

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

EIGHTH DAY

June 18, 2013

*Verbatim Transcript*

MEETING HELD AT THE WILLIAM H. ROGERS LEGISLATURE BUILDING

IN THE MAXINE S. POSTAL LEGISLATIVE AUDITORIUM

300 CENTER DRIVE

RIVERHEAD, NEW YORK

Minutes Taken By

*Lucia Braaten & Alison Mahoney - Court Reporters*

Verbatim Transcribed Prepared By

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

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*(\*The following was taken by Lucia Braaten, Court Reporter & Was transcribed by Kim Castiglione, Legislative Secretary\*)*

*(\*The meeting was called to order at 9:39 a.m. \*)*

**P.O. LINDSAY:**

Mr. Clerk, are you ready to call the roll?

**MR. LAUBE:**

I am and good morning.

**P.O. LINDSAY:**

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:**

Present.

**LEG. ANKER:**

Here.

**LEG. CALARCO:**

Present.

**LEG. MONTANO:**

Present.

**LEG. CILMI:**

(Not Present)

**LEG. BARRAGA:**

(Not Present)

**LEG. KENNEDY:**

Here.

**LEG. NOWICK:**

Here.

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**LEG. GREGORY:**

Here.

**LEG. STERN:**

Here.

**LEG. D'AMARO:**

Here.

**LEG. SPENCER:**

Here.

**LEG. CILMI:**

Tim, I'm here.

**D.P.O. HORSLEY:**

Present.

**P.O. LINDSAY:**

Here.

**MR. LAUBE:**

Seventeen (Not Present: Legislator Barraga).

**P.O. LINDSAY:**

Good morning, everyone. It's our last meeting before what used to be our traditional summer break, and it's a short agenda and we're in beautiful downtown Riverhead, so.

**LEG. GREGORY:**

You cursed us.

**P.O. LINDSAY:**

We'll see if we can get through this agenda and maybe we'll go do some shopping. I know Tom likes to shop.

*(\*Laughter\*)*

Okay. We went through the roll call. Salute to the flag, led by Legislator Sarah Anker.

*(Salutation)*

If everyone could remain standing, and if Legislator Anker could come up and introduce our visiting clergy, which is an old and dear friend.

**LEG. ANKER:**

Today we have Father Frank Pizzarelli. I do want to mention some of the things that Father Frank has done for our County and for our country. He performs weekly masses. Can you hear me? Yup. Okay. Father Frank performs weekly masses at five different churches in the area, plus one in Fire Island. During the summer he performs weddings and funerals and baptisms. Father Frank serves as a host for A Reason For Hope. Now, this is a program seen on Telecare that reflects current issues and speaks with teens, parents and teachers and community leaders about these issues, and again, focusing a lot on the drug addiction, homeless. There's so many issues here that Father Frank is so in support of. In 2011, Father Frank received the Village Times Herald Man of the Year in

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religion.

Father Frank came to Long Island after working as a principal at an inner city school in Washington D.C. He worked as a night chaplain at the two hospitals in Port Jefferson where he had witnessed nine youths dying due to drugs, alcohol or suicide. Seeing very few resources for young men in trouble, Father Frank founded Hope House in 1980, originally as an emergency shelter, because he said it was time to do more than just talk about it.

Now, the mission statement for Hope House reads as follows: "To provide compassionate, comprehensive and competent care for the poor and the marginal and the wounded among us. This commitment is woven in the gospel vision that all life is sacred and every human person is unique and has the right to be respected and protected. Specifically, we are committed to young people and families in crisis, pregnant women, mothers and babies in crisis and all other wounded people within our society who are seen as abandoned and neglected. Thus, we seek to be men and women of hope in the world of shattered dreams."

Hope House Ministries helps more than 2,000 homeless and suffering teens a month. Through the years because of its faith based approach, Father Frank and Hope House has had many amazing success stories. I'd like to welcome Father Frank Pizzarelli.

*(\*Applause\*)*

### **FATHER PIZZARELLI:**

I want to thank Sarah for that very kind introduction. I almost feel like I can just say "Amen" and you could get on with your business, but I'm not going to let you off the hook, for those who know me.

I'm honored to be able to offer an invocation, which as I understand invocation is not a prayer as much as it is an attempt to set a positive tone for an important gathering, and what you do for us as elected Legislators is critical to the livelihood of Suffolk County residents. And so it's with gratitude that I offer this simple reflection, if you will, that was given to me by a young person who delivered these very words to a group of young people struggling to reclaim their lives.

The paradox of our time in history is that we have taller buildings but shorter tempers; wider freeways, but narrower viewpoints. We spend more but have less, we buy more but enjoy less. We have bigger houses, smaller families, more conveniences, but less time. We have more degrees but less sense; more knowledge but less judgment. More experts yet more problems; more medicine but less wellness. We drink too much, smoke too much, spend too recklessly, laugh too little, drive too fast, get too angry. Stay up too late, get up too tired, read too little, watch T.V. too much and pray too seldom. We've multiplied our possessions but reduced our values. We talk too much, we love too seldom and we hate too often. We have learned how to make a living, but not a life. We've added years to life, but not life to years. We've been all the way to the moon and back, but have trouble crossing the street to meet a new neighbor. We've conquered outer space but not inner space, we've done larger things but not better things. We've cleaned up the air but polluted the soul, we have conquered the atom but not our prejudice. We write more but learn less, we plan more but accomplish less. We've learned to rush but not to wait. We build more computers to hold more information to produce more copies than ever, but we communicate less and less.

These are the times of fast foods and slow digestion, big men and small character, steep profits and shallow relationships. These are the days of two incomes but more divorce. Fancier houses, but more broken homes. These are the days of quick trips, disposable diapers, throw away morality, one night stands, overweight bodies and pills that do everything from cheer to quiet to kill. It's a time when there is much in the showroom window but nothing in the stockroom. A time when

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technology can bring you these words and a time when you can choose either to share them or just hit delete.

Remember spend some time with your loved ones because they're not going to be around forever. Remember to say a kind word to someone who looks up to you in awe, because that little person will soon grow up and leave your side. Remember to give a warm hug to the one next to you, because that's the only treasure you can give with your heart, and it doesn't cost a cent. Remember to say I love you to your partner and to your loved ones, but most of all mean it. A kiss and embrace will mend hurt when it comes from deep inside of you. Remember to hold hands and cherish the moment for someday that person will not be there again. Give time to love, give time to speak, give time to share the precious thoughts in your minds and hearts. Life is not measured by the number of breaths we take, but by the moments that take our breath away. Amen.

### **LEG. ANKER:**

Thank you that was absolutely beautiful. Thank you.

### **LEG. NOWICK:**

Can we get copies?

### **FATHER PIZZARELLI:**

I'll send them to you.

### **P.O. LINDSAY:**

Thank you very much, Father. I was asked by several Legislators could we have a copy. Okay. If everybody would remain standing for a moment of silence for us to remember all those men and women in the military who put themselves in harm's way every day to protect our country.

### *(Moment of Silence)*

We have a few proclamations. First up is Legislator Krupski for the purpose of a proclamation.

### **LEG. KRUPSKI:**

Okay. As a student of Suffolk Community College, Aimee Andrejack was selected as one of 70 state university and city university students elected to the Phi Beta Kappa All New York Academic Team. And I just wanted to say, knowing Aimee and her family from Southold, that it's really good to see someone who, you know, from Southold achieve this, get trained at our Suffolk Community College here, which I know there's a lot of people who have worked hard to make that program what it is, so that our young people can be successful and then go on. Aimee is now going on Upstate to Casanovia to study equine science and it's good to see young people succeed. Good luck.

### **MS. ANDREJACK:**

Thank you so much.

### *(\*Applause\*)*

### **P.O. LINDSAY:**

And Al, you're going to do your second proclamation?

### **LEG. KRUPSKI:**

Thank you.

### **P.O. LINDSAY:**

Okay.

**LEG. KRUPSKI:**

And I have here this morning Debbie Schmitt and Becky Wiseman. And there's -- they're co-leaders in the New York Agri-Women Organization. This is an organization that, you know, it's as we know and as we'll hear more about today, you know, agriculture so important to Suffolk County, to the point of having the seal of the Legislature being a plow. And so there's an organization about, you know, about women and agriculture because women, even though you rarely see a picture of a woman behind the plow, they're such a big vital part to the industry.

This -- these two women have taken over the leadership of this organization and have given it a lot of local importance and they've raised the profile of it and it's really important, and to keep the importance of agriculture in the community and they're a big part of that. And I thank you both for your hard work and your dedication.

*(\*Applause\*)*

**LEG. KRUPSKI:**

Thank you.

**P.O. LINDSAY:**

Okay. Yeah. Al, are you going to do another one for the life-saving award?

**LEG. KRUPSKI:**

I have one more but he's not here.

**P.O. LINDSAY:**

Okay. So we'll put it off for a while.

**P.O. LINDSAY:**

Okay. Next up is Legislator Anker for a proclamation for Mount Sinai High School.

**LEG. ANKER:**

We have here today Mount Sinai's Ocean Bowl Team. Now, they recently won the regional championship, the Scallop Bowl, and the team has won seven times in the past 12 years. Mount Sinai school was one of 16 teams that participated in the competition that consisted of fast paced questions and answers concerning the marine environment. The Bay Scallop Bowl is part of the National Ocean Sciences Bowl. It's a program of consortium for ocean leadership based in Washington, D.C. And I have to say, you know, Mount Sinai, we're right by, you know, we're surrounded by water, we have the Mount Sinai Harbor. And I'm really looking forward to seeing students here today do more in your futures with marine biology.

David Chase, would you like to come up here and just mention real quick about your students and how you've been able to win so many times? I mean, this is -- it's just so amazing. And I've got to say it's because of our teachers that our students do so well, and of course the support of your parents. And I hope -- you are inspiring us as adults and as Legislative leaders as much as I hope we inspire you and encourage you to do, you know, to go into marine biology and really do wonders and clean up our environment and making sure that we have that for years to come. Mr. Chase, come on up.

**MR. CHASE:**

Well, first of all, thank you so much for honoring our school and our students, some of whom have been training for this event that we once again won for as many as four years. And that is really the strength of our program in that we build depth, we recruit into the middle school, and so by the time students come to the high school they understand more about different options and we hope that

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they choose science as one of them. And, therefore, that has contributed a lot to our success. So thank you once again. We appreciate being here.

### **LEG. ANKER:**

Thank you so much. I do have to comment, Mr. Chase. I just happened to come across one of your volunteer organizations and it's the Guide Dog Foundation. And I have to say, personally I am so impressed with the many years that you've put towards raising guide dogs. And again, I'm sure that type of commitment just carries on to the students that you teach. And again, I'm very proud to give you this proclamation for your organization. So thank you so much.

*(\*Applause\*)*

### **P.O. LINDSAY:**

Legislator Anker, you have one more?

### **LEG. ANKER:**

I have one more. We have here today Anne Shybunko-Moore. Anne is the President and owner of GSE Dynamics, a defense manufacturer specializing in the structural assemblies for various divisions of the military, including the Air Force and the Navy. Anne also serves at the Suffolk County Community College Foundation where she focuses her interest on increasing the workforce on Long Island and securing jobs for our future. In 2006 Anne was named one of Long Island's 40 rising stars under the age of 40. I believe that's Long Island Business News Award. And Anne is just an excellent role model for women.

And I have to personally thank Anne. I recently found out that -- well, I had heard that you -- there was a situation where you were going to move your company off Long Island, but you chose to stay, and it wasn't easy. You have four boys? Four boys, five years old to?

### **MS. SHYBUNKO-MOORE:**

Eleven. Eleven, nine, eight, five.

### **LEG. ANKER:**

Eleven, nine, eight, five. And Anne is such an amazing role model for women and just for people in general to be able to really have a very successful multi-million dollar contract manufacturing firm. But you -- so you kept one of your firms on Long Island, but you have another one in Georgia.

### **MS. SHYBUNKO-MOORE:**

The choice was to expand down south. I would never leave Long Island.

### **LEG. ANKER:**

Oh, okay. I want to invite Anne to come up and just speak just for a few minutes on your focus on keeping manufacturing businesses on Long Island. Come on up.

### **MS. SHYBUNKO-MOORE:**

Thank you very much for the honor. I have been actually -- Newsday, I think, was very kind in stating that I was a loyal Long Islander and I am and will ever be a loyal Long Islander, but I am concerned obviously about keeping jobs here, keeping manufacturing on Long Island.

I already had a facility down south, and I received two large Air Force contracts. The decision was do I expand down south or do I expand here on Long Island. And that's when I did my due diligence and looked into the differential and cost and I won't tell you the numbers, but yes, I did decide to stay here and grow here and bought another building in Hauppauge in October. Our Navy production started there in December and my Air Force production will start in July. So we're almost

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fully up and running. And the Georgia facility doors will close in mid-July and those folks are coming to Long Island, currently looking for houses to buy, which is a little different on Long Island than Georgia. But no, I'm thrilled with the support that I got from Suffolk County and New York State and really the manufacturing community with open arms and I'm excited to continue manufacture on Long Island. So thank you.

*(\*Applause\*)*

**LEG. HAHN:**

And Anne, I want to thank you also. Anne is a constituent of mine, and I want to thank you for the work you're doing to help Long Island's economy. You know, it's not just about your business, you're really looking to improve the economy here, help Suffolk County through -- Suffolk County Community College through the Foundation and so we thank you for that. Thank you.

*(\*Applause\*)*

**P.O. LINDSAY:**

Okay. Before -- that concludes our proclamations. Before I go into Public Portion, I should mention that we have a happy birthday for our Legislative Stenographer today, Lucia Braaten. Happy Birthday, Lucia.

*(\*Applause\*)*

And I have a number -- I have three public officials that would like to address us this morning. First, our Treasurer, Angie Carpenter, has requested to address us. Angie, if you'd come forward.

**MS. CARPENTER:**

Thank you very much, Bill, and members of the Legislature. We've had some news in the paper and I know you all received a copy of the Performance Management Committee's report much at the same time that I did for the first time. I was a little dismayed to say the least, but mostly because the Performance Management Team never came to the Treasurer's Office to fully understand what we do, the uniqueness of the operation, before they issued a report, and had they done that, perhaps there wouldn't have been so many glaring errors in the report. But I will save that for a time when there is a Public Portion or a public hearing rather, on the issue.

But in the meantime, I would just ask the Legislators, I will be contacting your offices to set up appointments to come see what we do, to understand the complexities of what is done in the Treasurer's Office. And to say that we're the only County in the State of New York that has a Treasurer and a Comptroller elected is a reason for not having this structure in place is really foolhardy, because we are the only County in the State of New York that operates under the Suffolk County Tax Act. And this -- and the Suffolk County Tax Act speaks to the Treasurer and the Treasurer's role all over the place, and you'll see that when you review it. But the oversight that two independent elected officials bring is clearly worth maybe a million dollars, and that's up in question, the savings that are purported to be realized if this is done, because the work that is being done there that I do, that my Deputy does, isn't going to go away. Because we have a title and we're elected doesn't mean we're sitting up there with our feet on the desks sipping tea. We are working. And I just again ask you to do your due diligence.

I know it's not easy sitting on this Legislative body and being faced with decisions, being given something that says well, you know, take it to the public to decide. But we as elected officials that have raised our hand and took an oath to do right by the people that we represent have an obligation to really do our due diligence. So I ask that you give us that courtesy and give that courtesy to the million-and-a-half people that we represent with a \$2.7 billion budget and the

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oversight that is so crucial, especially in these fiscal times. Thank you so much for your attention. I really appreciate it.

**LEG. MONTANO:**

Mr. Presiding Officer, point of information.

**D.P.O. HORSLEY:**

He's over here.

**P.O. LINDSAY:**

Yes, I'm sorry. Legislator Montano.

**LEG. MONTANO:**

Yes. As a public official, are we permitted to question the Treasurer under our rules?

**P.O. LINDSAY:**

Absolutely.

**LEG. MONTANO:**

Okay. I have some questions.

**P.O. LINDSAY:**

Go ahead.

**LEG. MONTANO:**

Hi Angie. How are you?

**MS. CARPENTER:**

Good, thank you.

**LEG. MONTANO:**

The bill that's being laid on the table, I understand, which will merge your office with the Comptroller's Office, has a proviso that in -- if the referendum is approved, that the County Executive will then appoint an interim, I guess interim Comptroller for a year. Is that your understanding of the resolution?

**MS. CARPENTER:**

I really haven't -- I mean, again, I only saw the report and it doesn't speak to that.

**LEG. MONTANO:**

That's what I understand was reported.

**MS. CARPENTER:**

I have not seen anything. Have not seen anything, have not had any communication on what might or might not be in the resolution.

**LEG. MONTANO:**

But I believe that was in Newsday, was it not? Does anyone know?

**MS. CARPENTER:**

I believe so. I see a reporter here from Newsday.

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**LEG. MONTANO:**

Everybody is smiling, but you know, can someone give me an answer?

**P.O. LINDSAY:**

If it was in Newsday, it's got to be true.

*(\*Laughter\*)*

**MS. CARPENTER:**

Right, if it was in Newsday.

**LEG. MONTANO:**

Mr. Brand, is that true?

**MS. CARPENTER:**

Well, again, an appointment certainly would eliminate the kind of oversight that an elected official brings to that crucial role of oversight. You know, and I really, really don't want to speak to the merits of it at this point until we have a bill, but co-mingling, co-mingling of funds is a dangerous, dangerous route to go down. You can't have the person holding the money be the one who makes the decisions on how that money is spent. It is so basic, it is so simple.

**LEG. MONTANO:**

And the role of the Comptroller, not the role of the Treasurer, because it's been said that your role is more ministerial than it is --

**MS. CARPENTER:**

Well, I beg to differ on that.

**LEG. MONTANO:**

Well, differ. Go ahead. I'd like to hear your comments.

**MS. CARPENTER:**

Well, you know, we certainly -- there was some reference made to the fact that there are duplicate systems, tax management systems that interface with the ten town Tax Receivers. That's a blatant lie. You know, we're the only ones that have that system that interface with the receivers. The fact that there would be a \$200,000 savings because of the computer system that we have. That \$200,000 was moved from IT after two years of meetings with the Commissioner and his staff of IT and the others that were involved, and the efficacy of shifting the maintenance of the integrity of that system, it was decided that this was too much for IT to handle and they agreed and recommended that we shift that off site to Tyler Systems. And that's that \$200 -- that 200,000. So there's no savings there. That still has to be done. And you can't compromise the integrity of that system. It's 585,000 parcels, taxable parcels in this County that we need to maintain the integrity of. Every single parcel is different, it's unique. There are certioraris. We have 14,000 tax grievances and certioraris up there that need to be handled one by one.

The Hotel/Motel Tax, that that whole program is in my office. We bring people on, we maintain it, we collect the filings every quarter, we monitor to make sure that people are, in fact, adhering to their responsibilities. And I thank this Legislature for being so proactive in raising that Hotel/Motel Tax, because we went from almost three million dollars to now collecting eight million dollars in the Hotel/Motel Tax because you guys saw the wisdom of raising it from three-quarters of a percent to 3%. And I say raise it to 5% and we'll bring in another three or four million. And no one is going to not book a hotel room because their Hotel/Motel Tax has been increased and that's real revenue and that's real savings. Not this bogus eliminate seven jobs that really can't be eliminated because the

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duties that they're performing are crucial to the fiscal integrity of this County and to the million-and-a-half people that we so honorably and carefully represent.

**LEG. MONTANO:**

Thank you. I'll have further questions, but not today.

**MS. CARPENTER:**

Okay. Thank you very much.

**P.O. LINDSAY:**

Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Mr. Chair. And likewise, I will talk with you in depth when we get into the hearing process. Suffice it to say, the report that I read I was underwhelmed with. You mentioned an important point, though, about the role that the Treasurer plays, not only in the Suffolk County Tax Act, but refresh my recollection. You play a role with the courts as well, I believe.

**MS. CARPENTER:**

Well, you know, from bail, I mean, all of the bail for all of the courts, jailhouse bail, Sheriffs, you know, is handled by the Treasurer's Office.

**LEG. KENNEDY:**

Escrows as well. There are court deposited items that the Treasurer holds as an independent party critical in that structure, I believe.

**MS. CARPENTER:**

Right. We maintain the Court Trust and Agency accounts, also bankruptcies. I mean, this is all done in the Treasurer's Office. Partial payments for taxpayers, dealing with them one on one. You know, come upstairs, you'll see it. You know, people crying on your doorstep, literally, and our staff working with them one on one, the Deputies, because that's a role that you really have to be very, very careful with.

**LEG. KENNEDY:**

Okay. Thank you. Thank you, Mr. Chairman.

**MS. CARPENTER:**

Thank you very much for your attention. I really appreciate it.

**P.O. LINDSAY:**

Wait, Angie. Legislator Nowick has a question.

**LEG. NOWICK:**

Just a quick question. And would I be correct in saying or maybe you know something that we don't know, how would this save money if none of your duties, if all the same duties are there and all the same work has to be done, who would -- how would that one million dollars be saved? Do you know the answer to that?

**MS. CARPENTER:**

There is no answer to that because it's a fabrication. You know, you eliminate those seven jobs, you can't eliminate the work that is being done. So, I mean, just because you throw it out there and say it, it's like saying putting the people in one space will ease the external audits that are done because they won't have to come to Riverhead. Well, you know what? The auditors haven't come to

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Riverhead in seven years because it's all done electronically, and that is why an office, the Treasurer's Office that historically had 80 employees is now able to function with 42, because things are done electronically. So to think about taking the operation and putting it with the Comptroller means the Treasurer needs to be where the County Clerk is, where the courts are, where Real Property is. It needs to be here, and I do believe that law says that it needs to be in the County Center, and this is the County Center.

**P.O. LINDSAY:**

Okay. Legislator D'Amaro.

**LEG. D'AMARO:**

Good morning.

**MS. CARPENTER:**

Hi.

**LEG. D'AMARO:**

I just had one question. Does the Comptroller's Office ever audit the Treasurer's Office or any operation or aspect or any --

**MS. CARPENTER:**

Yes.

**LEG. D'AMARO:**

-- of the work that you're handling in the Treasurer's Office.

**MS. CARPENTER:**

Yes, and that's their role, to audit. That's their role. Their role is far different from what the role is that we have as the Treasurer. And again, co-mingling those two distinct, disparate operations would really be an injustice to the County.

**LEG. D'AMARO:**

So if you have a -- excuse me. If you have a function that you're performing within your office, in the past the Treasurer has then held your office to account for how you administer that program --

**MS. CARPENTER:**

The Hotel/Motel Tax is a case in point, yup, that they would come in and review. And we welcome that because, you know, it helps to have that -- you know, when you're working at something, anything, you know, when you're doing it day in and day out, you know, you may not be doing it the most effective way as possible. And, you know, the whole concept of the Performance Management Team is a very, very good one, but I would just throw this out to you. The money that is being spent on the Performance Management Team in all of those salaries and all of those benefits, we probably could have hired a Fortune 500 company to come in and really do a thorough analysis of government in Suffolk County and come up with some meaningful, meaningful recommendations.

I really, really thank you for giving me the opportunity and I really wasn't prepared to debate it. And I know short agenda, but having been there, short agendas don't always mean short meetings, so I wish you luck. And we're upstairs, any questions please holler. Thank you.

*(\*Applause\*)*

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**P.O. LINDSAY:**

Okay. The other two public officials we have are Council People from Riverhead. First is Jodi Giglio. Do you want to come together?

**MS. GIGLIO:**

Yes.

**P.O. LINDSAY:**

Okay. And George Gabrielsen.

**MR. GABRIELSEN:**

Yes.

**P.O. LINDSAY:**

Welcome.

**MS. GIGLIO:**

Good morning and thank you for the opportunity to speak before you today. I want to thank all of you for your efforts and support in keeping Sound Avenue in Riverhead the historic rural corridor that we set out to create. It's a draw for all Suffolk County residents where people come and they enjoy the farms, the strawberry picking this time of year, the pumpkin picking during Halloween time, the Christmas tree hunting around Christmastime and the wine country that we've created with all of our beautiful grapes and wineries and vineyards that are throughout Riverhead. So I want to thank you for that. And I want to thank you and commend you on all your efforts and ask you to look at things a little bit differently today.

I know that the Legislature is looking to -- at a parcel on the corner of Park Road and Sound Avenue to -- it's 14 acres, but is currently being farmed. It has been farmed for the last 200 years, and that farm is no longer in production today because the County -- the owner has approached the County and asked the County to buy the property as open space, where the Town would create a park and a parking lot and build trails in the middle of a potato field, and a pumpkin field at Halloween time. And, you know, we love our farmers and we love this historic corridor.

I'm asking you with the Town in its financial state and our economic crisis that you're all familiar with, and our CPF funds that are dwindling away, we are required under that park creation to develop the park and maintain it. We have had several layoffs over the years in our Buildings and Grounds. We thank you again for the 300 acres for the North Fork Preserve where a beautiful County park will be established, and we'd like to focus all of our efforts on that.

So I'm here before you today to ask you to please reconsider the 14 acres that's being proposed as open space, to leave it a farm. If the County -- you know, it's coming out of the same pot of money whether it's open space or whether it's farmland. We have spoken to the farmer. The farmer has agreed to go into partnership with the County. If the County were to buy it as farmland you would save money in buying it as farmland and the difference would be made up by the farmer. The farmer has approached the owner and asked him to buy the land for 20 to 30,000 an acre, but with that property zoned for 16 homes and seven acres of farmland on Sound Avenue, the farmer or the owner has realized that he would get more money from the County. So with the County partnering with a private farmer versus the County partnering with another municipality, which would be the Town of Riverhead, you would be doing the Town of Riverhead's residents a justice and also the residents of Suffolk County a justice.

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We have a debt of over \$70 million a year from preserved open space that we bought up in 2003-2004. Our debt service on that \$70 million is \$6 million a year. We've only been taking in two million a year in the CPF, so our reserves are dwindling. And soon we'll be increasing taxes in Riverhead to pay for the almost 30% of open space and farmland preservation that we have throughout the Town at this time.

So I implore you to please reconsider. We've asked our Legislator Krupski, who I believe will be speaking to you further about this, but if we could please start the process in looking at this property as farmland preservation and keep it a farm for the next 200 years plus, rather than an open space and a park in the middle of a flat field. So thank you.

### **MR. GABRIELSEN:**

I want to thank everybody for having us here today. I'm honored to speak before the legislation -- Legislators. Councilman Jodi Giglio pretty much said it all. I'm a farmer, that's my real job besides a Councilman. I know Al Krupski comes from the same background. We really have to look at -- this is prime soil farm. My farm is south of 25, you get a lot of areas with sand. This is prime soil, it's off of Sound Avenue. And like Jodi had said, it's been 200 years farmed. So much pressure is on the farmers today. For us to actually take a farm out of production and put back hiking trails, I mean, the rationale is just not even there. So our rural corridor for all Suffolk County is when you go down Sound Avenue, that's for all Long Island, and what do you see? You see farms. So this is a prime, you know, soil farm and I think we absolutely have to keep it in production. We cannot take it out. It's part of our rural heritage and it can go on for many years. So I really hope that you would consider keeping this as a farm. Thank you.

### **P.O. LINDSAY:**

Thank you very much for coming and visiting us and discussing this agenda item with us.

### **MR. GABRIELSEN:**

Right, and if there's any questions.

### **P.O. LINDSAY:**

Anybody have any questions of the two Council people?

### **LEG. CILMI:**

Mr. Chair?

### **P.O. LINDSAY:**

What reso is it? That's the question I had. What's the IR number?

### **MS. GIGLIO:**

There is not a resolution up today, but there are negotiations. The contract is getting ready to be entered into between the owner and the County to buy this property as open space. A resolution had come before the Town Board a few weeks ago for the first time asking the Town to partner with the County in the acquisition of this parcel for open space. So we are asking you to take a harder look at it and realize and come along with us and we want to partner with you to make sure that this property remains farmland, and that the Town has the money to invest in the 300 acres for the North Fork Preserve to create the beautiful County park that it should be. All these pocket parks throughout the Town are very burdensome on the taxpayers and on the employees and personnel of the town. It requires more equipment and more personnel, so we would just like to keep this in farm production.

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### **LEG. CILMI:**

Do the both of you speak to us today on behalf of yourselves and your personal views or on behalf of the entire Town Board?

### **MS. GIGLIO:**

Well, we have walked the community of Reeves Park, which is at the corner, and they're currently -- the County did acquire the property right across the street for a park, a memorial park, for Tom Kelly Memorial Park. We are still trying to develop that park, and we are here as residents of the Town of Riverhead, and residents of the community of Reeves Park with over 250 people. When we are walking through that community they would much rather see that property preserved as farmland than open space.

### **MR. GABRIELSEN:**

I think his question was as the representative, you know, of the Town Board. Right now, it came up before us. It would need three votes to move the recommendation along, which is a combination of parkland. The County's looking to partner with the Town, we all understand that. And as of now, one of the members can't vote because he represented the landowner, so that leaves four members of the Council. I think all four want to see it preserved. It's a question of how to preserve parkland so it's -- right now we're advocates --

### **LEG. CILMI:**

Right. But it's the question of preservation as parkland/open space or preservation as a farm.

### **MR. GABRIELSEN:**

Right.

### **MS. GIGLIO:**

Two members have voted to preserve it as open space, because that was the only option on the table. I have spoken to the other Board Members and there will be a majority support if it were preserved as farmland preservation instead of open space. But right now there's only two for open space and us two that are opposing open space and bringing forth this new proposal to the Legislature.

### **MR. GABRIELSEN:**

So there is not a majority to move it forward as parkland --

### **LEG. CILMI:**

If we get to a point where we're debating a resolution, if you could or if a resolution has been filed, if you could just alert us and we'll watch for it obviously. But if you could alert us as well, and also keep us apprised of the Town Board's action in terms of, you know, whether or not those negotiations to maintain it as a farmland, as farm, as opposed to open space are successful, we'll have more information to be able to base our judgment on. We appreciate you coming.

### **MS. GIGLIO:**

Okay. And I believe we have a willing seller for farmland preservation because he can make up the difference from the farmer who would spend the rest of the money in acquiring the property from him so that it can continue to be farmed.

### **LEG. CILMI:**

Thanks.

### **MS. GIGLIO:**

Thank you.

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**P.O. LINDSAY:**

Okay, wait. I have like three other Legislators that have questions. Legislator Calarco.

**LEG. CALARCO:**

I think you just answered my question. So the owner of this property would be willing to sell it as farmland and continue farming the property?

**MS. GIGLIO:**

Well, the owner is not currently farming it. He has approval for a 16 lot subdivision, which was the result of litigation for ten years, since the master plan's been adopted, to take it out of a commercial zoning use into a residential, and we have settled with him and given him additional lots and that settlement agreement has been filed. So he currently can build 16 houses on the lot and he is willing -- he's a willing seller for open space, and I know that he will be a willing seller for farmland.

**LEG. CALARCO:**

As much as I would much prefer to see this stay farmed property, our programs are voluntary. So the owner has to voluntarily enter into the Farmland Development Program. We can't force him to do that.

**MR. GABRIELSEN:**

Right, we're aware of that. I think the net result to him would be the same.

**MS. GIGLIO:**

And he did have a meeting with Legislator Krupski, who also echos our sentiments when it comes to this particular piece of property.

**P.O. LINDSAY:**

Okay. And I have Legislator Horsley and then Krupski have questions as well.

**D.P.O. HORSLEY:**

Yeah, hi. I think my question has been answered. I was interested in how it got to the position of being open space versus farmland to begin with, but I think I now understand it. I would just ask that Legislator Krupski keep us advised and we'll follow your lead? At least I will.

**LEG. KRUPSKI:**

Thank you.

**MS. GIGLIO:**

Thank you.

**LEG. KRUPSKI:**

This is something that came up to me, you know, just recently and I reached out to the landowner, and I've got a lot of experience, and if you look at Southold you can see I've got a lot of experience in preserving land, both open space and farmland development rights. As Councilman Gabrielsen has said, it's an historic corridor and it's very good quality soils. So, you know, you've got highly productive farmland at risk here.

This parcel's been in the process, and like Councilwoman Giglio has said, it's been subject of a lot of -- there's been litigation between the Town and the landowner. But because I'm familiar with the land preservation process, you know, the first thing -- land preservation starts with the property owner. You know, Rob, you're absolutely right. This is a voluntary program and the property owners needs have to be met. Now -- and then you look at what are the priorities here of land preservation and you look at the historic Sound Avenue corridor and you look at the historic use of

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agriculture there and it's really important to preserve this.

So I have reached out to and I have met with the property owner yesterday to try to see what his goals are, and I know that Riverhead is interested in preservation. I know the County is interested in preservation, so it's just a matter of trying to get everyone on the same page and move this forward. And that's where we are right now. I called Planning last week on this and I called them again yesterday. I've got a lot of different questions of how far along this is in the process and what all that means to the property owner.

### **D.P.O. HORSLEY:**

Would it be cheaper to the County if it was the purchase of just the development rights?

### **LEG. KRUPSKI:**

Yes, because the purchase of the development rights then are part of the value. The other part would be -- that would be sold to a farmer.

### **D.P.O. HORSLEY:**

Okay. Again, we'll follow your lead.

### **MR. GABRIELSEN:**

I just want to point out he's actually right, that would be less cost to the County, probably 20% less. And speaking with the farmer, it's the Zilnicki family, they've been farming there for many years. They're one of the biggest farm families in Riverhead. He was willing to pay the difference, plus. So it would be a win/win net for the landowner, and I think for the County and the taxpayer it's going to cost us 20% less and preserve a great thing in Riverhead. I mean really, when you think about it, and Jodi had pointed this out. We have a lot of trails out there. We've got the 300 acre North Fork Preserve, we've got thousands of acres out at EPCAL and we have a lot of pocket parks with these things in it, but to take a quote potato field, even to put hiking trails in the center of it, I kind of don't get that to give up a farm. I think that's a little lame personally.

### **P.O. LINDSAY:**

Okay. Anybody else? No. Thank you very much.

### **MS. GIGLIO:**

Thank you. Have a good day.

### **MR. GABRIELSEN:**

Thanks.

### **P.O. LINDSAY:**

And I have one other speaker, Tom Melito, the Deputy County Executive for Performance Management would like to address us. There seems to be a wish to take them after the Public Portion. Tom, is that correct?

### **MR. VAUGHN:**

Yes, sir, that's correct.

### **P.O. LINDSAY:**

Okay. I'm sorry.

### **MR. VAUGHN:**

Thank you, sir.

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### **P.O. LINDSAY:**

Okay. Public Portion. Kevin McDonald is the first card I have.

### **MR. McDONALD:**

Good morning, Mr. Presiding Officer and members of the Legislature. I'm Kevin McDonald. I'm appearing before you on behalf of the Nature Conservancy on Long Island, and I have a very brief comment. There's a resolution being introduced by the number of 1465, which is an IR to assert supremacy for the preservation of farmland above all land categories under the Drinking Water Protection Program. And in my career, as important as I believe farmland preservation is, so are the other categories of land like drinking water protection, flood plain wetlands and things like that.

So our advice to you is to table this bill and use the intervening period of July during your break, which you all were exuding the behavior of my youngest son, who just finished school a couple of days ago and is looking forward to his summer vacation. And let's use that same break period to sort of work a more strategically coherent strategy through on how the County might direct its efforts with its competing land acquisition and land preservation priorities, rather than just by fiat declaring one land type is superior to all others.

So I look forward to working with all of you. Legislator Hahn and others have been having similar conversations so let's use this opportunity as a starting point to do a little better going forward. I thank you all. Have yourselves a nice break and we'll see you in August. Thanks again.

### **P.O. LINDSAY:**

Okay. Thank you, Kevin. Next up is Tom Casey.

### **MR. CASEY:**

Good morning. I'm Tom Casey, Vice President of the Long Island Greenbelt Trail Conference speaking in reference to the same bill proposed by Legislator Krupski that would alter the way money from the Drinking Water Protection Fund is allocated. The Greenbelt Conference opposes this measure partly because it seeks to change a law that, as we read the County Charter, can be modified only by a referendum. When the voters of Suffolk County overwhelmingly approved this all important environmental program, they approved very specific wording and provisions and had an expectation that land preservation would proceed accordingly. Since then, when times have gotten tight or some Legislators look longingly at the funds and think they have what they think is a better idea for using it, there have been repeated efforts to raid the money and divert it elsewhere. This is not what we voted for and is a breach of public trust.

The Drinking Water Program isn't Charlie Brown's football and the Legislature isn't Lucy. You can't keep putting the ball up on the tee and then snatching it away in whole or in part. The primary goal of the law is to preserve open space, preferable in large, contiguous blocks over our precious aquifers. Delays and diversions have already diluted the program and we can't afford to keep nickel and diming this law to death. We recognize the importance of agriculture in Suffolk, both economically, historically and culturally all together, and we want to see it thrive, but not at the expense of the Drinking Water Program. As it is, we're already picking over the remains of a depleted pot. The answer lies not in competition for what's left, but in seeking more sources of funding for open space acquisition and completing the job.

That may make you cringe in a time of imbalanced budgets, but failure to complete preservation of our open space will cost us more in the long run. The quality of our groundwater is already trending downward with potentially dire consequences for the County. The people of Suffolk supported the Drinking Water Program and they alone have the right of referendum to change it. I think you know they wouldn't, and we ask you not to try weakening the law in any other way. Thank you.

**P.O. LINDSAY:**

Thank you. Next up is Richard Amper.

**MR. AMPER:**

Thank you. Good morning. This is, in my judgment, a needless fight. For 25 years this County has been responsibly protecting open space and farmland both. We've not declined or subordinated farmland, it's equally important. There's been no dispute among the agricultural community and the environmental community on these priorities. We have a Drinking Water Protection Program, we get to protect both. This is creating an unnecessary conflict. As others have and will point out, it also -- and our judgment requires that we go back to the voters if we're going to change the manner by which we're going to do that, and we strongly, strongly feel that the worst thing we can do is alienate the public on this matter is to take something that was put in their hands and a decision that was given to them and that they were assured they would forever have and take it away from them by act of fiat on the part of the Legislature.

There need be no problem here. Let's focus on what the real challenge is, and that is something that folks who support farmland protection and open space preservation both support it, and that is the funding that is necessary to do that. This has been in place since 1988. That's 25 years. There is no additional money coming into that program and there needs to be for both open space and farmland, and the public has put up more than a billion dollars voluntarily to do that and there is no reason why they can't continue. So we should, in fact, be arguing for additional funding for a wildly popular program that helps both the environment and the economy and the public at referendum would support that, rather than to argue about who gets what percentage of the crumbs of a program that has been a source of pride to this County for a long, long time.

So we would very, very strongly urge you to defeat this bill or to have it withdrawn, and let's do what has been working. Have the farm people and the open space people both committed to protection of the land that we require both to protect drinking water and to provide for the kinds of food stuffs and other benefits, economic and otherwise, that the farm community has.

I want to take just a few seconds of my time to suggest that we look very, very carefully at the Reeves Avenue project which was discussed by some representatives from Riverhead. You'll notice that two of their members were prepared to support an open space acquisition and the two who were here were not. Whether you do this by farmland through the Farmland Program or you do it through the Open Space Program is, as I've suggested, not a big deal, as long as the property is preserved. So whatever we do we don't want to move it to the back of the line or in any way compromise it's preservation. I think the two folks you heard from today will support an open space preservation if that's the only way to get it done, but let's get it done. Thank you very much.

**P.O. LINDSAY:**

Okay. Eric Lamont.

