLVED that the Commissioner" -- and goes on from there. If you read the RESOLVED -- the WHEREAS, it's right in the resolution.

LEG. NOWICK:

That's what I thought. That's what I thought. So, if this does get approved, this resolution, and then CMS is terminated, do we then go through the process, an RFP process, to find yet another compliance group, or this one has the ability, then, to answer an RFP? What happens if this is approved?

MR. VAUGHN:

Legislator Nowick, this is what I started to address before. And, yes, you have heard so many different things, and we have talked about this Foley issue -- the issue of Foley for years now, literally years now. So there are a couple of things that I would ask you to consider.

First of all, RFP waivers are in County Law. We didn't create them, but it's there. And the Presiding Officer has a vote, and a good vote, on that committee. And it's good that he does, and we're glad that he does, because it does provide some sense of balance. That being said, we don't look to change that process any time soon, but we do think that it is proper that the Presiding Officer has -- gets to weigh in on this issue.

I don't really want to add to this conversation by talking about hypotheticals at this moment in time, what do we do if this resolution is adopted. What do we do if this resolution is adopted? We take it back across the street tomorrow and we decide what we do if this resolution is adopted. I don't want to throw out anymore hypotheticals here. We've talked about enough hypotheticals, we've talked about enough issues. We've been going on and on about this.

The County Executive has many different options at his disposal if this bill is adopted tomorrow. He could veto it, he could approve it, he could send it out to RFP. But the bottom line is this: We don't believe that this bill should be adopted right now. We think that what is in the best interest of the County is to remain using CMS. We believe in CMS because of the fact that they did have prior experience with the County, and that's the direction that we think that we should go in.

LEG. NOWICK:

Okay. So you're thinking, even if this is approved, of course, the County Executive has the right to veto and --

MR. VAUGHN:

Yes, ma'am.

LEG. NOWICK:

Okay. So we are not looking to what would happen if we approve this. It sounds like your belief is that if it is approved, there would probably be a veto message.

MR. VAUGHN:

As I said, I don't want to get into hypotheticals, but the fact that this could -- that would very well be an option for us is absolutely true, it always is.

LEG. NOWICK:

I'm ready to vote.

LEG. MONTANO:

Me, too.

P.O. LINDSAY:
Legislator Cilmi.

LEG. CILMI:

Thanks, Mr. Presiding Officer. I was interested by the Presiding Officer's questioning of Legislator Browning, because I found it remarkably similar to his sort of disbelief in all of this. I feel the same way. I mean, you hear all of these different things coming from all of these different people, and you want to put everybody in a room and get at the truth. And maybe that's happened, I don't know.

I mean, I know we've had this Oversight Committee, we have the RFP Waiver Committee. We've had RFPs. And I still don't know what the truth really is, because the truths that we've heard, or the statements that we've heard, are so disparate from one another. You know, we constantly hear, "Well, the facility can make money if we fill the beds." And we hear, "Well, it can't make money if we fill the beds." We hear there are other bidders that would have paid "X" amount of money for the facility, and now we hear there were no other bidders that -- I mean, where is the truth here? Where is the truth? And who are the people who actually know the truth? I'd like to see them here and let's have a discussion. Forget about the one person speak, then another person. Let's just have a conversation and try to get to the bottom of this, because it really makes it very difficult for those of us who are not in the actual -- in the room to make heads or tails out of any of this.

Now, all that said, we are where we are right now. The County Executive has made it absolutely clear that this facility will be closed. Twice this Legislature has voted to approve the sale of this facility, and, apparently, twice it has failed somewhere after that for a variety of reasons. So we're facing closure at this point. And to me, we're debating this bill, and the only question in my mind is what will the impact of this bill be on the residents of Foley? And Dr. Tomarken spoke somewhat superficially, I think, to that, or quickly, I should say, maybe not superficially, quickly about it before. But I don't want to do anything that's going to prolong, you know, the pain and the frustration of these -- of the residents who are there. I mean, they have been dealt a blow here. There was an opportunity to stay in the facility and twice that opportunity failed, or was rejected in some way. So now that we're facing closure -- and I don't believe that this is a game of chicken. You know, I believe the County Executive when he says, "Look, we've come to the table and we've offered options."

Now we can debate all day long, and, certainly, I agree with Legislator Browning. I have total -- I have significant issues with process, not only with this, but with many other things that have gone on. But, again, that said, we are where we are right now. And so I ask you, Dr. Tomarken, Tom, will passage of this bill in any way prolong -- in any way damage the residents of that facility?

COMMISSIONER TOMARKEN:

I think it will delay the implementation and finalization of the closure plan.

LEG. CILMI:

But won't stop it?

COMMISSIONER TOMARKEN:

Correct.

LEG. CILMI:

Okay. So it will delay it, but it won't stop it. And how long do you think it will delay it by?

COMMISSIONER TOMARKEN:

It's a minimum of 30 days, is what our estimate is, minimum.

LEG. CILMI:

Okay. And at worst, we're talking 60 days, 90 days, what?

COMMISSIONER TOMARKEN:

Could very well be that.

LEG. CILMI:

Okay. So we're only talking about buying a 90-day window, potentially, at best for the residents that they could stay there, but they still know they're going to have to move.

COMMISSIONER TOMARKEN:

That's in addition to the initial 60 to 90 days.

LEG. CILMI:

Okay. Continue now. I just want to go back and forth with you here.

COMMISSIONER TOMARKEN:

I think I'll reiterate the points that I made. Number one, the anxiety, the uncertainty is there and it will continue. And as long as -- until it's finalized, people will not know what their future is. Secondly, their ability to access --

LEG. CILMI:

Let me just interrupt for a second, Doctor, I'm sorry. They won't, however, know that they have to -- they will be moved.

COMMISSIONER TOMARKEN:

Right, but they won't know where.

LEG. CILMI:

But they won't know where, they won't know --

COMMISSIONER TOMARKEN:

When.

LEG. CILMI:

-- potentially when. I mean, they don't know -- they really don't know when now. I mean, they have some window, and that window will increase by some, you know, time if this bill passes. Go ahead.

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

COMMISSIONER TOMARKEN:

Secondly, when a bed becomes available, if we're not ready to move that patient quickly, they may lose that bed in the new facility.

LEG. CILMI:

Okay. So how would this -- how would passage of this bill impact your ability to transfer patients quickly?

COMMISSIONER TOMARKEN:

It would slow it down.

LEG. CILMI:

Why? How would it slow it down?

COMMISSIONER TOMARKEN:

We wouldn't have the staff to do the work that they're doing now. We would have less staff, less professional staff that have done this and have coordinated with other facilities.

LEG. CILMI:

Okay.

COMMISSIONER TOMARKEN:

So they move the process along.

LEG. CILMI:

All right. And I hate -- I really beg my colleagues' indulgence here. I just need to know, so what is it -- quickly, maybe you can enumerate for us the things that CMS are actually doing in the facility now.

COMMISSIONER TOMARKEN:

I'll speak to it and then I'll let Mr. Carey, but they help with the PRI, which is the form you have to fill out that has to go to each facility. They talk to the families, they talk to the patients to find their preferences. They put together the list of available facilities and they help with bringing in vendors, like they did yesterday, to educate the patients and the residents and their families as to what the facilities are available out there. And so they act as a coordinator, so they do a variety of duties.

LEG. CILMI:

Have you had oversight over this process?

COMMISSIONER TOMARKEN:

I'm responsible for the overall.

LEG. CILMI:

But do you have direct knowledge of their activities?

COMMISSIONER TOMARKEN:

I haven't participated in their activities, but Mr. Carey can certainly address that.

LEG. CILMI:

Maybe I'll ask Mr. Carey, then. In your opinion, having seen, I think you said there were 38 residents that have been transferred --

MR. CAREY:

Correct.

LEG. CILMI:

-- to date? Has CMS operated, by and large -- and I'll ask you about this incident that Legislator Kennedy mentioned, it's the first I'm hearing about it separately. But by and large, have they acted in a caring, effective manner in discharging the responsibilities that they've been given?

MR. CAREY:

Yes.

LEG. CILMI:

So what is this incident that Legislator Kennedy talked about earlier?

