

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

SEVENTH DAY

June 4, 2013

Verbatim Transcript

MEETING HELD AT THE WILLIAM H. ROGERS LEGISLATURE BUILDING

IN THE ROSE Y. CARACAPPA LEGISLATIVE AUDITORIUM

725 VETERANS MEMORIAL HIGHWAY

SMITHTOWN, NEW YORK

Minutes Taken By

Alison Mahoney & Lucia Braaten - Court Reporters

Verbatim Transcribed Prepared By

*Alison Mahoney, Lucia Braaten,
Kim Castiglione - Legislative Secretary &
Denise Weaver - Legislative Aide*

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

*(*The meeting was called to order at 9:35 A.M. *)*

D.P.O. HORSLEY:

Good morning, everybody. Would all Legislators please come to the horseshoe? We're about ready to begin. Mr. Clerk, would you please call the roll.

MR. LAUBE:

Will do. Good morning.

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

LEG. KRUPSKI:

Here.

LEG. SCHNEIDERMAN:

Present.

LEG. BROWNING:

Here.

LEG. MURATORE:

Here.

LEG. HAHN:

(Not Present).

LEG. ANKER:

(Not Present).

LEG. CALARCO:

Present.

LEG. ANKER:

Here.

LEG. HAHN:

Here.

LEG. MONTANO:

(Not Present).

LEG. CILMI:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Here.

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LEG. NOWICK:

Here.

LEG. GREGORY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. SPENCER:

(Not Present).

D.P.O. HORSLEY:

Here.

P.O. LINDSAY:

(Not Present).

LEG. MONTANO:

Here.

MR. LAUBE:

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

D.P.O. HORSLEY:

All righty. Everybody, welcome to the General Meeting of June 4th. May we have our traditional salute to the flag led by Legislator Tom Barraga.

Salutation

I'd like to introduce Tom Barraga's Clergy that he has invited today. The invocation will be given by Reverend Daris Dixon-Clark, Pastor of the First Baptist Church of Bay Shore, guest of Legislator Barraga. Tom?

LEG. BARRAGA:

Thank you, and good morning. It is a pleasure to have with us this morning the Reverend Dr. Darrus Dixon-Clark, the Pastor of the First Baptist Church of Bay Shore. Dr. Dixon-Clark was born in North Carolina and educated in the Greensboro Public Schools. He graduated from the University of Pennsylvania with a Degree in Political Science, received a Master's Degree in Theology from Northeastern Theological Seminary in Rochester, New York, and an Honorary Doctorate from St. Thomas Christian College and Theological Seminary of Jacksonville, Florida. He was ordained on December 11th, 1988.

Before becoming Pastor of the First Baptist Church in Bay Shore on March 27th, 2012, Dr. Dixon-Clark held several pastorships, the last of which was Pastor of the Historical Friendship Baptist Church in Buffalo, New York. Since becoming Pastor, he has further energized the First Baptist Church with his personal mission to, and I quote, "*Glorify God through effective preaching and teaching God's word and living a life that is a full expression of God's gift to us,*" unquote. Pastor Dixon-Clark's spouse, Shonda Facell-Clark is also a Pastor and they have three children, Samuel, Andrew and Janella. We welcome Pastor Dixon-Clark.

Applause

PASTOR DIXON-CLARK:

Good morning, everyone. It is a pleasure to be here this morning. I welcome you all to that place where we all can gather, that place of faith and fellowship in prayer. Let us pray together.

Divine and loving creator, we come before your presence this day, first of all, to thank you for the beautiful day that you have granted onto us. We thank you, God, that we have been allowed, as your servants, to come into this hallowed halls of government. We pray and invite and invoke your presence upon us and upon our Legislators as they conduct the business of our County this day. We celebrate them as your servants and we celebrate you as our God. Lead us, guide us and protect us, and in all things that we do, we pray that you get the glory, the honor and the praise. It is in your name that we pray and all the people of God said amen.

"Amen" said in unison

D.P.O. HORSLEY:

Very nice, Reverend. Thank you very much.

May we also remain standing for a moment of silence for former New York State Senator Caesar Trunzo who passed away on May 28th, 2013. Ex-Senator Trunzo served from the New York State Senate 3rd District Court -- 3rd District from 1973 to 2008. Caesar Trunzo was a quiet, thoughtful man who played a huge role in both political and governing issues in New York State and the Town of Islip for all of three decades. He will be missed by all. And let us also remember those men and women who protect our freedoms, both home and abroad.

Moment of Silence Observed

All right. If everyone would please take their seats. And again, welcome to the General Meeting of June 4th. We have several **proclamations** today to be presented by our Legislators. The first proclamation, and I hope he's ready. Steve, are you ready? You're the man. **Legislator Stern** will present a proclamation to **Chuck Von Schmidt** whose work is currently being displayed at the "Art in the Alcove".

LEG. STERN:

Thank you, Mr. Deputy Presiding Officer, and good morning to everyone. I'm joined today by Mr. Chuck Von Schmidt. If you've had the opportunity and if you've been here before, you know that we have a program out in the alcove, "Art in the Alcove" where we periodically feature the works of local artists, and Mr. Von Schmidt's work is currently on display and I wanted to invite him here to thank him, to thank him for his work and to also recognize some of his great achievements.

We have the opportunity to see not just the work on display now, but Chuck Von Schmidt is known throughout the world for many of his works, the most famous being the "Ideals of Aron" which was personally presented to His Holiness, Pope John Paul II, in recognition of the Pope's accomplishments furthering relations between Catholics and all of the world's religions.

I had the opportunity to host a middle school group here a couple of days ago and they were fascinated by your work and we spent some time outside admiring it, so the influence goes on to our younger generation and that was great to see. So I wanted to welcome Chuck Von Schmidt here to the Legislature, present him with this Legislative proclamation to say thank you; thank you for sharing your inspiration and your work with all of us.

Applause

MR. VON SCHMIDT:

Thank you very much.

D.P.O. HORSLEY:

Thank you very much, Legislator Stern.

The second proclamation we have today is **Legislator Montano** will recognize the **Central Islip High School Marching Band** for being the only New York State Band chosen to participate in the National Memorial Day Parade in Washington, D.C.

LEG. MONTANO:

That's my speech.

D.P.O. HORSLEY:

And I will say no more.

LEG. MONTANO:

Thank you (*laughter*).

Applause

D.P.O. HORSLEY:

Congratulations, though, both to the Legislator and to the band.

LEG. MONTANO:

Thank you very much. And to my colleagues and to everyone in attendance here, it's my pleasure to present this proclamation today. Because of space limitations, we could not accommodate the entire marching band to present the proclamation; they're 116. But we have a very special group of individuals representing the Central Islip Senior High School Marching Band who will accept a proclamation in their name. It is an honor for me to call up Mr. Steven Muller, Band Co-Director.

Applause

Mr. Jerimiah Ryan, Band Co-Director.

Applause

Aaron Mitchell, Drum Major.

Applause

Briana Perez. Briana Perez, Drum Major.

Applause

Dr. Franklin N. Cesar, he is the Principal of the Central Islip Senior High School, and I'm going to add that he was recently awarded the Suffolk County Human Rights Award for Making a Difference in Education. Congratulations.

Applause

And we have Phillip K. Vogt who is the Director of Instructional Technology and Music Education. They're all with us representing the other members of the band.

Applause

I just point out, as was said earlier, Central Islip Senior Marching Band was the only band from the State of New York to march during the 2013 National Memorial Day Parade in Washington D.C.. The National Memorial Day Parade, presented by American Veterans Center, is held annually in Washington D.C. and is an opportunity for thousands of patriotic Americans to come together and honor those who have sacrificed so much in service to our country. The event celebrates all those who served in uniform from the American Revolution to Operation Iraqi Freedom and seeks to educate the public about the meaning of this hallow day. The CI Senior High School Marching Band was nominated by Supervisor -- Islip Town Supervisor Tom Croci and New York State Senator -- New York State Senator Charles Schumer at the end of the 2000 -- 2012 school year.

Although the marching band is not a competitive band, they have marched in a great number of parades all over Long Island. I want to give them a special congratulations and thank you and, you know, you've done us proud. Thank you.

Applause

D.P.O. HORSLEY:

Thank you very much, Legislator. And congratulations to Central Islip.

The next proclamation is ***Legislator Muratore*** will present a proclamation to ***Dilek Kucuk***, student at the American Campus -- Ammerman Campus in Suffolk County Community College in Selden.

LEG. MURATORE:

Dilek Kucuk, originally from Turkey, is a Farmingville resident and recent graduate of Suffolk Community College Ammerman Campus. She is the recipient of two awards, and with the awards go a few dollars, too; that's wonderful, that will help with your education. She won the New York State Mathematics Association of Two-Year Colleges, the Dan Dodway Memorial Scholarship, which includes a thousand dollars; that's wonderful, right? And the Dr. Robert Frey Family Foundation Scholarship which includes \$5,000; so there goes those college loans a little bit, hopefully.

Both awards are given to students pursuing degrees and careers in mathematics. Dilek plans to coordinate her education at Stony Brook University Mathematic Program this Fall. So I hope you'll stay in Suffolk and you'll work here in Suffolk, you'll live here in Suffolk and raise your family in Suffolk. Congratulations. Let's have a round of applause for Dilek. Congratulations. Good luck. God bless you.

Applause

D.P.O. HORSLEY:

Congratulations. Legislator Muratore, I understand you also have proclamations for four Suffolk Community College students?

LEG. MURATORE:

My favorite college. You know, it's in my district, so --

D.P.O. HORSLEY:

There you go.

LEG. MURATORE:

We love that diamond --

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D.P.O. HORSLEY:

It is all of ours.

LEG. MURATORE:

Yes, but it's in my district.

*(*Laughter*)*

D.P.O. HORSLEY:

One must not forget there are three campuses, though.

*(*Laughter*)*

LEG. MURATORE:

Okay, I'll share.

If I can have up Steven -- and I don't want to ruin this nice Greek name.

MR. AGNOSTAKIOS:

Steve A.

LEG. MURATORE:

Steve A (*Agnostakios*), okay, *Deidre Keen, Matthew Mayers and Man Zhang.*

The Chances Award for Students Excellence which was created in 1997 to recognize students who have best demonstrated the integration of academic excellence with accomplishments in the areas of leadership, athletics, community service, creative and performing arts, campus involvement or career achievement. So, boy, they not only go to school, they do a lot on the side, too, so congratulations. You know, working in our communities, taking care of the people that live around us.

So we have our winners; Steven? Let me make sure I give out the right ones. Now you can have them. Man? Where's Man? This is yours. You know, one thing to look at with this great group, you know, we have young to more mature people. So we see that not only are our mature people taking part in the communities, but our young are taking part. So it's something to be proud of. Because you know what? In today's society, today's economy, that's what we need. We need people to care about the community, give back to the community and help the community. Dee tells me he's retired, went back to school, you know, we have younger people, a little bit younger and a little bit older, so, you know, we're right there. We've got the whole gamut. So, congratulations and God bless you. Thank you so very much for all you do for the County.

Applause

D.P.O. HORSLEY:

All righty. Thank you, Legislator, and congratulations to all.

Next proclamation is from **Legislator Spencer** who will present a proclamation to his constituent, **William Seery** of East Northport.

LEG. SPENCER:

I'm going to ask if we could just take a minute. My constituent who I'm recognizing is in a wheelchair and I'm just -- he's outside, we're just going to give him a moment to be able to get in. So, thank you. I appreciate it if you just bear with me for a moment.

D.P.O. HORSLEY:

Legislator, would you like me to pass over you?

LEG. SPENCER:

Sure, we'll give Mr. Seery a chance. He just I think is trying to get settled.

D.P.O. HORSLEY:

Sure.

LEG. SPENCER:

So if you can go to the next one, then I'll go.

D.P.O. HORSLEY:

Absolutely. We'd be happy to do that.

Legislator D'Amaro, are you ready?

LEG. D'AMARO:

Yep.

D.P.O. HORSLEY:

Pursuant to ***Resolution No. 927-2007, Establishing a "Be Pool Smart Public Education Campaign" to promote pool safety***, the Budget Review Office has chosen the winning posters, and I've been told not to say another word.

LEG. D'AMARO:

(Laughter) We would never tell you that, Mr. Deputy Presiding Officer. Thank you very much, and good morning. It's that time of year again, Ladies and Gentlemen, when we all have to start thinking about pool safety, especially when it comes to our children, and it's important statistically. First, I guess the bad news; drowning is the second leading cause of death of children between the ages of one and 14 nationwide, and it's the third leading cause of injury-related death of children in New York State. So if you're under the age of five, on average, 350 children under that age drown in swimming pools each year, and another 2600 children under the age of five are treated in hospitals for near drowning deaths or accidents. So it begs the question: What can we do about this?

Well, one thing we can do is educate our kids about pool rules and raise their awareness about safety around swimming pools during the summertime when they're out having a great time. And one way the County does this and one way that the Legislature does this is through what the Deputy Presiding Officer called "Be Pool Smart Campaign", and that specifically targets the younger kids who will be around swimming pools.

Now, it's a contest where my colleagues and I invite school children to draw posters of -- that highlight the pool safety rules that we're trying to inculcate them with, things like always swim with a buddy, never swim alone or unsupervised, never push people into the pool or jump on top of people, get out of the pool if you hear thunder and lightning, take shelter, all those practical, good safety rules that are so important for younger children to understand when they're around swimming pools. So the kids draw these posters that highlight these rules, and then a winner is selected from each of our Legislative Districts. Now, there's 18 of us, so there are 18 winners, one in each district. Those 18 posters then go on to compete in an overall Countywide competition where one poster is selected as the winner. The one winning poster is then used on the cover of the County's Pool Safety Brochure, and that brochure is distributed throughout the entire County of Suffolk.

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Many school children participated this year, I'm happy to tell you, and it really did help to raise that awareness. But the winner of the Countywide contest happens to come from my Legislative District this year. She's a third-grade student at John F. Kennedy Intermediate School in Deer Park, which, by the way, is the same intermediate school that I graduated from, but of course back before they invented the wheel or fire or anything like that. But she's in Ms. D'Oria's class and Ms. Carr's class and she's a student in Mrs. Schwartz' Art class. Our winner is attending today with her family, including her mother Elizabeth, her father Steve and her sister Jacqueline. Also attending is JFK's school Principal, Susan Bonner, and Art Teacher Lori Schwartz, and also some of her teachers have also come along this morning; Ana Marino and Christine Carr.

So Ladies and Gentlemen, I would now like to publicly announce for the very first time our winner. Please join me in giving a warm round of applause to congratulate this year's winner of the "Be Pool Smart Poster Contest", **Juliana Gentile**. Juliana.

Applause

Hi. Congratulations. And Ladies and Gentlemen, just one more moment. I just want to show everyone the poster, it's held up right here, that Juliana did. She did a wonderful job, and it highlights all of the -- some of the rules, or many of the important rules for pool safety, so let's keep them all in mind this summer. And that's the poster that will now be on the front of the brochure, the pool safety brochure that Suffolk County is going to put out. So thank you again and congratulations to Juliana.

Applause

D.P.O. HORSLEY:

And Juliana, congratulations on behalf of all of us. And I love the fact that you brought your entourage.

*(*Laughter*)*

All right. Doc Spencer, back to you again, presenting his proclamation to his constituent, William Seery.

LEG. SPENCER:

Good morning. This morning I have the privilege of being able to recognize someone who has taught me a lot about courage, and that is Mr. Bill Seery. He is an East Northport resident in my Legislative District, and in July of 2011, he was having dinner with a friend and within minutes he was unable to stand or walk. After going through several intense months, he was ultimately diagnosed with a condition called Transverse Myelitis. Due to the rarity of this condition, it took a very long time before a diagnosis was reached, so you could imagine just really the internal horror that someone would experience or that Bill experienced. But what Bill did was he took it upon himself to learn as much as he could about this disorder and he found that there was very little support because most people had never heard of Transverse Myelitis.

Transverse Myelitis is a neurological disorder that is caused by inflammation across one segment of the spinal cord. And it could affect children and adults of all ages, all racial backgrounds, male/female, and there's only approximately one-to-five per million new cases diagnosed each year. In spite of being hospitalized for 18 months and substantial odds against recovery, Bill continues to show great courage as he has made it very clear that he is going to walk again. He is grateful for even the slightest improvement in his ability and, furthermore, he is working tirelessly to bring public awareness to this condition.

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I had the privilege of going to Bill's home and spending some time talking with him. I saw his garden and just really his home environment. He's done a remarkable job in making it a very beautiful living space and I enjoyed my time speaking with him. And he taught me a lot about what it means to struggle and have courage and to face adversity and he has done it with style, he's done it in any way -- in a way that just would make all of us proud.

Furthermore, as a result of Bill bringing this condition to my attention, this Thursday, June 6th, will be Transverse Myelitis Day in Suffolk County, and I'm going to further amend my resolution for next year for it to be known as the Bill Seery Transverse Myelitis Day in Suffolk County. So it gives me great honor to pay a well-deserved tribute to Bill Seery and award him with this proclamation. Thank you.

Applause

I would like to give Bill an opportunity -- would you like to say a word?

MR. SEERY:

Sure.

LEG. SPENCER:

Okay. All right. We're just going to have you come right here for a moment.

MR. SEERY:

First of all, I would just like to thank Legislator Spencer and his dedicated staff for, first of all, believing in me and the dedication that Linda and everyone there has done, it's been incredible.

I've spent -- let's see, I've spent 15 months, a year and a half, in five different nursing homes, and the reason why I was in five different nursing homes is because other than my being paralyzed, I was paralyzed within seconds and I needed therapy, there's no other -- nowhere to go other than therapy. Through insurance purposes, I wasn't making progress, so I had to go from one nursing home to another. And one nursing home, all I was there for was for rehab, rehabilitation, that was what I needed. That was my cure, if you call it that. And I didn't belong in a nursing home. I wasn't even 50 years old at the time. And one nursing home in particular charged \$5,000 a day for me to get rehab, and it was an acute facility which means that I get three hours a day, one was for upper body, one was lower body, one was for therapy. In reality, I got probably 45 minutes of therapy, so -- and never missed a day of therapy.

And thank you again -- I have to thank -- I can never thank enough to SILO for helping me to get back into the community. And one of the proudest moments I've ever had was when I get back into East Northport and with my local Knights of Columbus and Father George and I didn't march, I rolled with them and I really felt it was so great to be back in the community.

So what I'm starting is I have a company of my own, it's called Northern Capabilities, not disabilities. I have some great products, one of which I'm getting patented, it's a leg lifter. I also have -- all of this is going to be produced by companies on Long Island, or in Suffolk County. And one of them's a leg lifter, which is -- I'm getting patented, there's nothing like it. Really, this is just a velcro strap, it straps onto your legs and it just provides you the stability so you can lift your own legs so you can get in and out of a car, whatever, by yourself. Another one is a sliding board and a sliding board is a piece of board that allows you to get from your wheelchair on to a bed, mattress, car, and it's a piece of wood. That I want to have manufactured in Suffolk County, and my goal is to have a Wounded Warrior work with them. I have a company in -- and I have all of these -- it's Northern Capabilities, and it's just a company that, you know, it's going to take off. I can't wait, I have my domain name, I do need help with some website development maybe, but I'm ready to go. And everyone here is invited to come to me very shortly to celebrate when I climb to the top of

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Montauk lighthouse and watch the sunset, and thank you.

Applause

D.P.O. HORSLEY:

Thank you very much, Legislator. And to Mr. Seery, good luck to you, God bless you.

All righty. *Legislator Calarco* will present proclamations to three *Patchogue-Medford High School students*, and we'll let him tell the story.

LEG. CALARCO:

Thank you very much. I'd like to call up Brianna, Michael and Justin, please. If you can join me up here, as well as your teacher, Mr. Ingstrom, please come up.

So I have -- we'll be presenting some proclamations later on to the Brookhaven National Laboratory Science Fair Winners, but I have three Brookhaven National Laboratory Science winners right here with us today. They competed in a program, a model bridge building contest, and the goal of the contest was to build the lightest weight bridge you could build that would carry the heaviest load possible. And this is something when we talk about stem and the future of our country being reliant on our ability to get our students engaged in science and technology and engineering, which this is, this is a great program.

So my three students here, *Brianna (Shortell)* took 1st place, *Michael (Grazio)* took 2nd and *Justin (Schulz)* took 3rd out of 160 high school students from ten different schools through Suffolk County. Brianna built a bridge that weighed 20.7 grams and held over 89 pounds in weight; that's a bridge that weighed less half a pound that was able to carry 89 pounds in capacity. Michael took 2nd place with a bridge that weighed 21 grams and held 89.83 pounds, and Justin's bridge weighed 14.59 grams, so it was a little bit lighter but only carried 60.78 pounds. So they really showed some ingenuity and some real understanding of Physics, and their Physics teacher is here with us today, Mr. Ingstrom from the Patchogue-Medford High School. And I really just wanted to take this moment to recognize them for what they've done. I'm sure it's going to carry them to some great colleges, right? And it's going to carry them to some great careers for us in building our country's future. So I have proclamations for them and thank you very much. Do you want to say anything, guys? Put you on the spot.

*(*Laughter*)*

MR. GRAZIO:

No, I'm good.

LEG. CALARCO:

No, they're okay. So thank you very much, and congratulations to all three of you and to the Pat-Med High School.

Applause

D.P.O. HORSLEY:

All right. Congratulations, Legislator Calarco and to all the winners. Very nice.

I'm going to backtrack a little bit; apparently we passed over one of our proclamations and it was my omission. Legislator Gregory will present a proclamation to the Second Place Winner in the pool contest, poster contest.

LEG. GREGORY:

Good morning, Ladies and Gentlemen. It's a pleasure to be here and to introduce to you and announce the second place winner in the "Be Pool Smart Campaign" from the 15th Legislative District. She's here today with her parents, her name is Janae Sinclair. Janae? She's smiling (*laughter*). She is a 1st Grader at Northwest Elementary School in North Amityville. She's here with mother, Morelle, her father Wayne -- who has a nice name, by the way -- and Emily, her sister. So would you please come forward.

Applause

Now, I won't restate all the reasons why this campaign, this poster contest is important, Legislator D'Amaro laid them out very well just a few short minutes ago. But it's so important, as we go into the summer season, our kids are out in the yard and they're playing and they're in the pool, that they be smart. So many unnecessary casualties of the summer are inflicted upon our communities, drownings, because we're not safe, we're not safe enough. And this campaign is so important to get the word out, get the message out, be safe, be smart, but also have fun while you're doing it. So Janae, thank you for your efforts, we appreciate it. We have a proclamation. Here's actually a copy of Janae's poster that she did, she's very talented, as you can see. And next year we're going to make sure we get the first place winner.

*(*Laughter*)*

But thank you.

Applause

D.P.O. HORSLEY:

Congratulations.

All right. What we're going to be doing now is we're going to be going over to the 2013 Brookhaven National Laboratory Science Fair winners. And I know this is something that we love to give out, it really just shows us how smart the young people are of Suffolk County. And I see Mr. Kennedy, are you about ready? I see you've got one of the winners here.

LEG. KENNEDY:

I do, but I don't know if I have my procs yet.

D.P.O. HORSLEY:

All right (*laughter*).

LEG. KENNEDY:

How about you call on somebody else.

D.P.O. HORSLEY:

All right. All right, let's see if we can -- we'll see if we could rearrange this and I hope that I'm not -- it doesn't make this too confusing.

But I believe the second proclomator is Legislator Anker who will be giving the Laboratory Science Fair Winner to the 1st grade; Luke Katona.

LEG. ANKER:

Mom and Dad and Grandma and teacher, come on up. Is that a new word in Wikipedia; proclomator? That's by Wayne, Legislator Wayne Horsley. You got that?

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D.P.O. HORSLEY:

I hope so, and it seems like it's proper English to me.

LEG. ANKER:

(Laughter). Again, thank you for coming out here this morning, all the people receiving certificates and proclamations. I have a very special guest here today. Luke Katona, he is Brookhaven National Lab's Science Fair Winner, and he is a 1st Grader at middle -- excuse me, West Middle Island Elementary School. He received the First Place Award for the Science Fair and his project had to do with -- he studied what kind of foods ants like to eat.

Now, with the support of his parents, basically he has an ant farm -- now, that should be interesting, an ant farm at home, okay -- and he observed what ants preferred to eat. Now, he chose sugary foods and he chose salty foods and he found -- now the drum roll -- he found that ants prefer sugary foods, so that was very good. And I can't wait to see where you are when you get into middle school and high school.

And I'm going to compliment, also, what Legislator Calarco had mentioned about how important it is that we focus our energy on the Stem Program and on Brookhaven National Lab. Because we have the highest -- well, as Chair of Education, the highest level of educators in this area. And again, I compliment Longwood School District for what they've been doing as far as promoting the sciences, right across the road from Brookhaven National Lab, by the way.

Luke, would you like to tell us a little bit about your project, just a real quick brief overview? What made you choose to work on an ant farm? Work with an ant farm? On an ant farm *(laughter)*. Did you like putting the science project together?

MR. KATONA:

Yes.

LEG. ANKER:

Did your Mom and Dad like you putting the science project together? Did they mind all the ants crawling around?

MR. KATONA:

Yes.

LEG. ANKER:

Did something escape out of the ant farm?

MR. KATONA:

Yeah.

LEG. ANKER:

Uh-oh.

*(*Laughter*)*

Okay, we better stop right there. Did you catch them and put them back?

MR. KATONA:

No.

LEG. ANKER:

No, okay. Watch out, Mom, you've got some cleaning up to do. Well, thank you so much. You guys are amazing. And again, I just want to thank everybody coming out here today in support of the people getting our proclamations. And very much congratulations to you, Luke. Thank you.

Applause

D.P.O. HORSLEY:

Luke, congratulations on behalf of all of us. And Legislator Anker, as a follow-up study to Luke's, how about carpenter ants? Because I've got them all over my house and I've got a feeling --

LEG. ANKER:

Okay.

D.P.O. HORSLEY:

No matter what I do for sugar (*laughter*) --

LEG. ANKER:

He'll work on that next time.

D.P.O. HORSLEY:

There you go.

All righty. *Legislator Krupski*, are you -- I see that you have the *2nd Grade Winner*, Mr. *Kevin Koch from Manorville*.

LEG. KRUPSKI:

Kevin is a 2nd Grade scientist in the South-Manor District, from the South Street School, and his project was to see how snails would work in aquariums and how they would clean out a fish tank at different rates, different fish, different snails. And I think it's important that Kevin understands the relationship between the natural world and how -- and nothing -- every action is related to other things and nothing is in a vacuum. And just as all our actions here affect other things, so he realizes that in the natural world the relationship and interrelationship between different things like snails and fish. So congratulations, and keep up the good work in the field of science.

Applause

D.P.O. HORSLEY:

Thank you very much, Legislator, for that lesson as well.

*(*Laughter*)*

Legislator Muratore, the *3rd Grade Winner*, *Antonia Pavekl* from Farmingdale -- *Farmingville* I bet it is.

LEG. MURATORE:

Don't be stealing my people now; Farmingville. Antonia? Wait 'til you hear about this little young girl, she is so awesome. You know, you really are. You really are. I was reading your bio here, and when do you have time to do all of this? Play piano, she speaks Mandarin Chinese; that's probably one of the most difficult of the Chinese language, isn't it, Mandarin?

Antonia is a student from Tecumseh Elementary School in Farmingville and is this year's winner at the Brookhaven National Science Fair at the 3rd Grade level. Her project, called Fast or Slow, is a boat hull experiment. It was designed to discover what type of hull design would be the fastest in a

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water channel. Now, how does she get into boat hulls? Okay. Antonia's hobbies include playing the piano, which you've won a couple of recitals on, right?

MISS PAVEKL:

Yes.

LEG. MURATORE:

First and second, and then two firsts and a second. Swimming, traveling, reading, watching family movies, playing board games, and we're really impressed because they speak that Mandarin Chinese. So you keep your culture, that's very, very nice. So congratulations and God bless you, and congratulations to the parents.

Applause

Thank you.

D.P.O. HORSLEY:

Thank you very much, Legislator.

The *4th Grade Winner* is *Legislator D'Amaro's, Brendan Eising from Deer Park.*

LEG. D'AMARO:

Ladies and gentlemen, once again, it's -- this is Brendan Eising. He is a 4th grade student at, again, the John F. Kennedy Intermediate School in Deer Park. He's joined today also by his teacher, Ms. Ingalerda? I'm sorry.

MS. INGHILTERRA:

Inghilterra.

LEG. D'AMARO:

Inghilterra, I'm sorry. Why don't you come on up, too, please. And also -- your Mom is here.

MR. EISING:

Yes.

LEG. D'AMARO:

Come on up, Mom.

MR. EISING:

And Dad.

LEG. D'AMARO:

And Dad.

MR. EISING:

And Grandma.

LEG. D'AMARO:

And Grandma, come on up.

*(*Laughter*)*

We don't want to leave anybody out, and sisters. And that's great that the whole family comes out to support Brendan. He has a marvelous project, I want to tell you a little bit about it.

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He got the idea for his project -- it's entitled "Shake It Up". He got the idea at his Grandmother's 80th birthday party last summer. He noticed that as his Grandmother was cutting cake at her party, that her hands were a little bit shaky. She said they were shaky because she had arthritis. He also knew that his Grandfather's hands were also shaky because he has Parkinson's Disease. So right after the party, Brendan attended the World Maker Fair at the New York Hall of Science and learned how to solder and build circuits at some of the exhibits, and that's where he got this idea. He was going to make a circuit maze game to test how shaky a person's hands are and to see if this affects their motor skills or their hand dexterity.

Now, Brendan's hypothesis was that as people get older their hands get shakier and they can't move or use them as well as younger people because older people tend to get more diseases like Parkinson's and arthritis as their bodies get older. And to test the hypothesis, Brendan built what's called a circuit maze and he had his subjects move a wand through the curvy maze while being timed with a stop watch.

He made a lot of curves in this maze to see if the subjects had steady enough hands to get through the maze or if their hands were too shaky. If the subjects touched the wire with the wand, they completed the circuit but a buzzer went off. So he tested people three times -- three people three times from just about every age group; kids, teens, people in their 20's, 30's, 40's, all the way up to their 80's, and then he recorded how fast they got through the maze and how many errors they had made.

He initially thought that kids would have the fastest times and the least amount of errors, but it turned out to be just the opposite, that kids and teens actually had most of the errors and the slowest times, which he concluded must be due to the younger people still learning to use their muscles. He found that people from their 20's to 50's remained fairly constant as they were tested through this maze, and people from their 60's and 80's had a sharp increase in the number of errors and the time that it took them to get through the maze, so that's something that we would probably expect. Brendan said that this research could be useful in testing people who use their hands a lot like dentists, electricians, surgeons, you know, anyone who would require a very steady hand.

Brendan is attending today, as I mentioned, with his family including his mother Jill and his father Paul. Also attending is John F. Kennedy's Intermediate School Principal, once again, Susan Bonner, and Brendan's teacher Kerry Inghilterra. So Brendan, although he is only in 4th grade, is already an achiever, he's an innovator, he'll have a lot more to give to us, I'm sure, as he progresses in the years to come. Ladies and Gentlemen, please give him a warm round of applause, he did a wonderful job on the science project. Congratulations, and this is for you.

Applause

D.P.O. HORSLEY:

Nice job. That was terrific.

The next Legislator is from *Legislator Nowick's District* who is going to be giving out the fifth place -- the Fifth Grade Winner.

LEG. NOWICK:

Arianna? Come on up, Arianna, and your parents, and of course the principal of the school and the teachers and anybody that should be so proud of this young lady. Oh, look at this, everybody is here. These are your parents. Hi. How are you? Hello. Young lady, how are you?

MISS RODICHOK:

Good.

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LEG. NOWICK:

Nice to meet you. Did you bring the pen? You didn't. Come on up close.

I am very proud to say that I have a Brookhaven Science Winner in the 5th Grade. This is **Arianna Rodichok** of the **St. James Elementary School**. Arianna is a 5th Grade student at St. James Elementary School, and I just want you to know something Arianna. Many years ago, many years ago, I went to that school; it was a little different when I went, it was a little smaller, but I did go there. And I've spoken to your principal. I always tell her that, and she actually has records, right, with pictures of me. They're so old, though, they're in black and white.

(*Laughter*)

So Mariana -- excuse me, Arianna, while on a recent vacation with her family in Florida, had the opportunity to swim with the dolphins. She had always been impressed by how they communicate with clicks. During that time she was in the water with the dolphins, her mind clicked and she decided that for her science project she would examine how sound travels under water and she called the project -- tell them what you called the project.

MISS RODICHOK:

Hooked on Hydroponics.

LEG. NOWICK:

Nice and loud. Come over here.

MISS RODICHOK:

Hooked on Hydroponics.

LEG. NOWICK:

Hooked on Hydroponics. Using a pen with a removable cap offered a good clicking sound. And I think you've all heard people clicking those pens, how annoying that could be, right? With her Dad as her assistant, they got into the pool and were positioned ten feet away from each other. He would signal to her and they would dive under water. He would then snap the pen shut. If Arianna heard it, she would give her Dad a thumb's up. Is that the way you did it?

MISS RODICHOK:

Yes.

LEG. NOWICK:

Then she moved away another ten feet and Arianna kept moving until she couldn't hear the click anymore, so she recorded the number of feet she positioned herself away from the Dad. They followed the same procedure outside of the pool where she discovered that sound travels farther under water than not; is that correct? No, I think it's amazing how these young people even have ideas for these projects. I mean, I think their minds are always going. And being here today and at least acknowledging it, this is our future. And you're going to have a proclamation that you can hang on your wall, and some day when you're grown up and my age you can say, "I went to St. James Elementary School and this is what I got because I was so clever and had a wonderful project."

I also want to acknowledge, if you want to come over here, her parents. We have Susan and Joseph Rodichok and Mary Grace Lynch, the Principal who I see all the time at St. James Elementary School; Vincent Fantauzzi -- did I say that right.

MR. FANTAUZZI :

Yes.

LEG. NOWICK:

The Assistant Principal; Michael Klee. Is Michael here? Fifth grade teacher, over there; and Jennifer Luna and Elizabeth Waldvogel, the School Science Fair Coordinators. Congratulations to all of you, particularly to Arianna's parents, because without your parents -- first of all, you couldn't be clicking under the water without Dad, right?

*(*Laughter*)*

And you swim under water as well. Congratulations, young lady. You've done well.

Applause

D.P.O. HORSLEY:

Congratulations. Legislator Nowick, we'd certainly like to take a look at that photo from St. James.

*(*Laughter*)*

MR. FANTAUZZI :

We'll get it for you.

D.P.O. HORSLEY:

That would be great.

Okay, the 6th Grade Winner is from *Legislator Calarco's District*. Legislator Calarco?

LEG. CALARCO:

Okay, thank you. *Emily (Phua)*, please come up and join me. And Karen, your Mom, Mrs. Brand, everybody from the school, come on up and join me here. It's a real pleasure to be here twice in a day for my bright minds in the district, and especially Emily. Emily and her Mom, and I see her family all the time on Sunday mornings at church, so this is extra special for me.

Emily's project this year was the effects of task switching. So she wanted to find out how well and how quickly people can do something when they're constantly being interrupted and being distracted.

*(*Laughter*)*

And this is a great project and she really was able to show something. So Emily's hypothesis was that if you are constantly being distracted, that you weren't going to be able to perform the same task as well or as quickly as you might otherwise be able to do, and she did this by looking at math tests. So she gave some volunteers from the school a 10-question math test, and she gave that to them under regular testing circumstances with no interruptions and they took the test. And then she gave them a very similar test -- another 10 questions, very similar questions -- a second time, but this time she interrupted them. What did you do, text messaging.

MISS PHUA:

The radio.

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LEG. CALARCO:

The radio, mazes. Okay. So she gave them all sorts of other things to distract them; go do this little maze or do this -- read this little article real quick, and then go back to doing your questions. And she found something very interesting, she actually found out that they did the testing in the same amount of time, right? It took them about the same amount of time to get the efficiency done?

MISS PHUA:

No, the first test --

LEG. CALARCO:

Come on, you tell them.

MISS PHUA:

Okay. Well, the first test it actually took them longer to finish which was the test under normal testing conditions, but the second test actually took them a shorter amount of time. So it doesn't affect efficiency but it effects accuracy.

LEG. CALARCO:

So they got less questions right.

MISS PHUA:

On the second test.

LEG. CALARCO:

On the second test. So she showed something, that when you're constantly being interrupted and you're paying attention to your text messaging, right, or the radio or the TV or any of the other things, you're not actually doing the job at hand as well as you could be.

So that was her project this year and she won the award and we congratulate you on such great work, and I know this was a lot of hard work for you. So Emily, congratulations to you, and also to your teacher, Mrs. Brand and to the -- and Emily is from the Bayport-Bluepoint School District and she goes to James Wilson Young Middle School. So Emily, congratulations. Great work, we're very proud of you.

Applause

D.P.O. HORSLEY:

All right. Congratulations. That's great work. Legislator Calarco, it's amazing we get anything done, right?

LEG. CALARCO:

Exactly.

D.P.O. HORSLEY:

There you go; the lesson learned.

LEG. CALARCO:

Especially when we're sitting around here with all of our phones out all the time, it's amazing we get anything done.

D.P.O. HORSLEY:

(Laughter) You got that right.

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Okay. I'm going to go backwards now to **Legislator Kennedy** who has the Kindergarten Winner.

LEG. KENNEDY:

Thank you, and thank you, Mr. Deputy Presiding Officer. Today we have Jenna, Jenna Romito and her Mom and Dad. Hello, Jenna. How are you?

MISS ROMITO:

Good.

LEG. KENNEDY:

Good, good. Jenna undertook a medical-type of an experiment; she actually tested what is the most effective form of band-aid. Now, being a father of four children, it's important to know which kind of band-aid is going to work, isn't it? So Jenna, tell us -- come on over here, let Mommy or Daddy get you up to the microphone -- tell us which kind of band-aid works best, Jenna.

MISS ROMITO:

Sport.

LEG. KENNEDY:

Sports band-aid, there we go. So see? Now, thanks to some of the research that Jenna's done, we have a good idea where we need to go with band-aids.

But more importantly, in all the winners that we've seen here today, I think it demonstrates the importance of hosting scientific competitions and giving elementary school children the opportunity to get a taste of what it's like to pursue different aspects of science. We have doctors in the audience today, Jenna, who are going to talk to us, and as you know, doctors have to use band-aids. So they're going to be listening and paying attention to the work that you've done, as will everybody for all of our competitors here.

I want to thank you, on behalf of all the Legislators that are here, Jenna, that you took the time to go ahead and do this work. Good job and let's give her a round of applause.

Applause

D.P.O. HORSLEY:

All right. Congratulations. And again, to all the 2012 Brookhaven National Laboratory Science Fair Winners, congratulations.

LEG. KENNEDY:

And one other person that we have to thank from Forest Brook, Ms. Thorn. As we know, it's the teachers who actually bring the opportunities for the competitions to come into place. So thank you for going the extra distance as well. Thank you.

Applause

D.P.O. HORSLEY:

All right, I believe that was the last proclamation; am I correct on that? Oh, Legislator Browning has -- oh, I see. Okay, that's a proclamation, I'm sorry. **Legislator Browning** has a proclamation to **John Lynch**.

LEG. BROWNING:

I know we have some of John's colleagues. We have Wilkens Young who is the Shelter Director; Joanne Mosimo, she is a Program Director; and Mike Stoltz who is the new Executive Director with Suffolk County United Veterans. I don't think anybody here needs to be introduced to John Lynch.

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John Lynch is the founder and former Executive Director of the Suffolk County United Veterans. John's a Vietnam Veteran and was assigned to the 101st Airborne Tiger Company in 1966.

In the 80's, after meeting a Vietnam Veteran who became homeless, he decided to devote his life to helping homeless veterans. In '89 he founded the Suffolk County United Veterans with the goal of helping homeless veterans regain their dignity and independence. The Suffolk County United Veterans Services, they help with veterans who struggle with substance abuse problems, Post Traumatic Stress Disorder and homelessness. And sad to say, we're still seeing that today with our Iraq and Afghanistan veterans.

When the Suffolk County United Veterans was founded, John started four homeless veterans two-bedroom apartments, and today he provides homes for 64 homeless veterans. In 1999 he was honored with the Humanitarian Award, and in 2006 received the Four Chaplains Awards, and in 2008 received the AmVets Silver Helmet Award. And one of the reasons I thought it was important to have him here so he could be recognized by all of us is the work that he's done.

The Veterans Place was an old motel converted for homeless veterans and I have had the pleasure of working with John and the veterans who are living in Yaphank. The Veterans Place has many homeless veterans pass through, and now soldiers who have served in Iraq and Afghanistan are passing through. I just wanted to have John come to the Legislature and be appropriately recognized and thanked for everything he has done over the years for homeless veterans. Thank you, John.

Applause & Standing Ovation

You want to say something? It's yours.

MR. LYNCH:

It's a real pleasure to be here this morning amongst all the folks that were awarded the different proclamations for education. For me, education is a big part of things that need to be done with veterans. And I think we need to have more education about the how you feel and the what you know part we get from the different colleges who were awarded this morning.

I really want to thank Ms. Browning and all of you Legislators for this wonderful award. It's a real pleasure. And I want to thank God for putting me in this place and for helping me so much with many different individuals who are here with me this morning. If it wasn't for them, I would not be so happy about how we progressed in different places. So our program is homelessness to home ownership, and along with that goes a lot of education. Wilkens and Mike and Joanne are working on that issue. So I would like to thank you all again and God bless you all and God bless America. Thank you.

LEG. BROWNING:

Thank you, John.

Applause

D.P.O. HORSLEY:

Congratulations, John. We're really impressed and we thank you. Thank you for your service.

All righty. I think that is all the proclamations I have; am I correct on that? Everybody good? Excellent.

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We are now going to be moving to the Public Portion of the agenda, and I do have some cards here. And of course the public portion, each speaker will be given three minutes and they would have to close up in a timely way. My first -- the first speaker that we have here is Anne Nolon. Anne Nolon, and on deck is Alan Steiner. Okay. Anne?

MS. NOLON:

Yes. Good morning.

D.P.O. HORSLEY:

Right, okay. We're good.

MS. NOLON:

That was quick. Sorry. Hi. I'm Anne Kauffman Nolon, I'm President and CEO of Hudson River HealthCare; we affectionately call it HRHCare here in Long Island.

I'm here and very pleased to speak in support of Resolution 1428, to create a state-of-the-art FQHC, Federally Qualified Health Center, to serve the residents of the East End of Long Island on the campus of Southampton Hospital. The proposal brings together an extraordinary group of people; Southampton Hospital, Stony Brook Medical Center, Suffolk County Department of Health, and HRHCare to build an innovative health center that will expand access in the near-term through a state-of-the-art health center, and longer-term through the creation of a training program that will grow primary care access well into the future by training physicians.

This resolution builds on the success of the Elsie Owens Health Center project and further expands the FQHC model in Suffolk County to increase accessing services and enhance quality and care coordination for the 2200 patients on the East End that currently are served by the health centers there. As you know, we just celebrated the one-year anniversary of the Elsie Owens Health Center, and in that short time there have been many highlights and I'd like to share just a few of them with you.

Number one, we preserved access for 6600 patients in and around the Coram community to the comprehensive primary and preventive health care services, and that's nearly 90%, or it is 90% of the patients that were seen in the first -- in this first year that had been patients, registered patients of the health center. It shows that we have demonstrated our commitment to reaching out and bringing those patients, retaining those patients in care.

The second thing is we added three dental chair practice dental laboratories. The dental practice is now fully operational with a dental team, the lead of Dr. Akhtar, an experienced dentist. The addition of dental services was a long-time dream of Elsie Owens herself and we were so gratified that her children, and some of you as well, could help us celebrate this momentous occasion this year, in addition to our Grand Opening. We thank Legislator Calarco, Legislator Anker for joining us for that Grand Opening, and also for the Calarco -- Legislator Calarco for coming to our event Ribbon Cutting. We had Legislator Browning who visited and toured our site, so we are -- we're making inroads with you. We hope you know the Elsie Owens Health Center. All of you are welcome, more than welcome to join us there.

We also are fully operational with our electronic health record and E-Clinical Works. We were operational in month three, and as many of you know, that does an enormous amount to help us in improving the care and tracking the quality outcomes.

We are overcoming other barriers. We have recruited new providers to the site, have expanded access and hours of operation, additional evening hours start up this month. We have expanded the number of bilingual staff and increased care coordination services in conjunction with great folks and great organizations like Clubhouse with Mike Stoltz.

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So not only are these -- these projects have been done and very successfully carried out, but in our project we propose to lower the cost to the residents of Suffolk County. We did this with Elsie Owens and we will do it with the next, our next project.

D.P.O. HORSLEY:

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

MS. NOLON:

Thank you very much. We just hope for your support on Resolution 1428. Thank you for your time.

D.P.O. HORSLEY:

Thank you very much. The next speaker is Alan Steiner, and on deck is James Sinkoff.

MR. STEINER:

My name is Alan Steiner, I'm the current Chair of the Board of HRHCare and I've had the honor of serving on that board for more than 30 years. I'm proud to have been part of the mission-driven work that has been our hallmark for 37 years.

HRHCare has been a health care provider in Suffolk County for ten years, first focusing on farm workers and soon growing to serve the larger community through our center in Greenport. And as you are aware, most recently with the addition of the Elsie Owens Health Center in Coram in May of last year.

Our health center is a not-for-profit, Federally Qualified Community Health Center that is committed to providing comprehensive services to all members of the community. That Federal seal means that we must provide comprehensive care in areas that are most in need to all who seek it. We must offer a sliding fee scale and the board determines that fee annually.

In addition, as a Federally Qualified Health Center, the majority of our board are patients. I'm very pleased to share that we have added a new board member, Angela Earl, to our Board of Directors. Mrs. Earl is the current Chair of the Community Advisory Board, and I've had the great pleasure of meeting with the Elsie Owens Advisory Committee on numerous occasions.

The community involvement that is demonstrated by this dedicated group echoes the commitment of our current board members and will continue to provide a voice for the local community. At Coram, in this first year we have seen over 6,000 patients and the patients we are serving are diverse and are the underserved in the community. Of the patients reporting, 97% are below 200% of the Federal poverty level; 39% of patients are uninsured; and the race and ethnicity of the patient population is largely unchanged and representing a rich diversity of the Coram community.

We are a health care home that leverages community partnerships, Federal resources and State and local resources to provide primary and preventive services to all, regardless of their ability to pay. I urge you to support the proposed Resolution 1428 as it builds on the success of the Elsie Owens transition and the expansion of Federally Qualified Health Center model. Thank you.

D.P.O. HORSLEY:

Thank you very much, Mr. Steiner. The next speaker is James Sinkoff.

MR. SINKHOFF:

Good morning. My name is James Sinkhoff, I am the Chief Financial Officer of Hudson River HealthCare. I am here to request support for Resolution 1428, to develop a state-of-the-art health center to serve the residents of the East End of Long Island.

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As many of you know, HRHCare is a non-profit organization and we directly operate 19 health centers in neighborhoods on Long Island and in the Hudson Valley, and in partnership with Nassau University Medical Center, help to manage five health centers in that County. We have a proven track record of transitioning practices, preserving and expanding access in our partnership with community groups, hospitals and Departments of Health. These partnerships leverage the Federal benefits, enhanced Medicaid and Medicare rates of reimbursement, Federal Torts Claims Act coverage and eligibility for various other Federal grants and programs.

Elsie Owens, as you know, is an example of this partnership and we have maximized those benefits. We have also been able to reduce the cost to the County, and as Ms. Nolon previously noted, we have been able to maintain and expand access. Based on the 2012 actual cost, the savings to the County for the first 12 months of operations is approximately 1.7 million, and after the completion of the five-year Community Benefit Grant Agreement, there will be no additional County commitment.

Resolution 1428 builds on the success of Elsie Owens and it will include expanded services for the residents of Eastern Southampton, preserve and expand access to the residents, establish a primary care training program and partnership with Southampton Hospital and Stony Brook University Hospital. It will invest and leverage the available New York State HEAL funding, it will increase Federal resources in the County through the FQHC benefit, and it will save the County 3.8 million over five years, as the resolution cites.

This proposal is comprehensive. In achieving four very important goals: It will expand access; it will train -- train residents in the teaching health center; it will leverage the Federal benefits, and it will expand services and access to the community. But we have heard of some concerns specifically around transportation, and so in this proposal we further have done some analysis. And while 77% of the patient population currently accesses services through their own vehicles and resources, we will be -- we have put into the budget a jitney, a driver and outreach worker to make sure that transportation services are covered, and we're in the process of developing an RFP for taxi services for after-hours emergency transportation.

I thank you for your time and I hope that you will support the passage of Resolution 1428. Thank you.

D.P.O. HORSLEY:

Thank you very much, Mr. Sinkoff. The next speaker is Dr. Dan Miller, and on deck is the Reverend Jeannette Phillips.

DR. MILLER:

Hello, folks. My name is Dan Miller, I'm a family physician in practice for the last 25 years, and for the last three years I'm the Chief of Clinical Quality at Hudson River HealthCare.

I'm here to talk to you a little bit today about our overwhelming commitment to high quality care and how this history has served us for the last 37, 38 years. I think you already know the story of our fore-founding mothers, and Reverend Phillips will tell you some of that today. What I want you to know is that since 1998, we're one of the first health centers in the United States who are accredited by the Joint Commission for Accreditation of Hospital Organizations and Health Care Organizations. We have been JCAHO accredited ever since.

In addition, we were one of the first health centers in the country, one of the early adopters of the National Council on Quality Assurances Patient Center Medical Home Project. I think as you may know or may not know, the PCMH project is at the leading edge of practice transformation and primary care in the United States today. All of our eligible health centers have just been recognized by them as Level III Medical Homes under their new standards; this is an enormous accomplishment. And in our work with this, we've now become a national leader in this movement,

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often asked to be on advisory councils and to give courses and teachings to other health centers and other practices around the country.

In addition to the Medical Home Project, we were also recognized by NCQA for the care we give our patients with diabetes. This recognition is based on strict clinical measures of how well we lower people's blood pressure when they have high blood pressure, how well we help control their blood sugars, how we treat their kidneys and their eyes and prevent disease, and we're really proud to be recognized in this way.

As I said to some of you all the other day, awards and recognitions are important, but for those of us in health care there's something that's much more important and that's the care we give our patients and the care of our community. You've heard about our electronic medical record and one of the things I want you to understand is this isn't just a neat way for doctors to write their notes. Because of our use of the EMR, we get real data and real time about our practices, and I can now tell at any time how each of our practice is doing, treating hypertension, treating diabetes, immunizing our children, where we're doing well, where we need to improve and where we need to give our resources. We're one of the few medical practices around that have this kind of information available and it's really powerful.

I'm certainly not here to tell you we're perfect. Medical care is complex, our patients are unique and have unique problems. But I want you to understand is that when we set our standards, we don't just benchmark ourselves against other health centers or against clinics around the country, we compare ourselves to the best practices in the United States and we're right up there with them.

In addition to all of this, as Jim just told you, this proposal brings another addition to your region. This is going to be a teaching health center. It's going to have active residents and medical students, it's going to bring state-of-the-art evidence-based medicine to the region. It's going to have the unique opportunity to really integrate care with a hospital and the emergency room, and this becomes really important. As people move back and forth between these areas, we all know that this is where medical errors happen, this is where people get hurt. The ability to really integrate this care is going to make a huge difference for the people we serve.

In closing, let me just say we're a value-driven organization. As I said the other day, quality is really one of our core values. I really urge you to support this. Thank you.

D.P.O. HORSLEY:

Thank you very much, Dr. Miller. Reverend Jeannette Phillips, and on deck is Susan Lane.

REVEREND PHILLIPS:

Well, it's still morning, so I'll say good morning to you. It is a privilege for me to be able to be here to address you again, as one of the founding mothers of Hudson River HealthCare. And some of you may say why Hudson River HealthCare when we talk about partnering in Suffolk County. Hudson River HealthCare has been serving in the Hudson Valley for the past 38 years. We are a not-for-profit, Federally Qualified Health Center, FQHC, licensed by the State of New York as a diagnostic and treatment center. But more importantly, Hudson River HealthCare grew out of the community involvement of four African-American women who said, as John Kennedy said, "*Ask not what your country can do for you, but what you can do for your country.*" Being able to say that we, too, can become a part of the solution gave us the impetus to have a proposal written and given to the Regional Medical Program, one of the last programs of the Great Society Movement back in the early 70's, and we were funded and able to open our doors in 1975.

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What brings us here in Suffolk today to ask you to support 1428 is the fact that when we talk about the underserved and most vulnerable in our community, we're talking about across our land. We're not just talking about one segment of a community, we're talking about being able to provide access to care to make our communities a healthier place to live and to work and being able to be a productive member of our community. So as a founding mother there, I feel that I'm also a founding mother here, because mothers are mothers --

*(*Laughter*)*

-- and we don't have a geographical technique for that. Just who we are. And I can stand here to say, shoulder-to-shoulder, Elsie Owens and I had so much in common, as African-American women, being able to stand and being able to help in her communities and showing our tenacity and strength. The diversity in our communities, as you witness here in Suffolk as well, is a strength. And when we employ that strength, we're able to go forward. Hudson River HealthCare has received, as it has been previously stated, many awards, and those awards have been for us to be able to give access to care. At the end of the day, that's what it's all about, a healthier community, and I ask you again to support the Resolution 1428.

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

D.P.O. HORSLEY:

Thank you very much, Reverend. The next speaker is Susan Lane, and on deck is Dr. McKay.

MS. LANE:

Good morning. I'm Susan Lane. I'm also here in support of Resolution 1428. I'm representing Stony Brook University Medical Center. I'm actually a Primary Care Physician myself. I am the Program Director of the Internal Medicine Residency Program at Stony Brook.

I did want to talk to you a little bit about primary care shortage and the implications and why it would be very important for us to support Resolution 1428.

We actually have an estimated need of almost 261,000 practicing primary care physicians by 2025. That's due to the implication of the Affordable Care Act, and also the growth and aging of our population, almost 52,000 of those physicians -- that is 52,000 more than are currently practicing at this time. And New York is actually one of the top 10 states who show the largest need for primary care.