**MR. LAMONT:**

Good morning. I'm Eric Lamont, President of the Long Island Botanical Society, and I'm appearing before you representing that society today. The Long Island Botanical Society opposes the proposed bill that would alter the Drinking Water Protection Program. The voters of Suffolk County have a right for mandatory referendum, and the Long Island Botanical Society urges the Legislature to respect that right and defeat this proposed legislation. Thank you.

**P.O. LINDSAY:**

Julie Ben-Susan. I hope I got the name right.

**MS. BEN-SUSAN:**

You did. Good morning, Ladies and Gentlemen of the Suffolk County Legislature. Thank you for the opportunity to speak to you. My name is Julie Ben-Susan and I'm the General Manager of North Ferry. Bridge Hunt, who many of you know as the driving force behind North Ferry was not able to be with me today because his daughter is getting married this weekend.

I stand before you today because you are reviewing I.R. 1476 for the renewal of our license to go back and forth between Greenport and Shelter Island. We apologize for being late to the party, and we appreciate everything that you can do to move this renewal along and to keep us compliant. As many of you know, we run continuous service 19 hours a day, 365 days a year, with a fleet of three large and two small boats. We believe that our service continues to improve for our customers. I'm here today at the podium and Tom Sledjeski, our Counsel, and I will remain in the audience if you have any questions throughout the day. Thank you again. Have a good day.

**P.O. LINDSAY:**

Next up is Bob DeLuca.

**MR. DeLUCA:**

Good morning, Presiding Officer Lindsay and members of the Legislature. My name is Bob DeLuca and I speak as President of Group for the East End. I am here speaking on I.R. 1465 and our organization opposes I.R. 1465 for some of the reasons that you've heard. This is, again, primarily dealing with the reallocation of open space and farmland funds to sort of segregate the farmland piece from the open space piece. And one of the things which I think was interesting listening to the Town of Riverhead here, is that over the many years that we've been involved in this, you all know firsthand that flexibility in this program is an absolute necessity in terms of trying to figure out what to do with the resources you have when you have them. And this program, as we've also heard and know is, you know, does not have a lot more money coming into it, so we're going to have to get a lot more creative.

One of the things that's very important to us is that we focus on how to fulfill the needs of both of those programs and that we not create a situation where we're sort of fighting over the scraps at the end of the program. I think it sets the wrong tone, it's the wrong message. And for 20 years or more, the land conservation community and the agricultural preservation community have been united in the shared benefits of the Land Preservation Program of this County. And while it may not seem like it on the surface, when you cut -- when you make a formal decision about where half of that money is going to go, you invite a divide that doesn't need to be there.

So principally we think that while it may be well intentioned, this bill is not going to get us into a situation where we're doing a more effective and efficient management of open space and farmland protection. We think the real need and the real focus of this Legislature and advocates like us is to deal with the need for sufficient funds to get this program done. I hail from this region which benefits tremendously from farmland and open space protection and we know, again, that it really does require flexibility, continuity and the ongoing engagement of all the stakeholders to help give direction to the program.

So I would, as others have asked, like to see this bill either set aside or withdrawn or if it comes to a vote that it be defeated at this point, but certainly remain open and willing to continue working with all of you and of course with all of our partners and stakeholders in conservation and agriculture to get this program to work to the best of its possible ability with the funds that we have and hopefully maybe some more funds to come. Thank you.

**P.O. LINDSAY:**

Thank you very much.

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*(\*Applause\*)*

Nanci Dallaire.

**MS. DALLAIRE:**

Thank you. Good morning. Nanci Dallaire, former food service worker at the John J. Foley Skilled Nursing Facility, still struggling to understand the loss of this vital County asset. I will continue to call for a full investigation into this callous closure until every question is answered. At the June 4th Legislative meeting I listened as the representatives from Hudson River Healthcare discussed why they've been so successful in their first year. I was expecting to hear Hudson River had new strategies or had access to different methods not available to John J. Foley, but after listening to the reasons for their success, it has raised more questions.

I do not question the quality of care delivered by Hudson River. I'm not concerned with their competence. I'm sure that the representatives from Hudson River are all held accountable for their actions and I want my representatives held accountable for theirs.

I listened to the representatives credit the EMR system, a system so vital that operations -- to operations that Hudson River had that system installed and operating within months, when the EMR system obtained for John J. Foley with a grant from New York State took three years to install and even then it did not fully function, so John J. Foley was never given the opportunity to fully enhance operations. But no one was held accountable for this costly incompetence and I want to know why.

Hudson River expressed the importance of teaching and training so we're prepared to face that silver tsunami that's coming. Well, the student training program at John J. Foley was neglected for years and again nobody was held responsible for that costly oversight.

I listened as Hudson River described their plans to create a bus shuttle service to transport their clients to their brand new clinic, as I watched as the Suffolk County transit bus system was never utilized at John J. Foley. This door to door service that has operated a shuttle to and from SUNY Stony Brook, yet no partnership was ever pursued with that leading hospital. There will be no one held accountable for hindering the progress of our not-for-profit institution?

I need to know why every point that has proven successful for Hudson River in their very first year has been ignored at John J. Foley. Mr. Bellone may believe that the private sector can better serve the citizens, but I believe that it is the responsibility of my government to serve and protect every citizen.

*(\*Applause\*)*

**P.O. LINDSAY:**

Regina Seltzer.

**MS. SELTZER:**

Good morning. My name is Regina Seltzer. I would just like to quickly state that you have heard from several of the environmentalists and from Bob DeLuca, and I totally agree with his position. It's a very moderate position, it's a very, very realistic position. And I would just like to say that I am presently the attorney who is suing the County on this whole issue of mandatory referendum. And really as a taxpayer, as well as an attorney, I would love not to have to sue you again. So, please, don't do anything on this bill until you have had more time to think about it, and until the matter has been resolved by the courts. Thank you so much.

*(\*Applause\*)*

**P.O. LINDSAY:**

Adrienne Esposito.

**MS. ESPOSITO:**

Good morning, members of the Legislature and good morning, Legislator Lindsay. A couple of things. One, you might not be shocked at this, but Citizens Campaign for the Environment is also adamantly opposed to referendum 1465. A few things, some are worth repeating. Number one is, and I say this to you as someone who has lobbied for decades on increasing farmland protection. In fact, in January, February and March of this year, we lobbied side by side with the New York State Farm Bureau in the halls of Albany to increase the farmland preservation allocation in the New York State budget within the EPF, so we have strong commitment to see our farmland protected. However, the Quarter Cent Sales Tax Program should not be pitting drinking water protection, coastal waters protection and farmland protection against each other. The problem isn't that we used the money unwisely, the problem is we have so much more to do. So let's solve the problem. We're asking the Legislature to put together a subcommittee of your Legislature and include the environmentalists and the Farm Bureau and figure out how to come up with more funds. Clearly there's a need, but we have to find an answer.

The other thing is that you can't do this legally. I think you've heard from attorneys and whatnot. There was a public referendum. So if you don't respect the law or the will of the public, how can we expect the public to respect the law and you? So what we don't want to do is work to solve one problem by creating another problem. Let's identify our need, which is greater funding for land preservation, drinking water and farmland, and then implement a real solution that provides for a better Suffolk County. We're willing to help. We've always been a partner with the County in this endeavor and we look forward to finding a better answer. Thank you.

*(\*Applause\*)*

**P.O. LINDSAY:**

Okay. Next we have Jennifer Juengst. I know I got that one wrong, Jennifer. Sorry.

**MS. JUENGST:**

Good morning, Presiding Officer. It's Juengst, Jennifer Juengst. These are my personal comments on IR 1465, however, I have a significant amount of background on the farmland preservation issues as well as drinking water protection. We have a public health issue at our doorstep right now and it involves the disintegration of the quality of our drinking water. And it's unfortunate that our farm preservation programs and our farm and agricultural businesses conflict with this public health issue.

To say that farmland has to compete for protection dollars and needs more protection is wrongheaded. Farmland in Suffolk County has enjoyed significant protection over the years, so much so that it's resulted in part in enabling Suffolk County to be the number one agricultural producer in value, in dollar value, in New York State. The 2007 USDA census indicates that farms, 640 of which are in Suffolk County, produced \$243 million worth of agricultural product, the highest in the State. Our farmers produce 94% of all the Island's agricultural products. Seventy-five percent of the Island's production is in nursery, sod, flowers and greenhouse product; only 10% in vegetables, melon and potatoes. So we're growing a lot of non-food product and farmers are making profits.

Clearly the Introductory Resolution 1465 is aimed at protecting profits and growing them, not evening the playing field between farmland and open space acquisition. As important as agriculture is in Suffolk County, it doesn't trump protection of the public's health via its drinking water. If you really think the public understood the facts behind the resolution would they support it? Probably not. So in order to avoid having to tell the public what's going on here, this resolution attempts to

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supplant the public's right to decide whether drinking water is more important and proceed by Legislative fiat. The public's right to a mandatory referendum should be upheld by you.

If you're a Legislator that's concerned about public health, which many of you have stated, then either table this resolution, reject it or put it before the people before any final decision is made. Thank you.

*(\*Applause\*)*

**P.O. LINDSAY:**

Is there anyone else in the audience that would like to address us? Is there anyone else in the audience that would like to address us? I'll accept a motion to close the Public Portion. Motion by Legislator Nowick, seconded by Legislator Anker. All in favor? Opposed abstentions? Okay.

**MR. LAUBE:**

Sixteen. (Not Present: Legislators Barraga, Gregory and Spencer)

**P.O. LINDSAY:**

Okay. We're into the agenda. Yeah, I had a request before from Tom Melito, who is the assistant -- the Deputy County Executive to speak to us. Tom is in charge of Performance Management. Tom, are you --

**MR. MELITO:**

Hi. Thank you very much. We have a resolution coming up in a bit and I just wanted to give everyone an opportunity to ask any questions or any further questions on the Microsoft agreement. If there are no questions, that works.

**P.O. LINDSAY:**

Go ahead.

**LEG. MONTANO:**

Hi, Tom. How are you?

**MR. MELITO:**

Good.

**LEG. MONTANO:**

Your statement says that you want to give us an opportunity to ask you questions or are you going to make a presentation?

**MR. MELITO:**

No, no. I'm not here to make a presentation. I think we've discussed the Microsoft agreement at length.

**LEG. MONTANO:**

So why don't we take it up when the bill comes up?

**MR. MELITO:**

That's fine.

**LEG. MONTANO:**

Thank you.

**P.O. LINDSAY:**

Okay. Could I have a motion on the Consent Calendar which is on page four?

**LEG. MONTANO:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Montano. Do I have a second? Second by Legislator Browning. All in favor? Opposed? Abstentions? The Consent Calendar is approved.

**MR. LAUBE:**

Seventeen. (Not Present: Legislator Barraga)

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

**LEG. KENNEDY:**

Mr. Chair, I'd like to make a point of personal privilege, if I can. The Resolutions Tabled Subject to Call, I.R. 1635, I'd like to ask if we could recall that bill for the purposes of discussion. That's the bill regarding modifications to the Waiver Committee.

**P.O. LINDSAY:**

That's -- this is the first one out of order, Legislator Montano, just to keep the --

**LEG. MONTANO:**

No, it's not.

**P.O. LINDSAY:**

Just to get the record straight.

**LEG. MONTANO:**

It's not on -- it's on Page 6 and it's the first of Page 6, so I don't think it's out of order. I think he's just asking to take it from that page; am I correct, John?

**LEG. KENNEDY:**

Yes. As a matter of fact, what I've been told by Counsel is --

**LEG. MONTANO:**

So why is it out of order?

**P.O. LINDSAY:**

Okay.

**LEG. KENNEDY:**

-- that in order to have the bill considered, I have to request, I guess -- make a motion to bring it back before us, have that motion seconded, and then have a majority on that before we can substantively debate.

**D.P.O. HORSLEY:**

Is that a ten-vote?

**LEG. KENNEDY:**

I'm sorry?

**D.P.O. HORSLEY:**

Is that a ten-vote?

**LEG. KENNEDY:**

I believe so, yes, yeah. So --

**LEG. CILMI:**

I'll second. I'll second the motion.

**LEG. KENNEDY:**

Okay. I'll make a motion to bring it out. It's seconded by Legislator Cilmi, I guess.

**P.O. LINDSAY:**

Yes.

**LEG. KENNEDY:**

Okay.

**P.O. LINDSAY:**

Okay. Any discussion on that motion? All in favor of, again, just taking it up at this time?

**LEG. KENNEDY:**

Correct.

**P.O. LINDSAY:**

Opposed? Abstentions?

**MR. LAUBE:**

Seventeen. (Not Present: Legislator Barraga)

**P.O. LINDSAY:**

Okay.

**LEG. KENNEDY:**

Okay. Thank you.

**P.O. LINDSAY:**

So it's before us. Make your arguments.

**LEG. KENNEDY:**

Thank you, Mr. Chair. I asked the Body to go ahead and consider this bill again. If you recall, it's been some time we talked about it. But what this bill would do is add what I believe are a number of important protections, or sunlight, if you will, really, to what goes on right now with the Waiver Committee.

Mr. Chair, you have a representative on the committee and there are two members of the Administration. Right now, it is a three-member committee. It is utilized -- under the statute, it's supposed to be for very limited purposes. It seems that we have items that come before us that the Clerk publishes that we find out about after the fact. And the use of waiver seems to be growing, in my opinion, exponentially.

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What this bill would do is, is expand the membership of the committee to a five-member committee, but, more importantly, it would compel that the agenda for the Waiver Committee be made available to us 48 hours before the committee would actually convene, and equally as important, an opportunity for a public portion, just as we have in anything else that we do. So that not only could members of the public, who might be impacted by the particular matter, have an opportunity to speak, but, quite frankly, Mr. Chair, we as well have the opportunity to go ahead and address issues.

If you think -- if all of you, I ask you to recall, we have clinics that are being taken over as we speak right now by Hudson River which occurred by virtue of a waiver that was issued by this Waiver Committee, I believe it was about 10 or 11 months ago, last July. Fifty thousand County residents and multiple millions of dollars' worth of funding for an agency is being embraced. And they come to speak to us and share different things, but, once again, in the first instance, this was done by a unilateral selection by the Administration. It was not the conventional RFP arms-length vetting process that each and every one of us knows is basically elemental to anything that any governmental entity does.

So I ask each and every one of you to strongly consider this, because I believe it is something we need to do now to take back the regularity of the process. I'll yield.

### **P.O. LINDSAY:**

Legislator Gregory.

### **LEG. GREGORY:**

Thank you, Mr. Chair. And I will confess that I think that Legislator Kennedy's bill does have some merit, but there are obviously some things that I disagree with.

I believe that procurement is primarily an administrative function, which is in the purview of the County Executive, because I don't think it's in the best benefit of the County to have a majority control over what's an administrative function. And that, in essence, will actually tip the balance of the scales into the Legislature's favor, because all waivers that go before the Waiver Committee do subsequently come to the Legislature. So we would have a majority control on the Waiver Committee, as well as, on the back end, have a final say into what waivers are actually approved. So I don't think that's necessary.

I do think the 48-hour notice can be beneficial. I think it benefits the members of the committee to know what's on the agenda in a -- you know, in a timely fashion. Public portion I'm not so sure about. But, again, I would say that all waivers come before us. If we disagree with any waiver that goes before the Waiver Committee, we have the final say. We can disapprove it, and we've had that opportunity to do so with, you know, legitimate arguments made before us to do that, and we've made the decisions that we've made.

But I do have some concerns about the number of waivers. I don't know the numbers, if there's an increase or a decrease, but, you know, waivers should be the exception to the rule and not the rule. And I think John is stating that they may -- the exception may be becoming the rule. I'm not sure if I disagree with that or agree with that. I don't know the numbers, but it certainly shouldn't be the case.

And I guess my main concern or objection to this piece of legislation is having majority control over what is an administrative function. Thank you.

### **P.O. LINDSAY:**

Just to add to the debate, the bill that we're talking about now, or the process we're talking about now, was enacted as a result of legislation I sponsored, because the last County Executive, the

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Waiver Committee consisted of the three of his Deputies and we had no input at all. We didn't even have any knowledge of what was coming before us. And, at the time, we looked at the numbers on the Waiver Committee and we discussed five at the time, and we thought that three, you know, does really the same thing, but it's less unwieldy. But if -- you know, I don't -- certainly don't have any problems. If you wanted to bump it up to five, it does the same thing, the majority is still with the Executive Branch. Your bill is the Legislative branch, John?

### **LEG. KENNEDY:**

Yes, Mr. Chair. And, as a matter of fact, that is something that's significant from the process that you started. And I applaud you, because you had the wisdom to see that we, in fact, were not a co-equal branch of government.

You know, my purpose for bringing this forward today is, is to say to the Body, let's vote this bill. I'll make the motion to approve. If a majority feels that it's not the proper, you know, way to go forward, I'll come back to you, Mr. Chair, and I'll go to Legislator Gregory as the Majority Leader. But I think there is this underlying sense among many of us that each time we have a matter that comes before us, that's been put before us by waiver, what's happened is, is, yes, we do get the opportunity to vote that particular contract, but we've obviated that whole beginning process where the issue that we want to do, whether it's buying pens or selling clinics, gets put out to the world at large for the opportunity to get the best provider at the lowest price, and, instead, we have one entity, the Executive's Office, that says, "This is the only way to get this pen." That's the part that I object to the most. And I think we need to restore what the statutes state is supposed to be part and parcel with the way we do any business here as a municipal entity. So I'll make the motion to approve.

### **P.O. LINDSAY:**

Okay. I just -- you know, and I'll recognize you in a minute, Legislator D'Amaro.

### **LEG. D'AMARO:**

Sure.

### **P.O. LINDSAY:**

Legislator Kennedy, I think there's a lot of merit in what you're trying to do here. I just think you might be able to -- might be trying to do too much at once. And I think there's certainly room for some compromise here.

### **LEG. KENNEDY:**

Okay.

### **P.O. LINDSAY:**

Like if -- you know, if it was at -- I was under the impression it was five, weighted towards the Executive Branch. I could support that. You know, and, certainly, the notice I could support.

### **LEG. KENNEDY:**

Okay.

### **P.O. LINDSAY:**

You know, so I think there's a lot of good things here --

### **LEG. KENNEDY:**

Good.

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**P.O. LINDSAY:**

-- that maybe we could work out, you know. Who wanted to speak? Legislator D'Amaro?

**LEG. D'AMARO:**

Yeah. I just had a very quick question for Counsel. George, is there -- I think I asked this at the last meeting, but are there specific explicit standards to be applied by the Waiver Committee?

**MR. NOLAN:**

This resolution does not change the standards.

**LEG. D'AMARO:**

Oh, I understand that.

**MR. NOLAN:**

All right? There are -- in the code, there are some factors that the committee is supposed to take into consideration when they are deciding whether to grant a waiver.

**LEG. D'AMARO:**

And those would be controlling in any Waiver Committee's decision whether or not to issue the waiver.

**MR. NOLAN:**

Any Waiver Committee should be considering those criteria and those factors.

**LEG. D'AMARO:**

Okay. Well, I agree with the Presiding Officer. I think there are some valid points to be made in this process, and especially the notice provision.

I also note that it requires verbatim minutes in your bill, Legislator Kennedy. That's something that's not taking place presently.

**LEG. KENNEDY:**

Correct.

**LEG. D'AMARO:**

I just wanted to ask you, through the Chair, what is the purpose of the verbatim minutes?

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

**LEG. KENNEDY:**

Well, just as we do with any of the other things that are important to us, Legislator D'Amaro, the debate and the dialogue that goes on for whatever the particular issue is that's brought before the committee. Again, I'll go back -- I don't want to focus on only one item, but I'll use the clinics and Hudson River as an illustration.

The case that's made, if you will, to go ahead and put this entity forward as the sole provider in the first instance should be on the record, should be something that each and every one of us has the opportunity to review. The comparison I would give you is we had extensive debate in IT about IR 1502 and I just got a copy of the minutes for that. Because even though being there, I wanted the opportunity to kind of refresh my recollection about some of the things that were mentioned by the Administration.

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I find it personally to be an important tool any time we're looking to -- I'm looking to try to go ahead and come to a decision on an important matter. And I think that there are times, certainly you know this better than anybody, there's all kinds of cases and arguments that are made in court; if we had to try to recall all of them, it would diminish our ability as advocates and attorneys.

**LEG. D'AMARO:**

Right.

**LEG. KENNEDY:**

So it's along these lines.

**LEG. D'AMARO:**

Okay, I appreciate that. I tend to agree. Just one more question. The -- again to Counsel; George, if you know. Does the Waiver Committee issue written decisions giving the reasoning or rationale for the issuance of the waiver?

**MR. NOLAN:**

The law doesn't require it. I don't know if they do it.

**LEG. D'AMARO:**

Right. Because if there are standards that are already in place, whether you have three, five, seven or nine members on this committee and who appoints them, it's not about who's appointing or how many members you have, it's really about applying those standards and applying them properly.

I agree with the verbatim minutes. You may want to consider perhaps having a written decision on waivers. I don't know, we'd have to listen to the departments, whether that's too onerous or how that could be done. But then at least you would have a requirement that whoever is making the decision, or whomever are making the decision, that the decisions would have to be justified in writing and then it would be subject to review to make sure the standards are being applied properly.

**LEG. KENNEDY:**

Good point.

**LEG. D'AMARO:**

All right. Thank you.

**P.O. LINDSAY:**

Okay. Legislator Browning.

**LEG. BROWNING:**

Actually, Lou asked the question, the verbatim minutes was -- I don't have an updated copy, so that was my question. Thank you.

**P.O. LINDSAY:**

Legislator Hahn.

**LEG. HAHN:**

Thank you, Presiding Officer. Okay, so there are criteria that are used that each request for a waiver is compared against and we have to meet the criteria in order to grant the waiver; correct? To George.

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**MR. NOLAN:**

The statute lists the criteria, the rationale they should be using, they grant waivers.

**LEG. HAHN:**

And that's what's happening, is that during these Waiver Committee meetings, they're going against those criteria that's in our Statute. Okay. Is it --

**MR. NOLAN:**

No, I did not say that.

*(\*Laughter\*)*

**LEG. HAHN:**

Well, so then I think all of the points that were made are good ones. But also, maybe for the most egregious cases, if all these things are put into place, but we're not willing to weight it to favor the Legislature, maybe there can be some sort of appeals process that does involve the entire Legislature. If we determine, after the verbatim minutes, that criteria weren't met and we want to bring it to the full Leg. to kind of appeal the decision of the Waiver Committee, maybe there can be something in our process that it would bring it back to all of us. I don't know, that's just something worth thinking about.

Because I have felt -- I do think there's merit here. I don't know how I feel about giving us the veto power completely, unless it's all of us, you know. So I think we should consider maybe adding an additional step in there that we could -- if the Legislature found the waiver to be so egregious against the criteria and standards that are in our law, then we could say no, you know, this won't work; as a whole body, make that statement.

**LEG. KENNEDY:**

I'm optimistic, but if the resolution does not go through, Legislator Hahn, what I'll do is, is I'll reach out to you specifically. And I like the comments of Legislator D'Amato about having the committee have the obligation to go ahead and put down specifically a decision as to how the committee came about making whatever, you know, selection they did.

**P.O. LINDSAY:**

Okay.

**D.P.O. HORSLEY:**

Pre-notification is in there.

**LEG. KENNEDY:**

Well, the pre-notification, Wayne, is in there as far as all parties being available. However, what I don't think it has is notification specific to us as Legislators. That might be an element to add --

**D.P.O. HORSLEY:**

*(Shook head yes).*

**LEG. KENNEDY:**

-- that committee has the specific obligation to notice each and every one of us and put the obligation on the committee.

**P.O. LINDSAY:**

Legislator Montano.

**LEG. MONTANO:**

Yes. I just want to follow-up very quickly, I don't want to redebate the bill. But I thought we had this similar discussion; in fact, I'm sure we had this similar discussion. I want to go back to the point that Legislator D'Amaro raised about the standards. And I have the language there, I'm not going to read it now on the reargue. But Counsel, is it not -- or is there not included in the Statute a sort of catch-all phrase that essentially, you know, minimizes or it may actually negate any formal standards? In other words, there really are no standards with respect to how to achieve a waiver because the catch-all phrase covers everything, and I believe that's what we discussed at the last occasion that we had to discuss this particular waiver process.

**MR. NOLAN:**

Yeah, we've discussed this at prior meetings, that there is language in the Statute that the Waiver Committee can issue the waiver where it would be in the best interest of the County to do so.

**LEG. MONTANO:**

Exactly. So that --

**MR. NOLAN:**

But after that, then there's more specific language. But there is that broad language that I think gives the committee a lot of flexibility.

**LEG. MONTANO:**

Right. So without arguing the issue, I would point out, Legislator D'Amaro, that the standards provision really is not, in my opinion, a standards provision at all. It's just language that is negated by, you know, like this catch-all phrase, "*The best interest of the County.*" And that's not sufficient in my mind as an attorney, and I'm sure it's not sufficient in your mind as an attorney, to really provide the kind of safeguards that we need to perform our job as a Legislative oversight body of actions taken by the Executive Branch, particularly when we are a coequal branch of government.

So that I think -- personally speaking, I think that we ought to, you know, do away with this waiver, or at least equalize the representation that we have, particularly in light of the way that these waivers have historically been used. And the Legislative oversight is so minimal and we're always up against the clock, that it really becomes ineffective. This waiver provision I think needs to be -- go by the way, you know, of the dinosaur and we really need to have some oversight provisions.

So I just wanted to point out that this standards thing, and it's a very good question, really isn't standards as we would know them.

It's really, you know, fancy language, and then at the end it says, "*But by the way, whatever we want to do, we're going to do it.*"

**LEG. D'AMARO:**

If I could respond, Mr. Presiding Officer?

**P.O. LINDSAY:**

Go ahead.

**LEG. D'AMARO:**

Very quickly. I agree that the standard's a bit loose. So in my comments previously, I had thought about perhaps suggesting to Legislator Kennedy to actually look at the standards and perhaps tighten up the standards, make them more specific. The problem with doing that is it's very hard to capture all the different scenarios and cases that may come up. So that's why I decided to suggest the written opinion, because then whomever is making that decision would have to justify how the best interests of the County are being served.

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If you can tighten the standards without being exclusionary, I would favor that. I'm not sure that you can do that. You'd have to have an awful lot of considerations that go into a waiver, so that's, again, why I suggested a written opinion as opposed to changing the standards.

### **LEG. KENNEDY:**

The Waiver Committee, as you recall, was critical right after Hurricane Sandy, and that's really, I think, the epitome of where we all know government has to have some flexibility in response to some type of a critical natural event. And I am willing to go ahead and take a look at those standards as well and we'll make an effort to try to tighten it. You know, as Legislator Montano has pointed out, a standard is no standard at all if ultimately you apply it and then you can just disregard it to come to whatever preordained conclusion you chose.

### **P.O. LINDSAY:**

Legislator Kennedy, in all honesty, though, too, a lot of times it's a matter of timing.

### **LEG. KENNEDY:**

No doubt, Mr. Chair, no doubt. And that's why I referenced the Sandy operations. We had to act there very quickly.

### **P.O. LINDSAY:**

Like we're not going to meet now until August. So we have a long break. And if, you know, something comes up that's urgent that the County needs, it would very well have to go through the waiver process.

### **LEG. KENNEDY:**

Well, that's true. Or like the former County Executive used to do, call us in for special session, Mr. Chair (*laughter*).

### **P.O. LINDSAY:**

Yes.

### **D.P.O. HORSLEY:**

Good times.

### **P.O. LINDSAY:**

Okay. And you're all set, Legislator Gregory?

### **LEG. D'AMARO:**

Do you have a second on that?

### **P.O. LINDSAY:**

Yes. Doc -- Legislator Spencer.

### **LEG. SPENCER:**

Thank you, Mr. Presiding Officer. I have a new appointment to the Board of Health that came before the Health Committee, and since she's a new appointment, she drove out from Huntington to appear and I was wondering if we could take her out of order.

### **P.O. LINDSAY:**

As soon as we get back to the agenda, we'll be happy to do that. Okay?

### **LEG. SPENCER:**

Okay, thank you.

**P.O. LINDSAY:**

Where are we with this?

**LEG. KENNEDY:**

Well, I made a motion to approve on it, Mr. Chair.

**LEG. CILMI:**

I'll second for the purpose of --

**P.O. LINDSAY:**

Okay, we got a second to the approval. Any other discussion?

Any other motions.

**LEG. GREGORY:**

I'll make a motion to table.

**P.O. LINDSAY:**

Motion to table. Who made the motion to table?

**LEG. D'AMARO:**

I'll second the motion to table.

**P.O. LINDSAY:**

Okay. We have a motion to table by Legislator Gregory and a second by Legislator D'Amaro. Tom, I see you jumping up and down there. You have a comment?

**MR. VAUGHN:**

No, sir. I was going to ask the Body to please consider a tabling motion. And actually, I just wanted some exercise.

*(\*Laughter\*)*

**P.O. LINDSAY:**

Okay. I'm going to call a roll call. We have a tabling motion that goes first to table. Would you call the roll?

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

**LEG. GREGORY:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. SPENCER:**

Yes.

**LEG. STERN:**

Yes.

**LEG. NOWICK:**

No.

**LEG. KENNEDY:**  
No.

**LEG. BARRAGA:**  
No.

**LEG. CILMI:**  
No.

**LEG. MONTANO:**  
No.

**LEG. CALARCO:**  
To table? Yes.

**LEG. ANKER:**  
Yes.

**LEG. HAHN:**  
Yes.

**LEG. MURATORE:**  
No.

**LEG. BROWNING:**  
No.

**LEG. SCHNEIDERMAN:**  
Yes.

**LEG. KRUPSKI:**  
Yes.

**D.P.O. HORSLEY:**  
Yes.

**P.O. LINDSAY:**  
Yes.

**LEG. KENNEDY:**  
Thank you for the debate, Mr. Chair. I'll make the changes and circulate. I should put it back on; yes, it will be before us.

**MR. LAUBE:**  
Eleven.

**P.O. LINDSAY:**  
Okay, we go to page seven, Resolutions Tabled to June 18th:

First is ***1841-13 - Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Tuccio property – Town of Southampton) (SCTMNo.0900-248.00-01.00-110.003) (Schneiderman).***

**D.P.O. HORSLEY:**

Don't forget Doc's request.

**P.O. LINDSAY:**

Oh, right. Thank you. I'll just handle this one, Legislator Spencer, and then we'll do this.

Do I have a motion on 1841? I'll make a motion to table.

**LEG. CILMI:**

Second.

**LEG. CALARCO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**LEG. SCHNEIDERMAN:**

Opposed to tabling that last one.

**MR. LAUBE:**

Seventeen (Opposed: Legislator Schneiderman).

**P.O. LINDSAY:**

Okay. I'm going to take -- Legislator Spencer made a motion. Could you give me the resolution number?

**LEG. SPENCER:**

I'd like to make a motion to take 1473 out of order, Mr. Presiding Officer.

**P.O. LINDSAY:**

What page is that on?

**LEG. SPENCER:**

On page nine.

**P.O. LINDSAY:**

Fourteen --

**MR. NOLAN:**

Seventy-three,

**P.O. LINDSAY:**

-- seventy-three. Okay, halfway down under Health, **(1473-13) Appoint member of the Suffolk County Board of Health (Patricia Bishop-Kelly) (Spencer)**. Ms. Kelly, are you here today? Please come forward.

**LEG. CILMI:**

I'll second Dr. Spencer's motion to take it out of order.

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### **P.O. LINDSAY:**

Okay. We have a motion to take resolution 1473 out of order and a second. All in favor? Opposed? Abstentions?

### **MR. LAUBE:**

Eighteen.

### **P.O. LINDSAY:**

Okay, the motion is now before us.

### **LEG. SPENCER:**

I'd like to make a motion to approve.

### **LEG. MONTANO:**

Second.

### **P.O. LINDSAY:**

Okay. We have a motion by Legislator Spencer and a second by Legislator Montano to approve Ms. Kelly's appointment. Welcome to be with us, and maybe you could tell us a little bit about your background, especially in the Health field.

### **MS. BISHOP-KELLY:**

Thank you. I appreciate the opportunity to be before you this morning. My name is Pat Bishop-Kelly, I'm a resident of Suffolk County and, as Legislator Spencer said, I do live in Huntington. I did prepare a written statement because I think it's important that if I am going to serve on this important board, that you do know a little bit about my background and my desire and ability to serve.

Throughout my professional career, my role in the public health dynamic had been completely complimentary to those of the physicians and all of those who ultimately provide direct patient care and education and services to patients. For the first 18 years of my professional life, I served the community as a social worker with the Nassau County Department of Social Services, working with those whose lives were torn from drug and alcohol abuse, and also with abused and neglected children through Childrens Protective Services.

At a certain point in time I made a change in career paths and focused on public health in a different manner. After returning to Hofstra University to earn a Certificate in Administration of Non-Profit Administrations, I was fortunate to work with the American Cancer Society. As Director of Advocacy, it was my responsibility to work with Legislators and policy leaders at the local, State and Federal levels to advise and educate them about the serious needs of our cancer patients, their families and our urgent work in the research community. It was my responsibility to make sure that at every turn I was able to obtain effective, appropriate and enforceable Legislative policies and laws that would help assure our cancer patients that our research programs would have enough funds to bring the most promising cancer treatments out from the workbench and the laboratory to the bedside of our patients. It was my responsibility to help establish clean indoor air policies, protecting everyone, especially those most vulnerable, our children, from the cancer-causing toxins of secondhand smoke.

It was my responsibility to assure that our breast cancer patients, that they would have adequate insurance coverage for breast cancer treatment and reconstructive procedures, and that those treatments were no longer denied to them because they were deemed cosmetic in nature. It was my responsibility to observe and be part of a lengthy research project examining the potential origins and risk of breast cancer on Long Island. As a result of the collective efforts of our heroic,

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brave cancer patients, our doctors, researchers, our stakeholders and our advocacy efforts, breast cancer is no longer the number one cancer killer of women.

Subsequent to my tenure with the American Cancer Society, I began working with the Department of Health Services in Suffolk County as Director of Public Information & Education for the Office of Health Education. There my role was equally as broad. In order to continue our efforts to protect children from the serious illnesses caused by exposure to secondhand smoke in the home, I work with nurses at Brookhaven Hospital to create an education program whereby emergency room nurses were trained and empowered to recognize symptoms in children consistent with exposure to secondhand smoke, to alert physicians and provide immediately -- immediate intervention to that child's family or caregivers, and provide post-discharge education and follow-up. I wrote a workbook for children and their caregivers that was printed in both English and Spanish.

Since the cost of this program was significant, I reached out to a community-based, philanthropic organization, Kiwanis International to partner with us on this project. As a result, we were able to bring the training program to hospitals throughout Suffolk County and the entire cost of the program was covered by Kiwanis and the participating hospitals. This program was awarded the Recognition of Promising Practice by NACCHO which is the National Association of City and County Health Officials. You know that mandatory education stops after Grade 12 in New York State. Unfortunately, this includes health education as one of our most at-risk populations today, our adolescent and young adult populations. Once out of high school and on their own in college, they are under great pressure for the first time to live on their own, and often the decisions they make come at a great price. With health lessons from high school in the distant past, college students were engaging in behaviors that put their health in serious risk. Risky sexual behaviors, drug and alcohol abuse, undiagnosed mental health illnesses now emerging, eating disorders, suicide, unplanned pregnancies and many more issues were facing our young adults. Coupled with the pressures of college programs, some were falling by the wayside and only identified after the fact when a crisis had emerged.

Seeing the need, I created the Collegiate Young Adult Health Advisory Council in Suffolk County comprised of administrators, educators, coaches and students from the collegiate communities throughout Suffolk, as well as experts in pediatric behavioral medicine, Suffolk County Mental Health, HIV/STI experts and school nurses. As a result of their collaboration, resources were shared and thus providing greater opportunity to provide services, programs and education to our vulnerable adolescent populations across Suffolk County. As a result of our Tobacco Control Program, Dowling College was the first NCAA college in the country to go totally tobacco and nicotine-free.

Upon a previous Commissioner's request, I wrote an article for the Suffolk County Medical Society on newly emerging tobacco products and the extreme danger they pose to our public health and especially our children. I've also written articles for the professional newsletters of such groups as the Long Island Veterinary Medical Association. Additionally, I've developed numerous presentations for both public education and school health classes and have presented, by invitation, for numerous groups throughout Suffolk County and beyond.

Now retired, I would like to know that my work can continue in some meaningful fashion. As a member of the Suffolk County Board of Health, I look forward to that opportunity.

### **P.O. LINDSAY:**

Thank you very much. I appreciate that, answering the question in full. And we look forward to having you as an active board member of the Board of Health.

**MS. BISHOP-KELLY:**

Thank you. I look forward to serving.

**P.O. LINDSAY:**

I have a motion, Mr. Clerk?

**LEG. CILMI:**

And a second.

**MR. LAUBE:**

You have a motion and a second.

**P.O. LINDSAY:**

Okay. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen (Not Present: Legislator Browning).

**P.O. LINDSAY:**

Congratulations.

**MS. BISHOP-KELLY:**

Thank you.

*Applause*

**D.P.O. HORSLEY:**

All righty. We're going back to Resolutions Tabled to June 18th, 2013, page seven. We're all ready?

Okay, *1119-13 - Authorizing appraisal of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007, Terryville Greenbelt properties – Town of Brookhaven (Hahn).*

**LEG. HAHN:**

Motion to table.

**D.P.O. HORSLEY:**

Motion to table by Legislator Hahn. Seconded by Legislator Cilmi. Any other motions? All those in favor? Opposed? So moved.

**MR. LAUBE:**

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

**D.P.O. HORSLEY:**

*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:**

Motion to table.

**D.P.O. HORSLEY:**

Motion to table. I'll second the motion. All those in favor? Opposed? So moved.

**MR. LAUBE:**

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

**D.P.O. HORSLEY:**

*1310-13 - Authorizing a Concession Agreement at the Vanderbilt Museum (Presiding Officer Lindsay).* Motion on this?

**LEG. SPENCER:**

Motion.

**D.P.O. HORSLEY:**

Motion by Legislator Spencer to table. Seconded by Legislator Anker. All those in favor? Opposed? So moved, it has been tabled.

**MR. LAUBE:**

Seventeen (Not Present: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**

Thank you.

*1357-13 - Authorizing sale of Foley facility and property, Yaphank. (Gregory).* Legislator Gregory?

**LEG. GREGORY:**

Motion to approve.

**D.P.O. HORSLEY:**

Motion to approve.

**LEG. BROWNING:**

Motion to table.

**LEG. KENNEDY:**

Second.

**D.P.O. HORSLEY:**

Hang on a sec. Okay, Legislator Browning was that?

**LEG. BROWNING:**

Yes.

**D.P.O. HORSLEY:**

Makes a motion to table. Second by Legislator Kennedy. I'll second Legislator Gregory's motion to approve. So we have both a tabling and an approval motion on the floor.

**LEG. HAHN:**

On the motion?

**D.P.O. HORSLEY:**

Okay, Legislator Hahn on the motion.

**LEG. HAHN:**

Legislator Gregory, did you make an amendment to this? Can you explain that amendment?

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### **LEG. GREGORY:**

Yes, I did. The amendment that I made was that the disposition of the property would not commence until the last patient is discharged.

### **LEG. HAHN:**

Okay. So this -- nothing -- if you vote on this, it doesn't do anything unless all the patients are gone.

### **LEG. GREGORY:**

You're absolutely correct.

### **LEG. HAHN:**

Thank you.

### **D.P.O. HORSLEY:**

You're good? Thank you. Legislator Browning.

### **LEG. BROWNING:**

Okay, I don't think I need to really explain too much why I'm opposed to this. In my opinion, this is a County facility, it's a County nursing home, should always have stayed as a County nursing home.