MR. CAREY:

I do not have specifics. The only complaint that was brought to my attention was that they were rude to my staff and rude to one resident, not abusive in any way. I investigated it and found it to be unfounded and not abusive or, in my opinion, rude to the resident.

LEG. CILMI:

Did you -- in the course of that investigation, did you talk with the management folks at CMS to express that there were some concerns brought to your attention with regard to how they were dealing with somebody?

MR. CAREY:

Yes, and they spoke to the entire staff and we found the first incident to be unfounded, but no other incidents since then.

LEG. CILMI:

Okay. All right. Thank you very much.

MR. CAREY:

You're welcome.

P.O. LINDSAY:

Next up, Legislator Barraga.

LEG. BARRAGA:

As was pointed out, this has been -- I won't ask you any questions. All right? So you just stand there.

*(*Laughter*)*

As was pointed out for the last five-and-a-half years, this has been a major issue within this government. In my opinion, this is one huge, across-the-board governmental failure. Everyone in this room and outside of this room associated with this issue bears some responsibility. The camps were too intransigent, no matter what the issue was, whether it was Levy and Rozenberg, whether it's Bellone and Sherman. There's the group that wants to keep it as a public entity, there's the group that says, "No, we have to sell it because of financial considerations, we have no choice. We cannot afford to continue to lose a million dollars a month." And I happen to be in that camp, but this certainly is not the outcome I want to see, closure.

Person after person who appeared at that podium over the years have said the same thing, "If only this happened, this happened," or, "We do this, get a better manager, get the patients in here"; none of that happened, all conjecture. We never wanted to deal with the reality. In the end, there was a shift. I'm not defending Bellone, but I think the guy was honest when he went into the nursing home and said, "Look, I'll do everything I possibly can to make it as easy as possible for you," and he tried to do that. He didn't have to put together a couple of weeks ago a letter with ten signatures and send it out. He could have let the lawsuit continue. He still had permission from the Health Department to close the place. That was the first and only time where there was a shift of power; that letter was a shift of power from the Legislature and the Executive Branch to who? The employees. For the first time in five-and-a-half years, they could get up and they had a say in the terms of their own future. And they go out and they vote; 135 to 9 to put themselves out of work.

If you step back and you stopped the guy on the street and said, "*Look, you have a choice. I'll give you 18 months of salary and benefits or 60 days, you collect the unemployment. What would you like?*" What do you think the answer would be? "*I want the 18 months and I want the benefits and I want to keep every patient in that nursing home.*" That's what would have happened if this lease

deal would have been approved. And what I get a kick out of, everybody that comes in here who takes the opposite attack and everybody applauds in the audience. Well, let me tell you something. In 60 days when that place is shut down and you're sitting, as a former employee, in your home alone, you're going to say to yourself, *"What the hell did I do? What the hell did I do? I'm out of work. The best I could hope for is look for the mailman who's going to give me my unemployment check, if I get an unemployment check,"* because the County never terminated you, they gave you an option, a lease. You could have continued to work, but you rejected it. The County could challenge that. The only time you really had the power, it was in your hands last week.

Now I sit here and I have this bill. This is an inconsequential bill. Some other -- this company or some other company has to do the disposition on the patient then. But every one of you employees, you should be still working, all the patients should still be there, but different sides always said no, and look at the result; the worst possible scenario. We have spent more time on this issue than any other issue and we have failed. No one's happy. But, you know, your worst day as employees is about to happen in 60 days. A lot of these people who take these positions, they risk nothing. The place closes on Friday, Monday morning, depending upon what job they have, they go to work; you're home out of a job with not much of a future, all completely unnecessary. This should have never got to this point.

P.O. LINDSAY:

(Applause).

LEG. BROWNING:

Bellone did nothing! Nothing!

P.O. LINDSAY:

Okay.

LEG. BROWNING:

Don't answer me back, because I know he didn't.

LEG. BARRAGA:

You know something, Kate, I never disputed your position on the issue. You know, you're entitled to your opinion. But in this particular case, if I have failed, believe me, you have failed and so has he, because they're all out of work --

LEG. BROWNING:

He lied and he did nothing!

LEG. BARRAGA:

Those patients are going to be taken and moved to other places, those employees are out of work, that is --

LEG. BROWNING:

He lied!

P.O. LINDSAY:

I will call order to this! We have a list. We operate by a decorum here. Everybody's had their chance to speak in order. I have Legislator Calarco on the list as the next speaker.

LEG. CALARCO:

Thank you. You know, Legislator Barraga, I was listening to your comments, and in some ways you make a lot of good, valid points. But the reality is, is the employees are going to have a decision on whether or not a lease is brought

to this body. That decision is up to the County Executive to bring that lease to us to approve or not to approve, just like the sale was the decision of the County Executive to bring to us to approve or not to approve. Their decision was whether or not they wanted to drop their lawsuit; that's two different issues.

UNKNOWN AUDIENCE MEMBER:

That's right. You had that right.

*(*Applause*)*

LEG. CALARCO:

So they decided they wanted to continue their lawsuit. And the County Executive, the reason he needs to bring a lease is not because of the lawsuit, the reason he needs to bring a lease to us is because they fumbled on the application to the Town to get the variance needed for the Shermans to operate the facility as a private facility.

*(*Applause*)*

So that's their --that's on the Administration and the Shermans for not doing that properly. That's not on the employees for their vote to continue this -- the lawsuit, that's two totally separate issues.

P.O. LINDSAY:

They're still going to be out of work.

LEG. CALARCO:

They may still very well be out of work.

P.O. LINDSAY:

Okay.

LEG. CALARCO:

And it's up to us at this point in time to make a decision whether or not we want to tell the Executive we don't want to close the facility. I know many of you standing around this horseshoe voted for the sale because you felt that the employees were going to be in their jobs and the residents were going to be in their beds, and I can appreciate that decision. I know it was a hard one. I know I differed from you, but I can understand the decision. This is an opportunity for us to at least make the statement as a body that we don't agree with the Administration to sell -- to close the facility. It's as simple as that. We don't completely agree with it. We might not be able to stop him without coming up with legislation to figure out how we're going to pay for it, and that is something that would be on us, incumbent on us to figure out. But at least we can make the statement to them that we don't agree with closing the facility.

*(*Applause*)*

P.O. LINDSAY:

Okay. I'm just going to say something. I don't know how this resolution makes that statement in any way, shape or form. It fires a vendor, that's all it does. With that, does anybody else want to speak?

LEG. D'AMARO:

(Raised hand).

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Yes, thank you, and I'll be very brief.

P.O. LINDSAY:

Yeah, if you could. Thank you.

LEG. D'AMARO:

Yeah, most of my points have been already discussed at length. So I don't want to continue the debate over the -- the larger debate over the Foley Center, and we've heard both sides very eloquently addressed here today and a lot of good points were made. But I do want to give my good friend, Legislator Muratore, or at least the bill he presented the airing that it deserves.

Legislator, if I'm understanding you correctly, and your testimony and what you've offered here today to support your own bill, is that there is, as you said, in the WHEREAS clause the contract is inconsistent with sound public policy, and I think what you mean by that is that there was some kind of defect with the procedure in hiring this consultant. And I think putting aside the whole debate on Foley and the pros and cons, and we've had those for years, I just want to give this bill a proper airing, if we could, just for five minutes. Because I for one would like to know, and I'd like to give you the opportunity to explain to me precisely what the defect was in the procedure. I understand that there was -- we've heard about the prior history with CMS, that there was -- this company had been vetted in the past by the County, had been chosen in the past by the County, but I'm not sure that that's really the criteria for granting a waiver.

Just because you've come before the County before or done business with the County before, I'm not sure that that justifies a waiver, and I think our Counsel could speak to that, what the specific criteria are. Because if there is a defect with the procedure in hiring this consultant, then I am not comfortable with continuing with the consultant. So I'd like to give you that opportunity. I'd like to know from Counsel precisely what the criteria are, and I'd like to get some assurance that either the criteria was properly filed and the waiver was properly granted, or the facts is -- or the facts are that, in fact, the waiver was not properly granted.