Over the next decade, the physicians supply will grow by only 7%, but the Census Bureau projects a 36% growth in the population over the age of 65. As we know, our older patients are sicker, they have more chronic conditions, and they require much more time and coordination to improve and maintain their health. The most of your impact is going to be on the 20% in medically underserved areas.

I take care of -- I teach in our medical resident clinic. We take care of an underserved population and a lot of geriatric patients. And I can tell you, we have a silver tsunami coming. There is a huge wave of geriatric patients coming our way and we are only at the crest of the wave right now. This tsunami actually has a huge potential to overwhelm our current infrastructure.

Unfortunately, the number of U.S. medical graduates entering family medicine, internal medicine, has declined over the last decade, but I actually have seen an uptick in the interest over the past few years. I oversee medical students who are deciding what sort of career to pursue. We lose a lot of medical students into the City because they're attracted by living in New York City. I think that an opportunity out on the East End to be able to provide care in a wonderful setting like this would

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be a huge boon to us, and we'd be able to funnel our students out there to fill those residency spots.

Why is this such a good setting? It's wonderful for residents to be able to train in an effective and efficient primary care setting, such as a patient-centered medical home. The Institute of Medicine has called for us to better prepare our residents for 21st Century training. They need to be involved in settings where they can practice systems of care, interprofessional training, exposure to quality concerns and technology, all of which will be provided in this setting. We need to provide the best care possible to the greatest number of people and to be able to grow our primary care workforce. We know that when you train in a particular setting as a resident, you tend to stay there and set up your own practice and hire people to help work with you and hire more physicians to help take care of the patients that you attract. Stony Brook has an excellent track record for providing high level --

D.P.O. HORSLEY:

Susan, you can start to wrap it up.

MS. LANE:

-- of curriculum. We have an excellent accreditation record. We will provide support to this training program. Our Dean has -- is committed to increasing the primary care workforce, and I thank you for your support.

D.P.O. HORSLEY:

Thank you very much for your comments today. All righty. Dr. McKay, Shawn McKay from the College.

DR. MC KAY:

Good morning, and thank you for having us with you again this morning. First of all, let me say thank you. It's a wonderful day on the outside coming in, and it looks like the air conditioner is working here today, so that's a great thing.

I'm here to ask again for your support. We have two products on tap. I was in Albany yesterday at the Governor's press conference on Tax-Free New York, and what was quite interesting was we had companies from out of state presenting here in New York State about exactly what we are trying to do here in Suffolk County.

In North Carolina, for example, Alton Fields (phonetic), a tech zone was established in North Carolina, simply because they had to innovate and find other ways to keep workers in this state, keep students in the state, and generate revenue. Well, they created a tech park. Today it has 170,000 workers. The sales tax, over 100 million dollars, not the direct revenue earned from product developed yet. That has not factored in because that's another number.

Right here in Suffolk County, what we are trying to do is create an environment that we encourage firms to come here. I was at the conference yesterday and the Governor said we are going to encourage businesses to move from Downstate New York to Upstate to Buffalo and other places. That's not what I should do as a President. I'm supposed to generate trained workers and innovate right here in Suffolk County. These projects are going to do just that.

When you look at -- on the East End -- I spoke about the hoteliers, the ad techs, your wineries, downtown Riverhead in regards to new hotels. When we want to have anything on the East End, where would we go? At the Grant Campus, we have the Health Sports Building. The HIA uses that facility for its programs. For the past six years, over 25,000 individuals from that organization have used that one facility, one organization. What we are asking for on the East End for the health and sports facility, which is a health and wellness facility, is to do the exact same thing. Let's generate economic revenue on the East End for residents.

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On the other side, physical education is needed for every graduate who needs to come to our programs. In the winter, if they should be outdoors, we have to do something else. When it rains, they have nowhere else to go. If you have residents who need to use the facilities, if you have the Southampton Police to use the facilities the train, they come to the Grant Campus to train. So let's keep the facilities where they need to be, generate revenue, bring firms from out of state here to Long Island, and let's promote the STEM Program that we are very good at here. Sam Stanley is working with me. I have business and industry working with me as well to support the STEM Program.

I ask for your support, as you always do. And I know it's hard, but in the Operating Budget for three years in a row we've worked with you. So thank you.

D.P.O. HORSLEY:

Thank you very much, Dr. McKay. We appreciate your comments.

DR. MC KAY:

Thank you.

D.P.O. HORSLEY:

All righty. The next speaker is Gregory Noone, and on deck is Cesar Malaga.

MR. NOONE:

Good afternoon, everybody. My name is Gregory Noone. I'm the Program Manager at Thursday's Child of Long Island.

I'm here to talk about Suffolk County health centers, but first I'd like to preface remarks that I'm sorry I haven't seen you guys in a long time. Please know that we've been very busy. Just during the first three months of the year, I hope you all got the e-mail I sent, we have served over 100 families who are living with HIV and AIDS just in January, February and March of this year.

Thursday's Child, since 1989, has been serving families living with HIV and AIDS across Long Island. I'm here today to thank you for your support. I'd like to welcome Mr. Krupski to the Board and to the Leg., and I'm looking forward to meeting him. I would also be remiss if we did not thank both Lynne Nowick and our friend, who is not here with us today, Mr. Lindsay for their incredible support, and this -- they've been an amazing public service to all of us in the County.

I come to just briefly remark. I didn't have remarks prepared, but I am here to advocate on behalf of people with HIV and AIDS, and I sincerely hope for your support on I.R. 1428 and support the Hudson River Health Care folks, and would like to remind them that we are here and that there are over 400,000 people who have been affected by HIV and AIDS in Suffolk County alone, and that we very much need their support, and would hope that they would continue the Herculean efforts done by the Suffolk County employees at our present health centers. Just at the Brentwood Health Center alone, over 300 persons with HIV and AIDS are being served on a regular basis. We hope and pray that the folks at HRH Care will welcome new HIV patients. We'll have HIV specialists on staff and for complete support, both the medical and supportive services, for the community that we represent.

Thank you all very much for your support, and I look forward to working with the folks from HRH Care in the future. And welcome, Legislator Krupski. Thank you.

D.P.O. HORSLEY:

Greg, just so you know, that Legislator Lindsay is in the building, and he did hear you and your nice comments.

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MR. NOONE:

Wonderful. Thank you so much. He's just been a gentleman and a credit to everyone in this County. And, Lynne, thank you so much. It has been an honor working with you over the years.

LEG. NOWICK:

I'm still around.

MR. NOONE:

Good.

*(*Laughter*)*

D.P.O. HORSLEY:

Okay. Let me remind everybody that please keep the conversations down so we can make sure that we hear our presenters today.

I'd like to make a motion to extend the Public Portion, and seconded by Legislator Cilmi. All those in favor? Opposed? So moved. Our Public Portion has been extended. The next --

MR. LAUBE:

Eleven. (Not Present: Legislators Hahn, Montano, Barraga, Kennedy, Stern, Spencer and Presiding Officer Lindsay)

D.P.O. HORSLEY:

Thank you. The next speaker, Cesar Malaga, and on deck, Suzanne McBride.

MR. MALAGA:

Good morning, Legislators. My name is Cesar Malaga, and you mentioned that Legislator -- I mean, Presiding Officer Lindsay is in the back. I hope, you know, that when he has his picture placed over there, underneath his name should be the best Presiding Officer of the County, because he's one of the best.

You know, I attended Legislature's meetings since early 1980s. I spoke about various issues affecting our County and Towns. Some of the issues I discussed were expenditures. I indicated several times that the County expenses should be decreased, because our country's job market will decrease throughout our country, state, and counties due to the export of jobs overseas. Companies are exporting jobs overseas because of cheap labor. I indicated then there will be lots of foreclosures in our County here in Suffolk and elsewhere.

About the Legislatures, I indicated that Nassau and Westchester Legislatures, which they do the same job as you do here, are paid less than \$40,000, half of what you make. Your salaries, based in the study I made in 2009, are over 86 to \$105,000. Your Aides make an average of 56,140. Some of you have four Aides. Now, the total cost of Aides' salaries is 3.2 million, plus rent and other expenses for your offices. Nassau and Westchester Legislators do not have district offices, nor Aides.

I hope you read, I had an article in Newsday, "Lower Legislature's Budget." If you don't have it, they can make a copy here.

Transportation: I asked the County to provide limited Sunday bus service prior to 2000. I asked Bob Shinnick, now retired, to make a study. He told me it would cost three million dollars to have limited Sunday bus service, without County revenues. I am glad that we have on the East End the S-92 service, which is only for the summer. But there's other ways we can improve transportation, because it's necessary. Perhaps you can make more money in sales tax.

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Affordable housing: I asked the Legislature not to sell houses to contractors or builders. Houses which were taken by the County for nonpayment of taxes or any other problems, those homes should be renovated and sold to residents as affordable housing. Those homes some Towns were given and they built affordable housing. I see that the Legislature is starting to sell homes to contractors and builders. We have five homes for sale today on the calendar.

About Suffolk County John J. Foley Skilled Nursing Facility: Many of us voiced our opinion and said that the Nursing Facility should not be sold. We have given you many reasons. It is impossible to think that you do not have the money to take care of the expenses of the Skilled Nursing Facility. You raise money for your political campaigns. The former County Executive returned over four million dollars of his campaign funds. Where did the money go? Southampton Press and Suffolk Closeup had an article, "The Foolhardy Move To Sell Foley," written by Karl Grossman. I recommend you to read it. If you don't have it, you can make copies of the article, which I have it here.

Now, Suffolk County Police: Former County Executive did not want to give the PBA what they were asking as salary and benefit increases. The new administration gave them what they wanted. They even got back to patrol Sunrise Highway and the Long Island Expressway, while some of our residents of Suffolk County are prisoners in their homes. They're afraid to go out or allow their children out because of the crime in their area. If the highest Police Department in the world -- highest paid Police Department in the world can't take care of the criminals in Suffolk County, we should employ our heroes who returned from patrolling Iraq and Afghanistan, which I have said previously. They will -- they can take care of the criminals and save us money and PBA expenses.

There are many other things that I would like to address, but even the -- I had mentioned about the casinos way back. It's money. It's a win-win situation for the County and the Shinnecock Indians. That was prior to the Gaming Commission.

Well, thank you very much for listening.

D.P.O. HORSLEY:

Thank you very much, Mr. Malaga.

MR. MALAGA:

I hope you implement some of these plans. Thank you.

D.P.O. HORSLEY:

All righty. The next speaker is Suzanne McBride, and on deck is Barbara Bender.

MS. MC BRIDE:

Good morning, Legislators. Thank you for allowing me the opportunity to speak. My name is Suzanne McBride. I am the -- excuse me -- AME Police Emergency Unit President. I represent the men and women who work at Suffolk County Police Department's 911 Center.

Back in November, I brought it to the Public Safety Committee's attention the fact that we were severely understaffed. I believe at the time we were well over 20% understaffed -- understaffed. I'm here today in support of Resolution 1427, and I'm hoping that you are all willing to support that to make sure that we do not go under 10% understaffed, and if we do, that the Police Department has to account to this Legislative body on why and what actions they're taking.

I am very grateful to both this Legislative body and the County Executive's Office for the swift action they took in signing off on SCINs to hire new people. Unfortunately, due to the training that is required for our jobs, those new people will not be actually fully trained dispatchers and call-takers until sometime late summer, early Fall, which will leave us very short-staffed and very stressed over the next few months. So I am hoping that you will support this bill that's put forward today so that

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we never reach this point again in the future. Thank you very much.

D.P.O. HORSLEY:

Thank you very much, Suzanne. Barbara Bender. On deck is Anthony LaFerrera.

MS. BENDER:

Hi. Good morning. Thank you for letting me speak today. I'm here in support of I.R. 1250 for Suffolk County Enhanced 911 improvements. My name is Barbara Bender. I'm the Chief of Operations of Babylon Central Fire Alarm and a 33-year employee there. We are a secondary PSAP, which is a Public Safety Answering Point, for 10 out of the 12 Fire Department and EMS Districts in the Town of Babylon.

I'm going to take you -- use my three minutes to take you down in time. Back in 1980, when we were answering phones on switchboards and handwritten logs, a person would not be able to tell us where they were, and we would have no way of finding them except tracing a call through Verizon, a 45-minute process, before we could locate them. Okay? There was no EMD, Emergency Medical Dispatch.

In 1993, we become Emergency Medical Dispatch certified reading from cards.

1997, Babylon Central Fire Alarm and 10 others become PSAPs. We get two monitors and Phase I on wireless locations, which will only tell us where the cell phone tower is that the phone was hitting. We got \$100,000 of landline money back then to support this system. New York State Police got the wireless. Back then, it was not a lot for them, because back then the wireline calls were a lot higher than cell phones; it was a luxury back then to own one. EMD is now mandatory. We have to now pay for everybody to be certified and keep this up every two years.

In the mid-2000s, the landline money starts to decrease. In 2009, we get a new 911 system with now Phase II and mapping. Now we can pinpoint exactly where you were. Take that accident you were in back in 1980 on the Southern State Parkway in the woods, you don't have to tell me where you are. Okay? I'm already going to know.

Everybody is getting rid of their landline phones to go to VoIP, which is Voice-Over I.P. Example: Your Cablevision phones. I did it at Central Fire alarm. I took my business lines and my seven-digit emergency lines and switched over to Cablevision because we couldn't afford it. The expense went from \$76,000 to Verizon to now \$39,000. I'm doing everything I can to even save there.

In 2010, we got the 2000 -- correction -- 20% surcharge money, which is divided by 10 PSAPs. There is now no more landline money to be disbursed. Whatever they are getting now is to maintain the system for the Verizon phone lines. We have the cost, the chairs, the software, software licenses. Computers only last three to five years before they have to be replaced, and that means you have to replace the software that goes along with it. If we don't get this surcharge money, okay, we're going to have to pass this cost along to the Fire Districts, who are going to have to go to the Towns and increase their budgets, and that's going to fall back on the taxpayers.

Okay. People are now using these VoIP phones as their landlines. I wish we could treat it the same way we did back in the mid-nineties. I'm asking you, please, to support this bill and keep the PSAPs alive, because I really don't know right now what the future really does hold for us. Thank you very much.

D.P.O. HORSLEY:

Thank you very much, Barbara. Anthony LaFerrera, and on deck is Jonathan Cohen.

MR. LA FERRERA:

Good morning. Anthony LaFerrera, Co-Chairman, Suffolk County FRES Commission, also represent Babylon Central Fire Alarm. I don't think I need to go through the history, as I've done for the past several meetings, and as what Barbara just said. What I would like to say is, as the people that stand -- sit in front of me here, you represent 1.5 million people, as we're told, so do myself and some of the people I'm here with today. We're responsible to them for 911 service. We can't have this fail, we need to keep the infrastructure going. Excuse me.

So from Babylon to Shelter Island, I think we owe it to the people that we protect and the people that travel through our County that our 911 system stays put and up to date. And I want to thank you again, as always.

D.P.O. HORSLEY:

Thank you very much, Anthony. Jonathan Cohen, and on deck is Robert Chaloner.

MR. COHEN:

This is what my house sounds like.

*(*Laughter*)*

Good morning, everyone. It's good to see you all again. I know it's been a long morning, so I'm going to be as brief as I can.

I'm here to support Legislator Browning's resolution to prioritize the restoration of the Smith Point Dunes. Those of you that sit on the Public Works and Transportation Committee heard me speak on this the other day, but I continue to believe that it is very important that I offer my perspective on this issue.

As you know, the loss of the Smith Point Dunes is a process that's taken decades. But since the aptly named superstorm struck last Fall, the Mastic Beach community has suffered repeated catastrophic flooding. As many of you -- this is now not only a quality of life issue, but it's a public safety issue. As many of you know, I've worked for 17 years full-time as a paramedic, and 13 of those years, I've been in Mastic Beach, so I have seen firsthand the impact of the disasters that have struck this community. And I just want to -- I want to tell you about something that happened a few months ago.

A few months ago, I was called to respond to a report of a woman with a foot injury down on the southern portion of the Mastic Beach community, and as I was responding, I came upon a great deal of standing water, and I continued driving and the water got deeper and deeper. At first I was confused because there was a tropical storm offshore, but it wasn't predicted to impact Long Island. But, as it turns out, that was all it took, the pressure from that storm, to push the ocean water over the barrier beach because of the loss of the dunes. I responded as far as I could until the water reached the doors of the SUV I was driving and I was forced to stop. And I noticed a woman waving me down further down the road, wading through floodwaters that came up to her hips. I was able to reach her, she was able to make it to the vehicle, and she told me that her daughter was trapped on the second floor of their home.

At this point, I requested the Mastic Beach Fire Department, who responded with a high water vehicle, which is essentially a military style transport vehicle that has a snorkel on it. They were able to navigate the floodwaters and make it to the woman's home and rescue her daughter.

But the reason I'm telling you this story is that that process took approximately 20 minutes. If what we'd been responding to had been a more time critical emergency, those 20 minutes could have meant the difference between life and death. So that is what is at stake here.

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The barrier beach is the only thing standing between the ocean and Mastic Beach, so it's the only thing that's preventing the next storm from reducing the Mastic Beach community to something akin to a post Katrina New Orleans. This is by far the most consequential public safety and quality of life issue facing the Mastic Beach community today.

So I'm wrapping up, but I'm asking you to support this resolution. By doing so, you allow hundreds of families to remain in their homes. If we fail to protect this community, then it's only a matter of time before the next storm leaves the community underwater again, and I fear that my colleagues and I, and all of us, won't be able to do anything about it then. Thank you very much.

D.P.O. HORSLEY:

Thank you very much, Jonathan, we appreciate it. We appreciate your sidekick there, too.

*(*Laughter*)*

MR. COHEN:

Thank you very much. He'll be standing here someday.

D.P.O. HORSLEY:

There you go. Robert Chaloner, and on deck is Roseanne or Rosalie -- I'm sorry -- Hanson.

MR. CHALONER:

Good morning, and thank you for the opportunity to speak with you. I'm Bob Chaloner. I'm the President and CEO of Southampton Hospital, and I'm here today in support of I.R. 1428, the consolidation of the East Hampton and Southampton Health Clinics into a new Federally Qualified Health Center under the management of Hudson River Health Care.

Southampton Hospital has been serving the communities from Westhampton to Montauk for over 100 years as a not-for-profit community hospital, and in many of those 100, it's been our sole obligation to find the doctors and provide the health care for the communities of the South Fork.

For the past number of decades, we've worked with Suffolk County health clinics and have provided us property and a building on our site to house the clinic and make sure that care is provided and primary care, and have been proud of the partnership that we've had with Suffolk County. Times have changed. Primary care needs are growing, health care is expanding, and the needs of our community are growing. And we're very proud to be partnering today with Hudson River Health Care and Stony Brook University to hopefully expand the services for folks on the South -- on the South Fork.

The major opportunity that we see is the creation of a teaching program that will bring new residents under the sponsorship of Stony Brook University, and a significant expansion of our Family Practice Residency Training Programs. We are desperately short of doctors on the South Fork. Doctors don't normally locate on the South Fork, unless they've trained and had an opportunity to partner with other doctors, move in and establish their lives. And with the changes in health form, we see an even greater expansion and need for primary care doctors.

Our board and our hospital and our community are completely in support of this proposal. We're willing to commit a 12-year lease to the property with Hudson River Health Care, and we've agreed to assign \$700,000 of HEAL money that we've obtained from New York State for the expansion of primary care to make this program a reality.

On behalf of the communities of the South Fork and all the people that we jointly serve, we ask your support to allow this expansion of primary care. Thank you very much.

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D.P.O. HORSLEY:

Thank you very much, Robert. We appreciate you coming down here today. Rosalie Hanson, and on deck is Nanci Dallaire.

MS. HANSON:

Good morning. My name is Rosalie Hanson. Back in 2011, I spoke before this Board in reference to the death of Mr. Scott. He was a young man who died on the streets of Gordon Heights because no one could reach a 911 operator. Simply stated, he died because Suffolk County did not have enough 911 operators on hand to answer and dispatch help in a timely manner.

Today, I'm here on behalf of one -- of another neighbor in my neighborhood who has been complaining to the Suffolk County Police about a problem she's having with people on her block who blast music all hours of the day and night. She was recently told by the Police Department that it is no longer their problem, and that she has to call Public Safety. This past Friday night at 10 p.m., the music was once again blasting from down the street. She called the Town of Brookhaven Public Safety Department to report it. She was told by the safety operator, Badge No. 14, that the Town does not come into Gordon Heights. When my neighbor told this person that she is an American citizen who pays taxes, the operator replied, "Shut up," and hung up the phone.

My neighbor took time out of her medical studies and went to the Town for some answers. I am attaching a copy of her e-mail that she sent to me for your records, but I would like to read one portion of the statement out loud.

"No one should be treated the way the dispatcher treated me, but I'm okay, she made me stronger. I actually want to thank her because she fueled my passion to see that something is done about 78 Shirley Lane. She gave me the push that I needed to not only rely on calling Public Safety and 911, but to get out and speak to my public officials and get to the bottom of this once and for all.

I've always been too busy with school and too scared, saying that I can't wait to be done with medical school and get out of this area. But Dispatcher 14 made me realize that until then, this is my home and I should feel safe in it, and that I need to put school aside sometimes and do my part to help make this area safer for those who do not have the courage to say something and are too afraid to speak out of fear."

There are a lot of good people and hardworking people in Gordon Heights, we are not all trash. Personally, I am really tired of my neighbors getting kicked around by everyone just because they live in Gordon Heights. We have the highest fire taxes, the most sex offenders, sober homes, and women's shelters in the County. And as if we didn't have enough problems, this Suffolk County has just found 2.7 million dollars to give to some politically connected person to release even more sex offenders into our community, but you can't seem to find the money to staff 911 operator vacancies, which in my opinion is more important.

Honestly, I feel the people of Gordon Heights are no different than the poor, sick, disabled people of the Foley Nursing Home who are being kicked to the curb because they are viewed as not worth saving, while the people of Gordon Heights are always viewed with the stigma as well, which seems to give everyone the right to walk on us. Well, I'm here to tell you, we are all human beings. I can guarantee you one thing --

D.P.O. HORSLEY:

Ms. Hansen, you have to start to wrap it up.

MS. HANSON:

Okay. As long as I am here, I will not tolerate the people of Gordon Heights being treated as second-class citizens. Thank you.

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D.P.O. HORSLEY:

Thank you very much. We appreciate your comments. Nanci Dallaire, and on deck is Edward Solomon.

MS. DALLAIRE:

Thank you. I was not going to speak today. There are no words to describe the heartache suffered by the residents, their families or the staff at the John J. Foley Skilled Nursing Facility. As an employee for the last six-and-a-half years, I thought I had grown accustomed to the blame, but to be held accountable for the malicious actions against our most vulnerable residents is difficult to accept. The scars from this injustice will take a long time to mend.

And, for the record, the employees of this historic health care institution spent years trying to convince our representatives to recognize the potential that we know exists at John J. Foley. These committed County employees have not run from their responsibilities, we are being removed from our duties. It is the County that's discounting their obligations. The County is abandoning these fragile citizens who have been counting on these vital public health services. The County has decided to leave this community vulnerable when that next hurricane hits Suffolk County.

Taxpayers need to find out the facts before placing the blame. Find out if John J. Foley has received the reimbursements for services rendered when Irene hit Long Island. Ask the County if they retrieved the reimbursements owed for the emergency services provided throughout Sandy. Are taxpayers aware that John J. Foley hosted FEMA for weeks as this community recovered from that superstorm? Do they realize that long before New Jersey was stronger than the storm, John J. Foley stood strong through those storms?

Taxpayers better question the County's pre-disaster plans now that we no longer have the resources of John J. Foley to depend on. Ask the County why they never attempted to downsize the facility to manage the cost and continue protecting these residents, yet they managed to renovate Five Tower, they refurnished the Fourth Floor, computers were upgraded, the security system improved. They invested to update the electrical and they installed the firewalls, all to bring this building up to code just to close. Now our state-of-the-art asset will sit and still cost us millions. This is the waste of taxpayer dollars that needs to be questioned. This is the decision that was not made in the best interest of the taxpayers.

I will not turn my blind eye to the injustice that I have witnessed, and although I can't stop the suffering, I cannot undue their pain, but I will call for an investigation for these questionable actions to be explained.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you. Thank you very much Ms. Dallaire. Edward Solomon, and on deck is Matt Curtis.

MR. SOLOMON:

Hello. My name is Edward Solomon. I work at the Water Mill Catering Center, and I'm a student at Stony Brook University. Today I have drafted a proposal called the FEDERAL and State Tyranny Prevention Act, and I'm just going to read the -- as much as I can.

"Be it enacted by the Suffolk County Legislature. We, the people of Suffolk County, do solemnly declare that the Creator, not Government, has bestowed each individual with certain unalienable rights, and that each individual sovereign, free to communicate, interact and contract with other sovereigns, and by nature are free to defend themselves from all threats to their life, liberty and property.

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The people of Suffolk County also reject the principle of unlimited submission to their Federal Government; but that, by a compact under the style and title of the Constitution of the United States, and the amendments thereto, they ratified a Federal Government for special purposes, and delegated to that government certain definite powers, reserving each state and county to itself, the residuary mass of right to their own self-government. Now whenever the Federal Government assumes undelegated powers, its acts are unauthoritative, void and of no force, and that the government created by this compact was not made the exclusive or final judge of the extent of the powers delegated to itself, since that would have made its discretion and not the Constitution the measure of its own powers. But that, as in all other cases of compact among powers having no common judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress.

However, New York State has failed in her responsibility to shield and protect her citizens from the usurpations of the Federal Government, and has itself assumed powers that are prohibited to New York State through the New York State Constitution," such as the Safe Act, "and has both endorsed and enforced the tyrannical actions of the Federal Government. Therefore, the Suffolk County Legislature must erect a bulwark, shielding her citizens against the tyranny of the wicked and malicious federal and state governments that plague us today.

Section I: In respect to the arbitrary and monstrous nature of the Patriot Act that came under power under George Bush, both the United States and New York State are denied the ability to spy on any citizen of Suffolk County, unless he obtain a warrant, supported by oath or affirmation, particularly describing the things to be searched or seized. This warrant must be presented to the Sheriff of Suffolk County, so that he or she has knowledge of the existence and nature of the warrant, and may challenge the validity of such warrant in the appropriate court.

Section II: In respect to the heinous implications of the National Offense Authorization Act, and other similar laws, the United States is denied the ability to kidnap any person within the boundaries of Suffolk County. The United States must obtain written permission from the Sheriff of Suffolk County before detaining or arresting an individual within Suffolk County for any crime or violation of law thereof.

Section IV: Suffolk County does not recognize that the United States is being invaded or is experiencing rebellion.

D.P.O. HORSLEY:

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

MR. SOLOMON:

Therefore, in accordance with Article I, Section 9, Clause 2 of the United States Constitution, the Writ of Habeas Corpus shall not be suspended for any person within the boundaries of Suffolk County.

That's all I have to say for now, but there's a lot more.

D.P.O. HORSLEY:

Thank you. Well, maybe if you make copies, we'll be glad to have it handed to the Legislators.

MR. SOLOMON:

I don't expect you guys to pass it any time in the next four to six years --

D.P.O. HORSLEY:

Okay.

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MR. SOLOMON:

-- but I'll be saying I told you so one day.

D.P.O. HORSLEY:

Thank you, Mr. Solomon. Mr. Matt Curtis, and on deck is Michael Finland.

MR. CURTIS:

Good morning. My name is Matthew Curtis. I'm the District Manager for the Smithtown Fire District, one of your secondary PSAPs. We contract with four of the Fire Districts. There are some representatives from Hauppauge Fire District, Nesconset, Kings Park and Saint James.

As has been spoken in the past, this is not the first time we're up here discussing I.R. 1250. As Barbara Bender spoke from Babylon Central right now, this is the crunch time. These PSAPs were set up by your predecessors. They really knew they couldn't keep everything in one place in Yaphank. They spread it throughout the County in case there was problems. If these are not funded -- and all we're asking you to do right now is the money that's already been allocated, just to be funded the correct way. Even through reports from your own Comptroller, your Comptroller, money is just not being calculated correctly.

So we're asking you right now, when the vote comes up this afternoon -- half of the Legislators right now have PSAPs within your district, the others do not. But you have to remember right now, as a person comes from Connecticut here in the summertime they use our PSAP, they use our 911 Center. As we go to Connecticut or other places within the country, we use their system. The money has to be equally divided up amongst all the 12 PSAPs equally, so that the money is going to be funded, services can be maintained, and equipment can be state-of-the-art.

I really suggest you guys go deep down here tonight, this afternoon when you go vote for this, because the crunch time is here. There's two PSAPs on the brink right now that are getting ready to shut down. It's not fair for us to have to actually take money from our own residents to fund these PSAPs when everybody can use them. So whatever happens this afternoon, there's going to be ramifications one way or the other. Not a threat, it's a guarantee, the PSAPs are going to fail. And when another storm comes through like Sandy and you have everything in Yaphank and you have no PSAPs to back them up, there's going to be a major problem. So, please, consider that when you take the vote this afternoon. Thank you.

D.P.O. HORSLEY:

Thank you very much, Mr. Curtis. Michael Finland, and on deck is Mary Finnin.

MR. FINLAND:

Good morning, everyone. My name is Michael Finland, I'm from Suffolk County AME. I come before you today to address two issues of ongoing concern for the AME membership.

We have traveled down a long and circuitous road with regard to the John J. Foley Skilled Nursing Facility. Everyone saw yesterday's Newsday, and it would undeniably appear that as the next few weeks progress, the finality to the closure process will continue on course. I, myself, along with my colleagues at AME, have continually advocated on behalf of the workers. I've said it before, but it bears repeating: The AME workers at Foley are stellar, and this facility is second to none in terms of the services provided to the public. It saddens me to think that we will lose this valuable resource. The residents will continue to be displaced and the workers' lives will be disrupted as they face unemployment. The writing is on the wall, but I will put forth what I've stated time and time again. If there is any consideration for salvaging this facility in any means, I'm absolutely an advocate for that option.

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My second issue concerns the forthcoming plans regarding the two East End health clinics, one in Southampton and the other in East Hampton. I've been meeting with Legislators to discuss this course of action, and while I understand the economics behind the decision, I'm still perturbed by it. I do believe that in going forward, we are setting an unfavorable precedent. None of our AME workers will be laid off in this current schematic, but, rather, they will be reassigned in County government. However, we are opening a door here, and my apprehension is that we are creating the foundation for perhaps future layoffs. We lost 80 members through layoffs in February 2012. We lost another 315 in June of 2012, and now, with the impending closure of Foley, we will lose another approximately 180 workers. The list keeps growing, and it would be the Union's belief that we should consider any and all alternative options. The workforce at the clinics, similar to the Foley workers, are incomparable. I do not want to see any more workers lose their jobs.

Many insights were offered today in which the varied benefits of the Hudson River organization -- I'll wrap it up -- would be beneficial to the community at large. While I will not opine to the contrary on the capabilities of the Hudson River, I know full well the unique talent, skills and work ethic of AME workers who are at the East End clinics. It is the spirit of this message that I wish you would keep in mind as you ponder legislation today. Thank you for your time.

D.P.O. HORSLEY:

Thank you very much, Mr. Finland. Okay. Mary Finnin.

MS. FINNIN:

Good morning. I'm sorry I wasn't here earlier, and I'll try not to duplicate anything that may have been said.

My name is Mary Finnin and I am here basically to ask that Legislative Resolution 1428 be tabled. I think it is incomplete and has information needed for the public before a final decision is made. I will give the Clerk a copy of the testimony I gave at the Health Committee on -- the other day, and they can give you copies.

One of the major problems that I have is that we're giving away a business for Suffolk County to an out-of-county corporation. Now, someone said to me, several people said, "Oh, but it's a nonprofit." Guess what. Nonprofits make money, and if you don't think so, ask Michael Dowling. He runs the biggest health care monopoly corporation I think in New York State. Money is made under a health -- under a nonprofit corporation. It's a way that they bundle or they show their expenses and income, and it's a tax benefit if you're a nonprofit. So that we have nonprofit hospitals in our public/private relationships right now through our community hospitals and other agencies that we do business with. So it isn't a new issue, but we have nonprofit corporations here in Suffolk County that we should be doing our business with. Keep the business in Suffolk County.

We've got a core of community hospitals and it includes Southampton and Stony Brook, where we have made corporate relationships for years, for decades, and they provided very good services. We don't need to go out of County and give away the money and the jobs, and control, and accountability to someone that -- you know, from another place, we have that talent here in this County. I think that to give away the -- any of the health centers is a big mistake.

And I would particularly ask for deletion in 1428 of the reference to "and to other unnamed County health centers." Who are they? How do you pass a bill with those kinds of open-ended promises? It also promises County employees under this won't be laid off. That's not true. There's bumping rights. You've just heard several hundred employees have already been laid off. They may have bumping rights over the 18 people that are covered under the resolution that's before you.

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I think there are many issues and they need to be vetted, and we need to look at it, and I would ask you, please, table it, move it out. Give us a chance to work through this with our community hospitals, and the liaisons, and the groups that we have to work with in Suffolk County. Thank you very much.

D.P.O. HORSLEY:

Thank you very much, Mary. It's always a pleasure.

*(*Applause*)*

All right that is the last card that I have in the Public Portion. Would anyone else like to be heard? Would anyone else like to be heard? Seeing none, with that, I'll make a motion to close the Public Portion; second by Legislator Cilmi. All those in favor? Opposed? So moved.

MR. LAUBE:

Fourteen. (Not Present: Legislators Schneiderman, Muratore, Spencer and Presiding Officer Lindsay)

D.P.O. HORSLEY:

Thank you. All right. What I'm going to do now is I'm going to move down -- we're going to skip over the Capital Budget and Program amendments for a short moment or two. We still have some last-minute negotiations that we're apparently discussing, and that's where Mr. Lindsay is. We're going to bring up under Section 9 Samantha Segal, who has a few minutes here to -- from our -- she is the Director of our Board of Ethics, in which she's going to discuss 1302.

MS. SEGAL:

Good morning. My name is Samantha Segal. I'm Executive Director of the Suffolk County Board of Ethics, and I am here on behalf of the Suffolk County Board of Ethics. I'm here today on I.R. 1302, a Local Law to clarify the Board of Ethics' authority to issue advisory opinions. This law would broaden the categories of people who could request ethics opinions from Board of Ethics from current public servants to prospective public servants, public servants, and former public servants.

The Board has no further statement to add to the record today, but in the event there are any questions on this law before it's voted on, I'd be pleased to address them.

D.P.O. HORSLEY:

Okay. Are there any questions of Ms. Segal? Legislator Kennedy?

LEG. KENNEDY:

Yes. Thank you, Mr. Chair. Samantha, thank you for coming before us. And I just want to make sure that I understand. You and I had a brief conversation before.

Having been involved with the group, Legislator Nowick and I and Presiding Officer, when we put together this legislation, we attempted to carry forward the good parts of what had been in place previously. And I believe -- I'm turning to Counsel. George, didn't candidates or others have the ability to go ahead and seek an opinion or query of the Board under our former configuration?

MR. NOLAN:

The old statute did not expressly state that. However, it was the practice of the old Ethics Commission to allow prospective employees and former employees to come in for opinions. The new Board of Ethics has asked this Legislature to change our statute to make it expressed, giving the expressed authority to issue opinions to these classes of people. It seemed like a reasonable request and now it's here before us.

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LEG. KENNEDY:

No doubt about it, but I'm going to ask you to just go one step further, George. Then, specifically, how is the class expanded?
Who are the additional entities that will now have the ability to query the Board?

MR. NOLAN:

It's prospective employees, somebody who's contemplating beginning employment with the County. They could go to the Board and ask for an opinion if maybe something they're doing currently on the private side would pose a conflict with their public duty, so they could approach the Board with that. And then you could have somebody who's gone out the door who wants to seek new employment. As you know, our law has a lot of post-employment restrictions. They could go to the Board and say, "Can I take this job," and not violate those provisions?

LEG. KENNEDY:

So that's the nexus, then, either employment or candidacy?

MR. NOLAN:

Correct.

LEG. KENNEDY:

Okay, good. Thank you.

MS. SEGAL:

And, Legislator Kennedy, if you'd prefer, I could read to you what the proposed language is intended to be.

LEG. KENNEDY:

No, that's fine. Thank you. I mean, as long as that's how the class is going to be expanded, I'm fine with that. Thank you.

D.P.O. HORSLEY:

Okay. Legislator Montano.

LEG. MONTANO:

Good morning. How are you?

MS. SEGAL:

Good morning.

LEG. MONTANO:

Quick question. Are any of these opinions ever published anywhere or they're strictly private?

MS. SEGAL:

The way the current law reads, which was not amended by this current Board, the identifying information is removed, and then they're indexed by subject matter and section of law and available to the public. But identifying information is not available, and the requests that come in are not available.

LEG. MONTANO:

Okay. So -- but, essentially, the subject matter --

MS. SEGAL:

Subject matter.

LEG. MONTANO:

-- and the substance of the decision is available?

MS. SEGAL:

Right.

LEG. MONTANO:

Where is it available, is it on your website?

MS. SEGAL:

No, they're not available on website. They are available in our office and they can be provided on request.

LEG. MONTANO:

But if I wanted to, for instance, research a particular, you know, issue, is there -- is there a -- other than your office, is there a place online that I can go looking for advisory opinions?

MS. SEGAL:

Specifically as to Suffolk County?

LEG. MONTANO:

Yes.

MS. SEGAL:

Not specifically to Suffolk County. There are two other databases in the State as to advisory opinions that hold very similar areas, which is the New York City Conflict of Interest Board, which currently has their entire database published on their website, searchable by law or subject matter, and the same with the State's Ethics Commission.

LEG. MONTANO:

Okay. So if we wanted to look at an advisory opinion that your agency --

MS. SEGAL:

Currently they're just not on the website. That is the intention on the Board -- of the Board --

LEG. MONTANO:

Okay.

MS. SEGAL:

-- to have them be fully redacted pursuant to the current law for identifying information, but have them be available to the public servants online so they can be accessible. They just haven't been populated on the website yet.

LEG. MONTANO:

How long have we been maintaining these advisory opinions? How far back do they go; do you know?

MS. SEGAL:

The current advisory opinions from this Board are from January.

LEG. MONTANO:

Do we have any from the prior Board?

MS. SEGAL:

The prior Board?

LEG. MONTANO:

Yes.

MS. SEGAL:

In terms of we have them in our office. We acquired them, I believe -- I came on in January. I believe the prior Board received them November.

LEG. MONTANO:

Okay.

MS. SEGAL:

October or November of the prior -- the Ethics Commission's opinions are available in our -- they are currently held in our office.

LEG. MONTANO:

All right. But the prior ones, are they available without the identifying information?

MS. SEGAL:

Just in terms of subject matter?

LEG. MONTANO:

Yes.

MS. SEGAL:

In terms of subject matter, I would have to check as to the current law, because the current law only speaks to the Board. I'd have to see what the Legislative intent to that would have been.

LEG. MONTANO:

Gotcha. Gotcha.

MS. SEGAL:

Because this law was going forward from when this law was enacted, and it spoke to current advisory opinions going forward.

LEG. MONTANO:

All right. So what I'm getting is that since you're here, since the new Board was created, prospectively, we will be having at some point in the future the ability to go on -- either online or on the web and look at subject matter advisory opinions from the Board without identifying features as to who it was, what -- you know.

MS. SEGAL:

That's correct.

LEG. MONTANO:

Am I accurate in that.

MS. SEGAL:

No. You're accurate in that, but I just wanted to clarify, and perhaps bring to your attention, that the -- one of the recommendations from the District Attorney's report was that the prior Commission's decisions not be held as precedent. So, in going forward, these are all brand new opinions. They're not -- when advisory opinions are rendered, they are not using as precedent a

decision that was held in the prior Commissions.

LEG. MONTANO:

Okay. But with respect --

MS. SEGAL:

They're using State Law and other jurisdictions that hold very similar sections of the law.

LEG. MONTANO:

Right. But with respect to decisions that are rendered during the time that the current Board is in effect, those are actually precedent-setting --

MS. SEGAL:

That's correct.

LEG. MONTANO:

-- advisory opinions?

MS. SEGAL:

That's correct.

LEG. MONTANO:

Is that what you're saying?

MS. SEGAL:

That's correct.

LEG. MONTANO:

Good. Thank you.

D.P.O. HORSLEY:

All right. Thank you very much, Legislator Montano. And thank you very much, Ms. Segal, for coming down here and explaining some of those things to us. Thank you.

MS. SEGAL:

Thank you.

D.P.O. HORSLEY:

All right.

LEG. SCHNEIDERMAN:

Mr. Presiding Officer -- Mr. Deputy Presiding Officer.

D.P.O. HORSLEY:

Hang on one second, Jay. Before we go off, I just wanted to get a motion on the Consent Calendar.

Motion to approve the Consent Calendar by myself, seconded by Legislator Cilmi. All those in favor? Opposed? So moved. Okay.

LEG. SCHNEIDERMAN:

Yeah, if I may, I would like to make a motion to take --

MR. LAUBE:

Seventeen. (Not Present: Legislator Muratore).

LEG. SCHNEIDERMAN:

-- 1428, it's on Page 8. It deals with the consolidation of the two South Fork clinics. There are a number of people who spoke on this issue, as well as officials from Stony Brook and Southampton Hospital. If we could take it out of order, I'd appreciate it.

D.P.O. HORSLEY:

Okay. Jay, are you making that motion?

LEG. SCHNEIDERMAN:

I'll make a motion.

LEG. KRUPSKI:

(Raised hand).

D.P.O. HORSLEY:

Second by Legislator Krupski. All those in favor? Opposed? So moved, it has been taken out of the order. We're now on Page 8, 1428 under Health.

MR. LAUBE:

Seventeen. (Not Present: Legislator Muratore)

D.P.O. HORSLEY:

Everyone got it? We're good? Legislator Schneiderman, do you want to make a motion?

LEG. SCHNEIDERMAN:

I'll make a motion to approve.

D.P.O. HORSLEY:

You're making a motion to approve. Is there a second on the motion.

P.O. LINDSAY:

I'll second it.

LEG. SPENCER:

Second.

D.P.O. HORSLEY:

Legislator Lindsay makes the --

P.O. LINDSAY:

I'm sorry, let him.

D.P.O. HORSLEY:

Legislator Spencer makes the second. Okay. We have a motion and a second. Are there any other motions? Okay. On the motion. Okay?

No sense --

LEG. SCHNEIDERMAN:

Kara.

D.P.O. HORSLEY:

Okay. Legislator Hahn.

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LEG. HAHN:

George, can you just explain the Ninth RESOLVED clause to me?

MR. NOLAN:

What it does is it gives the County Executive and his designees, his representatives, the authority to execute agreements, instruments that may be necessary to carry out the intent of this law and to carry out the agreement that is attached to the law.

LEG. HAHN:

But limited to the two centers we're talking about?

MR. NOLAN:

Yes, of course.

LEG. HAHN:

Okay.

D.P.O. HORSLEY:

Okay. Anyone else? Legislator Kennedy.

LEG. KENNEDY:

George, the -- I'm looking for -- well, you probably know this. This transaction is before us based on a waiver, I believe, correct?

MR. NOLAN:

I think the waiver is cited in the resolution itself, yeah.

LEG. KENNEDY:

All right. And the waiver, when it was first sought, what was the -- there's a rationale. As far as I understand it, what I've been able to determine, when it comes to waiving the normal, basic fundamental RFP process that we must engage in whenever we go to seek anybody to basically provide any kind of service to us, what was the rationale to bypass that and to enter into direct negotiations with Hudson River?

MR. NOLAN:

Legislator Kennedy, I'm not involved in the waiver process. I'm not at the meetings, I'm not -- I can't really state what the rationale was for the waiver. I could guess that they may be the only entity they could --

D.P.O. HORSLEY:

Maybe someone from the Administration might know.

LEG. KENNEDY:

Yeah, let's not guess. Let's -- I mean, if we can get an answer, we get an answer.

D.P.O. HORSLEY:

Okay.

LEG. KENNEDY:

If we can't get an answer, we don't get an answer.

D.P.O. HORSLEY:

Mr. Vaughn, do you have an answer for this?

MR. VAUGHN:

Good morning, members of the Legislature. I had actually spoken to the Administration about this. Well, I spoke to my bosses about this, I should say, and it was my understanding that we entered into the waiver last year because we thought that we were going to possibly be able to move this along quicker than we were able to. And, actually, I would argue now that because of the time that this process has taken, we're in a much better spot. And I think that as a result of the time that we were able to spend on this, because we had entered into the waiver and we could speak directly with HRH, it's allowed us to put that HEAL money into place for Southampton, it's allowed us to bring more parts of this deal together.

LEG. KENNEDY:

Tom, my questions here are not going to the merit, or validity, or any of the things associated with this transaction. I think Hudson River by and large is doing a good job. I was very impressed with the presentation that they gave at the Health Committee. The fact that they've been able to engage Stony Brook with the Residency Program I think is laudable, and, as a matter of fact, something that's much needed. But I'm talking about the process associated with how our business relationship with Hudson River came to be.

My understanding with waiver is waiver is something that's provided only on a very limited basis, and generally there's some type of emergent situation associated with it. Is that how it goes, George?

I mean, otherwise we'd do everything by waiver.

MR. NOLAN:

Well, I think we talked about this probably a couple of meetings ago, and there is some very broad language, something along the lines if a waiver is in the best interest of the County and of the public, that could be a foundation for a waiver. This section also does cite some specific considerations that go -- could go into the rationale for issuing the waiver. But there is -- there's some broad language in there that you can hang a waiver on.

MR. VAUGHN:

And specific --

LEG. KENNEDY:

Then we ought to save money and do away with purchasing. I'll yield at this point. I want to look at that specifically. Thank you.

D.P.O. HORSLEY:

Okay, very good. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I appreciate Legislator Kennedy's concern about process. I just wanted to focus some comments on the actual -- what's actually being proposed here for a moment, because there's two clinics involved. They're both satellite clinics of the Riverhead Health Clinic, and they're both in my district. One is in East Hampton, one is in Southampton. And under this proposal, the two would be merged into one clinic, larger than the two combined clinics now, and it would be in a facility that Southampton Hospital currently owns.

The HEAL money would be used, millions of dollars to renovate this space. And the clinic would have all those things that are required on the FQHC Program with Hudson River as the operator, and some of those things include the evening hours, the Saturday hours, the walk-in model of service, which we don't typically have right now, the mental health, the dental.

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You know, some of my initial concerns, A, was I didn't want to see anymore layoffs. There's, you know, specific language in here that no County employees are going to lose their positions as a result of this consolidation, this transition. Another piece was for those who live in the East Hampton area, what about transportation? Hudson River is going to be providing a shuttle. But because of the affiliation with Southampton Hospital and the availability of residents and interns, the actual amount of personnel is significant, and, plus, those added services, but they've gone one step further in terms of addressing local access.

Southampton Hospital actually owns and operates the clinic in Montauk. They also have an affiliation in Amagansett, and they have doctors they're working within other areas in East Hampton as well. So at least, you know, particularly for those patients that are on Medicaid, they can go to these local doctors and be seen. They can actually do that now. In fact, in East Hampton, we have already seen, ever since we sold Suffolk Health Plan, really, which is now a Health First, a lot of the clinic users who are on Medicaid and enrolled in HMO, or another HMO like HRH, are actually going to local doctors, closer than the clinic is, and being seen at the same price, in some cases actually a lower price.

So that's an important element in terms of the transportation issue because I -- you know, this wasn't easy for me, because I knew I was open to the criticism that I was losing the East Hampton Clinic. And through the years, I have actually fought very hard to keep that clinic operational. Years ago they tried to close it. I was Town Supervisor. We provided space for them at the Town's cost to keep the County there for 10 years rent-free. When that expired and the rent went to \$32,000, I fought here to get that money paid when the Town didn't want to pay it and keep that clinic operational.

But the truth is that the population using that clinic has decreased to a point of an average of about 10 patients a day. And it becomes very expensive to maintain that, even as a County clinic, and not consolidate. And then when you bring in the millions of dollars in Federal Aid -- you know, we talk about unfunded mandates being a real problem. This is a little bit different because this is funded and it's not actually a mandate. We don't have to be in the health clinic business. We do it because it's the right thing to do. But now there's a lot of Federal money to actually help us increase the level of service to provide those additional things. And it would be crazy to me to not move in the direction where we can save a million dollars, not lose any employees, provide a higher level -- not a higher level of caring, but higher -- more hours, more services to the poor. I think to me that's significant.

So I think this is a positive move -- a positive move. And, you know, I would urge you to support it, because, you know, I think we need to save the money. And if we can do it at the same time that we can save employees and save -- and increase care, I think that's important.

D.P.O. HORSLEY:

All right. Thank you very much, Mr. Schneiderman. Legislator Gregory.

LEG. GREGORY:

Thank you, Mr. Vice Chair. I wanted to address some of the questions that Legislator Kennedy had just brought to our attention. I was just talking to him privately about it. And what he's referring to is 1065-4 of our Code, which goes to exceptions to client services. Actually, it's 1065-4(B)(1). And what the language reads, "Such a waiver would be appropriate where the individual or company must be chosen based on accountability, reliability, responsibility, skill, education, training, judgement, integrity and moral worth. These are qualifications not necessarily found in an individual or company that submits the lowest bid or proposal, and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures."

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Counsel and I had a meeting with the County Attorney several weeks ago because I had questions about that last part, "The nature of these services are such that they do not readily lend themselves to better procurement procedures." And I asked that question because HRH was given a waiver, but subsequent to their waiver, we had submitted RFPs. And rightly, they corrected by memory of why the RFP was issued, and that was because at the time they were pretty much the only game in town, which the law allows. The State law allows that, as well as our law. So I don't see any violation of the State law, our local code. As far as procedure and process, I think it's been done properly.

RFP waivers aren't necessarily the way that we want to go. The waiver, there should be exception to the process. I think we may be doing a little bit too much of that, and that was the reason why we had met with the County Attorney. We're actually reaching out to the County Comptroller's Office to ask for advice on how to tighten up the language. But I think as far as process, we're following our own laws and codes.

And I think this is a good deal. Just to speak to the issue directly, I think it's a good deal. The local community supports it. HRH, I think no one has any complaints about the quality of service that they provide, so I think that's excellent. I think the only concern is, you know, potentially what future ramifications may be, but that's an issue for another day. I think to address the issue of the day is the consolidation of these health clinics, which are going to provide better services, quality services, to the residents of the Second Legislative District and the East End. And I think that's -- we should take it on its merit.

There was one other outstanding question about layoffs. I had spoken to the Administration, actually Tom Vaughn. There is one person that's going to be laid off in the clinic, a records person, but that is -- that is due to the Foley layoffs, nothing to do with the consolidation of the health clinics. I just wanted to make sure that was clear. So thank you.

D.P.O. HORSLEY:

Okay. Thank you very much, Mr. -- Legislator Gregory. Legislator Browning.

LEG. BROWNING:

Sorry, we're having a chat here. A couple of questions. You know, obviously, I think you know my position on this about the privatization. I think we're going down a slippery slope. And the fact that I know that, you know, we have had a conversation, Legislator Calarco and I have had the conversation about using this HEAL money to work with Brookhaven Hospital, and the FQHC. And, you know, Craig, and I know that's what we were talking about, is how long has this HEAL Grant 6 been around? It's not something that just popped up this year, and now I believe we have until the end of the year to use up this HEAL Grant money. So when was this grant first applied for and when did we actually receive it?

MR. FREAS:

The grant was applied for in May of 2008, and I believe we received notice of the grant award in the Autumn of that year, Autumn or early 2009.

LEG. BROWNING:

Okay. And, you know, we had had a conversation about going the FQHC model. And, you know, I met with Hudson River under the last Administration and, for whatever reason, they chose not to use Hudson River when we were denied the FQHC. However, moving forward, we now want to contract and work with Hudson River. And I will continue to say, yes, you do a good job. This is not about Hudson River and their performance. This is the way to go is the FQHC. However, when we're looking at the FQHC model, Craig, in your opinion, what do you think is the best route to go to save money? I mean, this is what we're talking about is saving money.

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Now we've known about this HEAL Grant money since the Fall of 2008. This Administration was approached by myself and Legislator Calarco to work with Brookhaven Hospital, and here we are with six months left to spend the money. And my question for you is, is if we go with the contracted health centers, like Brookhaven Hospital, rather than targeting our County-owned facilities, which one do we save the most money with? Which route should I say?

MR. FREAS:

Well, and I want to be careful how I say this, because it's a woulda-shoulda-coulda kind of answer. Ideally, if we could have moved, transitioned the contracted centers to the FQHC model first, just because -- if for no other reason -- the contracts are so much larger. There's a gross savings that would be larger at first, and there may be a relative savings, larger at first as well. However, and understanding -- however, the urgency of this, not with respect to the HEAL 6 Grant, but with respect to the staffing losses that occurred in 2012, really from 2010 to 2012 in the County -- in the County staff centers, made the choice to move -- to transition the County staff centers first, it -- that seems to have been where it goes.

My discussions with the Health Department indicated that that was their main reason for moving to -- to transition the County-staffed ones first, even though the potential savings -- obviously, you're talking about -- you're talking about two -- a 12 million dollar contract and a 10 or 12 million dollar contract for the South Side contract and the Brookhaven contract, respectively. But the staffing losses at the County-staffed centers were just between the ERIP and the 2012 layoffs, were just -- they placed those centers, frankly, in a very critical situation.

LEG. BROWNING:

That's not good to hear. However, again, I have some problems with the process. And, Mr. Vaughn, I'm not going to get into arguments with you today, but I will continue to say, the Administration dropped the ball. They've known about this HEAL Grant money since last year, since they've been here, and the conversation that Legislator Calarco and I have both had with this Administration last January should have been moved. That was a no-brainer. It was an easy lift. Everybody that was at the table agrees that that was the way to go, and that's where this HEAL Grant money should have gone. So for that, I cannot support what's going forward.

And the other issue is, is that I keep hearing no one's losing their jobs. I have yet to hear a commitment from this Administration that you will not continue with what you're doing and to privatize the Riverhead or the Tri-Community Health Centers. I have not yet received that commitment.

And, also, we've had the conversation with HRH in the past to be that umbrella, to keep the County facilities, keep them as they are and have that partnership with the FQHC with Hudson River. There's been no commitments. So I will not support the privatization, because I do believe this is setting the precedence to continue to privatize throughout Suffolk County. And if you think we're going to stop at the health centers, look what's happened with the Foley facility. This is -- the health centers are next. What's next, DPW? Lord knows, it could be anything.