I can give you an example. I got a call from David whose fiance Gina, both of them met at John J. Foley Nursing Home. David is no longer there. The nursing home that he was sent to will not accept his fiance. That's why we have John J. Foley, because she has needs that no one seems to want. She's still sitting in John J. Foley.

Again, we're taking the -- I think what we're doing, again, is taking our right as a Legislature away and we're handing over the responsibility to Real Property Acquisition and Department of Planning to make decisions. I do have questions that we are not following through with Local Law 215 again; need I say more? But again this facility, I think due diligence was not done. Nancy Dallaire said it very well, I think there should be a full investigation. This Administration sabotaged John J. Foley Nursing Home, caused it to lose a million dollars a month for no reason but their own. They failed to fill beds, they failed to do the right thing. They have a Performance Management Team; like Angie Carpenter said, put their salaries together, I wonder how much money they're all making. They have failed to do the right thing by John J. Foley Nursing Home. And if due diligence was done by this Administration and by this Legislature, it wouldn't have lost the money that it was losing.

We have an Administrator who came in, in a year and a half brought it from an \$8 million subsidy to a \$3 million subsidy and said he could do more, but the former Administration decided when he started to show that it was -- could get to the black, that he decided to get rid of him. So I will never support anything other than John J Foley Skilled Nursing Facility as being owned and operated by Suffolk County for Suffolk County residents who really need our help. We have failed them by what you have done. And I will never support the sale of this facility to anyone.

### **D.P.O. HORSLEY:**

Thank you very much Legislator. Legislator Montano.

### **LEG. MONTANO:**

Yes, I'm going to ask Counsel. Counsel, what is the amendment that was made to this resolution? Which RESOLVED clause?

### **MR. NOLAN:**

The second RESOLVED at the end.

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**LEG. MONTANO:**

I'm here, just let me -- what does it say?

**MR. NOLAN:**

It says that the Division of Real Property, Acquisition Management will not start the process until all Foley facility residents have been relocated.

**LEG. MONTANO:**

That's in the second RESOLVED?

**MR. NOLAN:**

Yes.

**LEG. MONTANO:**

Okay. There are still patients in the facility at this point; am I correct?

**D.P.O. HORSLEY:**

As far as I know.

**LEG. BROWNING:**

Yes.

**LEG. GREGORY:**

As of Friday I think there were 15.

**LEG. MONTANO:**

All right. So --

**LEG. SCHNEIDERMAN:**

How much?

**LEG. BROWNING:**

Fifteen.

**LEG. MONTANO:**

I just think that we should -- this is premature. Why don't we wait until all the patients are out and then decide what we're going to do with the property.

Now, Counsel, with respect to having declared this as surplus. I believe that's in the resolution also, correct?

**MR. NOLAN:**

This property has already been declared surplus to the County's needs.

**LEG. MONTANO:**

Okay. Was this back in -- when was this done? Is this the 2009 or 2010 resolution?

**MR. NOLAN:**

Actually, I think we've done it on two separate occasions, declared it surplus.

**LEG. MONTANO:**

The second time we declared it surplus, how many votes did we have?

**MR. NOLAN:**

I believe that was 10.

**LEG. MONTANO:**

Right. What I'm thinking is that the first time we declared it surplus we required 12 votes and we got 12 or 13. The second time we considered the same issue, the rule was -- or the interpretation of the rule was modified so that it would only require 10 votes; there was some debate on that, but it only achieved 10 votes. So the question was whether or not 10 votes was, in fact, sufficient. Was there not a lawsuit on that, Legislator Kennedy?

**LEG. KENNEDY:**

Yes, there was, Legislator Montano.

**LEG. MONTANO:**

Is that lawsuit still pending?

**LEG. KENNEDY:**

As a matter of fact, that lawsuit was just concluded. To the best of my knowledge, the parties withdrew, the contract with the Shermans was terminated. The merits were never reached, though. The surplus declaration, which is referenced in this resolution, is a flawed process; it never reached 12, it doesn't comport with 215 of New York State County Law.

**LEG. MONTANO:**

If this were to pass, would it be subject to, Counsel, the reinstatement of the lawsuit alleging that the declaration of surplus from -- with only 10 votes is unquestionable -- or questionable of legal validity?

**MR. NOLAN:**

The County Attorney's Office, myself and the Attorney General's Office all opine that 10 votes was all that was needed to declare it surplus.

**LEG. MONTANO:**

Right, but that doesn't make it --

**MR. NOLAN:**

And that has not been --

**LEG. MONTANO:**

That hasn't been litigated.

**MR. NOLAN:**

Well, if a court says -- doesn't say anything, then in my opinion the prior resolution is in full effect and it's --

**LEG. MONTANO:**

It's in full effect -- I'm not going to argue with you, Counsel. It's in full effect until an action is brought and a judge with appropriate jurisdiction makes a determination. So I don't think that -- I think this is -- aside from the litigation aspect, I think this is probably premature, because we still have some patients at the facility, I think we ought to be a little compassionate to their feelings and their plight. And I agree with Legislator Browning that, you know, I understand her position on the nursing home, but I think this resolution at this point in time is a bit callous.

**D.P.O. HORSLEY:**

Thank you very much, Legislator Montano. Legislator Cilmi.

**LEG. CILMI:**

Just a technical question. I'm not sure who in the room can answer it. It's a legal question; George, maybe you can weigh in here. Is the -- at this point, is the license for the facility of any value whatsoever and does this resolution change that at all?

**MR. NOLAN:**

I can't speak to the value of the license at this point.

**LEG. CILMI:**

County Executive's Office?

**MR. VAUGHN:**

I'm sorry, Legislator Cilmi. Would you please repeat the question?

**LEG. CILMI:**

Sure, Mr. Vaughn. The -- my understanding is that this resolution seeks to -- seeks the authority to sell the building and the property, and I assume that that's exclusive of any license that we currently hold to operate the facility as a nursing home. So my question is does -- do we still have a license to operate? I suppose we do since we're still operating it as a nursing home. Does that license maintain any value at this point? Does this resolution -- if this resolution were to pass, does it impact the value, if any, of that license and -- yeah, that's it.

**MR. VAUGHN:**

Legislator Cilmi, my understanding of the situation -- and certainly I am not an expert in the health field, but my understanding of the situation was that our license was turned back over to New York State when the last patient left the facility and we do not believe that this piece of legislation was going to impact that one way or the other. Because with the -- with the last patient leaving the facility, sir, we would turn back over the license. This bill doesn't go into effect until the last patient leaves, there's currently 11 patients still there right now and we believe that once we would turn that over with the exodus of the last patient and that we would proceed with the sale of the building as described in this legislation.

**LEG. CILMI:**

To -- I guess to the sponsor. Does this legis -- through the Chair, does this resolution bind us in any way in terms of potential buyers for this property and building?

**LEG. GREGORY:**

No, it does not. And actually, it speaks to the sale but also speaks of the Department of Real Estate issuing an RFP. So it's not fully -- it's not -- you know, sale is not the only option here, but it certainly doesn't bind us to anything.

**LEG. CILMI:**

Is it --

**LEG. GREGORY:**

Or auction.

**LEG. CILMI:**

Is it conceivable -- conceivable is probably the wrong word. So this resolution does nothing to impact the value, if any, that currently exists for the license; correct? In your view.

**MR. VAUGHN:**

That was our understanding of it.

**LEG. CILMI:**

I realize that we're at the 23rd hour of the 364th day here, but other than selling this facility to some other entity to do something other than a nursing home there, are there any other options that the County has at this point?

I suppose it could be another nursing home, but whoever that is would have to apply for the license through New York State as opposed to purchasing it through us.

**D.P.O. HORSLEY:**

*(Nodded head yes)* Correct.

**MR. VAUGHN:**

Legislator Cilmi, we believe at this point in time that the appropriate thing to do is to adopt this piece of legislation. Yes, we do -- perhaps someone else could buy it for the purposes of using it as a nursing home. Maybe there is -- maybe there is some other idea that would be developed during the RFP process as prescribed by this piece of legislation. But I'm not sure what you mean by any other options at the eleventh hour or twelfth hour or twenty-third hour, quite frankly.

But, no, we think that, you know, with the census where it is today -- I mean, on May 1st we had 120 patients, June 4th there was 51, today there's 11. We don't believe that there is a -- there is a reinstating or turning back the clock to reformat a deal similar to the ones that we are now no longer in with the Shermans or some --

**LEG. CILMI:**

Right. Is there any mechanism to transfer the license -- once it's transferred to New York State, is there any mechanism to transfer it back to the County, if such a need arose? If in the course -- for example, let's say all the patients are gone, this resolution passes, it's in effect and somebody approaches us and says, "You know, we want to purchase this facility and we want to operate it as a nursing home"; is there any mechanism for the State to transfer the license back to us so that we could gain some benefit from the sale of that license?

**MR. VAUGHN:**

Well, I certainly understand that question, sir. I don't think that we would be looking to enter into an agreement with somebody that didn't already have their own nursing home license. I mean, that was one of the advantages of some of the sellers that we have brought before this Legislature before, is that all of them were experienced operators of other facilities. I'm not positive that it would be in the best interest of anyone to bring in somebody who did not already or was not part of this industry already or was not part --

**LEG. CILMI:**

No, no, I understand that. But the license -- correct me if I'm wrong; is the license -- does the license belong to the facility or does the license belong to the owners?

**MR. VAUGHN:**

My understanding of the situation, sir, was that as part of the sale the County would have turned over their license as part of the sale agreement. My further understanding is that the license is returned to New York State upon the exodus of the final patient.

**LEG. CILMI:**

I understand that. But -- so the Shermans are currently licensed to operate nursing homes, obviously.

**MR. VAUGHN:**

Yes, sir.

**LEG. CILMI:**

And as part of the agreement with the Shermans, we agreed to transfer the license for a price to operate this nursing home. So my point is that the license is joined with the facility. So if somebody were to come to us and say, "We want to operate this facility as a nursing home," subsequent to the passage of this bill -- Rob's raising his hand. My point is that it would be tragic if, at that point, that happened and we lost whatever revenue we could have gained. And I understand we believe it's tragic already, but you understand where I'm going, I think. If Robert could weigh in and then --

**MR. LIPP:**

Okay, point of information. Number one, we have a license, we're in closure procedure, once the last patient leaves we will surrender the license. Number two, if there is a future purchaser, they will apply directly through the COM process to the State and that -- and so we're out of it.

**LEG. CILMI:**

Okay. My question is -- go ahead, Doc.

**LEG. SPENCER:**

Also --

**LEG. CILMI:**

Through the Chair, if Dr. Spencer could reply.

**LEG. SPENCER:**

That point of -- that surrendering is not voluntary, it's involuntary, it's automatic; you lose the license once that patient walks out of the door. So we don't have any choice there. You can't just hold onto it in case we sell it, it's an automatic.

**D.P.O. HORSLEY:**

That's the way I understood it, too, Doc.

**LEG. CILMI:**

Okay. My questions have been answered.

**D.P.O. HORSLEY:**

Okay, thank you very much, Legislator Cilmi. Legislator Kennedy, and I have a list.

**LEG. KENNEDY:**

My point with it is -- I already made my points about the surplus declaration. So in my opinion, the resolution is flawed on its face because it is purporting to act based on what was prior legitimate surplus declaration which, in fact, was not a legitimate surplus declaration at all. More importantly, there are many, many, many things that could be done with this building, short of what we've had now. Yes, it served valiantly as a nursing home for the last 25 years, but we as an entity, again, spend millions and millions of dollars every year renting property for our employees throughout this County. There's no reason why Space Committee could not take a look and say someplace that we have Social Service employees or Health employees or anybody else in an

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industrial park someplace wouldn't be more appropriate in a building we own. At the end of the day, instead of running around contemplating getting cents on a dollar for a building we build, why don't we put our employees in a building we own and avoid the rent? It would be -- we constantly talk about the fact that we're bleeding money and yet there's no realization of utilizing the assets and the resources we have. It makes no sense to go ahead and support this. I'm opposed.

### **D.P.O. HORSLEY:**

Thank you very much, Legislator Kennedy. Let me recommend that you have the options of putting in a bill yourself.

### **LEG. KENNEDY:**

*(Laughter)*.

### **D.P.O. HORSLEY:**

Legislator Gregory.

### **LEG. MONTANO:**

You didn't know that, John, right?

*(\*Laughter\*)*

### **LEG. GREGORY:**

Thank you. This bill doesn't -- just if you look at the second RESOLVED clause, it talks about the sale but it also talks about RFP, so it doesn't limit what can be done with the property.

I know that -- I apologize and I understand that some are very concerned about the disposition of this property, and in no way do I mean to be offensive by introducing this bill, but let's look at our circumstances. I mean, we all know what our financial deficit is. You know, just before we had the Treasurer here talking about legislation to merge her department with the Comptroller to save a million dollars a year, potentially. We're talking about consolidating, we're talking about leasing our facilities and buying them back and, you know, going to the State to offload -- or refund, excuse me -- some of our debt. I mean, there are a lot of things that are in discussion, and I think least of which -- of our concern should be an empty building that's an asset that can help alleviate some of our deficit.

I stand corrected, I said there are 15 patients, I just got a text message, there's seven patients. So from Friday to today we lost seven patients, so it may not even have any patients a few days from now. The bill addresses that, it says, "No movement will be made until every patient is out of the facility."

Now, you can argue about the surplus declaration, but my point is something should be done. You know, with the deficit that we face in any financial condition I would argue even, particularly with our financial situation, we shouldn't just let an empty asset sit in place when we can dispose of it in a reasonable and responsible way, and that's what this resolution calls for.

### **D.P.O. HORSLEY:**

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

### **LEG. BROWNING:**

Yeah, I was going to answer Tom's question as far as the license is concerned. But I just want to add, I keep hearing patients; hospitals have patients, nursing homes have residents. This is their home. You're selling their home from underneath them and they're still in it. And like I said, there's still some who have now been separated, a young couple who are engaged are now separated

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thanks to this Legislature, I hope you're loving everything that you've done.

And again, talk about your financial woes? Your financial woes, many of them are caused by this Administration and their failure to do the right thing back in January. And when I hear about how it's cost us money and cost us money and now let's sell it to help our budget woes, I'm sorry, you should have run it right in the first place, should have filled the beds in the first place.

We had administrators who were willing to come in and do the right thing and to bring it to the black. And when I hear about Medicaid rates, that is something that could have been -- that could be addressed and the revenue could have been in there, but this Administration caused some of our deficit problems. That \$12 million deficit we keep hearing about, that was caused by this administration. And if they had done the right thing it wouldn't have been a problem, it wouldn't have been a burden. And I hate to say it, the residents and the people who live there, their home, they were not the burden, they're worth every penny; 31 cents a year per household, that's what they were costing.

### **D.P.O. HORSLEY:**

Thank you very much, Legislator Browning. Legislator Nowick?

### **LEG. CILMI:**

Saving money.

### **LEG. KENNEDY:**

Come on, wrap it up (*laughter*).

### **LEG. NOWICK:**

Tom --

### **MR. VAUGHN:**

Yes, ma'am.

### **LEG. NOWICK:**

I assume we don't have a buyer for the building, we're going to send it out for --

### **MR. VAUGHN:**

Yes, ma'am. Yes, you're absolutely right, the bill will -- the building, there will be an RFP process, there will be an entire process, that's what this bill prescribes. We support this piece of legislation as put forward by Legislators Gregory and Horsley.

### **LEG. NOWICK:**

Okay, I just had one question. Many months, many years we've been looking at the John J. Foley Nursing Home. And I'm not sure about the answer, but this license that we talk about, this license, I assume, had a value at one point. Could we -- and I don't know the answer. Could we have advertised over the last six to eight months knowing that this was going to happen?

Was there a mechanism for advertising in the nursing home world or, I don't know, the Bar Association that would have the Law Journal? Was there ever a mechanism for advertising for a license for sale? I'm sure there was a value, although I would have no idea. I thought you could sell a license. Maybe -- I don't know that. Does anybody know that? Did we ever ask anybody? I was under the impression that we could sell our license, but that came from a nursing home administrator, so.

**MR. VAUGHN:**

Sure. So, Legislator Nowick, quite frankly, I don't know if there was an intrinsic value to the license, but what I do know is this. I do know that this Administration is not responsible for the deficit that the Foley Nursing facility runs -- that this facility was running at a deficit prior to this Administration taking over.

**LEG. BROWNING:**

Yeah, you are.

**MR. VAUGHN:**

Quite frankly, if it were to remain open, I'm pretty positive it would run at a deficit after this Administration leaves. I don't know that there is an intrinsic value to the license. I do know that we have looked at -- as you well know, because you have also -- you have sat through these debates. We have looked through just about every single permutation that we can think of to try and figure something out as it regarded -- as it was in regards to this facility. We had -- the prior Administration had a deal to sell it, this Administration had a deal to sell it, this Administration thought that they may possibly, but for a few factors, had an agreement to lease the building; all of those agreements would have ended up with the patients in their bed. I think that Legislator Barraga said it best at one of our earlier meetings this year and that is that we have really reached a very unfortunate conclusion to this process. Nobody likes this, nobody -- this is not the end that any of us wanted to see.

**LEG. NOWICK:**

No, I understand that. And I never intended to say it was the Administration's fault that this --

**MR. VAUGHN:**

No, ma'am, it was just that I had an opportunity to talk and just wanted to get that fact in.

*(\*Laughter\*)*

**LEG. NOWICK:**

That was my time you were using.

**MR. VAUGHN:**

I beg your pardon, ma'am.

**LEG. NOWICK:**

No, I guess I just wondered why that was really never looked into. Because we're all sitting here saying, "Gee, we don't know if the license had a value." It's kind of the eleventh hour for that.

**MR. VAUGHN:**

Legislator Nowick, I don't -- I'm not positive it's fair to characterize it as something that was never looked into. The fact that I am unaware of it doesn't mean that it was never looked into.

Mr. Pollert is pretty creative and I'm pretty positive that he would have looked to see if there was any value in anything, probably including the floor beds and the beds that are in the facility.

**LEG. NOWICK:**

If this should be tabled, and I don't know what's going to happen, maybe if you do come up with that answer we could address that at some point.

**MR. VAUGHN:**

As a matter of fact, Legislator Nowick, I'm sure that we can try and have somebody look into that pretty immediately.

**D.P.O. HORSLEY:**

Okay. Legislator Nowick, we're good?

**LEG. NOWICK:**

Yes.

**D.P.O. HORSLEY:**

Legislator Barraga.

**LEG. BARRAGA:**

I would strongly recommend that you do not table this resolution.

As was pointed out by one of the members, we're down to seven residents.

**LEG. MONTANO:**

Eleven.

**LEG. BARRAGA:**

Well, now it's seven; Mr. Gregory said seven. But the intent here, at least it was my understanding that we had heard in the past that the older residents would be transferred by the end of June, and it apparently is going to be the case.

If you table this resolution which really gives the Division of Real Property Acquisition the time and ability to take a look at the marketability of this building and the adjacent acreage, I think we waste another five or six weeks, because I don't believe we're going to meet again until July 30th. We don't have the time to waste. It's extremely unfortunate that circumstances have evolved into this, but the reality is we have a building there and we have 14 acres. It's marketable and it's in our best interest financially, economically, for the Division of Real Property Taxation to take a long, hard look as soon as possible in terms of what can be done with the building and the acreage, who's interested.

You know, we spent some time on the possibility of another nursing home or assisted living, but there may be a corporation out there, a company that sees this building and the acreage that's in a prime piece of real estate, and there aren't too many pieces with buildings like this available in Central Suffolk County. But nothing like that can happen until we pass this resolution and give the Division of Real Property Acquisition the ability to take a long, hard look at the building and the parcel.

So I strongly suggest you do not table this, because all we're doing is protracting it another five or six weeks until we meet in July and have more further debate, and the reality is economically we're in a real box here. And the sooner we take a long, hard look at the future of this facility and its acreage, the better maybe a final determination can be made in terms of some sort of additional revenues coming, either with the sale or a lease to someone or some entity.

**D.P.O. HORSLEY:**

Thank you very much, Legislator Barraga. Legislator Hahn?

**LEG. SCHNEIDERMAN:**

Wayne?

**LEG. HAHN:**

I'm kind of wondering why this resolution is necessary, to Counsel.

**LEG. CILMI:**

Cross me off, please.

(\*Laughter\*)

**D.P.O. HORSLEY:**

You too, Jay?

**LEG. SCHNEIDERMAN:**

No, I have some others.

**MR. NOLAN:**

I'm not sure I understand, Legislator Hahn.

**LEG. HAHN:**

I just think it can be done without our action. You know, not that I necessarily wouldn't support the action, but does -- do they require our action in order to start doing this?

**LEG. SCHNEIDERMAN:**

With an RFP, they have done it many times.

**LEG. CALARCO:**

*(Inaudible)*.

**MR. NOLAN:**

Well, it -- I mean, they probably could look at on their own, you know, whether the property would be marketable down the road. But the Legislature is giving them the direction to move now, to start the process and explore the options now and if they determine an RFP would be advisable or a public auction would be advisable, that they're empowered to proceed with that. And then, you know, whatever they come up with ultimately comes back to the Legislature, but, yeah, I think the resolution accomplishes something.

**LEG. MONTANO:**

What does it accomplish?

**LEG. CALARCO:**

It gives them direction.

**D.P.O. HORSLEY:**

Okay? Kara, you're good?

**LEG. HAHN:**

I'm not sure I'm good, but I'm okay not --

**D.P.O. HORSLEY:**

You don't have to agree --

**LEG. HAHN:**

-- belaboring the point *(laughter)*.

**D.P.O. HORSLEY:**

You don't have to agree with Counsel all the time.

**LEG. HAHN:**

I'm not -- I don't think I need to belabor the point.

**D.P.O. HORSLEY:**

None of us do.

**LEG. HAHN:**

But I do want to just comment to Lynne's point. I mean, I don't want to belabor this point, but I'm pretty sure the value -- and I know very little about this, but I'm pretty sure the value of the license was tied to the facility and the patients. And the State gives out the licenses, the State would have had to approve the transfer of the license, or whatever we did with the license, but it's all tied to the facility. You can't just sell a license on the open market, you know, the State has to be involved there; somebody correct me if I'm wrong.

**D.P.O. HORSLEY:**

No. In fact, I would --

**LEG. HAHN:**

So the value --

**D.P.O. HORSLEY:**

I agree with you, Kara.

**LEG. HAHN:**

We had a --

**D.P.O. HORSLEY:**

As does Counsel.

**LEG. HAHN:**

We had a buyer. When we had a buyer for the facility, we had someone who was going to get the license from us, they were going to get the facility, they were going to get the patients. And so --

**LEG. NOWICK:**

Just a quick comment. Was that a fact certain that that license is only worth money to the -- you were saying "*I'm pretty sure*"; is that something that you know for sure?

**LEG. HAHN:**

Well, by me choosing the words "*I'm pretty sure*" means I'm not prepared to say fact-certain, so (*laughter*).

**D.P.O. HORSLEY:**

Mr. Vaughn has the answer. Do you have the answer to that, Mr. Vaughn?

**MR. VAUGHN:**

No, but I would point out --

(\**Laughter*\*)

**D.P.O. HORSLEY:**

Not fact certain.

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### MR. VAUGHN:

Not fact certain. However, I would point out, though, that one of -- that both buyers that we did have both needed approval by New York State. So the license just couldn't be sold off to perhaps you or me, sir, to be one --

### D.P.O. HORSLEY:

Thankfully.

### MR. VAUGHN:

Yes, for us to just jump into the nursing home business. You really do need to be a qualified nursing home operator before you're going to be able to get a license.

### D.P.O. HORSLEY:

Okay. Yeah, and I think that Counsel agrees with the opinion of Kara on this issue. Jay Schneiderman?

### LEG. SCHNEIDERMAN:

Well, you know, Kara hit some of the things I wanted to talk about but, you know, the RFP, I believe they can proceed with the RFP, they've done it, you know, before with or without this. It's already been declared surplus, whether the -- I guess that's debatable? That may be a debatable point, but in that case they could proceed with this.

The license, we were told on numerous occasions the license had value. The license had I think it was \$3 million or something just the license, so I'm not sure what happened to that \$3 million.

### LEG. BROWNING:

When we don't have people in the beds.

### LEG. SCHNEIDERMAN:

But we don't have people in the beds, Kate is saying.

In terms of the property, this resolution talks about selling it. And I'm a little bit concerned about a fire sale. We've done that before. Yes, we are in dire straits, but it's a very potentially valuable asset to the County that I think we need to be careful in how we progress selling it. First I think we need to look at whether it makes sense for any County use, whether buildings that we're leasing could be shifted. We can put operations there, I think that needs to be looked at. I think we need to engage the town in this, the Town of Brookhaven, in terms of how it's going to be used. They're going to have to zone it potentially differently. I think right now it's residentially zoned and that was the problem, the town did not -- the Zoning Board didn't approve the zone change with the private nursing home. So I think that's an important step.

So to me this is premature. It's no slight to you, DuWayne. I think -- I understand where you're going here, but there are patients there. You know, in some ways it's almost like trying to divide an estate before the death pronouncement. I think we have to wait until it's emptied out, not be in such a rush, in spite of our difficult financial situation, not do a fire sale, really think it through. I think -- I have no objection to the Administration doing their RFP, but I don't think this Legislative body right now should be saying, "*Go ahead and do it and sell it.*" I think we should wait. The sale of Foley came through the Administration the first time and I think it belongs there now, and so I would support tabling.

### LEG. MONTANO:

Can we vote?

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**D.P.O. HORSLEY:**

Okay, thank you very much. Yes, we can, that was the last Legislator on my list. We have a motion to table and a motion to approve. Motion to --

**LEG. MONTANO:**

Roll call.

**D.P.O. HORSLEY:**

Thank you, Rick. I appreciate your help here. Motion to table goes first. Roll call vote.

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

**LEG. BROWNING:**

Yes to table.

**LEG. KENNEDY:**

Yes.

**LEG. SPENCER:**

No.

**LEG. D'AMARO:**

No.

**LEG. STERN:**

No.

**LEG. GREGORY:**

No.

**LEG. NOWICK:**

Yes.

**LEG. BARRAGA:**

No.

**LEG. CILMI:**

No.

**LEG. MONTANO:**

Yes.

**LEG. CALARCO:**

Yes.

**LEG. ANKER:**

No.

**LEG. HAHN:**

No.

**LEG. MURATORE:**

Yes.

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**LEG. SCHNEIDERMAN:**

Yes to table.

**LEG. KRUPSKI:**

No to table.

**D.P.O. HORSLEY:**

No.

**P.O. LINDSAY:**

(Not Present).

**MS. ORTIZ:**

Seven. (*In Favor*: Legislators Browning, Kennedy, Nowick, Montano, Calarco, Muratore & Schneiderman - *Not Present*: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**

Okay, the motion to table fails. On the motion to approve, roll call vote.

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

**LEG. GREGORY:**

Yes.

**D.P.O. HORSLEY:**

Yes.

**LEG. SPENCER:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. KENNEDY:**

No.

**LEG. BARRAGA:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. MONTANO:**

No.

**LEG. CALARCO:**

No.

**LEG. ANKER:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. MURATORE:**

No.

**LEG. BROWNING:**

Nope.

**LEG. SCHNEIDERMAN:**

Abstain.

**LEG. KRUPSKI:**

Yes.

**P.O. LINDSAY:**

(Not Present).

**MR. LAUBE:**

Eleven (*Opposed*: Legislators Kennedy, Montano, Calarco, Muratore, Browning - *Abstained*: Legislator Schneiderman - *Not Present*: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**

Okay, the motion passes. It's been approved.

All right, **1358(13)** -- all set, everybody -- ***Adopting Local Law No. -2013, A Local Law establishing registration requirements for pool maintenance businesses operating in Suffolk County (Spencer)***. Legislator Spencer?

**LEG. SPENCER:**

Motion to approve.

**D.P.O. HORSLEY:**

Motion is to approve. Is there a second on the motion?

**LEG. MURATORE:**

Second.

**D.P.O. HORSLEY:**

Second by Legislator Muratore. On the motion, we're all good?

All those in favor? Opposed? So moved, it has been approved.

**MR. LAUBE:**

Seventeen (Not Present: Presiding Officer Lindsay).

**LEG. SPENCER:**

Excuse me, Deputy Presiding Officer? Could I make a point of personal privilege, if I could?

**D.P.O. HORSLEY:**

Sure. You're a half hour early, but you can.

**LEG. SPENCER:**

Well, starting now. Just to my colleagues, last month you helped me pass a bill for hearing and speech awareness, and over your break, in the conference room, we have part of our Disabilities Board, Mitch Shapiro, Foundation of Sight and Sound and Suffolk County's Disability Board has set up screening to be available to all the employees and Legislators over your break. It's brief, but I invite you to go in and do the screening and participate, and I thank you again for your support. Thank you very much.

**D.P.O. HORSLEY:**

Thank you very much, Legislator Spencer.

Also, while we're making announcements before our break, Legislator Nowick, do you want to remind everybody about the Parks meeting?

**LEG. NOWICK:**

Yeah, just for the Parks Committee, at 12:30 we have a quick meeting to interview a Board of Trustees candidate. It will be fast and then you can all go to lunch.

**D.P.O. HORSLEY:**

Okay. We good? Any other announcements, while we're doing announcements? All right, let's move to page eight,

**Introductory Resolutions for June 18th**, starting with **Budget & Finance:**

***1458-13 - Amending the 2013 Operating Budget and appropriating funds in connection with bonding for a settlement for a liability case against the County (County Executive).***

**LEG. CALARCO:**

Motion.

**D.P.O. HORSLEY:**

Motion by Legislator Calarco.

**LEG. MURATORE:**

Second.

**D.P.O. HORSLEY:**

Second by -- was it Legislator Muratore?

**LEG. MURATORE:**

Yes.

**LEG. MONTANO:**

On the motion.

**D.P.O. HORSLEY:**

On the motion.

**LEG. MONTANO:**

Yeah, I'd like to hear from the County Attorney. Could you give us what it is that we're dealing with here on the liability while I look up the bill? And I won't ask you to disclose anything that you're not privileged to disclose, but --

**MS. LOLIS:**

Thank you.

**LEG. MONTANO:**

-- tell us about this.

**MS. LOLIS:**

It's a settlement of a personal injury action, motor vehicle accident involving a police vehicle. Ways & Means has approved the settlement back in the March meeting.

**LEG. MONTANO:**

Where did the accident take place, what area?

**MS. LOLIS:**

In Huntington Station on New York Avenue.

**LEG. MONTANO:**

Was this an emergency response accident?

**MS. LOLIS:**

Yes, the Police Officer was pursuing to a robbery in progress, was involved in another -- an impact with another motor vehicle, spun and hit the plane of a stopped vehicle.

**LEG. MONTANO:**

Okay, so it was a pursuit. And what was the -- what's the amount of the settlement?

**MS. LOLIS:**

One point two million for two plaintiffs.

**LEG. MONTANO:**

When did the accident take place?

**MS. LOLIS:**

The one thing not readily available, the date.

**LEG. MONTANO:**

You mean the date. I meant, essentially, the year, if you know.

**MS. LOLIS:**

*(Checking notes).*

**LEG. MONTANO:**

I got it here, go ahead.

**MS. LOLIS:**

2005.

**LEG. MONTANO:**

Okay. So just to recap, it was a police chase and it involved a Police Officer hitting another vehicle in the -- in pursuit.

**MS. LOLIS:**

Yes.

**LEG. MONTANO:**

Thank you.

**D.P.O. HORSLEY:**

Okay. Thank you very much, Legislator Montano. We have a motion to approve. All those in favor? Opposed? So moved, it has been approved. Same motion --

**MR. LAUBE:**

Seventeen (Not Present: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**

Thank you. Same motion, same second on the corresponding Bond Resolution (*1458A, Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$1,200,000 bonds to finance the cost of payment of a settlement of a liability case arising out of a vehicular accident*), roll call vote.

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

**LEG. CALARCO:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. SPENCER:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

Yes.

**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. BROWNING:**

(Not Present).

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. KRUPSKI:**

Yes.

**D.P.O. HORSLEY:**

Yes.

**P.O. LINDSAY:**

(Not Present).

**MR. LAUBE:**

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

**D.P.O. HORSLEY:**

Thank you. The motion passes, the Bond passes.

***1492-13 - Tax Anticipation Note Resolution No. -2013, Resolution delegating to the County Comptroller the powers to authorize the issuance of not to exceed \$105,000,000 Tax Anticipation Notes of the County of Suffolk, New York, in anticipation of the collection of taxes levied for County purposes or returned to the County for collection for the Fiscal Years commencing January 1, 2010, 2011, 2012 and 2013, and to prescribe the terms, form and contents, and provide for the sale and credit enhancement of such notes (County Executive).***

**LEG. NOWICK:**

Motion.

**D.P.O. HORSLEY:**

Motion by Legislator Nowick. Seconded by?

**LEG. GREGORY:**

Second.

**D.P.O. HORSLEY:**

By Legislator Gregory. Everybody good? All those in favor? Opposed? So moved, it has been approved.

**MR. LAUBE:**

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

**D.P.O. HORSLEY:**

***1500-13 - Amending the 2013 Operating Budget and appropriating funds in connection with bonding for a judgment for a liability case against the County (County Executive).***

Legislator Gregory makes the motion to approve. Seconded by?

**LEG. NOWICK:**

*(Raised hand).*

**D.P.O. HORSLEY:**

Seconded by Legislator Nowick. Are we all good?

**LEG. MONTANO:**

On the motion.

**D.P.O. HORSLEY:**

On the motion, Legislator Montano.

**LEG. MONTANO:**

Yes, I would like a similar type explanation of what we're paying for. And this is \$151,624?

**MS. LOLIS:**

Yes.

**LEG. MONTANO:**

Okay. What's the deal here?

**MS. LOLIS:**

It rises out of a civil rights action. The incident alleged to have occurred in September, 2006. This is a judgment after trial. There was a claim of wrongful arrest and excessive force. The court awarded an amount -- a jury awarded an amount to the plaintiff and the court awarded attorney fees to the trial attorney.

**LEG. MONTANO:**

When you say civil rights, then you said wrongful arrest?

**MS. LOLIS:**

Yes. They claimed excessive force and wrongful arrest.

**LEG. MONTANO:**

And that's the civil rights claim you're claiming.

**MS. LOLIS:**

That's the Civil Rights Act, yes.

**LEG. MONTANO:**

Okay.

**D.P.O. HORSLEY:**

Okay, we're good? All right. We have a motion to approve. All those in favor? Opposed?  
So moved.

**MR. LAUBE:**

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

**D.P.O. HORSLEY:**

Same motion, same second on the corresponding Bond Resolution *(1500A, Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$151,624 bonds to finance the cost of payment of a judgment for a liability case)*, roll call vote.

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

**LEG. GREGORY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. SPENCER:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

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:**

(Not Present).

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. KRUPSKI:**

Yes.

**D.P.O. HORSLEY:**

Yes.

**P.O. LINDSAY:**  
(Not Present).

**MR. LAUBE:**  
Sixteen (Not Present: Presiding Officer Lindsay & Legislator Browning).

**D.P.O. HORSLEY:**  
Thank you very much.

**Education & Information Technology**

Starting off with **1489-13 - Amending Resolution No. 732-2012, authorizing a charge back for the out-of-County tuition (County Executive)**. Is there a motion on -- anybody? Anybody? (*Laughter*). All right, I'll make -- do you want to make a motion to --

**LEG. ANKER:**  
(*Shook head no*).

**D.P.O. HORSLEY:**  
You don't. Okay, I'll make the motion to approve.

**LEG. BROWNING:**  
Second.

**LEG. BARRAGA:**  
Second.

**D.P.O. HORSLEY:**  
Second by Legislator Barraga. We have a motion to approve on the table. On the motion, everybody?

**LEG. MONTANO:**  
Just wait. Counsel, could you just give us the explanation?

**MR. NOLAN:**  
This amends a resolution we passed last year that authorized a charge back for the Community College out-of-County tuition. That resolution authorized the charge back but excluded the FIT third and fourth year charges. So it's amending it to now include those third and fourth year charges from FIT as part of the charge back.

**LEG. MONTANO:**  
What -- if I may, what is the reasoning behind that? Maybe Mr. Cilmi, is this your bill?

**MR. NOLAN:**  
It's not his bill, it's a County Executive bill.

**LEG. MONTANO:**  
All right. Can somebody -- I mean, does anybody want to clarify this from the committee for me?

**LEG. CALARCO:**  
Gail's got it.

**LEG. MONTANO:**

Gail's got it?

**D.P.O. HORSLEY:**

Gail, you want to --

**LEG. MONTANO:**

Oh, Gail. How are you? That Gail; I was looking for the other Gail.

**MS. LOLIS:**

There were -- this body had passed resolutions back around 2011 based upon a Nassau County Supreme Court case where the Supreme Court Justice limited Nassau's ability to charge back to the Town of North Hempstead for upper level courses.

**LEG. MONTANO:**

Was that reversed?

**MS. LOLIS:**

That was reversed in January of this year.

**LEG. MONTANO:**

Okay, I gotcha. Thanks.

**D.P.O. HORSLEY:**

Okay? Legislator Stern.

**LEG. STERN:**

Yeah, thank you. Gail, normally I certainly, I'm sure my colleagues would agree, we would want to wait until the legal process plays itself out. You said that this was a reversal at the Appellate Division. What, if any, chance might there be going further through the Court of Appeals?

**MS. LOLIS:**

The motions the plaintiff had -- the Town had moved to reargue and for leave to argue in the Court of Appeals, that was denied by the Appellate Division. They've just filed a motion for leave to appeal to the Court of Appeals, but we think there's a very, very slim chance of that being approved.

**LEG. STERN:**

So it is unlikely, so we're at that point now where what we're doing today is really in response to the court decision.

**MS. LOLIS:**

Yes.

**LEG. STERN:**

Okay, thank you.

**D.P.O. HORSLEY:**

I guess in very unlegal jargon, we all think this stinks. Legislator Montano.

**LEG. MONTANO:**

Yeah. Gail, okay, it was reversed at the Appellate Division; was the decision unanimous?

**MS. LOLIS:**

Yes.

**LEG. MONTANO:**

All right. So the only way they can get into the Court of Appeals is by permission of the Court of Appeals, and you're saying that that request has been made. It's not an automatic right of appeal.

**MS. LOLIS:**

That is correct.

**LEG. MONTANO:**

So should we --

**MS. LOLIS:**

It was just filed last week.

**LEG. MONTANO:**

Right, so should we not wait for the Court of Appeals to finalize its decision? Because what if they do grant argument on the case? I mean, I know you think it's unlikely, and generally it is when you have a unanimous decision, but it's not -- it's quite feasible that the court can assert jurisdiction and entertain the case; am I correct?

**MS. LOLIS:**

The court can entertain the case, that is correct.

**LEG. MONTANO:**

So my question to you then is should we not wait for the Court of Appeals to render its decision?

**MS. LOLIS:**

The Appellate Division stated, or I should say reaffirmed what the education law is.

**LEG. MONTANO:**

Right, but that --

**MS. LOLIS:**

So --

**LEG. MONTANO:**

I don't want to debate with you, but that has nothing to do with the Court of Appeals. The Court of Appeals is a Superior Court and it can decide on its own motion whether or not to hear the appeal; am I correct?

**MS. LOLIS:**

That is correct.

**LEG. MONTANO:**

So should we not -- the question is should we not wait, in deference to the court, before we make this -- take this vote?

**MS. LOLIS:**

That's up to this body, but I just don't know, if you delay, if that is going to inhibit your ability to charge back for this current school year. That I just don't know the timing of that.