And Tom, I heard your testimony about this company had been vetted in the past and did business with the County in the past. But again, I don't really think that's the criteria for granting a waiver. Like I said, I don't want to debate the Foley. We tried -- the Foley Center. We tried to sell it twice, we talked about leasing, we talked about who's right, who's wrong, and I don't want to get into that, but I do want to give this bill a fair airing. So I would first go to Counsel and just ask Mr. Nolan, what criteria for this particular waiver was applied? You know, what does our code, what does our law require?

MR. NOLAN:

Well, the code says the Waiver Committee can issue a waiver where, quoted, "Be in the best interest of the County to do so." And it goes on to say that, "Such a waiver would be appropriate where the individual company must be chosen based on accountability, reliability, responsibility, skill, education, training, judgement, integrity and moral worth. These qualifications are not necessarily found in the individual company that submits the lowest bid or proposal, and the nature of the services are such that they do not readily lend themselves to competitive procurement procedures." So it says where it's in the best interest, and then it enumerates some factors that can be -- that the Waiver Committee can use to issue the waiver.

LEG. D'AMARO:

Right. But it's more of an open standard, George.

MR. NOLAN:

Yeah, it's obviously open to interpretation.

LEG. D'AMARO:

It's open to interpretation, in the sense that the best interest of the County is the general criteria. And there are some guidelines that come after that, but the fact is that this committee, then, is really appointed to make a decision whether or not it's in the best interest of the County to waive the RFP process. Is that --

MR. NOLAN:

Given that authority, yes.

LEG. D'AMARO:

It's not like you had to issue a waiver decision and point to specific criteria that were met, let's say, like in a zoning application or something like that. If you had specific criteria, you know, 50 feet off the line and ten feet off the front line, you know, things like that. So it's more of a general criteria, and this body, this Waiver Committee is empowered to make a determination whether waiving the RFP process is in the best interest of the County, and really, you can apply most any criteria to that. Is that accurate?

MR. NOLAN:

Well, I think the language that gives them guidance is very broad. They have a lot of room to run and make their interpretation and, in making that determination, is it in the best interest of the County?

LEG. D'AMARO:

All right. So then I would just say to the sponsor or ask of the sponsor, if you could explain to me what -- how you feel that that standard was violated.

LEG. MURATORE:

Well, the County Exec appoints two individuals to this Waiver Committee, we support one. Everything is done behind closed doors.

I mean, we don't know who is appointed when it's done. I mean, I know Legislator Kennedy has a resolution coming forth to try and fix this up a little bit, and maybe if we look at his and look at why I brought this forward, we might be able to come to -- I guess, I don't want to use the word respect, but, you know, this body, 18 men and women, we work hard here. We should know what's going on. Things should not be done behind our backs. We should not be rushed to judgement. CN's come before us, we've got to vote on them right away. You know, a Waiver Committee, you know, a lot of it's done behind our back, or someone comes before us and we've got to do something with it. It's not fair.

We need time to, I guess, digest what comes before us. We work hard. You know? I mean, Mr. Lindsay never stops working and, you know, I try not to stop working, all my colleagues don't. But you've got to be fair and reasonable to us. These people standing up here can't be doing this to us. I mean, just come and tell me to my face and we'll say, "Oh, okay." You know what this place is like sometimes? A bunch of little bobble heads. We sit here and we say, "Okay. That's a lot for you, Mr. Bellone, we'll do the CN. We'll do, you know, the waiver"; it's wrong. You know how Mr. Cilmi feels about transparency, and that's what this says. Listen, we don't get -- they're not going to have a problem with us, but come before us and give it to us and let us look at it, digest it and then vote on it the right way with the right amount of -- we're educated people here. I know you can think on a dime, some of ya's, but openly and honestly I can't, I need to digest it a little bit.

LEG. D'AMARO:

All right. Well, that's fair enough. And -- I'm just trying to get a handle, Tom, on -- Legislator Muratore, on, you know, what you're speaking to is the procedure as we find it. And if we need to revise that procedure or change it, I'm certainly willing to consider any kind of reform, if Legislator Kennedy is putting that forward, whomever is going to put that forward, that's fine. But at the time

this waiver was issued, the law was what it was, we take it as we find it. There's a committee appointed and it has this standard, the best interest of the County. So if I'm going to fire this consultant based on the fact that there's a procedural defect in how they were hired, I'm not hearing how this Administration didn't follow procedure. How did they not follow procedure?

LEG. KENNEDY:

I said my peace, that's it.

LEG. MURATORE:

I didn't see anyone of this Waiver Committee come before us. I mean, you know? All of a sudden it's happening and we get this, you know, we're selling, we're moving out the people out of Foley. You know, we did it with the waiver progress; wrong, come before us.

LEG. D'AMARO:

I'm sorry; who is to come before us?

LEG. MURATORE:

The County Exec. He's got two votes, Mr. Lindsay has one. So come before us with his two votes and say, "This is why we're voting this way."

LEG. D'AMARO:

Right, and we can talk about --

LEG. MURATORE:

Why is it done behind closed doors?

LEG. D'AMARO:

We can talk about changing that, but your -- I think what your bill is trying to say is that the County Executive's office or this Waiver Committee did not follow the procedures as they found it at the time they made a decision. And I don't -- again, we can talk all about reform or procedure, but they had to live within the confines of the law at the time, and I'm not hearing anything here today telling me they did not follow procedure.

LEG. MURATORE:

That's fine. That's why we brought it before us, so we can talk about it, hammer it out and vote it up or down and then let it be said, let it be written, let it be done. We're done with it then.

LEG. D'AMARO:

Okay.

P.O. LINDSAY:

That's wonderful. That sounds like Latin.

LEG. D'AMARO:

Okay. One more small point.

P.O. LINDSAY:

Oh, no.

*(*Laughter*)*

LEG. D'AMARO:

I'm sorry. Let's assume that this bill passes today; and I know this has been covered at length, but I just want to clarify something while the Commissioner is here. If we fire this consultant, as this bill

is asking us to do, is it going to stop the closure of this facility?

COMMISSIONER TOMARKEN:

No.

LEG. D'AMARO:

Okay. That's all I need to know. That's it. Thank you.

P.O. LINDSAY:

Legislator Cilmi, last question.

LEG. CILMI:

I'm sorry, I do just have one question for the Administration on this process. So with regard to the lease question, why is it that we can't vote on a lease today? Why is it the County Executive has not brought a lease agreement to us today; was he prohibited from doing so? Could he have done so? I understand he sort of allowed the employees to have their vote and their say and they said no. But what would preclude him from bringing us a lease agreement to vote on?

MR. VAUGHN:

Legislator Cilmi, with all due respect, that's not what this bill is about right now. We don't have -- that's not what this bill --

LEG. CILMI:

But that doesn't answer my question.

MR. VAUGHN:

It's the only answer I'm going to give at this point. And we don't have a lease bill in front of us today and I'm very sorry. And if you would like to talk about the lease or why we couldn't do a lease or how to do a lease, or any other part of a lease or anything else, I'd be happy to do it.

LEG. CILMI:

Right.

MR. VAUGHN:

Just not right now.

LEG. CILMI:

Fair enough. We'll talk about that off-line.

P.O. LINDSAY:

Let me just help. He can't bring a lease agreement yet because he's in the middle of litigation. And until that litigation is resolved -- am I right, Jon?

MR. SCHNEIDER:

No.

P.O. LINDSAY:

No, he does not want to enter into a -- I should never have said that.

LEG. KENNEDY:

No, you shouldn't have, Mr. Chair, and I'll keep it real short.

*(*Laughter*)*

But the reason he can't bring a lease is the same reason the sale's being challenged, because it wasn't done by an RFP.

P.O. LINDSAY:

Okay.

LEG. KENNEDY:

It hasn't been --

P.O. LINDSAY:

Enough reasons.

LEG. KENNEDY:

It was not the best qualified offer.

P.O. LINDSAY:

For whatever reasons, he made a decision not to bring it here because of the litigation.

LEG. KENNEDY:

Yeah, he's going to adhere to the law now.

D.P.O. HORSLEY:

All right, whatever.

P.O. LINDSAY:

Now what's before us, to fire the consultant, okay?

LEG. MURATORE:

One question.

P.O. LINDSAY:

Terminate.