D.P.O. HORSLEY:

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

LEG. BARRAGA:

Yeah. Certainly, my sense is today this resolution is going to pass. And we can talk about the waiver concept and whether or not employees are going to lose their jobs and the savings aspect. But in Health and Human Services, there are one or two individuals that spoke about this particular issue, and the one that kind of grabbed me, and I'd like to get Mr. Schneiderman to sort of expand on some of his comments, were people who lived in East Hampton. They were very, very concerned, Jay, about being able to go to Southampton. Now you've indicated to me that Hudson

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River is willing to run a shuttle, and that, roughly, there are only 10 people a day that use that clinic on the East End. Do you have any further information in terms of how often that shuttle will run? And how does that really work? I mean, if you pick up eight or 10 people and you take them to Southampton from East Hampton, does everybody have to wait around until everybody's treated before they take the shuttle back? Are there specific times for the shuttle? And is it really --

LEG. SCHNEIDERMAN:

Okay. Let me --

LEG. BARRAGA:

Now, of those 10 people, if it really is 10 per day, are there -- I think you were sort of indicating. Are there other facilities they can go to in East Hampton or close by that financially would not hurt them as much, or is it about the same as the utilization of the clinic as it stands right now in East Hampton?

LEG. SCHNEIDERMAN:

And that, in essence, is why there are less using our clinic today than in the past. When our clinics were first formed, most of the users were enrolled in Medicaid, and to be in Medicaid, you had to be enrolled in an HMO, and we created Suffolk Health Plan and that was our HMO. And that was exclusive to our clinics, Suffolk Health Plan. We sold it, it's now Health First. It's no longer exclusive to our County clinics, and the doctors' offices in the area typically are taking those patients, including Montauk and Amagansett and East Hampton. So a lot of the patients have already migrated over to the local doctors' offices.

In terms of the transportation to this new and improved clinic, the new and improved clinic will go beyond what those services that we currently provide are. That's where the mental health comes in, that's where the dental, so they don't have those now. But now -- and some of these people, particularly the uninsured, may have -- you know, some of them may have never been to a dentist before, this could be a first. Now they'll be able to go to this beautiful new dental clinic that will be in Southampton, but they didn't have that option before.

So in terms of how they get there, so the Town already provides senior transportation already and disabled transportation. We, through our SCAT, also provide disabled transportation. That doesn't cover everybody. So there are still some people who are not seniors, who are not disabled, and that's where Hudson River will come in with their -- with their transportation services. And I don't know whether it will be a taxi or a shuttle bus. Maybe somebody from Hudson River can answer this question. But they said that -- and I believe it's going to be free for the clinic users where they'll -- I think it's a door-to-door service. But, Tom, do you know, is somebody from Hudson River prepared to answer that specifically in terms of the details on this transportation service?

MR. VAUGHN:

Yes, sir, we do. We have members of HRH here today who could address that. I'm not sure that they could answer all of the questions on it at this point in time, because there are some detailed -- some very, very specific nitty-gritty details still being worked out, but I do believe that they can address the majority of that.

LEG. SCHNEIDERMAN:

Through the Chair, if that's okay.

D.P.O. HORSLEY:

Absolutely. Your name, sir.

MR. SINKOFF:

James Sinkoff. So the details of the routes that will be selected have not been worked out yet. What we are committed to do, and we put it in the budget, we will have a full-time van shuttle service that will be running all the time during the normal clinic hours, and then for the after-hours, we're in the process of putting together an RFP for the local shuttle services, taxi services, to cover after-hours urgent needs, either to shuttle them directly to the clinic for our after-hours work, or to the hospital, if that's the case, depending on what the urgent need may be.

LEG. BARRAGA:

And I assume you'll be getting that schedule out either in local papers or to people who are current patients of the existing clinic out of East Hampton so that they're fully aware of the shuttle system?

MR. SINKOFF:

So the -- all the public disclosures and invitations will be made well beyond just the transportation. There'll be hours of operation. We will be letting people know about the providers and the types of services, the hours of operations.

LEG. BARRAGA:

Because -- and that's really good, because my sense is the number of people coming from East Hampton to Southampton may well increase because you are offering services, you are offering dental and mental health that they do not enjoy now, and I don't think they'd be able to pick that up out where they are.

MR. SINKOFF:

Right.

LEG. BARRAGA:

So there's a real possibility that additional people might be using the shuttle service to go to Southampton from East Hampton.

MR. SINKOFF:

And it is our explicit hope that with the introduction of dental services, which have heretofore not been available, that will, in fact, increase the demand and the desire to use this service, and then also make the shuttle service really robust and very helpful.

LEG. BARRAGA:

Thank you very much.

MR. SINKOFF:

You're welcome.

LEG. SCHNEIDERMAN:

And if I may, because the reason why our clinic population of users has been decreasing hasn't been because of need. If anything, there's -- the ranks of the poor are growing. So this is -- you know, so if we can get some of these people back into our system, I think that's a positive thing.

But I wanted to add one more thing. It's close to where the bus stop is now. Right now there's a, you know, Suffolk Transit bus stop at the hospital. And there is conversation, and I believe we're going to move forward with putting a bus stop at the new clinic, too. So that's one more option, and that's a two-dollar, two-and-a-quarter bus fare, and that will be available as well.

LEG. BARRAGA:

I'm not surprised at your comment for additional buses and bus stops.

(*Laughter*)

D.P.O. HORSLEY:

Okay. And maybe it might be wise, Mr. Vaughn, that we publicize it as the County as well once this becomes operational.

MR. VAUGHN:

Sounds like an excellent idea.

D.P.O. HORSLEY:

There you go. Thank you. Legislator Nowick.

LEG. NOWICK:

Yes. I think most of the issues have been discussed, but I think that Legislator Browning did bring up a very important issue which does concern me. And while I know Hudson is an excellent facility, I do share your concern about privatizing this facility, and then going on to privatize perhaps the other facilities, and that does concern me. I am very, very concerned about our workforce. And I do see that in the RESOLVED clause that the workforce is going to be kept. I would like to know, they're going to be sent to other Department of Health -- is that -- other Department of Health -- is that what I'm reading? Hold on, hold on. Let me go back to it.

MR. VAUGHN:

Yes, ma'am.

LEG. NOWICK:

Reassigned within the Department of Health Services?

MR. VAUGHN:

Yes, ma'am. They are going to be reassigned to the Amityville Center, the Riverhead Center and to Jail Medical.

LEG. NOWICK:

And all at the same salaries and the same -- everything is the same?

MR. VAUGHN:

Nothing is changing.

LEG. NOWICK:

Nothing is changing.

MR. VAUGHN:

It's a transfer, it's not -- nothing is changing.

LEG. NOWICK:

Okay. Just one other question. The facility that is going to be privatized that we're speaking of, I've heard Legislator Schneiderman say what wonderful services we're going to have. Were we doing substandard services with this facility, or is it that you -- the feeling is Hudson and Stony Brook can just do much better?

MR. VAUGHN:

Thank you very much for that question, Legislator Nowick. No, I don't believe that we were doing substandard work, but I do believe that this gives us an opportunity to improve.

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You know, I was going through a lot of notes last night preparing for this meeting today, and it occurred to me that not too long ago, literally two years ago, there was a piece of legislation on here in which -- that was adopted unanimously by this Legislature to spread out the health care cuts equal. And now two years later, we have an opportunity to not talk about cutting a health center, we have an opportunity to talk about increasing the services at a health center. And I understand that there's -- that there are, you know, concerns about either the process or what does this open the door to in the future, but the thing that we feel about this is that we are improving services and we are reducing County costs and we are not laying anybody off. These employees will go, they will work in our other centers.

And if this Legislature doesn't like any future plan that we bring forward, this bill is not binding you. We're not tying you into any future actions. These bill is about these clinics, it's about improving these services in these communities.

LEG. NOWICK:

I do understand that, Tom. And, yes, you always do your homework and present it well, and I do appreciate that. One of the concerns I have, a very large concern, is that this sets the standards in the beginning of going into many areas of County facilities and privatizing. And I do agree with Legislator Browning, that that is -- that happens to be a concern. But thank you for at least giving us your reasons. And, again, I will mull this over with the rest of the debate.

D.P.O. HORSLEY:

Okay. Thank you very much, Legislator Nowick. Legislator Montano.

LEG. MONTANO:

Thank you. I don't know if I should direct this to you, Tom, or to Legislator Schneiderman. I wasn't able to hear the presentation at the Health Committee this past week because I had to attend another event. I know somewhat the geographics of East Hampton. I don't get out there too often, Jay. So what we're doing, I just want to be clear, since I didn't get the -- I didn't get the -- I didn't get an opportunity to hear the presentation, we're taking the East Hampton Center, which exists now, and the Southampton Center and combining those two into the hospital?

MR. VAUGHN:

Yes, sir.

LEG. MONTANO:

All right. So where is the East Hampton Center currently located, if somebody can tell me?

LEG. SCHNEIDERMAN:

I can't really answer that, so --

LEG. MONTANO:

And not by address. I'm talking about -- let's talk about in conjunction to the hospital. How far is the current East Hampton Center from where you are moving?

LEG. SCHNEIDERMAN:

It's about a 20-minute drive. It's at the Accabonac Affordable Housing Complex. It's on --

LEG. MONTANO:

That means --

LEG. SCHNEIDERMAN:

-- Accabonac Drive. You'd have to look at a map. It's not on Main Street. It's not on Route 27, it's --

LEG. MONTANO:

Okay.

LEG. SCHNEIDERMAN:

It's off kind of in the direction towards Springs. It's in an affordable housing complex. So it will be about a 25-minute drive to go from that clinic to the Southampton clinic, if that answers your question.

LEG. MONTANO:

Well, yeah, assuming you have a car.

LEG. SCHNEIDERMAN:

Right.

LEG. MONTANO:

And in traffic or no traffic?

LEG. SCHNEIDERMAN:

Right.

LEG. MONTANO:

Because I know you complain about the traffic out there, Jay.

LEG. SCHNEIDERMAN:

Yeah. No, it's --

*(*Laughter*)*

LEG. MONTANO:

It depends on the time of the summer there.

LEG. SCHNEIDERMAN:

No. And that's why those other two components, and not only the transportation piece, the public transportation, but also having access at those local doctors' offices.

LEG. MONTANO:

I gotcha.

LEG. SCHNEIDERMAN:

So if you're in, let's say, Montauk, suddenly, you know, instead of a 20-minute trip, you might have a 45-minute trip. But now Southampton Hospital provides it directly -- the same clinic services directly in Montauk, so it's actually closer.

LEG. MONTANO:

I'll remind you what happened last time. Twelve-thirty the clock strikes, so I just want to get this done before. I don't want to go after lunch, if you'll bear with me.

LEG. SCHNEIDERMAN:

No. It's an important consideration.

LEG. MONTANO:

And how far is the Southampton Center from where you propose to relocate it to? How many -- how long does it take to get from that place to the new one?

LEG. SCHNEIDERMAN:

About 500 feet.

LEG. MONTANO:

So you're essentially moving the -- so you're essentially just taking the East Islip -- East Hampton component and moving it to Southampton, is really what you're doing, I gather.

LEG. SCHNEIDERMAN:

Yes, in a newly expanded clinic with additional services, and then addressing the transportation and the service piece through the local doctors' offices, yes.

LEG. MONTANO:

What's going to happen to the current East Hampton facility? I mean, people that are going there now, how are they going to get to this bus service?

LEG. SCHNEIDERMAN:

Well, many of the patients, as I said earlier, have already migrated to local doctors' offices. If they're a Medicaid patient, those doctors' offices are taking them now.

LEG. MONTANO:

Why have they migrated, because of services not being available, or because they know it's closing?

LEG. SCHNEIDERMAN:

One is it's -- you know, I've long advocated for a walk-in model.

We don't have that in East Hampton. You can't just go and walk in. Occasionally they may take you, and, generally, you have to make your appointments several weeks in advance. This clinic in Southampton, under the Hudson River, you would be able to walk right in and be seen. But it's also the evening hours and the Saturday hours that makes a difference for people in the community, too. So now that -- if they have Medicaid, they can go to even more local to the doctors. They've been choosing that option. And, typically, they have bilingual services at those doctors' offices, too.

LEG. MONTANO:

Well, they have a -- I'm not going to get into that. What is -- what is the client population of the East Hampton Clinic, if you know? Or you know, Tom. Do you know what the client population is?

MR. VAUGHN:

Suffolk County residents?

LEG. SCHNEIDERMAN:

It's roughly 3,000 patient visits a year, if that's what you're asking.

MR. FREAS:

Yeah, it's about 3,000 a year. That's probably 600, 700 patients.

LEG. MONTANO:

Oh, Craig, okay. And what is the client population of the Southampton Health Center, if you know?

MR. FREAS:

Oh, it's about three times that much, between 18 -- yeah, probably about 1800 patients, considerably more visits, because --

LEG. MONTANO:

So East Hampton represents, then, approximately 25% of the -- will, if things remain the same, should represent 25% of the client population; am I correct?

MR. FREAS:

Give or take.

LEG. MONTANO:

Give or take. All right. Thanks.

D.P.O. HORSLEY:

Thank you very much, Legislator Montano. Legislator Kennedy. Keep an eye on the clock, because we've got a couple of more people after you.

LEG. KENNEDY:

Okay. This is not for you, Tom, actually, because this is for somebody from Hudson River. Just so I can understand, if we go back in time, and understanding the ability to go ahead and have an HR -- to have an FQHC actually be able to be an entity that delivers service in the County, were you folks the only ones back when we started this a year or 18 months ago?

MR. VAUGHN:

Legislator Kennedy, I do have the answer to that, sir.

LEG. KENNEDY:

All right. I'd rather talk to him, but go ahead.

*(*Laughter*)*

MR. VAUGHN:

I'd probably rather talk to him, too. No. HRH, at the time that we were -- that we entered in originally when we started with Coram was the only -- sorry -- FQHC in Nassau and Suffolk County.

LEG. KENNEDY:

No, no, no, you're not answering my question, and now I'm going to ask Anne to come up to the podium. Thank you. Not that you don't know what you're talking about, Tom, but she's been doing it for a while. Anne, 18 months ago, was Hudson River the only FQHC that had the ability to be able to do service, or contract, or deliver service here in Suffolk County?

MS. NOLON:

We are the only FQHC in the County then and now. It is not impossible for another FQHC from someplace else in the State to come into the County, but it's highly unlikely to be competitive, given the Federal Government's push to have the local FQHC involved in the development of health centers locally.

LEG. KENNEDY:

My quick research here shows that there are a number of FQHCs in the city, but I would imagine they elect to limit their catchment area only to those -- to those five boroughs. You're somewhat atypical. There's 45 FQHCs in the State of New York, but you folks are somewhat atypical in that you have a fairly wide catchment area with nine counties that you're in. I would imagine there's only a few of the 45 that are like that; is that correct?

MS. NOLON:

There are a few, and probably we're the only one that has quite that large a geographic service area. It's very important for the Federal Government to understand why you're proposing service area, and in our case the Southern Agricultural Region was the rationale for why we were able to provide migrant and seasonal farm workers in Suffolk County back as early as 2003 with health care services. Now --

LEG. KENNEDY:

So that's when you established that pilot out in Greenport?

MS. NOLON:

In Greenport. That was our first year. And prior to that and after that, we established ourselves as a voucher program, migrant voucher program, which allows us to serve and use local providers, no matter who they are, including the Department of Health, to provide services to migrant seasonal farm workers.

LEG. KENNEDY:

Now, at one point, we, meaning the County, had a pilot that was in Greenport out of the Riverhead County Health Center, then that was stopped. Were you there simultaneously with us, or did you follow when we shut down that temporary program?

MS. NOLON:

I'm not aware of that. It could have been prenatal care. I'd have to have somebody from the --

MR. FREAS:

And, Legislator Kennedy.

LEG. KENNEDY:

Yes.

MR. FREAS:

Over here.

LEG. KENNEDY:

Okay.

MR. FREAS:

Hey.

LEG. KENNEDY:

There you go. How's that?

MR. FREAS:

The Greenport clinic had been closed, I believe, prior to 2003. It might have been open -- it might have closed in 2001, 2002. The Migrant Farm Worker Program was available at least since 2003, and then you got -- I believe Hudson opened their Greenport clinic in 2008, 2009?

MS. NOLON:

2007.

MS. FREAS:

2007, yeah.

MS. NOLON:

2007.

MR. FREAS:

They were never -- they never coexisted.

LEG. KENNEDY:

Okay. And you --

P.O. LINDSAY:

John. John, I'm going to cut you off, okay?

LEG. KENNEDY:

All right.

P.O. LINDSAY:

There are two more speakers and it's lunchtime.

LEG. KENNEDY:

Well, there you go. Go ahead. That's the prerogative of the Chair.

D.P.O. HORSLEY:

Absolutely. He just took it right out of my hand for that one. Legislator Schneiderman, quickly.

LEG. SCHNEIDERMAN:

And I'll be brief. First, on John's last comment, you know, we tried to be an FOHC, as you know. The County applied and we got --

LEG. KENNEDY:

Reading the minutes now from 2010. We threw a million bucks to John Snow, that forced it through.

LEG. SCHNEIDERMAN:

That would have been the best solution, but, unfortunately, you know, we were not given those credentials. And, in turn, you know, Legislator Nowick talked about, you know, the standards, whether it's substandard at the clinic, and I didn't -- that's certainly not my implication. I think the County employees do a phenomenal job. The difference here, because of all the Federal money --

P.O. LINDSAY:

Jay, tell us something we don't know. Come on.

LEG. SCHNEIDERMAN:

And the requirements, it's -- I'm sorry.

P.O. LINDSAY:

We know all this. Come on.

LEG. SCHNEIDERMAN:

It's the dental, and the mental health, and the evening hours, and the walk-in model, and the fact that they have to set and meet certain standards to qualify in terms of the expansion of rural health care, that's really the difference. But our County employees do a phenomenal job. I just wanted to clear the record.

D.P.O. HORSLEY:

Okay. Mammograms and -- yes, Legislator Anker.

LEG. ANKER:

I just wanted to comment very quickly. The Coram Health Center, Elsie Owens, has been a very good success story. And, again, if we can look at Hudson River and what they've done, it has been very successful, and including our County employees in the health system.

I do have concerns with the situation as far as the Riverhead Health Center. I have a number of constituents that are involved in that health center, and I want to get a full understanding of your commitment, you know, the County Exec's commitment, to make sure those employees stay, you

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know, County employees, and that that particular center stays as a County health center. Can I have a response?

MR. VAUGHN:

Legislator Anker, I understand what you're saying, and you have my commitment that we will bring those concerns back to the County Executive.

LEG. ANKER:

Thank you.

*(*Laughter*)*

D.P.O. HORSLEY:

All right. Well, Legislator Anker, is there anything else? No? You good?

LEG. ANKER:

That is not a, yes, but I do want you to prioritize as much as possible that the County -- the two that are left, we have Tri-Community and we have Riverhead, to look into making sure that our County employees are taken care of, that's the priority, and, also, that even more so, that the County residents have very good quality health care.

P.O. LINDSAY:

Okay.

D.P.O. HORSLEY:

Okay. Do you want to take the vote, Mr. Presiding Officer?

P.O. LINDSAY:

Thirty seconds.

LEG. BROWNING:

Thirty seconds, okay. The two health centers mentioned in the resolution, no name. Could we please have the name? Names?

P.O. LINDSAY:

Can you put the names in, please?

MR. VAUGHN:

In the two health centers? Yes. The employees that we're talking about, the employees in --

LEG. BROWNING:

No, no, no. The two health centers that are mentioned in the resolution in -- I'm not sure which clause it was, but one of the RESOLVED clauses.

P.O. LINDSAY:

Southampton's there.

LEG. BROWNING:

No, no, no. It says two other health centers, but it doesn't say -- there are no names.

MR. VAUGHN:

Legislator, which RESOLVED clause are we speaking about?

LEG. BROWNING:

Okay. Tim, could you get me --

MR. ROTHANG:

Second WHEREAS.

LEG. BROWNING:

Second WHEREAS. At the end of the paragraph it talks about two health centers, but there is no names to those health centers. I know, I don't have it in front of me right this second.

MR. VAUGHN:

The other two health centers that were in the waiver were Riverhead and Tri. And I would also point out that there is an RFP right now for FQHCs at other health centers, but that has nothing to do with this resolution.

LEG. BROWNING:

It's nothing to do with this resolution, but talks about it.

MR. VAUGHN:

Legislator Browning, this resolution is a stand-alone resolution. This resolution doesn't bind this Legislature to any further actions. This Legislature is not a commitment on anything? Any other actions that this -- that the County Executive is going to take has to come back to this body.

LEG. BROWNING:

Okay. So we've clarified that the two other County-operated health centers are Riverhead and Tri-Community, and, clearly, it's on your radar. Let's put it like that, okay, just for clarification.

MR. VAUGHN:

Solving our budget problem is absolutely on our radar.

P.O. LINDSAY:

Okay. Roll call.

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

LEG. SCHNEIDERMAN:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Abstain.

LEG. KENNEDY:

Abstain.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Abstain.

LEG. CALARCO:

Pass.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Abstain.

LEG. KRUPSKI:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Fourteen -- oh, sorry, pass. Back to Legislator Calarco.

LEG. CALARCO:

Abstain.

MR. LAUBE:

Fourteen.

P.O. LINDSAY:

Okay.

MR. LAUBE:

Thirteen.

P.O. LINDSAY:

It passed. And with that, we go to lunch. See you at 2:30.

(THE MEETING WAS RECESSED AT 12:40 P.M.)

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

*(*The meeting was reconvened at 2:41 P.M. *)*

P.O. LINDSAY:

Mr. Clerk, would you call the roll, please.

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

LEG. KRUPSKI:

Here.

LEG. SCHNEIDERMAN:

Present.

LEG. BROWNING:

(Not Present).

LEG. MURATORE:

(Not Present).

LEG. HAHN:

Present.

LEG. ANKER:

Here.

LEG. CALARCO:

Present.

LEG. MONTANO:

Here.

LEG. CILMI:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Here.

LEG. NOWICK:

Here.

LEG. GREGORY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. SPENCER:

Here.

D.P.O. HORSLEY:

Here.

P.O. LINDSAY:

Here.

MR. LAUBE:

Sixteen (Not Present: Legislators Browning & Muratore).

P.O. LINDSAY:

Okay, we're going to start the public hearings.

The first on the public hearings is the *(Public Hearing on) Suffolk County Community College Budget*. Is anyone here who would like to speak on the budget? Dr. McKay.

DR. McKAY:

Yes, on the Operating Budget.

LEG. SPENCER:

This is Capital Budget, right?

DR. McKAY:

No, Operating.

P.O. LINDSAY:

College Operating Budget.

DR. McKAY:

On the college Operating Budget I must say that we've done a lot of work since 2010 when I first became President. In 2010 is when I negotiated contracts with all of our bargaining units. Those are the first contracts that have been reopened in the 54 year history of the college. I was able to get zeros from our Faculty Association, zeros from our Guild of Administrative Offices, zeros from our exempts and I also from my salary gave a zero in working with our bargaining units. So that means for two years we had zeros. The year coming, '13-'14, will be the first year where the unions will now have a 2% increase and on the other year a 2%. Our exempts, which is a management confidential staff will follow the same as well.

We held tuition and fees flat for students for the first year. We also, what we did when we looked at our operating costs, we looked across the system for efficiencies. So in two years we looked at \$2.5 million that we took out of the budget and spread it across the revenue. What we saw was that our health care costs, our retirement costs and those areas were rising as fast as possible. We've had faculty and staff that have retired that have been with us 40, 44 years. On average I would have to pay \$150,000 initially as they leave and go through the door. So if you have a large number of employees that are retiring who have been with us for a long time, I'll have to take that up within the year of the budget going forward, so we have to mitigate that as well.

What I've also done, we have our neighbor institution that have laid off 40 employees. Well, I've hired 20 faculty members at the same time. When we have programs being curtailed, I'm expanding programs. Our graduation rate has gone up. In the year before last year I have 4,015 students that graduated and we have a large number that transferred before they graduated. This past graduation I had 3,853 students. That's the most number of graduates in the entire State of

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New York by a community college. So your community college really is producing graduates, transfers and at the same time retraining on the workforce side.

The important thing also is that for three years we have not asked you for any support in the Operating Budget but for the baseline support. We have also got a letter that says the call letter to ask for zero increases, and I've mitigated those costs and I've asked for zero increases as well. So I'm asking you today to vote in favor of this budget. I've used \$1.8 million of my fund reserves, the first in my Presidency, and it's time for me to use that because I did not come to you to ask for any increases this year. We've only raised tuition and fees by \$150 and that is lower than other institutions in this State. So again, thank you for your time and I'll take any questions.

P.O. LINDSAY:

First of all, I thank you, Dr. McKay, for your fine work and for, you know, giving us a pass this year. You know, it's a tight year and everybody is concerned about their tax bill and whatever, so we do appreciate it.

DR. McKAY:

Thank you.

P.O. LINDSAY:

Legislator Stern has a question.

LEG. STERN:

Thank you, Mr. Presiding Officer. Good to see you again. We have the opportunity here to talk about all the great work that the school does and to talk about our responsibility and how we meet that responsibility through funding.

DR. McKAY:

Sure.

LEG. STERN:

But of course we know that New York State plays such a large role as well. I was wondering if you could bring us up-to-date on how things are going with the State, what you and all of us can and should expect going forward working with and recognizing, appreciating the New York State part of this equation.

DR. McKAY:

Sure. I was just there yesterday. I got back here about 11:30 PM last night. For two years in a row consecutively I have been asked to lead the Delegation for SUNY Community Colleges, and that's 30 community colleges in the State. The State in our funding right now is at 2008-2009 levels base aid, so we are operating with increased costs but low revenue from the State in regards to paying the 33% base aid towards us required by the Charter. In those two years when I went to Albany, we advocated for at least a five year plan from the State to give us a \$150 for FDE base aid, and in five years will get us at where we needed to be. So in -- for two years we've got 150, but for the State we have to ask for the State aid every year. So we try to get a five year plan, there was no commitment, but we at least got two years consecutively of \$150 towards base aid. Did that answer your question?

LEG. STERN:

Yes. And so then what would you -- what would the expectation be, what should our expectation be in going forward next year, the year after, as far as the State is concerned.

DR. McKAY:

Great. What we do, we calculate enrollment numbers as we go forward as well, and then the prior year base aid is what we will get going forward into the next operating year. What we are looking at now is to ask the State to meet its fair share. So we are going to continue to revise that number upwards for the County. Certainly we are working with you. My reserves are roughly around \$20 million. Of that you have about -- probably about two to three million dollars of that that may be doubtful accounts. But again, you have accounts receivables of that 20 million that is around \$7 million in accounts receivables, and that is what we collect as we go forward.

LEG. STERN:

We just had our discussion about the continued commitment and investment that we're making here in our infrastructure --

DR. McKAY:

Sure.

LEG. STERN:

-- with the college, both in terms of the needed infrastructure as well as a vision for the kinds of programs and services we want to offer. And then when we hear the comments about what might be committed to other parts of the State when we are working hard to fulfill our commitments here, some of that is somewhat disappointing. I was wondering if you can speak to that.

DR. McKAY:

Exactly. You know, yesterday what I've heard was that Buffalo, Syracuse, Upstate New York, that's the focus of the State right now. New York City was exempted from the Governor's new plan. Certainly what's going to happen here is an approach to encourage firms and employees and students to move Upstate. We have a very strong national STEM Program. We have been featured on five national magazines for our STEM Program. We work very closely with our universities down here in Suffolk County. If we have a brain drain down here we're creating another sub-class in the sense of the high tech requirements for this region will now have to make adjustments.

We're working right now to have students at the top level to stay here on Long Island. I have what we call stay on Long Island Scholarships and we've given out over \$2 million since 2010 for the brightest students to stay right here on Long Island and get jobs here on Long Island. So we have multiple initiatives, but then how do I compete with moving Upstate and driving, you know, your residents and businesses -- I cannot compete with that, so I have to continue to innovate and that's what we're trying to do.

LEG. STERN:

Right.

DR. McKAY:

Thank you.

LEG. STERN:

Thank you.

P.O. LINDSAY:

Legislator Horsley.

D.P.O. HORSLEY:

Hey. How are you?

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DR. McKAY:

Thank you.

D.P.O. HORSLEY:

Good seeing you. Just wanted to quickly -- I know we worked so hard last year to be the most affordable junior college on Long Island. How are we doing with the \$150 increase? How does that work with our neighbors to the west?

DR. McKAY:

Well, we still are. They're still trying to have a president and they're still trying to have a board meeting, so --

D.P.O. HORSLEY:

I wasn't going to compare them, but that's -- you can.

DR. McKAY:

They have not set their rates yet.

D.P.O. HORSLEY:

Oh, they haven't set their rates, okay.

DR. McKAY:

No, no, no, because again, we have a certain timeline that we have to meet and our board was very clear when we met that we must keep the cost of tuition and fees down.

D.P.O. HORSLEY:

Right.

DR. McKAY:

We have to mitigate whatever that rise will be. The other side of it is we will need to have the County and the State to then meet its share so that we can at least keep the cost down on students. But we know where you are right now so that's why, again, my attempt this year to use at least close to \$2 million in reserves was the first time in my Presidency, and the third year where I worked with the County. And also so you know, I had a request from the Treasurer's Office to delay a \$5 million payment to us, which my board and I responded to favorably, and that's not the first time either. So we are working with the County. Right now we are not asking for any money in the Operating Budget, but we'll continue to work with you.

D.P.O. HORSLEY:

Doctor, we appreciate that. The only reason why I asked the question about Nassau is because as you know, when students go to our neighbors we certainly don't want to give them the affordability edge that we have to pay that difference. We would much rather have them here in not only the most affordable, but the best. We know we have the best, we just want to make sure that we're the most affordable.

DR. McKAY:

Certainly, certainly.

P.O. LINDSAY:

Anybody else? Legislator Cilmi.

LEG. CILMI:

Hey, Dr. McKay. How are you?

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DR. McKAY:

Doing well. Thank you.

LEG. CILMI:

Great. Curious, have we made any headway in the past couple of years in terms of reducing the differential between the number of students from Suffolk County that attend Nassau Community College and the number of students from Nassau County that attend Suffolk Community College?

DR. McKAY:

Yes, we have. Is Chris here? Chris actually did the survey.

DR. ADAMS:

Hi. Good afternoon. Dr. Christopher Adams, Executive Assistant to the President. If you recall, Legislator Cilmi, I did the survey last year. And if you recall, one of the things that I found very interesting is we know for the most part why people are going out of the County, because of the programs we do not have. We found also, I asked just on a hunch, I asked the Comptroller this year to give me numbers of people that are going out-of-County so I can compare and contrast the number of people that are going out-of-County. It has actually dropped pretty well this year compared to the years past. So looking at the data from 2011-2012 it has decreased significantly. So I think we are making headway.

I don't know what the result -- we haven't done any follow-up surveys, but one of the things we will do, we will ask the Comptroller if we can write into the actual Certification of Residencies, into the actual survey itself, if we can ask a question of why are you going out of County so that we can capture those numbers in the future. So we do plan on doing that. We also have the names and addresses of all the people that have applied for the Certificate of Residencies to go out-of-County. So what we're trying to do at this point is send them a letter and target and market to them all the different programs that we have here at the college.

LEG. CILMI:

That's terrific. If you could continue to stay on top of that and continue to the track that movement, that would be great.

DR. ADAMS:

Absolutely.

LEG. CILMI:

And report to us in terms of what the college is doing in order to change that trend.

DR. ADAMS:

Absolutely. Thank you.

P.O. LINDSAY:

Guys, even if we had a list of the main reasons why they're going out-of-County that would be very, very helpful.

DR. ADAMS:

Absolutely. I will be able to forward you also that survey.

P.O. LINDSAY:

All right. Legislator Barraga.

LEG. BARRAGA:

Doctor, you made the comment that you felt that these students were going to schools out of the County because of the programs Suffolk Community College are not offering, and let me ask you a question. When I took a look at numbers, it seems to me that you take a look at the large percentage of students going to other places, most of them come out of two towns, Huntington and Babylon, and they are going west. Most of them are winding up at Nassau Community College. I just can't believe that Nassau is offering programs that Suffolk doesn't. It looks to me like it's just a logistical. Like it's a lot easier for somebody to go from Huntington or Babylon to Nassau Community College than to go east to Brentwood or Selden. One of you made a comment on that.

And then the second thing is that what is our obligation in terms of paying for these students? I certainly can see paying for the students if we don't offer a program. But if Suffolk Community College has three campuses and they offer the programs, why should we have to pay? Those students should be told you have to go to Suffolk because the programs are offered at Suffolk. Why should we have to spend any money and pay out for students that go to Nassau when the same programs are being offered at Suffolk? I just don't understand why -- how that ever developed.

P.O. LINDSAY:

It's how the State works.

DR. McKAY:

Well, let me take the second one first. It's a State law that enables that, and currently I know that Senator LaValle has a team that has a deadline of the fall that is reviewing the exact same bill to try to remediate the issue that started back in I think it was 1983. So the students have a choice according to that State law, and that's what's being contested in the towns and all throughout in the courts right now. So there is a committee working on that.

Let me say as President that if I have a resident in Suffolk County and I have a program that I'm offering, you should attend Suffolk County Community College and we should not have to have the County or the towns address that out-of-County mediation issue. So that's a State law that we have to address, and I have made that very clear as President.

The other side of it is there are 30 presidents in the SUNY system. They also have the same issue. We have counties, three counties, that are paying for one college and students are moving around from that three campus system to go to another college. So it's --

LEG. BARRAGA:

I just don't recall, and I was there in '83, I just don't know how it evolved into such a process. It seems so blatantly unfair to the local community colleges when they have the programs and yet students are allowed to go someplace else and they have to foot the bill.

DR. McKAY:

Yeah. So I have addressed that and that has been made known. I have spoken to Senator LaValle and others about that and there's a working group looking at that right now to report back to the Senate.

The other part of it is we also found that students who are working in the City but live in Suffolk County, they would stop at Nassau either because of traffic or choice or whatever it is, and then they come back to Suffolk County. That was one part of the survey we got back, that they were working further west and they were coming back to Suffolk County to stop at Nassau to take a class. But we're trying to work with the survey. I think when we get the material from the County Comptroller's Office we'll try to find a way to work with the data we have to get to that point.

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The other part of it is this: Programming. We have to look at what they are offering. FIT, Fashion Institute, Fashion Design. Nassau was radiology, I believe it was.

DR. ADAMS:

Yep.

DR. McKAY:

What was the other one?

DR. ADAMS:

Mortuary science.

DR. McKAY:

Mortuary science. When you look at where the market is for those fields, and when you look at the demand for those individuals lie, if I have to create a new program for something like that I have to look at equipment, space, labs, faculty and all of those things. But I have to look at where my students are enrolling and where they're moving to right now to at least make sure I don't increase my operating costs. So it's a give and give between what we're seeing. That is the analysis of the bill from 19, I believe, 83.

LEG. BARRAGA:

I'm not on this bill, am I?

*(*Laughter*)*

It's just that when you look at Huntington and Babylon it seems so obvious that so many of those students, frankly, are just swinging west to go to Nassau because it's easier to get to.

DR. McKAY:

Yeah, but certainly, again, you know, we are the largest multi-campus institution. I just got a message from Kevin Foley that says that our students in athletics outperformed institutions around the country this year based on those who are getting scholarships to attend. None of my students got scholarships, but we were ranked second nationally by GPA and performance, all academic students. Our STEM Programs, I mean, we have so much to be proud of here, and I don't look at Suffolk as any less than Nassau. My goal is to focus on Suffolk and the region and potentially the State. We are trying to attract businesses --

LEG. BARRAGA:

No, no, you don't have to sell the college. All I'm saying is that I think there's something intrinsically wrong with people living close to the western border being able to go to Nassau Community College when the programs are being offered at Suffolk Community College. That's where they should be going.

DR. McKAY:

Yes.

LEG. BARRAGA:

And when they go to Nassau that costs us a lot of extra money.

DR. McKAY:

Absolutely.

LEG. BARRAGA:

That should not exist.

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DR. McKAY:

Absolutely, and I support you.

LEG. BARRAGA:

Thank you.

DR. McKAY:

Sure.

P.O. LINDSAY:

Legislator Anker.

LEG. ANKER:

I just want to thank you for coming out here today and giving us some insight as far as what the college is doing. You know, being Chair of Education, working closely with the community college, I have seen the very proactive measures that you're taking. You were in Albany yesterday?

DR. McKAY:

Yes.

LEG. ANKER:

Again, you know, you were in California about a week ago.

DR. McKAY:

Yes.

LEG. ANKER:

You're all over the place. You're not focusing, you know, you're not staying put which is good, because we need to extend that energy and figure out how our college can evolve into a better college.

DR. McKAY:

Sure.

LEG. ANKER:

Not that it isn't already excelled in so many places. I also want to compliment on your Workforce Development Center, and then you have these other projects that you're working on. So, you know, people are looking for value. Well, they don't have to look any further than Suffolk Community College, so thank you.

DR. McKAY:

Thank you so much.

P.O. LINDSAY:

Legislator Krupski.

LEG. KRUPSKI:

How are you?

DR. McKAY:

Fine.

LEG. KRUPSKI:

You know, we spoke about the students going out-of-County for different programs.

DR. McKAY:

Sure.

LEG. KRUPSKI:

And you're right about -- you can't obviously offer everything from mortuary science to -- I forget, you said soil, chemistry whatever you said.

DR. McKAY:

Sure.

LEG. KRUPSKI:

Do you need help in Albany, though, to make -- obviously this law is skewed towards someone else making the money and us footing the bill. How can we help you in Albany to get that law changed to make it fair to the taxpayers in Suffolk County? Because I don't mind if someone wants to go, some students want to go elsewhere for programs that you don't offer, that's fine. You are doing a good job with what you're doing there.

DR. McKAY:

Sure.

LEG. KRUPSKI:

To me, that's not the issue that they want to go somewhere else for a different program. The issue is what can we do to help get the law changed in Albany, because I think if we just sit here, "Oh, someone is going to work on it for us", no one is going to work on it for us really.

P.O. LINDSAY:

Al, there's no slippage on the eastern border. Nobody's going east to go to college. Think about it.

*(*Laughter*)*

DR. McKAY:

Let me just say that this very body had looked at it, I know Legislator Cilmi had looked at this, and I believe there was a resolution or if not there was a letter drafted by this body that was sent to Albany. What would help -- what would help is that we also communicate to our representatives that are in Albany directly, because I am certainly doing that but I'm limited, and if it would require some direct form of communication in writing that you all support this initiative and we have that transmitted. Because again, as President, if I advance that among the 30 college Presidents it impacts every single one of them and they have to support one decision through SUNY as Presidents. If it has to come from my body it would not work because then it impacts them directly, but if it comes from you, at least I have something to say, "My entire County supports this, and I stand with my County." So I can stand with you and submit a document to our Senators and our Assemblymen in Albany to say we must put something on the table to get this matter resolved. And that's going to be my response to how you can help.

LEG. KRUPSKI:

Thank you. And should that come from the Education Committee?

P.O. LINDSAY:

We'll send it from the whole Legislature.

LEG. KRUPSKI:

Okay. Thanks.

P.O. LINDSAY:

Yeah.

LEG. ANKER:

How about some phone, calls e-mails.

P.O. LINDSAY:

Legislator Cilmi, did you want to comment further?

LEG. CILMI:

Yeah, let me just add two cents in since you've gotten my dander up with the FIT thing. So, you know, this is a political problem and it needs to be fought with politics, which means that we all have to put pressure on the folks in Albany to change this situation. Certainly what Legislator Barraga said is absolutely true. I've said that in letters to Albany, in letters to the newspapers and a variety of different times. But no -- it's no more egregious than the situation with FIT, and fully half of the out-of-County tuition that this County pays goes to FIT, which is wrong. And half of that goes to four year students and graduate students.

So the interesting thing of it all is that FIT happens to be located in the Assembly District of the head of the Assembly Higher Education Committee, and the President of FIT happens to be married to the person who is in charge of SUNY. So that's what I mean by saying this is a political problem that needs to be fought with political power, and so all of us need to get involved and engaged in it otherwise it's never going to change. I mean, it's got a slim to none chance of changing as it is, but if we all put our effort into it, Nassau County will put their effort into it as well, and we do have members on both sides in the Albany Delegation, from Nassau County as well as from Suffolk County, that believe that this needs to be changed, so.

P.O. LINDSAY:

Okay. Does anybody else want to talk about this? No? Okay. I thank you again, Dr. McKay, for being here. We'll keep that hearing open. We have -- we have another hearing date for the June 18th. Is anybody in the audience like to speak further on this hearing? Seeing none, then I'm going to make a motion just to table this for the -- recess it until the next session.

LEG. CILMI:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Fourteen. (Not Present: Legislators Schneiderman, Kennedy, Stern and Horsley)

P.O. LINDSAY:

Okay. Next up is *(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)*. I don't have any cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none.

LEG. CILMI:

Motion to recess.

P.O. LINDSAY:

Motion to recess. All in favor? Opposed?

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MR. LAUBE:

Motion and second.

P.O. LINDSAY:

Where's the second? Second by Legislator Barraga. All in favor? Opposed? Abstentions?

MR. LAUBE:

Fourteen. (Not Present: Legislators Schneiderman, Kennedy, Stern and Horsley)

P.O. LINDSAY:

(Public Hearing) 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). Same motion, same second, same vote.

MR. LAUBE:

Fourteen. (Amended 15 - Not Present: Legislators Schneiderman, Kennedy and Stern)

P.O. LINDSAY:

(Public Hearing on) 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). I'll ask for the formality. Does anybody want to speak, but I've already been told by the sponsor that it's his wish to recess it. Anybody in the audience like to speak on this subject? Same motion, same second, same vote.

MR. LAUBE:

Fifteen. (Not Present: Legislators Schneiderman, Kennedy and Stern)

P.O. LINDSAY:

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

LEG. MONTANO:

Recess at this time.

P.O. LINDSAY:

Is there anyone in the audience who would like to address us on 1182?
Seeing none.

LEG. CILMI:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Fifteen. (Not Present: Legislators Schneiderman, Kennedy and Stern)

P.O. LINDSAY:

(Public Hearing on) IR 1316-13 - Adopting Local Law No. -2013, A Charter Law to improve hiring opportunities for Suffolk County Residents (Nowick). Legislator Nowick.

LEG. NOWICK:

I'm going to make a motion to recess.

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P.O. LINDSAY:

Is there anyone in the audience who would like to speak on this subject? Seeing none, motion by Legislator Nowick to recess.

LEG. CILMI:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Fifteen. (Not Present: Legislators Schneiderman, Kennedy and Stern)

P.O. LINDSAY:

(Public Hearing on) IR 1381-13 - Adopting Local Law No. -2013, A Local Law to strengthen the "Prepared To Protect Our Most Vulnerable Citizens Act" (Stern). Is there anyone in the audience who would like to speak on this subject? Seeing none, Legislator Stern? Legislator Stern, what do you want to do?

LEG. STERN:

Yes, motion to close.

P.O. LINDSAY:

Motion to close. Who seconded it?

LEG. CILMI:

I'll second it.

P.O. LINDSAY:

Legislator Cilmi. All in favor? Opposed? Abstentions?

MR. LAUBE:

Fifteen. (Not Present: Legislators Schneiderman, Kennedy and Stern)

P.O. LINDSAY:

Okay, it stands closed.

(Public Hearing on) IR 1421-13 - Adopting Local Law No. -2013, A Local Law To Modify The Food Policy Council Of Suffolk County (Hahn). Legislator Hahn?

LEG. HAHN:

I'll make a motion to close.

P.O. LINDSAY:

Motion to close. Is there anybody in the audience who would like to speak on this subject? Seeing none, I have a motion to close. I'll second that. All in favor? Opposed? Abstentions?

MR. LAUBE:

Fourteen. (Not Present: Legislators Schneiderman, Kennedy, Nowick and Stern)

P.O. LINDSAY:

Okay, that concludes our hearings for today.

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I'd like to set the date for the following public hearings of June 18th 2013 at 2:30 PM at the Maxine Postal Auditorium in Riverhead:

The 2013-14 Suffolk County Community College Budget.

1464, A Local Law to improve the process of procuring surveying and environmental assessment services; 1465, A Charter Law to strengthen farmland preservation; 1471, A Local Law to strengthen the regulations of precious metal and gem exchanges; 1472, A Local Law to amend Local Law No. 26-2004 to further reduce light pollution from County owned facilities.

I made the motion. Do I have a second to set those dates?

LEG. BARRAGA:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Fifteen. (Not Present: Legislators Schneiderman, Kennedy and Stern)

P.O. LINDSAY:

Okay. We did the Consent this morning. Okay.

I want to make a motion to take IR 1401 out of order. It should be under Public Safety. Okay, I want to take ***IR 1401*** out of order, it's ***Amending the 2013 Capital Budget and Program and appropriating funds in connection with the Purchase of Marine and Helicopter Equipment (CP 3513) (County Executive)***. I'll make the motion. Do I have a second?

LEG. MURATORE:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, it's now before us. I'll make a motion to approve.

LEG. MURATORE:

Second.

P.O. LINDSAY:

Second by Legislator Muratore. On the question? Any questions on the helicopter? Go ahead, Legislator Anker.

LEG. ANKER:

Yeah. This is an expensive investment, but from what I understand it is a really, really needed, you know, type of -- piece of equipment. So I know we're in fiscal distress, but this is one of the pieces that I think is important for public safety.

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P.O. LINDSAY:

Is there anyone from the Administrator or the Police who would like to speak on this? Or the Police I said.

MR. VAUGHN:

If it's a question of like to speak we don't have anything to say. We agree with Legislator Anker. It is a very important piece. We do have the Police Department here if any Legislators have additional questions, but we agree. We think this is an important piece.

P.O. LINDSAY:

Anybody have any questions for the Police Department? No?

LEG. BROWNING:

Bill, we vetted this pretty well at the Public Safety Committee.

P.O. LINDSAY:

Okay. Did you have a question, Legislator Spencer?

LEG. SPENCER:

I do. I guess that -- sure. This wasn't helped much by that last exchange that, you know, I appreciate the comment, you know, is it really, really needed, and the response is yes, we really need it. If I could just get a little clarification as to kind of, you know, why. If we could drill down on that a little bit further to explain in these, you know, difficult times when we're making tough funding decisions does this, the efficiency that we gain by having this either have such a dramatic impact on Public Safety. I would -- I need someone to explain to me why we really need it.

MR. VAUGHN:

Legislator Spencer, I'm going to defer to Lieutenant Scharf from the Suffolk County PD to explain.

LIEUTENANT SCHARF:

Yes, sir. Lieutenant Robert Scharf here. We have four helicopters in the fleet of Suffolk County; one twin-engine Medevac and three single-engine helicopters. The double engine does not need these emergency floats, but the single engines do because they only have one engine. Were it to fail over a body of water this is what would keep the helicopter afloat.

This particular, helicopter one, is 14 years old. It came with these emergency floats attached. Their lifespan is 13 years, so since October, this past October, this particular helicopter has not been able to go over water because it does not have the emergency floats warranted as they should be. These are inspected every year. This is done by Zodiac, the people who make the inflatable boats. They unpack the emergency floats kind of like a parachute, they fold them back up again. So they're inspected by Zodiac every year and again, after 13 years they must be replaced. So this particular helicopter now is in need of these emergency floats, which will be good for another 13 years. And our other two single-engine helicopters should not need a replacement, one for approximately five years and the other for eight, so you shouldn't be looking at this expense again for a while.

LEG. SPENCER:

I'm good.

P.O. LINDSAY:

Legislator D'Amaro and then Montano.

LEG. D'AMARO:

Just a quick couple of questions. Have the -- what is it, a flotation device that can be deployed by the pilot? Is that what it is?

LIEUTENANT SCHARF:

Yes. There is one on each landing leg of the helicopter. There is a double button on their instrument panel. As a safeguard you have to press both buttons in order to engage the bags and again, it would only be done in an emergency if an engine was lost over a body of water.

LEG. D'AMARO:

Have they ever been deployed?

LIEUTENANT SCHARF:

No.

LEG. D'AMARO:

And we have four helicopters in the fleet, and one of which cannot go over water because of this equipment?

LIEUTENANT SCHARF:

We have four in the fleet. We have the double-engine helicopter which doesn't require these bags since it has a second engine as a backup, and of the three that do require it, one is past its life expectancy and this is the one that we're trying to replace.

LEG. D'AMARO:

When you say go over water, are you talking about going over let's say the Great South Bay? I mean, what body of water are you talking about?

LIEUTENANT SCHARF:

Any body of water that's large enough where when the helicopter loses its engine it couldn't make it back to land.

LEG. D'AMARO:

Yeah, the halfway point, so to speak.

LIEUTENANT SCHARF:

Yes.

LEG. D'AMARO:

But they've never been deployed and they have a useful life of 13 years did you say?

LIEUTENANT SCHARF:

Correct.

LEG. D'AMARO:

And how often do the helicopters actually go over a body of water large enough where you would require this device?

LIEUTENANT SCHARF:

Well, any time that they might go to Fire Island, you know, certainly, but I don't have statistics for that. But since we are an island surrounded by water I'd say that it could be pretty common.

LEG. D'AMARO:

So you feel all of the helicopters in the fleet need to be able to go over and transgress a body of water.

LIEUTENANT SCHARF:

It's actually a Federal requirement to my understanding.

LEG. D'AMARO:

Really? What do you mean by that? How is that a Federal requirement?

LIEUTENANT SCHARF:

To have these air bags.

LEG. D'AMARO:

You mean an aviation requirement for the helicopter to go past that halfway point?

LIEUTENANT SCHARF:

No, for them to have this emergency equipment is what I meant.

LEG. D'AMARO:

You mean as an emergency transport or emergency helicopter?

LIEUTENANT SCHARF:

To have these emergency bags affixed, is my understanding, that it's required.

LEG. D'AMARO:

Right. You mean for any helicopter or because they're used by the Suffolk County Police Department?

LIEUTENANT SCHARF:

I wouldn't know about civilian fleets. My understanding is that we require them, and I think even if they weren't required we'd certainly like to have them rather than risk lose an expensive piece of equipment.

LEG. D'AMARO:

Right, well, you could just not fly that particular helicopter over the body of water, though, because we have three others that are capable of doing that.

LIEUTENANT SCHARF:

Various helicopters -- we do a lot of work and inspections on the helicopters. Different ones are down at different times, different ones are located either on the East End or the West End at different times. I'm not sure that we would have the luxury to pick and choose which one we would use for a particular rescue. It probably would be safer to have them all protected.

LEG. D'AMARO:

Okay. Thank you.

LIEUTENANT SCHARF:

Yes, sir.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

I'll pass.

P.O. LINDSAY:

Thank you. Legislator Nowick.

LEG. NOWICK:

Is the total amount for 50,000? Tom?

MR. VAUGHN:

I'm sorry, Legislator Nowick. What was the question?

LEG. NOWICK:

Is the -- it says 50,000 in Suffolk County serial bonds. Is that the total amount for the equipment?

MR. VAUGHN:

I'm going to defer to the Lieutenant. I believe so.

LIEUTENANT SCHARF:

Fifty thousand is the total amount for the purchase. We're not asking for anything else.

LEG. NOWICK:

Legislator D'Amaro, just in listening to your questions, I sort of remember doing this, and maybe Presiding Officer Lindsay remembers as well. I remember doing this many, many years ago and Angie Carpenter saying, who chaired Public Safety, saying what I thought was very important. We don't -- we can't pick and choose what helicopter can go up in the air to save someone's life because one helicopter could be on the north shore actually; am I right? Excuse me -- one helicopter could be saving somebody in the western part of the County, another helicopter you might need in the eastern part, which is -- and going over water. My point is \$50,000 is not a lot of money when you invest in the safety, not only let's talk about the equipment which is important, but in the safety of whoever is in the helicopter. So I know it's a hard time in the County, but this I would have to support.

P.O. LINDSAY:

Okay. Does anybody else have any comments or questions on the subject? Tom, do you have anything further to say? Okay, we have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Legislator Kennedy, what was that twirl there?

LEG. KENNEDY:

That was a helicopter.

*(*Laughter*)*

P.O. LINDSAY:

Oh, okay. Thank you. That's a new sign. I've got to remember that one. Okay. I'd like to make a motion to take 1416 out of order.

MR. LAUBE:

Was there a vote on that?

P.O. LINDSAY:

Okay.

MR. LAUBE:

There was a bond on that.

P.O. LINDSAY:

Oh, we got a bond. I'm sorry. The bond on 1401. ***1401A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$50,000 bonds to finance the cost of acquisition of marine and helicopter equipment (CP 3513.511).*** Same motion, same, second. Roll call on the bond 1401A.

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

P.O. LINDSAY:

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. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. KRUPSKI:

Yes.

D.P.O. HORSLEY:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. The next -- they gave me a list of resolutions they want to take out of order. 1416 is a little hard to find, it's on page eleven. It's appropriating funds in connection with the purchase of replacement of Public Safety vehicles.

LEG. MURATORE:

Motion.

P.O. LINDSAY:

Motion by Legislator Muratore.

LEG. BROWNING:

Second.

P.O. LINDSAY:

Second by Legislator Browning, to take it out of order. Anybody want to question? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, it's now before us. ***1416-13 - Appropriating funds in connection with the purchase of replacement Public Safety Vehicles (CP 3512)(County Executive)***. Same motion, same second okay?

LEG. KENNEDY:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Kennedy.

LEG. KENNEDY:

Just how many vehicles are we picking up with this one? Anybody know? Tom, do you know?

MR. VAUGHN:

Yes, sir. We have Lieutenant Scharf here.

LEG. KENNEDY:

I'm sorry?

MR. VAUGHN:

Lieutenant Scharf is going to provide that exact number for you, sir.

LEG. KENNEDY:

Oh, good.

MR. VAUGHN:

I'm going to defer to the expert.

LEG. KENNEDY:

Thank you.

LIEUTENANT SCHARF:

The Police Department itself would be looking at 100 vehicles; between FRES, Sheriff and Probation there would be another 28.

LEG. KENNEDY:

So we have 128 of these. All Tauruses?