**LEG. MONTANO:**

Right. But I -- you know, again, we seem to be chasing our tails here. The -- what happened here, if I may indulge, the court -- the case was filed by Nassau. I don't think we ever joined that case, did we?

**MS. LOLIS:**

No.

**LEG. MONTANO:**

Okay. So Nassau County lost the case and now, I guess, the plaintiffs have moved for a hearing by the Court of Appeals and they -- the Court of Appeals has not rejected their request. So I think in due deference to the court, we ought to wait until they either grant or deny. And they probably will deny, I don't argue that with you, because it was a unanimous decision, but I just think -- you know, my question to you was is it not an appropriate thing to wait until the court makes its ruling.

**MS. LOLIS:**

And again --

**LEG. MONTANO:**

All right, don't answer it.

**MS. LOLIS:**

Then that's not your --

**LEG. MONTANO:**

Don't answer it. It's not your call, it's our call. I think we should wait until the decision is -- until there's finality on this issue in the courts.

**D.P.O. HORSLEY:**

Counsel, would you weigh in on this?

**MR. NOLAN:**

Well, I don't know -- I would just say that I don't know what the timing is, but this is really just are we going to try to collect the charge back for those third and fourth year tuition from FIT. I don't know if waiting on this may, you know, imperil our ability to do that.

**D.P.O. HORSLEY:**

Legislator Barraga?

**LEG. BARRAGA:**

Frankly, I don't think we should wait on this. You know, I'm a Legislator; what do I give a damn what the courts do.

*(\*Laughter\*)*

What do I care? I have a piece of legislation in front of me, I will deal with that legislation in accordance with its own parameters. If the courts do something, fine; if they don't, fine. But I'm a member of the Legislature, I want to deal with the bill, and this is something we should do. We should support this. This is not going to be any real surprise to the towns, but this has to be done.

**D.P.O. HORSLEY:**

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

**LEG. D'AMARO:**

Thank you. I want to clarify the -- Gail, the next resolution that we're considering is 1490 which would repeal our policy of not making the third and fourth year payment.

**MS. LOLIS:**

Yes.

**LEG. D'AMARO:**

All right, so we're just in the procedural debate here. I think we put the second resolution first and vice versa.

**MS. LOLIS:**

It's just the way it was filed.

**LEG. D'AMARO:**

Yeah, just the way it was filed, but it's unfortunate. Because what we're going to be doing, in effect, under 1490, the next resolution, is making -- the County is going to be repealing its policy of not paying the third and fourth year. And the reason why we are being asked to repeal that policy is because of the court's decision that, in effect, it is a liability to the County; is that correct?

**MS. LOLIS:**

Correct.

**LEG. D'AMARO:**

And that's based on an interpretation of the education law, partially, in those court decisions.

**MS. LOLIS:**

Yes.

**LEG. D'AMARO:**

So we already have a policy to the extent that we are charged -- we the County are charged, we are going to charge back to the towns. So this bill really is just in keeping with that policy and just changing what we have on our books to comport with what the courts have already decided.

So I would agree with Legislator Barraga that we need to pass this bill, because in the very next resolution we're going to, in effect, authorize or comply with a requirement that the County make the third and fourth year payment. If we're going to make the payment, then we're going to charge it back to the towns, and that's a policy we already have in place as far as charge back goes. So I would agree, we need to pass this today.

**D.P.O. HORSLEY:**

Okay. We have a motion -- anyone else? We're good? We have a motion to --

**LEG. NOWICK:**

On the motion.

**D.P.O. HORSLEY:**

Yes, Legislator Nowick.

**LEG. NOWICK:**

Legislator D'Amaro, you said we already have in place the charge back back to the towns.

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**LEG. D'AMARO:**

Yes.

**LEG. NOWICK:**

So if we pass this, it's the two extra years that we're going to charge back to the towns.

**LEG. D'AMARO:**

Yes.

**LEG. NOWICK:**

And it was so long ago where we got the numbers on this. Robert, do you still have the amounts that it would cost each town?

**MR. LIPP:**

I could look that up, but, you know, there are three towns in particular that get most of the billings. I believe it's --

**LEG. NOWICK:**

What are those three towns?

**MR. LIPP:**

I believe it's Brookhaven, Babylon and Islip.

**LEG. NOWICK:**

Brookhaven, Babylon and Islip?

**LEG. BARRAGA:**

Huntington.

**MR. LIPP:**

I'm sorry, Huntington.

**LEG. BARRAGA:**

Huntington, Islip and Babylon.

**MR. LIPP:**

Okay, Huntington, Islip and Babylon are the three biggest. Thank you.

**LEG. NOWICK:**

Okay. So if we pass this, they get charged -- they get charged the charge backs, is that it?

**MR. LIPP:**

They get the lion's share, for lack of a better term.

**LEG. NOWICK:**

And if we don't, do they still -- then they pay for the two years only, the towns; is that how it works?

**MR. LIPP:**

Correct.

**LEG. NOWICK:**

Okay. So would this be a one-shot for the towns because of the --

**MR. LIPP:**

No.

**LEG. NOWICK:**

-- two years, or how does that work?

**MR. LIPP:**

Well, what this is doing is it's changing the policy to say that they're going to have to pay for FIT beyond the first two years.

**LEG. NOWICK:**

So those two extra years all the time from now on --

**MR. LIPP:**

Right.

**LEG. NOWICK:**

-- in those three towns are hit the hardest.

**MR. LIPP:**

Yeah. So then the non-third and fourth years in graduate school for FIT, that's in the neighborhood of \$10 million, this is an additional amount above that.

**LEG. NOWICK:**

Thank you.

**D.P.O. HORSLEY:**

As I said, Legislator, it stinks (*laughter*).

**LEG. NOWICK:**

Yeah.

**D.P.O. HORSLEY:**

No matter how you slice it.

Okay. All I've got so far is a motion to approve. Legislator Montano, you wanted to make a motion to table, but I didn't get a second on that.

**LEG. MONTANO:**

No, I didn't.

**D.P.O. HORSLEY:**

You're not good? Okay. All right, we have a motion to approve. All those in favor? Opposed?

*"Opposed" said in unison*

**LEG. MONTANO:**

I'm going to abstain.

**D.P.O. HORSLEY:**

Got it? Take your time. How are we doing? Everybody's still got their hands up, you still need them?

**MR. LAUBE:**

I got it.

**D.P.O. HORSLEY:**

Okay.

**MR. LAUBE:**

Thirteen. (Amended Vote: 12/4/1/1 - Opposed: Legislators Muratore, Cilmi, Kennedy & Nowick - Abstention: Legislator Montano - Not Present: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**

The motion is approved.

**LEG. MONTANO:**

You got my abstention, right?

**D.P.O. HORSLEY:**

And you've got an abstention from Legislator Montano, right?

**MR. LAUBE:**

Yes, I do.

**D.P.O. HORSLEY:**

Okay.

***1490-13 - Repealing Suffolk County Resolution No. 807-2011, establishing a new policy for FIT reimbursement (County Executive).*** Oh, let's do this again. All right, do we have a motion on this? I've got to do this again, huh.

**LEG. D'AMARO:**

I'll motion. I'll motion to approve.

**D.P.O. HORSLEY:**

(*Laughter*) Legislator D'Amaro makes the motion to approve. I'll --

**LEG. GREGORY:**

Second.

**D.P.O. HORSLEY:**

Second by Legislator Gregory, all right.

**LEG. D'AMARO:**

And on the motion.

**D.P.O. HORSLEY:**

Yes, on the motion.

**LEG. D'AMARO:**

Just -- I'll defer to Legislator Cilmi, go ahead.

**LEG. CILMI:**

Thanks, Legislator D'Amaro. I just -- the reasons for this are obvious, but I can't let the moment slip away without saying that it is unconscionable that New York State continues to consider this

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school, this school that has a specialized curriculum, that offers Bachelor's as well as Master's Degrees that we are all, as taxpayers of Suffolk County, subsidizing, that happens to be in the Assembly District of the Chair of the Higher Education Committee in the Assembly, whose President happens to be wed to the person who runs SUNY. It is unconscionable that the taxpayers of this County continue to subsidize Bachelor's and Master's Degrees and, for that matter, Associate's Degrees, for the Fashion Institute of Technology. And I will continue to fight with New York State to eliminate this unconscionable mandate. Thank you.

**D.P.O. HORSLEY:**

As they say in the House of Commons, "*here here*". What else we got; anything else? We're all good? We have a motion to approve. All these in favor? Opposed?

*"Opposed" said in unison*

**MR. LAUBE:**

Thirteen.

**LEG. MONTANO:**

I'm going to abstain.

**MR. LAUBE:**

Twelve

**D.P.O. HORSLEY:**

Twelve (Opposed: Legislators Muratore, Cilmi, Kennedy & Nowick - Abstention: Legislator Montano - Not Present: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**

We're good? Okay. Thank you, this motion is approved.

***1502-13 - Amending the 2013 Capital Budget and program and appropriating funds in connection with the acquisition of a Suffolk County New Microsoft Enterprise Agreement (CP 1815) (County Executive).*** You want to wait until after lunch on this one? Are you guys going to -- do you anticipate it to be long?

**LEG. BROWNING:**

Good idea.

**LEG. KENNEDY:**

Pass it.

**D.P.O. HORSLEY:**

Yeah, let's pass over this. Okay?

**Environment, Planning & Agriculture**

***1480-13 - Authorizing acquisition of land under the Suffolk County Open Space Preservation Program (1986) - for the Theodore Sery property - Warbler Woods County Park addition - Pine Barrens Core Town of Brookhaven - (SCTM No. 0200-502.00-01.00-027.000) (County Executive).***

**LEG. ANKER:**

Motion.

**LEG. SCHNEIDERMAN:**

Second.

**D.P.O. HORSLEY:**

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

**MR. LAUBE:**

Seventeen (Not Present: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**

Thank you.

***1494-13 - Appropriating funds for the Brownfields Program, former wallpaper factory site in Lake Ronkonkoma (CP 8223)(County Executive).***

**LEG. HAHN:**

Motion.

**LEG. CILMI:**

Second.

**D.P.O. HORSLEY:**

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

**MR. LAUBE:**

Seventeen (Not Present: Legislator Lindsay).

**D.P.O. HORSLEY:**

Same motion, same second on the corresponding Bond Resolution ***(1494A, Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$1,344,564 bonds to finance a portion of the cost of remediation of a County-owned site (former wallpaper factory site in Lake Ronkonkoma) for the Brownfields Program (CP 8223.312)***, roll call vote.

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

**LEG. HAHN:**

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. MURATORE:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. KRUPSKI:**

Yes.

**D.P.O. HORSLEY:**

Here.

**P.O. LINDSAY:**

(Not Present).

**D.P.O. HORSLEY:**

Here; that's a yes (*laughter*).

**MR. LAUBE:**

Seventeen (Not Present: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**

***1495-13 - Appropriating funds for the Brownfields Program, former Blue Point Laundry site (CP 8223) (County Executive).***

**LEG. CALARCO:**

Motion.

**D.P.O. HORSLEY:**

Motion by Legislator Calarco.

**LEG. HAHN:**

Second.

**D.P.O. HORSLEY:**

Second by Legislator Hahn. All those in favor?

**LEG. MONTANO:**

Hold on.

**D.P.O. HORSLEY:**

Okay. On the motion.

**LEG. MONTANO:**

Yeah, is this the one that we heard the opposition from earlier? This is not the one that --

**D.P.O. HORSLEY:**

No.

**LEG. MONTANO:**

No, okay.

**D.P.O. HORSLEY:**

No, this is the laundry. Okay?

**LEG. MONTANO:**

Thank you.

**D.P.O. HORSLEY:**

We have a motion to approve, and I was just about ready to take the motion -- take the vote on that. All those in favor? Opposed?  
So moved.

**MR. LAUBE:**

Seventeen (Not Present: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**

All right. Same motion, same second on the corresponding Bond Resolution *(1495A, Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$700,000 bonds to finance a portion of the cost of construction for the Brownfields Program (former Blue Point Laundry site) (CP 8223.316)*, roll call vote.

*(\*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. BROWNING:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. KRUPSKI:**

Yes.

**D.P.O. HORSLEY:**

Yes.

**P.O. LINDSAY:**

(Not Present).

**MR. LAUBE:**

Seventeen (Not Present: Presiding Officer Lindsay).

**LEG. SCHNEIDERMAN:**

Tim, put me as a cosponsor on the bill.

**D.P.O. HORSLEY:**

Thank you. Okay, we're over to page nine, ***1496-13 - Amending the Adopted 2013 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2013 Capital Budget and Program, and appropriating funds in connection with Suffolk County Department of Parks, Recreation, and Conservation Boat Pump-out Stations replacement at Timber Point County Marina East and Shinnecock Canal County Marina (CP 8710)(County Executive).***

**LEG. KRUPSKI:**

Motion.

**D.P.O. HORSLEY:**

I missed part -- I missed a sentence in there. Pump-out stations, okay. We have a motion -- who made the motion?

**LEG. KRUPSKI:**

Motion.

**D.P.O. HORSLEY:**

Legislator Krupski made the motion. Second by Legislator Cilmi.

**LEG. KRUPSKI:**

On the motion?

**D.P.O. HORSLEY:**

On the motion.

**LEG. KRUPSKI:**

There was a lot of discussion about this before, and I'm going to quote -- I'm going to quote our friend Fred Thiele who equated the Peconic Bay as a bath tub and the five East End towns as children sitting in it, and when one child does something in that bath tub it affects the rest of them.

**(\*Laughter\*)**

And I thought that was -- (*laughter*). You're thinking about your children, aren't you? Okay. And it's true. And this is really important because there was a discussion about the merits of this before, but if you think about all the water quality work -- and I've been involved with the water quality work for basically now into my fourth decade. This is really important. The Peconic Bay is really getting cleaned up. And it's very obvious, when you look out here and you see the amount of ailwives coming back into the Peconic River to spawn, you look at the reports of people catching porgies in the bay, the stripe bass is coming back and spawning in the creeks where the fresh water comes in, and it's really getting -- we've really reached that tipping point, the {scaws}, because in Suffolk County the scaw population has come back to the point of it being economically important again.

You're really getting to that tipping point of water quality, you really can't stop the effort now. So I'm just going to urge everyone to vote for this, keep the effort up. We did ask Parks how much effluent they pumped out last year, it was 30,000 gallons that they pumped out of boats that otherwise would have gone into Peconic or Shinnecock Bays. So this is very important and I'd ask everyone to support that. Just to keep the water qualities improving, let's keep it -- let's keep it improving.

**D.P.O. HORSLEY:**

Thank you very much for those comments; true ring around the tub, huh?

**LEG. KRUPSKI:**

*(Laughter).*

**D.P.O. HORSLEY:**

Okay. We have a motion to approve. All those in favor? Opposed?  
So moved, it has been approved.

**MR. LAUBE:**

Seventeen (Not Present: Presiding Officer Lindsay).

**LEG. KRUPSKI:**

Thank you.

**LEG. SCHNEIDERMAN:**

Tim, cosponsor.

**D.P.O. HORSLEY:**

Okay, we're good? All right.

**Government Operations, Personnel, Housing & Consumer Protection**

***1469-13 - Approving an option for an additional ten years in the naming recognition of Vanderbilt Museum Planetarium (Spencer).*** Doc Spencer?

**LEG. SPENCER:**

Motion, please.

**D.P.O. HORSLEY:**

Makes the motion to approve. Second on the motion?

**LEG. STERN:**

Second.

**D.P.O. HORSLEY:**

By Legislator D'Amaro. On the motion.

**LEG. D'AMARO:**

No, I didn't second that motion.

**D.P.O. HORSLEY:**

Okay, then seconded by Legislator Stern. Sorry. On the motion. Legislator D'Amaro, did you want to speak?

**LEG. D'AMARO:**

I just want a clarification. I know this is the second time we're doing this. This is for an additional ten years, I think?

**LEG. SPENCER:**

It is.

**LEG. D'AMARO:**

I just want to -- it says, "Approving an option for an additional ten years in the naming recognition of Vanderbilt Museum Planetarium." Shouldn't that say "Reichert Museum Planetarium"? Isn't that what we approved the first time?

**D.P.O. HORSLEY:**

Yeah, you did.

**LEG. D'AMARO:**

I'm just a little confused. Has it be been renamed already?

**MR. NOLAN:**

I don't know, Legislator D'Amaro. I don't know if they've actually taken that step yet.

**LEG. D'AMARO:**

What do you mean you don't know?

*(\*Laughter\*)*

Didn't we approve the bill? *(Laughter)*

**MR. NOLAN:**

That's my favorite answer; I mean, come on.

**LEG. D'AMARO:**

*(Laughter)*. Okay, I just wanted to make the point that I believe, going forward, what we're doing is changing the name of the planetarium. So in the future, I would assume that we're going to be addressing this as the Reichert Planetarium.

**LEG. CILMI:**

At the Vanderbilt.

**D.P.O. HORSLEY:**

Apparently that --

**LEG. D'AMARO:**

At the Vanderbilt, perhaps.

**D.P.O. HORSLEY:**

-- falls to Counsel who drafts the bills for us.

*(\*Laughter\*)*

**MR. NOLAN:**

I think it's nitpicking by Legislator D'Amaro.

**D.P.O. HORSLEY:**

*(Laughter)*.

**MR. NOLAN:**

I think it's fine the way it is.

**D.P.O. HORSLEY:**

Point is duly noted, though.

**LEG. D'AMARO:**

I agree with Counsel, I think it's fine the way it is also, I'm just merely making a point, that's all.

**D.P.O. HORSLEY:**

Okay.

**LEG. D'AMARO:**

Thank you.

**D.P.O. HORSLEY:**

And it's a point well made. Is there --

**LEG. D'AMARO:**

Not about Counsel, by the way, just about the name of the planetarium.

**D.P.O. HORSLEY:**

I was just trying to pin blame where it belonged. We're good? Anyone else? All right, we have a motion to approve. All those in favor? Opposed? So moved.

**MR. LAUBE:**

Seventeen (Not Present: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**

Thank you.

***1479-13 - To approve the lease of two (2) replacement fifteen (15) passenger vans in the Suffolk County Department of Labor, Licensing and Consumer Affairs in compliance with Local Law No. 20-2003 (County Executive).*** We're good; anybody?

**LEG. MURATORE:**

Motion.

**D.P.O. HORSLEY:**

Motion, I'm sorry, by Legislator Muratore. Seconded by?

**LEG. BARRAGA:**

Second.

**D.P.O. HORSLEY:**

By Legislator Barraga. All those in favor? Opposed? So moved, it has been approved.

**MR. LAUBE:**

Seventeen (Not Present: Presiding Officer Lindsay).

**D.P.O. HORSLEY:**

Okay. It is now 12:30, it's a good time to break.

**LEG. MONTANO:**

Yep.

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**D.P.O. HORSLEY:**

Don't forget the Parks Committee meeting as well as Doc Spencer's disability testing.

**LEG. SPENCER:**

Hearing testing. Hearing testing in the conference room.

**D.P.O. HORSLEY:**

Okay? Hearing testing.

**LEG. MONTANO:**

What did he say?

**LEG. SPENCER:**

*(Laughter)*.

**D.P.O. HORSLEY:**

Right, exactly. Thanks. Recess.

*(\*The meeting was recessed at 12:28 PM\*)*

*(\*The following was taken by Lucia Braaten, Court Reporter & was transcribed by Kim Castiglione, Legislative Secretary\*)*

**D.P.O. HORSLEY:**

Mr. Clerk, would you please call the roll?

*(\*Roll called by Tim Laube - Clerk of the Legislature\*)*

**LEG. KRUPSKI:**

Here.

**LEG. SCHNEIDERMAN:**

Here.

**LEG. BROWNING:**

(Not Present)

**LEG. MURATORE:**

Here.

**LEG. HAHN:**

Present.

**LEG. ANKER:**

(Not Present)

**LEG. CALARCO:**

Present.

**LEG. MONTANO:**

(Not Present)

**LEG. CILMI:**

Here.

**LEG. BARRAGA:**

Here.

**LEG. KENNEDY:**

(Not Present)

**LEG. NOWICK:**

Here.

**LEG. KENNEDY:**

Here.

**LEG. GREGORY:**

Here.

**LEG. STERN:**

Here.

**LEG. D'AMARO:**

Here.

**LEG. SPENCER:**

Here.

**D.P.O. HORSLEY:**

Here.

**P.O. LINDSAY:**

(Not Present)

**LEG. BROWNING:**

I'm here.

**MR. LAUBE:**

Fifteen. (Not Present: Legislators Anker, Montano and Lindsay)

**D.P.O. HORSLEY:**

We good? All righty. Welcome back, everybody. We are going to be proceeding with the public hearings. The first public hearing that we have is the 2013-2014 Suffolk County Community College budget. I do not have any cards on this subject. Would anyone like to be heard on the community college budget? Would anyone like to be heard on the community college budget? Okay. Seeing none, I'll make a motion to close, seconded by Legislator Calarco. All those in favor? Opposed? So moved.

**MR. LAUBE:**

Fourteen. (Not Present: Legislators Anker, Montano, Kennedy and Lindsay)

**D.P.O. HORSLEY:**

We're closed. All right. ***Procedural Motion Number 8 - Calling for a Public Hearing for the consent to the acquisition of additional land at Mt. Pleasant Road, Town of Smithtown,***

**County of Suffolk, State of New York, by the Roman Catholic Church of St. Patrick at Smithtown for cemetery expansion purposes.**

I do not have any cards on this. Would anyone like to be heard on Procedural Motion Number 8? Would anyone like to be heard on Procedural Motion Number 8? Seeing none, do I have a motion? Motion by Legislator Nowick to close. Seconded by Legislator Calarco. All those in favor? Opposed? So moved.

**MR. LAUBE:**

Fourteen. (Not Present: Legislators Anker, Montano, Kennedy and Lindsay)

**D.P.O. HORSLEY:**

It's been closed. **Procedural Motion Number 11 - Authorizing public hearing for approval of Ferry License for North Ferry Co.** I do not have any cards on this. Would anyone like to be heard? Would anyone like to be heard? Procedural Motion Number 11, and I have a motion from Legislator Krupski to close.

**LEG. SCHNEIDERMAN:**

Second.

**D.P.O. HORSLEY:**

Second by Legislator Schneiderman. All those in favor? Opposed? So moved. It has been closed.

**MR. LAUBE:**

Fourteen.

**LEG. MONTANO:**

You can put me on.

**MR. LAUBE:**

Fifteen. (Not Present: Legislators Anker, Kennedy and Lindsay)

**D.P.O. HORSLEY:**

Thank you. **I.R. 1032 - Adopting Local Law No. -2013, A Charter Law to adopt tax policy prior to Election Day ("Taxpayer Awareness Act Part 1") (Cilmi).** Legislator Cilmi -- first of all, let me get -- would anyone like to be heard on this? Would anyone else like to be heard on 1032? I do not have any cards. All right, Legislator Cilmi, how do you want to proceed?

**LEG. CILMI:**

Motion to recess.

**D.P.O. HORSLEY:**

Motion is to recess. Seconded by -- I'll make the second on the motion. All those in favor? Opposed? So moved.

**MR. LAUBE:**

Sixteen. (Not Present: Legislators Kennedy and Lindsay)

**I.R. 1033 - Adopting Local Law No. -2013, A Charter Law to require open deliberations in budget amendment process ("Taxpayer Awareness Act Part 2") (Cilmi).** I do not have any cards on 1033. Would anyone like to be heard? Would anyone like to be heard? Seeing none, Legislator Cilmi?

**LEG. CILMI:**

Motion to recess.

**D.P.O. HORSLEY:**

Motion to recess. I'll second the motion. All those in favor? Opposed? So moved. It has been recessed.

**MR. LAUBE:**

Sixteen. (Not Present: Legislators Kennedy and Lindsay)

**D.P.O. HORSLEY:**

Thank you. *I.R. 1034 - Adopting Local Law No. -2013, A Charter Law to improve transparency and participation in setting spending priorities ("Taxpayer Awareness Act Part 3") (Cilmi)*. I do not have any cards on 1034. Would anyone like to be heard? Would anyone like to be heard? Seeing none, Legislator Cilmi?

**LEG. CILMI:**

Motion to recess.

**D.P.O. HORSLEY:**

Motion to recess. I'll second the motion. All those in favor? Opposed? So moved.

**MR. LAUBE:**

Sixteen. (Not Present: Legislators Kennedy and Lindsay)

**D.P.O. HORSLEY:**

Thank you. *I.R. 1182 - Adopting Local Law No. -2013, A Charter Law to strengthen legislative oversight and public participation in lawmaking process (Montano)*. I do not have any cards on 1182. Would anyone like to be heard? Would anyone like to be heard? Seeing none, Legislator Montano?

**LEG. MONTANO:**

Motion to recess.

**D.P.O. HORSLEY:**

Motion is to recess. I'll second the motion. All those in favor? Opposed? So moved.

**MR. LAUBE:**

Sixteen. (Not Present: Legislators Kennedy and Lindsay)

**D.P.O. HORSLEY:**

*I.R. 1316 - Adopting Local Law No. -2013, A Charter Law to improve hiring opportunities for Suffolk County Residents (Nowick)*. I do not have any cards on 1316. Would anyone like to be heard? Would anyone like to be heard on 1316? Seeing none, Legislator Nowick?

**LEG. NOWICK:**

Motion to recess.

**D.P.O. HORSLEY:**

Motion is to recess. I'll second the motion. All those in favor? Opposed? So moved.

**MR. LAUBE:**

Sixteen. (Not Present: Legislators Kennedy and Lindsay)

**D.P.O. HORSLEY:**

It's been recessed. *I.R. 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.).* I do not have any cards on 1405. Would anyone like to be heard? Would anyone like to be heard on 1405? Seeing none, motion to -- Legislator Nowick, is this your area? Holbrook, no it's not.

**LEG. NOWICK:**

No, it's not.

**D.P.O. HORSLEY:**

It's Bill's. I'll make a motion to close, second by Legislator Cilmi. All those in favor? Opposed? So moved.

**MR. LAUBE:**

Sixteen. (Not Present: Legislators Kennedy and Lindsay)

**D.P.O. HORSLEY:**

*I.R. 1406 - Calling for a public hearing for the purpose of considering proposed increases and improvements of facilities for Sewer District No. 9 - College Park (CP 8163) (Co. Exec.).* I do not have any cards on this, 1406. Would anyone like to be heard? Would anyone like to be heard on 1406? Seeing none?

**LEG. MURATORE:**

Recess.

**D.P.O. HORSLEY:**

I'm sorry, who's saying that? Legislator Muratore wants to recess. I'll second the motion. All those in favor? Opposed? So moved.

**MR. LAUBE:**

Sixteen. (Not Present: Legislators Kennedy and Lindsay)

**D.P.O. HORSLEY:**

*I.R. 1464 - Adopting Local Law No. -2013, A Local Law to improve the process of Procuring, Surveying and Environmental Assessment Services (Krupski).* I do not have any cards on this. Would anyone like to be heard on 1464? Would anyone like to be heard on 1464? Seeing none, Legislator Krupski, what would you like to do?

**LEG. KRUPSKI:**

If there's no questions, motion to close.

**D.P.O. HORSLEY:**

Motion's to close. Second on the motion, Legislator Cilmi. All those in favor? Opposed? So moved. It has been closed.

**MR. LAUBE:**

Sixteen. (Not Present: Legislators Kennedy and Lindsay)

**D.P.O. HORSLEY:**

*I.R. 1465 - Adopting Local Law No. -2013, A Charter Law to strengthen farmland and open space preservation in Suffolk County (Krupski).* I do have several cards on this, and the first speaker that I have is a Joseph Gergela.

**MR. GERGELA:**

Good afternoon, Ladies and Gentlemen. My name is Joe Gergela. I am Executive Director of Long Island Farm Bureau. As a matter of fact, I just had my 25th anniversary in that position. I grew up on the North Fork as a potato and vegetable farmer, so this is an issue close to my own heart. My father and I operated 200 acres; 110 acres was under the Suffolk County program.

Anyhow, I'm here to support Mr. Krupski in his efforts to give a little higher priority to the Suffolk County Farmland Preservation Program. I've been personally meeting with members of the Legislature, including the Chairwoman of the Environment Committee. Certainly understand the problems that we're in right now fiscally, want to be fiscally prudent and responsible. At the same token, for years we have tried to find a little bit more parity on money to preserve more farmland. Long-term, our concern with this issue is that when the economy comes back that we will be under pretty significant pressure for development. And you know, hopefully the economy and income will start coming back to Suffolk County. And also, in my opinion, we should be leaning on New York State -- \$140 billion State budget and the best they can do is 11 million a year for farmland preservation. I think that's pretty pathetic. New Jersey Governor Christie put in 80 million this year alone for New Jersey farmland. So certainly if we spread around the State dollars not much comes back to us.

I have had some discussions with the environmental community. They were not pleasant. They beat me up pretty hard saying what are you out of your mind. I said, "Look we've stood shoulder to shoulder on this issue. We both value the importance of open space and farmland, but in our opinion, that there should be some consideration of the Farmland Preservation Program. At least put it on parity with open space."

We have seen over the years that, you know, the ups and downs of the money available that's, in fact, the way acquisitions have been done. If there's money available we try to get everything we can. It's important for all reasons, environment, open space, parkland, the farmland for economy, etcetera, etcetera. I know you guys are very aware of the benefits of the farmland program and what it does for our economy. But, certainly, I applaud Mr. Krupski for taking on a sensitive issue. If anything else, we believe it's important to bring this issue up.

**D.P.O. HORSLEY:**

Joe, you are going to have to start to wrap it up. We don't have a timer on you because we couldn't find it.

**MR. GERGELA:**

Okay.

**D.P.O. HORSLEY:**

But it must be about three minutes.

**MR. GERGELA:**

So basically you guys understand where I'm coming from representing the industry. It's important to us. We certainly don't want to be in a fight with the environmental community or the Legislature. We understand that you guys will find the balance necessary and we thank you for your time.

**D.P.O. HORSLEY:**

Thank you very much. Okay. The second speaker is Howard Meinke.

**MR. MEINKE:**

Excuse me, I'm slow here. Hi, my name is Howard Meinke. I live in Laurel. I've been coming out to the North Fork since 1936, so I know a lot about what goes on out here. And I'm going to read

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something because I can do it better that way.

"World hunger requires that every method of creating food for the hungry be used. There are millions of small agricultural gems in the world just like Southold. They all must yield to the starving world problem and stay in production. The halt food production and add population is obviously stupid. Nitrates pollution in our estuaries creeks and marshes demand that we cease pouring in sanitary waste. First, we need to stop the approval of polluting new development and then move to fix the existing faulty nitrate spreading sanitary systems. What this means is that one, we should change the AC zoning to agricultural use only. No more two acre zoning as the next approved use. And this way we stop the loss of agricultural food production.

Also, marine resources create food for millions of the poor and marine resources here are declining rapidly. So two, the damage to the marine nursery that is our estuary system must be reversed by getting control of pollutants, the biggest one being my nitrates from sanitary systems, fertilizers, pesticides, aerial spraying, etcetera.

The money we save from not buying development rights and not spending on land preservation we can allocate to immediate anti-nitrate septic system installation and an attack on the technically difficult problem of cleaning up Southold's various sources of marine pollution. This is difficult and will take much debate and persuasion, but we have to look the devil in the eye and start the right efforts now. This is good for Southold and the right thing to do for starving millions." Thank you very much.

### **D.P.O. HORSLEY:**

Thank you very much, Mr. Meinke. That is the last card that I have on 1465. Would anyone like to be heard on 1465? Would anyone like to be heard on 1465? Seeing none, Legislator Krupski, what would you like to do?

### **LEG. KRUPSKI:**

Motion to recess.

### **D.P.O. HORSLEY:**

Motion is to recess. Second on the motion by Legislator Muratore.  
All those in favor? Opposed? So moved. It has been recessed.

### **MR. LAUBE:**

Fourteen. (Not Present: Legislators Montano, Kennedy, Spencer and Lindsay)

### **D.P.O. HORSLEY:**

***J.R. 1471 - Adopting Local Law No. -2013, A Local Law to strengthen the regulation of precious metal and gem exchanges (Calarco).*** I do not have any cards on this. Would anyone like to be heard on 1471? Would anyone like to be heard on 1471? Seeing none, Legislator Calarco?

### **LEG. CALARCO:**

Motion to close.

### **D.P.O. HORSLEY:**

Motion is to close. Second on the motion?

### **LEG. MURATORE:**

*(Raised hand).*

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**D.P.O. HORSLEY:**

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

**MR. LAUBE:**

Fourteen. (Not Present: Legislators Montano, Kennedy, Spencer and Lindsay)

**D.P.O. HORSLEY:**

It has been closed. *I.R. 1472 - Adopting Local Law No. -2013, A Local Law to amend Local Law No. 26-2004 to further reduce light pollution from County-owned facilities (Schneiderman)*. I do have several cards on this, I believe. Hang on a second. The first speaker is Glen Karpinos.

**MR. KARPINOS:**

Good afternoon.

**D.P.O. HORSLEY:**

Good afternoon.

**MR. KARPINOS:**

My name is Glen Karpinos. I am a manufacturers rep and lighting specialist. I am a lighting certified President of the Illuminating Engineering Society. To the best of my knowledge, there are no real conclusive evidence that blue wavelength affects the ecological patterns in any of the trees, plants or human life. To limit the County to a certain color temperature I think is fiscally irresponsible for the County to limit themselves to the type of product that they would be able to purchase in order to be able to reduce the energy for their light sources. I commend the County for trying to convert things to LED in order to reduce energy consumption, but by limiting the type of product that they want to use I think is something of a irresponsibility. That's pretty much what I have to say.

**D.P.O. HORSLEY:**

Thank you very much Mr. Karpinos. We appreciate your comments. The next speaker is Gail Clyma.

**MS. CLYMA:**

Thank you. To those of you that were here in 2004 when the County --

**LEG. SCHNEIDERMAN:**

Can you pull the mike up? Thanks.

**MS. CLYMA:**

-- first passed -- is that okay -- light pollution legislation, I do want to thank you. The bill before you today, Introductory Resolution 1472, will address an issue that is starting to cause trouble because of the introduction of LED lighting for outdoor uses. These so-called high brightness LED's are a fairly recent development, although LED's have been around for a long time in things like your clock radio.

The problem is the blue light content in some of these new outdoor LED lights, and if you've ever met a car head on that has blue tinted headlights, you know that glare is one of the big issues with blue lights. Perhaps you've seen the very blue lights that are starting to be used on some local roads and parking lots.

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This legislation would cap the amount of blue light in outdoor lighting installed by Suffolk County. It would accomplish this by limiting what is called correlated color temperature, which is measured in degrees of Kelvin. The bill would require that newer replacement lights have correlated color temperature of no more than 3,000 Kelvin. To put this in perspective, you might consider that most outdoor lighting for streets and parking lots currently uses high pressure sodium bulbs, which have a correlated color temperature of around 2200. The incandescent bulbs that we're all familiar with in our homes are around 2700 Kelvin, so the 3,000 Kelvin provided for in this bill would be much cooler than the now common high pressure sodium and a little cooler than incandescent, but it's still considered warm, white light.

This bill is necessary because LED's were first developed for outdoor use when they were first developed. The easiest and cheapest production methods reduced -- resulted in high blue content. However, manufacturers have learned, at least some of them, that these blue rich lights, which are often described as white, are poorly accepted for a variety of reasons, and they've made great strides in improving the processes and lowering production costs for lights with a warmer hue. Fixtures with correlated color temperature no greater than 3,000 are now widely available and the price differential is rapidly shrinking. Given the long life claimed for LED fixtures, it doesn't seem to make a lot of sense to install blue rich versions now and have to live with them for a couple of decades. Southampton and some other towns -- does that mean three minutes?

**D.P.O. HORSLEY:**

That's three minutes.

**MS. CLYMA:**

I was going to give you the four great reasons why this needs to be done.

**LEG. SCHNEIDERMAN:**

I can ask a question and you can respond to it. So can you give me the four reasons why?

**MS. CLYMA:**

It might actually be six, but the reason that Southampton and some other towns have done this is that blue rich light, when compared to high pressure sodium or incandescent light, causes more glare, causes more sky glow, poses greater difficulty for older eyes, has more damaging ecological impacts and more readily disrupts human circadian rhythms. I do have an excellent article on this subject that was published in the newsletter of the International Dark Sky Association and I have copies for each of you.

**D.P.O. HORSLEY:**

Pass it around.

**MS. CLYMA:**

And I just did want to point out that at the end of that there's a reference to a paper on which the article is based, which documents some of the ecological impacts that exist with blue rich light that perhaps the gentleman from IES was just not familiar with.

**D.P.O. HORSLEY:**

Thank you very much, Ms. Clyma. The next speaker is Joan C. Hughes.

**MS. HUGHES:**

Thank you. I represent the East Quogue Citizens Advisory Committee. I just wanted to tell you that at our recent meeting we passed a resolution in support of Mr. Schneiderman's resolution for all the reasons stated by the previous speaker. In Southampton Town we already have this law, but County roads pass through most of our villages and hamlets and we don't want to see the blue lights

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on them. So we're very much in support of this resolution. Thank you.

**D.P.O. HORSLEY:**

Thank you very much. We appreciate it. Okay. That I believe is all the cards that I have. Would anyone else like to be heard? Welcome.

**MS. FLEMING:**

Hi, good afternoon, I'm Councilwoman Bridget Fleming from the Town of Southampton. I thought I put a card in. I don't know where it went but I've had -- everything's gone wrong today, e-mail, phone, I even broke my glasses, so it's probably the stars but I can't see them because of the blue light.

**D.P.O. HORSLEY:**

I'll give you another minute because -- have a good day.

**MS. FLEMING:**

Thank you very much. I want to thank council -- I want to thank Legislator Schneiderman for bringing this amendment forward. It was done at the behest of this great group of women that you heard from, there are men also on the committee, who are really are watchdogs with regard to dark skies. Town of Southampton has been a leader for all the reasons that you've heard, both environmental and health reasons, and we are known all the way out, actually East Hampton as well to Montauk, for our beautiful skies. And so I appreciate your considering this amendment.

I think it's incredibly important that the County as a vendor take this into consideration, because when we see the trade-offs between environmental efficiency, low carbon usage and things such as the environment with regard to the dark skies, there's a trade-off that is being addressed by technology and that is being addressed by innovation. And the more vendors, such as the County, make it important for folks who are innovators to find that balance and to come up with solutions that are both energy efficient and, for instance, in this case helpful to the environment from the perspective of dark skies, the more we're going to see those innovations take hold and continue to grow and expand.

So I very much appreciate your taking a look at this. We're very proud of it in Southampton. I think you'll find that you'll be proud of it as well. We've gotten nothing but positive feedback. Thank you very much for considering it and I'd ask that you vote yes on the legislation.

**D.P.O. HORSLEY:**

Thank you very much, Ms. Fleming, and sorry about your card.

**MS. FLEMING:**

No problem. It's part of a larger issue.

*(\*Laughter\*)*

Have a good afternoon.

**D.P.O. HORSLEY:**

All right. I believe that's the last card that I had, whether I had it. Would anyone else like to be heard on this matter? Would anyone else like to be heard on 1472? Seeing none, Legislator Schneiderman, what would you like to do?

**LEG. SCHNEIDERMAN:**

I'll make a motion to close.

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### **D.P.O. HORSLEY:**

Makes a motion to close. May I have a second on the motion? Legislator Krupski makes the second on the motion. All those in favor? Opposed? So moved, it has been closed. All righty.