MR. NOLAN:

Legislator Muratore has a question.

P.O. LINDSAY:

Yes, I'm sorry.

LEG. MURATORE:

I'm sorry, just one request to the stenographer; can we get the minutes from the Waiver Committee meeting? Can I get them sent to my office?

LEG. KRUPSKI:

After the vote, though, right?

LEG. MURATORE:

Waiver Committee, right? You guys had a Waiver Committee meeting.

MR. LAUBE:

We don't -- the Clerk's Office doesn't keep the minutes for the Waiver Committee.

LEG. MURATORE:

You don't keep minutes.

P.O. LINDSAY:

I think the verbatim minutes -- I mean, I don't -- not verbatim. I think they're just -- we do have someone that takes down the minutes in a room, but it isn't by a stenographer.

LEG. MURATORE:

Okay. So how do I go about getting a copy of those?

P.O. LINDSAY:

Well, I'm sure you can get it.

LEG. MURATORE:

I can? Okay, good. Thank you, Mr. Lindsay. That's it.

P.O. LINDSAY:

Our office will get them for you.

Okay. We have a motion and a second?

MR. LAUBE:

That's correct.

P.O. LINDSAY:

On what?

MR. LAUBE:

I just have a motion and a second to approve.

P.O. LINDSAY:

Okay. Roll call.

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

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SPENCER:

No.

LEG. D'AMARO:

No.

LEG. STERN:

No.

LEG. GREGORY:

No.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MONTANO:

Yes.

LEG. CALARCO:

Yes.

LEG. ANKER:

No.

LEG. HAHN:

Yes.

LEG. SCHNEIDERMAN:

No.

LEG. KRUPSKI:

No.

D.P.O. HORSLEY:

No.

P.O. LINDSAY:

No.

MR. LAUBE:

Seven.

P.O. LINDSAY:

Okay.

1233-13 - Directing the Department of Social Services to implement an Emergency Housing Policy that will benefit homeless children (Gregory). Legislator Gregory.

LEG. GREGORY:

Motion.

P.O. LINDSAY:

Motion. Second by Legislator Stern. Anybody on the question? Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Just quickly, really to the sponsor. I know you are focusing here on families put into -- DSS placing into shelters that are homeless, and what the effort is to set in place a policy, which actually already is in place, to try to keep those individuals within their communities, but you didn't expand it, you just kept it right at families. And I think that's a policy that ought to be in place with all the homeless, whether it's a lot of single men who are homeless, even some single women. I think the

policy, as I know it, is to try to keep these people in the communities from which they became homeless with the effort or with the intent that they have family potentially there, people they know, friends. It's a community they're familiar with. So you focused only on families; was there a particular reason? I suspect the school system impacts, but if you could just respond to that.

LEG. GREGORY:

Yes, through the Chair, if I may. What brought my attention to this, I was at one of my local schools talking to the kids, it was actually elementary school, and afterwards I spoke to the principal who brought it to my attention that they have many kids who are homeless and they were being shipped from Wyandanch to Commack. And I've been in discussions with several emergency shelters within my district that were not at full capacity. So my concern is that we're shipping children away from their neighboring districts -- their home districts, excuse me -- when there is availability within their home school districts. And we've heard the cases where kids are being shipped as far away to the Hamptons and motels and having to be transported back and forth to the west end, and I think it's unnecessary, particularly if we have available space within their home areas, and that's what I'm seeking to address.

This was not a policy until I laid the bill on the table. They saw that I laid the bill on the table, they made it a policy. This will ensure that this is the law and not a policy that can be changed at the whim of the department, because it's in the best interest of the families, and particularly the children.

LEG. SCHNEIDERMAN:

And this is to the greatest extent practicable, right? But is there anyone here from DSS who could respond to this?

LEG. GREGORY:

No, not that I can see.

LEG. SCHNEIDERMAN:

Okay. Because I have been assured that that is the policy that's already in place. Perhaps it is in response to your bill, but I know from cost of transportation, it certainly makes sense. You know, for no reason other than that, they ought to be keeping these people close to the school districts. And you're right, I have a newly opened shelter, family shelter out in Hampton Bays and I -- at best, one of those units is occupied by a local family. So you have a lot of people who really belong much closer to the school districts of origin.

LEG. GREGORY:

Right. And then there was a Newsday story about a boy who got accepted to Yale who was from the Brentwood School District who was living in a motel in the Hamptons, a two-hour trip each day. You know, it's just ridiculous. So -- and it says practicable only because if beds are full, you have to place them somewhere, you can't overcrowd the home shelters to try to fulfill the law.

P.O. LINDSAY:

Okay. Legislator Cilmi.

LEG. CILMI:

Through the Chair, to the sponsor. So -- and maybe this is not to the sponsor, maybe it's to the County Executive's Office. If there's availability close to home, why would we not be placing them close to home?

LEG. GREGORY:

We have a new Tier II Shelter. I think that they were trying to occupy that facility as much as possible. You know, it's over a hundred beds.

P.O. LINDSAY:

I don't think the school districts a lot of times are taken into account when they're placing these families.

LEG. CILMI:

Really? So clearly they should.

P.O. LINDSAY:

They should.

D.P.O. HORSLEY:

They should, that's the point.

LEG. CILMI:

And that's the point of this bill.

P.O. LINDSAY:

Right.

LEG. CILMI:

Okay.

LEG. KENNEDY:

Mr. Chair, if I can just echo the concerns of Legislator Gregory. And as a matter of fact, to the Clerk, I'll cosponsor on this. The 100-bed facility, Tier II facility is in Southern Commack, that's in southwest corner of my Legislative District, now making the second family shelter in my Legislative District and no contact from the department. And as a matter of fact, confirmation that the Administration has applied to OTBA to create a Tier II Shelter.

So once again, it appears that there's policy, there's significant policy that's being decided on the other side of the street with that notion that I guess we're asleep at the wheel here. So I fully support it and I'll ask for cosponsorship.

P.O. LINDSAY:

Okay. Anybody else? We have a motion and a second on 1233. All in favor? Opposed? Abstentions?

LEG. D'AMARO:

Cosponsor.

LEG. KENNEDY:

Cosponsor.

LEG. SPENCER:

Right here.

MR. LAUBE:

I got 17 (Not Present: Legislator Nowick).

P.O. LINDSAY:

No, we only have six -- do we have 17? Okay. Okay, you got the count?

MR. LAUBE:

Yes.

P.O. LINDSAY:

All right, *IR 1172-13 - Adopting Local Law No. -2013, A Charter Law to ensure a fully functional Board of Park Trustees (Presiding Officer Lindsay)*. The -- I'm the sponsor of this, and let me figure out --

D.P.O. HORSLEY:

Is this the one we talked about earlier?

P.O. LINDSAY:

Yeah, this is -- the normal process with the Board of the Parks Trustees -- Ric, you asked a question, listen to the answer.

The Park Trustees are usually appointed by the Supervisors of the respective towns, we ask them for a recommendation. Sometimes they don't come forward for a year, year and a half, and this bill gives us a time limit that if they don't come forward with a recommendation, that we'll appoint it here. All right? That's simply all it does.

MR. NOLAN:

There's another piece to it, too, though.

P.O. LINDSAY:

The other -- is that part of this one, too? I thought it was two parts.

MR. NOLAN:

There is a second part. Do you want me to explain it?

P.O. LINDSAY:

Yes, please, explain the second part.

MR. NOLAN:

The other part is right now the County Charter says that a Park Trustee cannot be an appointed employee of the State of New York or any of its political subdivisions. So this law would eliminate that language so that appointed officials could, in fact, be designated by a town Supervisor to be their representative on the Parks Trustees.

LEG. KENNEDY:

Mr. Chair, so can I ask Counsel? So in other words, you're talking about like a Town Parks Commissioner or, you know, General Services Commissioner, or something like that --

MR. NOLAN:

Right.

LEG. KENNEDY:

-- would then be our representative on our County Parks Trustees, Board of Trustees?

MR. NOLAN:

That the Town Supervisor would have the option to -- let's say their Parks Commissioner, he or she could send that name to us for consideration to be on the Parks Trustees.

LEG. KENNEDY:

Well, to the sponsor, then. Why would we want to do that, though?