LIEUTENANT SCHARF:

I believe 86 will be the new Tauruses for the Police Department and approximately another seven for those other agencies.

LEG. KENNEDY:

And we are -- I'm sorry. We're purchasing or are we leasing these? What do we do with these, do we buy them or do we lease them?

LIEUTENANT SCHARF:

Purchase.

LEG. KENNEDY:

We buy them. What's your experience been so far with the Tauruses? How are they working out?

LIEUTENANT SCHARF:

The feedback that we've gotten, including from the Department of Public Works during the snowstorm with the all-wheel drive vehicles, which did not require chains which was a very big benefit, has all been positive.

LEG. KENNEDY:

Okay. I did hear that there is an issue with the platform as far as how the laptop is mounted and how the officer is able to go ahead and actually turn the vehicle. I guess the laptop is on a pedestal. It's kind of like angled towards them and it kind of impacts their ability to -- what would that be, make a left hand turn I guess?

LIEUTENANT SCHARF:

It could interfere with the right elbow. We are studying that matter right now. As a matter of fact, we have a prototype in the 3rd Precinct that we fabricated in our own radio shop to see if that's going to work for the officers. It hasn't been resolved yet.

LEG. KENNEDY:

So all that is aftermarket? We put that in ourselves? That doesn't come from the factory set up that way?

LIEUTENANT SCHARF:

If ultimately we decide to go with the prototype we have right now we would be making that ourselves.

LEG. KENNEDY:

Okay. All right, thank you.

P.O. LINDSAY:

Anybody else have any questions? Yes, Legislator Barraga.

LEG. BARRAGA:

In the past year or so how many new vehicles has the Police Department received? I mean, I'm aware of seeing quite a few new vehicles. How many were ordered and received?

LIEUTENANT SCHARF:

As of last year I believe the number was 64, but I think I will bring up my Transportation Fleet Manager to answer the question exactly for you. Mr. John Kirshey.

LEG. BARRAGA:

Good afternoon.

MR. KIRSHEY:

Good afternoon.

LEG. BARRAGA:

Good afternoon. In the last 12 months, how many new vehicles has the Police Department or law enforcement received in Suffolk County?

MR. KIRSHEY:

As of October we received 68 Tauruses.

LEG. BARRAGA:

Sixty-eight new Tauruses. Mainly for the Suffolk County Police Department, or is that spread between the Police Department, the Sheriffs?

MR. KIRSHEY:

That's just from the Police Department.

LEG. BARRAGA:

How many total vehicles did the Police Department have?

MR. KIRSHEY:

For marked units is 426.

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LEG. BARRAGA:

And 128 you are talking about are vehicles that you feel have to be replaced or they just -- can you go an extra year with these things or this is an absolute must or what?

MR. KIRSHEY:

All I can speak for is the Police Department.

LEG. BARRAGA:

All right. Talk about the Police Department.

MR. BARRAGA:

We have 426 vehicles we have. Out of that 426 almost half of them have over 80,000 miles. We have over 80 of them have over 120,000 miles; 24 have over 140 and we have 10 that are over 150. To answer your question, no, we need these replacements.

LEG. BARRAGA:

All right. Thank you.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Yeah, I just want a little more clarification on that. So you have some vehicles you say have over 80,000 miles?

MR. KIRSHEY:

We have right now 200 vehicles that are over 80,000 miles. We have just had the 68 replaced, so the majority of the older Crown Vics all have over 80,000 miles.

LEG. D'AMARO:

Okay, but do those need to be replaced?

MR. KIRSHEY:

The ones at the 80 not as much. We have 153 that are over 100,000 miles. The ones that are over 120, we have 78, and that's where the problem lies.

LEG. D'AMARO:

The ones that are at 100,000, do they need to be replaced?

MR. KIRSHEY:

A hundred thousand? No. We have been doing well with them over -- we are doing okay with the ones over a hundred. We are able to fix them. We know the fiscal problem. We're trying to replace only the ones that are really needed and that's what we're looking at.

LEG. D'AMARO:

Right, but I'm trying to understand what you feel are really needed. I don't understand your testimony, just clarify it for me. So how many miles do the vehicles have on them that you're replacing, and how many vehicles are we talking about?

MR. KIRSHEY:

We were supposed to start replacing them at over 120,000 miles. We can't do that because we haven't had any real replacements. So right now over 120 -- we have 78 vehicles that are over 120,000 miles. Those, according to what we in past practice we should have done, we should have replace them. We're not replacing now because we don't have anything to replace them with.

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LEG. D'AMARO:

So there's 78 vehicles with over 120,000 or 120,000 miles up to 150?

MR. KIRSHEY:

Correct.

LEG. D'AMARO:

So 78 vehicles and this would authorize replacing all 78 of those vehicles?

MR. KIRSHEY:

We're looking at replacing -- there's 86 we're looking to get, but over the next -- for the amount of time we have to order them, how long they get to come in and then the building process, you're looking at about a seven or eight month process. In that amount of time the cars that have 100,000 miles are going to increase and they're going to eventually be up to the 120 or plus. That's what we have to look at.

LEG. D'AMARO:

So in your best case scenario, normal practices, what's the top amount of mileage on a police vehicle that's acceptable?

MR. KIRSHEY:

You should be being replaced about 120 to 125,000 miles. We're not doing that now because, again, we don't have the replacements.

LEG. D'AMARO:

So 120 to -- and how many did you have at 150 did you say?

MR. KIRSHEY:

We have 153 over 100,000 miles.

LEG. D'AMARO:

No, I'm sorry. One-hundred and fifty thousand mile vehicles, how many of those?

MR. KIRSHEY:

We have ten right now that have over 150.

LEG. D'AMARO:

So those will be replaced.

MR. KIRSHEY:

Those will be the first ones replaced and the ones at 140 are going to be next and then we go down the line.

LEG. D'AMARO:

And the vehicles that have the very high mileage, the 150, the 140, are they running?

MR. KIRSHEY:

Most of them are right now, yes.

LEG. D'AMARO:

They are. So why do we need to replace them?

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MR. KIRSHEY:

Because most of them are going in and out of the shop quite a bit. When they start hitting the 140,000 miles they're in and out of the shop, so they're now taking up DPW's time to having them repaired. They're getting more expensive to repair.

LEG. D'AMARO:

Yeah, I understand that, I understand that. But when you say most of them most of the time are in and out of the shop; what, like once a month? Once a week? Once every six months?

MR. KIRSHEY:

Some of them are averaging once a month.

LEG. D'AMARO:

Some of them. But this bill's calling for 126 vehicles.

MR. KIRSHEY:

I'm only looking at the hundred.

LEG. D'AMARO:

Well, you're looking at 86, right?

MR. KIRSHEY:

We're looking at 86 Crown Vics -- excuse me, 86 Tauruses, we're looking at at least seven Explores, two Expeditions, two vans, one F-350 and two motorcycles.

LEG. D'AMARO:

Who made the decision to put that request in?

MR. KIRSHEY:

It would be the Police Department and DPW.

LEG. D'AMARO:

Uh-huh, because if you only have ten at 150 and then down the line, it seems like you are also going to be replacing some vehicles that have 120 or 110,000 miles on them.

MR. KIRSHEY:

When we start getting the cars -- once we order them it's going to take at least 10, 11 weeks to get here. Then after that there's going to be a building process to build the cars. That takes another month or so, so now once you get out the cars that do already have 100,000 miles or 120, they're going to be increasing. These cars go an average of 36,000 miles a year, so.

LEG. D'AMARO:

When was the last time cars were replaced? These type of vehicles.

MR. KIRSHEY:

October. We got the last shipment in October, we got 68 cars.

LEG. D'AMARO:

We got 68 in October. Okay, thank you.

P.O. LINDSAY:

Legislator Browning.

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LEG. BROWNING:

I just want to say real quick. I mean, I know, I mean, the car I'm driving right now has 175,000 miles on it. However, I think understanding that the police cars, and if any of you have done ride-alongs with our Police Department in any of their cars, you have to understand, these cars are driving pretty much 24/7 and they take a beating. So it's not like your privately-owned vehicle that you are driving to and from work. I've seen the condition of some of them and when they are driving 24/7, it definitely makes a difference.

P.O. LINDSAY:

Anybody else? Legislator Krupski.

LEG. KRUPSKI:

How many years does it take the frontline car to get to, roughly, to get to 120,000 miles.

MR. KIRSHEY:

Approximately four years.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Good afternoon. Could you just -- I don't know if you mentioned this. How many of these cars are marked cars and how many are unmarked?

MR. KIRSHEY:

We're only speaking marked cars.

LEG. MONTANO:

That's what I thought you said. Thanks.

P.O. LINDSAY:

Anybody else? Legislator Hahn.

LEG. HAHN:

Can you explain the 6409 account, where it's coming from? BRO maybe?

MR. ORTIZ:

That's one of the communication projects that's going to be covered by a statewide grant, so we don't need the serial bond funding for that.

LEG. HAHN:

That was a police communications grant? Because it says -- my notes have it saying Economic Development infrastructure project. Is that wrong?

MR. ORTIZ:

No, you're right. I was wrong, I'm sorry.

MR. LIPP:

I believe since it's a County Executive resolution they need to respond to that.

MR. VAUGHN:

I would like to thank BRO for that.

*(*Laughter*)*

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Legislator Hahn, without having the Capital Budget in front of me I don't -- I don't know the capital project off the top of my head, I'm sorry.

P.O. LINDSAY:

I see Commissioner Anderson just walked in the room. He might have the answer to your question.

COMMISSIONER ANDERSON:

The question is why the offset?

P.O. LINDSAY:

Legislator Hahn, would you repeat your question?

LEG. HAHN:

I didn't know what that account was, Suffolk County Economic Development infrastructure project. What is -- what was that? What is this coming from, the money?

COMMISSIONER ANDERSON:

Not to sound cute, it's an Economic Development project. I assume it's in to fund infrastructure improvements that would, you know, that would enhance economic development, but I really don't know. I'm not familiar with it.

LEG. D'AMARO:

Come on, Gil. You always have all the answers.

P.O. LINDSAY:

Okay. What do we have to do, folks, to find out the answer to this question?

COMMISSIONER ANDERSON:

I think Tom is going to look for the answer right now.

P.O. LINDSAY:

Okay. Tom, you need some time? We'll pass over it.

MR. VAUGHN:

I do, unfortunately. Thank you very much for taking that out of order. We were trying to get the PD back but give me a moment to find out the exact nature of the offset. I apologize for the inconvenience.

P.O. LINDSAY:

Okay. We'll find out more about the offset, Legislator Hahn, okay? And I have a third request and it's in the CN file. All right, I'm going to wait on that third request until we get caught up on our answers. Okay. Let's go back to --

LEG. GREGORY:

Mr. Chair?

P.O. LINDSAY:

Yes.

LEG. GREGORY:

I see Mr. Heilig is here from the DA's Office. Do you want to take that resolution, I don't recall the number, I think it was in Government Ops?

P.O. LINDSAY:
Which reso is that?

LEG. KENNEDY:
DA.

P.O. LINDSAY:
Do you have the number for me?

LEG. GREGORY:
1424, page eight.

P.O. LINDSAY:
It's on page eight, about a quarter of the ways down the page.

IR 1424, Vesting District Attorney with step increase discretionary authority. I need a motion to take it out of order.

LEG. BROWNING:
Motion.

LEG. KENNEDY:
Motion.

P.O. LINDSAY:
Motion by Legislator Browning, second by Legislator Kennedy. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
Okay, it's now before us. Do I have a motion to --

LEG. BROWNING:
I make the motion to approve.

P.O. LINDSAY:
Motion to approve.

LEG. ANKER:
Second.

P.O. LINDSAY:
Second by Legislator Anker. On the question? Yes, Legislator Spencer.

LEG. SPENCER:
Good afternoon. I had the privilege of being able to vet this issue in committee, and since that time I just had one other question. You know, I think my concern, I understand that the employees serve at the pleasure of the DA and the step increase is another tool for the DA to be able to utilize as a management tool. The steps are granted during a certain time period so if, for instance, there was someone that the DA felt needed some -- some additional improvement and they withheld that step, does this resolution provide that the DA could make up those steps at a later time?

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MR. HEILIG:

I don't believe it does. I believe we would have to wait until the following year when the step raises are done in July.

LEG. SPENCER:

Okay, thank you.

P.O. LINDSAY:

Yeah, Legislator D'Amaro.

LEG. D'AMARO:

Thank you. I had a question also about whether or not this would be applied to existing personnel.

MR. HEILIG:

Yes.

LEG. D'AMARO:

Or is it only going to be a policy for new hires.

MR. HEILIG:

No, it is for all Assistant District Attorneys within the office.

LEG. D'AMARO:

Okay. So all the Assistant District Attorneys in the office. If you're on board right now and you're working for the County and you expect your annual or your step increase we're talking about here, there's a possibility that if we pass this that you won't be getting that step increase.

MR. HEILIG:

It would be up to the discretion of the District Attorney to award that step increase to the Assistant District Attorneys that would be eligible for it. We have a number of Assistant DA's that are already at top step that would not even be eligible.

LEG. D'AMARO:

And you're comfortable with the concept that when these Assistant District Attorneys were first employed the understanding was that they were going to get these step increases, they weren't discretionary.

MR. HEILIG:

I don't know if that was actually ever discussed with the ADA's when they're employed that they would get discretionary step raises. I know that when we interview ADA's, and we're going through that process right now, we tell every single one of them that from the minute they step in the door any movement within the office is based on merit.

LEG. D'AMARO:

Well, I agree with that, but I'm saying that the existing personnel were hired under the expectation that it was non-discretionary.

MR. HEILIG:

That's correct, although a good number of the existing personnel were here prior to this law being passed in 2005 I believe it was, that made it automatic. Prior to 2005 there were not automatic step raises for exempt personnel.

LEG. D'AMARO:

The County passed a law in 2005 making it automatic just for the District Attorney's Office?

MR. HEILIG:

For all exempt employees, for all management employees. I don't know the exact title, but I believe exempt or management employees. Prior to that you had to go to the County Executive and through the legislative process to get a step raise for a management or an exempt employee, which is one of the reasons we were on board with that legislation in 2005, was because the District Attorney wanted to get automatic raises for his assistants and not go through that process. However, since that time in 2005 we've had some management issues with this -- the automatic step raises.

LEG. D'AMARO:

So the decision now, if this is passed, for discretionary raises is going to be done by committee or by the DA himself?

MR. HEILIG:

There will be a committee, I'm sure that advisors to the District Attorney, but the District Attorney makes the ultimate decision.

LEG. D'AMARO:

Right, of course. Uh-huh. Okay, thank you.

P.O. LINDSAY:

Mr. Heilig, is the District Attorney going to hire a food tester?

*(*Laughter*)*

MR. HEILIG:

Well, if you put it in the budget maybe.

P.O. LINDSAY:

Okay. Legislator Kennedy.

LEG. KENNEDY:

Thank you. Eddie, I just want to make sure that I recall. Pretty much everybody that works for the DA is similar -- they are all exempt employees. They all basically serve -- well, I'm sorry, let me rephrase. The attorneys, all of the attorneys in the DA's Office are all exempt employees.

MR. HEILIG:

That is exempt and management employees.

LEG. KENNEDY:

So while we're giving him this flexibility as far as perhaps trying to look at rewarding meritorious behavior or motivating somebody who may have less than meritorious behavior, he also has the ability to disinvite anybody from employment any longer.

MR. HEILIG:

Within bounds, yes, everyone serves at the pleasure and can be disinvited. However, there are situations where an ADA may just need a nudge. They may not be performing at a level where we would dismiss them, but they may be performing in that given year at a level where they don't deserve that step increase. And as I indicated in committee the other day, that's not the only reason. The other reason that we have, and that we've seen occurring since the law was passed making it automatic is, as I said before, we have a number of ADA's at top step. Those ADA's at top step have been working here for some 15, 20, 25 years. What's happening because of the automatic step increases is that the people who are less experienced I'll say, less attuned to what we do in the DA's Office, they're catching up to them. They're reaching top step. You know, it's

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kind of a damned if you do, damned if you don't approach because, you know, who do you deal with on the morale issue. Do you not give these step increases to the younger ADA's and then they're upset, but meanwhile the ones who are at top step are upset because, as I said in committee, we have a number of ADA's, probably over 30, who haven't had a raise in 20 years.

LEG. KENNEDY:

I get it. Public service is a sacrifice sometimes. Okay.

P.O. LINDSAY:

So the DA intends to give raises to somebody that's at top step?

MR. HEILIG:

No. No, we cannot do that. You cannot give a raise to somebody at top step. This is just to deal with those that are reaching top step --

P.O. LINDSAY:

That's what I thought.

MR. HEILIG:

Or approaching, that are not at top step. They're all at different levels.

P.O. LINDSAY:

Okay. We have Legislator Gregory.

LEG. GREGORY:

Thank you, Mr. Chair. It's traditionally, from my understanding, and I did internship back in 1990 in the DA Office. I mean, during my summer there we had like three or four ADA's leave to go to private practice, and traditionally that's been or historically that's been my understanding of the District Attorney Office is. You get young people in there, they spend a year, two years, get the trial experience and they go off to private practice and make twice as much. But you're saying that you're having people that are sticking around longer or they're making more of a career.

MR. HEILIG:

Absolutely. As a matter of fact, we just went through about 30 second round interviews. Every single one of them want to make the prosecution their career. We've had a number of people who have stayed, as I said, over 20 years, 25 years, some 30 years. It's just a job that you don't leave once you're here. And the other situation is with the economy. We don't have people leaving. The economy has been picking up lately. We just had five ADA's resign within the last three months and that enables us to hire, you know, new ones this year at, again, at a savings to the County because we'll be bringing in new ADA's, junior ADA's. But you're right, Legislator, that's the way it was when I first started. We were hiring 20, 25 ADA's a year because that's how many were leaving. They're not leaving anymore.

LEG. GREGORY:

Now, do you think that this -- you can have the opposite effect? If people say well, at least -- I'm getting less pay but at least I'm getting some type of increase, you know, a step increase every year. You know, the private sector, I know there's a shortage of jobs in the private sector so it may not be as available. Now you have people, well, I'm not getting a step increase, you know, for whatever reason. Maybe I'll, you know, you may have an exodus of people that feel offended or whatever reason.

MR. HEILIG:

That could happen. Yes, that could happen, and then that person would be replaced. But again, you know, what I want to point out and the DA wanted me to make perfectly clear is, you know, this

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is not going to happen to 20, 30% of the ADA's. It's going to happen to a very small amount of our staff. He's using his discretion. The ones who are not going to be awarded step increases, you know, will be probably less than ten, less than 5% of the staff. You know, the intention would be to see that most of the ADA's get the step increase.

LEG. GREGORY:

Now, the ones at top step, aren't they eligible for longevity pay?

MR. HEILIG:

Yes, they do get longevity pay if they are here that time, which is, I forget what it is now, 7500 -- 1,000, whatever it is, it's not a lot of money.

LEG. GREGORY:

Okay. All right, thank you.

P.O. LINDSAY:

Legislator Barraga.

LEG. BARRAGA:

I would hate to think that there might be some people not getting a step increase because of a problem the District Attorney has with people at the top step and giving out step increases brings those individuals closer to the people at the top step, fostering a further morale problem with those who are at the top step. If it's only 5% or 10%, I mean, why do you need this power? Especially when you have people, as you pointed out, who've been hired since 2005 with the understanding that they will receive step increases. I mean, I can see this proposition if it was prospective in terms of new hires, but if I'm on board with the District Attorney and that's my understanding and that's why I took the job, I expect the step increase. And if you are not happy with my performance, figure out a different way to discipline me as opposed to taking the step away.

MR. HEILIG:

I understand. We're not taking the step away, we're just not awarding you the new step. That's the way it always was back in prior to 2005 in this County. No management --

LEG. BARRAGA:

But since 2005, which is probably a lot of Assistant DA's that are there, they're under the impression that, you know, they would not be penalized.

MR. HEILIG:

It's not -- I wouldn't consider it or characterize it a penalization. What I would characterize it is a management tool to give the DA the discretion if somebody is not performing, at whatever step they're at, if they're not performing and they're eligible for a step raise that he not give it to them.

LEG. BARRAGA:

Well, I can understand your point, and I would agree with it if it was prospective. Anybody coming in the door from this moment on when the bill is passed into law this is the situation. But for someone who has been there for the last seven or eight years, they came in with a specific understanding and I think there's an obligation there.

MR. HEILIG:

And again, I don't think we've ever made that obligation or that understanding made known to the ADA. It's never -- they always serve at the pleasure.

LEG. BARRAGA:

Well, you may not have made it known, but I'm sure they found out from someone.

MR. HEILIG:

Sure. It was a law, it was automatic step increases. That's correct.

LEG. BARRAGA:

Okay, thank you.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Yeah, thank you for coming back to me. Just very quickly. The awarding or not awarding of a step increase, is it all or nothing or is there discretion within how much of a step increase you get?

MR. HEILIG:

I believe it's all or nothing. You either get the step increase, you know -- the way our classification and salary plan works you either get the next step, and step raises are \$2,500 to \$3,000, somewhere in that range.

LEG. D'AMARO:

Okay. But I do want to reemphasize what I initially brought up and Legislator Barraga was speaking to as well. You initially said that the step increase would be awarded based on merit. That's fine. I want to give the DA the authority. He's in the best position to judge the performance of his ADA's, but then you went off and said, well, we want to slow them down. We want to slow down some of the increases because the guys at the top and the women at the top are -- the veterans, the Assistant District Attorneys are a little upset about how they're being caught up to. That's not on the merits. That has nothing to do with merits. So I really -- you know, I need clarification here. I mean, if the whole thing is that, you know, I understand 20 or 30 year veterans, Assistant District Attorney, I am not questioning the performance of the office or any of the staff or anything like that but, you know, employees talk all the time. They get disgruntled, oh the younger guy is catching up to me, but to take the drastic step and say well then we're not going to give the step increase to the younger guys, not based on your performance, not based on merit, but based on the fact that the veterans are upset about it, I won't even support the bill if that's the case.

MR. HEILIG:

The issue is that the discretion is there. That may never be exercised in that manner. It was just a reason for me to bring to your attention as to what's happening within this classification and salary plan. The DA may never use his discretion in that regard. He may indicate everything is based on merit and that we will give or not give the step increase based on merit. But I brought that up just to tell you what's happening within the office and another reason that the DA may use his discretion in order to -- again, it's a morale issue within the office, how do you deal with it. As I said before, you're damned if you do, you're damned if you don't. You know, so by not -- I can't speak for the District Attorney, but he would not keep a step increase away from somebody who deserves it just because they're reaching that top level. But if they're not deserving of it he's not going to allow somebody or maybe the qualifications he looks at may be a little narrower if they're approaching that top step. Again, it only would be for those people who are approaching top step.

LEG. D'AMARO:

All right. One last question. So what you're saying is you brought that up as a -- just to give us more of a flavor of what's happening in the office, but you don't believe the DA is going to make these decisions based on anything but the merit or the performance of the employee.

MR. HEILIG:

Absolutely. Everything will be based on merit.

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

LEG. D'AMARO:

Okay. So let's say there's five Assistant District Attorneys that do not get a step increase. What happens to that money that gets budgeted?

MR. HEILIG:

That would be returned to the County. We're not looking to use that in any other way, or to give a two-step increase to another employee. That would be returned, I don't know, either to the General Fund or wherever it may go.

LEG. D'AMARO:

Right. Okay, fair enough. Thank you.

MR. HEILIG:

Thank you.

LEG. D'AMARO:

Thank you.

P.O. LINDSAY:

Okay. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Thank you. You had mentioned not only exempt, but management personnel. I just want to make sure that everybody you're talking about serves at the pleasure of the District Attorney. There's nobody who's a civil servant under the AME contract that this is governed?

MR. HEILIG:

That's correct.

LEG. SCHNEIDERMAN:

Okay. And just one other clarification, too, because I believe this Legislative body has on occasion frozen step increases for exempt employees to deal with financial difficulties, and I want to make sure that if we did that in the future, that this wouldn't supersede it, so that the District Attorney also still would not have the ability to grant a step increase over the -- if this body had put something in place that prohibited step increases.

MR. NOLAN:

If we pass the subsequent resolution that froze the steps, this would not supersede that, no. That --

LEG. SCHNEIDERMAN:

That would control.

MR. NOLAN:

The later resolution would supersede.

LEG. SCHNEIDERMAN:

Okay. Thank you.

P.O. LINDSAY:

Legislator Spencer.

LEG. SPENCER:

Thanks for coming back to me. And Lou did clear up a lot of what my concern was, but, actually, I think that makes me struggle to support this. I can understand that as a management tool, but I'm always very concerned when we have a system in place where it's automatically given. They serve at the pleasure of the D.A., and it seems that the D.A. would have the ability to issue warnings. I know this just gives him another management tool, but the idea that it could be used to kind of slow up people who are getting too close to the top, perhaps -- I mean, I know this D.A. and I have complete confidence, and he's an elected official and he deserves that respect, but it's concerning when we have a system in place that takes the subjectivity out of salaries and raises and we introduce that into it. So I am struggling with that a little bit. And I guess what my question is, how many ADAs are there currently?

MR. HEILIG:

Currently, we have 177 on staff. That's with, I believe, seven vacancies.

LEG. SPENCER:

So my concern would be you have this committee and you have yourself, which is kind of helping to oversee this, that the D.A. may not be in a position to have direct observation of the performance of 177 employees. And so within the hierarchy there, it does potentially introduce where if someone is -- doesn't care for another individual, they could be recommended that they don't get a step increase, and it could backfire where we're using it as a tool. You know, I don't know how I'm going to vote, but it could be -- it could politicize the issue and take out the objectivity and introduce subjectivity to the hierarchy in the office there.

MR. HEILIG:

Sure, I understand those concerns, but, again, like any other management hierarchy, you have to rely on those below you for advice, and the D.A. would get that advice and act accordingly. But I do understand those concerns, and I agree, they are concerns.

P.O. LINDSAY:

Everybody else okay? I understand the concerns of some of my fellow Legislators. The ironic thing about this is all of these proposals all came about from the D.A. He came to me in '05 about increasing the steps or reinstating the steps because he thought they were unfair. And then he came back about putting some kind of reins on, and that he thought they were maybe getting a little too liberal. And my question to him was are you sure you want to do this, because it could open -- I agree with you, it could open more of a can of worms than it could resolve. But we'll put it in and we'll kick it around. Yeah, Legislator D'Amaro.

LEG. D'AMARO:

Just to follow up on that, I agree with you. And, I guess, you know, the D.A. is extremely capable of running his own office, so I'm going to defer to him on this. I'm going to support the bill, but -- and I'm sure he's thought about all of these issues in advance, and I'm going to, you know, defer to him and his judgment on that.

P.O. LINDSAY:

And I agree with you, Legislator D'Amaro. Anybody else? No? Okay. We have a motion and a second?

MR. LAUBE:

That's correct.

P.O. LINDSAY:

All in favor? Opposed?

LEG. BARRAGA:

Opposed.

P.O. LINDSAY:

Abstentions?

MR. LAUBE:

Seventeen.

MR. HEILIG:

Thank you.

P.O. LINDSAY:

Okay. I think we can go back in order. Okay. We're finally back at Tabled Resolutions, Page 6.

LEG. HAHN:

Does Tom have an answer on the other one?

P.O. LINDSAY:

Tom, do you have an answer on the other one?

MR. VAUGHN:

Yes, sir. I'm actually going to bring up Mr. Anderson to confirm what I have to say.

COMMISSIONER ANDERSON:

Legislator, I was pretty close. It is an Economic Development project. The original intent was to spend that -- those funds on the construction of the Traffic Violation Bureau. We moved the project forward, you know, to get it built early and get -- you know, start to get it running. So we last year funded the actual construction through offsets from other projects. So this funding is no longer needed for the TVB.

P.O. LINDSAY:

Does that answer your question?

LEG. HAHN:

Yeah. And then we had also put money in for cars, but there just wasn't enough for the --

COMMISSIONER ANDERSON:

Right, this supplements that, correct.

LEG. HAHN:

So this just supplements what we had already funded. Okay.

COMMISSIONER ANDERSON:

Absolutely.

LEG. HAHN:

Thank you.

P.O. LINDSAY:

Thank you. Okay. Let's -- that I got you at Page 6, let's go back to 11, and finish 1416. We have a motion on and a second on 1416, the bond.

MR. LAUBE:

I never got the motion and second on that.

P.O. LINDSAY:

Okay.

MR. LAUBE:

I think you recognized one --

P.O. LINDSAY:

I need a motion on 1416A.

D.P.O. HORSLEY:

Motion.

P.O. LINDSAY:

Motion by Legislator Hahn.

LEG. CALARCO:

Second.

P.O. LINDSAY:

Seconded by Legislator Calarco.

LEG. SPENCER:

Where is it?

MR. NOLAN:

No, we haven't done that. 1416 first, then the bond. You haven't voted.

P.O. LINDSAY:

Oh, I thought we voted 1416.

MR. LAUBE:

No.

P.O. LINDSAY:

Okay.

CHAIRPERSON BROWNING:

We do have a motion and a second.

P.O. LINDSAY:

Yeah, I'm pretty sure we did. Huh?

MR. NOLAN:

We don't have it.

P.O. LINDSAY:

You don't have --

MR. LAUBE:

If you said it, he didn't announce it.

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P.O. LINDSAY:

You don't have the motion and a second?

MR. LAUBE:

I do now. You have Hahn and Calarco, if you want to go with that.

P.O. LINDSAY:

Okay. But, originally, it was Muratore and Browning.

MR. LAUBE:

You had that to take it out of order. Just a second. You had Muratore and Browning to take it out of order.

P.O. LINDSAY:

All right.

MR. LAUBE:

And then you didn't give me a first -- motion or a second.

P.O. LINDSAY:

All right, my mistake. Is it all right? Let's go to the second group. All right?

MR. LAUBE:

So it would be Muratore and Browning.

P.O. LINDSAY:

No. It would be -- it will be Hahn and --

LEG. MURATORE:

Calarco.

P.O. LINDSAY:

And Calarco. You got me confused now. Okay, you got them?

MR. LAUBE:

All set.

P.O. LINDSAY:

Okay. So we have a motion and a second.

MR. LAUBE:

Correct.

P.O. LINDSAY:

Roll call. No. This is to take it out of order, right?

MR. NOLAN:

No, it's already out.

MR. LAUBE:

No.

P.O. LINDSAY:

Vote on 1416 (*Appropriating funds in connection with the purchase of replacement Public Safety Vehicles (CP 3512)*). Okay. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen.

LEG. KENNEDY:

I'm opposed.

P.O. LINDSAY:

This is the public safety vehicles.

MR. LAUBE:

Fifteen.

LEG. D'AMARO:

Wait a minute. Hold it, Tim.

MR. LAUBE:

Oh, I'm sorry.

LEG. D'AMARO:

No, I'm a no. I'm a no.

MR. LAUBE:

Fourteen. (Not Present: Legislator Montano)

P.O. LINDSAY:

Okay. On the accompanying bonding resolution, same motion, same second, roll call.

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

LEG. HAHN:

Yes.

LEG. CALARCO:

Yes.

LEG. SPENCER:

Pass.

LEG. D'AMARO:

No.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

No.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

MR. LAUBE:

Montano. Is that a yes?

LEG. MONTANO:

Yes.

MR. LAUBE:

Yes. Thank you.

(Roll Call Continued)

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. KRUPSKI:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

LEG. SPENCER:

Yes.

MR. LAUBE:

Fifteen.

P.O. LINDSAY:

Okay. So that passes. Going back to Page 6, and we're at ***1841 - Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24 (2007), the Tuccio property – Town of Southampton (SCTM***

No. 0900-248.00-01.00-110.003) (Schneiderman).

LEG. SCHNEIDERMAN:

Motion to table.

P.O. LINDSAY:

Motion to table by Legislator Schneiderman.

LEG. CILMI:

Second.

P.O. LINDSAY:

Second by?

LEG. CILMI:

Raised hand.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Not Present: Legislator Montano)

P.O. LINDSAY:

Okay. 1841 stands tabled.

1119 - Authorizing appraisal of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law 24-2007, the Terryville Greenbelt properties, Town of Brookhaven (Hahn).

LEG. HAHN:

Motion to table.

P.O. LINDSAY:

Motion to table by Legislator Hahn. Do I have a second?

LEG. CALARCO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Not Present: Legislator Montano)

P.O. LINDSAY:

1155 - Appropriating planning funds for the New Replacement Correctional Facility at Yaphank, Phase II (Co. Exec.).

LEG. MURATORE:

Motion to approve.

LEG. HAHN:

I'll second that.

LEG. SCHNEIDERMAN:

This is the planning piece of it.

P.O. LINDSAY:

Okay. We have a motion to approve and second.

LEG. KENNEDY:

On the motion.

LEG. HAHN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Kennedy.

LEG. KENNEDY:

One way or the other, we're going to talk about this today, Mr. Presiding Officer, so can I ask Mr. Anderson?

P.O. LINDSAY:

Let me just point out, Legislator Kennedy, and it's what I wanted clarified, this is '13 money, this isn't the '14 budget.

LEG. KENNEDY:

Okay.

P.O. LINDSAY:

All right?

LEG. KENNEDY:

That I do get, but --

P.O. LINDSAY:

No. You still can talk to --

LEG. SCHNEIDERMAN:

It is related in a way, because it's planning for --

P.O. LINDSAY:

Hold it, Jay.

LEG. KENNEDY:

Hold on. Hold on.

P.O. LINDSAY:

You know, talk to the Commissioner about it publicly, but I just wanted to clarify that.

LEG. KENNEDY:

Okay.

P.O. LINDSAY:

All right? Because I thought we were into the Capital Program.

LEG. KENNEDY:

Okay, I appreciate it. Gil, so we have this running dialogue as far as what we have to do with the Jail Phase II, yadda, yadda, yadda, yadda, yadda, yadda. What does -- if the way we built this thing in the first instance was sized so that it would accommodate additional -- I don't know what you want to call them -- pods, or links, or whatever, for the residential things, what will this 3.9 do? Is that going to lay out building another couple of free-standing dorms? Most of the actual guts of the facility is already built, the kitchen and recreation area and all that, right?

COMMISSIONER ANDERSON:

Correct. Correct. The main core of the building is sized for the eventual Phase I and Phase II. So this funding is for the preparation of the documents, the construction documents, as well as the design of that next step of housing, which is the six pods, maybe less. We're discussing that now with the COC.

LEG. KENNEDY:

Okay. So, see, that's my point. If we're being asked to vote on this planning money based on 360 beds, which may be six sets of 60-bed dorms, but, yet, there's some discussion we're going to have as to how that's going to be laid out, why do we have to do the planning for all six? If we go, I don't know, two, two and two, or three and three, or something like that, we still have to plan for all six of them at this point? You know, we're talking about \$50,000 for helicopter pontoons, but, yet, here we have 3.9 million that we're saying, "Oh, well, we got to spend it."

LEG. SCHNEIDERMAN:

Three-point-seven.

COMMISSIONER ANDERSON:

This -- again, this is for planning. Whether it's five, four, six pods, it all has to be developed, brought before the COC, gotten for their approval. Right now, we're talking about six pods. We're looking -- we're trying to negotiate a change in that, but the funding is needed so that we can do the design. The pod layout, as it is right now, is generally what we're going to go ahead with. We may tweak it, we may use -- you know, do some different things there, but the money is needed for that design. It doesn't matter whether it's, I mean, two, or four, or six, you still have to prepare the design report, you still have to prepare the contract documents, and that's what the money is for.

LEG. KENNEDY:

Okay.

COMMISSIONER ANDERSON:

You're not designing based on a square-foot cost, you're basically -- you're going to get a set of documents at the end of this, and that's what the money is for.

LEG. KENNEDY:

Okay. So, in other words, 3.9, and we could build one pod or 12 of them, and that will be -- it's identical sets of design docs for each set of pods that goes out?

COMMISSIONER ANDERSON:

It all depends on where we go with this. If we do it -- right now, the plan is that we're going to do six pods based on the initial design, but we are in discussion with the COC to change that. So whether it's -- you know, it's going house -- these pods will likely house 60 inmates, it will likely hold the same configuration, but there might be a little bit of change here and there. The eventual numbers of inmates that we're going to house under Phase II may change, but it's -- again, it's not a square foot cost, it's not a number of beds cost, it's really for a documentation.

LEG. KENNEDY:

Okay. But go back to that one piece you said there and then I'll yield, I'll give up. We do have this new pod configuration with inmates and with officers in it, right?

COMMISSIONER ANDERSON:

Yes.

LEG. KENNEDY:

We've had that since April 1st?

COMMISSIONER ANDERSON:

Right.

LEG. KENNEDY:

Have you gotten any feedback from the COs as to how effective this new design is, and do we want to build seven, eight, nine more of them?

COMMISSIONER ANDERSON:

Again, we've just begun discussions. I don't know and I haven't had them firsthand with either the CO, or the Commission on Correction, or even the Sheriff's Office. That's something we would talk about in the design development of this phase, which we haven't done because we haven't brought a consultant on, because we don't have all the funding we need to do it.

LEG. KENNEDY:

Okay. Then through the Chair, has either Chief Sharkey or Mr. Dagnello had any input with Public Works yet?

D.P.O. HORSLEY:

Well, we're going to ask Mr. Sharkey.

LEG. KENNEDY:

Thank you, Mr. Chair.

D.P.O. HORSLEY:

You're welcome.

CHIEF SHARKEY:

You may have to restate your question. But the design, as is, was approved by the Commission of Corrections, and any changes in the future designs are going to have to be approved by the Commission of Corrections. But the direct supervision model, which is that operates in the new Phase I is the current approved operations by the Commission.

LEG. KENNEDY:

Okay, Chief. But the benefit that we have now -- I'm sorry -- that we didn't have back then was we now have inmates and Corrections Officers in the new design and have had that since April 1st, I believe, April, May?

CHIEF SHARKEY:

May 1st.

LEG. KENNEDY:

May 1st. So we've had 30 days to look at how it actually operates. And are you assessing it or seeing -- is it working the way everybody thought it was going to work?

CHIEF SHARKEY:

I believe at this point it's only a month old, but I believe that the design is working the way it was intended.

LEG. KENNEDY:

Okay. So then your feedback to Public Works would be we could probably support whatever number of additional pods we're going to have the way it's been designed now?

CHIEF SHARKEY:

There may be changes as it's -- these pods were designed with sub day areas, etcetera, for classification purposes. The next pods may not need that. The next pods may be 60 inmates in one area without divisions between them to separate classifications of inmates. That's -- those are the types of things that I think we're talking about would be discussed in future plans that may -- there may be -- the base design pod, that it's going to be pod-based, these pre-formed Lego-type construction pods, if you will, would remain. Whether there's going to be a change in the configuration of it or the breakdown of the segments of it, that's open for future discussion.

LEG. KENNEDY:

Okay. I took my best shot. Thank you.

D.P.O. HORSLEY:

All righty. Thank you very much, Legislator. Legislator Calarco. Rob? Rob.

LEG. CALARCO:

Thank you. I'm sorry. Gil, a quick question for you. I know I asked this at committee, I believe, at some point in time. If we approve the money here for planning purposes, and I know it's going to get ahead of us a little bit into the Capital Budget that's coming before us in a little bit, but what's best case scenario? Say we're going to do exactly what's on the drawing board right now. What's the best case scenario for us to get from where we are now to doing the design, getting the documents together, and being able to put a shovel in the ground for the jail?

COMMISSIONER ANDERSON:

Time-wise?

LEG. CALARCO:

Yeah, time-wise.

COMMISSIONER ANDERSON:

Three-and-a-half, four years.

LEG. CALARCO:

Three-and-a-half, four years.

COMMISSIONER ANDERSON:

To get a shovel in the ground.

LEG. CALARCO:

To put a shovel in the ground.

COMMISSIONER ANDERSON:

I thought you meant finished. A year-and-a-half, two years.

LEG. CALARCO:

Year-and-a-half, two years?

COMMISSIONER ANDERSON:

Yes.

LEG. CALARCO:

So end of 2015, if we're lucky? More like 2016.

COMMISSIONER ANDERSON:

Yeah.

LEG. CALARCO:

If all things go well?

COMMISSIONER ANDERSON:

Yeah. The Chief brings up a good point. I mean, before we go out to bid, we have to have all the money needed in place and appropriated before we can bid it. But as far as your original question, yes, end of 2015, most likely.

LEG. CALARCO:

If we were lucky.

COMMISSIONER ANDERSON:

If we're lucky.

LEG. CALARCO:

But with the first phase of the jail, did we have all the money accumulated before we bid the project out, or did we kind of add to the money as we went along?

COMMISSIONER ANDERSON:

The funding was appropriated in chunks.

LEG. CALARCO:

That's what I thought.

COMMISSIONER ANDERSON:

There were a number of them. But the project was also built in phases. We did -- the first project was to build the cells, the next was to do the foundation -- I'm sorry. The next one was to actually do site clearing and some prep work. Then the third bid package was for the foundations. The last that we just completed was the new section, and now we're working towards the renovations at the existing section.

LEG. CALARCO:

And that helped us spread the cost out a little bit, right?

COMMISSIONER ANDERSON:

Yeah, yeah, by doing that. And, you know, given the time we were -- that we were given directions from COC and told that we had no choice, we were going to lose the waivers, it gave us enough time to get the documents ready and get the projects out.

LEG. CALARCO:

Any reason we couldn't do it that way this time?

COMMISSIONER ANDERSON:

Again, it all has to be discussed with COC. They may not give us that option, you know, we don't know. Certainly, could you bid --

LEG. CALARCO:

The process we did with the first phase, did that slow down the construction process? I mean, did it make it take us longer to actually build it, or did it simply allow us to spread the cost of building the jail out over the time frame than it took us to actually build it?

COMMISSIONER ANDERSON:

Yes, to both. It took us longer.

LEG. CALARCO:

Took us a little longer?

COMMISSIONER ANDERSON:

It would have took us longer because we had to initiate numeral -- numerous contracts and that -- there's a certain amount of time lost when you have to go out to bid and bring everybody in, get all your documents ready, and it would -- it's a lot quicker if you can go out to one contractor and say, "Okay, this is what we're going to do, start the work," and then they coordinate everything. So, to a certain extent, we acted as the GC with the initial portions, you know, the cell package, the -- you know, the footings, the foundations, things like that, whereas a contractor may have done that simultaneously. So there was -- you know, we did lose time doing that, but it did allow us the ability to get the documents ready and still meet the mandates of the COC.

LEG. CALARCO:

Okay. So best case scenario, we might be ready to put a shovel in the ground end of '15, more likely '16, and it's still a best case scenario, '16.

COMMISSIONER ANDERSON:

Twenty -- yeah, the middle of 2015 to 2016, depending on when we get the go-ahead. We got to -- you know, again, we have to get the approval of the COC. You know, we have to go -- we're looking -- as the Chief said, we're looking at discussing changes to the pod. Once we get the approval of the COC, then we can begin the documentation portion, which is going to take us at least a year.

LEG. CALARCO:

Okay. So in looking at our Capital Budget and moving forward, if we were to put construction funds into '15, we're really taking a rosy picture of our being able to actually expend those funds in '15. It's more likely that we aren't going to be anywhere near ready to put a shovel in the ground until '16, possibly even later. So our Capital Budget not necessarily having funds in '15 or '16 is not us trying to avert our responsibility that the State is putting upon us to build a second phase, but more along the lines of us being realistic about when we're going to be prepared to do that job.

P.O. LINDSAY:

That's exactly what I said to the COC.

LEG. CALARCO:

I'm sure it is. Thank you.

D.P.O. HORSLEY:

Okay. Thank you very much. Legislator Hahn.

LEG. HAHN:

I, too, share some concerns of Legislator Kennedy and Legislator Calarco, primarily that I think, you know, it's like putting the cart before the horse here. We just got May 1st, not April 1st, but May 1st, all these, you know, "We're full, we're now operating." You know, I can't believe that we're talking about allocating 3.7 million dollars to plan another set of pods when we haven't even talked

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to, you know, the workers on the front lines in those pods just to be sure that it -- you know, there aren't serious issues with how things play out. It's really soon to move forward on design plans. You know, it would make sense to be talking to our workers about that. And I understand we're being rushed, but it just doesn't make sense to move forward without talking to them. And so I hope we get assurances that you will certainly have them be part of the team.

COMMISSIONER ANDERSON:

We will speak, obviously, and we will develop the plans with and through discussions with the Sheriff's Office and the COs. You have my commitment on that, because we're -- we're builders. We don't do corrections, we don't do -- you know, we have to rely on their expertise.

Just to go back to the question of timing, as I said, starting right now, best case scenario, we would be into construction 2015. Now we have to deal with the COC. The COC wants us to move this along, so we need the planning phase. We need the funding as soon as we can get it, because once we have those discussions with COC, we can now -- and we have some type of direction, we can then begin the documentation. Without that -- you know, and without the funding, I can't hire anybody to do the documents.

LEG. HAHN:

This is incredibly frustrating from this side of the horseshoe as I'm sure it is from your side of the horseshoe. I feel like we have -- this is too big of a project to be done with gun to our head. And it's just -- this is -- I hate this feeling that, you know, you have to do this or you're going to be charged "X". And it's really outrageous the way this is happening.

COMMISSIONER ANDERSON:

If I may -- if I may, without the whole issue of the COC letter and everything else, we -- as a normal Public Works contract, we need the planning money in place before we can initiate the design, whether it's a Phase II, Phase I, or whatever. So I would ask that you agree to the funding so that we can begin the design of it. And then we will do everything in our power to work with the Sheriff's Office to develop the best product for the County. And right now, you know, it is in early stage of the operations of the new -- you know, new housing pods that we've built, but, you know, operationally, they will begin to develop critiques, questions, things like that, and we will incorporate that into our design.

LEG. HAHN:

And then when in the process do we determine our need for future housing? You know, when we -- the thought of incorporating new ATIs, better ATIs and reviewing, I mean, when do we decide that a need that was established five, six, seven years ago is no longer appropriate for us today? And when do we really look at that? And when -- what is the latest analysis of need, future need, that, you know, we've been working off of?

COMMISSIONER ANDERSON:

That one I would have to defer to Chief Sharkey on.

CHIEF SHARKEY:

I think that it consistently comes back to the State's position on variances. We have not yet built an amount of beds that would cover the amount of variances that we have, and they envision us operating with zero variances, and in the near term, losing additional housing, which is the DWI alternative facility being rolled into our existing correctional facility. I don't know if you're familiar with that, but that's -- we're going to have a trailer now, which is another 54 beds. So we have not -- the State's vision is Suffolk County operating with zero variances, and we haven't built enough cells to cover that, yet.

COMMISSIONER ANDERSON:

If I may, also. Just one statement I heard recently was that the State can't grant us variances unless we're in the process of working our way out of the those variances. So without us moving forward with any type of program to eliminate the variances at the end of the day, we would by law not be able to have those variances.

LEG. HAHN:

So it would be -- right. No. I'm aware. I just think that there's two ways to look at this. You build enough beds to house, you know, the inmates that exist today, or you find a way to have alternatives to incarceration be part of it as well. And I think that -- you know, I think we need to look at that as part of this, the whole picture, and I don't think we've done a strong enough job on that side of it.

D.P.O. HORSLEY:

Okay. Are you done?

LEG. HAHN:

Yes.

D.P.O. HORSLEY:

Horse thank you very much, Legislator. In related -- in a related question to Ms. Hahn's question, and maybe it might take the attorneys, is -- by not voting for this, are we breaking the stipulation in our attorneys' minds?

MR. VAUGHN:

We'll get you an exact response to that. The County Attorney is not here at the moment.

D.P.O. HORSLEY:

Okay. Thank you. Then let me -- then we'll just pass over that question, then, and ask Legislator D'Amaro, who also has questions.

LEG. D'AMARO:

Well, I'll answer that question. I say no.

*(*Laughter*)*

D.P.O. HORSLEY:

And I trust a lawyer.

LEG. D'AMARO:

No. I'm saying no, because why would I say yes on the record anyway, but, you know.

*(*Laughter*)*

D.P.O. HORSLEY:

Just asking.

LEG. D'AMARO:

I just want to clarify this for myself that -- is Chief Sharkey still here? I just want to ask you. I mean, the State Corrections Department is telling us you have to be able to house your own jail population. That's the starting point for them. And you say get down to zero variances. A variance is just simply allowing a person who should be incarcerated within the County to be incarcerated somewhere else.

CHIEF SHARKEY:

No. Variance -- a variance is allowing us to use space in the facility --

LEG. D'AMARO:

Oh, to --

CHIEF SHARKEY:

-- to house someone --

LEG. D'AMARO:

Right, right, okay.

CHIEF SHARKEY:

-- that is not ordinary legal housing.

LEG. D'AMARO:

Right. So, in other words, you can overpopulate your jail, so to speak.

CHIEF SHARKEY:

Yes.

LEG. D'AMARO:

Okay. So I wanted to clarify that. So they envision us going with zero variances eventually?

CHIEF SHARKEY:

Yes.

LEG. D'AMARO:

So the number of variances is based really on the need of space based on the number of individuals who would be requiring incarceration. Is that number going up or down in Suffolk County?

CHIEF SHARKEY:

The number of inmates?

LEG. D'AMARO:

Yeah, the need for jail space. Yeah, the number of inmates.

CHIEF SHARKEY:

Well, there's two schools of thought on that. One is the school of thought that I've espoused over the last half a dozen years, which has been based on a 20-year trend line, which has shown over the last 20 years, just as the stock market goes up and down, the trend line has been that inmate population has gone up 2% on average a year for the last 20 years, which means we're housing 40% more inmates now than we were 20 years ago.

LEG. D'AMARO:

Right.

CHIEF SHARKEY:

Compounded, maybe more than that. Something has gone on over the last 18 months. There's been an anomaly where our population has dropped significantly. We don't have an exact reason for that. I know that, you know, our Sheriff is very proactive in pursuing alternatives to incarceration, and I would say that that probably does impact. He's very communicative with the court system and they're responsive. But to -- I think it's too early to take that and draw that out and say that's going to change the long-term trend.

LEG. D'AMARO:

Right. You don't want to take the risk of under-designing the Jail if it's just an anomaly in one year.

CHIEF SHARKEY:

I think that the Sheriff's been very clear that he's supportive of alternatives to incarceration and building as little as --

LEG. D'AMARO:

Right.

CHIEF SHARKEY:

-- as possible. But the fact of the matter is that we have a process that we're going through that the State is mandating this, and the only relief we're going to get is through negotiations with the state, and negotiations involve a give and a take.

LEG. D'AMARO:

Okay. I understand that. And then to Commissioner Anderson, I just wanted to ask you -- you know, just to finish the thought there, we need to have zero variances. The State always has the threat of pulling the variances from us, and then it becomes very cost prohibitive where you have to transport, I believe. Right? I mean, how would you house the jail population at that point if you don't have the variances?

CHIEF SHARKEY:

Well, I viewed the correspondence that you received, I suppose late last night, I saw it this morning. That would be an almost incomprehensible impact on our operation. I mean, you're talking about them -- if we with lost the 373 variances, plus 120 beds in the sprung, which we consider permanent housing.

LEG. D'AMARO:

Right.

CHIEF SHARKEY:

The cost of housing one inmate out for a year is 45,000; 100 inmates out, four-and-a-half million dollars; 300 inmates out, 14-and-a-half million dollars.

LEG. D'AMARO:

Yeah. So, needless to say, we need to make sure that we don't lose our variances, and we have to show the State that we're making progress in providing the capacity, the jail capacity that we require.

CHIEF SHARKEY:

I mean, the planning funds, you know, appropriating the planning funds aren't necessarily expending the planning funds. We could still have the discussions with the State. The money is appropriated, it's not spent yet. I would have to defer to Gil on that.

LEG. D'AMARO:

Right. But we're showing the progress that, look, we've appropriated the funding for the planning phase, now let's sit down and begin our discussions with the State.

CHIEF SHARKEY:

Yeah.

LEG. D'AMARO:

And with all the stakeholders. So, Commission Anderson, let me just ask you, you had mentioned to Legislator Calarco that perhaps a shovel in the ground, 2015, I think, right?

COMMISSIONER ANDERSON:

Correct.

LEG. D'AMARO:

Maybe beyond.

COMMISSIONER ANDERSON:

No, 2015 is a --

LEG. D'AMARO:

That's realistic.

COMMISSIONER ANDERSON:

Yeah, if everything goes --

LEG. D'AMARO:

Right. So put aside the fact that we have to appropriate to show the State that we're moving forward with a plan in order to keep and retain our variances. If you do the design today, I mean, doesn't -- can it get stale? Can those documents -- my concern is doing this too early, the design phase, where if it's going to take two to three years to build, I mean, why do we -- why do we do this so much -- so early?

COMMISSIONER ANDERSON:

Well, again, as I mentioned earlier, we have to negotiate the final program, if you will, with the COC, and it gets developed with the Sheriff's Office. But to bring a consultant on board, realistically, if we started now, we would likely not have a contract in place until the end of this year.

LEG. D'AMARO:

Right. So that's just the natural time line --

COMMISSIONER ANDERSON:

Correct.

LEG. D'AMARO:

-- you're talking about.

COMMISSIONER ANDERSON:

Correct.

LEG. D'AMARO:

So it's not like we're backing up the design phase or appropriating these funds, this is just the natural time line that it would go through.

COMMISSIONER ANDERSON:

Yup.

LEG. D'AMARO:

So the 3.7 million, who gets that?

COMMISSIONER ANDERSON:

Well, eventually, when we procure a consultant, whether it's an architect or an engineer, or both, they would be the ones who would be paid for their service, and these funds would be used to pay for their services.

LEG. D'AMARO:

Why this amount?

COMMISSIONER ANDERSON:

It's just based on a percentage of construction, usually.

LEG. D'AMARO:

So it's possible it could be less, the design?

COMMISSIONER ANDERSON:

Yes. Yeah, absolutely.

LEG. D'AMARO:

You'll know when you get there.

COMMISSIONER ANDERSON:

When we put our Request for Proposals and we get the proposals back, we will review them.

LEG. D'AMARO:

Okay. All right. Thank you.

COMMISSIONER ANDERSON:

Thank you.

D.P.O. HORSLEY:

Thank you, very much, Legislator. Legislator Gregory.