### **MR. LAUBE:**

Fifteen. (Not Present: Legislators Kennedy, Spencer and Lindsay)

### **D.P.O. HORSLEY:**

Thank you. *I.R. 1504 - Adopting Local Law No. -2013, A Local Law to adopt a new Strategic Industries Property Tax Abatement Plan (Co. Exec.)*. I have several cards, and let me start calling them. The first card that I have is from an Amy D. Maguire-Burns.

### **MS. MAGUIRE-BURNS:**

Good afternoon. My name is Amy D. Maguire-Burns and I am the Business Liaison for the Town of Southold and I am representing today our Economic Development Committee. I'm just going to be reading a statement. Okay.

"The Town of Southold, along with other municipalities, have been working with the County of Suffolk's Economic Development and Planning Department since April 2011 to revise its industrial/commercial incentive plan to make it more relevant and applicable for the present and future.

In November 2011, the Town Board appointed an Economic Development Committee to serve as an advisory board to make recommendations regarding the development and implementation of economic initiatives as outlined in the town's soon to be adopted comprehensive plan. Upon reviewing the previously drafted addressed real commercial incentive plan of 2001, the Economic Development Committee worked with the Southold Planning Board and the Planning Department to make meaningful revisions that would assist in promoting business improvements and stimulating economic development within Southold. The Economic Development Committee later met with the Town Board to discuss suggested recommendations to the plan and the Town Board adopted a resolution on July 3rd, 2012, to rescind the 2001 plan and accept recommendations to the new plan to be included in Suffolk County's plan.

In addition, the Economic Development Committee members, along with the Town Supervisor, Scott Russell, met with the local School Board Members and Superintendents to discuss the benefits of adopting the newly revised plan.

The Southold Economic Development Committee strongly supports the Suffolk County Legislature adopting the resolution for a new strategic industries property tax abatement plan as a viable tool to advance efforts to promote economic vitality. Upon adoption by the Legislature, the Economic Development Committee intends to market the plan to the business community. And I thank you for your consideration in this matter.

### **D.P.O. HORSLEY:**

Thank you very much, Ms. Maguire-Burns.

### **MS. MAGUIRE-BURNS:**

Thank you.

### **D.P.O. HORSLEY:**

The next speaker I have is Heather Lanza.

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### **MS. LANZA:**

Hi. My name is Heather Lanza. I'm the Southold Town Planning Director and I just wanted to follow-up with what Aimee said before me about how recently the Southold Planning Board completed its economic chapter in our comprehensive plan update. This plan calls for vibrant downtowns in our hamlet centers and quality jobs for residents. We view the new strategic industries property tax abatement plan as a great opportunity to accomplish those goals.

Southold's portion of the plan highlights the locations and uses that will bring economic vibrancy to downtowns in industries that will provide quality jobs. The locations we included in our downtown areas and exist -- our downtown areas are existing industrial areas and also our working waterfronts. The uses we included in our portion of the plan include retail, restaurants and services in the downtowns, manufacturing and wholesale uses in the industrial areas, and marinas and restaurants on the waterfronts. So we're very hopeful the Legislature enacts this new incentive as soon as possible. Thank you.

### **D.P.O. HORSLEY:**

Okay. Thank you very much, Ms. Lanza. The next card I have is from Lisa Mulligan. Take your time.

### **MS. MULLIGAN:**

I have no choice in the matter. Hi. Good afternoon. My name is Lisa Mulligan. I'm the Director of Economic Development for the Town of Brookhaven, and am perpetually out of breath. I just wanted to come and thank you for taking the opportunity to taking the time to consider this plan. We worked very hard in the Town of Brookhaven to update our information from the 2001 plan to the information that you see -- if it's not before you, you've seen it already. We're especially excited at what this is going to allow us to do through economic development and through our Planning Department.

One thing that we did that was a little bit different is that we included the entire town for our Blight to Light Program as well as for technology, so we're really looking forward to seeing how those particular changes incentivize businesses to come in and make improvements in the Town of Brookhaven. Thank you so much for your consideration. I hope you guys are as excited about it as we are. Thanks.

### **D.P.O. HORSLEY:**

Thank you and good luck.

### **MS. MULLIGAN:**

Thank you.

### **D.P.O. HORSLEY:**

And we have the Supervisor of the Town of the Southampton, Anna Throne-Holst.

### **MS. THROWN-HOLST:**

Good afternoon, everyone. I am here to speak on the ITIV plan that is before you and I want to say that in the Town of Southampton we strongly encourage it. We appreciated when that whole effort got revitalized some years ago and we took a good, hard look at our town plan and adopted a new plan that basically targets all the commercially zoned areas in town, with the thought that we really are working on a number of plans town wide and also want to encourage those who need the encouragement and a leg up that this would offer to do so.

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Jay left the room but he has been a very active participant in our Flanders Riverside Economic Development Task Force that has done a lot of work, and thanks to the County, is looking at a sewer study, things of that sort, but see that as an area that is right for some economic development and revitalization.

So that was the plan that we adopted and I think that's part of what you would be considering, but as everyone knows and has already said, it is a great support for job creation and economic development. So we very much appreciate you adopting that plan and we thank you for your help. Thank you.

### **D.P.O. HORSLEY:**

Thank you. And thank you very much, Ms. Supervisor. Okay. I don't have any more cards. Would anyone else like to be heard on 1504? Would anyone else like to be heard on 1504? That being -- seeing none, motion to close I guess, is that -- how's the Administration, this came from them?

### **LEG. STERN:**

Yes, motion to close.

### **D.P.O. HORSLEY:**

Motion to close.

### **LEG. CALARCO:**

Second.

### **D.P.O. HORSLEY:**

Second by Legislator Calarco. All those favor? Opposed? So moved. 1504 is closed.

### **MR. LAUBE:**

Seventeen. (Not Present: Legislator Montano)

### **D.P.O. HORSLEY:**

All right. I'd like to settle the date for the following public hearings to July 30th, 2013, at 2:30 P.M. at the Rose Caracappa auditorium in Hauppauge, New York:

*I.R. 1508 - Adopting Local Law No. -2013, A Local Law to require use of safety helmets by all bicyclists in Suffolk County (Barraga).*

*I.R. 1510 - Adopting Local Law No. -2013, A Local Law to safeguard employees displaced by privatization (Browning).*

That concludes and now what I'll do is I'll make -- we need a motion on that. Motion by Legislator Muratore, seconded by myself. All those in favor? Opposed? Those hearings have been set.

### **MR. LAUBE:**

Fifteen -- 17. (Not Present: Legislator Krupski)

### **D.P.O. HORSLEY:**

We're going to go back to page eight. Okay. Under Education and Information Technology, about halfway down the page, 1502, this is the amendment that we skipped earlier. This is ***IR 1502 - Amending the 2013 Capital Budget and program and appropriating funds in connection with the acquisition of a Suffolk County New Microsoft Enterprise Agreement (CP 1815)(Co. Exec.)***. Do you want to make a motion on this before we have our conversation?

**LEG. ANKER:**  
*(Raised hand)*

**D.P.O. HORSLEY:**  
Motion by Legislator Anker to approve.

**LEG. SCHNEIDERMAN:**  
Second.

**D.P.O. HORSLEY:**  
Seconded by Legislator Schneiderman. We have a motion to approve. Any other motions at this time? We're good? Okay. I think what we'll do is we'll invite Mr. Melito up and Mr. Rodgers. And, Tom, did you want to make a statement first?

**MR. MELITO:**  
I think we're ready to entertain questions. We've made several presentations. I think everybody pretty much knows what we're talking about.

**D.P.O. HORSLEY:**  
Okay. Who would like to be heard on this, anybody? Legislator Browning, you want to start us off and then Mr. Kennedy next? Kate.

**LEG. BROWNING:**  
This is probably something -- it's not something I have a lot of expertise on and I've spent probably a lot of this past weekend and yesterday trying to get a better understanding of what this is about and what we're doing and why we're doing this and why we're spending so much money and bonding it for something that's only for five years, but that bond is going to last for 18. And that's one of my biggest concerns.

You had said that we're out of compliance. Can you please explain to me what it means by out of compliance and what the ramifications are of being out of compliance? Because when I hear it it's like it's a scary word, oh my God you're going to get fined, you're going to go to jail, you know, you're breaking the law. What does it really mean by out of compliance?

**COMMISSIONER RODGERS:**  
We have had two previous enterprise agreements. The one agreement in 2008 was for 6,354 licenses. The one prior to that I believe was for about 1500 licenses. Our current count that we understand it to be is we have approximately 8500 to 9,000 desktops in the County. Because of the methodology in which things were purchased where they were not centrally purchased before, and devices were frequently purchased with what's called an OEM license where a department is able to go out and purchase its own equipment, that equipment would have a Windows license assigned to it. That's fine. As soon as we connect that equipment to the network we need to have various other licenses associated with it. Every device had to come with an account associated with it. Our concern at this point is whether we have the appropriate number of licenses for the software that we're running, as well as for the servers that we're running.

**LEG. BROWNING:**  
Okay. So there's something I learned when I spoke to some computer savvy people, a techie term I've never heard, true up. So why can't we true up with the ones that are not in compliance?

**COMMISSIONER RODGERS:**  
You can only true up as long as you have an existing agreement in place. The previous agreement was allowed to expire. It was initially canceled and we did not re-entertain bringing that agreement

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back to life. You can only bring it back to life up to a certain point. That period has expired. So we no longer have an opportunity to renew. The only thing we can do is enter into a new agreement.

### **LEG. BROWNING:**

Okay. And the other thing is we're switching over from Oracle to SQL, and that's something different, right?

### **COMMISSIONER RODGERS:**

I'll be happy to explain it to you.

### **LEG. BROWNING:**

And when does the I guess agreement with Oracle expire?

### **COMMISSIONER RODGERS:**

The Oracle agreement, the current agreement with Oracle expires in I believe it's August, okay, of next year, not this year. It's a three year agreement. However, I just want to make this clear to everybody. We currently have an Oracle base. We also have a SQL base in the County. We have a mixed environment. We have a significant number of applications that run Oracle, we have a significant number that run SQL. Oracle is a far more expensive solution.

Now, that being said, we're not throwing anybody off of Oracle. We have centralized applications that run on Oracle. It is my intention for us to migrate those applications off of Oracle with the assistance of Microsoft. So we will move those from the Oracle platform. When we we do that, we understand that we will still have certain departments, entities, that are still going to run Oracle, we know they are. Some of them are embedded to the point that they have to run Oracle.

However, that being said, it doesn't mean that we will necessarily have to maintain an enterprise license with them anymore and we would look to be able to reduce that cost significantly. The cost of SQL is about one-fifth the cost of Oracle. If we have departments that have to stay on Oracle, they are going to have to stay on Oracle. We will work with whoever we can to move them off, but we understand that some agencies have packages that marry them to Oracle, so we don't have a choice with that.

All right, so why the move to SQL? We have an enormous amount of application work that has been done throughout the County by departments and they've done a diligent job, but they've done it on their own, and we cannot validate the data that they currently have. SQL provides us with a greater range of tools for us to use to be able to put out to the desktops, that allow the actual departments, including yourselves, to be able to use some of these tools with the data that's present. That frees up some of central IT's time to be able to address larger applications.

### **LEG. BROWNING:**

Okay. Now, are the Police Department and DSS included in the enterprise agreement?

### **COMMISSIONER RODGERS:**

Yes, they are.

### **LEG. BROWNING:**

They are. And as far as the -- we have a maintenance agreement with Microsoft, yes?

### **COMMISSIONER RODGERS:**

We have licenses with Microsoft that are called perpetual, which means whatever licenses we bought are still good up to a point. You can only advance them up to the point of that particular software range as to when they were purchased. Okay. From a maintenance standpoint, no, we don't have

any maintenance agreement per se.

**LEG. BROWNING:**

Okay. Now, when it comes to doing the switch over, because I understand that there's things like hardware, data testing and specialty services that I guess while you're doing the switch over. So you can't eliminate the service you currently have --

**COMMISSIONER RODGERS:**

You can't throw a switch.

**LEG. BROWNING:**

Yeah, so you have to do that switch over. Is that included in the cost or is that an additional cost?

**COMMISSIONER RODGERS:**

Again, is the actual migration from Oracle to SQL included? No, it's not, and we know that this is a graduated process that we have to put into place.

**LEG. BROWNING:**

Do you have a number on that, how much it's going to cost to do that switch over?

**COMMISSIONER RODGERS:**

I don't have a number on it. We expect to do most of it inhouse ourselves.

**LEG. BROWNING:**

That was another question, is as far as our County IT staff, I mean, they have the experience to do this inhouse without -- but no training or do they need additional training?

**COMMISSIONER RODGERS:**

We have training included in this agreement that will provide our staff with training that will facilitate this process. We also have on-site consulting support available to us within this agreement.

**LEG. BROWNING:**

And that's at no cost.

**COMMISSIONER RODGERS:**

That's included within the agreement.

**LEG. BROWNING:**

Included in the agreement. Okay.

**COMMISSIONER RODGERS:**

That's not to say that we don't think that we may not need help on certain areas going forward, but that's always the case.

**LEG. BROWNING:**

Okay. And so when this bundle of services, this bundle, I guess it's a package deal that you're getting from Microsoft, because we have many, many departments within the County. We have people from Real Estate, from Planning, we have, you know, Police Department, we have Department of Social Services, you know, and they all have different needs. I mean, a clerk-typist that works in the County may not necessarily need as much as somebody who works in the Planning Department. Have you done a break-down of what -- how these computers are going to be operated? I don't know how better to say it but, you know, obviously a clerk-typist doesn't need what Jill Rosen-Nikoloff needs.

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So my question is, have you done a break down on what each department is going to be utilizing and, you know, have we had all of that looked into to see what -- to see what each department needs so we're not paying for something for a clerk-typist that we don't -- that she doesn't need and she's not going to use.

### **MR. VAUGHN:**

Thank you very much for that question, Legislator Browning. Commissioner Rodgers is taking a look at something, but to answer your question, one of the things that we started to do last year through the budget process was start to break down this siloed approach that we had been using prior in terms of IT and the idea was to begin to better utilize the IT staff. And part of breaking down that silo approach is also this enterprise agreement, and part of the reason for that is that you spoke about people having different needs and different uses, but one of the things that, you know, we spoke -- that Don Rodgers and I have spoken about a lot is the idea of making things look more uniform.

So let's say, for example, we do have a clerk-typist who's over in let's say Public Works for example, and there's a database system over in Public Works that she begins to use. That same clerk-typist now if they transfer to another department, the goal is to not have them have to relearn an entire new system, but rather just a modification to a system that they've already become familiar with, and that's one of the advantages that we think that we're going to be able to do as we begin to implement this agreement and break down these silos that we had talked about during the adopted budget.

### **LEG. BROWNING:**

Okay. And you mentioned we have -- I think you about 8500 computers?

### **COMMISSIONER RODGERS:**

If I can just answer that further. We did an analysis of staff by title to identify what, according to title, their specific responsibilities would be, which is how we did identify what number of licenses we wanted to go after right now. So we didn't just pick a number. When we look at office personnel, supervisors, managers, law enforcement, laborers, where does everything shake out in terms of what we expect people to need with regard to tools.

Additionally, as Mr. Vaughn has pointed out, what we want is everybody to be on the same version so that as we look at reduced staffing and as we look at the need for staffing in different areas or responsibilities to change, if staff have to move, the tools that they're using are consistent across the board.

### **LEG. BROWNING:**

Okay. Now, when you said you had 8500 computers, does that include -- you know, we have had a number of layoffs, you know, that we don't have. You know, we have a lot less staff than what we did a year ago. So is that 8500 the number today or the number --

### **COMMISSIONER RODGERS:**

That is our current number.

### **LEG. BROWNING:**

That's our current number, okay. And I'm trying to think, I thought I had another question, but I'll yield and let you ask.

### **D.P.O. HORSLEY:**

Thank you very much, Legislator Browning. Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Mr. Chair. Thank you, gentlemen, for being here. We've had a number of conversations about this. And Commissioner, thank you for your correspondence. As a matter of fact, like Legislator Browning, I am not computer savvy at all. As I've said at the committee meeting and other things, when I was down the hall for nine years I was part of the process that brought in FileNet and Oracle in order to go ahead and put the imaging and scanning program in place. But my sense in that process was that software vendors, just like most any other businesses, are in business to sell product. That's how they make money. And we're a client similar to many other clients. Although being government, purportedly I guess we get the better deal sometimes, hopefully.

I tried to get to Microsoft directly and no matter how much I tried, I couldn't. I called Dell the reseller and I got to them yesterday, and they directed me to a gentleman named Barry. I tried to get to him three different times and I couldn't get to him. But what I did get to was OGS that tells me that the current agreement with Microsoft expires in 12 days from now.

**COMMISSIONER RODGERS:**

That's correct.

**LEG. KENNEDY:**

Okay. So does OGS then go out and do they do a bid to get somebody else to vend Microsoft software to all of the entities throughout the State?

**COMMISSIONER RODGERS:**

I'm not quite sure I understand the question. Are you saying do they go out to somebody other than Microsoft or do they go out --

**LEG. KENNEDY:**

Well, no. I think Dell was the reseller. Prior to that it was HP.

**COMMISSIONER RODGERS:**

Correct.

**LEG. KENNEDY:**

In July maybe it could be I don't know, who knows, ACME Microsoft or ACME software.

**COMMISSIONER RODGERS:**

No, no. Right now Dell is the reseller for the State.

**LEG. KENNEDY:**

For the next 12 days.

**COMMISSIONER RODGERS:**

Right now New York State's master license agreement expires in 12 days.

**LEG. KENNEDY:**

Right.

**COMMISSIONER RODGERS:**

However, Dell is still the reseller for the Microsoft software. So while you would negotiate with Microsoft, the actual purchase comes through Dell.

**LEG. KENNEDY:**

Okay.

**COMMISSIONER RODGERS:**

They're the distributor on it.

**LEG. KENNEDY:**

So then let me try to ask the question so that I can phrase it in something I might understand. Do you think that the pricing schematic that they presented in whatever this package is could be different in July than it is now?

**COMMISSIONER RODGERS:**

It's difficult to speculate. What I will say to you is this: I met with the New York State CIO in January and I had a conversation with him regarding co-licensing in terms of us being able to leverage off of the New York State environment because frequently the State did not do that in the past. All right? He indicated that that would be the direction they would like to work, but they have nothing in place right now, and I think the best way for me to answer your question is could it end up better in the future? Yes, certainly it could, but I don't know that. What I would know is I don't know -- I don't believe even through New York State we would see a better agreement, and the reason I say that is because right now the deal that we have is 17% lower than current New York State OGS pricing, and the best we're going to do is going to be OGS pricing. So if the current offer that Microsoft has in front of us is 17% less, then an enterprise agreement through OGS is 40% less than if we did a select agreement.

**LEG. KENNEDY:**

Okay. All right. So you're convinced then that you've bargained and you've gotten the best price that might be able to be achieved.

We talked in committee at length about the rationale, the direction the Administration wants to go, the portability, I guess, of the software and the standardization so that we could get some ability for people to go from machine to machine. I talked about in committee what happens if we don't do this today, and I think you had said that this offer, this arrangement or whatever, gets withdrawn by Microsoft and, again, who knows what goes on in the future.

**COMMISSIONER RODGERS:**

Correct. I know the offer will be withdrawn.

**LEG. KENNEDY:**

Okay. You know the offer will be withdrawn. We talked a lot about -- well, actually we didn't talk in committee. I've since come to find that the antivirus that's associated with the Microsoft package, what do they call it?

**COMMISSIONER RODGERS:**

Forefront.

**LEG. KENNEDY:**

Forefront.

**COMMISSIONER RODGERS:**

Forefront.

**LEG. KENNEDY:**

Yes. Now, how does that compare to McAfee?

**COMMISSIONER RODGERS:**

Well, New York State uses it as their antivirus. Now, again, under the -- we have the opportunity to move from McAfee to Forefront if we determine that we think it is better, but we would not do that without testing, first off. Secondly, as soon as McAfee found out that we were negotiating for an enterprise license with Microsoft I had six high ranking McAfee employees in my office talking to us about how they want to make sure that they're doing the best business they can for us. Okay? So while we have an enterprise agreement with McAfee, we will certainly be looking at making it a better enterprise agreement with McAfee and it puts us in a position of leveraging that we will.

**LEG. KENNEDY:**

But isn't -- wasn't that part of the million dollar savings that you portrayed to us?

**COMMISSIONER RODGERS:**

No, not at all. We receive a million dollar discount on this agreement regardless of whether we come off of Oracle, regardless of whether we go from McAfee to Forefront, okay?

**LEG. KENNEDY:**

So we're going to keep all of those other pieces of software in place next year, McAfee and Oracle and what is this, the visual thing? What is that? There's some kind of --

**LEG. D'AMARO:**

Leverage.

**LEG. KENNEDY:**

Right. We spent a million dollars to buy that license and trained people up in order to work in that software, didn't we?

**COMMISSIONER RODGERS:**

Yes. We have the opportunity, we have the opportunity to migrate off of VM to Hyper-V, we have the opportunity to migrate off of McAfee to Forefront and we will migrate significantly off of Oracle. However, the million dollar discount that we see in the price is not associated with whether we do that or not. We already -- we have gotten a price that is discounted regardless of whether I do those things. If I do those things that's additional savings.

**LEG. KENNEDY:**

So -- but what I'm struggling to try to understand is, is as a layman everybody tells me McAfee is the gold standard. The other programs we've talked about are basically the standard. What you're portraying to us is for us to embrace what would be second or third rate pieces of software. Why would we want to voluntarily dumb ourselves down?

**COMMISSIONER RODGERS:**

What I am saying is this: Microsoft, as you said, is in business and their business is to be competitive.

**LEG. KENNEDY:**

Yes, they are.

**COMMISSIONER RODGERS:**

If they can provide a viable alternative that is less expensive and we can use it, then we will entertain that. But we will not just indiscriminately migrate based upon price. The security and the integrity of the network is far too important for us to think that way. But I want to have those options, I want those options to be available to us.

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**LEG. KENNEDY:**

All right. As a Commissioner you're saying you're seeking that. Let me go to one specific, then, and then I'll yield. Oracle. How many independent applications do we have in the County right now with Oracle?

**COMMISSIONER RODGERS:**

We have about 60.

**LEG. KENNEDY:**

All right, I was told about 80 or 83. How many of those applications could the IT staff migrate in what's left in the rest of this year?

**COMMISSIONER RODGERS:**

Well, the rest of this year continues to escape from us quickly, but in what's left of the rest of this year?

**LEG. KENNEDY:**

Sure.

**COMMISSIONER RODGERS:**

Probably a half a dozen.

**LEG. KENNEDY:**

So 60, 80, we'd still be left with 70 some odd applications. So we're locked into Oracle and we're locked into Oracle for a while.

**COMMISSIONER RODGERS:**

Our enterprise agreement with them runs until next July or August I believe.

**LEG. KENNEDY:**

Okay. And you have somebody there in IT right now that can program in SQL or no?

**COMMISSIONER RODGERS:**

Yes, I do, and I have more than one person that can. Additionally, Microsoft is going to come in and work with us on a migration plan from Oracle.

**LEG. KENNEDY:**

And they're putting that as part of this package that they're offering or we're going to pay separate for that?

**COMMISSIONER RODGERS:**

Part of that is included in the package.

**LEG. KENNEDY:**

Well, the small part or the big part?

*(\*Laughter\*)*

**COMMISSIONER RODGERS:**

Well, the consulting service, consulting service to support us in that is included in this package. We have consulting dollars in this package to help us with that migration.

**LEG. KENNEDY:**

Commissioner, listen, I appreciate the information you share with me. I'm going to tell you, as I've said before and I've been very candid with you, probably if we were in a different economic status I would support you and I would not go through with this. I hear every day, I've heard it today, how, you know, we have -- we're staring at the abyss and we're ready to go over the cliff and it's a bottomless pit. If we do not go forward with this we spend 700, maybe 800,000 next year out of operating. We do not embrace a five year, five million dollar commitment that we pay 18 years for. Do we agree with that? Wait a minute you're not the Commissioner.

**COMMISSIONER RODGERS:**

I'll be happy to answer.

**LEG. KENNEDY:**

Go ahead.

**MR. VAUGHN:**

No, Legislator Kennedy, we don't agree with that. Now, here's the thing. At this point in time what we are talking about and what we are asking the Legislature to consider tonight is \$1.4 million worth of this agreement. Capitalizing this right now, capitalizing this portion of this right now does not lock us into any future actions. It does lock us into a five year deal, but how we pay for that going forward can be something that we debate going forward. So if we want -- we spoke to Budget during the lunch break on this and we were told that we did not have to capitalize the rest of this if we were able to find operating funds next year. Now, it's in the Capital Budget. It is part of the Capital Program, but it was a question. There will be another portion of this that does need to be paid. Now, quite frankly sir, I have no idea with all the challenges that we're facing where we would come up with additional operating funds.

**LEG. KENNEDY:**

Well, Tom, let me hold you right there because as usual, then, I guess I become more confused as I speak. We have 1502 and 1502A. 1502 talks about five million over five years, I believe.

**MR. VAUGHN:**

No, sir, I don't think it does. I think that talks about one point something over five.

**LEG. KENNEDY:**

Robert -- can I go to BRO, because I just brought it up and I read what the price was in the price schematic over five years.

**MR. LIPP:**

Okay, so 1502 just appropriates the 2013 piece. As with any capital project, you cannot appropriate the '14, '15, '16 subsequent years, so the total five year agreement is 4.87 million. This is appropriating just the first year. It's all it could do anyhow.

**LEG. KENNEDY:**

The language is in there, though, for a five year agreement. So it's your testimony here today then that we will sign this commitment, but you're not going to look to bond the rest of it? We're going to go out of operating in 2014?

**MR. VAUGHN:**

No, sir. What I said was that it's an option. I didn't make a commitment. What I said was that we are bonding merely the first portion of this today. We're not bonding the whole five million dollars, we're bonding 1.4 of this. That being said, there are other pieces that will need to be paid --

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**LEG. KENNEDY:**

Commissioner, is this an incremental -- have you seen this agreement yet?

**COMMISSIONER RODGERS:**

Sure.

**LEG. KENNEDY:**

Okay. But we haven't signed it yet, have we?

**COMMISSIONER RODGERS:**

No.

**LEG. KENNEDY:**

Do we get to like commit ourselves incrementally or do we have to commit for the full five years for a total of 4.9 million?

**COMMISSIONER RODGERS:**

No, actually we commit for the five years, which is how we were able to get the package that we got.

**LEG. KENNEDY:**

You know what, I got to yield. Let me yield for a little bit.

**MR. MELITO:**

Let me try just once more. The agreement is five years. We have already put in the Capital Budget for next year, next year's payment, which the Legislature has approved.

**LEG. KENNEDY:**

Right.

**MR. MELITO:**

This particular resolution is just 1.4 million for the first piece of it to bond that. What I think Tom is saying, well, what I know Tom is saying is that we will make every attempt going forward because we know the Legislature's sensitivity to bonding for these types of agreements. We will make every effort to do the out years in operating funds to the extent that we can. We can't commit to that, but we have that option, and if we can build that into next year's Operating Budget we can do it that way. So this resolution today, it's no big mystery, it's \$1.4 million. It's not five million dollars.

**LEG. KENNEDY:**

But, Tom. Okay, so then let me go one more step with you then. So 1.4 mill here today bonded, 2014 we've already got whatever the next 800 or 900 grand is to be bonded, but you're saying you're going to put in in the IT operating for next year 800 or 900 operating to pay for this instead of bonding?

**MR. MELITO:**

What we're saying is to the extent possible we will look to do something like that.

**LEG. KENNEDY:**

Well, you guys are putting the budget together now, right? I mean, you are about a month away from submitting.

**MR. MELITO:**

Right.

**LEG. KENNEDY:**

So is it close or --

**MR. MELITO:**

At this minute I can't tell you. I can tell you what I just told you.

**LEG. KENNEDY:**

All right. I'll yield.

**D.P.O. HORSLEY:**

All righty. I'm surprised Barry didn't tell you some of those things, John.

**COMMISSIONER RODGERS:**

Legislator Kennedy, I just wanted to mention one thing. Seven or 800,000 next year won't even handle the conversion that we need to do on the XP machines.

**LEG. KENNEDY:**

My understanding with the XP is, is that even though they won't be supported, we still have the virus in place and if you have a machine go down you wipe it and you go ahead and reload and it will be operational.

**COMMISSIONER RODGERS:**

Not necessarily, not necessarily.

**LEG. KENNEDY:**

All right. I'll yield.

**P.O. LINDSAY:**

You've Gregory wants to talk, too.

**D.P.O. HORSLEY:**

Legislator Gregory.

**LEG. GREGORY:**

Thank you, Mr. Vice Chair. I guess COMMISSIONER RODGERS or maybe Mr. Melito. I know you've talked about the utility of having a unified platform where, you know, employees from various departments can be on one consistent platform and that would speak to efficiencies of effort for -- because there are various silos and things of that nature. But can you talk to I guess the cost benefit analysis, whether it be, and I know there is some savings with agreement, you know, with the training and things like that if we do it this year as opposed to later on we may lose those savings. But can you talk to what savings or what cost benefit analysis has been done either in dollars or in man-hours by implementing this platform or agreement I should say?

**COMMISSIONER RODGERS:**

Well, in dollars, simply put, if --

**LEG. GREGORY:**

Other than just the agreement itself. Are we going to, you know, is it we're going to save, you know, 1,000 man-hours and that equates to, you know, I don't know \$60,000, whatever the case may be in extra effort because we have such an efficient system.

**MR. MELITO:**

Right, right. I can't answer that question now before we get started. What I can tell you about is our experiences coming so far. And we've, quite honestly we all know we're here to try to help this County operate more effectively. We're working with less people today. We want to maximize our use of our people, treat them as capital assets. So we have been working with departments throughout the County, the Health Department, Consumer Affairs, Risk Management, the County Attorney's Office and on and on and on. And what we're finding is to the whatever extent we can introduce some of these tools, the overall goal is to provide a standard platform whereupon we can actually deliver information to our managers and then to our Legislators, the County Executive's Office, etcetera, about how they're performing. So once that process gets started we've been finding that people keep coming up with new ideas and so it grows exponentially.

So what I can say to you is I can't give you a specific number, but I can tell you that over five years the amount of savings and improved productivity that we will see and will accomplish will be significantly in excess of that. I mean, already we've identified systems where, you know, we're trying to identify what we're keeping in inventory, as an example. Well, it turns out purchases of certain items under \$500 we don't track how they're being purchased and what they are, so it's hard for us to determine that. One of the first things we're working on right now is to develop enhancements to our systems to allow us to measure that.

Public Health in the Health Department, Public Health inspections. They go out and make inspections and we're just helping them build a small database that allows them to identify how many hours it takes to make certain kinds of inspections, which ones are the most critical, which are less critical, how we can reallocate our resources to make those inspections most effective. There are a myriad of examples of that kind of thing.

So the idea is that we get people engaged in this process, we give them the tools, we train them in how to use the tools, and then we work with them to develop those capabilities and we're seeing that. And quite frankly, you know, we've heard a lot about our employees today, and I've -- I have to say we have -- I've never met more dedicated, engaged employees ever anywhere and I've worked in a lot of different places, and what we want to do is capitalize on that energy and for the employees that we have now, give them the tools so that they can then go forth and provide the type of response that we need.

**LEG. GREGORY:**

So are you saying that with this agreement and the platform that we're looking to put in place, that we will be able to measure performance in a better way so that we can --

**MR. MELITO:**

Yes. Yes, that's the whole idea of data driven decision making, whereupon the first thing we do is identify what information is it that we need to determine whether or not we're doing a good job. Then we try to find how do we get that information, so that involves acquiring data from different places. We have to make sure the databases we take the data from are accurate, that they are consistent across the County, and then we provide tools to then grab that data, turn it into information and reports. Ultimately, we could have dashboards at every one of your desks, the County Executive's desk, etcetera, that you could take a look and see how projects that you're interested in or how departments that you're interested in are performing. That's the ultimate goal.

We are an accumulation of silos across this County and we're not different than any other place. But what we have to try to do is develop some way of communicating across in a language that everybody understands, and that language is performance. And that language of performance is driven by information. Information comes from data that we have to pull and make it turn into information. So that's what it is.

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Technology permeates every department. Technology touches everyone in this organization bar none, and that's why we've chosen to go this route where very few of us, quite frankly, there are two people full-time in Performance Management, and what we want to do is reach as many people as we can to provide the tools and help this government operate in a way that you all can be proud of, our constituents can be proud of and that is effective and efficient.

### **LEG. GREGORY:**

I was just reading a report last night. I want to say in Pennsylvania or somewhere where they had -- there's a system, like, you know, there's a lot of talk. I've heard about CompStat, about the police stats, but there's a similar system called CitiState where you can measure, you know, trash pick-up and, you know, things like that.

### **MR. MELITO:**

The City of Baltimore.

### **LEG. GREGORY:**

Right, right, through you go. So is this, and from my understanding of that reading is that this will be the backbone to a system like that. You need a system like this in order to --

### **MR. MELITO:**

That's exactly correct.

### **LEG. GREGORY:**

You're talking about data driven systems, are we looking to go towards a system like CitiStat?

### **MR. MELITO:**

One-hundred percent. I'm very familiar with CitiStat. I've worked on systems like that across the County and that is exactly the direction we want to go in and that's the direction governments have to go in. You know, when you work in the private sector there's a way to measure performance. There's a bottom line, everything has a bottom line, and we know what our mission is and we accomplish that, and if we're making money we do more of it, if we're not making money, we stop. In government we have to figure out how do we measure what it is we're doing and what's important. We have silos across the County that are all competing with one another for resources, and so we're trying to get people to understand that we're one organization and that we share resources for the accomplishment of common goals. We're here because we care about people, we're here because government is supposed to make people's lives better.

So CompStat was the early attempt at that which went well in New York City. I know people who were involved with that initial effort. It then led, quite frankly, to New York City's 311 system, which also was a feed into the Baltimore CitiStat Program. So ultimately what that means is that every one of you will have information at your fingertips, on your computer, that tells you whether or not this department is operating better than it was last week or better than another county. You know, we can do benchmarking, etcetera. So that's really what the idea of this is.

And this Microsoft agreement is a framework for allowing us to build upon that to bring these things to our employees. And Legislator Browning is very eloquent in her discussion of our employees and she talks about them in terms of them being precious, and they are and we agree with that 100%. We would be nowhere without our employees, so the bottom line is what employees we have left, we can't make every decision be the decision everybody wants, but for the employees we have left we have a responsibility to give them the best opportunity to perform.

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And, you know, it's -- I mean, I don't mean to bring personal things into it, about 10 years ago I lost my brother. He was in a terrible car accident and it was very hard on my parents. And the bottom line is my mother took many years to realize we still have other children and we have to live for them. That's what this is about. We have to give the employees we have here every opportunity to perform and to make us proud of them and to make them proud of themselves, and that's what this framework is all about.

### **LEG. GREGORY:**

Okay. Thank you.

### **MR. MELITO:**

Thank you.

### **COMMISSIONER RODGERS:**

Legislator Gregory, if I can just respond for a moment. I think it's important to recognize that this is not a one off. This is the next step in the process of what we're doing. Implementing the federated model of trying to break down silos and integrate departments and understand what departments do, that was the first step. That's where we took the major step forward and tried to launch from. This is the next step. Let's get everybody utilizing the same tools, interacting and integrating with one another. We've had success with the federated model. I have a terrific staff. I want them to be able to focus on the things that are going to most provide the benefits from the data that they utilize, which means I want to get the tools out to the users so they can do what they need to do.

### **P.O. LINDSAY:**

Legislator Krupski.

### **LEG. KRUPSKI:**

I don't understand a lot of the technology, so I did try to listen to all the testimony, and I have to give everyone a lot of credit for trying to explain it to us in a way that we can understand it, and I'd like to give you a lot of credit also for working hard to do the best job that you can. I appreciate that. You know, as department heads you're really trying to do the best you can by the County. But from what I've seen of the County's finances, having said that, I don't see where, you know, just because it's a good idea, I don't see where I could support it because of the County's finances. And I would just ask you to wire it up as best you can and make -- work with what you have at the time being because things aren't that good financially now and they're not going to get better if we just add to the financial problem.

### **COMMISSIONER RODGERS:**

While I understand your perspective, Legislator Krupski, what I would say is this: We will -- we will spend if not the same amount, very close to it or above it over the next five years because of requirements that we will have to put into place with technology as we go forward and the changes that are happening as we go forward. One of the initiatives that we are really looking forward to with this agreement is the fact that it is a user based agreement, it's not a device based agreement. I get -- each user can use up to five licenses on one, so that when that user has a desktop computer or a laptop or a tablet or their telephone, they will be able to use that as their tool for whatever they want to do, whether they're in the field or in the office. And we will be able to transfer that information across all of those devices.

### **LEG. KRUPSKI:**

Thank you.

### **P.O. LINDSAY:**

Legislator Cilmi.

**LEG. CILMI:**

Thanks, Mr. Chair. I have a number of questions. I did have an opportunity to vet this quite thoroughly, not only with your help, Commissioner and Tom, through a report that you were able to provide to me, but also with some other folks that I know and value their expertise in information technology. I guess the best way to characterize where I'm at right now is that we've talked a great deal, Tom, about data driven decision making, but there's not a heck of a lot of data that I see here to support this investment. And you guys have heard me say I'm all for making investment in technology, and a lot of what you've said today supports, generally speaking, investing in technology. But what I don't see in anything that you've given me so far, is how this enterprise agreement, and while we're only being asked to bond a million plus today, the agreement is for roughly five million dollars. So one way or the other, whether it's through operating dollars or capital dollars going forward, it has to be paid for otherwise we'd be in breach of contract.

**MR. MELITO:**

Yes.

**LEG. CILMI:**

So what I don't see is the value of this particular investment. And I want to be absolutely clear, I understand completely the value of technology. It's the upgrade to this particular -- to this particular -- with this particular agreement that I don't see the incremental value in. And if we're going to spend five million dollars, I want some specificity in terms of, you know, where the savings are going to be. You've provided me with a number of case examples, which I appreciate, of areas within the County that you envision some improvement as a result of technology. But, again, what you've given me doesn't speak specifically to this upgrade. I don't know what within what you've given me we could do now with what we presently have and what we can't do now with what we presently have.

**COMMISSIONER RODGERS:**

Some of it we can do now, but let me just go back to your first question where you're saying you don't see where the data is, because I agree with you, and therein lies a significant part of the problem that exists in this County today. Because of the environments that existed, because of the silos that existed, every department, every area developed things according to their own direction, their own guidelines. This does not allow us to do any type of analytics, any type of analysis, any type of integration amongst data.

**LEG. CILMI:**

Silos you're talking about don't allow us.

**COMMISSIONER RODGERS:**

Yes. So --

**LEG. CILMI:**

Can I just interrupt you for a second because I want to take point by point, because I think it's important that we do that. This agreement doesn't break down silos.

**COMMISSIONER RODGERS:**

Yes, it helps us to break down the silos because it's implemented along with the federated model that we've put in place. Now we put standard tools in place and we require departments to use these tools.

**LEG. CILMI:**

But the tools that we have presently are not that divergent that they lack standardization. If there was training, then the tools that we presently have could certainly be used to break down silos.

**COMMISSIONER RODGERS:**

And we have incorporated training into this agreement.

**LEG. CILMI:**

Well, that's another topic that I'm going to get to in a moment. But the fact remains is that with our present technology, if we devoted training resources, and I would say that those training resources are not necessarily monetary resources, although certainly they cost money, they're more labor resources. If we devoted appropriate labor resources to appropriate training, that the technology that we are in possession of presently that we've invested millions of dollars in over the past several years, could get us to where we want to go. Now, this might help in some way, but I just don't see that it's a five million dollar help.