P.O. LINDSAY:

Because the Parks Trustees, we always wanted the input of the towns.

LEG. KENNEDY:

Yes.

P.O. LINDSAY:

That's always been policy here.

LEG. KENNEDY:

Yes.

P.O. LINDSAY:

And again, we've had, for whatever reason, some reluctance by some of the Supervisors in participating in this process. So if that happens, you know, if it makes it easier for them to have their own Parks Commissioner on it, I don't care, as long as we get the town input on the parks in that township.

LEG. KENNEDY:

Well, I'm with you on the first part, but I'm a little reluctant on the second part.

P.O. LINDSAY:

Okay. Yes, Legislator Krupski.

LEG. KRUPSKI:

If this would make it easier to get representation from every town, then I would certainly want to support it, because it is hard to get people to -- volunteers to attend a meeting that would be meaningful for the County and for the town, so this would do that.

P.O. LINDSAY:

Yes, it would.

LEG. CILMI:

Bill?

P.O. LINDSAY:

Legislator Spencer.

LEG. SPENCER:

Bill, I guess to the sponsor. I understand the participation, but I guess would there be concern that the Supervisors would appoint -- that it would politicize it or in some way make it a process -- yeah, would it -- I think that exemption is there to keep that Parks Commission independent. So my concern is now if all of a sudden you have the Parks Commissioner there now participating in that commission, then does it somehow take away their ability to be objective or oversight? Because now you've got political people that are people that --

P.O. LINDSAY:

Guys, come on. Give me a break, I can't hear over here. I think that's what we're looking for, is we're looking for input from the town. These aren't paid positions, they're, you know, voluntary positions, we can't get participation.

D.P.O. HORSLEY:

And it's advisory.

P.O. LINDSAY:

It's advisory to the Commissioner. It's an advisory board.

LEG. SPENCER:

Okay, they have no power.

D.P.O. HORSLEY:

We took that away a couple of years ago.

LEG. SPENCER:

Okay.

P.O. LINDSAY:

Okay. Anybody else? Yes, Legislator D'Amaro.

LEG. D'AMARO:

I just want to state for the record, I'm not going to support this bill. I think what we're looking for primarily through this Board of Trustees is an independent review of matters that come before it. And I think that that's the reason the prohibition was probably put in there in the first place, to help ensure that we get as independent a review as possible, and I think that is the purpose of keeping exempt employees off the board. Whether it's the town appointing or whether it's the County appointing, we don't want the positions necessarily exact -- the exact positions of the town or the County, what we want is this independent review and then an independent recommendation. And I think that by lowering the standard, in a sense, and allowing exempt employees to go on to this committee, I think you get less of an independent review. So I'm not going to support this bill.

P.O. LINDSAY:

In all due respect, Legislator D'Amaro, I agree with you, except when we don't get any input at all from that town. And this is trying to make it easier that each town has representatives on the Parks Commission, that's it.

LEG. D'AMARO:

And Mr. Presiding Officer, I understand that is a problem, but I don't think this is the appropriate solution for that problem. We can talk about other solutions, but I just don't think this is the way to go.

P.O. LINDSAY:

Legislator Nowick.

LEG. NOWICK:

As you can see, also I abstained at the Parks Committee because I felt the same way, we discussed it. I just felt that there are probably many, many people that can be put on the Park Trustees rather than -- I would have worded this where you can -- well, I guess you still can do that. I just can't see putting an exempt, being able to put exempt people on the Board of Trustees, because that means it's weighted. It's almost weighted at that point if you do it that way.

I'd rather see, if the Town Supervisor did not come in with a recommendation, why not -- and this happened once with me. Why not have Legislators suggest? There's got to be people within our districts, each one of us, other than exempt employees that were originally appointed by the Town Supervisor, there has to be other people. So maybe the Legislators can help the Supervisors, if the Supervisors can't come up with anybody.

P.O. LINDSAY:

Would you go to your Supervisor and suggest somebody?

LEG. NOWICK:

To my Supervisor?

LEG. KENNEDY:

We have.

P.O. LINDSAY:

You have?

LEG. KENNEDY:

Sure, we have.

LEG. NOWICK:

We have; Miles Gordon was my appointee.

P.O. LINDSAY:

Okay.

LEG. KENNEDY:

And he's the Chair.

LEG. NOWICK:

And he's now the Chair.

P.O. LINDSAY:

Because this isn't -- you know, it's a problem because it's there.

We have an under-representative Parks Commission. We have vacancies.

LEG. NOWICK:

Well, maybe this will bring attention to -- well --

P.O. LINDSAY:

Okay. Well, come up with another solution, I'm wide open.

LEG. NOWICK:

The solution I can think of is that each of us Legislators, if we found that our Supervisors did not put in a name, maybe we could help them out.

P.O. LINDSAY:

Well, why don't you put that in the legislation? I'll go forward with my suggestion, you go forward with your suggestion; how's that?

*(*Laughter*)*

I'm just trying to end this meeting.

LEG. NOWICK:

Does that mean you're tabling this?

P.O. LINDSAY:

No, I'm not tabling it. No, I'm going to call for an up or down vote.

LEG. SPENCER:

One more quick --

P.O. LINDSAY:

Yes.

LEG. SPENCER:

Currently, like, for instance, on our Vanderbilt Board, we don't allow -- we've had a lot of exempt employees that have had to step down as a result of that. What would be the difference, just the interest?

P.O. LINDSAY:

I don't know. I really don't know.

LEG. SPENCER:

Okay.

D.P.O. HORSLEY:

The level of responsibility. That's money.

LEG. SPENCER:

There's no money.

D.P.O. HORSLEY:

Well, they vote over it.

P.O. LINDSAY:

We have so many boards and commissions, and why some are coveted and others aren't, I have no idea why. You know?

LEG. SPENCER:

Okay.

P.O. LINDSAY:

Okay, we have a motion and a second?

MR. LAUBE:

No.

P.O. LINDSAY:

Huh?

MR. LAUBE:

No, I haven't gotten a motion and a second on this.

P.O. LINDSAY:

Okay. I make a motion --

MR. LAUBE:

You haven't recognized one.

P.O. LINDSAY:

-- to approve.

LEG. STERN:

Second.

P.O. LINDSAY:

Second by Legislator Stern. I'll just go straight up or down. All in favor? Opposed?

"Opposed" said by various Legislators

P.O. LINDSAY:

One, two, three, four, five, six, seven.

MR. LAUBE:

I got eleven.

P.O. LINDSAY:

Okay.

LEG. CILMI:

No.

MR. LAUBE:

Ten.

P.O. LINDSAY:

So it passed.

MR. LAUBE:

No, Calarco is a no.

P.O. LINDSAY:

Okay, roll call.

MR. LAUBE:

Thank you.

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

P.O. LINDSAY:

Yes.

LEG. STERN:

Yes.

LEG. SPENCER:

Abstention.

LEG. D'AMARO:

No.

LEG. GREGORY:

Yes.

LEG. NOWICK:

No.

LEG. KENNEDY:

No.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MONTANO:

Yes.

LEG. CALARCO:

Abstain.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

MR. LAUBE:

Yes?

LEG. MURATORE:

Yes, please; sorry.

LEG. BROWNING:

Up or down?

MR. LAUBE:

To approve.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

Yes.

LEG. KRUPSKI:

Yes.

D.P.O. HORSLEY:

Yes.

LEG. MONTANO:

Change my vote to a no.

LEG. MURATORE:

Me, too. Change me to a no, too, please. I'm sorry, I wasn't paying attention.

P.O. LINDSAY:

Guys, we want to get home. Come on, let's pay attention.

MR. LAUBE:

This is definitely no. Eight.

P.O. LINDSAY:

Okay, it fails.

1178-13 - Appropriating funds in connection with Waterproofing, Roof and Drainage at Suffolk County Vanderbilt Museum (CP 7439) (Spencer).

LEG. SPENCER:

Motion to approve.

P.O. LINDSAY:

Thank you.

LEG. HAHN:

Second.

P.O. LINDSAY:

Second by Legislator Hahn. Okay. Any discussion? All in favor? Opposed?

LEG. BROWNING:

Opposed.