LEG. GREGORY:

Thank you, Mr. Vice Chair. Through the Chair to Chief Sharkey, if I may, just to kind of get a global perspective. I know we kind of view this in Suffolk County as our issue. But, you know, just I don't hear other counties across the state having to build jails. Are we the only one that's over or under capacity, or is this an issue that other counties are facing and it's just more quiet of an issue?

CHIEF SHARKEY:

It's not something that I'm broadly familiar with. I know Nassau County is below capacity now. That's why they are allowed to -- able to afford us space when we need to do alternate housing there.

LEG. GREGORY:

Well, that was my next point. I mean, here we are being dictated by the COC that we have to build a jail that we can make, you know, a viable argument that we may not need in the future, or at least to the level -- to the extent that they say that we may need it. And we have hundreds of people in jails Upstate or across the state, so, obviously, they are under capacity. So I don't understand the need to demand that we build -- increase our capacity when there's under-capacity, and we don't have an issue with transporting our prisoners to those jails that have a need. I mean, they are maintaining jobs, so people aren't being laid off, you don't have correction workers being laid off. They're fulfilling -- they're filling up those facilities. You know, in essence, the variance is just a piece of paper that just gives us the authorization to fill vacancies at any facility across the state. So why is there such a push to force the taxpayers of Suffolk County to take on this burden? I really

don't understand it.

CHIEF SHARKEY:

I will just say, as far as housing inmates in other facilities, that really only works operationally to a point. When you start getting into -- when we were talking about them taking away hundreds of variances, you start to get to a point where that is no longer operationally workable. When you're moving that many inmates, you're no longer moving sentenced inmates, you're moving pre-trial inmates to areas beyond Nassau County and Rikers, because they only have so much capacity. Now we're driving Upstate with a pre-sentenced inmate that has to be down next Tuesday and the following Wednesday for a court date, and we're driving back and forth to Upstate New York.

So while there's some operational wiggle room for housing out, it's not -- doesn't work on a wholesale basis.

LEG. GREGORY:

Right. I know we can't --

CHIEF SHARKEY:

And the State also had to approve us -- approve alternate housing for us. If we're going to put -- they don't just -- we don't just get to say we pick where we go.

LEG. GREGORY:

Right.

CHIEF SHARKEY:

The State picks where we're allowed to bring the prisoners.

LEG. GREGORY:

Yeah, because I'm sure they're familiar with where the vacancies are and where the need -- or, you know, where we can place these people.

CHIEF SHARKEY:

I'm just saying that's another --

LEG. HAHN:

Or whoever's on the Commission.

CHIEF SHARKEY:

That's another area where we depend on the State to tell us we can put our prisoners in Rikers, or Nassau, or somewhere --

LEG. GREGORY:

No, I'm not denying that, and I appreciate that point. My point is if there's capacity other places that they can accept our people, and we're saying that we really don't -- you know, we want to give time to put in these alternatives to incarceration plans and programs, we think in the near future, or whatever the case may be. We won't need the capacity that they think that we'd need, and we could save the taxpayers at least 100 million dollars.

I don't understand why there's such a big push, particularly as there are vacancies. I mean, you hear all these things that crime is going down. And you have Upstate prisons and others that have the capacity. Obviously, they're already experiencing that, and I would think that would even increase as -- you know, if the trend continues to go down. So why -- you know, crime is not more -- hasn't increased here in Suffolk County more than other places in the state, so why are we being forced this demand on us? I don't -- it's a rhetorical question, but --

CHIEF SHARKEY:

Yeah, it's not really a question I can answer for you, that's a question for the State.

LEG. GREGORY:

Thank you.

D.P.O. HORSLEY:

Thank you. But it's a question that we're all asking ourselves, Legislator Gregory. Legislator Stern.

LEG. STERN:

Asked and answered. Thanks.

P.O. LINDSAY:

Legislator Anker.

LEG. ANKER:

You know, we talked about an anomaly, the 18 months. How much has the prison population gone down in the last 18 months?

CHIEF SHARKEY:

I don't have those numbers with me today, but it has dropped in the -- you know, over 100 prisoners on a daily average.

LEG. ANKER:

Significantly, is that what you're --

CHIEF SHARKEY:

I would consider it significant.

LEG. ANKER:

So my question or my thought would be it's not an anomaly, it's the actions taken by a forward-thinking Sheriff who'd doing rehabilitation and alternatives to incarceration. That's what I would think that's creating this situation, which will prove that we do not need a new jail, and that we can save 100 million dollars in Suffolk County.

So, again, I think it's imperative that we take the time, even if it's the 18 months, take 24 months and really analyze these results to prove that what the Sheriff and what your staff is doing is actually working. And I think that just shows how Suffolk County is such an important part in changing the social network and how we see incarceration. So I just want to give you and extend an appreciation of what you're doing. This situation puts us in a really tough situation. And we, as Legislators, need to have a conversation, evidently, with the State to show them the numbers. Do you think you can get those numbers for the Legislature as soon as you -- what, in the next week or so?

CHIEF SHARKEY:

I could check on the numbers for you, yeah.

LEG. ANKER:

Thank you.

D.P.O. HORSLEY:

Thank you very much, Legislator Anker. Legislator Cilmi.

LEG. CILMI:

Thanks, Mr. Chair, what hopefully will be a quick question.

So we have roughly the same number of residents in Suffolk County that we do in Nassau County -- that they do in Nassau County. What is the -- what is the capacity, the jail cell capacity in Nassau County compared to Suffolk County; do you know?

CHIEF SHARKEY:

I don't know.

LEG. CILMI:

Chief, don't know? Okay. I'd be interested in getting that information, if that's something that you could find out for us and maybe e-mail it to me. Thanks.

D.P.O. HORSLEY:

Okay. All right. Now I see -- I see that Mr. Brown walked in. We're just -- it was just one simple question.

MR. BROWN:

No.

D.P.O. HORSLEY:

Eleven -- nothing's ever simple. 1155, appropriating planning funds for the New Replacement Correctional Facility at Yaphank, Phase II. By not voting for this design money, are we breaking the stipulation?

MR. BROWN:

In general or today? In general, probably. Today, no, because you have -- I mean, first, I only have the stipulation and the letter from 2004 between the COC and between then Sheriff Tisch. I haven't seen the litigation filed yet, so I do not know all of the details of the settlement. Hard and fast schedules are not built into the stipulation and the granting of the variances, but, as you do know, there's schedules that they do expect us to abide by. But, you know, if you table it today for two weeks, I don't really foresee an adverse consequence.

LEG. ANKER:

I make a motion to table.

D.P.O. HORSLEY:

Okay. I think we got it. Legislator -- Mr. Schneider, do you want to weigh in?

MR. SCHNEIDER:

Yeah. I mean, the one thing I'd like to, I guess, add to the proceedings is, you know, I think as we look at these variances, I mean, these are 373 variances that we have that we know that if the State COC pulls them from us, will have a major real, today, detrimental impact on Suffolk County taxpayers. By proceeding with planning, by proceeding in good faith on how we move forward, giving other things time to work out, we preserve options for ourselves, but we also don't run the risk. I mean, everyone at this horseshoe seems to be cognizant that to some degree you're playing with fire. The only question is the degree of likelihood you believe you're going to be burned.

D.P.O. HORSLEY:

So what you're saying is that Mr. Brown is wrong, that this -- we are breaking the stipulation.

MR. SCHNEIDER:

I believe that we are -- no, I'm not speak to go that question.

*(*Laughter*)*

What I am speaking to is that we are putting ourselves in a position -- right. We are putting --

D.P.O. HORSLEY:

I'm just stirring the pot here (Laughter).

MR. SCHNEIDER:

We are putting ourselves in a position. I mean, the COC --

D.P.O. HORSLEY:

What you are is you're contradicting him in a more global way.

MR. SCHNEIDER:

The COC sent us a letter yesterday making it very clear that if we do not proceed in good faith on this project, that they are telling us in no uncertain terms, reminding us of their ability to pull these variances, which we all recognize will have a major cost for Suffolk County taxpayers. The degree to which we want to roll the dice that they will take that action, you know, that's -- you know, I'm not really -- I'm not a gambler.

P.O. LINDSAY:

So, John, you're not suggesting we take the same action as the last County Executive and sue the State?

*(*Laughter*)*

MR. SCHNEIDER:

I'm not suggesting that.

P.O. LINDSAY:

Okay.

D.P.O. HORSLEY:

Okay. Mr. Brown, did you want the final word here on this question?

MR. BROWN:

No, we don't disagree, actually, John and I.

D.P.O. HORSLEY:

Oh, they're lawyers.

MR. BROWN:

So, he wasn't -- he wasn't contradicting me. And two weeks is two weeks.

D.P.O. HORSLEY:

Two weeks is two weeks.

MR. BROWN:

Right, exactly. But, overall, we have to abide by the stipulation.

D.P.O. HORSLEY:

We wouldn't be breaking the stipulation today, but we would be breaking it tomorrow.

MR. BROWN:

We might, yes.

D.P.O. HORSLEY:

I think that's what you said.

MR. BROWN:

Yes.

D.P.O. HORSLEY:

I think I got it. Okay. Thank you very much. Yes, Legislator Anker.

LEG. ANKER:

Okay. So how much will the State sue us if we don't -- if we don't follow the variance or the stipulations?

MR. SCHNEIDER:

It's -- I'm sorry. It's not a degree of being sued, it's a degree that today -- so despite the -- despite the population of the jail, today we have 373 variances. We know that those variances carry a real savings because we're allowed to do things like double-bunk.

MR. BROWN:

A hundred twenty-five dollars a day to ship them out it.

MR. SCHNEIDER:

Okay. So it's \$125 per day per prisoner to ship them out. So, if they removed these variances tomorrow, take 373, multiply it by 125, that's what it will cost us tomorrow. We are -- we are risking -- again, if I had my druthers, they wouldn't do it. I'm not saying what they will or won't do, I'm simply saying that by putting this off, we are opening the door that they can pull variances that will cost us money. Will they? I don't know. We'll do everything we can to stop that from happening. But if there is not -- if they don't believe -- if we can't represent that Suffolk County is working in good faith to uphold essentially -- the way you get a variance is by demonstrating that you were working in some way to reduce it. If we can't demonstrate that and they pull the variances, we'll certainly do our best to not have that happen, but we can't make any assurances.

LEG. ANKER:

I just hate spending 3.7 million dollars for a design plan that we're not going to use.

MR. SCHNEIDER:

I would say we're moving forward on this project, but we're -- which, again, I think as -- by the way, as we move forward, I think taking into consideration, you know, the real life experiences of what's been going on at the new Yaphank Jail, taking into consideration the efforts that we're doing on ATI programs, the goal will be, certainly, to reduce the inmate population in Suffolk County by various means. However, you know -- but, again, we are still today, even with a reduced jail population, we're still several hundred variances in, and that's with a reduced -- you know, again, I don't know what the future holds, you know, no one does, but we are clearly putting ourselves at risk in a way that we don't have to in a way that will cost us several orders of magnitude more than the alternative.

D.P.O. HORSLEY:

Okay. It's what was called the old Sword of Damocles. All right. Legislator Hahn put a gun to our head. Legislator Calarco.

LEG. CALARCO:

John. Quick question for you, John. When we're talking about this here, would the Administration agree that moving this planning funding is far more critical to our being able to show to the State that we're serious here, that we're going to comply with their requirements, that we want to work with them, than when and where we put the construction funds into the Capital Budget? I mean, if we --

MR. SCHNEIDER:

Right.

LEG. CALARCO:

It won't matter if we put all 100 million into 2014. If we don't approve this planning money, it doesn't mean much, right? It doesn't mess it up that much?

MR. SCHNEIDER:

No. I agree with you, that it's -- right now, the most kind of urgent business at hand is showing a commitment to moving forward on the planning money. And, you know, beyond that, you know, I think there were some discussions into how you could, you know, show the other money, again, to show that there is, you know, a commitment to move forward.

LEG. CALARCO:

Well, we show our commitment by putting the planning money out there so that we can start the process. We have another whole Capital Budget to do next year, well before we'll ever be ready to expend any money for construction.

MR. SCHNEIDER:

Right.

LEG. CALARCO:

So, if we get to a point in 2015 or 2014 where we find out, you know, we are going to be ready in the middle of 2015, we're going to need to start construction then, the State's not going to give on us, we have an increase in inmate population we were expecting, we're going to have to build something in '15, we can move that money forward in next year's Capital Budget, correct?

MR. SCHNEIDER:

Right. I mean, right. Certainly --

LEG. CALARCO:

So we can show a good faith by passing this resolution now to the State that we're willing to work with them, that we're not, you know, ignoring their demands, and, at the same time, we don't necessarily need to put that construction money in to future years until we're ready for it.

MR. SCHNEIDER:

Well, I mean, this sort of jumps into the other thing that I came here for. So, I mean, with everyone's indulgence --

LEG. CALARCO:

Yeah. It's all -- we're all talking the same thing here, it's all the jail.

MR. SCHNEIDER:

All into one.

D.P.O. HORSLEY:

Hopefully, it will shorten the next debate.

MR. SCHNEIDER:

Always. So, look. So, I mean, generally speaking, I understand where you're getting at. What I would say is this: What we intend to -- what we would like to do is, again, I think, you know, with, you know, the -- either the gun to your head, the sort of Damocles, whatever analogy you'd prefer, to show a commitment moving forward, moving this money forward, you know, I think we -- you know, we happen to think that it would be -- again, helpful in that effort to show a little more money up front in the Capital Program. And, really, just -- again, just to be perfectly clear, what we -- what the Administration intends to do, again, showing some combination of those things, is, you know, we intend to go -- you know, we'll essentially represent the County's position with the COC, you know, with the Administration, and certainly do everything we can do to reduce the cost of doing this project, as well as to -- as well as to see -- you know, again, if we can, as we move forward, hopefully give time for things like our ATI programs to show some success. I mean, I think that's where we all agree we need to move.

So, you know, I don't know that we're necessarily on the same page in terms of showing all the money in subsequent years, as opposed to, you know, we'd like to -- you know, we think it shows a little more -- a little more progress to show something in 1516, but I think the fundamental point is the same, which is let's get started at least on the planning, which allows us, under any scenario, to show that Suffolk County is moving the ball forward.

LEG. CALARCO:

Well, even if we move this planning money today and we're planning on spending the next six months trying to negotiate with the COC about exactly what it is we're going to design and build, that's going to set our schedule back by another six months and when we're going to be ready to construct. So the reality is, is we're not going to be ready to construct for quite some time, so we're not --

MR. SCHNEIDER:

Right. I'd say this --

LEG. CALARCO:

At the earliest, at the very best.

MR. SCHNEIDER:

Again, I generally see your point. Again to me, you know, look, without having a crystal ball, you know, our position is we just want to make sure that we're proceeding, you know, in a caution way, you know, that ensures that we're going about -- you know, we have time to implement things like ATIs, that we're -- that we're, you know, designing the jail both in the most cost efficient way and in a way that demonstrate -- essentially reflects the true inmate population and need in Suffolk County, and that also maintains these variances, which I think everyone in this room clearly understand we need today and would save us money today in our Operating Budget, which, you know, again, they get pulled tomorrow, I don't know -- you know, I don't know where that money comes from. I mean, you know, we know we don't have it.

So, you know, I think that, you know, if we all understand that, I think we can all get there together.

D.P.O. HORSLEY:

Thank you very much. Legislator Krupski.

LEG. KRUPSKI:

Okay. I do have some questions, because I'm not familiar with the whole jail building process.

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We keep talking about the COC. Who does the -- who does the negotiating with the COC, and what are the -- and who decides what their standards are for housing the criminal population? I mean, we say we're oversubscribed in the jail, but who says that we are, and how do they -- actually, legally, how do they have the right to decide how Suffolk County houses the criminals?

COMMISSIONER ANDERSON:

Okay. The New York State COC is a State organization, and they're charged with, you know, all correctional facilities and the operations of same. I think the Chief can, obviously, speak more to this than I can.

CHIEF SHARKEY:

Yeah. They're tasked with developing and approving the plans for jails and deciding the legal housing capacity for the jails. That's what they're charged with.

LEG. KRUPSKI:

Is that consistent like nationwide? Does New York State have a different, radically different standard than other states?

CHIEF SHARKEY:

I couldn't tell you. I know that we deal with the New York State Commission of Corrections.

LEG. KRUPSKI:

And, you know, as far as you hear about the different standards, that we have different, quote, unquote, overpopulation of inmates, and whatnot, and then we just saw the picture, the graph of the inmate population dropping, you know, spiked and then it went down again, who negotiates with the COC to say actually Suffolk County's doing an acceptable job, or Suffolk County has to act next year to borrow the money, or Suffolk County should act tomorrow to borrow the money to build another jail? Who's doing the negotiating with this group?

CHIEF SHARKEY:

I think, historically, it's been multi-pronged. It's been DPW, the Sheriff's Office and the County all together working with the State. It's not been one entity acting alone.

LEG. KRUPSKI:

Okay.

D.P.O. HORSLEY:

Okay? Good? Legislator Hahn. And let's see if we can wrap this up quickly.

LEG. HAHN:

I think there's also about 200 inmates who are there because they can't post bail. And so I think other communities around the nation find ways to deal with that as well, because if we're dealing with, you know, housing, low income individuals who, if they had had money, would be waiting their time on the outside and not us paying for -- to house them, and feed them and secure them. There's certainly something we should be looking into there.

D.P.O. HORSLEY:

Okay? We're good. All right. That's the last question. All right. What do we have, Madam Clerk? What motions do we have?

MS. ORTIZ:

Motion to approve only.

D.P.O. HORSLEY:

Motion to approve only? Okay, we're good.

LEG. BROWNING:

Second.

D.P.O. HORSLEY:

I believe we already had a second, right?

MS. ORTIZ:

(Nodded yes).

D.P.O. HORSLEY:

Okay. Do we need a roll call? Are we good with this? All those in favor? We're good? All those favor? Opposed? So moved, it has been approved.

MS. ORTIZ:

Seventeen.

P.O. LINDSAY:

Thank you. Okay. 1155A - Appropriating planning funds --

MS. ORTIZ:

I'm sorry, that was 18.

D.P.O. HORSLEY:

Eighteen. *1155A - Appropriating planning funds for the new Replacement Correctional Facility at Yaphank Phase II (CP 3008)(Co. Exec.).* What is this?

MR. NOLAN:

This is the bond.

D.P.O. HORSLEY:

This is the bond? Okay.

MR. NOLAN:

Same motion.

D.P.O. HORSLEY:

Okay. Same motion, same second. Roll call vote.

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

LEG. SCHNEIDERMAN:

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:

(Not Present)

LEG. CALARCO:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. KRUPSKI:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

MS. ORTIZ:

Seventeen. (Not Present: Legislator Montano)

D.P.O. HORSLEY:

Thank you. ***1310 - Authorizing a Concession Agreement at the Vanderbilt Museum (Presiding Officer)***. I'm sorry. Doc Spencer.

LEG. SPENCER:

Motion to table.

D.P.O. HORSLEY:

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

MS. ORTIZ:

Seventeen. (Not Present: Legislator Montano)

D.P.O. HORSLEY:

Okay.

LEG. SCHNEIDERMAN:

I'd like to do the Capital --

D.P.O. HORSLEY:

Okay. One second, Jay. I had made a promise earlier, but it got lost in the jail. Tom, do you want to make a motion, take it out of order?

LEG. BARRAGA:

I make a motion to take Home Rule Message 4 out of order.

LEG. CILMI:

Second.

D.P.O. HORSLEY:

Second by Legislator Cilmi. Tom, your mic's off.

LEG. BARRAGA:

I make motion to take *Home Rule Message Number 4* out of order.

D.P.O. HORSLEY:

Okay. All right. And a second on the motion. All in favor? Opposed? So moved.

MS. ORTIZ:

Seventeen. (Not Present: Legislator Montano)

D.P.O. HORSLEY:

Okay. Go to -- actually, I don't have it in the Manila folder, they're just in a pile here. So it is called the Home Rule Messages. We have several of them. This one is *Home Rule Message requesting the State of New York to authorize Suffolk County to discontinue the use of certain land for park purposes and sell such property to the First Baptist Church of Bay Shore (Senate Bill S.5298-A and Assembly Bill A.6138-B)*. And, apparently, the Reverend is still here. Would you like to make the motion.

LEG. BARRAGA:

I'll make the motion.

D.P.O. HORSLEY:

Motion by Legislator Barraga to approve, seconded by Legislator Cilmi. We're good? All those favor?

LEG. HAHN:

Wait, wait.

D.P.O. HORSLEY:

Oh, oh, oh, hang on.

LEG. SCHNEIDERMAN:

Give me a second.

D.P.O. HORSLEY:

Take your time.

LEG. SCHNEIDERMAN:

Was this to take a piece of parkland and sell it?

D.P.O. HORSLEY:

Okay. On the motion. Legislator Barraga, do you want to explain it?

LEG. BARRAGA:

Yeah. The First Baptist Church of Bay Shore is seeking to acquire a parcel of land adjacent to their existing property in order to construct the new community center. The parcel in question was obtained by Suffolk County through a tax foreclosure proceeding, and subsequently transferred to the Suffolk County Department of Parks, Recreation and Conservation, at which point it became considered dedicated parkland, even though it was never used for that purpose. This legislation is necessary to authorize Suffolk County to discontinue the use of this parcel as parkland and enable it to be sold to First Baptist. A replacement piece will be acquired and dedicated to the County of Suffolk to use as parkland for public park purposes. The replacement piece is currently owned by the First Baptist Church, Jay, so it's a swap.

LEG. SCHNEIDERMAN:

Obviously, my concern is the alienation of parkland issue, that -- which, obviously, we can't alienate without a public referendum and without State approval, so --

D.P.O. HORSLEY:

That's why it's a Home Rule Message.

LEG. SCHNEIDERMAN:

Okay. So the State's going to --

LEG. BARRAGA:

There's a bill in the Assembly and Senate ready to go. In fact, this is --

LEG. SCHNEIDERMAN:

And the two parcels are similar parcels?

LEG. BARRAGA:

Very similar parcel. In fact, the parcel that Suffolk County will receive is a much better parcel than the one they're giving up, believe me.

LEG. SCHNEIDERMAN:

Okay, sounds good.

D.P.O. HORSLEY:

Okay? We're good? Legislator Krupski.

LEG. KRUPSKI:

The parcel they're giving up, is that adjacent to County parkland?

LEG. BARRAGA:

No. It's almost -- it came about as a result of a foreclosure. It just sits there. On one side is the

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church, on the other side is privately owned property. Legislator, half of that property is unusable, the other half they need for a community center. But the piece two lots down from this piece is the piece that's owned by the church that's going to be now used as parkland, and it's a great piece of land.

LEG. KRUPSKI:

So the County can use this piece?

LEG. BARRAGA:

Absolutely.

LEG. KRUPSKI:

Okay.

D.P.O. HORSLEY:

Okay. Everybody good? Okay. All those in favor? Opposed? So moved, it has been approved.

MR. LAUBE:

Sixteen. (Not Present: Legislators Calarco and Montano)

LEG. BARRAGA:

First Baptist Church, be happy, go home.

*(*Laughter*)*

D.P.O. HORSLEY:

Amen, yes. Thank you. Congratulations. Okay. Robert we're going to move to the budget.

LEG. SCHNEIDERMAN:

Capital.

D.P.O. HORSLEY:

The Capital Budget. And I understand you have to distribute the revisions; is that correct?

MR. LIPP:

Yes.

D.P.O. HORSLEY:

Okay.

LEG. SCHNEIDERMAN:

While Robert does that, if I could offer some introductory comments.

First, I want to thank Robert and BRO. They did a really phenomenal job in guiding the Capital Working Group in trying to go line by line through this document. The County Executive, as well, I'd like to thank for giving us a Capital Program that I think we all thought was a pretty good Capital Program. And, you know, it's all about priorities, and we tried to focus on what made sense in terms of job creation and infrastructure; always difficult choices.

The big moving parts, obviously, the jail, which we've been discussing and we'll have to continue to discuss, because we got the information. The letter that came in I became aware of this morning, but came through Dennis Brown last -- yesterday afternoon.

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The College projects, which we moved forward, including the Eastern Campus, the sewer money, and the Shirley/Mastic area, you know, there's lots of moving parts here, but those are some of the bigger moving pieces.

And, Robert, I'm sure is going to provide some overview. But I wanted to thank the Presiding Officer as well for allowing me to chair this committee, and all the members of the Working Group. We spent a lot of time working and I think we came up with a very good product.

D.P.O. HORSLEY:

Thank you very much, Legislator Schneiderman. And while we're giving away the thank yous, thank you to you on your putting this package together. Nice job. At least we'll let you know in a few minutes.

*(*Laughter*)*

Okay. Robert, do you want to maybe go over this? Take a minute and just kind of brief us on the pile.

MR. LIPP:

Sure. Okay. So there was an amendment made today just to the -- to the one project that is the Phase II of the jail. And the Charter allows amendments to be made on the floor, so my understanding, I'll defer to Counsel on this, is that there was a problem in terms of an agreement on Phase II of the jail, so that what the original amendment had -- first of all, the proposed Capital Program by the County Executive had 50 million in 2015 and 50 million in 2016, or 100 million total. The original omnibus resolution deferred the full 100 million to subsequent years.

The change that was made during the day today, and is reflected in the copy that was just handed out, has 25 million, as opposed to 50 million in 2015, another 25 million, as opposed to 50 in 2016, and the final 50 million of the 100 in subsequent years. So it's 25, 25 and 50. So that's the change that was made. I'll do a pause on that if there's any questions on that before anything else.

LEG. SCHNEIDERMAN:

And that was in response to the letter that you saw from the Office of Corrections Attorneys -- Attorney, Mike Donegan I think was the name, Michael Donegan, and wasn't pleased that we had put all the monies into subsequent years. I had conversations with him, as well as Robert, and we had multiple conversations with the County Executive Branch today trying to come up with something that we hoped would satisfy the Office of Corrections and was a practical time line for the development of Phase II of the jail, and that's where we ended up with the 25, 25 and 50. And we don't know until we get a final determination from the Office was Corrections whether that will satisfy them. Nobody wants to lose those variances, and, clearly, putting all the money in subsequent years seemed like too large of a risk.

MR. LIPP:

Should I continue, or how do you want to work this?

D.P.O. HORSLEY:

No, go ahead.

MR. LIPP:

Okay. So there were a total of 51 projects amended that are in the Budget Amendment #1, and there were 200 -- just to put it in perspective, there were 2012 separate capital projects written up by BRO. So, if you do that kind of math, it was 24% of the projects had some sort of change. Of the 51, 28 were various additions, 15 were just -- were advancing funding, four deferred funding; three, either reduced or removed funding, and one project had the funding source changed.

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Okay. The project-by-project description of the 51 are in the index, which is the first part of the packet that you received. And, as I said, the only change from the original distribution -- by the way, we distributed the packet on Thursday late by e-mail. And, as we said in email, that we were handing it out to each of you today. So you had the old packet, now you have the new packet. Once again, the only change was how we handled the jail.

So some of the larger changes were that, Phase II of the jail. Another large change -- as opposed to going over all 51 and boring you to tears I'll just go over a few of the big ticket items, unless you have questions.

We advanced funding for the College requested STEM Center, and the Working Group recognized that as a potential major economic development initiative.

Next, we also advanced for the College the Health and Sports Facility at the Eastern Campus, and the Working Group felt that they wanted to recognize the College's master plan, and it was ready to be progressed, and that it was, in general -- over the history of the Legislature, there's been support, significant support for the College, so they felt that they wanted to continue that tradition.

Next, we did -- we didn't add really, actually we reduced slightly some of the energy conservation dollars, but we did advance some energy conservation dollars.

I'll apologize. I didn't realize the door was closed to the -- I don't know what I'm talking about. Okay. So I apologize.

Okay. So -- and the idea about advancing some of the energy conservation projects is these are ones that are ready to go. Thanks to Joe Schroeder, we did an analysis with DPW, and we felt that these were important simply because it has a relatively short payback period, so that over a few years, we would actually reap benefits from that in terms of lower net Operating Budget costs, which is an unusual thing, because, typically, even though we might lower costs in certain projects, usually the debt service outweighs those reductions, but that's not the case here. This would be a net reduction within a few years, even after you take into consideration what the debt service cost of the borrowing would be, not to mention the environmental effects of the energy projects.

There were several road projects that were either advanced or funding was added. And the idea there was we were trying to be -- well, I shouldn't say "we". I'm sorry. The Working Group was trying to be more proactive in addressing deteriorating roads and safety issues. As we all know, the traffic situation is very dangerous out here. And, if you want, I can provide you with this list here, and there were 10 projects in this particular that had these types of advances or additions to funding. So that was without going into more specifics.

Okay. Moving right along, unless you want to stop. And then, lastly, another significant one was the Riverhead County Center, the two projects there that needed some necessary repairs, improvements, also replacing of switch gear that the Working Group felt that couldn't wait any longer, really.

As a summary, the actions that the Omnibus or Budget Amending Resolution #1 took were as follows:

We increased funding in 2014 by a little over 18 million, and we decreased it by 6.7 million in 2015, and we decreased it by 35.5 million in 2016, and then -- but we increased it by 38 million in subsequent years. The overall impact was a 23 million dollar decrease over the three years, and that was largely due to how we handled the jail.

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More importantly, it's not the overall impact of the Capital Program, but what the impact is on the change in serial bonds, okay, because, for instance, if we're talking about increasing the Capital Program for State and Federal aid, then that's a good thing, other things being equal, because we're injecting dollars into the local economy, it's an economic engine there, and it's not going to be a local cost to taxpayers. What would be a local cost to taxpayers is the change in serial bonds or B money as we refer to it as. We don't really even look at the serial bonds that we refer to as X money, which is for sewer districts, because that's considered separate captive districts that have their own funding source and have their taxes sort of capped at 3% a year and can use Assessment Stabilization Reserve funds for that.

So, really, when you're focusing on changes, you really should look at the serial bond money only. In that case, what we did is we increased 2014 by 9.3 million, and we decreased it in 2015 and '16 by a total of 13 and 33 million each of those two years, for a three-year total program of a decrease of 36 million and change.

When it comes to looking at property tax impact, the way we look at it in Budget Review is we look at a three-year program. The five-year program last two years, subsequent years, we don't consider that part of the property tax because it's too far into the future to figure out what's going on. So the property tax impact, there are different ways to do the calculation. The way we did it, without going into specifics, unless you want, resulted in once again an overall decrease of 36 million, which translates into a decrease, if it was on the property tax, of \$4.15 per year to the average homeowner, or 83 years over the life of -- \$83 over the life of basically three 18-year bonds.

So I will stop now.

LEG. SCHNEIDERMAN:

Robert, just hold on. For clarification, when you're talking about an increase, you're increasing over what the County Executive proposed?

MR. LIPP:

This happened to be a decrease.

LEG. SCHNEIDERMAN:

Or decreasing over what the County Executive proposed.

MR. LIPP:

Yes. What's important to understand here, the dialogue is we're making amendments to the County Executive's proposed program, so we're looking at changes and speaking to changes from that program.

LEG. SCHNEIDERMAN:

Right. Now you've also done some comparisons to 2013 versus what we're proposing for 2014.

MR. LIPP:

Correct. Okay. So, first of all, these are the changes we just spoke to over here. That is an overall decrease in the three-year program for serial bonds of 36 million dollars, and that you could label that because of the jail. And then, if we talk about comparison of our Capital Program, how would you like to -- what is your specific question?

LEG. SCHNEIDERMAN:

Our Capital proposed Program for '14 compared to 2013, the actual.

MR. LIPP:

Okay. So our omnibus resolution compared to the 2013 to '15 adopted Capital Program showed a decrease of 11.9 million in serial bonds in the first year of the program across all districts, so it was a 29 million dollar decrease. But, once again, the important thing is the yellow number, the local cost of serial bonds. However, over the course of three years, it was higher, 95 million dollars higher. But the proposed program was even more significantly higher than that, was over 130 million dollars higher, because, as you could see over here, we reduced the program by 36 million, should this resolution pass. And so, okay, I will -- I will stop now, unless there's specific questions.

D.P.O. HORSLEY:

Thank you very much, Robert. We do have a couple of questions. Legislator Cilmi.

LEG. CILMI:

Robert, thanks for this presentation. Thanks to the Working Group for the work.

Just a question with regard to the -- not quite the last item in Budget Amendment #1, but the three changes prior to the last item. So it's CP 8710, 8715, and 8730 are items that were changed from Water Quality funds to serial bond funding. Could you explain that -- those changes?

D.P.O. HORSLEY:

Okay.

MR. LIPP:

Very simply, the Working Group, the way I understood it best, thought that these were important Water Quality projects, and recognized that there was insufficient Fund 477 Water Quality monies to be paying for these, not to mention the fact that we were supposed to work with the Water Quality Review Committee. So it was felt that if we were going to advance these projects, it would be appropriate to put them in as serial bonds, as opposed to Water Quality sales tax money.

LEG. CILMI:

What sort of precedent does that set, if any? I mean, if we're running out of Water Quality money and there are valuable projects that members want to pursue in terms of drinking water protection that would traditionally come out of Water Quality money, are we going to now start taking that out of -- are we going to start appropriating serial bonds for those projects?

MR. LIPP:

Well, in these particular cases that you're referring, the answer, I guess, would be yes.

LEG. CILMI:

In these cases, the answer would be yes. But going forward, is that going to be a direction that this body is going to take? I guess I would seek counsel from our Presiding Officer as to your opinion on that, Bill.

P.O. LINDSAY:

If I have anything to do with it, we won't.

LEG. CILMI:

Okay. What's your -- if you don't mind me asking, and I apologize for --

P.O. LINDSAY:

If we don't have the money, we can't spend it.

LEG. CILMI:

Right.

MR. LIPP:

The only thing I could add to that is if you do adopt this resolution and you do have grave concerns over that, I mean, you clearly do have one more bite at the apple, that is you would need to appropriate the money next year by resolution, and you could vet out that policy option and determine whether or not that's a good idea or a bad idea.

LEG. CILMI:

Right. So on balance, I think the overall plan that the Working Group put together is sound. I don't like those three -- those three changes. And I guess I'll have to -- I'll have to articulate that and vote accordingly when the resolutions themselves come before us. Thanks, Robert.

D.P.O. HORSLEY:

Okay. Thank you very much, Legislator Cilmi. Legislator Montano.

LEG. MONTANO:

Hi, Robert. Robert, I want to go back to the jail issue and the letter that was sent out. I didn't get the letter until this morning, and really wasn't on the committee. So the first paragraph for the letter talks about the County altering the capital project -- I'm going to read from -- "Altered the capital project by substantially delaying the agreed-upon Phase II." What Capital Budget are they talking about? Are they talking about last year's Capital Budget, the year before? Which Capital Budget are we referring to?

MR. LIPP:

They're talking about this one here, the proposed and what will soon be adopted 2014-2016 Capital Program.

LEG. MONTANO:

Right, but they talk about a change in the capital project.

MR. LIPP:

Correct.

LEG. MONTANO:

So what change are they talking about, from last year's Capital Budget?

MR. LIPP:

From the -- I believe what they're talking about is from the proposed Capital Program. Actually, the general counsel for the --

LEG. MONTANO:

Oh, from the County Executive's proposed.

MR. LIPP:

Yes, that's my understanding.

LEG. MONTANO:

Did the County Executive -- what were the changes in the proposed budget from the Capital Budget that we approved last year; do you know?

MR. LIPP:

We're going to look that up. I know that the -- it was all in subsequent years last year, I believe, but Benny's going to look it up now. I believe we had 113.8 million in subsequent years last year, but he'll look that up to confirm whether or not I'm accurate.

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LEG. MONTANO:

All right. So, if in last year's Capital Budget it was -- the money was in subsequent years, is that what you're telling me, you think?

MR. LIPP:

That's my understanding and he's going to --

LEG. MONTANO:

Okay. So what the committee did this year was continue the money in subsequent years?

MR. LIPP:

Yes.

LEG. MONTANO:

Are we talking about an equal amount of money?

MR. LIPP:

No, we're talking about a lesser amount of money, if I'm correct.

LEG. MONTANO:

Can you give me the numbers so I can play catchup?

MR. LIPP:

Yes. So who's better than me? I was right, 113.8 million in subsequent years in this past year's 2013 to '15 adopted Capital Program. The proposed Capital Program has the money split into 2015 and '16, therefore, advancing it. But the amount is reduced from 113.8 to 100 million even.

LEG. MONTANO:

All right. So we're talking -- so forget about the 13 million. We took the money from subsequent years -- well, the County Executive took the money from subsequent years and proposed that it be divided in two years?

MR. LIPP:

Correct, 2015 and 2016, half in each.

LEG. MONTANO:

And the committee took the money and put it back in subsequent years?

MR. LIPP:

Yeah, so --

LEG. MONTANO:

That's what they're proposing.

MR. LIPP:

That's -- no. The committee originally proposed that, and then today, because, really, because of that letter that you're referring to, there was a lot of back and forth.

LEG. MONTANO:

Right. I'm going to get to that now. That's what Legislator Schneiderman was referring to. And I didn't catch all of that, so I'll get to that issue.

So what's on the table now is -- could you repeat what's on the table --

MR. LIPP:

Sure.

LEG. MONTANO:

-- as we sit here now and what we're voting on.

MR. LIPP:

Okay. So now, instead of originally having the 100 million in subsequent years was the -- what was released from the Working Group is the omnibus last Thursday. Now, as of -- you know, within the last hour, what it is is 25 million in 2015, 25 million in 2016, and the remaining 50 million in subsequent years. So it's the same total dollar amount as proposed, 100 million, but the years are split different.

LEG. MONTANO:

All right. If I may to Legislator Schneiderman, because I think you said you're the one that spoke with the author of this letter, Mr. Donegan, is that his name?

LEG. SCHNEIDERMAN:

(Nodded yes).

LEG. MONTANO:

I wasn't clear on whether or not you stated that you have reached an accord, or you think you reached an accord, or you think that what you're proposing is going to be satisfactory. Those are three -- three different concepts legally. Which one are we at?

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

LEG. SCHNEIDERMAN:

Okay. So Mr. Donegan, I think is his name, was not specific. He was specific that they weren't happy with the subsequent years. What his main -- the main thrust of the conversation was that he wanted -- he was getting a different message from the County Executive than from the Legislature and wanted us to be on the same page. He said he doesn't know how much it's going to cost or the timing of constructing the jail. He just wants to make sure that we're proceeding expeditiously with it.

It's a bit of a guessing game. By forwarding 50 million and putting it -- I had a conversation with Commissioner Anderson; he thought possibly some site work could be done in 2015, and so that's why there's money in 2015 and '16. I still -- I'm hoping that the prison population isn't an anomaly, that it is moving in the right direction, it's going down. Maybe Phase II doesn't have to be as large as we think, as we've discussed.

LEG. MONTANO:

Right, but I don't want to go there, Jay.

LEG. SCHNEIDERMAN:

No, I understand.

LEG. MONTANO:

I want to stick to the letter and, you know, where we're at. And with the --

LEG. SCHNEIDERMAN:

Well, no. So again, I'm -- this proposal assumes we are doing Phase II as a \$100 million project, but it forwards the money and we hope that the Office of COC will say, "Yes, that satisfies us."

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LEG. MONTANO:

Right, but we don't -- the answer to the question is we don't -- you don't know.

LEG. SCHNEIDERMAN:

It's a guessing game.

LEG. MONTANO:

Okay. If I may, with Mister --

LEG. SCHNEIDERMAN:

It's a good faith try.

LEG. MONTANO:

All right. Mr. Lindsay, I'd like to hear from the County Attorney?

P.O. LINDSAY:

Mr. Brown?

LEG. MONTANO:

Good afternoon, Dennis.

MR. BROWN:

Good afternoon.

P.O. LINDSAY:

(Inaudible).

LEG. MONTANO:

Mr. County Attorney.

MR. BROWN:

Yes.

*(*Laughter*)*

LEG. MONTANO:

See, he smiled *(laughter)*. Did you hear what Legislator Lindsay said?

MR. BROWN:

It was probably good, I'm sure.

LEG. MONTANO:

It was. He said that every time I call you the County Attorney you smile, so we're going to keep you smiling.

Mr. County Attorney, were you in on the negotiations that Legislator Schneiderman is talking about and, you know, were you privy or part of the conversation with Mr. Donegan?

MR. BROWN:

No.

LEG. MONTANO:

All right. Well, this letter is addressed to you --

MR. BROWN:

That's correct.

LEG. MONTANO:

-- as County Attorney. Have you been in contact with Mr. Donegan?

MR. BROWN:

No.

LEG. MONTANO:

Okay. That's somewhat awkward for me.

LEG. SCHNEIDERMAN:

Robert Lipp did speak with Mr. Donegan as well.

LEG. MONTANO:

Right, but the letter was addressed to our County Attorney.

MR. BROWN:

True, the letter was addressed -- was addressed to me and, as you know, it specified that the variances were in danger of loss if the Capital money is pushed out into the subsequent years. I agree with the characterization of the letter --

LEG. MONTANO:

That's not what the letter says. The letter -- if I may. The letter -- unless I'm not where you're at, the letter says that it would substantially alter the County's Capital Program by substantially delaying it. So it doesn't really say about subsequent years. It may imply subsequent years.

MR. BROWN:

Yes, it does imply subsequent years.

LEG. MONTANO:

All right.

MR. BROWN:

I mean, because we have a proposed budget and a proposed, you know, was proposed with money in '15 and '16 and as amended with moving that money into subsequent years. And that's -- I believe -- I agree with the characterization by Mr. Lipp as to what that first paragraph refers to, namely the amendment of the proposed Capital Budget.

LEG. MONTANO:

Right. And I think --

MR. BROWN:

As you go on in the --

LEG. MONTANO:

I think we're on the same -- I think we're reaching an accord here. Because the letter also cites the stipulation --

MR. BROWN:

Correct.

LEG. MONTANO:

-- of settlement.

MR. BROWN:

Correct.

LEG. MONTANO:

And I think you said earlier, you haven't had an opportunity to review the entire file; am I correct?

MR. BROWN:

That's correct.

LEG. MONTANO:

And I haven't seen any of the files, so we're both -- you're at least a couple of steps ahead of me on that. As an attorney, I would not want to vote on anything that would violate a court order. What I'm asking you is whether or not you can assure me that by voting on this Capital Budget as proposed by Legislator Schneiderman complies with the stipulation of settlement and that you've reached an accord with the State Department of Corrections on this issue.

MR. BROWN:

No accord has been reached and I can't assure you of anything, but I can say that as the Omni has been amended, it's closer to being in accord with the stipulation than as -- than as the Omni is originally presented.

LEG. MONTANO:

Right. No, I get that. I get that we're closer, but I don't want to be closer, I want to be there. I want to know that you -- you know, that you -- I'm surprised, quite frankly, that you haven't spoken with the author of the letter, you know, attorney-to-attorney, because you represent us. So if, in fact, the Counsel has an issue, then -- you know, and I don't mean this -- you know, I know a lot has been happening, but I rely on you to tell me, "*Yeah, we worked this out. We have an accord.*" That's the way we work as an attorney, we have -- or as attorneys. "*We have an accord. I spoke with him, we agree that this is going to satisfy the concerns and the letter and, therefore, you're clear and you're authorized and you're okay to do this because no one's in jeopardy,*" et cetera, et cetera.

MR. BROWN:

I did not speak with him and I don't think that anybody here -- including Legislator Schneiderman who did, in fact, speak with him and Mr. Lipp speak with him -- can state with any degree of assurance that anything would satisfy them.

LEG. MONTANO:

Right. But they're not attorneys, so they don't represent us. They represent -- Legislator Schneiderman represents his own view.

MR. BROWN:

And that's true. But --

LEG. MONTANO:

And Mr. Lipp represents -- but you represent the Legislature as a whole.

MR. BROWN:

I represent --

LEG. MONTANO:

So what can you tell me?

MR. BROWN:

I represent the Legislature and the County Executive and all of the officials of the County, that's correct. But the letter, as it was drafted, it expressed what the risks were if the Capital Budget was adopted as the Omni is presented, and changes have been made in response to that. The Legislature -- I'm sorry, the author of the letter also suggested that perhaps he can come and talk to the Legislature, but that's not until after --

LEG. MONTANO:

Right.

MR. BROWN:

After that ends, after June 21st, exactly. And as you know, we have a June 30th deadline with respect to the adoption of the Capital Budget anyway.

LEG. MONTANO:

I understand that.

MR. BROWN:

So the letter as it was drafted, it didn't warrant me to make a telephone call to him because it was advisory of what could happen should the Legislature, to quote the letter, took precipitous actions.

LEG. MONTANO:

Let me ask you this. As County Attorney, did you have communication with the State Department of Corrections prior to the County Executive's submission of the Capital Budget?

MR. BROWN:

No. And in fact, Legislator Montano, when I saw this in my e-mail last night, this came at 4:31 --

LEG. MONTANO:

Yeah, it came late. It's dated yesterday.

MR. BROWN:

Yeah, and I saw this last night, I never had any dealings with the Commission on Corrections. Because as --

LEG. MONTANO:

Who handled -- obviously someone in your office handled the case, right?

MR. BROWN:

That was in 2004, yes.

LEG. MONTANO:

So there's been no action on this since 2004?

MR. BROWN:

No.

LEG. MONTANO:

So this came out of the blue then.

MR. BROWN:

Absolutely. I had gotten a stipulation of settlement and the letter from Al Tisch yesterday morning, at 4:30 this came. As far as the Phase II is concerned, it's been the product of negotiations between DPW, the Sheriff's Department and the County Executive's Budget Office.

LEG. MONTANO:

So we -- so then we don't really know -- we don't have a definitive understanding with anybody on this, then, really is what it comes down to. We're shooting in the dark here.

MR. BROWN:

I wouldn't characterize it that way, but --

LEG. MONTANO:

How would you characterize it?

MR. BROWN:

I would characterize it as a reasonable approximation of trying to comply with standards which the Commission on Corrections haven't informally articulated to us, other than the fact to say that putting \$100 million in subsequent years is not satisfactory and tends to jeopardize the variances.

LEG. MONTANO:

All right. So what happens if the scenario is that we go along with what is put on the table now and we approve it and then the State Department of Corrections says, "You know what? I don't really think that complied with our letter and I don't think it complied with -- it complies with the stipulation of settlement." So what position are we in?

MR. BROWN:

You know, between --

LEG. MONTANO:

Jon, if you want a piece of this, come on in.

MR. SCHNEIDER:

Yeah. I mean --

LEG. MONTANO:

Come on in. The water's fine.

MR. SCHNEIDER:

I think the short of it is that what the County Executive -- what we would be looking to do, assuming the budget is approved with these numbers by the Legislature, is we believe we can take a good case forward to the COC on the County's behalf and push for these numbers which we believe --

LEG. MONTANO:

So you're happy with the numbers that were proposed by Legislator Schneiderman, is that what you're telling me? You're content with the alteration to your proposed Capital Budget.

MR. SCHNEIDER:

I am comfortable taking this -- the County Executive is comfortable taking this budget forward to the COC on behalf of Suffolk County and we believe that we can make a good case, that this demonstrates good faith.

D.P.O. HORSLEY:

May I interrupt just one second?

LEG. MONTANO:

Go ahead.

D.P.O. HORSLEY:

Also, Legislator, one of the concerns that the COC did say was that they wanted to make sure that we were on the same page, and this document puts us on the same page.

LEG. MONTANO:

What page is that?

*(*Laughter*)*

MR. SCHNEIDER:

The same one.

D.P.O. HORSLEY:

The page that we agree on our numbers, we're not in subsequent years, they're on the --

LEG. MONTANO:

Okay, I gotcha. I misunderstood what you meant.

So Jon, what you're saying is that you want us to approve this amendment to the Capital Project and that you're going to assume responsibility with the State division -- State Department of Corrections in terms of making sure that, number one, we don't violate this. And they're also kind of threatening here, because not only do they threaten to take away our variances, to seek enforcement, blah, blah, blah, and they also say, "Any other relief as may be warranted under the terms of the stipulation"; I don't know if that means contempt or not. Would you know that, Dennis?

MR. BROWN:

I believe it's just the variances and holding us to what they stated were the previous bed requirements. I think it's about -- they were asking for in Phase I over 600 beds, so I believe that it's the variances and those bed requirements. No issues of contempt.

LEG. MONTANO:

Okay. You know, all I could say is that I'm uncomfortable, and I don't mean this as a criticism, but I'm uncomfortable with the fact that direct communication was made with Counsel from, you know, someone in your office, Dennis, to be quite blunt. Because that's normally the way that we engage in these activities. It's not to be delegated, in my opinion, to a Legislator, it really is a legal issue; is it not?

MR. BROWN:

I don't -- I understand --

LEG. MONTANO:

And I don't mean to -- you know, I respect you.

MR. BROWN:

I don't take -- I don't take any offense, because I wasn't present when Legislator Schneiderman or Robert Lipp spoke to their general Counsel, and this letter came and it was the subject of conversation this morning.

LEG. MONTANO:

Right, I saw the activity.

MR. BROWN:

Yeah, and this lasted for several hours this morning. So actually no decision and no opportunity really presented itself. And like I said before, I didn't really think that the letter, as it was drafted, required, you know, a response from me to Mr. Donegan. He -- you know, it was really a letter that was setting forth what the position is of the Commission on Corrections and what could happen in the event that the budget was adopted as it was proposed.

LEG. MONTANO:

Right, and that's my point. I don't mean to be argumentative, but the issue is that the letter to me clearly says that you've altered the proposed Capital Budget and that's unacceptable to us. And even the solution that's proposed by Legislator Schneiderman, in his conversations with Mr. Donegan, still alter the proposed Capital Budget and we don't have assurances that that is an agreeable, you know, result from the State Department of Corrections position, and they still have the power to, you know, withhold the variances or do whatever else they threaten to do; am I right?

MR. BROWN:

You're correct.

LEG. MONTANO:

All right. I'm not going to belabor this. Thanks a lot.

LEG. SCHNEIDERMAN:

Just on the record, I just need to clarify it, because my conversation --

LEG. MONTANO:

Go ahead.

LEG. SCHNEIDERMAN:

-- with Mr. Donegan was not any specific numbers. I just called for clarification, as Chairman of the Working Group.

D.P.O. HORSLEY:

That's correct.

LEG. SCHNEIDERMAN:

I didn't say, "What if we did this, what if we did that?" What exactly were they looking for.

LEG. MONTANO:

Right.

LEG. SCHNEIDERMAN:

What exactly did they mean by the letter.

LEG. MONTANO:

What did he say?

LEG. SCHNEIDERMAN:

He said that he doesn't know how much it's going to cost or the timing for the jail. He just wants to make sure we're moving forward in good faith and that the Executive Branch and the Legislature are on the same page, because he's getting conflicting positions. We felt, Robert had spoken to him, too, in terms of the timing of it that subsequent years was a legitimate timeframe for doing Phase II. I guess the Administrative branch had put it in beginning in 2015 the construction, so there was a fundamental difference in terms of the sequencing of Phase II.

LEG. MONTANO:

I'm not sure that that addresses the concerns I have, because I'm looking for a definitive statement that, yeah, you know what -- because the letter implies that the alteration to the Capital Budget that the County Executive proposed, therein lies the problem. The solution that you've come forward still alters the proposed Capital Budget.

Now, it's agreeable to the County Executive, it may be agreeable to us, but I don't know that it's agreeable to this third party, and you can't tell me that it is or isn't.

LEG. SCHNEIDERMAN:

I don't either. I mean, there -- over the next two weeks I guess they'll reach out and if it's not agreeable, there's always the possibility of a veto and then you're back to the County Executive's proposal.

LEG. MONTANO:

That's what I was going to ask you; what happens if we pass this budget and they call up tomorrow and say, "*You know what? We're not -- we had a chance to meet and we're not in agreement with that,*" where do we go? How do we correct the problem? What if they insist that we go back to the Capital Budget that was proposed by the County Executive as an only condition to not pull the variances?

MR. SCHNEIDER:

Right. We would have a veto as an option.

LEG. MONTANO:

And then what happens?

MR. SCHNEIDER:

Then we would ask you not to override it.

LEG. MONTANO:

And the money is restored.

MR. SCHNEIDER:

And that would restore the money at the amount that we know keeps the variances.

LEG. MONTANO:

All right. And that raises the Capital Budget by \$50,000 in -- I mean \$50 million in 2015 and 2016.

MR. SCHNEIDER:

Well, off the amended budget it would raise it by 25 in both '15 and '16.

LEG. MONTANO:

Right. So then we're -- so I stand corrected, we're not amending it by 50 per year, it's 25 per year, so it will be 50,000 more than we're passing now.

MR. SCHNEIDER:

Correct.

LEG. MONTANO:

And you guys can live with that.

MR. SCHNEIDER:

We believe -- again, we believe that we can take that case forward and we believe we have a remedy in hand if we're not able to successfully make that case.

LEG. MONTANO:

All right. And when is the date that he has to veto the -- Counsel, when does he have to veto it, 15 or 30?

MR. NOLAN:

I think he has 10 days on the Capital Budget amendments.

LEG. MONTANO:

And by when do we have to -- because the letter says that the Legislative session ends -- these new glasses are a little off.

MR. BROWN:

The 21st.

LEG. MONTANO:

June 21st. Is this going to be resolved by June 21st, I mean on our end?

MR. SCHNEIDER:

Oh, absolutely.

LEG. MONTANO:

It will be done by the 18th? All right, thanks a lot. I appreciate it.

MR. SCHNEIDER:

You bet.

D.P.O. HORSLEY:

Thank you very much, Legislator. Legislator Gregory.

LEG. GREGORY:

Thank you. I wanted to thank Robert and BRO for their efforts, thank Jay for chairing the committee and the members of the committee. My statement -- I really more have a statement. I'm actually a cosponsor on the bill.

I think with -- you know, with the budget crisis that we're in and we're concerned about spending, one of the concerns that was pointed out to me -- and to be honest, I'm not as familiar with the Capital Program as I am -- or comfortable with it as I am with the Operating Budget. I have a problem with the ranking system, and I kind of mentioned these concerns to Dr. Lipp.