**COMMISSIONER RODGERS:**

Well, I respectfully disagree that it will get us where we want to go.

**LEG. CILMO:**

Okay. Can you give me data to back-up the fact that you respectfully disagree?

**COMMISSIONER RODGERS:**

Yes, I can. I have examples from the Department of Labor, from Consumer Affairs, from Risk Management. We can get to a point in those projects, but we are running multiple versions of products right now with Microsoft.

**LEG. CILMI:**

How many different versions are we running?

**COMMISSIONER RODGERS:**

Three.

**LEG. CILMI:**

Three. What's the latest version of the Microsoft products that we're running now?

**COMMISSIONER RODGERS:**

2010.

**LEG. CILMI:**

2010. What would it cost us to upgrade everything to 2010? Let me infer a different question.

**COMMISSIONER RODGERS:**

I don't have an answer for you on that on the short.

**LEG. CILMI:**

Okay, so 2010 might be the latest version. What is the version that's most pervasive throughout the County? Is it 2010?

**COMMISSIONER RODGERS:**

I believe it's 2008.

**LEG. CILMI:**

2008. Is it possible to go to 2008 for everybody?

**COMMISSIONER RODGERS:**

It's -- it doesn't make sense. Microsoft is going to ultimately end support of 2008 and it doesn't provide us with the solutions that we're looking for in terms of being able to integrate software and the various user environments. It moves us backwards.

**LEG. CILMI:**

Don, do you know how much money we've invested in software and other ancillary investments that support that software over the past few years?

**COMMISSIONER RODGERS:**

I know the last Microsoft agreement cost us, I believe it was \$4.2 million over three years.

**LEG. CILMI:**

Okay. But what about other agreements? I mean, one of the things that you talked about in your presentation to me was I believe some work in either the County Attorney's Office or the District Attorney's Office. We're investing, I don't know, I think it's a million dollars or more in a case management system.

**COMMISSIONER RODGERS:**

The District Attorney's Office, that project I believe is about a million dollars.

**LEG. CILMI:**

Right.

**COMMISSIONER RODGERS:**

The County Attorney's is 400,000.

**LEG. CILMI:**

Okay. But that's also in here, County Attorney's -- you've suggested to me that one of the ten projects that you hope to undertake with this new enterprise agreement is in the County Attorney's Office.

**COMMISSIONER RODGERS:**

Correct, correct. All right? The County Attorney is looking at a case management system. That's not going to --

**LEG. CILMI:**

Exclusive of this?

**COMMISSIONER RODGERS:**

Yes.

**LEG. CILMI:**

Doesn't that -- doesn't that perpetuate the silo mentality that we talked about wanting to eliminate?

**COMMISSIONER RODGERS:**

We are working with the County Attorney on this particular application to ensure that we have the open environment that we feel we need for accessibility to data. And that is something that has changed I feel over the last year that we want to make sure that when departments have to entertain the purchase of a software package that we know that that data is integratable. We have a situation right now in the Health Department where we have six diverse databases, none of which talk to each other.

**LEG. CILMI:**

Why?

**COMMISSIONER RODGERS:**

Because the departments were able to purchase as they saw fit.

**LEG. CILMI:**

Okay. So --

**COMMISSIONER RODGERS:**

Granted those databases are over an extended period of time, but that is the environment.

**LEG. CILMI:**

Those six diverse databases that we're presently using in the Health Department, couldn't they presently be combined into one database?

**COMMISSIONER RODGERS:**

That is the intention, to try and move them into a SQL environment.

**LEG. CILMI:**

Well, with our existing software couldn't they be federated into one database?

**COMMISSIONER RODGERS:**

Yes, we could migrate them into one database.

**LEG. CILMI:**

Presently without this.

**COMMISSIONER RODGERS:**

Yes. But that just addresses the Health Department. And going down that path really would just perpetuate the silos within the departments and we really want to be able to have cross department capability and, you know, one of the things that we've seen here is that there is no interaction amongst data amongst the departments, and that just doesn't make sense.

**LEG. CILMI:**

How does upgrading to this enterprise agreement give us additional compatibility between departments that we don't presently have if we were properly trained and utilizing what we presently have to its best capabilities?

**COMMISSIONER RODGERS:**

The newer versions have greater interaction amongst the tools. Now, that's not to say the current tools don't have them. But we don't have everybody under current tools and we have to pay to bring them up to those tools. This particular solution brings everybody up to the latest tools.

**LEG. CILMI:**

I'd be interested to know how much it would cost to bring everybody up to the current tools. I agree with you that there's probably some value in having everybody on the same system. Although, everybody is not going to have to communicate with one another. You know, every single department is not relative to one -- there are some -- there are some synergies, but --

**COMMISSIONER RODGERS:**

No, of course not every single department.

**LEG. CILMI:**

You had answered a question. Legislator Browning asked a question before about whether or not this agreement covered our Department of Social Services and our Police Department and you said yes, that it does.

**COMMISSIONER RODGERS:**

That's correct.

**LEG. CILMI:**

But are we talking about upgrading the systems within those departments as well?

**COMMISSIONER RODGERS:**

We are talking about providing them with the latest version of SQL Server so that right now --

**LEG. CILMI:**

But not Microsoft.

**COMMISSIONER RODGERS:**

Oh, no. SQL Server is Microsoft.

**LEG. CILMI:**

Okay.

**COMMISSIONER RODGERS:**

Right now the P.D. and Social Services have a significant investment in SQL. We want to make sure that everybody's up to the same level.

**LEG. CILMI:**

Let's talk for a moment about training. Would you agree that we could -- we could host, you know, a dozen training courses and invite as many employees as we have to those training courses, spend a couple of hours, a couple of days even with them, send them back to their work stations, and without continuous training the time that we've spent, the money that we've spent in that process will have been wasted. Do you agree with that?

**COMMISSIONER RODGERS:**

I would agree. I would not approach it that way.

**LEG. CILMI:**

So how do you envision using the 450 -- I think it was \$450,000 of training money? Which to me is a pittance in terms of training for what we want to do. The vision that you've -- that you've put forth is a wonderful, inspiring, exciting vision and I fully support it, but how do you get there from here? The \$450,000, how are you going to spend that?

**COMMISSIONER RODGERS:**

We have defined a training platform which basically includes three levels and it includes train the trainer. It includes the high end technical and it includes administrative staff. Within the train the trainer environment we would look to bring in staff from different locations, train them in how to use the tools, identify a particular project, and have them engage in that project. When necessary, we will utilize the training dollars to bring in an actual instructor. We have computer based training that can be used an unlimited number of times.

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

**COMMISSIONER RODGERS:**

Now, I absolutely agree with you that this is not a small entity, this is a task. This is a task that we've chosen to undertake, because if we don't undertake it, then we don't go anywhere. Right now we have staff that want to work, they want to learn, they want to use these tools. We've exposed them to some of these tools and they're enthusiastic about it.

What's our alternative? Our alternative is to say, *"You're still on your own."* You go ahead. If you look at any studies, you'll see anywhere from 30% to 3,000 percent return when staffed are trained. We want to engage these people. They're our resource, we want them to be able to use these things.

**LEG. CILMI:**

The problem, though, Don, Commissioner, is we could be doing that now and we're not, I gather, from what you're saying. We're not doing that now.

Further, my understanding is that New York State offers some sort of an on-line training for different types of software. Are we doing that? I mean, this is -- the \$450,000 will help, but in the long run, it's not going to get us where we want to be, it's going to take a significant investment in labor resources. And I'm not quite sure how much more of an investment in software resources and hardware resources, for that matter. Tom, did you have something to add?

**MR. MELITO:**

Yeah. What I would say is we're continually working with departments to train them and to educate them as to where we're trying to go and what we're trying to do, and help them use the tools that they do have to get there, to understand it. We agree a hundred percent; it's not a trivial task. Training -- maybe three quarters of this thing, the first year is training. It's getting people to understand what it is the tools are, how to use them and then what you can do with them. But --

**LEG. CILMI:**

So --

**MR. MELITO:**

Let me just -- so obviously, I know you're a devotee of lean principles, and lean principles at bottom say we get rid of things that don't make sense and we replace them with things that do make sense, things that are productive. And it isn't productive to go helter-skelter to train one group on one thing and one group on another; it doesn't make sense in the long run. What makes sense is to get everybody up to a certain standard and that's what it is we're trying to do. And that bottom, quite frankly, it's a bit of a leap of faith on your part. You know, in our professional opinion, based on the task that we have before us -- and that's to help this County operate, get out of the situation that it's in, utilize its resources -- in our professional opinion, this is a platform, a standardized way of approaching the problem that will reap benefits.

You know, we hear a lot -- you know, I've done a lot of different projects over the years and we had to build a lot of roads at one time and a project that I was working on during the 1990 landfill law time, and three-quarters of the work of building roads just to carry ash from an incinerator a half a mile to a landfill, three-quarters of the work associated with doing that is the planning and is the foundation of the road. What you see on top of the road, as you probably know, is very little of what it is, and if the foundation isn't there that road is not going to last, it's not going to do what it's assigned to do.

**LEG. CILMI:**

So --

**MR. MELITO:**

That's what we're trying to do is lay that foundation.

**LEG. CILMI:**

So but you're almost telling us that before you got here, Commissioner, that that foundation was completely ignored and nobody put any thought into, you know, our future needs as far as IT goes. I mean, that can't be true.

**COMMISSIONER RODGERS:**

No, that's not what I'm saying. That's not what I'm saying.

**LEG. CILMI:**

So there is some sort of a foundation. And what I'm saying is aren't we better off using these source of resources? I mean, \$5 million is a lot of money. Aren't we better off using those resources towards training?

**COMMISSIONER RODGERS:**

I don't -- I intend to use some of those resources towards training. I intend to do whatever training we can. I'm in conversation with the State now as well with regard to training, but what I can say to you is this; we implemented the overall Federated model in January; that was a struggle to put into place. It represented a major change into how things were done and how departments operated. What I can say to you is this; the overall approach in the past was for central IT to manage major applications and for departments to manage their own environment. I will -- I will not stand here and criticize anybody. They did what they could do. Central IT, I have a terrific staff there and they work extraordinarily hard. I have people that monitor the system all night long and don't get paid for it. This is a devoted group of people. But what you're saying to me is let's take a bunch of pieces with reduced staff and try to make it work, and what I'm saying to you is in this environment, for us to have success and for us to do it for what will ultimately be less of an investment, we want to have a standardized platform for them to work on.

**LEG. CILMI:**

Commissioner, I appreciate that. I'm going to yield. I agree wholeheartedly with your objectives. I understand that it's important to make investments in IT. I also understand that there's equal, if not more important investments to be made in training. I want to be able to support this, but as of this moment I'm yet to be convinced that there's \$5 million of additional value in this particular upgrade. And I would --

**COMMISSIONER RODGERS:**

What would convince you? I'm dead serious.

**LEG. CILMI:**

It's going to take a much more longer conversation than all of us want to bear (*laughter*). So if this passes today, I'll reach out you, we'll have lengthier conversations about the details and about the data that will support this, and if it doesn't we'll have those conversations as well.

**P.O. LINDSAY:**

Okay. Mercy rule, guys, okay? I can't handle it anymore.

(\**Laughter*\*)

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We have a few more speakers here. If -- and I'm not looking to cut anybody off, but if you's could refrain and shorten your questions. You've worked these guys over pretty good. I don't know -- I mean, if he talks about one more platform I'm going to jump off it.

(\*Laughter\*)

So who's next?

**D.P.O. HORSLEY:**

All right. The next one we have is Browning.

**LEG. BROWNING:**

Well, actually Robert's not here right now, Robert Lipp. Because, you know, I basically --

**D.P.O. HORSLEY:**

Okay. Then I got -- you're next after --

**LEG. BROWNING:**

So whoever is after me and then come back to me.

**D.P.O. HORSLEY:**

D'Amaro is after Browning.

**LEG. D'AMARO:**

Okay. I understand technology, I understand the need for technology. I understand the need to upgrade, I understand what it can deliver for us, how it can add to efficiencies. I understand how we can go across different departments and extrapolate from the data if it's all on the same platform, I get all that, and I think that's important to do.

So I appreciate what you and Tom, Mr. Melito, are saying to us here. And you came into this County, I guess about two years ago or 18 months ago, you took a look at what you had and you said, "*Wow. We need to move this whole thing forward and we need to be*" --

**MR. MELITO:**

Fifteen months.

**LEG. D'AMARO:**

Fifteen months, "*We need to become more efficient.*" So I appreciate that, especially with the smaller staff. But I'm having trouble with, similar to what Legislator Cilmi is looking at, value, or what I would say is this a matter of what we want or a matter of what we really need in the context of the cost and in the context of the County's budget situation.

We talked about going from McAfee to Forefront, VM to Hyper V, Oracle, SQ -- I mean, this stuff is -- it's all alien to me, to tell you the truth. I don't quite -- I understand that you want to be standardized. Why aren't we standardized now? I don't understand that either. But the point I want to ask you -- I want to put all of that aside, because I think we all here agree on the need to be efficient, and I think that's the goal and that's why you want to do this. But I want to ask you, if we -- the two concerns I have is let's say we get this in place. Let's say we get it done. Give me an idea of the -- what data-driven decision are you going to make that you can't make now?

**MR. MELITO:**

We can make almost no data-driven decision now because there aren't unified databases of information from which to draw. So we can make a decision, we can make 1,500 decisions in the Health Department if we have data to support those decisions. If we can look -- the one example I

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gave earlier was the public health inspections. All right, so they were operating -- within that department they had several different databases that didn't talk to one another, so they weren't able to link data on inspections made with data on how much time people spent making those inspections and what the results of those inspections were. So we have been working with them with very crude tools to try to link that together.

**LEG. D'AMARO:**

Right, and I understand that. And so it can be done, but it's much more labor intensive to do it.

**MR. MELITO:**

Significantly more labor intensive, significantly.

**LEG. D'AMARO:**

Okay. So let's just take your -- let's just take your example, you have ten inspectors, we want to use those inspectors in the highest priority areas, given how much time it takes per inspection.

**MR. MELITO:**

Right.

**LEG. D'AMARO:**

So then you can -- if you had all of that data at your fingertips, you can target those inspectors.

**MR. MELITO:**

Yes.

**LEG. D'AMARO:**

And then that's better service to the public.

**MR. MELITO:**

Absolutely.

**LEG. D'AMARO:**

That's what you're trying to do.

**MR. MELITO:**

Yes.

**LEG. D'AMARO:**

So this software, if put into place, would permit you to do that, you know, in a nano second, as opposed to asking someone in the department to manually, physically compile the data, analyze the data, put it together.

**MR. MELITO:**

Yes.

**LEG. D'AMARO:**

So this software will give you that framework where you can put the applications on top of it and then be able to cut out all of that man power, that intensified time that it would take to make data-driven decisions.

**MR. MELITO:**

Yes.

**LEG. D'AMARO:**

That's what you're trying to do with this.

**MR. MELITO:**

Yes; in short, yes.

**LEG. D'AMARO:**

So ultimately, is it your expectation that, you know, sometimes you have to invest to save? If we make the investment today, ultimately we are going to be making much more efficient decisions much quicker, targeting resources more appropriately and thereby saving money to the County budget.

**MR. MELITO:**

Absolutely. That's exactly the plan.

**LEG. D'AMARO:**

You firmly believe that?

**MR. MELITO:**

Without a question, it's a proven -- it's a fact all around us.

**LEG. D'AMARO:**

Right. And I know some of my colleagues, including Legislator Krupski, have said, and I feel this too, you know, we hired you to do the best job you can, but we want you to work with what you have because we probably cannot afford to do this. So the only way I can support this is if you tell me that this investment is a cost saving measure.

**MR. MELITO:**

It --

**LEG. D'AMARO:**

Because otherwise, I just want to ask you to work with what you have.

**MR. MELITO:**

Right.

**LEG. D'AMARO:**

And we'll get through what we've been doing since I got here, is year-to-year we're managing the County budget, we are getting through, we are protecting taxpayers, we're doing all the things we need to do and I want you on that team with me. But unless this is a cost saving measure at this point, I don't think we can make the investment, so I need to know that.

**MR. MELITO:**

One hundred percent, it would be a -- it's two things. It would be cost savings measures, and also it's a cost savings to provide better services for residents with the same resources.

**LEG. D'AMARO:**

Right.

**MR. MELITO:**

So you can do things less expensively and you can do other things better with the same.

**LEG. D'AMARO:**

Okay. And I also note that when this Legislature passed the 2000 -- what year is this? 2014-2016 Capital Budget, we've already endorsed making this migration over to these new systems.

**MR. MELITO:**

Yes, that's correct.

**LEG. D'AMARO:**

In effect, because we budgeted each year and your intention was always to come back for this year, or I guess when you found out you can save significantly, I think you said about a million dollars working with Microsoft, you negotiated the deal and you said, *"Forget about waiting for next year, let's just get it done this year. Start it this year so we have a cost savings built in."*

**MR. MELITO:**

Yes, correct.

**LEG. D'AMARO:**

Is that the way it played out?

**MR. MELITO:**

One hundred percent.

**LEG. D'AMARO:**

Okay.

**MR. MELITO:**

That got us here.

**LEG. D'AMARO:**

Okay. So, you know, I agree with data-driven decision making. I think we need to get there. You're saying we could do it now if we wanted to, but at what cost? It would be more expensive to continue down the path that we're going than it would be to, you know, make this investment up front. And by the way, this year it's only the million four.

**MR. MELITO:**

Correct.

**LEG. D'AMARO:**

The rest of it's already been approved by the Legislature and put into the Capital Budget.

**MR. MELITO:**

Correct.

**LEG. D'AMARO:**

I don't mean to say only, but it's not the full five million --

**MR. MELITO:**

Yes, correct.

**LEG. D'AMARO:**

-- that we're talking about in the program. And over time, including with the training, it will put us into compliance, we'll get all the training that we need. And you're telling me like a year from now, and we have key department managers, let's say, trained in all of this new software, we're going to

be more efficient in actually saving money.

**MR. MELITO:**

Yes, 100%.

**LEG. D'AMARO:**

Okay, then I'll support it.

**MR. MELITO:**

Thank you.

**P.O. LINDSAY:**

Okay.

**D.P.O. HORSLEY:**

Legislator Barraga.

**P.O. LINDSAY:**

Legislator Barraga.

**LEG. BARRAGA:**

Thank you. I think it's very difficult to determine the value of any investment one makes. I sit here like you do and every General Session, at the end of the day, Mr. Montano has -- he always asks the same question to Budget Review; how much have we bonded today?

**LEG. MONTANO:**

I heard my name.

*(\*Laughter\*)*

**LEG. BARRAGA:**

And when he makes that statement, I cringe a little bit because I've never been a big Bond person. But of late, I've been voting for all of these different Bonds. And I don't know the value of a lot of what I am voting on. You know, for example, Mr. Krupski and Mr. Schneiderman, in many cases I vote for a particular land acquisition on the East End because of what you two say. If you tell me that it's a good investment, it benefits the community, the environment, I'll go along with you. The same way, maybe the Carmen's River, Kate Browning, everyone has different projects, but it's hard to determine real value.

But I'm taking a look at the agenda today and I see projects dealing with water supply systems, land acquisition, roads, sewers, Brownfields, roof repairs. At the end of the day it will be another 20 or 25 million; this is 1.4 million, a Bond, with an indication from these folks that they'll make an effort to put it in the Operating Budget in the future. One point four million on top of the 25 million we're going to go along with with no debate. No debate.

Now, I'm going to depend on -- I'm going to vote for this today because I'm going to depend on these people. They're the ones with the expertise. When it comes to technology, believe me, you don't want to count on Tom Barraga. But I have to depend upon somebody, and these are the experts. These are the people who say that this Enterprise System with Microsoft is what we need, what they feel is necessary to achieve the goals of workforce management and serve our constituents.

**D.P.O. HORSLEY:**

Thank you very much, Legislator. Back to you, Ms. Browning.

**LEG. BROWNING:**

Okay. I just kind of want to get the simple math. We're going to borrow 1.4 million this year, it's going to cost us five, but you're looking at possibly putting it in the Operating Budget next year, the remainder, or what are we doing? I'd like Robert to give me -- if we bond the \$5 million --

**MR. MELITO:**

Well, today's resolution is not for five million.

**LEG. BROWNING:**

Right, but we may be doing that for the remainder. Okay? So, you know --

**MR. MELITO:**

There's a million in the Capital Budget that the Legislature approved. There's about an 800,000 amount for the next four years after this year.

**LEG. BROWNING:**

But Robert, I want you to give me the numbers. Because, I mean, I'm refinancing my house right now, I'm paying a fee to do that, but in the long run I'm saving money by doing it. And I know that right now our debt service, yeah, is going up, and our interest rates are going up also. So I'm just trying to figure out if we bonded \$5 million over the next couple of years --

**MR. LIPP:**

Okay, I could give you the perspective on that.

**LEG. BROWNING:**

-- what the numbers are.

**MR. LIPP:**

Okay.

**LEG. BROWNING:**

And again, I didn't get an answer as to how much it's going to cost us for the hardware, data test and speciality services, what the additional cost could be to that. And when you say we're going to make -- we're going to have a savings, what's the number? Because if I'm going to spend money to save money or make money, I'd like to know what the numbers are.

**COMMISSIONER RODGERS:**

We are not adding any additional hardware as a result of this purchase.

**LEG. BROWNING:**

Okay. But you said --

**COMMISSIONER RODGERS:**

All right? As a matter of fact, we anticipate that we may be able to save some hardware costs as a result of this.

**LEG. BROWNING:**

Okay. But we -- you don't have any numbers at all right now.

**COMMISSIONER RODGERS:**

Not with regard to that I don't, Legislator Browning, no.

**LEG. BROWNING:**

Okay. Robert, if you could?

**MR. LIPP:**

Sure. Okay, I can give you some perspective. So there are two things; what is this resolution going to do in terms of debt and what would the five year agreement, okay. So this resolution, the \$1.45 million would add approximately, for an 18-year debt service schedule, a little under or approximately \$2 million, or about \$110 a year, the average. Over the five years of the agreement, and it's probably best to assume that we're going to take it out of Capital because that's the current plan, although it is true that we could morph back to operating. So in the five years the almost 4.9 million would amount to about 6.6 million or about 366,000 a year. That being said, in the spirit of Legislator Montano, we -- because you are the man that likes to ask about how much we're bonding and that's an important --

**LEG. MONTANO:**

Well, I like to know what we're spending.

**MR. LIPP:**

Yes, that's an important question. So in your -- it was meant to be a positive thing. So on --

**LEG. MONTANO:**

Thank you, Robert.

**MR. LIPP:**

You're welcome. So on today's agenda, we have approximately \$8.5 million in potential bonds that we might be authorizing. And in addition to that, we've authorized 102 million through the previous General Meeting. And although we only issued 125 million last year, or authorized I should say, the previous three years we issued over 200 million.

**LEG. BROWNING:**

I just -- you know, I'm saying we need to upgrade our system. We should upgrade our system at some point. I'm just a little worried that we're -- you know, obviously we buy open space, but that's in perpetuity, it's going to be there forever, you know, and we're buying land that's less expensive today than it will be five years from now. But we're putting in, we're borrowing into a system that's only going to last five years, and 18 years from now we're just going to be paying it off, so.

I don't -- if you were able to come back and say to me, okay, the debt, what it costs, this \$5 million is costing us 8.6, and if you were able to come back and say to me, "*Well, we're saving you much more and it makes that a negative,*" I could say, "*Yes, I'll support it.*" But to say that I'm going to pay for something that's only going to last for five years, I'm having a hard time with that. I'm sorry.

**D.P.O. HORSLEY:**

Okay, thank you. Legislator Anker.

**LEG. ANKER:**

And again, I want to thank you for coming and coming here and giving us this information. I know it's been -- there's so much detail about information technology in your department. It reminds me of something that -- there's a program at Stony Brook University, Alan Alda teaches it and it helps technology people communicate to lay people, and I think that might be something that would be

important to look into.

But again, I think we as Legislators are just trying -- and that's not -- I'm not -- you know *(laughter)*, I don't mean to make you feel bad.

**COMMISSIONER RODGERS:**  
*(Laughter)*.

**LEG. ANKER:**

But, you know, again, we're trying to understand the concept of here's technology in Suffolk County and here -- this is how much we need to pay for it. Is it worth the money we're paying for it?

From what I'm understanding is that, you know -- what I'm sensing here is almost like -- you know, with Microsoft, with this Microsoft agreement is that we're micromanaging to some extent. Because we really need to understand what we're investing in, but we can't because we're not IT people, to a great extent. But we do have to rely, as Legislator Barraga had mentioned, we have to rely on your expertise. And from what I understand, the bottom line is if we don't -- if we don't follow through with this agreement, we will lose a million dollars for next year. We decided we have to do this anyways, we have to renew the licenses, no matter what, no matter what we have to invest, whether it's Capital or Operation, I would prefer Operation Budget so we don't have to bond. No one here likes to bond, but if we have to do it, we have to do it. And it sounds like that we are actually going to be saving money by integrating the system and creating a platform that we can all use.

So I just wanted to comment as far as I don't see of any other way of doing this and investing in our technology. Again, we've been hashing this through for probably a good hour, if not more. I support you, I trust you. I hope, you know, the decision that we make will be a positive one and will be a productive and effective one. But again, we as Legislators, we can't micromanage down to the last detail, but it is our responsibility to make sure we understand what it is that we're investing in.

So again, I'm understanding that this is a good investment, that hopefully it will clarify the whole overall platform, the computer platform that we have here, and that it will be successful. So no pressure on you right now. Thank you.

**D.P.O. HORSLEY:**  
Thank you very much. Legislator Stern.

**LEG. STERN:**

Thank you. I just wanted to run through some of these numbers just to the make sure that I have it straight when we're talking about real, identifiable savings. We're all talking about the value that it provides and, you know, that everybody has an appreciation for that, but some of the specific numbers.

The 17% less in terms of cost that you identified before in response to Legislator Kennedy's question from earlier, the 17% off the New York State pricing equated to about \$1 million less; is that right?

**COMMISSIONER RODGERS:**  
Correct.

**LEG. STERN:**

Okay, so that's a million dollars there. The savings in the training cost is approximately -- you have it down as \$450,000.

**COMMISSIONER RODGERS:**

They're providing us with \$450,000 worth of training.

**LEG. STERN:**

Worth of training that would otherwise cost us. If we wait until 2014 to make the purchase, my notes reflect here that the County will pay a minimum of \$1.02 million more for the same services that would be provided under this current proposal. Am I correct, then, in saying that it would be the cost of the \$1.4 million that we're talking about plus an additional million dollars, for a total of \$2.4 million if we wait until 2014?

**COMMISSIONER RODGERS:**

I'm sorry, run that past me again one more time, Legislator Stern?

**LEG. STERN:**

The number that we're talking about today is \$1.4 million, that's what --

**COMMISSIONER RODGERS:**

Correct. That's for the first year of the agreement, correct.

**LEG. STERN:**

You got it. My notes reflect here that if we wait until 2014, it would cost us an additional \$1.02 million.

**COMMISSIONER RODGERS:**

Over the life of the agreement, yes.

**LEG. STERN:**

Okay. So over the five years.

**COMMISSIONER RODGERS:**

Over the life of it, yes.

**LEG. STERN:**

Okay, got it. If we wait until 2015 to make the purchase, that it would cost us at least \$1.78 million more for the same services that are --

**COMMISSIONER RODGERS:**

That is correct.

**LEG. STERN:**

-- subject to this current proposal. So over the course of the -- I just want to make sure that I have the -- that's over the course of the five years, the 1.78.

**COMMISSIONER RODGERS:**

Correct.

**LEG. STERN:**

And then is it your opinion that if we wait, that we would miss out on the opportunity to realize the savings of a little over \$600,000, that's the number that you associated with all of these various license agreements for all of these various programs. That's down here as a potential savings; do you see losing those savings?

**COMMISSIONER RODGERS:**

I see us having to extend those out further, certainly.

**LEG. STERN:**

Okay.

**COMMISSIONER RODGERS:**

It's difficult to project, you know, how much we'd be able to reduce them, but we certainly would have to extend them out further.

**LEG. STERN:**

Okay. So it's not just -- just some up-front savings, but there's a whole lot of savings, over and above just the value that it would provide for us an operating level of government as well as for our constituents. But there are built-in savings that you've been able to identify here through the life span of the five years. And if we all agree that at some point we have to make this investment, certainly better to do it up front to realize actual savings.

**COMMISSIONER RODGERS:**

That's -- in a nutshell, that's why we're here today, actually. In a nutshell, that is why we're here today, because it's going to cost us; it's going to cost us now or going forward. We want it to cost us as little as possible and leverage as much as possible, and that's what we feel we're trying to do.

**LEG. STERN:**

And I appreciate that and I wanted to go through those numbers because the question had been raised a couple of times about providing the actual numbers, where are the savings. And I think through the course of the conversation, not just today but in the many sessions leading up to this, those are the numbers that you've provided. The numbers are right here and, to me, they're quite clear.

**COMMISSIONER RODGERS:**

Thank you.

**P.O. LINDSAY:**

Legislator Stern, I used that analysis you just did and backed it up, the debate just cost us \$100,000.

*(\*Laughter\*)*

**D.P.O. HORSLEY:**

All right, we've got Legislator Kennedy. Real quick, John, you've already had an hour.

*(\*Laughter\*)*

**LEG. KENNEDY:**

*(Laughter)*, I can talk, but not an hour. Commissioner, this is to you, or Mr. Melito, or even Mr. Vaughn. Has anybody, anybody in the Administration at this point, signed any agreement with Microsoft regarding this, at this point? Do we have anything in the way of any commitment?

**COMMISSIONER RODGERS:**

We are not committed to this agreement.

**LEG. KENNEDY:**

What? What? Wait a minute. Okay, so we're not committed. But then let's go to the first question. Has anybody in the Administration signed anything with Microsoft reflecting that we're bound, committed, obligated, or going to go through with this?

**COMMISSIONER RODGERS:**

No.

**LEG. KENNEDY:**

Okay.

**D.P.O. HORSLEY:**

Great. I think we've got that straight. Legislator Hahn.

**LEG. HAHN:**

I definitely agree with your vision. Data-driven management is absolutely the way to go, breaking down the silos, finding a way to analyze data across departments, et cetera. And, you know, we've all said, it's only a good investment if that's what you're actually going to do once we get this Enterprise Agreement and we get all the new software or whatever, and I take you at your word that you're going to do it.

I want to thank Legislator Gregory for bringing up the city stat idea or program. It reminds me of the short stint I spent in Brookhaven Town back in 2006, and actually Jack {Sneerman}, who's now in Long Beach, brought Service Stat to Brookhaven Town. I don't really know what happened because I wasn't there too long, but if your intention is to implement, you know, a Service Stat-type model, that's exciting news and certainly worthy of our discussion and support. Is that kind of what you're talking about, to work towards that model of management?

**MR. MELITO:**

Yes, one hundred percent, that is the vision. That's data-driven decision making. I, quite frankly, worked on the Stat Programs in North Hempstead, Nassau County, Brookhaven and the Town of Babylon.

**LEG. HAHN:**

Excellent. And it's an accountability and management tool. We've heard about intelligence-led policing, I just participated in a press conference during the lunch break at FRES regarding Smart 911 which, you know, we could characterize as a movement towards more intelligent-led responding, and this could be thought of as a move towards intelligence-led management based on statistics and data. But it also could help us in a move towards intelligence-led oversight for us at the Legislature, and especially in the Budget Review office. And so what I want -- and the question that I'm asking now is just your assurance that we in the Legislature, and especially our Budget Review Office, will have access to the data, all of the data, so that we can utilize this for our purposes as well. We want you to have it for intelligence-led management, but we're also going to need, you know, the overview of it all and the data for an intelligence-led oversight as well.

**MR. MELITO:**

Absolutely, that's exactly the point of the whole process, quite frankly. And when you talk about intelligence 911, that also has an offset, an overlap with 311 systems, and all of the programs that you mentioned have 311 type systems where we capture the information on the front end from constituents; what are they looking for, what are we doing well, what are we not doing well, that's where it all starts with a constituent. All of these programs that we're talking about start there. So that's the point.

**LEG. HAHN:**

And I know, you know, from my work, the many years as an Aide for -- starting when Maxine Postal, then with Vivian and many, many years with Bill, I've talked with a number of analysts at BRO who have had, over the years, a hard time getting data from the other -- the Executive Branch of government, and not necessarily recently, I don't think I've heard that recently. But I'm hoping that there can just be automatic sharing of these data sets so that the review and the oversight and then the monitoring can all happen when we need it to.

**MR. MELITO:**

Yes.

**D.P.O. HORSLEY:**

Okay. I have one 20 second question; Legislator Spencer.

**LEG. SPENCER:**

I was going to remain quiet, but with following up to Legislator Hahn's concern, I have that same concern. And I don't know if we may need to have follow-up legislation, because a lot of times the information that is shared is really -- it's nice to have your verbal consent to that, but when there's a different administration, then that may not always be the case. So if I approve this, I would be looking for, in the future, introducing legislation that would give us the right to information and that it wouldn't just be just the Administration saying yes.

**COMMISSIONER RODGERS:**

I guess the only thing I'd say to you, Legislator Spencer, with regard to that is at least in this environment, you know the data's available.

**LEG. SPENCER:**

Okay. Thank you.

**P.O. LINDSAY:**

Okay, let's vote.

**MR. MELITO:**

That was a technical joke.

(\*Laughter\*)

**P.O. LINDSAY:**

No more questions? Okay. We have a motion, Madam Clerk, and a second?

**MS. ORTIZ:**

Yes, sir.

**P.O. LINDSAY:**

Just to approve, am I correct?

**MS. ORTIZ:**

Yes.

**P.O. LINDSAY:**

Okay. *1502, Amending the 2013 Capital Budget and program and appropriating funds in connection with the acquisition of a Suffolk County New Microsoft Enterprise Agreement;* so, roll call.

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

**LEG. ANKER:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. SPENCER:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. NOWICK:**

No.

**LEG. KENNEDY:**

No.

**LEG. BARRAGA:**

Yes.

**LEG. CILMI:**

No.

**LEG. MONTANO:**

Pass.

**LEG. CALARCO:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. MURATORE:**

No.

**LEG. BROWNING:**

No.

**LEG. KRUPSKI:**

No.

**D.P.O. HORSLEY:**

Yes.

**P.O. LINDSAY:**

Yes.

**LEG. MONTANO:**

No.

**MR. LAUBE:**

Eleven.

**P.O. LINDSAY:**

Okay, the reso passed.

**MR. NOLAN:**

The Bond.

**P.O. LINDSAY:**

Okay, same motion, same second on the Bond *(1502A, Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$1,450,000 bonds to finance the cost of acquisition of a Suffolk County New Microsoft Enterprise Agreement (CP 1815.110)*, roll call.

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

**LEG. ANKER:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. SPENCER:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. NOWICK:**

No.

**LEG. KENNEDY:**

No.

**LEG. BARRAGA:**

Yes.

**LEG. CILMI:**

No.

**LEG. MONTANO:**

Pass.

**LEG. CALARCO:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. MURATORE:**

No.

**LEG. BROWNING:**

No.

**LEG. KRUPSKI:**

No.

**D.P.O. HORSLEY:**

Yes.

**P.O. LINDSAY:**

Yes.

**LEG. MONTANO:**

No.

**MR. LAUBE:**

Eleven.

**P.O. LINDSAY:**

Okay. Keep using the abacus.

*(\*Laughter\*)*

Did we do 1458?

**MR. NOLAN:**

We are up to next page, we're up to Health. Are you going to take some stuff out of order, Wayne?

**D.P.O. HORSLEY:**

They want the College Budget.

**P.O. LINDSAY:**

Okay. I'm going to take -- if you go to the manilla folder, I'm going to take the College Budget out of order, it's **1550-13**. I'll make a motion. Do I have a second?

**LEG. CILMI:**

Second.

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**P.O. LINDSAY:**

Second by Legislator Cilmi. Any discussion; no? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

It's in the manilla folder.

**MR. NOLAN:**

That's to take it out of order.

**P.O. LINDSAY:**

That's to take it out of order. Okay. So we took a -- we had a motion and a second. We took a vote to take it out of order, it's now before us.

***1550-13 (Adopting 2013-2014 Operating Budget Total for Suffolk County Community College (Anker).*** Same motion, same second on the adoption of it. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen (Not Present: Legislator Montano).

**P.O. LINDSAY:**

Okay, then we have a CN on the North Fork Ferry, 1476. Does everybody got that? Everybody got the CN, 1476? I don't hear anybody. Okay. I'll make a motion to take it out of order.

**LEG. KRUPSKI:**

Second.

**D.P.O. HORSLEY:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen (Not Present: Legislator Montano).

**P.O. LINDSAY:**

Okay, it's now before us.

***1476-13 - Approving extension of license for North Ferry Co. Inc. For Greenport Harbor Service between Shelter Island Heights, New York and Greenport, New York (Presiding Officer Lindsay).*** Same motion, same second.

**LEG. SCHNEIDERMAN:**

Motion to approve. Can I make a motion to approve?

**P.O. LINDSAY:**

Okay. We already had a motion to approve and a second.

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**LEG. KRUPSKI:**

(Thumbs up).

**MR. NOLAN:**

We're on CN 1476.

**P.O. LINDSAY:**

Do you guys want to do that, you's want to make the motion and the second? That's fine. Legislator Schneiderman makes the motion, Legislator Krupski seconds it.

**LEG. MONTANO:**

Which one is this?

**P.O. LINDSAY:**

This is the North Fork Ferry, the licensing agreement.

**LEG. KRUPSKI:**

To keep it running.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

It passed.

**LEG. KRUPSKI:**

Thank you. Because it's getting dark, they have to get back.

**P.O. LINDSAY:**

Back to Health:

***1421-13 - Adopting Local Law No. -2013, A Local Law To Modify The Food Policy Council Of Suffolk County (Hahn).***

**LEG. HAHN:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Hahn.

**LEG. ANKER:**

Second.

**P.O. LINDSAY:**

Seconded by Legislator Anker. On the question? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*1460-13 - Amending the 2013 Adopted Operating Budget to transfer funds from the Greater Hamptons Interfaith Council (d/b/a Family Counseling Services, Inc.) And the Town of Islip ACCESS Program to Family Services League, Inc. For the provision of Chemical Dependency Services (County Executive).* Do I have motion? I'll make the motion.

**LEG. GREGORY:**

Second.

**P.O. LINDSAY:**

Second --

**LEG. CILMI:**

On the motion?

**P.O. LINDSAY:**

-- by Legislator Gregory. On the motion? Who wants to talk on it?

**D.P.O. HORSLEY:**

Montano.

**LEG. MONTANO:**

Legislator Montano. This was discharged without recommendation at the committee because it affects the program in my district and I had some questions about this. Mr. Vaughn, are you available? With your permission, Mr. Speaker, Mr. Presiding Officer.

Tom, I have a couple of e-mails that were sent to me, and one of them says Islip's programs are both in Fifth Avenue. Just so my colleagues understand, ACCESS is a drug rehab program in the Town of Islip. We had a location on Suffolk Avenue and Fifth Avenue, and as I understand this bill, the program -- was the program on Suffolk Avenue still open or providing services, or was that program already closed prior to this bill? Isn't that -- is that not the question I asked you?

**MR. VAUGHN:**

So Legislator Schneiderman, yes --

**LEG. MONTANO:**

No, I'm Legislator Montano.