P.O. LINDSAY:

Abstentions?

MR. LAUBE:

Seventeen (Opposed: Legislator Browning).

P.O. LINDSAY:

Okay, it passed. Roll call on the pending Bond, ***1178A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$100,000 in bonds to finance the cost of waterproofing, roof and drainage improvements at Suffolk County Vanderbilt Museum(CP 7439.314).***

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

LEG. SPENCER:

Yes.

LEG. HAHN:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yeah.

LEG. CALARCO:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

Yes.

LEG. KRUPSKI:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen (Opposed: Legislator Browning).

P.O. LINDSAY:

Okay, *Procedural Motion No. 17, to renew agreement with PFM Asset Management, LLC (Presiding Officer Lindsay)*. Who are they?

LEG. SPENCER:

Thank you, everyone.

D.P.O. HORSLEY:

That's the banker, the financial guys for the --

P.O. LINDSAY:

Oh, it's the financial people?

LEG. STERN:

I'll make a motion to approve.

LEG. NOWICK:

Second.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Motion to approve by Legislator Stern. Seconded by Legislator Nowick, I think made the first motion. All right. We have a motion and a second. All in favor? Opposed?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1183-13 - Adopting Local Law No. -2013, A Local Law to amend "Suffolk's Safer Waterways Act" (Schneiderman).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman.

LEG. KRUPSKI:

Second.

P.O. LINDSAY:

Second by Legislator Krupski.

LEG. STERN:

On the motion.

P.O. LINDSAY:

On the motion.

LEG. STERN:

Mr. Presiding Officer, maybe just through the Chair, if we just go to Legislator Schneiderman. Just pursuant to our conversation, the change that was made here was to add a category of those that can offer a safety certification course, that can make that certification. But just for the record, to be clear, that they can offer that certification pursuant to them having offered the safety certification course and only upon candidate completing that safety certification course.

LEG. SCHNEIDERMAN:

Yeah. And just for your own information, they already are; they're Harbor Masters, Town of East Hampton, already offering the class. Even though the law, as you know, the implementation has been delayed, but they now have a boater safety class. I believe Southampton is putting the pieces together for one as well.

So what this bill does is it specifically names the harbormaster's bay constables who are the individuals who are enforcing the law, or will be enforcing the law, so that they also may issue these certificates. Having -- you know, offering the class so that people can get their certificates.

LEG. STERN:

I just wanted to quickly thank the sponsor for the discussion and for the small change to clarify that point. Thank you.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1194-13 - Adopting Local Law No. -2013, A Local Law to expand exemptions to boating safety instruction requirements (Krupski). Motion to approve by Legislator Krupski. Second by Legislator Schneiderman. On the question, anybody? Seeing none, all in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1198-13 - Establishing a program to develop all hazard protocols for staff at County facilities (Hahn). Legislator Hahn?

LEG. HAHN:

Motion.

P.O. LINDSAY:

Motion by Legislator Hahn. Do I have a second?

LEG. MURATORE:

(Raised hand).

P.O. LINDSAY:

Second by Legislator Muratore. On the question? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1240-13 - Appropriating funds in connection with the purchase of heavy duty vehicles for the Police Department (CP 3135)(County Executive).

LEG. BROWNING:

Motion to approve.

P.O. LINDSAY:

Motion to approve; where did that come from?

MR. NOLAN:

Browning.

LEG. MURATORE:

(Raised hand).

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

On the accompanying Bond Resolution, *1240A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$120,000 bonds to finance the cost of acquisition of a heavy duty vehicle for the Police Department (CP 3135.527) (County Executive)*, same motion, same second. Roll call.

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

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. CALARCO:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. KRUPSKI:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, *1241-13 - Appropriating funds in connection with the purchase of Marine Bureau Diesel Engines (CP 3198)(County Executive).*

LEG. MURATORE:

Motion.

P.O. LINDSAY:

Motion by Legislator Muratore. Second by Legislator Browning. On the question? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Same motion, same second on the accompanying Bond Resolution (*1241A - Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$125,975 in Suffolk County serial bonds to finance the cost of acquisition of Marine Bureau diesel engines(CP 3198.518)(County Executive).* Roll call.

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

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. CALARCO:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. KRUPSKI:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1243-13 - Appropriating funds in connection with the replacement of existing shower facilities in the Police Emergency Services Section Building (CP 3232)(County Executive).

Do I have a motion?

LEG. CALARCO:

Motion.

P.O. LINDSAY:

Motion by Legislator Calarco. Second by Legislator Browning. On the question, nobody?
All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

On the accompanying Bond Resolution **1243A** (*Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$50,000 in Suffolk County serial bonds to finance the cost of replacement of shower facilities at the Police Emergency Services Section Building (CP 3232.310) (County Executive)*), roll call. Same motion, same second. Roll call.

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

LEG. CALARCO:

Yes.

LEG. BROWNING:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. KRUPSKI:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, *2192-13 - Encouraging efficiencies and coordination during infrastructure improvements (Horsley)*. Legislator Horsley?

D.P.O. HORSLEY:

Yes, motion to approve.

LEG. MURATORE:

Second.

P.O. LINDSAY:

Motion to approve. Who was the second? Legislator Muratore.

D.P.O. HORSLEY:

On the motion?

P.O. LINDSAY:

On the motion.

D.P.O. HORSLEY:

I just want to just mention that we had a press conference yesterday down at Camp Bulldog and all 16 of the utilities and the representatives that were -- that are listed in the legislation came to it and it looks like they're ready to go to harden our systems.

P.O. LINDSAY:

Very good.

Okay. 1149 --

MR. NOLAN:

He didn't call the vote yet.

P.O. LINDSAY:

Oh, did you call the vote?

MR. LAUBE:

No.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, *1149-13 - Increasing transparency in RFP process (Browning)*.

LEG. BROWNING:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Browning.

LEG. MURATORE:

Second.

P.O. LINDSAY:

Second by Legislator Muratore. On the question?

LEG. STERN:

On the motion. I'm supportive of the resolution. My understanding was that there was going to be a change that was made, I think it was more administrative than anything, but that it was going to have an effect on prospective contracts going forward.

LEG. BROWNING:

Right.

LEG. STERN:

I guess my question, through the Chair or to the sponsor, was that amendment made? I'm supportive of the idea here, but I was under the impression that it was going to be a minor change.

LEG. BROWNING:

Actually, no, I don't remember saying that I was making any change. However, it doesn't -- we don't go back. I believe George could probably respond to that. But I had a lot of conversation with the County Attorney's Office and also with DPW in this process, and some of the language changes were changes required -- asked by the Law Department. George, can you respond to that as far as the --

MR. NOLAN:

Right. Yeah, no request was made for that type of change before the filing deadline for amendments. The one amendment that I believe Legislator Browning had discussed with the Administration, and they had agreed to, that was made. But in terms of that particular language, it wasn't added.

LEG. STERN:

My concern would just be changing the rules halfway through a process that's already begun, for those that are already involved. So I guess I would agree with the sponsor; to Counsel, do you see this as having that kind of a retroactive impact on those that might already be involved in the process rather than those that would be affected prospectively.

MR. NOLAN:

Well, the first section talks about, you know, how the RFP's have to be advertised and the time that has to elapse between the publication and when the responses are due back. I don't think this that issue is -- I can't imagine it would have much of an effect on anybody, that there would be an overlap.

On the second section that's new in terms of disclosure of the identity of the people responding to RFP's or that have responded to RFP's, if somebody before the effective date of this law responded to an RFP, they're going to be subject to the requirement that if somebody wants to know who responded to that RFP, it will have to be disclosed unless the County Attorney, pursuant to the law, says that disclosing that information would impair the negotiation of the contract.

LEG. STERN:

I guess then is there a concern that somebody or some company that's already involved in the process now, after this passes, is now in a process that is different than the process that they had started their process under.

MR. NOLAN:

I think I said this to another Legislator last week. I can't imagine that somebody responding to an RFP would have the expectation that nobody could ever find out that they -- their identity, that they responded to an RFP. That's all the resolution calls for, not what was in their proposal or anything like that, just their identity.

LEG. STERN:

Just that they participated in the process.

MR. NOLAN:

That's it.