Just going through it, to me it doesn't make -- it doesn't really make sense. I would like to see something more along the lines of what we do with our Preservation Program; we have a 100-point system where there's a threshold, there's no threshold. And the reason I bring that up, it seems like there's some subjectivity in the rankings. Like for instance, just to make the point, I think in 1416 or 1815, the Enterprise Agreement, the County Executive ranked that program at 46, BRO ranked it at 15 and it's being funded. So obviously there is some disparity and something has to, you know, I would think, just assuming some subjectivity is the reason for that disparity in the numbers. Most of them were pretty close, if you look at what's being amended, but there are some with wide disparities in the numbers. And I think now that we're really, you know, trying to keep an eye on our spending, that we certainly have to look at the scheme and the mechanism for which we rank and prioritize these projects. It's not really -- actually, it's not really even a prioritization if there's

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no threshold, we're just giving a number to a project and funding it.

So we should establish some threshold. I would like to work with Jay maybe over the next year to kind of establish something like that, and I think it would be in our best interest to do that. Because some of these lower ranking projects are more monies than projects that have 70 and 69 scores, which is maybe the reason why they rank low because they cost so much, I don't know. But I certainly think that we need to look at how we rank these. But I think the Working Group did an excellent job and I commend them for their efforts.

P.O. LINDSAY:

Okay. John Kennedy? Legislator Kennedy?

LEG. KENNEDY:

Thank you, Mr. Chair. All right let me see how I'm going to do this. So Robert, before we just went through this modification with the jail funding, where was -- what was the total amount for 2015 with the Budget Working Group modifications?

MR. LIPP:

If I understand you correctly, which I may not, what you see in front of you now is what the amendments were prior to the adjustment made today.

LEG. KENNEDY:

I would love to tell you I could see that, Robert, but either I go to that or you tell me what that number is; I can't see it.

MR. LIPP:

Okay. Is that a little better? I'm sorry. Okay. So what you can see here is -- and let me do the two side-by-side, if you will bear with me for a second.

LEG. KENNEDY:

I'm trying to see 15.

MR. LIPP:

Hold on. Okay. Wait, I don't have the right one. Okay, here we go. Okay, so this is 2015 over here.

LEG. KENNEDY:

Yes.

MR. LIPP:

The relevant number is to look at the serial bonds which are 38 million, a decrease of 38 million from the proposed program based upon what was originally amended prior to today. Now, instead of 38 million in 2015, it's 13 million in 2015; the difference being the 25 million that we added to 2015 for the jail, Phase II. In other words, it was just 25 million in each year --

LEG. KENNEDY:

So we're still -- even with this 25 million restored back to '15, we're still 13 million below what the Exec sent over to us for 2015.

MR. LIPP:

For serial bonds, yes.

LEG. KENNEDY:

Okay. All right. Then I guess I need to find out from Mr. Anderson, or Commissioner Anderson,

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through the Chair -- this is like de ja vu all over again for me with the jail, huh? How much would we probably be in a position to spend in 2015, even if we said at this point, "Build them all. Build all 360 additional cells." We just committed 3.9 mil to go ahead and design it and we're going to go for more. How much in 2015 would we be in a position to be able to spend?

COMMISSIONER ANDERSON:

If everything went smoothly --

LEG. KENNEDY:

Which it never does, but go ahead.

COMMISSIONER ANDERSON:

If everything went according to plan and when got some direction from COC and we know where we're going, in 2015 we could spend -- we could go out -- we could appropriate the entire funding to go out to bid for the package as one package. So whether that's a hundred thousand or 80, but yes, we could spend -- we wouldn't spend, but we could appropriate.

P.O. LINDSAY:

Gil, I can't hear you.

COMMISSIONER ANDERSON:

It might be more me. How's that?

P.O. LINDSAY:

Better.

COMMISSIONER ANDERSON:

Yeah, okay. Sorry. In 2015, we could be in a position to appropriate the entire amount needed for construction.

LEG. KENNEDY:

Okay.

COMMISSIONER ANDERSON:

So that could be a hundred thousand, it could be whatever --

LEG. KENNEDY:

When you say a hundred thousand, you mean like 100,000 per cell.

COMMISSIONER ANDERSON:

A hundred -- no, I apologize; a hundred million.

LEG. KENNEDY:

A hundred million.

COMMISSIONER ANDERSON:

Yeah.

LEG. KENNEDY:

So that's the ballpark for another 360 cells, six pods of 60 each, about a hundred mill?

COMMISSIONER ANDERSON:

It's actually a little more than that. It's around 115, a hundred and ten, a hundred fifteen. But this is a place saver right now, as we get closer we'll know exactly what we're up against.

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LEG. KENNEDY:

Okay. All right, thank you. And then Mr. Chair, if I can invite Mr. Schneider up just for one last --

D.P.O. HORSLEY:

Sure.

LEG. KENNEDY:

All right, John. So we're kind of moving through the process here and then we've just -- I guess the last piece to this is if we all get on board here and you believe, you have a good faith belief that this will be something that the Commission will embrace. But if it doesn't, then you'll veto which restores us to another 25 million for '15, taking us eight million over what you sent us, right? Because we'd be up another 25 million.

MR. SCHNEIDER:

Yes.

LEG. KENNEDY:

But, see, the problem I have with that is, is this Budget Working Group worked for two, almost three weeks making a series of changes and we funded and shifted and added a lot of items not cognisant of where we were going to be with this now.

LEG. HAHN:

(Inaudible).

LEG. KENNEDY:

All right. I'll yield. Thank you, Jon.

MR. SCHNEIDER:

You bet.

LEG. KENNEDY:

Thank you. I'll yield.

D.P.O. HORSLEY:

Thank you very much, Mr. Kennedy.

Okay, we're going to skip over Kate for a minute and we'll go to Robert Calarco.

LEG. CALARCO:

Thank you. And through the Chair, if I can have the County Attorney come up first. I'm not ready to quite let go of this jail thing yet.

Dennis, the stipulation. What does it say? I'm not an attorney. I've read it, I guess I don't understand it. What does it exactly say? Does it give us a date --

MR. BROWN:

The stipulation --

LEG. CALARCO:

A timeframe that we must build things by? What does it actually do?

MR. BROWN:

Actually it does not. The stipulation grants the variances with respect to the sprung structures provided that certain plans are submitted to the Commission on Correction, the Commission of

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Correction within timeframes, and it references back to the 2000 and -- I think it's a 2004 or a 2003 letter, I guess it's a letter agreement between then Sheriff Tisch and the Commission. That letter does not specify what the timeframes are with respect to the Phase I and the Phase II construction.

LEG. CALARCO:

So there's nothing in writing anywhere that tells us when we actually have to --

MR. BROWN:

There might be. The Commission sent over to me yesterday morning --

LEG. CALARCO:

Nothing that you're aware of.

MR. BROWN:

At the present time, that's correct.

LEG. CALARCO:

Okay. The letter from the Commission says that their ability to pull the variances are actually their authority under the stipulation, correct?

MR. BROWN:

I'm sorry, say that again, please? I was looking at the letter.

LEG. CALARCO:

I'll read the line, it's here in the third paragraph, they say, "If the County were to violate the aforesaid stipulation, the Commission will seek to enforce its rights there under. These may include pulling our variances."

MR. BROWN:

That's correct.

LEG. CALARCO:

Who decides that we're in violation of the stipulation?

MR. BROWN:

The ultimate --

LEG. CALARCO:

Does the Commission of Corrections have that authority to decide that on their own accord?

MR. BROWN:

No. They would make the assertion that --

LEG. CALARCO:

They would have to assert --

MR. BROWN:

That's correct.

LEG. ROMAINE:

-- to a judge --

MR. BROWN:

That's correct.

LEG. ROMAINE:

-- that we violated. Before they pull these variances that we have authorized by this vari -- by the stipulation, they have to assert to a judge that we're in violation of a stipulation that has no time line actually spelled out that we're aware of, that you are aware of.

MR. BROWN:

In actuality, they probably have the authority to pull the variances and we would probably respond to that with litigation stating that we have not violated the stipulation nor the 2004 letter.

LEG. CALARCO:

Well, the stipulation actually grants us the variances; do they not?

MR. BROWN:

That's true. But they --

LEG. CALARCO:

So they would be in violation of the stipulation if they pull our variances without being able to prove that we're in violation of the stipulation.

MR. BROWN:

And we would go to court and try and seek to enjoin their action.

LEG. CALARCO:

Okay. Well, they can pull them, but we have a due right to seek redress.

LEG. MONTANO:

Right.

D.P.O. HORSLEY:

You're answering questions and asking.

LEG. CALARCO:

They can't just pull them as an act of the Commission, which they would normally be able to do.

D.P.O. HORSLEY:

Okay. Speak to him.

LEG. CALARCO:

Okay? Is that -- am I understanding that correct, Mr. Brown?

MR. BROWN:

It would serve our due process rights, that's correct.

LEG. CALARCO:

Okay. So while the Commission is asserting that our not moving this project forward beyond subsequent years at this time is a violation of the stipulation, we can very easily argue the converse, that we are in compliance with the stipulation, that we are looking to do this, we just actually approved the planning funds earlier, but we just don't believe construction is going to be ready. And if I heard correctly from Legislator Schneiderman earlier, Mr. Donegan, who authored this letter, doesn't actually have any clue about when the County would be prepared to construct this jail or how much it would cost. Correct? That was what he represented to you, correct?

LEG. SCHNEIDERMAN:

Yeah, he said he wasn't in a position to say what it would cost or the timeframe. He just wanted to make sure that we were moving forward expeditiously with it.

LEG. CALARCO:

Sure, we just passed planning money, so that's moving forward expeditiously.

LEG. SCHNEIDERMAN:

That's, I guess, up to them to make that determination. But he was concerned that he was getting different signals from the Legislature versus the County Executive and wanted to see us all unified.

LEG. CALARCO:

Okay.

LEG. SCHNEIDERMAN:

I don't know what it all means.

LEG. CALARCO:

(Laughter) I'm trying to sort it out myself. But I think what I'm hearing is that it doesn't really matter when we put the construction money into this as long as we are in agreement with the County Executive that we're going to move forward when we're ready to move forward, and that we are trying to work our way through that process.

Mr. Anderson, as -- I had asked the question earlier about doing this project piecemeal, as we did in the original first phase of this jail where we did various bids to do the project so that we spread the money out over many years. If we go as is right now without getting agreements from the COC to do, as we did in Phase I, when would you actually be able to put something out to bid to construct?

COMMISSIONER ANDERSON:

Again, as I've stated, we would, if everything goes correct --

LEG. CALARCO:

No, no, no. If we pass the budget as is right now --

COMMISSIONER ANDERSON:

Right.

LEG. CALARCO:

-- and you do not get any agreements from the Commission of Corrections, which we don't have right now, saying that we can do this in phases, as we did in the first part of the jail, when would you actually put this out to bid?

COMMISSIONER ANDERSON:

Assuming that nothing changes, it's the same 360 cells, we would not be able to put it out until we had all the funding in place.

LEG. CALARCO:

Which would be somewhere in subsequent years.

COMMISSIONER ANDERSON:

Correct.

LEG. ROMAINE:

Under this proposal.

COMMISSIONER ANDERSON:

Correct.

LEG. CALARCO:

Okay. So --

COMMISSIONER ANDERSON:

But --

LEG. CALARCO:

-- this really, this amendment doesn't really do anything different from what the original plan was other than moving some money to some years that can't get spent.

COMMISSIONER ANDERSON:

If I may. The COC, we have been in correspondence with the COC over the years. They -- the last correspondence and the last schedule that we sent to them, which was last year, year before, talked about being into Phase II construction in '14. So that's the documentation that they have from the County as far as commitment into Phase II.

Now -- and, you know, again, that's why I believe they're pushing this issue, that they want to see the best effort that the County can make in constructing this facility, whatever it turns out to be. As of right now, money notwithstanding, the process itself to bring a consultant in to develop what the facility is going to be and actually develop the plans and go out to bid, we would, at best, be able to go to actually shovel in the ground middle of 2015.

LEG. CALARCO:

If we pass this proposal, if the County Executive ends up vetoing it, when would you put something out to bid, under the County Executive's proposed budget?

COMMISSIONER ANDERSON:

I mean, the only thing I would note, too, is we are going to have another Capital Budget.

LEG. CALARCO:

I'm fully aware of that.

COMMISSIONER ANDERSON:

No, I realize that.

LEG. CALARCO:

I made that statement earlier.

COMMISSIONER ANDERSON:

But what we wanted to make sure is that the --

LEG. CALARCO:

I think that -- I agree with you on that, that we can revisit this next year when we have the next Capital Budget when it will be more timely for us to visit the issue.

COMMISSIONER ANDERSON:

Understood. But the revised proposal that's before you put it into three years to show the continual good faith of the County that we weren't going to wait till subsequent years to do it; it was actually we were moving forward with it, we were going to commit the funding for it.

LEG. CALARCO:

All right, I think I got my answers. Thank you, Mr. Anderson. I don't think that we need to move this money forward at this point in time.
I think we can leave it in subsequent years.

D.P.O. HORSLEY:

Thank you very much, Legislator. Legislator Browning.

LEG. BROWNING:

Thank you. First of all, I'd like to say thank you to Robert. The first time doing the budget -- not the first time doing the budget, but as our Budget Director. Thank you for your hard work, and also to the Working Group for everything you've done. Because I know that there are many projects that are near and dear to many of us that were removed and were put back in place and I appreciate the projects in my district that were put back in.

However, there are two items that I do have some reservations about. I'll start with the first one in my district and that would be the project for the Yaphank Trap & Skeet Range, the \$250,000. I have been told that there's some new technology or something going on regarding noise mitigation. I made a request, my aide actually sent an e-mail making the request on May 21st, and I've yet to hear anything from anyone. And I have sent an e-mail also yesterday and still haven't heard anything about what this noise mitigation is and this new technology. So my question is, Gil, have you any idea what this technology is, what this \$250,000 would pay for?

COMMISSIONER ANDERSON:

While I did receive your e-mail, I think last night, I haven't had the chance to look into it. I will get back to you, though.

LEG. BROWNING:

But you're not familiar with any of this.

COMMISSIONER ANDERSON:

I haven't even focused on it, no.

LEG. BROWNING:

Okay. Do any of my colleagues have any idea; Legislator Horsley?

D.P.O. HORSLEY:

Well, I think that it is -- you know, is there any specific recommendations at this point in time? No, there is not. And I think that -- and I would welcome that we would work together to look at these new technologies. It comes out of a number of conversations. I know I had a conversation with Legislator Barraga and Bill Hillman and others, and they're saying, "Yeah, there are things out there now." You know, whether or not we could build berms or there are sound machines that can squelch noises; I don't know what's the proper one. But I think that what we don't want to necessarily go with is the idea that sound walls are the only answer. I think there are other things that we can -- because I think that you're right, we would have trouble building a sound wall. So what this is looking to do is to come up with those new ideas and see if we can move forward to -- working together to remediate the sound issues relating to the Trap & Skeet Range.

LEG. BROWNING:

Well --

D.P.O. HORSLEY:

I think it's good for both your neighborhood as well as it is for the parks itself.

LEG. BROWNING:

Well, I think you know my opinion on this.

D.P.O. HORSLEY:

I do.

LEG. BROWNING:

Because if you try to do any kind of noise mitigation for the residents on the west side, you're going to amplify it for the people on the east side also.

D.P.O. HORSLEY:

That's why we've got to -- we could work on this together --

LEG. BROWNING:

Not to forget --

D.P.O. HORSLEY:

-- to make sure that that does not happen.

LEG. BROWNING:

And do not forget, you have to go through, if this creates any kind of new development, it requires approval through the Pine Barrens Commission. And also don't forget, the former administration did file a hardship application for development at the Trap & Skeet Range and they had a timeline that they had to submit that. He subsequently withdrew that hardship application and now that opportunity has expired. So to create any kind of new development, the Pine Barrens Commission will not allow it.

D.P.O. HORSLEY:

Okay. Duly noted. And that's the reason why we need many brains in on this and hopefully that we could work together to see if we can do something.

LEG. BROWNING:

We can work together and resolve the problem and close it.

The second item, 5538, the infrastructure improvements on Commack Road and Fifth Avenue. I see -- now, the \$2 million for the land acquisition has been removed completely, it's moved to subsequent years. Is that gone?

LEG. SCHNEIDERMAN:

Is that the Crooked Hill Road project?

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Four million was removed I believe; right, Robert?

LEG. BROWNING:

It says two million I thought here.

LEG. CALARCO:

It's four million; it's two million for land acquisition and two million for construction.

LEG. BROWNING:

Okay. How much was that project prior to the construction of this budget?

LEG. SCHNEIDERMAN:

I believe it was proposed at nine million by the County Executive and trimmed back to five million by the Working Group.

LEG. BROWNING:

How much is this budget?

MR. LIPP:

Here we go, it's up on the screen here. If you take a look up at the screen.

LEG. BROWNING:

Okay.

MR. LIPP:

So what is your specific question then?

LEG. BROWNING:

Okay. In 2012, how much was in the budget for that Capital Program?

MR. LIPP:

We'll have to get back to you on that.

LEG. BROWNING:

Okay. But now it's currently at how much, total, over the course of, what, three years?

MR. LIPP:

It wasn't in last year's program at all, obviously, so there was no money last year.

LEG. BROWNING:

Okay. And now it's how much?

MR. LIPP:

And now it's being recommended at nine million in '14, ten in '15, one in '16, and a half of million in subsequent years. The Omnibus amendment would do the following; it would just remove four million from 2014, so it would take away four of the nine million in planning and to construction.

LEG. BROWNING:

Okay. So over the next three years, 2014, '15 and '16 you're talking \$20 million?

MR. LIPP:

Let's see. So there would be 16 million for '14, '15 and '16. So in other words, it's the Executive's recommended and the nine -- instead of nine million, it would be five million, so it would be five plus ten plus one, or 16 million over that three-year period, another half of million in subsequent years.

LEG. BROWNING:

And prior to that it was zero. And the reason I bring this up is because I know this was around the Heartland Project and the proposed Heartland Project I'm just curious I'm sorry the Commissioner Mr. Anderson could respond how much money did the County put in the infrastructure improvement around the tanker mall? I could probably give you that answer.

COMMISSIONER ANDERSON:

Yeah, because I don't have that information on me.

LEG. BROWNING:

Okay. I'm pretty sure it was none, okay? So my concern about this is I see this as subsidizing a proposed project called the Heartland Project. And I'm very clear, I call a spade a spade. And let's talk about it, and I'm going to beat this to death until I'm not here anymore. But John J. Foley, the County Executive made a comment that he would not continue to ask taxpayers to subsidize the facility to the tune of millions of dollars. I see this as a subsidy to a developer for a project that he will benefit in many ways. I'm just curious about tax abatements through the IDA; I'm wondering how much he'll get in tax abatements.

So like I said, there are two projects that I am adamantly opposed to. Obviously it's lumped in with everything else, which makes it hard to vote against it. And I know that these projects will come to us for acquisition, for appropriation of funding. And I would urge all of you to look at this, because we should not be subsidizing anyone in a Capital Project like this. I don't see taxpayers benefitting from this. I see that this is a project that will benefit one individual and one individual's project, and if the County Executive is true to his word about not asking taxpayers to subsidize a facility or anything, this is something he should be vetoing. Thank you.

P.O. LINDSAY:

Before we go to the next speaker. Legislator Browning, you know that the developer there is not a friend of mine in any way, shape or form, and I'm opposed to a lot of what he does. But the Tanger Mall, I'm almost positive we subsidized that.

LEG. BROWNING:

No, we did not, Bill. I checked.

P.O. LINDSAY:

I'll double check, but I had talks with the developer at the time about road improvements around his mall and how he needed them, and I'm almost sure that we voted for them. We'll check on it.

LEG. BROWNING:

No, we didn't. And in fact, that was another -- Legislator Krupski, I had asked him about the proposed Lowe's project on County Road 58 and infrastructure improvements were paid for by Lowe's.

P.O. LINDSAY:

Okay. Who do we have next on the list?

D.P.O. HORSLEY:

Legislator Hahn.

LEG. HAHN:

Of course my comments are back on the jail item. *(Laughter)*, I feel like we've talked it to death. But I also feel like when you talk about moving forward in good faith, you know, dollars that we appropriate in my mind are worth ten times as many of those as we budget later on. And so I really think we made a very strong statement of good faith in our -- with our actions today in approving the planning, \$3.7 million in planning money, you know, this year money in '13, that's moving forward. And I really struggle to see the necessity to put dollars in '15, I just don't see that happening. I don't think that's realistic and I think there's still time to do that if all the stars should align and we -- you know, we move forward really quickly and we have another opportunity to add that money.

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So, you know, I'm really struggling with this. I think there could be another option that just starts with the money in '16. And I just want to understand, Jon, when you say veto, you mean the line item, jail line item.

MR. SCHNEIDER:

Correct. And -- right, a line item. But I think what's important to note, Legislator, is where we got the letter from the COC. That wasn't based on a presumption that we weren't going to move forward with planning money, that was specific to the way the project was delineated in the Capital plan. So we know that -- so we have agreement in this room that we need the variances and we know that the way the project had been listed was likely to result in those variances being dropped.

So we think that this approach -- you know, the Administration is willing to work together with the Legislature on this, I think, middle ground approach, again, understanding that, A, we're going to go to the COC, bring the County's position forward, try to get some relief. But also, remembering that, you know, a point that we're all -- I think if we -- you know, I think people come down different ways on the understanding that we're going to be here next year talking about -- you know, talking about how we move forward, and I think at that time we'll have some better understanding.

So if we know that this approach -- if we have a good sense that this approach can maintain the variances and we know that we're going to be here, as you say, I agree, dollars committed today are more important. And really the dollars I think that we're kind of laser being focused on is the '14, but if we know that -- if we have a good sense of putting something in in '15 and '16 can help keep variances which are providing fiscal relief today, you know, I think that that would be the prudent way to go, again, understanding that a lot of work's going to happen between now and when we are together again on this next year.

LEG. HAHN:

Well, I'd say when the letter was written, we had a tabled planning funds, we untabled it and we approved it today. When the letter was written we had a proposal for all of the money in subsequent years, and if we move anything to '16 it would be movement. And so I would say that it would be all -- those two actions, approving the planning funds and moving something from subsequent years to '16 would be very good faith actions. That's just my opinion.

LEG. D'AMARO:

I agree.

P.O. LINDSAY:

Just to answer, I wish I could be as strong in my beliefs. But I've been here through two occasions; number one where the COC removed our variances last year over a storm, that made no sense at all. The Sheriff's actions during that storm I thought made very logical sense to protect the health and welfare of the prisoners in his charge. And for the COC remove our variances in that case I thought was irrational and actually dangerous.

And the other thing goes back to the lawsuit that I keep referring to in '05. You know, they were kind of merciless. Not that I thought the lawsuit was well advised, but, you know, they stuck to their guns and they won.

LEG. HAHN:

Your response to me brings up another question, then. So if they pulled variances after -- was that Irene or Sandy?

MR. SCHNEIDER:

Irene. Irene.

LEG. HAHN:

So if they pulled variances after Irene, did they have to go through a court? What happened?

MR. SCHNEIDER:

No, no, and that's kind of the problem here. They --

LEG. HAHN:

So wait. Because we had discussions with Dennis earlier about having to go to court.

MR. BROWN:

But they restored them, right?

MR. SCHNEIDER:

Right.

MR. BROWN:

They restored them without any legal action.

LEG. HAHN:

Okay.

MR. SCHNEIDER:

But they can just pull --

LEG. HAHN:

Right.

MR. SCHNEIDER:

I mean, literally they can pull variances. I mean, we're not --

LEG. HAHN:

No, and I understand where we're at.

MR. SCHNEIDER:

Yes.

LEG. HAHN:

And I think the more sure we are about our actions being good faith, you know, the stronger our position is. And I think there's absolutely no question in my mind that approving -- appropriating \$3.7 million today for the planning and moving any money out of subsequent years forward in response to their letter is good faith action.

D.P.O. HORSLEY:

Okay. Yeah, just so you know, Legislator Hahn -- Legislator Hahn? Just so you know that it was a group of us that sat and negotiated what was the best -- how far could we go, how, you know, much can we put in and still -- what it would be is you're second guessing just a group that tried to make the right decision, and that's -- there is no absolute here.

Okay, the next is Legislator Krupski.

LEG. KRUPSKI:

I would just like to thank the members of the Capital Budget Working Group. I know that put a lot of -- you know, I sat in on I think most or all of the meetings and they put a lot of work into a lot of the detail, a lot of thought into it. I would like to thank Dr. Lipp and his crew, Budget Review.

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It's -- he has all the numbers that you need and when people have questions he's got all the information there so we could make the decisions. It was -- you know, it was interesting to see how much infrastructure that the County owns and that it costs so much to keep it up and in good repair. And I'd be happy to work on the Operating Budget. You know me, I did urge a little restraint from time to time, and I probably will in the future, but thank you for the hard work.

D.P.O. HORSLEY:

Thank you, Legislator Krupski. And restraint is always good. Legislator Nowick.

LEG. NOWICK:

I have two questions, one is not about the jail. And I'm not sure who could answer this, but it says, "*Innovative sound remediation at Suffolk County Trap & Skeet.*" This adds 250,000 for furniture and equipment. I'm just not sure how furniture and equipment -- is it Wayne?

D.P.O. HORSLEY:

I'm sorry.

LEG. NOWICK:

Wayne, \$250,000 for furniture and equipment for sound remediation; what kind of furniture?

D.P.O. HORSLEY:

Furniture?

LEG. NOWICK:

Well, it says, "*Furniture and equipment in 2014 for sound remediation.*"

D.P.O. HORSLEY:

That sounds like a misprint. There's no furniture, I didn't call it that.

LEG. STERN:

It's a line item.

LEG. NOWICK:

We just picked out anything?

LEG. SCHNEIDERMAN:

It's the name of the category.

LEG. NOWICK:

I'm just wondering what kind of mediation the furniture --

MR. LIPP:

Point of information.

D.P.O. HORSLEY:

(Laughter) I'm getting it from all sides. It's just the -- Mr. Lipp, what do we mean?

MR. LIPP:

The formal category is furniture and equipment it would fall under, so it's supposed to be some sort of equipment that is yet to be defined that would do the remediation. And the way the Working Group went, there were various different ideas, there was nothing firm, and they said, "*Well, if we do get something firm next year, we'll have the money in there and we can move forward on it.*" If not, it's -- it will be just a place holder.

D.P.O. HORSLEY:

There's no furniture.

MR. LIPP:

It's equipment, yes.

LEG. SCHNEIDERMAN:

I could -- Legislator Nowick, I could tell you some of the ideas that got discussed. Mobile -- because Kate I think was correct in terms of a few buildings, sound walls, you need to get that approval. But there might be movable types of structures like sound baffles that are sometimes used at airports, or you can put them up near where they're shooting, that might dampen some of the sound. There's noise cancelling, it produces a wave that's the inverse of the sound that's being produced, that actually makes the sound disappear. How useful that might be, we don't know, but we thought there might be some equipment. I know Legislator Browning would like to see it closed, I think she's tried to get that through but has not gotten the votes of this body.

LEG. NOWICK:

I don't have a problem --

LEG. SCHNEIDERMAN:

Yeah, no.

LEG. NOWICK:

-- with the sound remediation.

LEG. SCHNEIDERMAN:

So that's basically it, 250,000.

LEG. NOWICK:

I just wanted to know how furniture did that.

MR. SCHNEIDER:

Okay. Yeah, no, that's just the title.

LEG. NOWICK:

But I do have another --

D.P.O. HORSLEY:

You never know when a good sofa's in need (*laughter*).

LEG. NOWICK:

Just one more question. The letter from the COC states -- and maybe this letter is no longer valid after we made changes. But they seem to be insisting that we wait until the end of the Legislative session and that they meet with the Legislature. Has anybody spoken to the COC to date to see if that's still a necessary meeting? Because this letter says if we pass this they will consider that an act of --

D.P.O. HORSLEY:

Yeah, we put -- that's true. I don't know whether or not -- we haven't considered whether or not that meeting is not necessary, but I think it would be a little insulting if we pulled it back from them. We invited them to the Public Works? I'm not sure which one. Public Works or Public Safety meeting, committee to --

LEG. NOWICK:

Public Safety. But they're saying that they don't want to come til' the end of the State legislative session on June 21st.

D.P.O. HORSLEY:

That was their determination, they said that.

LEG. NOWICK:

Yeah. And my question is, is that something -- can we pass this budget and hold off on that line. Or there is a deadline for the Capital Budget, isn't there, so June 21st is too late; is that right?

P.O. LINDSAY:

No, the 30th, we have to pass it by the 30th.

D.P.O. HORSLEY:

We'd have to have a Special Meeting probably then.

LEG. NOWICK:

Well, that's a Public Safety meeting.

D.P.O. HORSLEY:

No, that's just -- yeah, that's just the meeting, but we'd have to have a public -- we'd have to have a Special Meeting of the Legislature if we didn't approve that line and we decided to go back and approve it.

LEG. NOWICK:

We'd have to make it before the 30th.

D.P.O. HORSLEY:

Right.

LEG. NOWICK:

Okay. So nobody has spoken to them, we don't know if they're holding fast to this.

D.P.O. HORSLEY:

No.

LEG. NOWICK:

Okay.

D.P.O. HORSLEY:

I think that concludes all the Legislators' questions on that. What do we have --

MR. NOLAN:

Get a motion.

D.P.O. HORSLEY:

Do we have a motion on --

MR. LAUBE:

No motion, no second.

D.P.O. HORSLEY:

No motions. All right, let's --

LEG. SCHNEIDERMAN:

I'll make a motion to approve the Omni.

MR. NOLAN:

Budget Amendment No. 1.

D.P.O. HORSLEY:

Budget Amendment No. 1, okay. I'll second the motion.

MR. NOLAN:

Let's get everybody in.

D.P.O. HORSLEY:

Okay. Would everyone -- all Legislators please come to the horseshoe, we're about to vote.

You guys want a roll call? No, we don't have to have it, okay. Are we ready? We have a motion, motion to approve and second. There are no other motions on the floor at this point in time. We're good?

LEG. MONTANO:

I have question. What we're voting on is the --

D.P.O. HORSLEY:

BA No.1.

LEG. MONTANO:

Right, but it's with the changes?

MR. NOLAN:

As revised.

D.P.O. HORSLEY:

As revised.

LEG. MONTANO:

As revised.

D.P.O. HORSLEY:

As revised. Okay? Everyone all set? All those in favor? Opposed? So moved, it's been approved.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

All right, we go to page three of three standalones No. 2, ***BA No. 2 (Improvements to the Suffolk County Farm - Advances \$100,000 for construction from SY to 2014 to allow Cornell to proceed with various repairs and modifications needed for the safety and well-being of staff, animals and visitors and reduces construction funding by \$350,000 in 2016 from \$1.4 million to \$1,050,000 to provide a more affordable solution for the replacement of offices and visitors' center.)*** Calarco, Hahn, Muratore, Schneiderman and Stern; do you see where I am?

LEG. KRUPSKI:

Excuse me. Mr. Presiding Officer, as per the letter I sent you and the Board of Ethics, I'd like to recuse myself on this.

LEG. SCHNEIDERMAN:

Yeah, and if I may. This was broken out; originally it was part of the Omni. In respect for Legislator Krupski who couldn't vote on Cornell Cooperative, we broke it out so that he could vote on the Omni, so that's why it's a separate thing. We didn't want him to not be able to participate on all the other projects.

D.P.O. HORSLEY:

Okay. So do we have a motion on this?

LEG. SCHNEIDERMAN:

I'll make a motion to approve.

D.P.O. HORSLEY:

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

LEG. MURATORE:

Second.

LEG. GREGORY:

Second.

P.O. LINDSAY:

Legislator Gregory makes -- seconds the motion. Any questions? This is on No. 2. All those in favor? Opposed? So moved, it has been approved.

MR. LAUBE:

Seventeen (Recused: Legislator Krupski).

D.P.O. HORSLEY:

All right, ***BA No. 3 (Improvements to CR 83, North Ocean Avenue, Patchogue-Mt. Sinai Road, Town of Brookhaven - Adds \$10 million in Federal aid for construction in SY in anticipation of receiving Federal funds for this project).*** Legislator Muratore?

LEG. MURATORE:

Can I make a motion to withdraw that?

MR. NOLAN:

It's withdrawn.

D.P.O. HORSLEY:

Okay, makes a motion to withdraw, he's withdrawn.

Okay, ***No. 4, 5548, Improvements to CR 83, North Ocean Avenue, Patchogue-Mt. Sinai Road, Town of Brookhaven - Adds \$5 million in Federal aid for construction in SY in anticipation of receiving Federal funds for this project).*** Legislator Muratore?

LEG. MURATORE:

Motion to approve.

D.P.O. HORSLEY:

Motion to approve. Okay, there's a motion to approve. Is there a second on the motion?

LEG. ANKER:

Second.

LEG. BARRAGA:

Second.

D.P.O. HORSLEY:

Seconded by Legislator Barraga. Anything on the -- I'm sorry. Legislator Barraga, may I ask you an indulgence? Legislator Anker would like to second that. Would that be all right with you?

LEG. BARRAGA:

Oh, sure, absolutely.

D.P.O. HORSLEY:

Second by Legislator Anker.

MR. LIPP:

Okay, just a point of information. The first -- the previous amendment was withdrawn for the reason that -- and correct me if I'm wrong -- Legislator Muratore wanted 10 million for this particular initiative, the Omnibus added five million already and this would be the other five million that he's seeking.

LEG. MURATORE:

You're always right, Dr. Lipp. You're always right.

MR. NOLAN:

We can vote.

MR. LIPP:

You can vote on this, definitely.

D.P.O. HORSLEY:

In subsequent years?

MR. LIPP:

Yes.

LEG. MURATORE:

Yes.

LEG. SCHNEIDERMAN:

All Federal.

MR. LIPP:

Yes.

LEG. SCHNEIDERMAN:

All hundred percent Federal.

D.P.O. HORSLEY:

Hundred percent Federal and it's in subsequent years. Okay?

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P.O. LINDSAY:

In other words, it has no fiscal impact on our budget unless the Feds put the money.

MR. LIPP:

Correct.

P.O. LINDSAY:

Okay.

D.P.O. HORSLEY:

All right? We have a motion to approve. All those in favor? Opposed? So moved. Congratulations, Mr. Muratore.

LEG. MURATORE:

Thank you.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

Okay *No. 5 (Renovations at historic Blydenburgh Park - Adds \$500,000 for construction in 2016).*

LEG. KENNEDY:

Mr. Deputy Presiding Officer, I'll withdraw this one since actually we were able to include some funding in 2015 and I'll revisit the issue next year to see if we need funding in '16.

D.P.O. HORSLEY:

Thank you.

LEG. KENNEDY:

So I'll ask the Clerk to withdraw that.

D.P.O. HORSLEY:

7507 has been withdrawn.

Okay, *No. 6. (Rehabilitation of Guggenheim Lake (Deer Lake), Towns of Babylon and Islip - Adds \$25,000 for planning in 2015 and \$250,000 for construction in 2016 for the rehabilitation of Guggenheim Lake (Deer Lake)).*

LEG. STERN:

Withdraw.

D.P.O. HORSLEY:

Legislator Stern withdraws the standalone.

1459, No. 7 (Improvements to Board of Elections - Adds \$3.3 million for construction in 2015 to build a 6,500 square foot extension to the Board of Elections building in order to provide additional office space and more appropriate work stations for employees).

LEG. GREGORY:

Motion.

D.P.O. HORSLEY:

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

LEG. KENNEDY:

Yeah, I'll second the motion.

D.P.O. HORSLEY:

Motion, second by Legislator Kennedy.

LEG. MONTANO:

On the motion.

D.P.O. HORSLEY:

On the motion.

LEG. MONTANO:

Yeah, can I get an explanation?

D.P.O. HORSLEY:

You certainly may. Robert, you want to give us what this is?

MR. LIPP:

Sure. There was money put in the Omnibus for a separate item that's the warehouse. This would add office space, construction for additional office space, work stations for employees that has been requested by the BOE.

LEG. MONTANO:

I guess the question I have is why was this not included in the overall budget? Does anyone --

P.O. LINDSAY:

It was.

LEG. MONTANO:

What was that?

P.O. LINDSAY:

It was in the overall budget.

LEG. SCHNEIDERMAN:

It was discussed, but ultimately --

LEG. MONTANO:

Well, it wasn't included in No. 1.

LEG. SCHNEIDERMAN:

We did not include it. The Working Group did not choose to do this. We did put, I think, a hundred thousand dollars, Robert, in for the Board of Elections in '14?

MR. LIPP:

Yeah. Well, we put a hundred for planning and then we put 1.2 million in the latter year for building of, effectively, the warehouse. So of the two separate projects, the warehouse project wound up in the Omnibus, the additional construction of office space did not wind up in the Omnibus. This is being proposed as a separate standalone resolution, therefore.

LEG. MONTANO:

I'm sorry, I --

MR. LIPP:

This is being prepared as a separate standalone resolution because this piece of the two items requested by the BOE was decided by the Working Group not to be included in the Omnibus.

LEG. MONTANO:

But what I'm asking for, then, is -- maybe Mr. Schneiderman, if I may have you what was the rationale?

LEG. SCHNEIDERMAN:

You know, it's just fiscal. We felt that they could operate out of the space that they had. We understood that they wanted the extension and the renovations, but it didn't get the votes of the Working Group to -- you know, it's quite a bit of money. And I know they'd like to have it, but we had to make some decisions like that and this was one of those projects that was requested. I don't think -- the County Executive did not put it in either.

LEG. MONTANO:

Okay, I was going to ask you that. Mr. Lindsay?

D.P.O. HORSLEY:

Legislator Lindsay?

P.O. LINDSAY:

Yeah, I, together with three other Legislators, sponsored this standalone because the building is probably 30-years old, it's really archaic. It desperately needs renovations. I don't think it's fair to characterize it as just new office space, it's a renovation project as well to bring it up to the 21st Century, and that's why I sponsored the standalone.

LEG. MONTANO:

All right.

D.P.O. HORSLEY:

Anybody else?

LEG. CALARCO:

Yes.

D.P.O. HORSLEY:

Yes, Legislator Calarco.

LEG. CALARCO:

Mr. Lipp, how does this conflict with what we've done already?
So how much will this add extra above what was requested?

MR. LIPP:

Three point three million in 2015.

LEG. CALARCO:

As compared to what was the project requirement, or requested by the department?

MR. LIPP:

Well --

LEG. CALARCO:

The department requested three point three?

LEG. CALARCO:

No, no, no, no. This would add -- you're saying on top of the Omnibus this would add.

LEG. CALARCO:

Correct. Usually you give us a breakdown of that.

MR. LIPP:

This would add on top of the Omnibus another 3.3 million in 2015, not on top of what the department had requested.

LEG. CALARCO:

Yeah, but what did the department request?

MR. LIPP:

They requested both this and the warehouse.

LEG. CALARCO:

They requested 4.4 or 4.5?

MR. LIPP:

Well, let's see, 1.3 I believe was the warehouse, both planning and construction; that is in the Omnibus, so this would add on top of that. So it's 1.4 plus this --

D.P.O. HORSLEY:

Wasn't it also in '14?

LEG. CALARCO:

What did the department request?

MR. LIPP:

Okay. Hold on.

LEG. SCHNEIDERMAN:

Robert, I think they had wanted the warehouse a year earlier than we scheduled it, if I recall. They wanted a million dollars there as well.

MR. LIPP:

I'm about to show you on the screen. Here it is. So the request, look at that, with a beautiful picture, too, isn't that lovely.

So the request is this column over here, they requested 3.4 million in '14, 1.2 million in '15. We gave them in the Omnibus -- so we -- okay. So we gave them the 1.2 in '15 and we gave them 100 in '14, so they're going to get another 3.3 million from this resolution. The 3.3 million is the expanded space, the difference between the 3.3 and what you see here, the 3.4, was the 100 million for planning for the warehouse.

LEG. CALARCO:

Okay. Thank you.

LEG. SCHNEIDERMAN:

But this would be for --

D.P.O. HORSLEY:

Okay. Is there anybody else?

LEG. MONTANO:

I didn't hear you, Jay. What was that?

LEG. SCHNEIDERMAN:

You know, we gave them what the BOE recommendation column is. But this resolution, the Presiding Officer's resolution would give them the three or the 3.3 in 2015 I believe, right?

MR. LIPP:

Right. So what he's saying is the request on the part of the department was for -- 3.3 of the 3.4 million was for the expanded office space, but they wanted it in '14, this resolution puts it in 2015.

D.P.O. HORSLEY:

Puts it in '15, right. Okay, Legislator D'Amaro?

LEG. D'AMARO:

Rob, just clarify that one more time for me. We -- the proposed budget did what? You know, what --

MR. LIPP:

The proposed budget zeroed it out, you can see the second to last column on the screen.

LEG. D'AMARO:

I can't see that.

MR. LIPP:

Okay, sorry. So the second to last column is a bunch of zeros. Okay? What BRO recommended is what turned out to be what was in the Omnibus, and the requested column of the three -- of the 3.4 million, a hundred of it really was planning associated with the warehouse. So the 3.3 million of that amount is the request in the standalone, but what the standalone does is instead of giving it as requested in 2014, it defers it to 2015.

LEG. D'AMARO:

So the Omni that we just approved, did that mirror what was requested?

MR. LIPP:

Not, not at all. The Omni mirrors what was recommended by BRO, a hundred thousand for planning in '14 and 1.2 million for construction for the warehouse.

LEG. D'AMARO:

In '14?

MR. LIPP:

No, the warehouse part would be in 2015.

LEG. D'AMARO:

So this adds to 2015 another 3.3 million?

MR. LIPP:

Correct.

LEG. D'AMARO:

So the Omni, which just was approved, was for the warehouse, that's for the machines.

MR. LIPP:

Correct, yes.

LEG. D'AMARO:

Okay. This bill, this standalone goes further and does another 3.3 million for office space, an extension to the building.

MR. LIPP:

Correct.

LEG. D'AMARO:

Not for warehousing of machines, but for personnel.

MR. LIPP:

Correct, the warehousing of the machines was in the Omni.

LEG. NOWICK:

Was on the first page.

LEG. D'AMARO:

Yeah. I wish I knew a little more about the need here, the need for this.

D.P.O. HORSLEY:

I know that Mr. Rodgers, Wayne Rodgers came down and he advocated for it, but I don't recall many more details. The only thing that I echo of Mr. Lindsay's comments, that the place is in very poor shape.

LEG. D'AMARO:

Right, but is this renovating the existing facility as well?

P.O. LINDSAY:

It is.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yeah, it's renovating the front of the building as well as a short expansion, so it's new office space.

LEG. D'AMARO:

Okay.

P.O. LINDSAY:

And it renovates some of the existing space that's there.

LEG. D'AMARO:

So this is the long, overdue rehabilitation of the Board of Elections, and then while we're doing the rehab, let's expand it.

P.O. LINDSAY:

Yes.

LEG. D'AMARO:

That's what's happening here?

P.O. LINDSAY:

Yes.

LEG. D'AMARO:

Okay. Thank you.

D.P.O. HORSLEY:

All right. Legislator Krupski.

LEG. KRUPSKI:

If we're done, and I'm not saying we're done, I'm just saying when we're done, could we get a roll call on this?

D.P.O. HORSLEY:

You may. Anybody else? All right. There's a request -- what do we have on the -- it's just a motion to approve?

MR. LAUBE:

You have a motion and a second to approve.

D.P.O. HORSLEY:

Motion and a second to approve. So on the motion to approve, roll call vote.

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

LEG. GREGORY:

Yes.

LEG. KENNEDY:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. NOWICK:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

No.

LEG. CALARCO:

No.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

No.

LEG. KRUPSKI:

No.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Fourteen (Opposed: Legislators Montano, Calarco, Schneiderman & Krupski).

D.P.O. HORSLEY:

That concludes the budget.

All right. Everybody, let's turn to page seven, we're starting at the beginning. Let's see if we can move through this. We're all set? Okay.

Budget & Finance

All right, 1307-13 - Adopting Local Law No. -2013, A Charter Law adopting and incorporating 2% Property Tax Cap into the County budget process (Cilmi). Legislator Cilmi?

LEG. CILMI:

Mr. Chairman, motion to table, I have some issues I have to work out with Budget Review.

D.P.O. HORSLEY:

I'll second the motion. All those in favor? Opposed? So moved, it has been tabled.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

Education & Information Technology

1296-13 - Designating Poet Laureate for Suffolk County (Pramila Venkateswaran) (Anker). Legislator Anker? Pramila Venkateswaran.

LEG. ANKER:

Motion to approve.

D.P.O. HORSLEY:

Motion to approve. Second on the motion?

LEG. CALARCO:

Second.

D.P.O. HORSLEY:

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

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

1300-13 - Ensuring Suffolk County Government Internet Content is accessible to the print-disabled (Schneiderman). Legislator Schneiderman?

LEG. SCHNEIDERMAN:

Motion to approve.

LEG. KRUPSKI:

Second.

D.P.O. HORSLEY:

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

LEG. BARRAGA:

Opposed.

LEG. KENNEDY:

Abstain.

D.P.O. HORSLEY:

I'm sorry, I didn't mean to rush you.

MR. LAUBE:

Who else is opposed?

D.P.O. HORSLEY:

We got one opposed and one abstain.

LEG. SPENCER:

Cosponsor.

MR. LAUBE:

Cosponsor. Sixteen (Opposed: Legislator Barraga - Abstention: Legislator Kennedy).

P.O. LINDSAY:

Okay? And was there a cosponsor on that?

LEG. SPENCER:

Yes.

D.P.O. HORSLEY:

Okay. You got the cosponsors?

MR. LAUBE:

Yes.

D.P.O. HORSLEY:

Excellent. And Anker as well. We're good?

MR. LAUBE:

Yes.

D.P.O. HORSLEY:

Okay. Sorry to rush it.

1382-13 - Appropriating funds in connection with the acquisition and implementation of the -- District Attorney Case Management System (CP 1136) (County Executive). We did this before, right.

MR. NOLAN:

No.

D.P.O. HORSLEY:

Oh, we didn't -- ***District Attorney Case Management System (CP 1136) (County Executive).***

LEG. HAHN:

Motion.

LEG. MURATORE:

(Raised hand).

D.P.O. HORSLEY:

Motion by -- I'm sorry, Legislator Hahn. Seconded by Legislator Muratore. All those in favor? Opposed? So moved.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

Same motion, same second on the corresponding Bond Resolution ***(1382A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$500,000 bonds to finance the cost of acquisition and implementation of a District Attorney Case Management System (CP 1136.111 and 511),*** roll call.

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

LEG. HAHN:

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. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. KRUPSKI:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

Thank you.

1402-13 - Appropriating funds in connection with the Traffic Circle - Ammerman Campus (CP 2143) (County Executive).

LEG. MURATORE:

Motion.

LEG. HAHN:

Second.

D.P.O. HORSLEY:

Motion by Legislator Muratore, second by Legislator Hahn. All those in favor? Opposed? So moved.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

Same motion, same second on the corresponding Bond Resolution *(1402A, Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$25,000 bonds to finance a portion of the cost of the design of the traffic circle – Ammerman Campus (CP 2143.110)).*

Roll call vote.

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

LEG. MURATORE:

Yes.

LEG. HAHN:

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. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. KRUPSKI:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

Thank you.

1403-13 - Appropriating funds in connection with Infrastructure - College Wide (CP 2149) (County Executive).

LEG. ANKER:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Anker. Seconded by Legislator Muratore. All those in favor? Opposed?
So moved.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

Same motion, same second on the corresponding Bond Resolution ***(1403A, Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$5,150,000 bonds to finance a portion of the cost of infrastructure improvements for Suffolk County Community College - College Wide (CP 2149.110 and .310).*** Roll call vote.

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

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. SPENCER:

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. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. KRUPSKI:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

Thank you.

1410-13 - Amending the 2013 Capital Budget and Program and appropriating funds in connection with an upgrade to the Payroll System Database (CP 1740) (County Executive).

LEG. ANKER:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Anker.

LEG. MURATORE:

Second.

D.P.O. HORSLEY:

Seconded by Legislator Muratore. All those in favor? Was there a question on it?

LEG. D'AMARO:

Hold on, right. How much?

D.P.O. HORSLEY:

How much was the question.

MR. NOLAN:

Seven hundred fifty thousand.

D.P.O. HORSLEY:

Seven hundred fifty thousand; is that correct, Mr. Lipp?

MR. LIPP:

Yep.

D.P.O. HORSLEY:

We're good, 750,000.

LEG. D'AMARO:

Wayne?

D.P.O. HORSLEY:

On the motion, Legislator D'Amaro.

LEG. D'AMARO:

Thank you. I'm going to use this particular bill just to ask a more general question of Budget Review Office with respect to bonding. Do we track the rate at which we retire debt while we're taking on new debt, Rob? Do we track it monthly, quarterly; how do we do that?

MR. LIPP:

We don't normally track it that way. What I look at is -- and when we make projections, for instance, for the Capital review, I look to see how much is outstanding debt by year, by fund, interest and principle. I don't usually concern myself with whether or not the outstanding debt is whatever number.

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That being said, we did put together a file a few years ago that we only infrequently update and haven't in about a year, I guess, because of staffing issues, that was the result of some initiative that Legislator Cilmi did in terms of looking at those types of issues.

LEG. D'AMARO:

Each Legislative session we vote on bonding. And I'm not questioning the merits of what we approve, you know, obviously a lot of this is necessary and it's fully justified. But I would like to get some kind of overall snapshot of the trend, excluding the jail, of the trend in bonding. Are we increasing debt? Are we decreasing debt? Where are we headed --

MR. LIPP:

Okay. So --

LEG. D'AMARO:

-- as we vote on these.

MR. LIPP:

Okay, so there's a partial answer to that. We do have a tracking system, not for what I was saying, that we only sporadically update in terms of debt outstanding. But what we do have is how much we authorized. We as a Legislature that is, you and your colleagues -- in terms of bond authorizations each year. So for instance I could tell you right now each year, since 2009, how much we've authorized.

LEG. D'AMARO:

In 2009?

MR. LIPP:

Since 2009.

LEG. D'AMARO:

Oh, since 2009.

MR. LIPP:

Yeah. So in other words --

LEG. D'AMARO:

Well, rather than since 2009, what I would like know as a starting point is we're in 2013 now, so in 2012, when all of the final data was in, there's no more projections, it's real figures, did the County's debt increase or decrease?

MR. LIPP:

Well, the one thing I could answer you is only in -- it's not a complete answer, though. The way that the file is set up, that we authorized a lesser amount, 125 million and change in 2012 in terms of bonds passed, that is serial bonds. And that compares to over 200 million in the previous three years.

LEG. D'AMARO:

Yeah, but I'm not -- I'm not talking about comparing authorizations to authorizations by year. What I'm talking about is there's a certain amount of debt that the County pays debt service on from the operating budget.

MR. LIPP:

Correct.

LEG. D'AMARO:

Which we did in 2012, right? But also throughout 2012, at the end of the year we can add up how much additional debt did we take on, and did that amount -- was -- did we retire more debt than we took on is my question.

MR. LIPP:

Right, understood, and I don't have an updated version of that but I could get that for you. I can't just do it right this minute.

LEG. D'AMARO:

Right. I would find it very helpful if we could somehow track this, because the County has to service this debt from the Operating Budget. And what I would like to know is, as we're voting along with these Capital Projects, what is the rate of extinguishing debt as compared to the rate of taking on new debt? If it's a break even, you know, that's a good thing. If we're actually taking on less debt than we're retiring, that's even better. If we're taking on more, well, then we have to think about why we want to do that. So if there's some way to track that to make that information understandable and accessible to us, at least I would find that helpful.

MR. LIPP:

Okay. So actually I'm going to revise what I said. I do have a file that there was some questions asked not too long ago that was updated that has total net indebtedness that the County has incurred across all funds, and at the end of the day it comes from the official statements that we issue when we issue bonds.

LEG. D'AMARO:

Right.

MR. LIPP:

And I can give you that right now between the year 2000 and the year 2012. So if you want to ask a specific question, feel free right now.

LEG. D'AMARO:

No, I don't want to take up more time on this. This is more of a general question just for informational purposes. But I think important information as we go forward, especially through this year, as we're voting to take on more debt through these authorizing resolutions, what is the rate that we're retiring debt? Can we project that at so that at the end of the year we haven't -- we haven't added to the County's debt burden, or we have added or we haven't added or it's gone down? See, that's what I would like to know.

MR. LIPP:

We can do an analysis.

LEG. D'AMARO:

Okay, that's fine. I won't take up the time. All right. Thank you.

D.P.O. HORSLEY:

Okay. Legislator Gregory.

LEG. GREGORY:

Just to add to Legislator D'Amaro's questions. We've done that, haven't we, Robert? Last year or a year before we defeased bonds because they were up and we were looking for lower rates?

MR. LIPP:

Well, I think what Legislator D'Amaro is talking about is, you know, we have a certain amount of debt outstanding.

LEG. GREGORY:

Right.

MR. LIPP:

You know, I guess you could look at it as your mortgage, okay. And when you pay -- when you make your monthly mortgage payments, a part of those payments are to reduce the principle, okay. And then, of course, if you add on more mortgage because you have an addition, blah, blah, blah, then that would raise it.

LEG. GREGORY:

Right.

MR. LIPP:

Or if you spent more to pay it down, that would lower it, so that's what he's referring to. I think what you're referring to is doing a refunding issue to lower the interest rate.

LEG. GREGORY:

Right, okay. All right, I misunderstood his question. Okay. Thank you.

D.P.O. HORSLEY:

We're good? All right. What do we have, a motion to approve, Mr. Clerk?

MR. LAUBE:

Yes, you do.

D.P.O. HORSLEY:

Okay. We have a motion to approve and we didn't take the vote. All those in favor? Opposed? So moved. Same motion, same second on the corresponding Bond Resolution ***(1410A, Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$750,000 bonds to finance the cost of an upgrade to the payroll system database (CP 1740.510),*** roll call vote.

MR. LAUBE:

Sixteen on the last vote (Not Present: Presiding Officer Lindsay & Legislator Hahn).

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

LEG. ANKER:

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:

Yeah.

LEG. CALARCO:

Yes.

LEG. HAHN:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. KRUPSKI:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

(Not Present).

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

All right.

Environment, Planning and Agriculture

1369-13 - Making a SEQRA determination in connection with the proposed (CP 5603) - Yaphank CNG Fueling Facility, Town of Brookhaven (Presiding Officer Lindsay). Do we have a motion?

LEG. CALARCO:

Motion.