**MR. VAUGHN:**

*(Laughter).*

**LEG. MONTANO:**

That guy over there is Legislator Schneiderman. I know, it's been a long afternoon *(laughter)*.

**MR. VAUGHN:**

It has been. Perhaps I should invest in some glasses.

**LEG. MONTANO:**

If you need time to recover, you know, take it.

**MR. VAUGHN:**

Oh, no, not at all.

**LEG. MONTANO:**

Go ahead.

**MR. VAUGHN:**

No, the information that I have, sir, says that the services that were provided at Suffolk Avenue in Brentwood are now being provided by the Outreach Project at the exact same location with many of the same staff.

**LEG. MONTANO:**

So the program -- although it's being -- just so I'm clear, because I wasn't part of the -- I wasn't in the loop on this. The services are going to remain on Suffolk Avenue?

**MR. VAUGHN:**

The Suffolk Avenue services are staying on Suffolk Avenue.

**LEG. MONTANO:**

It's just going to be run by the Family Service League, is that what I understand? And I'll tell you why. Tom, I don't mean to interrupt, but I'll tell you why.

The Suffolk Avenue location, number one, it's in my district, but it's more readily available. I know where the Family Service League is, it's on Fifth Avenue in Bay Shore, and I just want to make sure that we're not physically moving the location from one spot to another without understanding what is going on.

**MR. VAUGHN:**

No, and that's certainly a very fair point, sir. And what -- the information that I have from the Health Department is that there are actually two pieces to this program, and the piece that's on Suffolk Avenue is staying on Suffolk Avenue and I believe it's being run by the Outreach Project. This resolution is addressing the piece that was formerly being done, I believe, at the main -- on Main Street in Islip.

**LEG. MONTANO:**

Yes.

**MR. VAUGHN:**

And that is the portion that's being moved to Bay Shore. So there's not -- my understanding is that there is no change in what is being done at Brentwood and on Suffolk Avenue.

**LEG. MONTANO:**

Okay. All right, so you've answered the question and the answer, to rephrase and just to be clear, is that the Suffolk Avenue location that presently is ACCESS/ACCESSO is not going to be closed down and those patients or those people that use the services are not going to be asked to relocate to the Bay Shore location for services; am I correct in that?

**MR. VAUGHN:**

That is my understanding as well, sir.

**LEG. MONTANO:**

All right. Is that a definitive understanding or is that like, *"I think I'm right but I'm not quite sure"*?

**MR. VAUGHN:**

Legislator, that --

**LEG. MONTANO:**

And I'm trying to pin it down; I need a yes or a no.

**MR. VAUGHN:**

No, and I understand that, sir. So the e-mail that I have that is dated Friday, June 14th at 10:52 am, says, *"The services that were provided on Suffolk Avenue in Brentwood are now being provided by the Outreach Project at the exact same location with many of the same staff."*

**LEG. MONTANO:**

All right. I have the e-mail, it was kind of written in a fashion that, you know, I really didn't --

**MR. VAUGHN:**

Yes, I know, I had a lot --

**LEG. MONTANO:**

-- I think grammatically --

**MR. VAUGHN:**

I had a lot of fun deciphering the --

**LEG. MONTANO:**

Grammatically awkward is a generous term for answering a fairly simple question. So it's up to you to answer it in a -- in a positive, you know, manner that I can comprehend.

**MR. VAUGHN:**

This resolution does not address the Suffolk Avenue portion and there is no change to that portion. The change is simply the portion for the services that were being done in Islip are now being transferred to Bay Shore.

**LEG. MONTANO:**

Tom, thanks a lot. I appreciate it.

**P.O. LINDSAY:**

Okay. Mr. Clerk, do we have a motion on -- what are we on, 14 --

**MR. LAUBE:**

1460, you have a motion and a second.

**P.O. LINDSAY:**

And a second. Any discussion, any further discussion? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Okay. We did 1473 already, passed.

**Parks & Recreation**

***1431-13 - Amend Resolution No. 118-2013 to include active military in Golf Fee Pilot Program (Schneiderman).***

**LEG. SCHNEIDERMAN:**

Motion to approve.

**LEG. MONTANO:**

Motion to what?

**LEG. SCHNEIDERMAN:**

Approve.

**LEG. CALARCO:**

Second.

**P.O. LINDSAY:**

Motion to approve by Legislator Schneiderman. Seconded by Legislator Calarco. On the question, any debate?

**LEG. CALARCO:**

No.

**P.O. LINDSAY:**

Yes, Legislator Gregory.

**LEG. GREGORY:**

Wasn't there supposed to be a change where it's something regarding the active duty status or redefining it or defining it more or something like that?

**P.O. LINDSAY:**

Say it again, Legislator.

**LEG. GREGORY:**

I believe there was a question as to the definition of active duty status in this bill that was supposed to be corrected or addressed.

**MR. NOLAN:**

There was a discussion --

**LEG. SCHNEIDERMAN:**

I think the Administration had a question but I think it got worked out. Tom, did you want to address that?

**MR. VAUGHN:**

It looks like Mr. Nolan's chomping at the bit to respond to this, so I'm going to let him.

**MR. NOLAN:**

No, just I had a conversation with the Parks Commissioner and he indicated to me it would be better not to amend the resolution, there wasn't a need to amend the resolution, they could implement it the way it is. That if somebody, you know, presents their mobilization or deployment papers, they would honor that during the course of this pilot project.

**P.O. LINDSAY:**

Everybody happy with that?

**LEG. BROWNING:**

Just a real quick question. Can you repeat what you said? I mean, my son's in the Colorado Army National Guard, that's his full-time job, so I think he's considered active duty all the time. DuWayne, you could probably answer that.

**LEG. GREGORY:**

State that again?

**LEG. BROWNING:**

My son's in the Colorado Army National Guard, that's his full-time job. He doesn't do the one weekend a month for two weeks out of the year. That would be considered active duty.

**LEG. GREGORY:**

Right, there are some full-time National Guard people, correct.

**LEG. BROWNING:**

Right. So do our -- like the 106th and the, you know, Islip MacArthur Airport, the ones in the Army Guard there, if they're full-timers they're considered active duty, correct?

**MR. NOLAN:**

I know the Parks Commissioner is here, he could probably best address those questions.

**LEG. BROWNING:**

Yeah. Because, I mean, if we have somebody who works with the 106th and he's a full-time Army National Guard.

**COMMISSIONER DAWSON:**

Yes, as long as they have Orders of Assignment, they're considered part of this program.

**LEG. BROWNING:**

But he has an ID card that shows he's military.

**COMMISSIONER DAWSON:**

Right, and he -- does he have Orders of Assignment?

**LEG. BROWNING:**

But that's their assignment is working at Westhampton.

**COMMISSIONER DAWSON:**

Right, so he would have something that assigns him to Westhampton.

**LEG. BROWNING:**

I don't know about that. To be honest with you, I don't think they get Orders of Assignment, they just -- that's their full-time job.

**COMMISSIONER DAWSON:**

Okay. Then I'm sorry, I can't answer the question (*laughter*).

**LEG. BROWNING:**

No, that's what I'm wondering. Because if I get the phone calls, if I get phone calls from somebody asking or if they're denied when they get there because they didn't show some kind of piece of paper, that's what I'm trying to figure out. If they're denied, I want to be able to say to them, "Well, no, you should have gotten in", or "You should have gotten that fee," or "You should not have

*gotten that fee."*

**COMMISSIONER DAWSON:**

And I'm sorry, I stepped in late. Which branch?

**LEG. BROWNING:**

Well, any of our -- I mean, we have an Army National Guard Unit at McArthur Airport, we have the 106th over here in Westhampton, we have Coast Guard in Center Moriches. You have Fort Totten all the way out in Queens, we have a lot of people who work out there. So, you know, we have a lot of full-timers in these guard units.

**COMMISSIONER DAWSON:**

The way I understand is these reserve units, they get their two -- they get their weekend duties for so many a year, and then they get called up for their annual two-week deployment. This is anything above --

**LEG. BROWNING:**

Okay, there's -- yeah, but there's Reserves and there's National Guard, that's two different things.

**COMMISSIONER DAWSON:**

Okay. I'm only talking about the Reservists.

**LEG. BROWNING:**

Okay.

**COMMISSIONER DAWSON:**

So the National Guard; I'm sorry, I don't have an answer to that.

**LEG. BROWNING:**

Because you have National Guard that's part-time also, but you also have full-time National Guard.

**COMMISSIONER DAWSON:**

I'm sorry I don't have an answer for you.

**LEG. BROWNING:**

Okay. So I guess if they're a full-time National Guard they're considered active duty.

**LEG. SCHNEIDERMAN:**

I would say yes.

**LEG. BROWNING:**

Right?

**LEG. GREGORY:**

If I can, through the Chair. They're Army Reservists, which is a Federal program, the Army, National Guard are State Programs. Each are part-time in essence, but generally the units have one or two or several full-time positions so that they can administrate the unit while the part-timers are not called up for their weekend or their for monthly duties.

**LEG. BROWNING:**

But they're not -- if you're a full-timer, you're not going to have a -- some kind of a piece of paper that shows you're activated at that time because you're activated all the time.

**LEG. GREGORY:**

I don't know --

**P.O. LINDSAY:**

But this -- I mean, this kind of begs the question why are we doing this now? Why are we doing this when we're in such dire fiscal straits? Why are we offering more --

**LEG. SCHNEIDERMAN:**

Well, first of all, let me respond to that.

**P.O. LINDSAY:**

Okay.

**LEG. SCHNEIDERMAN:**

Because, you know, the original bill was for veterans, and when BRO did the analysis, it actually turned out this was going to bring us more money, that we weren't going to lose any money on it. We actually make money on it. Somebody then came to me and said, "Well, you know, what about the Reservists? They full-time, they're active duty but they don't get the discounted fee that the veterans get if they're still serving in our Armed Forces. I said you've got a good point, we should extend it, the same benefit to the active duty guys. So the question we've gotten into is how do we define active duty? My intention was full-time, some of them are reservists, should qualify. The bill doesn't define it, but I had heard that there was an internal definition within the County in terms of active duty. Maybe, George, if you want to answer on that, or the Commissioner can do this administratively. So I think that's what we're hung up on, not whether this is a good idea. Maybe some people don't think it's a good idea, but how do we define active duty?

**P.O. LINDSAY:**

Okay. And then the next question is if we actually are making money by discounting the cost why don't we do it for everybody? It would make more money.

*(\*Laughter\*)*

**LEG. SCHNEIDERMAN:**

That might be a Robert Lipp question, I don't know.

**LEG. BROWNING:**

But I think even though -- because I know my son, even though he's still serving, he's still a veteran.

**LEG. SCHNEIDERMAN:**

Well, let's just take this one at a time. Maybe George can --

**LEG. BROWNING:**

Right? Am I right?

**LEG. SCHNEIDERMAN:**

Can contribute on the active duty definition and then we could have the Commissioner talk about how they plan to handle this administratively.

**MR. NOLAN:**

I think the Parks Department should be allowed to administer the program. They use a definition from an earlier resolution we did, I believe, for family of military, it apparently has worked. I guess it's worked okay. I'm sure it will work with this resolution as well. So, but in my mind we can pass

this, the Parks Department can administer it and can make it work.

**LEG. SCHNEIDERMAN:**

And it is a pilot program that's being analyzed by the department. So if for some reason we're losing money or it's not working or we need to expand it, the Commissioner's going to report back and advise us; right, Commissioner?

**COMMISSIONER DAWSON:**

That's correct. If -- Counsel alluded to this a little while ago. The definition that we use is under Resolution 354-2008. It says that, *"The eligibility under this program for the exemption of such fees shall be conditioned upon submission of Orders of Assignment and Military Identification Card, submission of proof, and that the deployed or mobilized active duty military personnel are stationed in or are Suffolk County residents."* So, if that answer the question.

**LEG. SCHNEIDERMAN:**

That's fine to me.

**LEG. BROWNING:**

They're all still veterans.

**P.O. LINDSAY:**

Okay. So we have a motion and a second to the bill?

**MR. LAUBE:**

Yes, you do.

**P.O. LINDSAY:**

All right. And we have an understanding of what the bill says? We agree? We agree, Mr. Dawson?

**COMMISSIONER DAWSON:**

We agree.

**P.O. LINDSAY:**

Okay. All right. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen -- oh, there he is. Eighteen.

**P.O. LINDSAY:**

Okay. This one is not on your agenda, it was approved during the lunch break by the Parks Committee, ***1418-13 - Appoint member to the Suffolk County Board of Trustees of Parks, Recreation, and Conservation (Christopher DiGregorio) (Krupski).***

**LEG. NOWICK:**

We did it in lunch.

**LEG. KRUPSKI:**

Could I move that?

**P.O. LINDSAY:**

You did this at lunch time, right?

**D.P.O. HORSLEY:**

No, no, no, just the committee.

**MR. NOLAN:**

It got discharged without recommendation.

**D.P.O. HORSLEY:**

Oh, it got --

**D.P.O. HORSLEY:**

You got it right.

**P.O. LINDSAY:**

Yeah, okay. So 1418, do you want to -- Legislator Nowick, make a motion to bring it before us?

**LEG. NOWICK:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Nowick on 1418.

**LEG. KRUPSKI:**

Second.

**P.O. LINDSAY:**

And Legislator Krupski seconds it. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Okay, that passes.

***1461-13 - Authorizing use of the Long Island Maritime Museum by the Cystic Fibrosis Foundation for their annual "Sayville Run/Walk & Barbeque" fundraiser (County Executive).*** I'll make a motion. Do I have a second?

**LEG. SPENCER:**

*(Raised hand).*

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

***1463-13 - Authorizing use of Smith Point County Park property by Mastic Beach Ambulance Company for "Help Us Save You Program" (Browning).***

**LEG. BROWNING:**

Motion.

**LEG. CALARCO:**

Second.

**P.O. LINDSAY:**

Motion by Legislator Browning. I have a second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

***1474-13 - Appoint member to the Suffolk County Board of Trustees of Parks, Recreation, and Conservation (Peter W. Leis) (Presiding Officer Lindsay).***

**LEG. CILMI:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Cilmi. Do I have a second?

**LEG. MURATORE:**

*(Raised hand).*

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**Public Safety**

**P.O. LINDSAY:**

***IR 1381-13 - Adopting Local Law No. -2013, A Local Law to strengthen the "Prepared To Protect Our Most Vulnerable Citizens Act" (Stern).***

**LEG. STERN:**

Motion to approve.

**P.O. LINDSAY:**

Motion to approve by Legislator Stern. Do I have second?

**LEG. MURATORE:**

*(Raised hand).*

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

***1445-13 - Approving the reappointment of John Bancroft as a member of the Suffolk County Fire, Rescue and Emergency Services Commission (County Executive).***

**LEG. BROWNING:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Browning.

**LEG. CILMI:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*1446-13 - Approving the reappointment of John Carney as a member of the Suffolk County Fire, Rescue and Emergency Services Commission (County Executive).*

**LEG. BROWNING:**

Motion.

**LEG. MONTANO:**

Motion.

**LEG. D'AMARO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*1447-13 - Approving the reappointment of Anthony LaFerrera as a member of the Suffolk County Fire, Rescue and Emergency Services Commission (County Executive).*

**LEG. D'AMARO:**

Motion.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*1448-13 - Approving the appointment of Nicholas Luparella III as a member of the Suffolk County Fire, Rescue and Emergency Services Commission (County Executive).*

**LEG. BROWNING:**

Motion.

**P.O. LINDSAY:**

Who made the motion?

**MR. NOLAN:**

Browning.

**P.O. LINDSAY:**

Legislator Browning. Second?

**LEG. D'AMARO:**

Did this -- excuse me. Did this need to be recommitted?

**LEG. BROWNING:**

Oh, yes, yes. That is the one that needs to be recommitted?

**MR. VAUGHN:**

Yes, ma'am, this is the one that needs to be recommitted.

**LEG. BROWNING:**

Okay. Well, I'll change my motion to a motion to recommit.

**P.O. LINDSAY:**

Why does it need to be recommitted, Tom?

**MR. VAUGHN:**

We made an error, sir, when we submitted the bill. We had to amend it. And the person -- we had to change it from a reappointment to an appointment, it was a clerical error on our part.

**P.O. LINDSAY:**

Okay.

**MR. VAUGHN:**

So we need to have it go back to committee so it could be vetted.

**P.O. LINDSAY:**

Okay, not a problem. So you're going to table it for now?

**LEG. BROWNING:**

No, I made a motion to recommit.

**P.O. LINDSAY:**

Okay. Motion to recommit. Do I have a second?

**LEG. CALARCO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

It stands recommitted.

***IR 1449-13 - Approving the reappointment of Norman Reilly, Jr., as a member of the Suffolk County Fire, Rescue and Emergency Services Commission (County Executive).***

**LEG. KRUPSKI:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Krupski.

**LEG. CALARCO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

***IR 1450-13 - Approving the reappointment of Drew Silverman as a member of the Suffolk County Fire, Rescue and Emergency Services Commission (County Executive).***

**LEG. BROWNING:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Browning. Do I have a second?

**LEG. KENNEDY:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

***1451-13 - Approving the appointment of Anthony Sullo as a member of the Suffolk County Fire, Rescue and Emergency Services Commission (County Executive).***

**MR. VAUGHN:**

Mr. Presiding Officer?

**LEG. BROWNING:**

Tom?

**MR. VAUGHN:**

Thank you very much, ma'am. We had to make an amendment to this one, however, we have a CN. This gentleman appeared before the Public Safety Committee, since he was an appointment, so we asked that it was discharged without recommendation from Public Safety. We do have a CN that amends the bill and that it makes it fine. So it's in the red folder, sir.

**P.O. LINDSAY:**

Okay. So let's just skip over it.

***1452-13 - Approving the reappointment of Edward Tully, Jr., as a member of the Suffolk County Fire, Rescue and Emergency Services Commission (County Executive).***

**LEG. BROWNING:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Browning. Do I have a second?

**LEG. D'AMARO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

1452-13 - Approving the reappointment of -- oh, didn't we just do Tully? Yeah, we just did Tully. Okay.

***1475-13 - Appropriating funds in connection with Fire Rescue CAD System Phase III Frequency Upgrades (CP 3416)(County Executive).***

**LEG. BROWNING:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator --

**LEG. CALARCO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

On the accompanying Bond Resolution (***1475A, Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$1,925,000 bonds to finance the cost of Fire Rescue C.A.D. System Phase III Frequency Upgrades (CP 3416.313 and .513)***), same motion, same

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second; roll call.

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

**LEG. BROWNING:**

Yes.

**LEG. CALARCO:**

Yes.

**LEG. SPENCER:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. KRUPSKI:**

Yes.

**D.P.O. HORSLEY:**

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Okay.

***1483-13 - Amending Resolution No. 759-2012 to approve the purchase of (1) one replacement vehicle in accordance with Section (B)(6) of the Suffolk County Code and in accordance with the County Vehicle Standard Law (CP 1132) and for the purchase of equipment (County Executive).*** Do I have motion?

**LEG. BROWNING:**

Motion to approve.

**P.O. LINDSAY:**

Motion to approve by Legislator Browning. Do I have a second?

**LEG. CALARCO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

***1499-13 - Accepting and appropriating grant funds in the amount of \$171,893 from the United States Department of Transportation for a dedicated Commercial Motor Vehicle Safety Enforcement Project with 80% Support (County Executive).***

**LEG. D'AMARO:**

Motion.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Okay. 1499-13 - Accepting and appropriating grant funds in the amount of 171,893 from the United States Department of Transportation for a dedicated commercial --

**MR. NOLAN:**

We did that, right?

**P.O. LINDSAY:**

Oh, we did that already. Okay.

**1505-13 - Directing the Suffolk County Police Department to establish an Emergency Call Center Action Team (Hahn).** Do I have --

**LEG. HAHN:**

I've had -- I'm going to make a motion to table because there were some concerns that have been raised that -- I want to understand, the next time we'd be able to --

**P.O. LINDSAY:**

I'll second the motion to table.

**LEG. HAHN:**

Thank you.

(\*Laughter\*)

The next time we'd be able to amend the budget, if we chose to do it instead of requesting that the other side of the -- the Executive's Office did it, would be September. So I'll make a motion to table.

**P.O. LINDSAY:**

Motion to table. I seconded it. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen (Not Present: Legislator Montano).

**Public Works & Transportation**

**P.O. LINDSAY:**

Okay. 1505-13 - Directing --

Okay, we have a **Certificate of Necessity, 1558**, it's in your red packet. I want to attach it to the end of this committee structure and it's **approving a Memorandum of Agreement between the Department of Economic Development and Planning, Division of Real Property Acquisition and Management and the Suffolk County Water Authority (County Executive)**. I need a motion -- I'll make a motion to take it out of order.

**LEG. SPENCER:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen (Not Present: Legislator Montano).

**P.O. LINDSAY:**

Okay, it's now before us.

1558 is about the appointment of some people to the Division of Real Property, Acquisition & Management and the Suffolk County Water Authority.

**LEG. KENNEDY:**

Why is this here as a CN?

**P.O. LINDSAY:**

I don't know.

**MR. NOLAN:**

There's some people here to talk about it.

**P.O. LINDSAY:**

Tom, can you explain this, please?

**MR. VAUGHN:**

What --

**LEG. D'AMARO:**

What bill number are we on, 1558?

**P.O. LINDSAY:**

Correct. It's a CN.

**LEG. D'AMARO:**

This allows the County to auction the Water Authority properties, I believe.

**MR. VAUGHN:**

That is correct, sir. It's a Memorandum of Agreement between --

**LEG. KENNEDY:**

So through the Chair, then, Tom, let's start with the first question. Why do we have this as a CN?

**MR. VAUGHN:**

We have it as a CN because the last day that we could get this to publication for our auctions would be August 9th. So we would like to address it now, get it signed off on, get all the information over to publication and then be able to advertise the properties that the -- that are in there.

**LEG. KENNEDY:**

Okay, so you want to hit the calendar. Through the Chair, how about Braun and Mr. Milazzo? Nice to see you again, John.

What's the arrangement here? Are we just publishing and listing properties for you guys because we're good folks? Are we going to make anything on handling this for you or what; what's the story?

**MR. MILAZZO:**

You will make for --

**MS. MAHONEY:**

Please state your name.

**MR. MILAZZO:**

I'm sorry. John Milazzo, I'm an attorney with the Suffolk County Water Authority. The proposal is to have the Water Authority offer some of its property that's not being used, that has the ability to be sold at the County auction. The theory is that the County auction 's well attended, there's active

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bidding, this will give the Water Authority another opportunity to have more rigorous bidding on Water Authority property, realizing a higher return for the Water Authority ratepayers. The County would get a \$5,000 fee to enter into the Memorandum of Understanding, and 1% of an auction fee from the buyer based on their bid price and 1% of the contracted closed price.

**LEG. KENNEDY:**

So we're going to get two points off any transaction.

**MR. MILAZZO:**

You certainly do.

**LEG. KENNEDY:**

Okay. And are you going to continue to market your property as well individually, or you're turning all that over to us?

**MR. MILAZZO:**

We will probably do both. Your auction booklet is a very effective means of getting properties out there; the real estate committee knows it, people know it, they look to that. We will property signs on all of the pieces, it's about eight holdings. We'll publicize it on our website, but we'll defer to the County's means with the --

**LEG. KENNEDY:**

Same terms and conditions with your property as ours?

**MR. MILAZZO:**

No. We will have a separate contract in the auction book that we will use for our sales.

**LEG. KENNEDY:**

But what do you say about that, Bob? Is that something that's -- you're going to be able to make that -- bidders will be aware of that? You're going to differentiate that for bidders, you'll classify it when it comes up?

**MR. BRAUN:**

Yes, Legislator. Each property will be identified as either a County sale or a Water Authority sale, and they will -- each of the Water Authority listings in the auction book will direct the potential purchasers to the form agreement of the Water Authority properties.

**LEG. KENNEDY:**

No representations on our part as to the marketable, viability of title, legitimacy, any of the other stuff with Water Authority?

**MR. BRAUN:**

No representations at all by the County. And in fact, the Memorandum of Agreement includes an indemnity from the Water Authority running in favor of the County so that if somebody decides we should have done something differently, the Water Authority will defend us and indemnify us.

**LEG. KENNEDY:**

You agree, John?

**MR. MILAZZO:**

Yeah. This agreement, just the way that the County's timeline worked with publishing your booklet is before you today, it's subject to your approval, of course, and the County Executive. This will be submitted to the Water Authority board on Monday night for their consideration as well. So we have

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no problem with the indemnity agreement, we think the board will approve it hopefully on Monday evening. Our pieces are a little bit different than the County's just in that they're not tax default, so there may be attractive candidates for people to bid on.

**LEG. KENNEDY:**

Okay. All right. I'll yield.

**P.O. LINDSAY:**

Okay, we have Legislator Montano.

**LEG. MONTANO:**

Yes. Well, the first question I have is why did you wait so long; why is this a C of N?

**P.O. LINDSAY:**

Well, actually it could have come up at the next meeting, we have one more meeting before the date that --

**LEG. MONTANO:**

So you have one more meeting before the deadline; is that what I understand?

**MR. BRAUN:**

The --

**LEG. MONTANO:**

If you need a conference, go ahead.

**MR. BRAUN:**

No, no.

**LEG. MONTANO:**

Jill? How are you, Jill?

**MS. ROSEN-NIKOLOFF:**

I'm well, thank you. So there just isn't enough time if we waited until the next Legislative meeting.

**LEG. MONTANO:**

Well, why didn't you do it before?

**MS. ROSEN-NIKOLOFF:**

Well, listen, for years this idea has been kicked around and was never implemented and we took it upon ourselves very recently in the division to diligently work with the Water Authority to get it in place so that we could generate some revenues for the County. So never the less, here we are.

**LEG. MONTANO:**

But my point is that why would -- if you had made a decision, why would you need to bring this in as a C of N? That's what I'm baffled by.

**MS. ROSEN-NIKOLOFF:**

Because --

**LEG. MONTANO:**

It sounds like you didn't do your homework and gave it to us at the last minute.

**MS. ROSEN-NIKOLOFF:**

Absolutely not.

**LEG. MONTANO:**

No?

**MS. ROSEN-NIKOLOFF:**

We're implementing this, all I need you to do is vote on the CN so we can take this to the auction. But here is the way it works; we have to have the brochure signed, sealed and delivered to this Legislature by August the 9th, 45 days prior to the auction which is September 24th and 25th.

**LEG. MONTANO:**

But there's a calendar and --

**MS. ROSEN-NIKOLOFF:**

Right.

**LEG. MONTANO:**

-- you knew the date was coming up and this could have been presented -- could this have been presented earlier, is what I'm asking you. I'm not looking to argue with you, Jill. I'm asking you if this could have been presented earlier; yes or no?

**MS. ROSEN-NIKOLOFF:**

If we had agreed to the terms, we could have presented it earlier. We would have preferred that. I don't want to have to go through not normal channels, believe me.

**LEG. MONTANO:**

Well, it happens too often, but let me ask you this. Just hearing what you said, because when you present the C of N you have to understand -- and I believe you're an attorney also, right?

**MS. ROSEN-NIKOLOFF:**

Not today, Bob's my attorney.

**LEG. MONTANO:**

No, but you are an attorney and you know what I'm saying.

**MS. ROSEN-NIKOLOFF:**

Yes, I am.

**LEG. MONTANO:**

If you were in a courtroom and you were given a document, you would ask the Judge for time to respond and time to read it; would you not?

**MS. ROSEN-NIKOLOFF:**

Yes.

**LEG. MONTANO:**

Yeah, okay. Thanks.

Let me ask you this. The properties that -- and by the way, I haven't had a chance to look at this, nor to respond, so I'm off the cuff. Normally I would ask for more time -- and I think you're also an attorney, Bob; in fact, I know you are, right.

**MR. BRAUN:**

Yes.

**LEG. MONTANO:**

We've had cases together. What's in Schedule A are the properties that we're talking about?

**MS. ROSEN-NIKOLOFF:**

Correct.

**LEG. MONTANO:**

Okay. And there are -- I have page seven which is Schedule A.

The only property that we're talking about is a property on Montauk Boulevard in Oakdale.

**MS. ROSEN-NIKOLOFF:**

There are eight parcels on Schedule A.

**LEG. MONTANO:**

One, two, three, four, five, six, seven, eight. And these are the only parcels that are going to be sold.

**MS. ROSEN-NIKOLOFF:**

Yes.

**LEG. MONTANO:**

Okay. Thank you.

**MS. ROSEN-NIKOLOFF:**

Thank you.

**P.O. LINDSAY:**

Okay. Legislator D'Amaro.

**LEG. D'AMARO:**

Thank you. Excuse me. I'm not going to support this. There's no need for a CN. This should be vetted in committee. If the Water Authority can't make the next auction, that's not my problem. Frankly, I wouldn't support the bill. This competes with County properties at the auction; why -- how is this in the best interest of the County?

**MS. ROSEN-NIKOLOFF:**

Thank you. But that occurred to me, so I definitely -- one of the first things I looked at when we got --

**LEG. D'AMARO:**

Well, I think that should be discussed in committee at a minimum. We're going to be putting Water County -- Water Authority properties in direct competition with County properties.

**MS. ROSEN-NIKOLOFF:**

Well --

**LEG. D'AMARO:**

So we're trying to maximize the success of our auction for County-owned properties and we're bringing in a competitor and letting them bid against us and we're getting bought off for 5,000 a parcel; like how is that in our best interest? I think this needs to be discussed in committee. This is

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a major policy change on how we run our auctions. Let's bring in some other entities and let them auction off their property. In fact, I might have a few parcels laying around I want to auction off as well.

**MS. ROSEN-NIKOLOFF:**

I think you have to be a municipality or --

**LEG. D'AMARO:**

So let's all just go into competition.

**MS. ROSEN-NIKOLOFF:**

-- or a public benefit corporation.

**LEG. D'AMARO:**

So I'm not going to support this. This is bad policy.

**MS. ROSEN-NIKOLOFF:**

May I just say that it did, of course, occur to us that we might be competing against ourselves, so we did review the parcels as soon as we got them and none of the County parcels that are owned and would be suitable for auction are in the vicinity of the --

**LEG. D'AMARO:**

That's your opinion. I didn't review them. It's bad policy, it's bad policy. You run -- you are supposed to maximize the profits of selling properties for Suffolk County and you're putting other parcels in direct competition what that. You can't get into the mind of the bidder and tell me that there's no conflict; you don't know that.

**MS. ROSEN-NIKOLOFF:**

I don't believe they're in competition.

**LEG. D'AMARO:**

What if a bidder comes to the auction and wants to buy one property and there's two possible properties, one from the Water Authority and one from us? We're in direct competition. Come on.

**MS. ROSEN-NIKOLOFF:**

Look, the addition -- the benefit is that it will be an additional draw for people who come to the auction.

**LEG. D'AMARO:**

It's irresponsible.

**MS. ROSEN-NIKOLOFF:**

I disagree. Thank you.

**P.O. LINDSAY:**

Legislator Cilmi, you want to --

**LEG. CILMI:**

No.

**P.O. LINDSAY:**

You asked to be put down, no?

**LEG. CILMI:**

I'm sorry.

**MR. NOLAN:**

Krupski.

**P.O. LINDSAY:**

Legislator Krupski?

**LEG. KRUPSKI:**

I think my question was answered earlier about how there's eight parcels here, can any more be added for the auction after today?

**MR. MILAZZO:**

No. We -- no. The Water Authority will not add any additional parcels. The Water Authority, the way the Memorandum of Understanding is set up, the Water Authority could withdraw a parcel, if necessary. And the other thing that -- just like the County. Really, the way it was structured was a person would bid on a County property or Water Authority property, same rules, same terms essentially, same amount of money in auction fee. And this board at this Legislature has to approve all of the sales. The proposed contract would go back to the Water Authority for their approval as well. It wasn't intended to be in competition with County property. It was actually -- we thought it may actually draw people in and we think there are different types of parcels --

**LEG. D'AMARO:**

Why; it's not intended because you say it's not intended?

**MR. MILAZZO:**

No, sir. I --

**LEG. D'AMARO:**

It is competing with County parcels.

**MR. MILAZZO:**

And that's fine.

**LEG. D'AMARO:**

It's irresponsible for this County to do this.

**MR. MILAZZO:**

And if it's the will of the Legislature not to allow it, the Water Authority will proceed accordingly.

**LEG. D'AMARO:**

This should be vetted in committee.

**P.O. LINDSAY:**

Okay. Legislator Gregory, did you want to say something?

**LEG. MONTANO:**

What's the motion?

**P.O. LINDSAY:**

Motion to approve.

**LEG. GREGORY:**

Maybe I missed it, but I want to ask the question through the Chair, if I may. What have we done, what has the Water Authority done up until this point and disposing of their properties? I'm sure you have properties that you want to dispose of. What mechanism did you use and why at this point do you seek not to use that same mechanism and use our -- you know, what we use, our auction process.

**MR. MILAZZO:**

Yes, sir. The Water Authority has -- we have done a couple of things. One of the things that's happened is the new Water Authority board has really been active in looking at our holdings and saying things that we don't need should be sold. All the property the Water Authority holds is for use as well fields, but occasionally well field is discontinued for water quality reasons or -- and it becomes a piece of property that can be sold. The money gets returned to our ratepayers.

What we have done to date is we have retained a broker for a couple of pieces, and that hasn't worked. The commission under the brokerage agreement would be higher than this type of commission. So that -- this would be a better opportunity for us to sell property, it would be a lower commission to the Water Authority and it would be more money for the ratepayers.

The second thing that we have done is we have advertised on our website through mailings and postings. The mailings have been to people that contact the Water Authority. It could be up the block from a piece of property the Water Authority owns, there used to be a well field, that building has come down, that's surplus. We've maintained a list of those type of people. We also do mailings to the LIBI, to LIBI, to development agencies, we put ads in the paper for other opportunities. So it's really been a formal -- informal/formal way of advertising.

We are required to sell all of our property at public bid, under the Public Authorities Accountability Act of 2005 and its amendments. So we receive public bids on our property and then the board considers the bids and if they like one, they select it and they enter into a contract.

So it's been -- this was an idea that has been kicked around for many years -- not many years, it's been something that the departments talk to us about and we thought this was an opportunity for us to work with you. We know the auction's well attended, get some more parcels on there for the County and the County would get a little revenue out of it. It seemed like a good idea for both sides. And it wouldn't cost the County anything because you're going to get a commission and a \$5,000 fee for administration.

**P.O. LINDSAY:**

Okay. Do you want to make another motion, Legislator D'Amaro?

**LEG. D'AMARO:**

Well, and I also want to ask Counsel. Is it permissible to use public resources to conduct a sale for a private entity or not a County entity? I mean, that's another issue I have in my mind. You know, again, I think this is really irresponsible to even propose from the Department of Real Estate when it's their job to maximize our profits on our sale of our properties, number one.

Number two, I don't know how we're using public resources to conduct sales for what, in effect, is a non-County entity, it's not a private entity. I'm not sure what the legal status is of the Water Authority.

**LEG. HAHN:**

But aren't they charging?

**LEG. D'AMARO:**

That's a whole 'nother (sic) issue.

**MS. ROSEN-NIKOLOFF:**

My understanding is it's permissible pursuant to --

**LEG. D'AMARO:**

So I was asking Counsel, George, if you had an opinion with respect to that. Because I know the Real Estate Department thinks this is just a hunky dorey idea.

**MS. ROSEN-NIKOLOFF:**

No, I do not, Legislator D'Amaro. We were presented with an opportunity. I think it would be irresponsible for this division not to entertain the fact that we could possibly bring in revenue.

**LEG. D'AMARO:**

I think bringing this here --

**MS. ROSEN-NIKOLOFF:**

All right?

**LEG. D'AMARO:**

-- shows that you're not competent --

**MS. ROSEN-NIKOLOFF:**

If you don't want to vote for it, don't.

**LEG. D'AMARO:**

-- to be in the office.

**MS. ROSEN-NIKOLOFF:**

Okay? Vote or don't.

**D.P.O. HORSLEY:**

Okay. Counsel, I think you were asked a question.

**MR. NOLAN:**

Well, I just got the resolution because it's CN, so I haven't done any research. It's a Public Benefit Corporation, so it's quasi-public. Plus also, the County is getting some money for doing this, so it's not like a gift issue for the County.

**LEG. D'AMARO:**

But I'm not sure that we can sell our services, in effect.

**MR. NOLAN:**

To a public -- not having done any research, the fact that it's a Public Benefit Corporation --

**LEG. D'AMARO:**

Right.

**MR. NOLAN:**

-- may make the difference.

**LEG. D'AMARO:**

It may.

**MR. BRAUN:**

Legislator?

**LEG. D'AMARO:**

But the point is that we don't --

**LEG. MONTANO:**

Would you allow the debate to go on between one of the Legislators and Counsel so I could follow it without interrupting? I'm sorry, Legislator D'Amaro, I apologize for that.

**LEG. D'AMARO:**

Yeah, thank you.

**LEG. MONTANO:**

But I can't hear your questions while they're trying to interject.

**D.P.O. HORSLEY:**

Okay.

**LEG. D'AMARO:**

My point is only that we don't know. I mean, we may or may not be permitted to do this. I think the policy needs to be fully vetted. I don't think it's good policy. There's no need for a CN. If the Water Authority has some properties they want to sell and we happen to have an auction coming up, it doesn't mean we just bring in a CN and ram it down through the Legislature for the sake of getting eight parcels sold for the Water Authority. This is a policy decision. There's no need for the County to rush into this, especially since this may be a bad policy decision not in the best interest of the County, and we -- it may be legally impermissible to do this. These are issues that need to be explored in committee.

**D.P.O. HORSLEY:**

Okay. Counsel, did you finish your -- okay. Legislator Gregory?

**LEG. GREGORY:**

No.

**D.P.O. HORSLEY:**

Okay. You're done, Lou, aren't you?

**LEG. D'AMARO:**

Yes.

**D.P.O. HORSLEY:**

Yeah. Okay, Legislator Montano.

**LEG. MONTANO:**

Yeah, I just want to say, first of all, you have at least two attorneys there, and your posture to me is totally inappropriate. If you were before a court, you wouldn't be hovering over the mic and you wouldn't be interrupting, you'd speak one at a time and we'd have some decorum here. And your attitude leaves a lot to be desired because you're coming in with a C of N and a letter dated yesterday and you want -- you know, to quote my colleague, you want to ram it down our throat

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and then you get indignant when we ask questions; I don't appreciate that. You said yourself you had a sufficient -- you've been kicking this around for a year. There's a thing called a calendar and you come in -- don't shake your head, Jill.

**MS. ROSEN-NIKOLOFF:**

I'm going to shake my head.

**LEG. MONTANO:**

Well, then do what you want. But you know what? Listen.

**D.P.O. HORSLEY:**

All right. One at a time.

**LEG. MONTANO:**

All right? Because you're not a member of this body.

**D.P.O. HORSLEY:**

Okay.

**LEG. MONTANO:**

So the bottom line is that I would agree with Legislator D'Amaro, I think we should send this back to committee. There are a lot of questions that we have and this C of N nonsense is getting a little bit beyond where we want to be. We need some intelligent debate, we need an opportunity to prepare and we need an opportunity to ask the questions and -- you know, you guys want to get your act together or what?

**D.P.O. HORSLEY:**

Okay.

**LEG. MONTANO:**

All right. You know what? I'm done with you.

**D.P.O. HORSLEY:**

Any further questions? Thank you, Legislator.

**LEG. D'AMARO:**

I'm going to make a motion to commit.

**D.P.O. HORSLEY:**

Legislator Anker, did you have a --

**LEG. MONTANO:**

I'm going to second it.

**LEG. ANKER:**

I apologize. I stepped out.