LEG. STERN:

Yeah. All right. Thank you.

P.O. LINDSAY:

Okay. Yes, Legislator Schneiderman?

LEG. SCHNEIDERMAN:

That actually confused things a little bit for me, George. So sometimes the County, when they do these RFP's, there are nondisclosure agreements, for whatever reason, maybe it's proprietary or I don't know. My understanding is this bill would not suddenly make something that was private in the past suddenly become public, because that bidder might not have bid if they knew that their identities could later be revealed. So I'm concerned --

MR. NOLAN:

I'm not aware of any priority -- I'm not aware of any situation where it was said to somebody, "You know, if you respond to this RFP, nobody will ever find that out." I just can't imagine that --

LEG. SCHNEIDERMAN:

It's not an issue that we've vetted. I'd like to actually hear from the Administration on that, or somebody from the County Attorney's Office.

MR. NOLAN:

I could just tell you, the Administration weighed in and this was not an issue that was raised with myself.

P.O. LINDSAY:

Commissioner Anderson might have that answer.

COMMISSIONER ANDERSON:

As Counsel had mentioned, once the award is made, it becomes public knowledge. As far as I know, I've never heard of any nondisclosure to that extent. It has to be public notice, whoever bid on it, it always has been. It's just the timing now has been brought forward a little bit. We've always identified whoever bid on a DPW project or any type of, you know, RFP that went through our Purchasing Department, we've always identified who they are, either on the website or made that information known. Certainly, I believe we forward it to the --

LEG. SCHNEIDERMAN:

So you always -- Gil, you always also did that after the award was made.

COMMISSIONER ANDERSON:

Right.

LEG. SCHNEIDERMAN:

So --

COMMISSIONER ANDERSON:

And this is just --

LEG. SCHNEIDERMAN:

And the one part of the bill that, you know, requires 10-day notice, which I think is good practice, I have no problem with that. But you're saying that the other part of the bill that requires disclosure doesn't do anything different than we've already -- always done? Because I thought Legislator Browning had an issue with not being able to get information, but perhaps that was --

COMMISSIONER ANDERSON:

It mandates that information be provided. Once -- again, there is always a question of when you're in negotiations, you don't want to have the information out there about who's bidding. Usually it's a close-knit group of companies or bidders, they know each other. You know, you don't want undue influence one way or the other, you want the negotiation public.

LEG. SCHNEIDERMAN:

Right. In the original version of the bill, there was a requirement that those names be released prior to opening, and that was a concern that once everybody knew who else was bidding, they could potential -- there was the potential for collusion.

COMMISSIONER ANDERSON:

Right.

LEG. SCHNEIDERMAN:

All right. But you can't think of any instance in the past where approving this, which may have some reach retrospective, will cause a problem?

COMMISSIONER ANDERSON:

No. The only --

LEG. SCHNEIDERMAN:

Okay.

COMMISSIONER ANDERSON:

The only thing proprietary would be maybe a process, but we wouldn't make that public, we would only identify the bidder.

LEG. SCHNEIDERMAN:

Okay. Thank you.

P.O. LINDSAY:

Legislator Stern?

LEG. STERN:

Thank you, Mr. Chairman. So Gil, just to clarify, then. This is -- this is codifying what is your policy already, as far as disclosure.

COMMISSIONER ANDERSON:

Essentially, yes.

LEG. STERN:

So to my question to George before, so at this point anybody that's already involved in the process doesn't have an expectation of a different process because this is something that the department is already following.

MR. NOLAN:

Yeah, I don't think the department could represent to a responder that they could keep this information secret.

LEG. STERN:

And they haven't been. Okay, thank you.

P.O. LINDSAY:

Legislator Gregory.

LEG. GREGORY:

Thank you, Mr. Chairman, and I'll be quick. So Gil, you addressed the concern that I had. I'm generally supportive of the bill, but I was concerned because I believe it was stated at some point that there were nondisclosure agreements that were signed and that these people in the past had some expectation of privacy and was concerned that this bill could reach back and somehow violate that expectation of privacy, but you're saying that you don't operate in that way.

COMMISSIONER ANDERSON:

No, I don't see that really being an issue. We've never had a bid where we haven't identified the bidders at the end of it. Again, the process, the individual persons within the company, their employees, certainly we would never advertise that; but the name of the company, their address, that type of information, that's all public knowledge.

LEG. GREGORY:

Okay. All right. Thank you.

P.O. LINDSAY:

Legislator Browning?

LEG. BROWNING:

Yeah, just real quick. There was a statement made here last August, I believe it was, of, "Well, there's a non-disclosure clause, so we can't give you that information." I since found out that there

was none. So I'm saying this is about being open and transparent and making sure that even we as Legislators are not going to be told, "Well, there's a non-disclosure clause," so it's just about open and transparent.

P.O. LINDSAY:

Okay. Anybody else? No? Okay, we have a motion, Mr. Clerk, and a second?

MR. LAUBE:

That's correct.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen (Not Present: Legislators Montano & Kennedy).

P.O. LINDSAY:

It passed.

1209-13 - Authorizing illumination of the H. Lee Dennison Executive Office Building for Judy's Run for Stroke Awareness (Kennedy). Legislator Kennedy?

LEG. NOWICK:

I'll make the motion.

P.O. LINDSAY:

You want to make the motion?

LEG. KENNEDY:

Yes. I'll make a motion to approve, Mr. Chairperson.

P.O. LINDSAY:

Okay. Do I have a second?

LEG. MONTANO:

Second.

P.O. LINDSAY:

Second by Legislator Montano. On the question? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1214-13 - Appropriating funds through the issuance of Sewer District Serial Bonds for the increase, improvement and extension to Suffolk County Sewer District No. 18 - Hauppauge Industrial (CP 8126) (County Executive).

LEG. KENNEDY:

Motion to approve.

D.P.O. HORSLEY:

Second.

P.O. LINDSAY:

Motion to approve by Legislator Kennedy. Seconded by Legislator Horsley. On the question? Seeing none, all in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Same motion, same second on the accompanying roll -- Bond Resolution *1214A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$2,000,000 bonds to finance the cost of construction of improvements to Suffolk County Sewer District No. 18 – Hauppauge Industrial (CP 8126.311))*, roll call.

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

LEG. KENNEDY:

Yes.

D.P.O. HORSLEY:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. CALARCO:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. KRUPSKI:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, we got *1216, we already passed.*

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).

LEG. D'AMARO:

Motion.

LEG. HAHN:

Second.

P.O. LINDSAY:

Motion by Legislator D'Amaro?

LEG. D'AMARO:

Yeah, uh-huh.

P.O. LINDSAY:

And second by Legislator Hahn. On the question? Okay, all in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1227-13 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Renee M. Wunsch and Charles A. Powell, as joint tenants with rights of survivorship (SCTM No. 0200-867.00-06.00-037.000) (County Executive).

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro.

LEG. CALARCO:

Second.

P.O. LINDSAY:

Second by Legislator Calarco. On the question, anybody, no? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

It passes.

Okay, *1231-13 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Brookhaven (SCTM No. 0200-256.00-05.00-037.000) (County Executive)*.

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by who? Legislator D'Amaro.

LEG. CALARCO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, it carries. We're done with the agenda.

There's one message in the manilla folder. No, is that the Home Rule?

MR. NOLAN:

Yes. It was kind of distributed late, so it might not be in the folder.

P.O. LINDSAY:

Okay.

MR. NOLAN:

Home Rule Message 1.

P.O. LINDSAY:

What about this one?

MR. NOLAN:

That you can ignore. That's an updated one.

D.P.O. HORSLEY:

Starting a state?

LEG. MONTANO:

The State of Long Island.

P.O. LINDSAY:

The State of Long Island. Okay, we have the State of Long Island message, which I congratulate you, Legislator Muratore. I used to carry this bill, because I think it's a smart thing to do. If it ever happened, we wouldn't have a tax problem.

Okay, *Home Rule Message Requesting the State of New York to enact legislation establishing Bi-County Commission in the Counties of Nassau and Suffolk County to study the feasibility of establishing the State of Long Island (Senate Bill No. S4398 and Assembly Bill A6391)(Muratore)*. Do we have a motion?