D.P.O. HORSLEY:

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

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

1419-13 - Appoint member to the South Shore Coastal Protection Task Force (Jeffrey Kassner) (Calarco). Legislator Calarco?

LEG. CALARCO:

Motion.

D.P.O. HORSLEY:

I'm sorry, Jeffrey Kassner is the name. Motion by Legislator Calarco, second by Legislator Cilmi. Oh, Legislator Anker, okay. Legislator Anker. All those in favor? Opposed? So moved.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

1420-13 - Appoint member to the South Shore Coastal Protection Task Force (Gil Hanse) (Calarco).

LEG. CALARCO:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Calarco. I'll second the motion.

LEG. MONTANO:

May I? What is the South Shore Coastal Task Force?

D.P.O. HORSLEY:

Let Legislator Calarco explain that.

LEG. CALARCO:

We approved the Coastal Task Force last meeting. Its intention is to take a look at all the different reports and studies that have been done about the south shore of Long Island, including things like the Montauk to Fire Island -- excuse me, the Fire Island Light House, the Montauk Reformulation Plan, the various contingency plans, the various studies that have been done about {alga blooms} within the bay, and to develop recommendations to the County about the direction that we need to take in order to protect the south shore, primarily the mainland of the south shore from flooding and other environmental hazards as well as the environment moving forward.

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There's been a lot of debate since Sandy hit about different things that needed and should not be done and a lot of these things have been studied. And instead of having more studies done, I'm looking to have the experts, which is primarily what this body is made up of, to actually look at all those studies and give us a comprehensive look and not just look at it from the perspective of environmental issues or the perspective of hazard mitigation, but actually from the perspective of all of it together as one and give us a better comprehensive look and approach to this.

These two individuals we're approving today are the only two Legislative appointments, all the rest are DPW, Department of Health as well as USGS, Stony Brook University has some appointees, DEC, FINS and other entities that are -- that have the scientific background to take a look at it. Jeff Kassner spent 30 plus years in the Town of Brookhaven as their Environmental Agency Director, Gil Hanse has got another 30 plus years, if not more, probably closer to forty plus years, and hazard mitigation for the Town of Babylon. So both of those individuals are very well versed in the issues affecting the south shore of Long Island.

LEG. MONTANO:

Is there a time limit on when they have to come forward with a report?

LEG. CALARCO:

Six months. And we have already reached out to DPW and are looking to schedule the first meeting. We want to get this moving as quickly as possible.

D.P.O. HORSLEY:

Thank you, and very well put.

1420, we have a motion to approve. All those in favor? Opposed?
So moved, it has been approved.

MR. LAUBE:

Eighteen.

LEG. GREGORY:

Tim, cosponsor.

D.P.O. HORSLEY:

Government Operations, Personnel, Housing & Consumer Protection

1208-13 - Adopting Local Law No. -2013, A Charter Law to clarify employee residency requirements (Cilmi). Legislator Cilmi?

LEG. CILMI:

Motion to approve.

D.P.O. HORSLEY:

Makes a motion to approve. Is there a second?

LEG. ANKER:

Second.

D.P.O. HORSLEY:

Second by Legislator Anker. Anything on that? All those in favor? Opposed?

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

Approved. Congratulations.

LEG. CILMI:

Thank you.

D.P.O. HORSLEY:

Okay, *358-13 - Adopting Local Law No. -2013, A Local Law establishing registration requirements for pool maintenance businesses operating in Suffolk County (Spencer).*

LEG. SPENCER:

Motion to table.

LEG. D'AMARO:

Second.

D.P.O. HORSLEY:

Second by -- I'm sorry, I missed that. All those in favor? Opposed? So moved, it's been tabled.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

1359-13 - Adopting Local Law No. -2013, A Local Law to amend Chapter 563 of the Suffolk County Code to further regulate the installation and servicing of swimming pools and spas in Suffolk County (Spencer).

LEG. SPENCER:

Motion to approve.

D.P.O. HORSLEY:

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

LEG. D'AMARO:

Second.

D.P.O. HORSLEY:

Legislator D'Amaro makes the second on the motion.

LEG. SPENCER:

On the motion.

D.P.O. HORSLEY:

On the motion.

LEG. SPENCER:

They tabled the first resolution because it actually does not amend the current code, it's a new standalone. And after getting feedback from Commissioner Meguin, he had just requested that the time course of the licensing be within all the other contract, I guess, of two years. And so I'm going to make that correction and we'll bring it back.

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But on this motion, I've taken all of the input out of the public hearings, all of the concerns, and we've addressed them, we've made the correction. And this is a rare situation here that we have. We just this morning gave away, handed out proclamations recognizing our pool safety award winners, and this -- why now is the question. This is very rare that you would have actually an industry coming to us saying, "*The time is now. We need to do this, we need to make these changes.*" Normally we as law makers will reach out --

LEG. NOWICK:

We passed it.

LEG. SPENCER:

I'm sorry.

LEG. NOWICK:

We said yes.

LEG. SPENCER:

To this? Oh, we passed it out of committee.

D.P.O. HORSLEY:

We didn't take the motion.

LEG. SPENCER:

But we didn't take the vote yet. But on this -- on the resolution, there's a lot of questions with regards to how does this interfere with our industry and does this prohibit people from being able to start and open a pool business? Does it squelch business? But the answer to that is this is reasonable legislation that recognizes the safety need that's out there. And although there are people that have been dealing with swimming pools for 25 and 30 years, the technology changes very rapidly. Swimming pools are a dangerous place that can lead to electrocutions, chemical burns, evisceration from improperly installed suction units. And I have -- what I will do, since the hour is late, I prepared a very long speech addressing all of the concerns that were brought out during the public hearing, and if I need to do that I will.

D.P.O. HORSLEY:

You're doing good.

LEG. CILMI:

I think Legislator Nowick had to say hello.

LEG. SPENCER:

(Laughter) so if -- if we are --

LEG. SCHNEIDERMAN:

The industry on the whole is supportive?

LEG. SPENCER:

It's a good bill. If there's concerns I will address it but --

D.P.O. HORSLEY:

I think you might be losing votes at this point.

LEG. SPENCER:

Well, then --

(*Laughter*)

LEG. SCHNEIDERMAN:

Doc, was the industry supportive?

LEG. SPENCER:

The industry is supportive.

D.P.O. HORSLEY:

Okay. Actually, Legislator Gregory wanted to ask a quick question.

LEG. GREGORY:

Yeah, it is really a quick question. There was one concern that was brought up and I'm not sure how it was addressed, and that was like gyms and even townships, are they going to be required in some certification, or is that the other bill? Maybe I'm getting them confused.

LEG. D'AMARO:

This is only for building and installation.

LEG. SPENCER:

This is only -- yeah, the building and installation.

LEG. GREGORY:

Okay, not the servicing. Okay, it was the other one. Okay. All right. Well, it says -- no, it says, *"Servicing of swimming pools and spas."*

LEG. D'AMARO:

No, but only the feeding element.

LEG. GREGORY:

Right. You're requiring a certification, right?

LEG. SPENCER:

Right.

LEG. GREGORY:

Right. Those people who are not certified, they work at the town and they have to, you know, service the pool.

LEG. SPENCER:

Right, they are --

LEG. GREGORY:

Would they be required --

LEG. SPENCER:

No.

LEG. GREGORY:

-- as well as gyms and, you know --

LEG. SPENCER:

No, they would be excluded is my understanding.

LEG. GREGORY:

Okay.

LEG. SPENCER:

This would be for private contractors.

LEG. GREGORY:

Okay. All right, thank you.

D.P.O. HORSLEY:

They always say watch out for the pool boy, right. Okay.

*(*Laughter*)*

Just kidding *(laughter)*.

Okay. We have a motion to approve and seconded. All those in favor? Opposed? So moved.

MR. LAUBE:

Eighteen.

LEG. SPENCER:

Thank you. Saved yourself 20 minutes of --

D.P.O. HORSLEY:

Thank you.

LEG. SPENCER:

Thank you.

D.P.O. HORSLEY:

1394-13 - Appropriate funds in connection with the replacement of weights and measures inspection vehicles for the Suffolk County Department of Labor, Licensing and Consumer Affairs (CP 1813) (County Executive).

P.O. LINDSAY:

I make a motion.

D.P.O. HORSLEY:

Make a motion, Legislator Lindsay. Seconded by? I'll second the motion. All those in favor? Opposed? So moved.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

Same motion, same second, ***1394A, the corresponding Bond Resolution (of the County Of Suffolk, New York, authorizing the Issuance of \$81,000 bonds to finance the cost of replacement of Weights and Measures Inspection Vehicles for the Suffolk County Department of Labor, Licensing and Consumer Affairs (CP 1813.510),*** roll call vote.

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

P.O. LINDSAY:

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. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. CALARCO:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. KRUPSKI:

Yes.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

Thank you very much.

1414-13 - Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Southold for affordable housing purpose (SCTM No. 1000-015.00-02.00-014.000) (County Executive).

LEG. KRUPSKI:

So moved.

D.P.O. HORSLEY:

Legislator Krupski makes the motion. Seconded by Legislator Schneiderman. All those in favor? Opposed? So moved.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

All right, we did 1424, right? The Bond.

D.P.O. HORSLEY:

Where? I don't have it on my --

LEG. MONTANO:

No.

D.P.O. HORSLEY:

No. We just did 1414. No, I think we're good.

Health

Okay, ***1422*** here we are, ***Amending the 2013 Capital Budget and Program and appropriating funds in connection with improvements to the Brentwood Health Center (CP 4083) (County Executive).***

LEG. MONTANO:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Montano. Second on the motion --

LEG. MURATORE:

(Raised hand).

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D.P.O. HORSLEY:

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

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

Thank you. Same motion, same second (*1422A, Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$4,736,036 bonds to finance the cost of improvements to the Brentwood Health Center (CP 4083.310)*). Roll call vote.

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

LEG. MONTANO:

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. CALARCO:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. KRUPSKI:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

Thank you.

Parks & Recreation

We did 1428.

1400-13 - Appropriating funds in connection with the purchase of Heavy Duty Equipment and Specialty Vehicles for County Parks (CP 7011) (County Executive). Legislator Nowick?

LEG. NOWICK:

Make a motion.

D.P.O. HORSLEY:

Makes a motion. I'll second.

LEG. KENNEDY:

Second.

D.P.O. HORSLEY:

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

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

Same motion, same second on the corresponding Bond Resolution.

(Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$260,000 in bonds to finance the cost of acquisition of heavy duty equipment and specialty vehicles for County Parks(CP 7011.528), roll call vote.

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

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

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.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

Thank you.

Public Safety

1250-13 - Adopting Local Law No. -2013, A Local Law to enhance and improve Suffolk County's E-911 Service (Kennedy).

LEG. KENNEDY:

I'll make the motion to approve, Mr. Deputy Presiding Officer.

LEG. SCHNEIDERMAN:

Second.

D.P.O. HORSLEY:

Second by Legislator Schneiderman. Are we good? All those in favor?

LEG. HAHN:

On the motion.

D.P.O. HORSLEY:

On the motion, Legislator Hahn.

***(The Following Was Taken and Transcribed by
Lucia Braaten - Court Reporter)***

LEG. HAHN:

Why do we have so many PSAPs (Laughter)?

D.P.O. HORSLEY:

Do you want to talk?

LEG. HAHN:

Yeah, I just asked a question. I really don't understand why we want to take this money from our 911 operations, because I think it's going to hurt our FRES calls -- you know, our FRES operations and our 911 call center.

D.P.O. HORSLEY:

Okay. Do you want to take that, or do you want me to answer it?

LEG. KENNEDY:

Let me start, if I can, and then I guess I'll -- since, you know, we're both on the bill.

I don't think this is an issue of why we have a certain number of PSAPs. PSAPs actually, as we had brought before us this morning, were codifying the law. By definition, as you know, Legislator Hahn, the East End of Suffolk County, each Town has its own PSAP, and our Police District only covers the five west end portions of the Town of Smithtown. Two of those Towns, as you are aware, one being Babylon Town, and most of the Township of Smithtown, both also do their own local dispatching. Then we -- the balance of the PSAPs are those areas like Northport Village, I believe Amityville, the Village of Amityville, and other local jurisdictions that have elected to go ahead and do the dispatching function as well.

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I believe the question becomes what's the enhancement that we get? The enhancement that we get is, is a more comprehensive ability to go ahead and do dispatch. There's also the redundancy that we get associated with the PSAP network as it exists now. We could not handle all of the additional calls were it only our 911 system in Yaphank.

D.P.O. HORSLEY:

And I'd like to add, as a second issue relating to this, if -- and this was mentioned today by the Smithtown Fire Department, that if our system goes down, they are the only 911 system in the County and they are a level of redundancy.

LEG. HAHN:

Don't we have a -- don't we have a duplicate? Don't we have our own redundancy?

LEG. KENNEDY:

No.

LEG. HAHN:

Yes, we do.

LEG. KENNEDY:

FRES does some overflow associated with 911, but FRES in no way, shape or form has the capability to absorb the additional 20 to 30% volume that we wind up yielding off of the existing PSAP network. And, in addition, what happens is there's multiple dispatch that occurs out of the various Town areas. So that one call that might come in winds up receiving two, three, four and five subsequent calls, which is not something that's able to be done, nor has FRES represented they have the ability at all.

D.P.O. HORSLEY:

Okay. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

The PSAPs on the East End are not redundant, they are the primary PSAPs, they're the primary 911, and the cost of staffing is actually enormous. This provides some money toward equipment for money that is collected Countywide from these Voice-over IPs. Now within Suffolk County P.D., they are able to use some of the money that they get from the surcharges for staff, but on the East End they don't. So, if we had to replicate the services that are provided by the PSAPs on the East End, it would be extremely expensive. This is a small contribution of money that's actually collected in their areas to help them offset the equipment costs.

D.P.O. HORSLEY:

Yes. Legislator Lindsay.

P.O. LINDSAY:

Yeah, but wouldn't it make more sense to pool all the money in one pool and pay for their service?

LEG. SCHNEIDERMAN:

What about the staff?

P.O. LINDSAY:

Huh?

LEG. SCHNEIDERMAN:

What about the staff?

P.O. LINDSAY:

Well, the staff will be paid out of the pool. Everybody will pay for it.

LEG. KRUPSKI:

This amount of money that's being put out for the -- that we're voting on is peanuts compared to what it cost to run all those different facilities.

P.O. LINDSAY:

Okay, Al, but --

LEG. KRUPSKI:

You're covering such a big geographic area that you'd have to -- you probably have -- I would guess you'd have to double what's being done by the County.

P.O. LINDSAY:

But if you're talking about equity here, you would think that it would make sense to pool all the money and pay for it out of one pool.

D.P.O. HORSLEY:

Well, if I can answer that, I think that's pretty much what we're doing with this. What it is, is that the monies that are coming from the Voice-over Internet Protocol dollars, they are -- we are asking for the PSAPs, our redundancy ability, to take 20% of the entire pool, and then 80% goes to the County. So it is taking from one pool and just divvying it up. This is a matter of fairness.

LEG. SCHNEIDERMAN:

And trying to reach levels they used to get. I mean, they lost a lot of the revenue that they had, the assistance they had as people eliminated their landlines. So this tries to get them back to where they were.

LEG. HAHN:

Does this also make up for State funding loss? Are we allowed to do that?

D.P.O. HORSLEY:

Well --

LEG. HAHN:

We aren't allowed to make up when the State takes away funding.

P.O. LINDSAY:

We should see what Mr. Vaughn has to say.

D.P.O. HORSLEY:

Yes. Mr. Vaughn, I know what you're going to say, but we all would like to hear it, I guess.

MR. VAUGHN:

Thank you very much. The County Executive would hope that the Legislature does table this bill. We do have some concerns with it.

While we certainly agree that there are some really excellent points to this piece of legislation, especially things like instituting an IMA, and things that were brought up during the Comptroller's report. Ultimately, we do have concerns over the additional revenue sharing.

Who I have with me today is Matt Jones from the Police Department, who has about 20, 20 years of experience in dealing with both our own 911 operating system and the PSAPs in general.

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And one of the things -- you know, just a couple of points that I would like to point out. Right now -- and Mr. Jones is going to jump in and correct me if I am wrong. But, right now, we are sending about 800,000 to the PSAPs. But, in addition, we are also paying 1.8 million for our Verizon operating contract, so that we can all be on the same page.

The other concern that we have is the money that will be taken out of -- by the new formula that this bill creates, is the money that will be taken out of both FRES and our own Operating Budget, and those expenses will need to be made up somewhere else. And while we do certainly understand the idea of fairness and sharing, I think the other thing that Mr. Jones could correct me on if I am wrong, we are the only County that shares these funds?

MR. JONES:

Yes.

MR. VAUGHN:

With other -- with their other PSAPs. Now that certainly doesn't mean that that's the only direction that we could go, or the right direction we could go, but we do have some concerns about having to make up that additional money from the Operating Budget. It's another 435,000 on top of a \$700,000-plus loss that we are seeing in State revenue this year to this account.

And, in addition, you know, as many of the members of the Public Safety Committee will remember, this Administration has made a \$700,000 commitment in 2014 to our own 911 operating centers with the SCINs that we signed. Those were worth \$700,000. This bill takes almost half of that money. Now, certainly, no one is proposing that we're not going to fill those SCINs, or we're not going to go forward with those hires. We have made a commitment, we are doing that. But I bring that point up only to illustrate the magnitude of this issue.

And so while I understand that it may be peanuts to the expenses that are being offset in some of the local PSAPs, I don't think the \$435,000 is peanuts by any stretch of the imagination. So I do appreciate your indulgence on the matter.

D.P.O. HORSLEY:

Thank you very much. And we -- I don't know who characterized it as peanuts, but I certainly didn't. Okay. Who wants to -- I could answer that. Do you want to go -- Al, do you want to go?

LEG. KRUPSKI:

Ladies first.

D.P.O. HORSLEY:

Legislator Krupski.

LEG. KRUPSKI:

I just -- I don't know where -- you know, it's a matter of the revenues collected from the East End also, so I don't see why revenue sharing should be that different from revenue collecting.

And as far as the State stiffing the County on the money, again, it shouldn't all come from the East End, which is -- I think is what you're suggesting.

MR. VAUGHN:

No, sir, I'm not. I'm suggesting that it's all coming from us.

LEG. KRUPSKI:

You mean all the revenue collecting is coming from us?

MR. VAUGHN:

No, sir. I mean that the money that the State is not -- is not going to allocate to us, we, as the Suffolk County, both Executive and Legislature, are going to figure out -- are going to have to figure out how to make up that offset next year.

LEG. SCHNEIDERMAN:

I think what he's saying, that this money, Tom, is being collected, this Voice-over IP for the entire County. And you're proposing using it only on a portion of the County and not making that funding available to every County resident.

D.P.O. HORSLEY:

Okay.

LEG. SCHNEIDERMAN:

And that's where the inequity arises.

D.P.O. HORSLEY:

Okay. Legislator Browning.

LEG. BROWNING:

Yeah. I'd like to make a recommendation, since the Administration doesn't want to do this. I mean, obviously, the problem's not going to go away. We're probably going to have the same problem next year and the ongoing years.

You know, obviously, we had them come here from the other PSAPs and talked about, you know, what the result would be if they don't get the funding, and that would basically be passed on to the local fire department. In return, we'll have to create a tax increase for residents. So my recommendation is, I believe there's State funding available to research and to study mergers of PSAPs, and I would recommend that the Administration look at if this funding is actually available from the State, and maybe consider studying merging PSAPs.

MR. VAUGHN:

Legislator Browning, you know that I never have a problem bringing information back across the street.

D.P.O. HORSLEY:

There you go. Thank you very much, Legislator Browning. Legislator Kennedy.

LEG. KENNEDY:

You know, let's not lose sight of where we're at with this right now. And thank you, Tom, for bringing up the issues that the County Executive had concerns on, you shared them at the committee. But, remember, this legislation comes forward as a result of the audit that Comptroller Sawicki did, which showed that there was a wide range of variations with a number of different things associated with this whole surcharge and collection process, which was put in in 2010 in the first instance, and which is derived from every cell phone and every Voice-over that we have throughout the County. It is something that ultimately was designed in the first instance. The State Legislature gave the ability to go ahead and have this be dedicated directly to public safety.

This legislation, all it does is trues up with the Voice-over what's already in place with the cell phone surcharge. But, more importantly, what it does is it sets up a quarterly distribution process for our Town-based dispatch functions. It gives the ability to have local entities that are serving local emergencies in a way that actually I would think is much more cost expeditious. I would disagree to a certain extent, Mr. Presiding Officer, because, quite frankly, if we had to have County full-time people do this function, Legislator Krupski estimated double; I'd say triple effect. Quite frankly, I

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would think the County Executive would want to support and bolster town-based and village-based PSAPs, because what it does is, it helps provide the redundancy and address the public safety issues.

The 700,000 that the County has received in formula aid, and, Matt, you know this, it is not being taken away from the County, it is being folded into the annual grant program that now will be available for all counties to apply for. In addition, there's about a 24-month latency in receipt of that 700,000, so, in fact, we should still be in line for the -- I guess, we've not received, what, the 11-12 money yet; 11-12 and 12-13 are still in the pipeline.

MR. JONES:

We actually receive the money in the subsequent year of the budget release. So for 2012 State budget, we're applying for it now.

LEG. KENNEDY:

Right.

MR. JONES:

For the 2013 budget, which for the State just went into effect, there is nothing coming in 2014.

LEG. KENNEDY:

Well, 13-14, right. So you -- we will wind up seeing this additional 700,000. And then the Department has the ability to apply for that equivalent amount if it's necessary. It's not that the State did away with it altogether, they folded it into the actual competitive grant program statewide.

MR. JONES:

Exactly. It's a grant, it's not revenue, so with any grant, you apply for it, and with the perception or the hope that you're going to apply you're going to get what you apply for. This past year, we applied for a grant. We thought we were in good standing with it, and we got less than half the money we had requested for, even though, according to their formula, there was quite a bit more money available for Suffolk County.

LEG. KENNEDY:

Which I understand, and something that we are going to have to take up and deal with. Look, we have over 18 million dollars in that comes into Fund 102. Dr. Lipp, isn't it somewhere around there?

MR. LIPP:

I'm sorry. Repeat that, please.

LEG. KENNEDY:

Fund 102.

MR. LIPP:

Right.

LEG. KENNEDY:

About 18 million?

MR. LIPP:

I think so.

LEG. KENNEDY:

Okay. So --

MR. LIPP:

I'll double-check, though.

LEG. KENNEDY:

That would be great. So that's what's funding our 911 operations at this point. The amount of money we're speaking about going out to 10 non-County PSAPs is 320,000.

MR. VAUGHN:

Yes, sir. And while I --

LEG. KENNEDY:

That's it.

MR. VAUGHN:

Yes, sir. And while I do understand that 18 million, it certainly does sound like a large number, because it is.

LEG. KENNEDY:

It is.

MR. VAUGHN:

Absolutely, sir, I do not disagree with you. However, when we are also -- we also need to add an additional --

MR. JONES:

Eleven million.

MR. VAUGHN:

Eleven million to that fund, that 18 million doesn't look as impressive. And that's our concern, that this is a fund that is all -- that we are already paying into as a portion of the General Fund, and this is going to take this problem in the wrong direction.

D.P.O. HORSLEY:

Okay. Let me -- let me add to this argument just one more thought. The fact is that if you look at the 911, the E-911 system as a holistic entity, our 911 system, they are -- whether they're in Southold, or whether they're in Babylon, or whether they're with the Police or FRES, or whatever, it is one system, and it is one system for -- by design that helps and makes sure that the ambulances arrive in our houses when we have an emergency. It makes sure that the fire departments are there when we need them. And to say that only 80% of your operation is worthy of monies when 20% you're just saying, "Well, we're going to take it all," it's just not fair. This is a matter of fairness, and the fact is if we were to cut off those PSAPs, as Smithtown representatives said today, they may close because they don't have enough money. And we're just writing them off for our own budgetary issues. It's just not fair.

MR. VAUGHN:

Legislator, I certainly understand what you're saying. I disagree with the idea that we're running them off because nobody is talking about taking anything away from them. They're going to get exactly the same amount as they've gotten in the --

D.P.O. HORSLEY:

And what are they getting out of VoIP?

MR. VAUGHN:

They aren't getting anything out of VoIP. What are they getting out of the rest of the County?

D.P.O. HORSLEY:

Well, they get -- they get money from the wireless. They're no longer getting any monies from the landline.

MR. VAUGHN:

And we continue to pay.

D.P.O. HORSLEY:

And that's the reason why they're deficient.

MR. VAUGHN:

And we continue to pay for their services.

D.P.O. HORSLEY:

And as monies are -- as the numbers of wirelesses are increasing, the dollars that are going to the County are also increasing. They're asking for 20%. Twenty percent, that's not a greedy amount. This is just to sustain the system. And if not, they have to go back and the villages and the towns and everyone else will have to charge more taxes. I mean, that's just not fair. Or they'll go out of business, as Smithtown warned today.

LEG. SCHNEIDERMAN:

Well done, well said.

D.P.O. HORSLEY:

All right. Let's vote. Everyone good?

P.O. LINDSAY:

We only have a motion to approve?

D.P.O. HORSLEY:

We only have a motion to approve. You want to do a roll call? You guys want one?

P.O. LINDSAY:

Tom, did you suggest that the Executive would like a tabling motion?

MR. VAUGHN:

Yes, sir, I did. And the other thing that I would just add -- thank you very much for asking one final question --

LEG. HAHN:

I make a motion to table.

MR. VAUGHN:

The other thing that I would just like to add, Mr. Presiding Officer, is that if Legislator Kennedy or anybody else thinks that a State grant application would -- or a grant application might be a better way to go, maybe there's a compromise that can be reached in the future, and have this 20% on the basis of a grant.

D.P.O. HORSLEY:

Thank you very much for your suggestion. We have a motion to table. Is there a second on the motion?

P.O. LINDSAY:

I'll second it.

D.P.O. HORSLEY:

Seconded by Legislator Lindsay.

LEG. SCHNEIDERMAN:

Roll call.

LEG. MONTANO:

Roll call.

LEG. D'AMARO:

On the motion.

D.P.O. HORSLEY:

On the motion. We have a tabling and approving.

LEG. D'AMARO:

I just want to ask Mr. Vaughn, does the Administration agree we need the PSAPs?

MR. VAUGHN:

Yes, sir.

LEG. D'AMARO:

And I'm sure you would agree they need to be adequately funded. So if we don't pass this bill, how do we get their funding up to where it should be for them to operate correctly?

MR. VAUGHN:

I think the disagreement, Legislator D'Amaro, is the idea of adequate funding. With 800,000, plus an additional 1.8 million, we are -- we think that this is a matter of want and not need. We are unconvinced that there is an additional need. Maybe it's a misunderstanding on our part, but we do believe that under the current scenario, it is being funded properly, and the concern is that this additional 400,000 comes out of our Operating Budget.

LEG. D'AMARO:

So your position is that we should not pass this bill because the PSAPs have sufficient funding to operate efficiently and correctly and to fulfill their mission?

MR. VAUGHN:

Yes.

LEG. D'AMARO:

Okay.

D.P.O. HORSLEY:

It is what it is. Legislator Spencer, did you want to say something?

LEG. SPENCER:

In terms of the question of want versus need, there's got to be budgets that are associated with these PSAPs. And I thought there was testimony that indicated that there were a couple, that if they didn't get the increased funding, that they could close. And so I don't think it's a matter of -- I mean, if we say want versus need, we just finished a budget process. We know what it takes to do something, and I think that we could find out, with regards to the PSAPs, how much the operating

costs are and the revenue that they're receiving, and we could very easily see it's not a mystery.

D.P.O. HORSLEY:

Legislator Schneiderman, then D'Amaro.

LEG. SCHNEIDERMAN:

Just on Mr. Vaughn's comment about blowing a hole in the budget, the way the bill was structured, the non-County PSAPs don't actually see the money until 2014. So we do have a budget cycle to go through, so it's a -- I don't think it's a really fair criticism.

MR. VAUGHN:

Legislator Schneiderman, I completely understand that. And while we do certainly appreciate that this was put off to 2014, we are taking measure after measure after measure to try and find any cost-cutting measure that we can find, you know, and where we --

LEG. SCHNEIDERMAN:

We all are.

MR. VAUGHN:

Where we go -- absolutely, we have done this as a -- in a partnership.

LEG. SCHNEIDERMAN:

But this isn't --

MR. VAUGHN:

To say otherwise would be untrue on my part. But where is this additional \$400,000 going to come from? Legislator Schneiderman, the savings from the health center that we just consolidated is what, sir, about between 800 to a million dollars a year? This is half of it. If it was a worthwhile savings there, it's a worthwhile savings here, and that's the concern.

LEG. SCHNEIDERMAN:

You know, I was on this body when we created the surcharge on those cell phones. And I think the prior County Executive I think maybe pocket-approved it, or maybe he didn't support it at all. We created this revenue source. I would have never supported that surcharge if I thought it was only going to go to Western Suffolk. We're all paying it, just like this Voice-over IP. It's not your money, it's not just western Suffolk, it's the whole County's money. And these PSAPs that are saving the County money, if we had to take it over, it would cost a fortune. So to share it, 20% is not a huge amount. This is a fair and equitable thing to do, and I'm certainly going to support it. I think it should pass expeditious, so let's have the vote.

D.P.O. HORSLEY:

Okay. Legislator D'Amaro, did you have a --

LEG. D'AMARO:

I just wanted to follow up. So the -- so, if we don't pass this bill, and we have testimony on the record that it may even force some of these PSAPs to close, the only other funding source they would have is through the property tax; is that correct?

LEG. KENNEDY:

Absolutely.

D.P.O. HORSLEY:

Yeah.

LEG. D'AMARO:

So would you recommend that we raise property taxes to adequately fund the PSAP operation?

MR. VAUGHN:

I would recommend -- pardon me, sir. I would recommend that a separately elected body, another taxing jurisdiction take the actions that they deem necessary. I'm not going to suggest it. That would --

LEG. NOWICK:

It's still raising taxes.

MR. VAUGHN:

I'm not going to suggest what they would do.

LEG. D'AMARO:

All right. It was a loaded question. Fair enough.

D.P.O. HORSLEY:

Yeah, it was, but it was a good one, though.

LEG. KENNEDY:

And the last point to go ahead and go to here was the surcharge, what the State Legislature authorized, is designed, as Legislator Horsley talked about, to support 911 functions throughout all of this County of Suffolk, you know, from Amityville out to Orient, not just in that area that the County deems has its priority. So, quite frankly, to take this posture that PSAPs that are functioning within our geographic area are somehow left to cast off and function on our own is the absolute wrong position to take.

MR. VAUGHN:

Legislator Kennedy, thank you very much, but I don't think 2.6 million dollars is saying cast off.

LEG. KENNEDY:

Well, no. As a matter of fact, let's talk about 800,000 from the cell phone surcharge, and then the 1.8 million that statutorily has to be paid by virtue of the fact that they have uniformity for communications. That's not something that's a gift or permissive, that's by statute.

D.P.O. HORSLEY:

Okay. Anybody else? We're all good? All right. We have a motion to table, as well as to approve. Tabling motion goes first. Roll call.
On the tabling. I'm sorry, on the tabling.

MR. LAUBE:

Legislator Hahn.

LEG. HAHN:

This is to table, right?

D.P.O. HORSLEY:

Yes.

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

LEG. HAHN:

Yes.

P.O. LINDSAY:

Yes.

LEG. SPENCER:

No.

LEG. D'AMARO:

No.

LEG. STERN:

No.

LEG. GREGORY:

No.

LEG. NOWICK:

No.

LEG. KENNEDY:

Negative.

LEG. BARRAGA:

Yes.

LEG. CILMI:

No.

LEG. MONTANO:

No.

LEG. CALARCO:

No.

LEG. ANKER:

Yes.

LEG. MURATORE:

No.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

No.

LEG. KRUPSKI:

No.

D.P.O. HORSLEY:

No.

MR. LAUBE:

Four.

D.P.O. HORSLEY:

On the motion to approve.

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

LEG. KENNEDY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. CALARCO:

Yes.

LEG. ANKER:

No.

LEG. HAHN:

No.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. KRUPSKI:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

No.

MR. LAUBE:

Fourteen.

D.P.O. HORSLEY:

The motion is approved.

LEG. KENNEDY:

Thank you.

D.P.O. HORSLEY:

Okay. *Next 1395 - Appropriating planning funds in connection with Countywide System Enhancements to the 800 MHz Radio Communication System (CP 3241)(Co. Exec.).*

LEG. BROWNING:

Motion.

D.P.O. HORSLEY:

I'm sorry. Who said that?

LEG. BROWNING:

I did.

D.P.O. HORSLEY:

Legislator Browning makes the motion. Seconded by?

LEG. MURATORE:

(Raised hand).

D.P.O. HORSLEY:

Second by Legislator Muratore. All those in --

LEG. MONTANO:

On the motion.

D.P.O. HORSLEY:

On the motion.

LEG. MONTANO:

Yeah. Could I just have a quick explanation?

D.P.O. HORSLEY:

You may. And who's able to do that?

LEG. BROWNING:

Well, does any --

D.P.O. HORSLEY:

Mr. Vaughn?

LEG. D'AMARO:

Do you want to raise taxes on this one?

MR. VAUGHN:

Absolutely sir.

*(*Laughter*)*

LEG. MONTANO:

Give me the short version.

MR. VAUGHN:

Short version is that this -- that we have certain areas of the County that get a very weak signal. This project will boost that signal in those areas. The areas include places like Port Jefferson and Amityville.

LEG. MONTANO:

And how much are we talking about?

LEG. CILMI:

A hundred and fifty.

LEG. MONTANO:

A hundred and fifty. Just a quick question. Robert, have you been keeping a tally of how much we spent today?

MR. LIPP:

We usually update that. Because there were so many bonds on today's agenda, we update it the day after.

LEG. MONTANO:

All right. Could you get it to me later?

MR. LIPP:

I could tell you what -- I could tell you how many are on the agenda.

LEG. MONTANO:

No, no, no, no. I'm trying to see how much money we spent today so far. Okay. Thank you.

D.P.O. HORSLEY:

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

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

Same motion, same second for **1395A** on the corresponding bond resolution. Roll call vote.

(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.

D.P.O. HORSLEY:

Thank you. *1399 - Appropriating funds for the purchase of equipment for Medical, Legal Investigations and Forensic Sciences (CP 1132)(Co. Exec.)*

LEG. BROWNING:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Browning.

LEG. CILMI:

Second.

D.P.O. HORSLEY:

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

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

Same motion, same second on the corresponding bond resolution.
Roll call vote.

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

LEG. BROWNING:

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:

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.

D.P.O. HORSLEY:

Thank you. And 1401 we've already done.

1412 - Authorizing the Suffolk County Sheriff's Office to incorporate motor vehicles obtained at no cost to the County through the Federal Surplus Property Program into the existing fleet (Co. Exec.).

LEG. BROWNING:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Browning, seconded by Legislator Schneiderman. All those in favor? Opposed? So moved.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

1427 - To ensure adequate emergency response services to Suffolk County Residents (Cilmi). Legislator Cilmi?

LEG. CILMI:

Motion to approve.

LEG. BROWNING:

Second.

D.P.O. HORSLEY:

Makes the motion to approve; seconded by Legislator Browning. Everybody good? All those in favor? Opposed? So moved, it has been approved.

MR. LAUBE:

Eighteen.

PUBLIC WORKS & TRANSPORTATION

Public Works and Transportation: ***1260 - Limiting the use of air curtain destructors by the Department of Public Works (Browning)***. Legislator Browning?

LEG. BROWNING:

Motion to approve.

D.P.O. HORSLEY:

Motion is to approve. Is there a second on the motion?

LEG. MURATORE:

(Raised hand).

D.P.O. HORSLEY:

Legislator Muratore seconds the motion.

P.O. LINDSAY:

Question.

D.P.O. HORSLEY:

Question on the motion.

P.O. LINDSAY:

What is -- what is an air curtain.

LEG. SCHNEIDERMAN:

Maybe Commissioner Anderson is best suited.

COMMISSIONER ANDERSON:

We call them curtain burners. They're a device. It's a large metal box like a dumpster, but bigger. It's got a fan that essentially blows air onto a fire. We used them over the course of Sandy and Irene to destroy, or not -- well, basically, to burn all the vegetative debris that, you know, was on the streets. Under Sandy, we removed between one million to 1.2 million cubic yards of vegetative debris, and these were -- are very effective. They basically break it down to -- 2% of the mass is what's left after a tree burns. They were very effective. I mean, I would make one last pitch to not tie our hands, but, you know, again, it's --

P.O. LINDSAY:

If we didn't have these devices, how would we dispose of this debris?

COMMISSIONER ANDERSON:

The other resource that we used were tub grinders, essentially chippers that break down the debris. The tub grinders are good for the smaller stuff, the leaves, the branches, you know, smaller wood. The curtain burners are very effective in the large trunks. So, you know, a 24-inch trunk is what you really want to use them for. The tub grinders are for smaller things.

P.O. LINDSAY:

Okay. So would it be more expensive to use the chippers?

COMMISSIONER ANDERSON:

It would. Yeah, it would be more expensive because of the time frame it would take to grind that down, yes.

P.O. LINDSAY:

Okay. I would strongly recommend to my colleagues, now is not the time to advance this methodology --

LEG. HAHN:

Bill, on the motion.

P.O. LINDSAY:

-- or to outlaw this methodology in these economic times.

D.P.O. HORSLEY:

Okay. Legislator Browning.

LEG. BROWNING:

Sure. The resolution does not prohibit DPW from using air curtain destructors. It's very clear that if it's in the event of an emergency declared by the Governor or by the County Executive, that they can use an air curtain destructor.

I had many complaints. Gil, there was three or four used in Brookhaven at the landfill.

COMMISSIONER ANDERSON:

Under Sandy, we used for four. After the --

LEG. BROWNING:

Four.

COMMISSIONER ANDERSON:

After the holidays, when the complaints were really coming in, we knocked it down, the time frame, from 24/7 down to 12 -- 12 hours a day, I think, for seven days a week.

LEG. BROWNING:

Right. There was a continuous use of these air curtain destructors at the Brookhaven Landfill, and there was many complaints from local residents about the smoke and the particles that they were inhaling. We did look at when there was only one in operation, the air quality was not as offensive as using three or four at a time. So the bottom line is this is not prohibiting the use of the air curtain destructor, it's basically saying that you can use the air curtain destructor, but only one at a time, and requiring that they be located at least five miles apart.

The other thing is, is that we are looking at, if we're going to use these air curtain destructors, they should be doing air quality tests while they're being used, which was something that was being done until complaints came in, so -- and it's also allowing them to use them for 90 days.

You know, I have been talking to the Town of Brookhaven. I know that, moving forward, they're certainly not going to allow the use of that many at one time. This is just basically trying to protect the air quality of the local residents. They're dealing with the air quality problems from a compost facility right south of them. Now, with the -- I can't tell how bad it was. I mean, it was like a dense fog when these things were in full operation, all of them at the same time. And I don't think that's

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fair to the residents in the Yaphank and the surrounding areas. I understand that you're going to have to do it and you want to do it, but to use them to the extent that they were being used, I think it was very unfair to the local people.

COMMISSIONER ANDERSON:

The point I would like to make, and I made, I think, at committee was that we were limited in where we were able to place them by the New York State Department of Environmental Conservation. So, even though we made the effort to try and place them at other locations, they said no. In fact, we could only use Brookhaven because the distance to local communities. There was a whole litany of things.

We did, after the complaints come in, and even at the suggestion from FEMA not to do it, we put the air quality monitoring in there. The issue with the air quality monitoring was, in many cases, that even when we weren't running an operation, the air quality wasn't coming up, or was going -- the air quality levels were higher than that 35 microns that they mandate. So it could have been from trucks coming by. There was a bunch of different reasons.

We made every effort to try to minimize impact to local communities. When the weather wasn't correct, when you had a heavy, a dense weather pattern, we shut down the operation so that we wouldn't have smoke coming into the local community as much as possible.

Again, I don't know that we'd get permission from Brookhaven to even put more than one on a site. But my concern is that -- I'm just going to throw this out as an example -- if all of a sudden DEC says we could do it at Smith Point, I would want to have the ability to put four -- if we had a storm and, God forbid, we ever do like we had this past October, I would want to have the ability to put them in there. We are very sensitive, as you know, to the community. We live there, too.

LEG. BROWNING:

Well, I can't tell you, my car was at the mechanics, my mechanics, probably about three or four miles away, and I think you saw the pictures of my car and it looks like it snowed. It was covered with ash, and that's how far my car was from the landfill.

COMMISSIONER ANDERSON:

Again, I don't believe that --

LEG. BROWNING:

So, if my car is looking like that, what are people's lungs looking like when they're inhaling that?

COMMISSIONER ANDERSON:

Again, I come down to our ability to get rid of one million cubic yards of material. And if you go to the -- if you go to the Brookhaven Landfill and you drive to the area where we were working, and you go up to one of the best vantage points, it's about 40 feet above the ground, and it turns out to be vegetative debris from Hurricane Gloria, so that they've never been able to dispose of it. Tub grinders are good, don't get me wrong, and if this passes, we will do what we have to. But there's nothing as effective as a curtain burner, and it really as an effective tool to --

LEG. BROWNING:

Right.

COMMISSIONER ANDERSON:

Right.

LEG. BROWNING:

And you're not being prohibited from using one if there's an emergency. However, we want to make sure that we're doing the right thing. We want to make sure that we get rid of all of this stuff, but it shouldn't be done to the detriment of the local residents.

COMMISSIONER ANDERSON:

And, again, I would argue that while I don't believe Brookhaven will allow us to ever put more than one in, I would like the ability that if we find a location where we can place more than one, we have that ability, and this restricts us from doing that. Under a storm like Sandy, if it was worse than Sandy, which was -- is always the potential, we could have had a lot more debris, and then we're stuck trying to grind the stuff and get rid of it.

LEG. BROWNING:

Right. And, again, it should be scattered. There should be scattered sites and not one community, like you're saying about doing it down by Smith Point. Well, maybe it won't affect everybody. If the wind is blowing out towards the ocean, then nobody is going to complain about it. But, again, I don't think anybody in this room would agree to have more than one in their community. And, again, you have -- we have to look at the health and safety of our local residents.

D.P.O. HORSLEY:

Okay. I've got a list here. Legislator Krupski.

LEG. KRUPSKI:

The amount of debris that you had and the size of it, you know, a lot of the concern is getting it off the roads quickly and getting it off the wires quickly, because it's a health hazard as far as not getting safety equipment through, and falling on people, and becoming debris in the road. But, also, I went down to the dump the other day and talked to the guys who were grinding the material in Southold, and all they have is problems with grinders. How many tub grinders would it take to process the amount of material that you had after this storm with a grinder, or with two grinders, or four grinders?

COMMISSIONER ANDERSON:

I couldn't even begin to guess, I'll be honest. I don't know. That amount of volume, it -- without the ability for the burners, we would still be doing it, and I really believe it. I know there are some locations that are still -- Southold probably is dealing with the vegetative debris. The tub grinders, in many cases, they're a mechanical device. If they're used constantly, they're going to break, they're going to need repair. And, you know, there is -- as I've said, there is nothing as effective as the curtain burner.

D.P.O. HORSLEY:

Okay. Guys, we got -- Kara, you wanted to do it quickly or --

LEG. HAHN:

Do you still have trunks left, tree trunks that have been stripped of the branches and that have not yet been burned and/or chipped?

COMMISSIONER ANDERSON:

Well, we -- I don't know, but I believe we do. I believe in many locations there are still --

LEG. HAHN:

I just -- I have somebody looking for some material to form reefs, so let's talk later.

COMMISSIONER ANDERSON:

Okay.

LEG. HAHN:

How many of these curtain burners, just whatever they're called, do we have?

COMMISSIONER ANDERSON:

Under Irene, we used one. Under Sandy, we brought in four, two of different sizes.

LEG. HAHN:

And the four were being operated all at once?

COMMISSIONER ANDERSON:

Initially, yes, until we got the complaints from the community and then we kicked back the burning.

LEG. HAHN:

And they were -- so we were trucking in debris from where to Yaphank? Where was it coming from?

COMMISSIONER ANDERSON:

Okay. There were -- various Towns brought in their vegetative debris. I believe we had Southold, Smithtown, at one point Islip, Brookhaven, obviously.

LEG. HAHN:

And were we charging the Towns to get rid of their debris?

COMMISSIONER ANDERSON:

We weren't charging the Towns, no.

LEG. HAHN:

So, I mean, shouldn't the Towns contribute, whether it's by taking one of these destructors to their own Town, accepting them? I know it's a DEC thing, but, you know, if we're going to be taking their debris, you know, we need some help on that, whether it's payment for it, or something. I don't think this is a fair burden for one community to shoulder. And there are certainly landfills in many other spots around Suffolk County and it's --

COMMISSIONER ANDERSON:

I know Southampton made that formal request with the DEC and was turned down. I think there was another Town. I think anybody -- any of the Towns --

LEG. HAHN:

Babylon.

COMMISSIONER ANDERSON:

-- would have taken, you know, a burner if they could have gotten it. It's just that DEC regulated that the only place that was acceptable at that time was Brookhaven landfill.

LEG. KRUPSKI:

They sure would have, because to grind it all for a Town is just -- it's a huge responsibility mechanically, and it's so expensive.

LEG. HAHN:

But it's also a huge responsibility for the County to take it on. You know, for us to take it on for every town, it seems -- and to have one community have to shoulder the burden of the environmental pollution, it's just --

LEG. KRUPSKI:

The EPA Chair should take it up with the DEC. That's a good -- that's a good issue.

LEG. HAHN:

Yeah.

LEG. KRUPSKI:

Spread it around.

D.P.O. HORSLEY:

Okay. Legislator D'Amaro? Let's see if we can move this along.

LEG. D'AMARO:

Commissioner Anderson, you had four burners initially running full-time at the Brookhaven Landfill. If this bill were in place, how would that have impacted the operation? Because I believe it limits you to only one?

COMMISSIONER ANDERSON:

Correct.

LEG. D'AMARO:

But for how many days were you using the four?

COMMISSIONER ANDERSON:

I would -- easily over a month. Actually, probably more like close to two months. It was around -- the storm happened around Halloween.

We went through -- we went through November, December and we started getting significant complaints, then we brought the program down.

LEG. D'AMARO:

Because this bill allows you one unit per site, but for 90 days. So that would have proven insufficient after Sandy?

COMMISSIONER ANDERSON:

Right.

LEG. D'AMARO:

Ninety days?

COMMISSIONER ANDERSON:

And would have seemed -- would have proved insufficient under Irene. Irene, we only used one burner at Brookhaven.

LEG. D'AMARO:

How many other locations did we actually seek out from the DEC, if any?

COMMISSIONER ANDERSON:

At the time, we were -- essentially, we came up with a couple of different ideas, one of them being the former Naval base in Calverton. I can't think of it, but, you know, different locations. We did try to come up with ideas for DEC, and, actually, DEC went out with my staff and we took a look at them, and nothing -- nothing met the requirements that they have, as far as --

LEG. D'AMARO:

You mean there were actual requirements in place by the DEC? It was okay to spread the ash over Brookhaven residents, but not other residents?

COMMISSIONER ANDERSON:

It was because of -- there is distance requirements, yeah.

LEG. D'AMARO:

Yeah?

COMMISSIONER ANDERSON:

Yeah.

LEG. D'AMARO:

There's no other place in the County that could accommodate that, or it was just happening very quickly? Because maybe what you do, if this bill passes, maybe just, you know, some advanced planning, not being --

COMMISSIONER ANDERSON:

Well, that's what we're actually doing now. We are in the process of hiring -- going out. We're going to go out to bid for the contractors for the various services, trucking.

LEG. D'AMARO:

Right.

COMMISSIONER ANDERSON:

You know, the --

LEG. D'AMARO:

Well, I mean, even for placement, if you're limited to one within five miles of one another, you know, maybe you try and locate now three, or four, or five sites that meet the requirement of the bill.

COMMISSIONER ANDERSON:

I mean, certainly, we will speak to the DEC about it. I can attest that we had a number of discussions about this, because we did feel that, you know, burdening Brookhaven with the -- look, it's do you have the cost just of bringing the material from the staging areas in different Towns, Southampton, Southold?

LEG. D'AMARO:

Right.

COMMISSIONER ANDERSON:

All that trucking had to be paid for. If you could put a burner there that could help reduce that, you'd save on the trucking costs.

LEG. D'AMARO:

So why -- but why would the New York DEC believe, if you're -- if they're going to allow four burners, why would they believe it's better to put them all in one spot? So they -- the DEC was mandating that you have them in one spot? They wouldn't approve any other location?

COMMISSIONER ANDERSON:

They were fine with the burners, number -- the number of burners.

LEG. D'AMARO:

Right.

COMMISSIONER ANDERSON:

It was, again, the distance from -- like one of the sites we talked about was Islip and their landfill, trying to put one there, and that's really what we were trying to do, is we'll get it at landfills, because you can measure the amount of material that's coming in and it could be tracked. Islip was too close to the airport. Southampton was too close to homes. You know, each one we looked at there were problems that the DEC raised. So the only location that they said was acceptable was Brookhaven.

LEG. D'AMARO:

But that was all happening very quickly back then.

COMMISSIONER ANDERSON:

Correct.

LEG. D'AMARO:

So, again, if this bill should pass, you know, I think -- I know you'll do that. But discussion with the DEC and all of that, make we cannot be limited to the one unit and spread it out, and, you know, accomplish what the sponsor is trying to accomplish while still accommodating a speedier recovery. Yeah, okay. Thank you.

D.P.O. HORSLEY:

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

LEG. GREGORY:

Thank you. Legislator Hahn had answered some of my questions, but I -- you know, I think it's a concern. I don't think one community should be over-burdened, as the sponsor is concerned about. But I would like for a second just to, if we can, look at the worst case scenario.

If we had Tropical Storm Sandy all over again, we had one air curtain destructor, what would that mean? Would that mean more debris on the roads longer, then you have the Towns that are obviously upset, or -- I mean, what does -- what is the consequence of that, potentially?

COMMISSIONER ANDERSON:

Potentially, you will be -- okay. You will not be able to get rid of the debris as quickly as we were able to. So that means if the -- what happened was from the actual roads, the vegetative debris was brought to staging areas. Then those staging areas, it was brought from the staging areas into the disposal site, whether it was Brookhaven, unless they had tub grinders at the staging areas. So what would happen is you would be -- you would have a lot more material for a lot longer of a period.

LEG. GREGORY:

At the staging areas.

COMMISSIONER ANDERSON:

Right.

LEG. GREGORY:

It wouldn't affect the roads or public safety in any way?

COMMISSIONER ANDERSON:

No, we would still be -- I mean, it was a big effort, it took us a long time. Areas like Huntington and Smithtown can attest to the amount of time it took to actually get rid of this stuff. And, you know, again, I feel confident that everybody's -- you know Highway staff would do everything to get it off the roads and make that safe, but now you've got all this material sitting in what really are

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temporary staging areas. Most of those locations were spots that were picked. You know, they were parking lots, they were areas that nobody was using because it was the middle of the winter. So, you know, you were able to take -- but now you got to get rid of it. Now it's a longer process. And in some cases, like I said, if you look at Brookhaven, there's a huge pile of debris sitting on their site that's from Hurricane Gloria that they were never able to get rid of, and I'm sure there's other areas like that, too.

LEG. GREGORY:

Okay. All right. Thank you.

D.P.O. HORSLEY:

Okay. Thank you very much, Legislator Gregory. Legislator Browning, I think you can wrap it up.

LEG. BROWNING:

Yeah, I mean, because I keep hearing that the reason why DEC denied the ability to put these destructors in other communities was because of residential. I ask you all to take a Google of the Brookhaven Town Landfill and you will see how many residents. Some homes, it's right in their backyard where these cells were and where they were burning. So take a look at the map, it's surrounded by residential homes.

COMMISSIONER ANDERSON:

Agreed. But DEC is the one that permitted us to put it there, and they were -- you know, somebody, and I hate to put this way, somebody is going to be impacted, and it's -- you know, it's the ability for the Department of Public Works to get rid of the material as quickly as we can that, you know, I am concerned with, and not that I'm not concerned with the residents, I am.

LEG. BROWNING:

No, and I respect that. Like, again, it's -- we have not said that one is a problem. One is fine. Run them one at a time, let that go. We're not saying not to do it at all, we're saying not to be running four at one time. And, you know, I have a couple of residents on Yaphank Avenue, one passed away with cancer, his wife has cancer, thanks to the compost facility, and we believe that's where it's coming from, so it's unfair. You cannot -- you cannot continue to make these people have to deal with this and have to inhale it.

COMMISSIONER ANDERSON:

Like I've said earlier, I don't believe that we're going to get permission from Brookhaven to put any more than one burner on their site again. But, if this legislation would hinder my ability, if we found another site, like I mentioned, some site somewhere elsewhere where we could put one -- you know, two more, say two or more facilities. I'm not saying it will happen, but, again, this hinders our ability to locate that. And if we do find a site that's optional, then we're not able to take advantage of that, and we don't know what we're going to be coming up against in the future.

LEG. BROWNING:

I guess we're done.

D.P.O. HORSLEY:

Okay. I think we're doing --

LEG. BROWNING:

That would be up to everybody here to make a decision. I just don't --

D.P.O. HORSLEY:

We have one more, Legislator, Legislator Anker.

LEG. ANKER:

One more quick comment. Again, I have a concern, I'm going to say this, a radioactive substance being found. You know, it was found at the compost facility. You know, Brookhaven Lab, which I support, greatly support, you know, there was radioactive substances for decades and decades. And these trees, I'm assuming, are more than 10 and 20 years old. Have you -- have you tested for that?

And, also, there has got to be a better type of mechanical, what -- system available for what you do. I'm assuming there is, but evidently not, or is it too expensive to try another type of burning unit?

COMMISSIONER ANDERSON:

The burning unit that they had there, it was very primitive, but it was very effective. And the idea is that you're super-heating the wood that's burning. All the wood, to get back to your first point, everything that was burned was watched from the time it was picked up off the ground to the time that it was brought on to the site, and it was completely and solely vegetative debris, trees, bushes that came down off the -- there were no --

LEG. ANKER:

I couldn't hear you.

COMMISSIONER ANDERSON:

Oh, I'm sorry. Okay, hold on. Everything that was -- everything that was disposed of at the landfill we watched from the time it was picked up off the ground, brought to the transfer station, eventually brought to the landfill and then burned. So the only thing that went through that process was vegetative debris, trees and bushes that came down in roadways from storms. So there was --

P.O. LINDSAY:

Could I make a suggestion?

D.P.O. HORSLEY:

Sure.

P.O. LINDSAY:

It sounds like there's room for compromise here between your bill, Kate, and the operation of Department of Public Works. You know, we shouldn't see a storm for several months. Why don't you try and sit down with the --

LEG. BROWNING:

(Crossed her fingers).

P.O. LINDSAY:

Yeah, I've got my fingers crossed, too, because we can't afford them. But sit down with Public Works, and maybe some variation of your bill they can live with, and your residents might be able to find more acceptable. I'm not saying live with it, but --

LEG. BROWNING:

Well, I don't know that there could be any more of a compromise, and we're not saying, "Don't do it." We're saying don't do it to the extent you've been doing it.

P.O. LINDSAY:

Okay.

LEG. BROWNING:

They're given 90 days. We're actually saying you can do it for 90 days, where they said they did it for a month.

P.O. LINDSAY:

Gil, if you look over the bill, do you think you could come up with some compromises that -- or outline what you find most objectionable?

COMMISSIONER ANDERSON:

Yes.

MR. VAUGHN:

And, Mr. Presiding Officer, I would also say that we would be happy to meet with the Legislator before the end of this week. I realize that the amended copy deadline is Monday at 5 o'clock, but you do have our commitment. If you are available, we would be happy to sit down and meet with you before the end of the week to try and see if there is common ground.

LEG. BROWNING:

I would prefer to go ahead and pass this, and if we can come up with a compromise, I'm willing to address it again and submit something.

D.P.O. HORSLEY:

Okay. That's the last Legislator I have on this issue. We have a motion to approve. Everyone good with that? All those in favor?

P.O. LINDSAY:

Opposed.

D.P.O. HORSLEY:

Opposed?

LEG. BARRAGA:

Opposed.

LEG. CILMI:

Opposed.

LEG. KRUPSKI:

Opposed.

MR. LAUBE:

Just the three?

LEG. SCHNEIDERMAN:

Four. Bill, too. Those were four hands.

MR. LAUBE:

I have Cilmi, Barraga, Lindsay.

D.P.O. HORSLEY:

Put them back up again, those that are opposed.

LEG. SCHNEIDERMAN:

And Krupski.

MR. LAUBE:

Sorry, 14. Can I get a check on the second for that again? The second for -- who made the second, because I didn't hear it.

LEG. MURATORE:

Me, I made the second.

D.P.O. HORSLEY:

Muratore.

MR. LAUBE:

Thank you. Fourteen.

D.P.O. HORSLEY:

Very good. Okay, it's been approved.

1314 - Directing the initiation of procedures to replenish the dunes at Smith Point County Park (Browning). Legislator Browning?

LEG. BROWNING:

A motion to approve.

D.P.O. HORSLEY:

Okay. Is there a second on the motion?

LEG. CALARCO:

Second.

D.P.O. HORSLEY:

Second by Legislator Calarco. All those in favor? Opposed? So moved, it's approved.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

1380 - Amending the 2013 Capital Budget and Program and appropriating funds in connection with safety improvements to CR 16, Smithtown Boulevard at Gilbert Avenue/Sheppard Lane, Town of Smithtown (CP 5574) (Kennedy).

LEG. KENNEDY:

Motion to approve.

D.P.O. HORSLEY:

Motion to approve by Legislator Kennedy, seconded by Legislator Nowick. All those in favor? Opposed? So moved. Same motion --

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

Same motion, same second on the corresponding bond resolution. Roll call vote.

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

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

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.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

Thank you.

LEG. KENNEDY:

Thank you to my colleagues.

D.P.O. HORSLEY:

1383 - Transferring Escrow Account Revenues and Transferring Assessment Stabilization Reserve Funds to the Capital Fund, amending the 2013 Operating Budget, amending the 2013 Capital Budget and Program, and appropriating funds for the improvements to Sewer Collection Systems in Suffolk County Sewer District No. 1 – Port Jefferson (CP 8122) (Muratore).

LEG. HAHN:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Hahn.

LEG. SCHNEIDERMAN:

Second.

D.P.O. HORSLEY:

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

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

Thank you. ***1384 - Amending the 2013 Capital Budget and Program and appropriating funds in connection with the safety and drainage improvements to the Center Medians on various County Roads (CP 5116) (Co. Exec.).***

P.O. LINDSAY:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Lindsay.

LEG. KRUPSKI:

Second.

D.P.O. HORSLEY:

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

MR. LAUBE:

Eighteen.

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D.P.O. HORSLEY:

Thank you. Same motion, same second on the corresponding bonding resolution. Roll call vote.

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

P.O. LINDSAY:

Yes.

LEG. KRUPSKI:

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.

LEG. SCHNEIDERMAN:

Yes.

D.P.O. HORSLEY:

Yes.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

Okay. *1385 - Amending the 2013 Capital Budget and Program and appropriating funds in connection with the Construction of Sidewalks on Various County Roads including ancillary road resurfacing and drainage improvements (CP 5497)(Muratore).*

LEG. CALARCO:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Calarco, seconded by Legislator Lindsay. All those in favor?

LEG. D'AMARO:

Hold on. On the motion, please.

D.P.O. HORSLEY:

Oh, on the motion.

LEG. D'AMARO:

Just Commissioner Anderson, if you're -- he's still here. This is for construction of sidewalks on various County roads. I mean, I know we've done this from time to time. Are there specific areas that are being targeted?

COMMISSIONER ANDERSON:

Yes, there are.

LEG. D'AMARO:

What's the urgency to do this, or what's the need to do it?

COMMISSIONER ANDERSON:

Okay. Give me one second, I'll tell you. There are two areas that currently we're looking to study under this project. This is -- and we're doing 1385, right?

LEG. D'AMARO:

Yes.

COMMISSIONER ANDERSON:

Okay, thank you. The first area is a pedestrian safety project along County Road 97, Nicolls Road, from Sheep Pasture Road to New York State 25A. It's essentially from the north entrance to Stony Brook, and would allow pedestrians to walk from that north entrance to the Stony Brook Village area safely. Right now, there really isn't a sidewalk in there.

LEG. D'AMARO:

That's along Nicolls Road.

COMMISSIONER ANDERSON:

Correct.

LEG. D'AMARO:

From the north entrance off Nicolls Road at Stony Brook down to 25A, is it?

COMMISSIONER ANDERSON:

Underneath the train trestle.

LEG. D'AMARO:

Under the trestle.

COMMISSIONER ANDERSON:

Yeah, and at 25A.

LEG. D'AMARO:

I mean, people have been walking along there for years and years and years. Why --

LEG. HAHN:

There was actually a death on Nicolls Road in the last two years.

LEG. D'AMARO:

Okay. People have been walking along there for years and years and years. You know, why is this project coming up now?

COMMISSIONER ANDERSON:

Essentially, because Legislator Hahn --

LEG. D'AMARO:

There's no -- I'm sorry. There's no -- there's no sidewalk there now?

COMMISSIONER ANDERSON:

No, there isn't. There isn't a -- to go underneath the train trestle, you have to actually walk out into the road to get around it or go --

LEG. D'AMARO:

Right. It's really not -- it's not even an area that's conducive to walking.

COMMISSIONER ANDERSON:

Well --

LEG. D'AMARO:

I mean, walking along Nicolls Road.

COMMISSIONER ANDERSON:

Right. But there's only really two places --

LEG. D'AMARO:

It's not like it's a village of some kind. I mean, it's really --

COMMISSIONER ANDERSON:

Well, no, there is. If you go --

LEG. D'AMARO:

No, no. At the end, there's a village.

COMMISSIONER ANDERSON:

Right.

LEG. D'AMARO:

But not --

COMMISSIONER ANDERSON:

It's a short -- it's a pretty short distance.

LEG. D'AMARO:

I mean, who's walking from the entrance of Stony Brook to --

LEG. HAHN:

University.

COMMISSIONER ANDERSON:

University kids, that's the problem. There's only --

LEG. D'AMARO:

But there's so many other ways to go. You can go -- I mean, I --

COMMISSIONER ANDERSON:

There's only two.

LEG. D'AMARO:

No, no. But you can walk across the field if you're coming from the University. You go right into the Village from the field.

COMMISSIONER ANDERSON:

That end. But, if you're walking towards the west -- the easterly end, where you have -- there's a deli, there's a drug store, there's a bunch of things to the east of Nicolls Road --

LEG. D'AMARO:

Right.

COMMISSIONER ANDERSON:

-- that a lot of kids do walk to, and, you know, that's the reason for this project.

The other project is on Park Avenue, County Road 35, where we're going to put in a sidewalk from the railroad up to New York State 25A, so that people can walk up into the Village.

LEG. D'AMARO:

In Huntington?

COMMISSIONER ANDERSON:

Yes, sir.

LEG. D'AMARO:

From -- give me that again, from where to where?

COMMISSIONER ANDERSON:

From the railroad up to 25A.

LEG. D'AMARO:

On which side of Park Avenue?

COMMISSIONER ANDERSON:

That hasn't been decided yet. This is engineering. This is the engineering for it. This isn't --

LEG. D'AMARO:

There's that new plaza that the Town just put in.

MR. LITTELL:

Different location.

LEG. D'AMARO:

Oh, it's past that?

MR. LITTELL:

Park Avenue.

LEG. D'AMARO:

Oh, Park Avenue. Park Avenue. I'm thinking of New York Avenue.

COMMISSIONER ANDERSON:

Right.

LEG. D'AMARO:

But, you know, again, you know -- all right. Never mind.

D.P.O. HORSLEY:

Okay? All right. Thank you very much. We have a -- it's 1385, isn't that right, Tim? I got lost.

MR. LAUBE:

Correct.

D.P.O. HORSLEY:

Okay. We have a motion to approve, right?

MR. LAUBE:

Yes.

D.P.O. HORSLEY:

And seconded?

LEG. ANKER:

Second.

D.P.O. HORSLEY:

I think we already have a second.

MR. LAUBE:

You already have a second.

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D.P.O. HORSLEY:

Okay. All those in favor? Opposed? So moved, it's been approved.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

Same motion, same second on the corresponding bond resolution. Roll call vote.

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

LEG. CALARCO:

Yes.

P.O. LINDSAY:

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. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. KRUPSKI:

Yes.

D.P.O. HORSLEY:

Yes.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

Thank you. Congratulations, Ms. Hahn.

LEG. HAHN:

Thank you.

D.P.O. HORSLEY:

1386- Appropriating funds in connection with strengthening and improving County roads (CP 5014)(Co. Exec.) Do we have a motion on this?

LEG. D'AMARO:

Motion.

D.P.O. HORSLEY:

Who said that?

LEG. D'AMARO:

I did.

D.P.O. HORSLEY:

Legislator D'Amaro, and seconded by Legislator Calarco. All those in favor? Opposed?

LEG. BARRAGA:

Opposed.

D.P.O. HORSLEY:

So moved, it has been approved.

MR. LAUBE:

Seventeen.

D.P.O. HORSLEY:

1386A, same motion, same second on the corresponding bond resolution. Roll call vote.

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

LEG. D'AMARO:

Yes.

LEG. CALARCO:

Yes.

LEG. SPENCER:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. KRUPSKI:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

(Not Present)

MR. LAUBE:

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

D.P.O. HORSLEY:

Thank you. *1387 - Appropriating funds in connection with Reconstruction of the Drainage Systems on various County roads (CP 5024) (Co. Exec.).*

LEG. CALARCO:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Calarco.

LEG. SCHNEIDERMAN:

(Raised hand).

D.P.O. HORSLEY:

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

LEG. BARRAGA:

Opposed.

D.P.O. HORSLEY:

So moved.

MR. LAUBE:

Seventeen.

D.P.O. HORSLEY:

Same motion, same second on the corresponding bond resolution.

Roll call vote.

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

LEG. CALARCO:

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:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. KRUPSKI:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen.

D.P.O. HORSLEY:

Thank you. *1388 - Amending the 2013 Capital Budget and Program to accept additional Federal Aid and increase funding in connection with improvements to North Highway, CR 39, from Sunrise Highway to Montauk Highway, Town of Southampton (CP 5528, PIN 075736)(Co. Exec.).* Legislator Schneiderman makes the motion.

LEG. KRUPSKI:

(Raised hand).

D.P.O. HORSLEY:

Seconded by Legislator Krupski. All those in favor? Opposed? So moved. Same motion, same second --

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

-- on the corresponding bond resolution. Roll call.

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

LEG. SCHNEIDERMAN:

Yes.

LEG. KRUPSKI:

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:

1389 - Amending the 2013 Capital Budget and Program and appropriating funds in connection with replacement of CR 16, Horseblock Road Bridge over the Long Island Railroad, Town of Brookhaven (CP 5855) (Co. Exec.).

LEG. CALARCO:

Motion.

P.O. LINDSAY:

Motion by Legislator Calarco. Do I have a second?

LEG. ANKER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. The accompanying bond resolution, 1389A, same motion, same second. Roll call.

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

LEG. CALARCO:

Yes.

LEG. ANKER:

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. 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:

Eighteen.

P.O. LINDSAY:

1390 - Amending the 2013 Capital Budget and Program and appropriating funds in connection with Energy Conservation and Safety Improvements to the H. Lee Dennison Building (Co. Exec.).

LEG. CALARCO:

Motion.

P.O. LINDSAY:

Motion by Legislator Calarco.

LEG. MURATORE:

Second.

LEG. KRUPSKI:

Second.

P.O. LINDSAY:

Second by Legislator Krupski.

LEG. D'AMARO:

On the motion.

P.O. LINDSAY:

On the motion.

LEG. D'AMARO:

To Commissioner Anderson. Sorry.

COMMISSIONER ANDERSON:

That's okay.

LEG. D'AMARO:

This is for a generator for the H. Lee Dennison Building; is that correct?

COMMISSIONER ANDERSON:

Yes, it is.

LEG. D'AMARO:

And just what's the state of the generator we have now, and what's been its performance history recently?

COMMISSIONER ANDERSON:

Under Sandy, we had significant problems with it. There was a couple of issues. One, the generator actually failed. We were able to get it up and running. The generator only serves for -- to be able to bring elevators down and for emergency lighting. During Sandy, at one point it failed and people had to actually go down the stairs in the dark. We were unable to hook the generator up to emergency lighting and such for the Red Cross facility that was set up at the Dennison.

LEG. D'AMARO:

Right.

COMMISSIONER ANDERSON:

So that's when we decided to extend the project so that the new generator will serve the entire building, so that it will be operational in the case of a power failure.

LEG. D'AMARO:

But the present generator doesn't serve the entire building?

COMMISSIONER ANDERSON:

No, it doesn't.

LEG. D'AMARO:

Just the lighting, you said, and the elevators.

COMMISSIONER ANDERSON:

Basically emergency evacuation, that's the intent.

LEG. D'AMARO:

So why do we need -- if we've never had a generator that serves the entire building, why do we have to do that now?

COMMISSIONER ANDERSON:

Because of the extended period of -- without -- okay. We lost electric for an extended period. So, effectively, there was no government seat. There was no -- none of the departments that -- for a number of days over across the street were able -- you know, they were unable to operate because they had no electricity.

LEG. D'AMARO:

But how much would it cost to replace the generator we have now? Because this is bonding almost two million dollars.

COMMISSIONER ANDERSON:

The original estimate was 950,000 just for -- just to get the generator of the same capacity. For another \$950,000, we're going to get a generator that will be sized --

LEG. D'AMARO:

It's a bargain.

COMMISSIONER ANDERSON:

That's a bargain.

LEG. D'AMARO:

It's a bargain.

COMMISSIONER ANDERSON:

Yes. Sam's Generators down the street.

LEG. D'AMARO:

I don't know. Seems to me that we had the existing generator in place for all these years. It served its purpose. It got old. We have to replace it, but now we're going for the -- what more capacity does this one have? I mean, what more do you need than the lights and the elevators working? What else did you need?

COMMISSIONER ANDERSON:

This will allow the entire facility to be operational during the event of a power failure. As I said, under Sandy, for a number of days we had no power on this side of the --

LEG. D'AMARO:

Like telephones and the electric wall outlets and things.

COMMISSIONER ANDERSON:

Computers and everything.

LEG. D'AMARO:

Computers.

COMMISSIONER ANDERSON:

Everything.

LEG. D'AMARO:

So we'll be fully functional. But isn't that the purpose of the Command Center? Don't we run storm --

COMMISSIONER ANDERSON:

But the Command Center is really only for the emergency operation. It's every other operation that the government provides. The day, two days after the storm, you know, we've gotten through the storm, and things start to open back up.

LEG. D'AMARO:

But all the other buildings that we have don't have that capacity, do they? Just the Dennison Building would have this capacity?

COMMISSIONER ANDERSON:

Correct. I don't know about the other buildings where we have generators. I know -- I just know at Dennison, that's the only one that size for emergency service.

LEG. D'AMARO:

Yeah. All right. Thanks, Commissioner, appreciate it.

LEG. KENNEDY:

Can I ask the Commissioner a quick question here? Gil, actually Legislator Barraga and I were just talking. FEMA Aid, since this is something that can be tied directly to an incident that was revealed after the storm, is this something that we have the ability to go ahead and get some assistance with, some reimbursement?

COMMISSIONER ANDERSON:

That is something we would look to get mitigation funds from, yes.

LEG. KENNEDY:

So then is it realistic to say we may get 90% of this back? Right now this is just framed as a regular bond. But you're saying, okay, so let me go the next step, then. You have applied for a reimbursement with this? You will be applying?

COMMISSIONER ANDERSON:

Under mitigation funding, we --

LEG. KENNEDY:

Oh, the HGMP, is that it, the annual?

COMMISSIONER ANDERSON:

Well, no. This is -- there's mitigation funding coming down that's going to be -- it's not for repairs. And, again, I don't know that we haven't -- aren't submitting for the repairs as well.

LEG. KENNEDY:

Okay. So let me -- let me cut to the chase. Would you, please, submit this for some reimbursement?

COMMISSIONER ANDERSON:

Yes.

LEG. KENNEDY:

Thank you.

P.O. LINDSAY:

Okay. Any other questions? Yes, Legislator Krupski.

LEG. KRUPSKI:

I think Legislator D'Amaro might have struck on something. If you spend 950,000, you could get a new generator that would power the emergency lights and elevators?

COMMISSIONER ANDERSON:

Correct.

LEG. KRUPSKI:

So, if you look at all the other County functions during the storm, right, how long was the power out for the Dennison Building, how many days?

COMMISSIONER ANDERSON:

What I recall, it was about three or four days, and it was -- it was sooner than we had it back on this side of the road, but there were other complications, yeah.

LEG. KENNEDY:

You're saying they're more complicated on the other side of the road.

COMMISSIONER ANDERSON:

Well, the electrical network, yes, it was.

*(*Laughter*)*

LEG. KRUPSKI:

So the -- but maybe -- but maybe Legislator D'Amaro has a good point there, in that in those three or four days, very few people would be coming to the Dennison Building to do business, because most people at that point had no power of their own and were busy taking care of their own business in that time period. And is it that vital? My question is, then, is it that vital to have that part of the County government up and running in those few days after the storm for \$950,000, or should you just have emergency services and get people out safely, you could maintain the building. When the power comes back on, it's going to be coming back on for everyone, and then kind of everything goes back to business as usual, because you're not running your emergency services out of there.

COMMISSIONER ANDERSON:

Right.

LEG. KRUPSKI:

You're running them out of FRES or --

COMMISSIONER ANDERSON:

One of the proposals that was being or is being looked at is setting up a second emergency center in the Dennison Building. But I would also argue that the significant amount of problems we had on this side would -- you know, would make sense to have this generator in the Dennison Building, so that we can bring the visions from this side over to that side, and put them wherever we can so that they can work. At the point we were under Sandy, we couldn't have -- we were just trying to find places that had electricity where they could just -- you know, where they could actually just do work during the course of a day, not even have computers or anything like that. You're right, the first two days, everybody's trying to just get out of their own -- you know, their neighborhood. But once they were able to, they wanted to come to work and we wanted to have a place for them to work. We don't have that.

LEG. KRUPSKI:

Right. I like Legislator D'Amaro's suggestion.

COMMISSIONER ANDERSON:

Which is?

P.O. LINDSAY:

Anybody else?

LEG. KRUPSKI:

Which is just to replace the existing one, and when the lights come back on, everyone will be ready to come back to work.

LEG. KENNEDY:

Bill, can I just share, having been here on the other side, and I'll make it real fast.

The Dennison Building was a feeding site. The Dennison Building was also a charging site for everybody around here who had no power.

LEG. D'AMARO:

Yeah, but not two days after the storm, John.

LEG. KENNEDY:

I'm sorry?

LEG. D'AMARO:

The lights were back on in three days, not two days after the storm it wasn't.

COMMISSIONER ANDERSON:

No, not here.

LEG. KENNEDY:

Not up here, Lou.

COMMISSIONER ANDERSON:

No.

LEG. KENNEDY:

No. We went -- Jesus. We went almost 14 days without power.

COMMISSIONER ANDERSON:

Here, it was like two weeks.

LEG. KENNEDY:

No, absolutely not.

COMMISSIONER ANDERSON:

Across the street. But here, we were -- they were out for almost two weeks.

LEG. KENNEDY:

The only thing that had juice up here was Building 50, Lou. There was a -- what the hell do you call it? The salvation Army truck that was feeding people across the street.

COMMISSIONER ANDERSON:

The Red Cross Emergency Center.

LEG. KENNEDY:

Yeah.

COMMISSIONER ANDERSON:

Right.

LEG. KENNEDY:

So, for what it's worth. I don't know if that justifies another 900 grand, but that's what the building was being used for for local folks.

P.O. LINDSAY:

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

MR. LAUBE:

You do.

P.O. LINDSAY:

Okay. All in favor? Opposed?

(The Following Legislators Indicated Opposed: Legislators Spencer, D'Amaro, Barraga, Cilmi, Schniederman, Krupski).

P.O. LINDSAY:

Abstentions?

MR. LAUBE:

Fifteen.

P.O. LINDSAY:

It looks like five opposed. Oh, six, seven. You want a roll call?

MR. LAUBE:

Yeah, give me a roll call vote.

P.O. LINDSAY:

All right. Roll call.

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

LEG. CALARCO:

Yes.

LEG. KRUPSKI:

No.

LEG. SPENCER:

No.

LEG. D'AMARO:

No.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MONTANO:

Pass.

MR. LAUBE:

Pardon?

LEG. MONTANO:

Pass.

MR. LAUBE:

Pass?

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

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

No.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

LEG. MONTANO:

Yeah.

MR. LAUBE:

Twelve.

P.O. LINDSAY:

Okay. It passed. On the accompanying bond, **1390A**, same motion, same second. Roll call.

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

LEG. CALARCO:

Yes.

LEG. KRUPSKI:

No.

LEG. SPENCER:

Maximum spending limit reached. No.

LEG. D'AMARO:

No.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MONTANO:

Yeah.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

No.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Twelve.

P.O. LINDSAY:

Okay. *1391 - Amending the 2013 Adopted Operating Budget and the 2013 Capital Budget and Program, and accepting and appropriating funds in connection with the Sewer District No. 21 SUNY - Improvement Project (CP 8121)(Co. Exec.)*. Do I have a motion?

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman. Do I have a second?

D.P.O. HORSLEY:

Second.

P.O. LINDSAY:

Second by Legislator Horsley.

LEG. HAHN:

On the motion.

P.O. LINDSAY:

On the motion.

LEG. HAHN:

Gil, can you just assure me that this does not include leaching in the local neighborhood?

COMMISSIONER ANDERSON:

It does not.

LEG. HAHN:

Thank you.

P.O. LINDSAY:

Okay. Questions? Okay. We didn't call the vote, right?

MR. LAUBE:

Right.

P.O. LINDSAY:

Yeah. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

On the accompanying bond resolution --

MR. NOLAN:

No bond.

P.O. LINDSAY:

No bond, okay.

1392 - Appropriating funds in connection with alterations to the Criminal Courts Building, Southampton (CP 1124)(Co. Exec.).

LEG. SCHNEIDERMAN:

Motion.

LEG. KRUPSKI:

Second.

P.O. LINDSAY:

Motion by Legislator Schneiderman, second by Legislator Krupski. All in favor? Opposed.

LEG. D'AMARO:

Hold on.

P.O. LINDSAY:

Abstentions?

LEG. BARRAGA:

Opposed.

LEG. CILMI:

Opposed.

LEG. SPENCER:

Opposed.

LEG. SCHNEIDERMAN:

On the motion, Lou I think had --

LEG. D'AMARO:

Yeah, I did. I just wanted a moment to -- this is the existing -- which building is this?

LEG. SCHNEIDERMAN:

This is at the County Center. I know it says Southampton. It's technically in the Town of Southampton, but it's their usual building.

P.O. LINDSAY:

It's in Riverhead.

LEG. D'AMARO:

Okay. This is a capital project?

COMMISSIONER ANDERSON:

Correct.

LEG. D'AMARO:

This is an ongoing capital project, Commissioner Anderson?

COMMISSIONER ANDERSON:

Yes, but this is a little different of a scope. What this would do would allow us to do some reconstruction within the Surrogate Court -- I'm sorry, the Criminal Court. And we could bring Family Court from the lease space into that renovated space within this building. It would save about \$300,000 a year in rent, and about \$75,000 a year in maintenance costs.

LEG. D'AMARO:

Was this a recommendation made by the -- what do they call it?

COMMISSIONER ANDERSON:

Judge Hinrichs was the one who --

LEG. D'AMARO:

Oh, Judge Hinrichs was looking for this?

COMMISSIONER ANDERSON:

Yes.

LEG. D'AMARO:

So we're foregoing the renewal of the lease for the Family Court?

COMMISSIONER ANDERSON:

Correct.

LEG. D'AMARO:

And renovating the Criminal Court and bringing -- consolidating into there?

COMMISSIONER ANDERSON:

Correct.

LEG. D'AMARO:

And that's a cost-saving measure?

COMMISSIONER ANDERSON:

Yes.

LEG. D'AMARO:

Okay. Very good. Thank you.

P.O. LINDSAY:

Legislator Cilmi.

LEG. CILMI:

Thanks, Mr. Chairman. Gil, how solid are those savings projections?

COMMISSIONER ANDERSON:

These are actual costs, the 300 -- this is what our current costs are in that -- in the facility that we rent, the \$300,000 a year and the 75,000.

LEG. CILMI:

So -- and I'm sorry if I missed this, but we -- do we have a lease for those facilities? In other words, once we're out, we're out or --

COMMISSIONER ANDERSON:

Yeah. We have an existing lease, that once it's finished, we just walk away from it, we don't renew it.

LEG. CILMI:

But will it be finished at the time that we complete construction, so that we can just move -- or are we going to have to continue paying rent, even though we're not occupying the building?

COMMISSIONER ANDERSON:

No, we had to renew the -- it will be done before the rent is -- sorry.

LEG. CILMI:

All right. So how much longer -- how many more months of rent are we going to have to pay after the completion of the project, the renovations?

COMMISSIONER ANDERSON:

I don't know, but I can get that for you. It's a year. I mean, I don't really know.

LEG. CILMI:

So we still have to pay a year's worth of rent?

COMMISSIONER ANDERSON:

Right. But after that, we're out of the rent --

LEG. CILMI:

So the payback on this is what, about five or six years?

COMMISSIONER ANDERSON:

Yeah, give or take.

LEG. CILMI:

Now, are the renovations going to last those five or six years, or are we going to have to do something else during that time to --

COMMISSIONER ANDERSON:

No. This will be -- this is going to give them office space, court space, everything they need.

LEG. CILMI:

And just, again, itemize those savings for me. It was three hundred and --

COMMISSIONER ANDERSON:

Three hundred thousand dollars per year for rent, and then about \$75,000 a year for maintenance.

LEG. SCHNEIDERMAN:

Gil, who owns the building?

LEG. CILMI:

What about -- I'm sorry.

LEG. SCHNEIDERMAN:

I'm just wondering if we know who owns the building.

LEG. CILMI:

I wasn't finished, Jay.

P.O. LINDSAY:

Let him finish, please.

LEG. CILMI:

Are there any savings associated with the efficiency -- any efficiency gains by having everything in one place?

COMMISSIONER ANDERSON:

I really don't know.

LEG. CILMI:

Tom Vaughn, do you have any input there?

P.O. LINDSAY:

But we're not renting space anymore, we're in our own space. That's what --

LEG. CILMI:

Right. I'm just thinking that if we're putting -- if we're combining operations into one location, which it sounds like we're doing, does it save us -- do we gain any efficiencies by doing that, in addition to the savings of rent and maintenance costs?

MR. VAUGHN:

Legislator Cilmi, that would actually be a question that could be better answered by the courts. I'm sorry, I don't have the answer to that.

LEG. CILMI:

Okay.

MR. VAUGHN:

I apologize.

LEG. CILMI:

Fair enough. All right. Thank you.

P.O. LINDSAY:

Legislator Schneiderman, did you have something to add to this?

LEG. SCHNEIDERMAN:

No, I don't.

P.O. LINDSAY:

Okay. We have a motion and a second on 1392. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

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MR. LAUBE:

Just one? Seventeen. (Vote Amended to 16 - Not Present: Legislator Montano)

P.O. LINDSAY:

Okay. The accompanying bond resolution **1392A**, roll call. Same motion, same second. Roll call.

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

LEG. SCHNEIDERMAN:

Yes.

LEG. KRUPSKI:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

(Not Present)

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:

Sixteen. (Not Present: Legislator Montano)

D.P.O. HORSLEY:

Okay. *1393 - Transferring Escrow Account Revenue Funds to the Capital Fund, amending the 2013 Capital Budget and Program, and appropriating funds for expansion to the Suffolk County Sewer District No. 3 - Southwest - expansion project - construction (CP 8183).*

LEG. D'AMARO:

Motion.

D.P.O. HORSLEY:

Motion by Legislator D'Amaro, I'll second the motion. All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen. (Not Present: Legislator Montano)

D.P.O. HORSLEY:

1396 - Appropriating funds in connection with Riverhead County Center Power Plant Upgrade (CP 1715). Power plant people?

LEG. CALARCO:

Motion.

LEG. KRUPSKI:

Second.

D.P.O. HORSLEY:

Motion by Legislator Calarco, second by Legislator Krupski. All those in favor? Opposed.

LEG. CILMI:

So moved. Same motion --

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen -- oh, 16. (Not Present: Legislator Montano)

D.P.O. HORSLEY:

Same motion, same second on the corresponding bond resolution. All those -- roll call vote.

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

LEG. CALARCO:

Yes.

LEG. KRUPSKI:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

(Not Present)

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen. (Not Present: Legislator Montano).

D.P.O. HORSLEY:

Okay. Thank you. *1397 - Appropriating funds in connection with Civil Court Renovations and Addition - Courtrooms, Riverhead (CP 1130).*

LEG. CALARCO:

Motion.

LEG. KRUPSKI:

Second.

D.P.O. HORSLEY:

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

MR. LAUBE:

Seventeen. (Not Present: Legislator Montano)

P.O. LINDSAY:

1397A, the corresponding bonding resolution, same motion, same second. Roll call vote.

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

LEG. CALARCO:

Yes.

LEG. KRUPSKI:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yup.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

(Not Present)

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen. (Not Present: Leg. Montano)

D.P.O. HORSLEY:

Okay. *1398 - Appropriating funds in connection with the County share for participation in the construction of Compressed Natural Gas (CNG) fueling facilities (CP 5603 PIN 0759.61) (Muratore).*

LEG. CALARCO:

Motion.

LEG. KRUPSKI:

Second.

D.P.O. HORSLEY:

Motion by Legislator Calarco, second by Legislator Krupski. All those in --

LEG. KENNEDY:

On the motion.

D.P.O. HORSLEY:

On the motion.

LEG. KENNEDY:

Gil, all I want to know with this one is did we work it out so that these things work in snowstorms?

COMMISSIONER ANDERSON:

Yes.

LEG. KENNEDY:

Okay. The design that's going to accommodate, or whatever it is, we retrofitted them, they don't freeze up anymore?

COMMISSIONER ANDERSON:

No. What we found was actually that during the storm, it was -- there was an emergency shutoff --

LEG. KENNEDY:

Yeah.

COMMISSIONER ANDERSON:

-- that was punched in two locations because of concern about some noises and whatnot. We went right out after -- the day after it, got out there, and were able to locate it.

LEG. KENNEDY:

Okay, that's fine.

COMMISSIONER ANDERSON:

It's all under control.

LEG. KENNEDY:

Thank you.

D.P.O. HORSLEY:

Good to hear. Okay. We have a motion to approve. All those in favor? Opposed?

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen.

D.P.O. HORSLEY:

So moved. **1398A**, same motion, same second on the corresponding bond resolution. Roll call vote.

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

LEG. CALARCO:

Yes.

LEG. KRUPSKI:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen.

D.P.O. HORSLEY:

Thank you. *1405 - Calling for a public hearing for the purpose of considering proposed increases and improvements of facilities for Sewer District No. 12 - Birchwood/Holbrook (CP 8143)(Co. Exec.).* Legislator Muratore?

P.O. LINDSAY:

Motion.

D.P.O. HORSLEY:

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

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

Thank you. *1406 - Calling for a public hearing for the purpose of considering proposed increases and improvements for facilities to Sewer District No. 9 - College Park (CP 8163)(Co. Exec.).* Anybody?

LEG. CALARCO:

Motion.

D.P.O. HORSLEY:

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

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

1407 - Amending Resolution No. 471-2012 in connection with the resurfacing of CR 97, Nicolls Road from the vicinity of the LIRR tracks (Furrows Road) to the vicinity of NY 27, Sunrise Highway; and CR 19, Waverly Avenue/Patchogue-Holbrook Road from the vicinity of NY 27, Sunrise Highway to Broadway Avenue, Towns of Brookhaven and Islip. (CP 5599.313, PIN 076007)(Muratore).

LEG. CALARCO:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Calarco. Second on the motion?

LEG. ANKER:

Second.

D.P.O. HORSLEY:

By Legislator Anker. All those in favor? Opposed? So moved.
Same --

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

Thank you. Same motion -- on the corresponding bond resolution, same motion, same second.
Same --

LEG. CILMI:

1407A.

D.P.O. HORSLEY:

1407A. Thank you. Same motion, same second. Roll call vote.

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

LEG. CALARCO:

Yes.

LEG. ANKER:

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. 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:

Eighteen.

D.P.O. HORSLEY:

Okay. *1408 - Amending Resolution No. 469-2012 in connection with the resurfacing of CR 46, William Floyd Parkway from the vicinity of Moriches Middle Island Road to the vicinity of NY 25A, Town of Brookhaven (CP 5599.312, PIN 076006).* Brookhaven people?

LEG. CALARCO:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Calarco, seconded by Legislator Hahn. All those in favor? Opposed?

LEG. D'AMARO:

Hold on. On the motion.

D.P.O. HORSLEY:

On the motion.

LEG. D'AMARO:

Please.

D.P.O. HORSLEY:

Sure.

LEG. D'AMARO:

Just -- I just wanted to ask about how severe the condition of the road is that it would warrant -- what is it, resurfacing at this point?

COMMISSIONER ANDERSON:

Correct.

LEG. D'AMARO:

Yeah.

COMMISSIONER ANDERSON:

Yeah. We follow -- New York State has a set of guidelines. We feel that -- okay. New York State has a certain set of guidelines for monitoring pavement deterioration. It basically works off a numbering system at the end, so you get like a one to a seven. Anything below a seven warrants repaving. So, in this case, these two sections that are going to be done are in need.

LEG. D'AMARO:

So it's based on this rating system that the State is maintaining?

COMMISSIONER ANDERSON:

Well, no. We follow this rating system that the State uses. We use the similar system.

LEG. D'AMARO:

I know. But when you drive your car on this portion of the road, is it really that bad?

COMMISSIONER ANDERSON:

It's -- I can't speak from firsthand experience, but the ranking of those two sections of road do warrant it.

LEG. D'AMARO:

Okay. Thank you.

D.P.O. HORSLEY:

We have a motion to -- motion to approve on this, right? Right.

LEG. KENNEDY:

Legislator Krupski would like to speak.

LEG. KRUPSKI:

On the motion.

D.P.O. HORSLEY:

Yes. Legislator Krupski, would you like to speak on this?

LEG. KRUPSKI:

Please. Thank you.

D.P.O. HORSLEY:

Oh, well --

LEG. KRUPSKI:

Through the Chair.

D.P.O. HORSLEY:

Through the Chair.

LEG. KRUPSKI:

Thank you.

D.P.O. HORSLEY:

Go ahead, even without the Chair.

LEG. KRUPSKI:

I did get a complaint about this road, that there's some areas where people drift off and have gotten into accidents. Is it possible, in the course of resurfacing, to cut those grooves into the side? Do those -- rumble strips.

COMMISSIONER ANDERSON:

Yeah, I know what you're speaking about.

LEG. KRUPSKI:

I figured you did (Laughter). I'm glad you did.

COMMISSIONER ANDERSON:

I'll look into it. I don't know if --

LEG. KRUPSKI:

Does it -- and those rumble strips, do they accelerate the degradation of the road, because you cut those, now you opened up the surface?

COMMISSIONER ANDERSON:

No, no. It's really -- it's wear and tear from cars going over the pavement that wears it down.

LEG. KRUPSKI:

Okay.

*(The following testimony was taken by Alison Mahoney, Court Reporter
& transcribed by Denise Weaver, Legislative Aide)*

COMMISSIONER ANDERSON:

I mean, there's other factors. It could be weather, it could be -- but the rumble strips have nothing to do with it.

LEG. KRUPSKI:

Okay.

COMMISSIONER ANDERSON:

But I'll look into that.

LEG. KRUPSKI:

Thank you.

LEG. D'AMARO:

Wayne?

D.P.O. HORSLEY:

Okay. We had a motion to approve. Oh, Legislator D'Amaro.

LEG. D'AMARO:

Just very quickly, thank you. This is amending a previously -- a previous resolution, Gil? What are we exactly doing here?

COMMISSIONER ANDERSON:

Okay. The previous -- we bid both this project and the previous project out. The previous project came in -- came in under the estimate that we -- you know, so we had extra money. This one, unfortunately, came in over the estimate, so we're taking the money from the previous project and putting it into this project.

LEG. D'AMARO:

Okay. So it's, in effect, like an offset.

COMMISSIONER ANDERSON:

Correct.

LEG. D'AMARO:

Okay. So it's funding that was already in the Capital Budget.

COMMISSIONER ANDERSON:

Correct.

LEG. D'AMARO:

Right, okay. Good.

D.P.O. HORSLEY:

We're good? All right. We have a motion to approve and seconded. All those in favor? Opposed?
So moved.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

Thank you.

1408 (Bond Resolution of the County of Suffolk, New York, Amending Bond Resolution No. 470-2012 Adopted on June 5, 2012, authorizing the issuance of \$5,356,250 bonds to finance the cost of resurfacing of CR 46, William Floyd Parkway from the vicinity of Moriches Middle Island Road to the vicinity of NY 25A, Town of Brookhaven (CP 5599.312), same motion, same second on the corresponding Bond Resolution. Roll call vote.

MR. LAUBE:

That was seventeen on that last vote (Not Present: Legislator Anker).

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

LEG. CALARCO:

Yes.

LEG. HAHN:

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. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. KRUPSKI:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

Thank you.

1409-13 - Authorizing planning steps for the acquisition of land for a permanent easement from the New York State Metropolitan Transportation Authority (MTA), Long Island Rail Road (LIRR), for the replacement of a certain bridge on CR 16, Horseblock Road, Town of Brookhaven, Suffolk County, New York (SCTM No. 0200-737.00-01.00-008.000) (CP 5855, PIN 075979)(County Executive).

LEG. CALARCO:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Calarco. Seconded by Legislator Muratore. All those in favor? Opposed?
So moved.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

Thank you.

Right, we did 1416.

1417-13 - Appropriating funds in connection with construction of Compressed Natural Gas (CNG) fueling facilities (CP 5603 PIN 075961). (County Executive).

LEG. SCHNEIDERMAN:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Schneiderman.

LEG. KRUPSKI:

(Raised hand).

D.P.O. HORSLEY:

And second by Legislator Krupski.

LEG. SPENCER:

On that motion, please?

D.P.O. HORSLEY:

On the motion.

LEG. SPENCER:

What's the difference between this one and the one we passed a page ago with the compressed natural gas?

COMMISSIONER ANDERSON:

They both are for training. One is to train the trainers and the other is for training everybody, is really what it amounts to.

LEG. D'AMARO:

Who trains the trainers who train the trainers?

*(*Laughter*)*

D.P.O. HORSLEY:

Okay, we're good? All right. All those in favor? Opposed?

LEG. BARRAGA:

Opposed.

LEG. KENNEDY:

Opposed. This is four-and-a-half million dollars?

MR. LAUBE:

Thirteen *(Opposed: Legislators Barraga, Kennedy, D'Amaro, Spencer & Cilmi).*

D.P.O. HORSLEY:

Thirteen, okay. Same motion, same second on the corresponding Bond Resolution *(1417A - Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$4,500,000 bonds to finance the construction of a Compressed Natural Gas (CNG) Fueling Facility in Yaphank (CP 5603.310).* Roll call vote.

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

LEG. SCHNEIDERMAN:

Yes.

LEG. KRUPSKI:

Yes.

LEG. SPENCER:

No.

LEG. D'AMARO:

No.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

No.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MONTANO:

Pass.

LEG. CALARCO:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

LEG. MONTANO:

Yes, uh-huh.

MR. LAUBE:

Thirteen.

D.P.O. HORSLEY:

Thank you.

Ways & Means

1302 -- we're getting there, gang -- *Adopting Local Law No. -2013, A Local Law to clarify Board of Ethics authority to issue advisory opinions (D'Amaro).*

LEG. MONTANO:

We did that.

MR. NOLAN:

No.

D.P.O. HORSLEY:

Legislator D'Amaro?

LEG. D'AMARO:

Motion to approve.

D.P.O. HORSLEY:

Motion to approve by Legislator D'Amaro.

LEG. NOWICK:

Second.

D.P.O. HORSLEY:

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

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

All right. Now we go into the Discharge Petitions:

1357-13 - Authorizing sale of Foley facility and property, Yaphank. (Gregory). Legislator Gregory?

LEG. GREGORY:

I'm going to make a motion to table. We want to make an amendment to ensure that the resolution clarifies that nothing will be done until the last patient is -- has been transferred out.

D.P.O. HORSLEY:

Okay, okay. I'll second the motion to table. All those in favor? Opposed?

MR. LAUBE:

Eighteen.

LEG. KENNEDY:

I'm signing in.

(*Laughter*)

LEG. STERN:

You'll admit yourself.

(*Laughter*)

D.P.O. HORSLEY:

(Laughter). We're all going to be that old.

1370, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Stephen Gassick and Lisa Gassick, his wife (SCTM No. 0200-072.00-01.00-019.002) (County Executive). Do I have to read these?

MR. NOLAN:

No.

D.P.O. HORSLEY:

Yeah, thanks. Seconded -- I'll second the motion. All those in favor? Opposed? So moved.

MR. LAUBE:

Who was the motion? I got the second, I didn't catch the motion.

P.O. LINDSAY:

I made it.

D.P.O. HORSLEY:

To approve, Legislator Lindsay.

MR. LAUBE:

Thank you; eighteen.

D.P.O. HORSLEY:

1376-13 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Edward A. Hanus and Ortrud B. Hanus (SCTM No. 1000-115.00-11.00-027.000) (County Executive).

Same motion, same second as 1376. All those in favor? Opposed? So moved.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

1377-13 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Bildan Realty LTD (SCTM No. 0101-009.00-01.00-002.000) (County Executive). Same motion,

same second. All those in favor? Opposed? So moved.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

1378-13 - Same motion, same second. Sale of County-owned real estate pursuant to Local Law No. 13-1976 Michael J. Kearns and Stacy A. Kearns, his wife (SCTM No.

0500-359.00-06.00-026.000) (County Executive). We have a motion and a second. All those in favor? Opposed? So moved.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

1423-13 - Consenting 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). You want that one, Mr. Schneiderman? That's yours.

LEG. SCHNEIDERMAN:

Yes, motion.

LEG. KRUPSKI:

I'll second.

D.P.O. HORSLEY:

And your buddy next door, Mr. Krupski, seconds it. All those in favor? Opposed? So moved.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

Okay. Let's go to the manilla folder.

Okay, where the first thing up is we have a *Bond Resolution No. 1498A-2013 - Bond Resolution of the County of Suffolk, New York, amending Bond Resolution No. 348-2013, adopted on May 7, 2013, authorizing the issuance of \$4,736,036 bonds to finance the cost of improvements and modifications to health centers (CP 4082.110 and .310).* George, you want to tell us what this; do you know?

MR. NOLAN:

Well, it is correcting the Bond Resolution we did for the -- for this particular Capital Project modification to health centers. There was an error in the Bond Resolution, the monies were not properly allocated between planning and construction to match the underlying resolution. This corrects that.

D.P.O. HORSLEY:

Okay. I'll make a motion to approve. Is there a second on the motion?

LEG. ANKER:

(Raised hand)

D.P.O. HORSLEY:

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

MR. NOLAN:

Roll call.

D.P.O. HORSLEY:

Oh, on the Bond itself. Okay, I need a roll call vote.

LEG. MONTANO:

One question.

MR. LAUBE:

Ready?

D.P.O. HORSLEY:
Hang on one second.

MR. LAUBE:
Sure.

D.P.O. HORSLEY:
On the motion?

LEG. MONTANO:
Yeah, to the Clerk's Office. Did this pass -- the original Bond, do you know what the tally was on the original Bond?

MR. LAUBE:
I can tell you if you give me a few minutes. I can call it up.

LEG. MONTANO:
Yeah, if you would.

MR. LIPP:
We can skip over it.

LEG. MONTANO:
Yeah, skip over it. I just want to make sure --

D.P.O. HORSLEY:
Okay.

LEG. MONTANO:
Or if you give me the number, while you're --

D.P.O. HORSLEY:
All right, we have a -- was the discharge petition next?

MR. NOLAN:
No, go to the Procedural 11.

D.P.O. HORSLEY:
Procedural, right, No. 11? Okay.

We're onto ***Procedural Resolution number 11-2013 - Authorizing public hearing for approval of Ferry License for North Ferry Co. (Presiding Officer Lindsay)***. You guys out there? Legislator Schneiderman, and Legislator Krupski seconds the motion. All those in favor? Opposed? So moved.

Okay. Motion -- this is ***Procedural Motion No. 12-2013 --***

MR. LAUBE:
Eighteen.

D.P.O. HORSLEY:
Thank you.

-- ***Procedural Resolution Apportioning Mortgage Tax by: County Treasurer (Presiding***

Officer Lindsay).

LEG. KENNEDY:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Kennedy, seconded by Legislator Schneiderman. All those in favor? Opposed?
So moved.

All right. Updated version --

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

Okay. Introductory Resolution --

MR. NOLAN:

Don't worry about that.

D.P.O. HORSLEY:

Don't worry about this one?

All righty. We're doing *Home Rule Message No. 5-2013 - Message Requesting the State of New York to authorize the filing of an application for tax exemption by Victims Information Bureau of Suffolk, Inc. (Senate Bill S.02925B/ Assembly Bill A.06129B)(County Executive)*. May I have a motion on this?

LEG. KENNEDY:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Kennedy. Seconded by?

LEG. CILMI:

I'll second.

D.P.O. HORSLEY:

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

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

Thank you.

We got a six here? Okay, we do. Okay. *Home Rule Message No. 6-2013 - Home Rule Message requesting the State of New York to authorize the filing of an application for tax exemption by the Gospel Tabernacle Church of God in Christ (Senate Bill S.02598a/Assembly Bill A.06453)*. Motion?

LEG. STERN:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Stern. Seconded by? I'll second the motion. All these in favor? Opposed?
So moved.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

All right, let's see. All right, which one's which?

LEG. CILMI:

It says "revised" on top.

D.P.O. HORSLEY:

Oh, I see. Yes, you're right. I got it. Okay.

Home Rule No. 7-2013, "Revised 6/4/13" - Home Rule Message requesting the New York State Legislature to amend Chapter 719 of the Laws of 1982 (Assembly Bill A. 06518-2013 and Senate Bill S. 03816-2013)(County Executive). May I have a motion on this?

P.O. LINDSAY:

Motion.

D.P.O. HORSLEY:

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

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

All right. ***Home Rule No. 8-2013 - Requesting the New York State Legislature to amend the Real Property Tax Law in relation to limiting current base proportion for the 2013-2014 Assessment Roll in the County of Suffolk (Assembly Bill A. 07574-2013 and Senate Bill S. 05027-2013) (County Executive).*** Should we know what this is, George? No?

MR. NOLAN:

The County Executive can explain.

D.P.O. HORSLEY:

All right. Tom, you want to tell us? I'm ready to go with it anyway.

MR. VAUGHN:

I'm so happy to hear that, sir. This is actually a bill that, if you look back through, has been approved every year since 2003. This bill has to do specifically with the Town of Islip, so I actually would have thought that Mr. Nolan, given his familiar relations to the Town of Islip, would have been an expert on this. However, but it does involve the way that the Town can apportion taxes between commercial taxes and residential taxes.

LEG. D'AMARO:

How?

D.P.O. HORSLEY:

Okay. Are we good with that explanation?

LEG. CILMI:

Does it a have to do with the --

LEG. CALARCO:

No.

D.P.O. HORSLEY:

Since you were cracked up to be the -- you're still on this?

MR. NOLAN:

I'm reading it and I'm trying to understand it, you know.

D.P.O. HORSLEY:

Okay.

MR. NOLAN:

I just got it.

D.P.O. HORSLEY:

Wrong Nolan, right. He's our Nolan.

LEG. D'AMARO:

On the bill?

D.P.O. HORSLEY:

Yes, Legislator D'Amaro.

LEG. D'AMARO:

Mr. Vaughn, so do you know does this in any way shift a tax burden from one property to another?

MR. VAUGHN:

It actually limits the amount of tax burdens that can be shifted from one to the other, sir. So there's -- my understanding is that this divides -- there are two pots, the commercial property and the the residential property, and this shifts the amount to 1% that can be shifted between the two. In the previous administration I worked doing State agenda stuff for the County Executive, and the Town of Islip was the only town that this bill applies to. That is my recollection, anyway.

LEG. D'AMARO:

It says, "*Whereas Suffolk County finds that extending the restrictions for an additional year,*" that would only be for Islip?

MR. VAUGHN:

Yes, sir.

LEG. D'AMARO:

So no other town is subject to these restrictions?

MR. VAUGHN:

There is -- correct.

LEG. D'AMARO:

So.

MR. VAUGHN:

My very first year of doing this, sir, that was one of the exact questions that -- that I had to research, which is why I actually remember it, and it's -- it is -- it is a bill that is unique to the Town of Islip.

LEG. D'AMARO:

It says that *"The current base proportion so that the increase does not exceed 1% of the immediately preceding year."* So what's the policy reason for this, do you know, why they need to do this?

MR. VAUGHN:

That part I don't know, sir. We would --

LEG. D'AMARO:

I don't understand this.

LEG. STERN:

Is there a time issue on it?

MR. VAUGHN:

Not that I'm aware of.

D.P.O. HORSLEY:

It could have something to do with the reassessment, because they're the only town that reassessed.

LEG. STERN:

Mr. Deputy Presiding Officer?

D.P.O. HORSLEY:

Mr. Stern.

LEG. STERN:

If there's no time element on it --

MR. VAUGHN:

We're happy to send it to the committee and deal --

LEG. STERN:

-- let's send it to committee. Motion to commit.

MR. VAUGHN:

-- with the legislation till the end of June, we'll deal with it then.

D.P.O. HORSLEY:

Okay. You want to make a motion to send it to committee?

LEG. D'AMARO:

Would that go to Ways & Means?

D.P.O. HORSLEY:

Okay. Second by -- sounds good. Second by Legislator Calarco. All those in favor? Opposed? So moved, sent to committee.

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All right. We got that last one. Is that --

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

Back to the Bond. Do we know the answer to this? Sixteen two; is that what it was? Okay. We're back to the Bond Resolution for amending the Bond Resolution to adopt on May 13, authorize the issuance of \$4,736,000, etcetera, etcetera. Did we have a motion on this?

MR. LAUBE:

You have a motion and a second; Legislator Horsley/Legislator Anker.

D.P.O. HORSLEY:

Roll call vote.

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

D.P.O. HORSLEY:

Yes.

LEG. ANKER:

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.

Okay. We're going over to the pink folder, whatever color that is, *Certificate of Necessities*.

All right. The first one we have is ***Resolution No. 1429-13 - Amending the Operating Budget to provide funding for the Sachem Public Library (Presiding Officer Lindsay)***. Motion by Legislator Lindsay, second by Legislator Muratore. All those in favor? Opposed? So moved.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

Okay. ***1503-13 - Approving an increase in the fleet and acceptance of three vehicles from United States Marshals Service for the Suffolk County Police Department, Suffolk County Sheriff's Office and the Suffolk County Probation Department for use by members of the United States Marshals Service Regional Fugitive Task Force (County Executive)***.

P.O. LINDSAY:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Lindsay, second by Legislator Krupski. All those in favor? Opposed? So moved.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

That's it, right? Okay.

Late starters

MR. NOLAN:

Motion to waive the rules.

D.P.O. HORSLEY:

Yep. Okay, we're gonna -- I'll make a motion to waive the rules and lay on the table the following resolutions for --

P.O. LINDSAY:

Second.

D.P.O. HORSLEY:

Yeah, seconded by Legislator Lindsay. Okay. 1499, Public Safety; 1500, Budget & Finance; 1501, Public Safety; 1502, Education & IT; Budget -- Resolution 1504, Budget & Finance and set the Public Hearing for June 18th, 2:30 PM at Riverhead. All right. 1505, Budget & Finance; 1506, Public Safety. And I think that's it, right? Okay. I'll second the motion. All those in favor? Opposed? So moved.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

Motion to adjourn.

P.O. LINDSAY:

Second.

MR. LAUBE:

Eighteen.

*(*The meeting was adjourned at 8:45 PM*)*

{ } - Denotes Spelled Phonetically