LEG. MURATORE:

(Raised hand).

P.O. LINDSAY:

Motion by Legislator Muratore. I'll be happy to second it. On the question? Just so everybody knows, we've never got Nassau to support this.

*(*Laughter*)*

LEG. BROWNING:

They might.

P.O. LINDSAY:

Okay. So all in favor?

LEG. D'AMARO:

Could I just ask a question?

P.O. LINDSAY:

Go ahead.

LEG. D'AMARO:

Why does this need to be a Home Rule Message? Or maybe to George. I understand there's bills pending in Albany, but, I mean, if Albany wants to pass a bill to study the feasibility of Statehood for Long Island, do they need a Home Rule Message from us to do that?

MR. NOLAN:

Normally when there's a law up there that affects usually just one County, but I think in this case two counties, they do look for a Home Rule Message. Senator LaValle's Office specifically requested a Home Rule Message from us, and that's when I sent out an e-mail to everybody looking for a sponsor and that's where Legislator Muratore came in.

LEG. D'AMARO:

Well, before we go and vote on this, I know this issue has come up in the past and it's very complex. I mean, really, before we go and vote, I mean, what would be the cost to taxpayers to, you know, be the 51st state? Do we pick -- how do we open up our own Department of Motor Vehicles and charge taxpayers for it.

P.O. LINDSAY:

Well, many things that we do and the State does, it sets up a committee to study it and to tell you.

LEG. D'AMARO:

But didn't -- Mr. Presiding Officer, you were here, of course, at the time. Didn't we already study all of this and conclude that it was not feasible? -

P.O. LINDSAY:

I don't think it ever went that far that the committee was ever established.

LEG. D'AMARO:

I thought we did.

P.O. LINDSAY:

No. To my knowledge, Nassau has never supported this.

LEG. D'AMARO:

And the study would be done completely on the State level.

MR. NOLAN:

No, it would be representatives from the two Counties, and then it would also call for a non -- the possibility of a non-binding referendum in the two counties.

LEG. D'AMARO:

But George, so let me --

LEG. SCHNEIDERMAN:

Suffolk County and Peconic County, are those the two counties?

*(*Laughter*)*

LEG. D'AMARO:

But the bill, even though it may appoint representatives from both counties, this is a State initiative. Like the State of New York is passing a bill to break off Nassau and Suffolk County to form its own state? I don't understand that.

MR. NOLAN:

They would create a commission to study it. We've passed this Home Rule a couple of times.

LEG. D'AMARO:

If the State of New York wants to study that, then I won't stand in the way of their commission. That's fine. I don't understand it, but okay.

P.O. LINDSAY:

Okay. It's the last piece of business we have; please, up or down, I don't care.

LEG. SCHNEIDERMAN:

There's a CN.

P.O. LINDSAY:

Huh?

LEG. SCHNEIDERMAN:

There's a CN.

LEG. MONTANO:

No, this is not the C of N.

P.O. LINDSAY:

Okay. But can I finish this vote?

LEG. MONTANO:

Yes.

P.O. LINDSAY:

Isn't this a CN?

MR. NOLAN:

No.

LEG. MONTANO:

No, no, it's a Home Rule.

LEG. SCHNEIDERMAN:

There's a Home Rule Message, that's the one before us, and then there's one CN and then we're done.

P.O. LINDSAY:

Oh, okay. Okay, so we have the CN. We have a motion and a second. All in favor?

D.P.O. HORSLEY:

Whoa, whoa, whoa. What are we doing now?

MR. NOLAN:

Home Rule Message.

LEG. SCHNEIDERMAN:

Home Rule Message.

P.O. LINDSAY:

Home Rule Message, all right?

LEG. MURATORE:

The State Governor.

P.O. LINDSAY:

We have a motion and a second, as I started to say, right?

MR. LAUBE:

That's correct.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

("Opposed" said by various Legislators)

MR. NOLAN:

Get this, because it needs -- it really should get twelve.

P.O. LINDSAY:

Come on, hold your hands up.

LEG. CALARCO:
Roll call?

P.O. LINDSAY:
Yeah, do a roll call.

MR. NOLAN:
Roll call, guys.

LEG. MONTANO:
It will be easier.

MR. LAUBE:
Ready?

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

LEG. MURATORE:
Yes.

P.O. LINDSAY:
Yes.

LEG. SPENCER:
Pass.

LEG. D'AMARO:
No.

LEG. STERN:
Yes.

LEG. GREGORY:
No.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Absolutely.

LEG. BARRAGA:
Absolutely not.

*(*Laughter*)*

LEG. CILMI:
Yes.

LEG. MONTANO:
I'm with Tom; absolutely not.

LEG. CALARCO:
No.

LEG. ANKER:

No.

LEG. HAHN:

No.

MR. LAUBE:

Muratore? Oh, sorry, I called on him already. I got a lot of marks on here.

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

LEG. BROWNING:

Sure, why not.

LEG. SCHNEIDERMAN:

To save families \$4,000 a year? Yes, absolutely.

LEG. KRUPSKI:

To get a new star for the flag, yes.

D.P.O. HORSLEY:

No, it makes us look frivolous.

LEG. SPENCER:

Yes.

P.O. LINDSAY:

I'll take the \$3 billion; that don't make me look too frivolous.

MR. LAUBE:

Ten.

LEG. KENNEDY:

It passed?

P.O. LINDSAY:

No, it failed. You need twelve.

LEG. CILMI:

Why do you need twelve on a Home Rule?

MR. NOLAN:

Home Rule Message.

LEG. MONTANO:

You need twelve for a Home Rule?

LEG. CILMI:

You do?

MR. NOLAN:

If it doesn't come from the County Executive, yep, you needed 12.

LEG. MONTANO:

Say that again?

MR. NOLAN:

You need twelve.

LEG. CILMI:

But you don't need twelve from the County Executive?

MR. NOLAN:

If he had come forward with it. It's a municipal Home Rule Law.

P.O. LINDSAY:

Okay? Is everybody in agreement with that?

LEG. SCHNEIDERMAN:

That's in our rules, that a --

MR. NOLAN:

Municipal Home Rule Law.

LEG. SCHNEIDERMAN:

Municipal Home Rule, it says it needs a super majority to pass a Home Rule Message?

LEG. CILMI:

Unless the County Executive --

MR. NOLAN:

When it originates with the Legislature it needs twelve; it's right in Section 40 of the Municipal Home Rule Law.

LEG. CILMI:

Apparently we're not coequal branches of government.

P.O. LINDSAY:

Okay.

Under the CN. Come on, guys, let's just finish. We've got one more piece of legislation. Let's finish it and go home.

P.O. LINDSAY:

The CN's:

1351-13 - Accepting and appropriating grant funds received from the New York State Division of Criminal Justice Services to the Suffolk County District Attorney's Office, under the Crimes Against Revenue Grant (County Executive).

LEG. BROWNING:

Motion to approve.

LEG. CALARCO:

Second.

P.O. LINDSAY:

Motion to approve, 159,000.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

And we have a second. Motion by Legislator Browning and seconded by Legislator Schneiderman. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. Let's waive the rules and place the following Late Starters on the agenda; 1349 to Economic Development & Energy; 1350 to Education & IT; 1352 -- there's no 51?

MR. NOLAN:

No.

P.O. LINDSAY:

Okay. 52 to Education & IT; Public Safety, 1353; 1354 to Education & IT; 1355 to EPA; 1356 to EPA; 1357 to Ways & Means; 1358, and I set the following public hearing for May 7th at 2:30 in Hauppauge, to Government Ops, Personnel, Housing & Construction is that?

MR. NOLAN:

Consumer Affairs.

P.O. LINDSAY:

Consumer Affairs; 1359 to -- and set the following public hearing for 2:30 PM in Hauppauge on May 7th, to Government Ops, Personnel; 1360 to EPA; 1362 is next, Budget & Finance; 1363 to EPA; 1364 to Education & IT; 1365 to Health; 1366 to Vets & Seniors; 1367 to EPA. I need a second on that.

LEG. D'AMARO:

Second.

LEG. CALARCO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

And we stand adjourned.

*(*The meeting was adjourned at 6:42 PM*)*

{ } - Denotes Spelled Phonetically