**P.O. LINDSAY:**

Wait a minute. Legislator Anker has the floor.

**D.P.O. HORSLEY:**

Yes, Legislator Anker.

**LEG. ANKER:**

I apologize, I stepped out for a couple of minutes. But as far as -- why is this a CN? Is this -- this is necessary to go through the process of Real Estate and this is why we're being presented a CN today?

**MR. MILAZZO:**

Just before they could answer that question. Again, on behalf of the Water Authority, the intention of the Water Authority Board was not to while anybody on the Legislature. It wasn't intended to -- with all due respect, we apologize.

The intention here was an opportunity, we thought, to share resources, make a little money for the County, get some more advertisement, more activity on Water Authority properties. If it's causing concern and it's a concern for the this board and for the Legislature, we -- we're okay if we do it maybe next year, we'll try again. It's not that important to the Water Authority. It was an idea that we thought was a good idea, but it's not an idea that the Water Authority has to have. This was an opportunity to share resources, the County would have made some revenue, it would have gotten maybe some more attraction at the County Legislature, it may have brought some people in to the County -- to the auction that wouldn't have been there. We thought it was a win/win, but the -- it was never intended to cause consternation of the Legislature.

**LEG. ANKER:**

So --

**D.P.O. HORSLEY:**

Okay. Thank you very much.

**LEG. ANKER:**

I just have a follow-up.

**D.P.O. HORSLEY:**

Oh, I'm sorry, Sarah. Go ahead.

**LEG. ANKER:**

So there's a deadline to the auction. This is why this is a CN, so you can sell property.

**MR. MILAZZO:**

Yeah. And the reason it's a CN -- and again, I'm for the Water Authority -- the way they explained it to us, and we have been working with them, is they have a booklet that has to be published and they want to include the parcels, if it's approved, in that booklet; to meet the booklet's publication deadline, it's the end of July. So backing -- back dating from the end of July, this is the only meeting of this Legislature to approve entering into the Memorandum of Understanding. If it's going to happen now and if these parcels and the contract that Legislator Kennedy was talking about and the Terms of Conditions are going to make it into the booklet, it has to be approved today. If it's not going to be in the booklet -- if it's not approved today it won't be in the booklet and then there won't be the advertisement and the deal can't go forward.

**LEG. ANKER:**

So Legislator D'Amaro, is that -- is that acceptable or no as far as --

**LEG. D'AMARO:**

Not at all.

**LEG. ANKER:**

-- why that should be --

**D.P.O. HORSLEY:**

No. We have a motion to recommit, as well as a motion to approve, so we'll go through those motions in a second.

**LEG. CILMI:**

It should be a motion to commit.

**D.P.O. HORSLEY:**

To commit, I'm sorry. Thank you. Are there anyone else that would like to speak?

**LEG. D'AMARO:**

I just want to say, you know, to my colleagues, we have to carefully think about this. Because we are trying to have a successful auction, this would put more properties into the mix that would compete against the properties we have to sell, that's a policy decision that needs to be made. That's the most important issue to me. I'm not saying ultimately it may not turn out to be something we feel we can do, but to make that decision in five minutes with an CN, when the Water Authority has probably been in existence since the 1800s, or whenever it started, and now all of a sudden five minutes before I have to make this big, momentous decision about whether to compete in my own auction with other properties with the Director of Real Estate telling me it's -- "We thought about that and it's no problem"; well, I want to think about it, if you don't mind.

So anyway, I would recommend we just commit this. We debate it like we do with every other policy decision we make and if it turns out to be something we want to approve, then let the majority prevail, but there's no need to vote on this today.

**D.P.O. HORSLEY:**

Okay, thank you very much. Legislator Cilmi.

**LEG. CILMI:**

Thanks, Mr. Chair. I just want to make a quick couple of points.

This -- it sort of underscores why CNs can be dangerous. Because I have to say, at flush blush I thought this was a creative idea, but I fully understand Legislator D'Amaro's concern here. So it's unfortunate that we're where we are right now, so close to the point at which, you know, we can or cannot get this done. But I applaud our government and the Water Authority for looking to work together on something. I would say -- I mean, obviously I guess the Water Authority has your own -- you have your own auctions that you endeavor?

**MR. MILAZZO:**

Yes, sir.

**LEG. CILMI:**

So, I mean, maybe at some point there's a reciprocal agreement where our properties that we couldn't otherwise sell could be somehow listed in your advertisement and you could help us auction as well.

**MR. MILAZZO:**

We -- if I may. The Water Authority --

**LEG. CILMI:**

You may.

**MR. MILAZZO:**

-- and the County have a long history of working together, we've worked together on land preservation programs in the 1st Legislative District, that will continue. This was a good -- what we thought, and that's why we're here and you're up there.

**LEG. CILMI:**

Right.

**MR. MILAZZO:**

We thought it was a good idea. It may be a good idea whose time hasn't come yet, and that's okay, and if I report back to my board with that message, they'll be happy.

**LEG. CILMI:**

Right.

**MR. MILAZZO:**

The key was we were trying to have a win/win for both the County and the Water Authority; it just may not be yet.

**LEG. CILMI:**

And in the end --

**MR. MILAZZO:**

And that's fine.

**LEG. CILMI:**

And in the end -- and in the end, I don't know that this would -- that having your properties in our auction book would at all impede our ability to auction our properties. But it's a question worth -- you know, worth asking among the policy makers of this County. So I agree that this should have been vetted in committee first. It's -- I understand why you brought it to us today, I understand why the Executive's Office brought it to us today, but I agree with Legislator D'Amaro in times of putting it in committee at this point.

**D.P.O. HORSLEY:**

Thank you very much, Legislator Cilmi. Legislator Kennedy.

**LEG. KENNEDY:**

Quickly, John, I think the take-away you should take from this is it probably does have some validity and merit to it. I agree with Legislator D'Amaro, you should -- first of all, I was a little concerned that you're talking about a presentation that you would make to the board, and so, in fact, you're here subject to the approval of the five board members. So you, obviously, as an attorney, know why you're expressing best interest. You don't even have the approval of your own board, so that's your issue to take away.

As to Bob, you and the division, the issue that I'd go to is is if it's okay for us to do it with the Water Authority, then there's probably about 30 entities that are here in Suffolk County that would want to beat a path to our door. Every other small water district, maybe other villages that are involved in doing different takings that might be surplus, any and all entities, we by opening the door always should be giving all and every entity a level playing field and an equal opportunity. We cannot go ahead and favor them even if there's something that would enure to us as far as our economic

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benefit. We are absolutely not going to do that right now on a CN.

So I agree with Legislator D'Amaro that, you know, the idea, the premise, the thought; glad that you're thinking about it or hearing about it, but for us it's the very first time. You have to come and bring it forward a little bit more comprehensively thought out and vetted than just, you know, we got this novel gimmick to flip over today.

**D.P.O. HORSLEY:**

Okay.

**LEG. KENNEDY:**

I'm going to support to commit to committee.

**D.P.O. HORSLEY:**

All righty, good. Thank you very much. Legislator Gregory.

**LEG. GREGORY:**

Hi. Jill?

**MS. ROSEN-NIKOLOFF:**

Yes.

**LEG. GREGORY:**

I know you said earlier that you did an analysis as to whether these parcels would be competing with our parcels. I've never been a speculator, I really don't understand what the analysis that they go through to -- you know, I assume that they have a certain amount of money to invest, and I don't know how they go about selecting which parcels they're going to invest in. But some of these parcels are significant parcels for a developer. Six acres; you know, I would imagine that if I had a million dollars or \$500,000 or whatever the case may be, I would say, "Okay, if I purchase six acres, I could put maybe, I don't know, a hundred homes on it or whatever the case maybe, or more. I won't invest in any other parcels how did you go through your analysis to say -- to come to the conclusion that in your experience as well that these parcels won't be competing with ours? Is it just strictly location?

**MS. ROSEN-NIKOLOFF:**

Yeah, it was essentially location. Look, I certainly appreciate your concerns. It was not our intention to overstep any bounds here. We thought we were presenting an opportunity. If you wish not to bring this through at this time, we certainly respect your opinion.

**D.P.O. HORSLEY:**

Okay. Thank you very much, Legislator Gregory. Legislator Hahn?

**LEG. HAHN:**

I don't want to waste the opportunity we have here, regardless of the will of the Legislature at the moment. I would like to know a little bit more about the auction process, because I certainly think it's worth discussing this, you know, idea for the future. So who attends the auctions? Are they the same buyers each time? Are they mostly the same buyers each time? Are they usually there because they have an eye on a particular property, like they've done -- they get the booklet, they do their research and they say, "*I want property C and I'm here for property C.*" Or does it work like an antique auction where you go in and you browse? Like I'm kind of -- I would imagine that they have an eye on one of the properties in the booklet and that's really why they're there.

**MS. ROSEN-NIKOLOFF:**

Yeah, that's generally the case. And then they wait for that tax map number or parcel to come up in the auction and they bid. It's done by tax map number. We get people who return to each auction each year and they buy in bulk.

**LEG. HAHN:**

Right. So, I mean, I think that as we move forward and we discuss this idea further, if it doesn't pass here today, I think we should do a little more research about why people are there, how they operate, how maybe competition would play out if it did. But also to the favoritism point that -- John, do the towns do these kinds of auctions? Could we also -- could we just collaborate -- if we determine that really there isn't necessarily competition by sharing auction services, I mean, we certainly should think it through with other entities that conduct these as well.

**D.P.O. HORSLEY:**

Okay? All right, thank you.

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

**D.P.O. HORSLEY:**

No. No, we're not. Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

Clearly, there's enough issues unresolved that this ought to go back to committee and be fully vetted. You know, I disagree, I think, actually with Legislator D'Amaro, that this would hurt our auction. It probably would help our auction by attracting more people, but we don't know, it hasn't been tested. But I want to send another concern to committee.

These are Suffolk County Water Authority parcels. Some are -- Al's got one in his district, I have one in my district, some of you have them in your district. If you buy a piece of property next to a piece that's owned by the Suffolk County Water Authority, you probably think it's preserved. You probably think it won't be developed. A lot of them are probably where wells might have gone. They might be in groundwater-sensitive places.

I'm a little bit concerned about putting our seal of approval on selling these properties if it kind of goes contrary to maybe what we believe in in terms of groundwater protection, etcetera. Certainly, and maybe they've been vetted with the towns, but the towns on the East End have the Community Preservation Fund. They may want to acquire some of these if it's a groundwater sensitive parcel. But I just want to proceed a little bit more carefully, so committee, I think, is the place to do that. And let's make sure before we say we approve of auctioning these pieces off, if they're not environmentally sensitive.

**D.P.O. HORSLEY:**

Okay. Thank you very much, Legislator. Anyone else? We're all good? Okay. We have a motion to -- a motion and second to commit, which would go first. Roll call.

**MR. LAUBE:**

Could I check? The motion was Legislator D'Amaro, second was Montano, correct?

**D.P.O. HORSLEY:**

Yes.

**MR. LAUBE:**

Thank you.

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

**LEG. D'AMARO:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. SPENCER:**

(Not Present)

**D.P.O. HORSLEY:**

No, he's not here.

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

**LEG. STERN:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. BARRAGA:**

No.

**LEG. CILMI:**

Yes.

**LEG. CALARCO:**

No.

**LEG. ANKER:**

Yes.

**LEG. HAHN:**

No.

**LEG. MURATORE:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes to commit.

**LEG. KRUPSKI:**

Yes.

**D.P.O. HORSLEY:**

Yes.

**P.O. LINDSAY:**

No.

**MR. LAUBE:**

Thirteen. (Not Present: Legislator Spencer)

**D.P.O. HORSLEY:**

Okay. It has been committed.

**COMMISSIONER DAWSON:**

Thank you.

**P.O. LINDSAY:**

Okay. We're up to Public Works and Transportation. All right. Come on, let's go, otherwise we're never going to get out of here.

**PUBLIC WORKS & TRANSPORTATION**

***1305 - Directing the Department of Public Works to assess the vulnerability of Suffolk County infrastructure to sea water rise (Hahn).***

**LEG. HAHN:**

Motion to approve.

**P.O. LINDSAY:**

Motion to approve by Legislator Hahn. Are you seconding, Legislator D'Amaro?

**LEG. D'AMARO:**

Yes.

**P.O. LINDSAY:**

We have a motion and a second. Any discussion? What does this do, Legislator Hahn?

**LEG. HAHN:**

It directs the Department of Public Works to look at all properties of a million dollars or more that are within the 100-year flood zone to address their vulnerability to rising sea waters and storm surge.

**P.O. LINDSAY:**

Okay.

**LEG. HAHN:**

And then do a report.

**P.O. LINDSAY:**

Okay. And my first question for our Commissioner is what is this going to cost us?

**COMMISSIONER ANDERSON:**

Nothing. Well, we're going to do it inhouse.

**P.O. LINDSAY:**

Okay. And we have enough personnel to do an adequate job inhouse.

**COMMISSIONER ANDERSON:**

We already began looking at it in a demonstration to the committee.

**P.O. LINDSAY:**

Okay.

**COMMISSIONER ANDERSON:**

We identified the parcels and --

**P.O. LINDSAY:**

Okay. We have a motion and a second. Legislator Montano has a question?

**LEG. MONTANO:**

Yeah, maybe to Legislator Hahn or the Commissioner. You said properties over a million dollars?

**COMMISSIONER ANDERSON:**

Correct.

**LEG. MONTANO:**

And how is that determined, or has it been determined already? I mean, how do you know what -- how do you know the difference between a property that's worth 999,000 and one million.

**LEG. SCHNEIDERMAN:**

Structures, structures, buildings.

**LEG. MONTANO:**

Excuse me?

**LEG. HAHN:**

And roadways and bridges.

**LEG. SCHNEIDERMAN:**

Infrastructure.

**COMMISSIONER ANDERSON:**

We would look at the infrastructure, look at, you know, the cost to rebuild it, what that would be based on. There's a limited amount. It's not -- and I can certainly show you the map.

**LEG. MONTANO:**

No. I'm just curious in terms of -- what I heard was properties over a million dollars.

**COMMISSIONER ANDERSON:**

Right.

**LEG. MONTANO:**

And I'm --

**COMMISSIONER ANDERSON:**

The value --

**LEG. MONTANO:**

I want to know how you know the -- are you doing appraisals; is that what you're doing?

**COMMISSIONER ANDERSON:**

No. You would basically do an analysis based on the rebuilding cost of the infrastructure on that site, whether it's a road or it's a building. So a building would have, depending on its use, would have a certain square footage cost. We would then determine --

**LEG. MONTANO:**

So you have to do an analysis of the cost of construction, and if that analysis results in a cost of construction over a million dollars, then it's applicable; is that what I'm hearing?

**COMMISSIONER ANDERSON:**

Correct.

**LEG. MONTANO:**

And how much man person, or a woman person, or person per hour?  
You know, what's the cost here? You said it doesn't cost anything --

**COMMISSIONER ANDERSON:**

Well, it's --

**LEG. MONTANO:**

-- but we got people working on it, so it's got to be a cost factor.

**COMMISSIONER ANDERSON:**

Well, it's --

**LEG. MONTANO:**

How many hours are you going to spend, you know, things like that, Gil.

**COMMISSIONER ANDERSON:**

Yeah. Again, given what we would look at, most of the sites are parks. There's a few maybe identifiable buildings within there that might be owned we'd have to look at. It's not -- I can't give you a time, I can't give you how long it will take, but it's really not that big of a lift for us to do this. We would then come up with a general plan. I'm envisioning something in a tabular form, not a whole big written, you know, 500-page report, but something more, okay, this is Smith County Park -- Smith Point Park; how would you do that, what needs to be done, you know?

**LEG. MONTANO:**

Right. And, Gil, I'm not opposed to this.

**COMMISSIONER ANDERSON:**

No, I know.

**LEG. MONTANO:**

But the only reason that I'm asking the question is that when I'm -- when I'm confronted by constituents that tell me that our roads don't look the way they should, that the grass is higher than it should be, and I tell them, "Well, we're going through a fiscal crisis," and I've called Department of Public Works and I've been told that we don't have enough people to get out there and cover

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everything, and then we're diverting resources to another project, I find that, you know, a little bit disconcerting, because, if we're not doing the basics, how do we have time to do other stuff? And I'm not saying this is a bad idea, you know, again.

**COMMISSIONER ANDERSON:**

Well, there's two issues. One, we would be doing this normally anyway. This is something we are looking at since we've survived Sandy, we've survived -- we've gone through Irene. The staffing, you know, you're looking at two different types of staffing. What you're talking about is probably more of an O and M situation, you know.

**LEG. MONTANO:**

O and M, meaning office and -- operation and maintenance?

**COMMISSIONER ANDERSON:**

Operations and -- yes, that type of thing.

**LEG. MONTANO:**

Okay.

**COMMISSIONER ANDERSON:**

Whereas, this would be more of an engineering, buildings design and construction type of, you know, project.

**LEG. MONTANO:**

Right. So the engineers have more time on their hands, but the operation and --

**COMMISSIONER ANDERSON:**

No, not at all.

**LEG. MONTANO:**

Well, you know.

**COMMISSIONER ANDERSON:**

Yeah. Look, you know --

**LEG. MONTANO:**

Bill, I'm not giving you a -- I mean, Gil, I'm sorry. You said you would do this anyway, is what I just heard; am I correct?

**COMMISSIONER ANDERSON:**

Yes.

**LEG. MONTANO:**

So --

**COMMISSIONER ANDERSON:**

This quantifies something we would do inhouse.

**LEG. MONTANO:**

So the bill really has no effect on whether you would do it, because this is something in your normal course of business that you feel that you would have to do anyway?

**COMMISSIONER ANDERSON:**

Given what we've been through, yes.

**LEG. MONTANO:**

Okay. Thank you very much, appreciate it.

**P.O. LINDSAY:**

Legislator Krupski.

**LEG. KRUPSKI:**

That was -- just to answer your question, that we went through all this with committee. And, actually, Legislator Schneiderman, it was a much lower threshold for value, and he suggested to go up to a million dollars. And then the Commissioner did say that this is something they were in the process of doing anyway. So it kind of limits even more in scope. It's important going forward, after the storms we've had. And whether the legislation goes forward or not, the work's going to get that.

**LEG. MONTANO:**

Yeah, and I'll just answer that. And I don't have a problem with this. I wasn't -- obviously, I wasn't in the committee when it was discussed, since I'm not a member of that committee. But the concerns that I -- you know, that we discussed, the dichotomy between the functions -- I do have some concerns about, well, do we have the people to do what we're supposed to be doing, and is this a diversion, and I think that was answered, and what the Commissioner said, I accept that. You know they were going to do this anyway. I don't have a problem with that. I'm sure it's a great idea, but I just want to get to the point that we know that we're diverting our resources in the right area, because they're limited as they are now and it's probably going to get worse. Go ahead, Jay. Did you want --

**LEG. SCHNEIDERMAN:**

Yeah. Those very -- you're echoing exactly the concerns I had, too, in committee.

**LEG. MONTANO:**

Okay.

**LEG. SCHNEIDERMAN:**

And why -- you know, that 100-year floodplain doesn't cover everywhere, it only covers certain areas.

**LEG. MONTANO:**

Right.

**LEG. SCHNEIDERMAN:**

By moving the threshold from \$50,000 for, you know, a piece of infrastructure capital to a million, that narrows the scope, so they're not doing this for every shed and bathroom in the County. And, originally, the bill gave them, I think, six months. We moved it to a year so that the Department would have more time. And Gil indicated that this was manageable, so we moved it out of committee to the floor.

**LEG. MONTANO:**

Thank you.

**P.O. LINDSAY:**

Okay. Moving along. So we have a motion and a second?

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**MR. LAUBE:**

That's correct.

**P.O. LINDSAY:**

All right. All in favor? Abstentions -- opposed? Abstentions?

**MR. LAUBE:**

Seventeen. (Not Present: Legislator Spencer)

**P.O. LINDSAY:**

It passed. *1467 - Appropriate planning funds in connection with the improvements to Ruland Road/Colonial Springs Road in the Town of Huntington (CP5577)(D'Amaro).*

**LEG. D'AMARO:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator D'Amaro. Do I have a second?

**LEG. STERN:**

Second.

**P.O. LINDSAY:**

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

**LEG. SCHNEIDERMAN:**

Abstention.

**MR. LAUBE:**

Sixteen. (Not Present: Legislator Spencer)

**P.O. LINDSAY:**

Same motion, same second on the accompanying Bond, *1467A*. Roll call.

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

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

Yes.

**LEG. SPENCER:**

(Not Present)

**LEG. GREGORY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. MONTANO:**

Pass me.

**LEG. CALARCO:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. SCHNEIDERMAN:**

Abstain.

**LEG. KRUPSKI:**

Yes.

**D.P.O. HORSLEY:**

Yes.

**P.O. LINDSAY:**

Yes.

**LEG. MONTANO:**

Yes.

**MR. LAUBE:**

Sixteen. (Not Present: Legislator Spencer)

**P.O. LINDSAY:**

Okay. On the accompanying -- we did the bond, okay.

On the next resolution, I've been asked by the sponsor to skip over it for a few minutes.

So we go to ***1477 - Appropriating funds in connection with the Building Safety Improvements (CP 1603)(Co. Exec.)***. Do I have a motion?

**LEG. GREGORY:**

Motion.

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**P.O. LINDSAY:**

Motion by Legislator Calarco; I'll second it. Any comments? Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen. (Not Present: Legislator Spencer)

**LEG. SCHNEIDERMAN:**

Cosponsor.

**MR. LAUBE:**

Cosponsor.

**P.O. LINDSAY:**

On the accompanying bond resolution **1477A**, same motion, same second. Roll call.

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

**LEG. CALARCO:**

Yes.

**P.O. LINDSAY:**

Yes.

**LEG. SPENCER:**

(Not Present)

**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:**

Seventeen. (Not Present: Legislator Spencer)

**P.O. LINDSAY:**

I should let everybody know, Legislator Spencer's wife had a minor fender-bender, so that's why he had to leave. All right? So that's why he isn't here.

***1478 - Appropriating funds in connection with improvements to water supply systems (CP 1724)(Co. Exec).***

**LEG. STERN:**

Motion.

**P.O. LINDSAY:**

Motion by -- who made the motion? Legislator Stern.

**LEG. D'AMARO:**

Second.

**P.O. LINDSAY:**

Second by Legislator D'Amaro. On the question, anybody? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen. (Not Present: Legislator Spencer)

**P.O. LINDSAY:**

On the accompanying bond resolution, **1478A**, same motion, same second, roll call.

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

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. SPENCER:**  
(Not Present)

**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.

**LEG. KRUPSKI:**  
Yes.

**D.P.O. HORSLEY:**  
Yes.

**P.O. LINDSAY:**  
Yes.

**MR. LAUBE:**  
Seventeen. (Not Present: Legislator Spencer)

**P.O. LINDSAY:**

Okay. *1481 - Amending the 2013 Capital Budget and Program and appropriating funds in connection with the installation of a Closed Loop Traffic Signal System on various County roads (CP 3309) (Co. Exec.).*

**LEG. SCHNEIDERMAN:**

Motion.

**P.O. LINDSAY:**

Who made the motion? Legislator Schneiderman; I'll second it. Anything on the question? Okay. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen. (Not Present: Legislator Spencer)

**P.O. LINDSAY:**

On the accompanying bond resolution, *1481A*, same motion, same second. Roll call.

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

**LEG. SCHNEIDERMAN:**

Yes.

**P.O. LINDSAY:**

Yes.

**LEG. SPENCER:**

(Not Present)

**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. KRUPSKI:**

Yes.

**D.P.O. HORSLEY:**

Yes.

**MR. LAUBE:**

Seventeen. (Not Present: Legislator Spencer)

**P.O. LINDSAY:**

Okay. *1484 - Appropriating funds for the purchase and installation of Automated Vehicle Locator (AVL) System for Suffolk County Transit Buses (CP 5648) (Co. Exec.).*

**LEG. SCHNEIDERMAN:**

Motion.

**LEG. KENNEDY:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Kennedy, seconded by Legislator Schneiderman.

**LEG. D'AMARO:**

On the motion.

**P.O. LINDSAY:**

On the motion.

**LEG. D'AMARO:**

Yeah. Just --

**P.O. LINDSAY:**

Gil.

**LEG. D'AMARO:**

Commissioner Anderson, I just wanted to ask you to briefly explain this project that's ongoing and where we're at, if you would, please.

**COMMISSIONER ANDERSON:**

The AVL Project is the Automated -- Automatic Vehicle Locating System that we're putting in all the buses and the SCAT buses. We have awarded the contract. We're in the process of actually developing the final product. That will be implemented and put into all the buses by the end of next year. This is for -- this additional funding is for warranties. Yeah, it's for -- bear with me a second. It's for six-year extended warranty and maintenance agreement.

**LEG. D'AMARO:**

On the equipment itself, right?

**COMMISSIONER ANDERSON:**

On the equipment itself. And it is 90% reimbursable by the Feds.

**LEG. D'AMARO:**

So the equipment and everything will be in place, you figure, within the next year?

**COMMISSIONER ANDERSON:**

By the end of next year it will.

**LEG. D'AMARO:**

By the end of next year?

**COMMISSIONER ANDERSON:**

Yes.

**LEG. D'AMARO:**

And what additional capability will it give transit riders?

**COMMISSIONER ANDERSON:**

Well, it basically gives realtime information on where the buses are, so now they can, you know, schedule -- you know, it's going to help our timing on arriving on time to the various bus stops. It's going to enable us to provide information to riders as to where exactly the buses are in relationship to their stop, things like that.

**LEG. D'AMARO:**

Great. Okay. Thank you, appreciate it. Thank you, Mr. Presiding Officer.

**P.O. LINDSAY:**

Legislator Hahn.

**LEG. HAHN:**

The end of next year?

**COMMISSIONER ANDERSON:**

Yeah. It's about -- it's a two-year project. To get everything implemented, we -- because it is -- it involves not only hardware, but it involves software in developing -- you know, in getting the final system that we want that's going to benefit the County. We've been working on detailing what -- we've been going through the software portion. Then we have to get into all the buses, you know, the 100-and-something transit buses, and then 150, I think, SCAT buses. Whatever the amount we have, we have to put them in, so, yeah, the end of next year. It's a two-year process. That's -- you know, we're hoping to do it sooner, but --

**LEG. HAHN:**

And by the end of next year, the bus rider will be able to know where the buses are?

**COMMISSIONER ANDERSON:**

That one I'm working on. It's my hope that we can set up something so that we will be able -- you know, they can always call, and then our staff who's on the phone can identify exactly where the bus is, how far it is away. Eventually, it would be nice to be able to have some type of app that identifies them, you know, like they have in the City, you know.

**LEG. HAHN:**

Right. That's what I was hoping this was.

**COMMISSIONER ANDERSON:**

Right.

**LEG. HAHN:**

But this is not that?

**COMMISSIONER ANDERSON:**

No. This is just to get the basic -- not basic. It's a very, very highly developed system, but, basically, to get that locating system, so we know where they are, so they know where they are, and, you know, who's what -- who's where and how long it will take to get to certain places.

**LEG. HAHN:**

I'd really love to see us move on simultaneously on the system for the riders to also benefit from that information.

**COMMISSIONER ANDERSON:**

Again --

**LEG. HAHN:**

However we can help with that.

**COMMISSIONER ANDERSON:**

Yeah. Again, we will have the ability to -- you know, if a person is at a stop and wants to know what time the next bus is, he can call the number and our operators will be able to, you know, go on the system and actually locate where the buses are. It will tell realtime information, how far those buses are from the next, you know, stop. It also provides the bus drivers the ability to make sure that they're going to be on time. So the operator of the system sees that Bus 24 is running, you know, a little bit hot, a little bit ahead of schedule. They can tell him to sit and wait for a little while at the next stop, things like that.

**LEG. HAHN:**

Thank you.

**P.O. LINDSAY:**

Okay. Everybody here is good? Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen. (Not Present: Legislator Spencer)

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**P.O. LINDSAY:**

On 1484A, same motion, same second. Roll call.

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

**LEG. KENNEDY:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. SPENCER:**

(Not Present).

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. CALARCO:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. KRUPSKI:**

Yes.

**D.P.O. HORSLEY:**

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

Okay. *1486 - Amending the map of the County Road System to remove a portion of CR 81, Long Wharf, in the Village of Sag Harbor (Co. Exec.).*

**LEG. SCHNEIDERMAN:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Schneiderman.

**LEG. CALARCO:**

Second.

**P.O. LINDSAY:**

Second by Legislator Calarco.

**LEG. HAHN:**

Does this mean we never have to hear of Long Wharf again?

*(\*Laughter\*)*

**LEG. SCHNEIDERMAN:**

The long story of Long Wharf.

**P.O. LINDSAY:**

It's a long story. Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen. (Not Present: Legislator Spencer)

**P.O. LINDSAY:**

*1487 - Appropriating funds in connection with Elevator Controls and Safety Upgrading at Various County Facilities (CP 1760)(Co. Exec.).*

**LEG. SCHNEIDERMAN:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Schneiderman.

**LEG. BROWNING:**

Second.

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**P.O. LINDSAY:**

Seconded by Legislator Browning. All in favor? Abstentions?

**MR. LAUBE:**

Seventeen. (Not Present: Legislator Spencer)

**P.O. LINDSAY:**

Seventeen? Same motion, same second on the accompanying bond, 1487A. Roll call.

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

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. SPENCER:**

(Not Present)

**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. KRUPSKI:**

Yes.

**D.P.O. HORSLEY:**

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Seventeen. (Not Present: Legislator Spencer).

**P.O. LINDSAY:**

Okay. We skipped one bill, 1458.

**MR. NOLAN:**

Sixty-eight.

**P.O. LINDSAY:**

Sixty-eight. Where is it?

**MR. NOLAN:**

Page 10.

**P.O. LINDSAY:**

Page 10, down at the bottom. *(1468) Enhancing affordability, predictability and transparency by implementing a new Impact Assessment Fee Schedule.*

**LEG. CILMI:**

Mr. Chairman, I'm going to make a motion to table on this. The Commissioner and I were just speaking, and there's something that has to be tweaked before we vote on it. So I'll make a motion to table for this cycle and then we'll redress it at our next meeting.

**LEG. MONTANO:**

Second.

**P.O. LINDSAY:**

Seconded by Legislator Montano?

**LEG. MONTANO:**

Yeah.

**P.O. LINDSAY:**

Okay. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen. (Not Present: Legislator Spencer)

**P.O. LINDSAY:**

It stands tabled. *1488 - Appropriating funds in connection with Roof Replacement on Various County Buildings (CP 1623)(Co. Exec.).*

**LEG. MONTANO:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Montano.

**LEG. CALARCO:**

Second.

**P.O. LINDSAY:**

Calarco. I'm sorry.

**LEG. MONTANO:**

No, I made the motion, Calarco seconded.

**P.O. LINDSAY:**

Okay. Did you get that, Mr. Clerk?

**MR. LAUBE:**

I did.

**P.O. LINDSAY:**

Okay. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen. (Not Present: Legislator Spencer)

**P.O. LINDSAY:**

Same motion, same second on the bond, 1488A. Roll call.

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

**LEG. MONTANO:**

Yes.

**LEG. CALARCO:**

Yes.

**LEG. SPENCER:**

(Not Present)

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. CILMI:**

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:**

Seventeen. (Not Present: Legislator Spencer)

**P.O. LINDSAY:**

*1497 - Appropriating funds in connection with the purchase of Public Works Highway Maintenance Equipment and authorizing an increase in the fleet by six snow ready vehicles (CP 5047) (Co. Exec.).*

**LEG. BROWNING:**

Motion.

**LEG. CALARCO:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Calarco.

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**LEG. BROWNING:**

I'll second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen. (Not Present: Legislator Spencer)

**P.O. LINDSAY:**

Okay. Same motion, same second on the accompanying bond, 1497A. Roll call.

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

**LEG. CALARCO:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. SPENCER:**

(Not Present)

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. KRUPSKI:**

Yes.

**D.P.O. HORSLEY:**

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Seventeen.

**WAYS & MEANS**

**P.O. LINDSAY:**

Okay. Ways and Means: ***1436 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Steven M. McDonald and Marie McDonald, his wife (SCTM No. 0100-204.00-02.00-052.000)(Co. Exec.).***

**LEG. D'AMARO:**

Motion.

**P.O. LINDSAY:**

Motion by who?

**LEG. D'AMARO:**

D'Amaro.

**P.O. LINDSAY:**

Legislator D'Amaro.

**LEG. CILMI:**

Second.

**P.O. LINDSAY:**

Second by Legislator Cilmi. Okay. We have a motion and a second.  
All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Sixteen. (Not Present: Legislators Spencer and Montano)

**P.O. LINDSAY:**

***1437 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Steven M. McDonald and Marie McDonald, his wife (SCTM No. 0100-204.00-02.00-053.000)(Co. Exec).***

**LEG. D'AMARO:**

Motion.

**P.O. LINDSAY:**

This is a different bill, it's 1437.

**LEG. D'AMARO:**

Motion.

**P.O. LINDSAY:**

Same motion, same second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Sixteen. (Not Present: Legislators Spencer and Montano)

**P.O. LINDSAY:**

Okay. *1453 - Confirming the appointment of Carl J. Copertino as District Court Judge for and of the Second District to fill a vacancy (Co. Exec.).*

**LEG. D'AMARO:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator D'Amaro; I'll second it. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Sixteen. (Not Present: Legislators Spencer and Montano)

**P.O. LINDSAY:**

*1454 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Giorgio Mario Faldetta (SCTM No. 0200-337.00-01.00-044.005)(Co. Exec.).* Do I have a motion?

**LEG. D'AMARO:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator D'Amaro.

**LEG. BARRAGA:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Sixteen. (Not Present: Legislators Spencer and Montano)

**P.O. LINDSAY:**

*1457 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Bernadette Parks (SCTM No. 0200-479.00-03.00-011.000)(Co. Exec.).*

**LEG. D'AMARO:**

Motion.

**P.O. LINDSAY:**

Okay. I'll second it.

**LEG. D'AMARO:**

Usually this is on the Consent Calendar. I'm not sure why it's not.

**P.O. LINDSAY:**

Yeah, I don't --

**MR. NOLAN:**

One Legislator asked that it not appear on the Consent Calendar, that's why it came off.

**LEG. D'AMARO:**

Okay. Thank you.

**P.O. LINDSAY:**

Okay.

**LEG. D'AMARO:**

All right. So motion to approve.

**P.O. LINDSAY:**

Okay. Motion to approve; I'll second it. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Sixteen.

**LEG. CALARCO:**

Opposed.

**LEG. BROWNING:**

Opposed.

**MR. LAUBE:**

Fourteen. (Not Present: Legislators Spencer and Montano)

**P.O. LINDSAY:**

Okay. 1466.

**MR. LAUBE:**

Oh, wait, hold on.

**LEG. HAHN:**

On 1457.

**P.O. LINDSAY:**

Did you call the vote?

**MR. LAUBE:**

I did call the vote, but you want to --

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**LEG. CILMI:**

I was on the winning side. I'll make a motion to reconsider.

**LEG. ANKER:**

I'll second it.

**P.O. LINDSAY:**

Okay. We have a motion to reconsider and a second. Just out of curiosity, I'll find out why. But we have a motion before us to reconsider. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Sixteen. (Not Present: Legislators Spencer and Montano)

**P.O. LINDSAY:**

Okay. So it's been -- the motion to reconsider carried, so 1457 is back before us. Maybe someone could enlighten.

**LEG. CALARCO:**

The short of it is, is that this --

**P.O. LINDSAY:**

You don't want to be enlightened on the record, is that it?

**LEG. CALARCO:**

This particular individual -- no, I have no problem putting it on the record. This particular individual owns a number of homes in the Gordon Heights community and she's known as a slumlord.

**P.O. LINDSAY:**

Okay.

**LEG. CALARCO:**

She rents them out to oftentimes 30 people in a home. She takes these -- she's one of these sober home operators who will take in the County DSS people and just pack them into the house with no regards to the effects of the neighborhood. So, while she may have the ability to redeem her property as of right, I'm not one who wants to vote for it.

**LEG. BROWNING:**

And, Bill, on another note, this isn't the first time that this has come. She's clearly getting money from DSS to pay for the rents for the tenants, but she's not paying her taxes, and then we have this Local Law 16. So this isn't the first time this has come through with her.

**MR. NOLAN:**

I would only say that we refer to these as redemptions as of right. Even though the Legislature doesn't have to approve it, I can't think of a case where we haven't approved a Local Law 16. And sometimes the people are not the most savory people, but they made the application within the redemption period. That's the way we treat everybody as a general rule of thumb.

**LEG. KRUPSKI:**

Bill, over here.

**P.O. LINDSAY:**

Legislator Krupski, and then D'Amaro.

**LEG. KRUPSKI:**

What, if any, are our options here? If we deny the redemption, what is the next step?

**MR. NOLAN:**

There'll be no next step for us. If we defeat it, the person who's denied, they can seek their remedies.

**LEG. KRUPSKI:**

What remedies?

**MR. NOLAN:**

I think the only thing would be to go to court, I suppose.

**LEG. KRUPSKI:**

Well, then, if the County prevails, the County would own the property?

**P.O. LINDSAY:**

We own the property now.

**LEG. BROWNING:**

She's in the redemption period.

**MR. NOLAN:**

We're taking a tax deed to this property?

**LEG. KRUPSKI:**

Huh?

**MR. NOLAN:**

We're taking a tax deed. We're allowing them to redeem. If they make their application within six months of the County taking a tax deed, those are Local Law 16 redemptions. We do them typically as a matter of right. They typically appear on the Consent Calendar, but a Legislator did ask it to be removed from the Consent Calendar, that's why it's before us. You know, I -- this did come up one time previously with another person who had -- was very litigious, had sued the County many, many times. We ended up redeeming the -- they ended up redeeming the property after a lot of back and forth. That's all I can tell you.

**P.O. LINDSAY:**

Okay. Legislator D'Amaro.

**LEG. D'AMARO:**

Thank you. I would assume that by virtue of the fact that the Local -- that the 16 is before us, that the procedures were properly adhered to by the applicant. So they met all the statutory and other criteria that would be applied to get to this point.

So I want to ask Counsel, before deciding on how to vote, whether or not -- is it permissible for the Legislature to consider or base our decision on this bill based on someone's reputation within the community, or even if they have convictions for violating housing codes? I mean, are these valid bases to vote against this bill?

**MR. NOLAN:**

Well --

**LEG. D'AMARO:**

Because I don't want to put myself in a position of exercising discretion in an area where I have none, and discriminating against an individual inappropriately. Although they may not be someone that you'd want to befriend, I'm not sure that's a valid criteria, and I don't want to put myself in that position.

**MR. NOLAN:**

The Legislature has the discretion. It's not mandatory that we approve the resolution that's before us. The Local Law 16 language doesn't really say what criteria should be used by the Legislature. I guess a Legislator can consider anything they want, anything they think is relevant in making a decision on a resolution that's before them.

**P.O. LINDSAY:**

I just -- along the same lines, why ask me to vote, then? Why ask me to vote if I don't have a right to vote on it?

**LEG. D'AMARO:**

Well, you can ask -- you can be asked to vote if you're applying the proper criteria. So I just want to make very sure, because I've heard some assertions by some of my colleagues today, and as a valid basis, to say no to this particular resolution, and I want to make sure we're within that discretion.

**P.O. LINDSAY:**

I understand that.

**LEG. D'AMARO:**

Yeah.

**P.O. LINDSAY:**

Okay. Tom, did you want to say something?

**MR. VAUGHN:**

Mr. Presiding Officer, I would just offer that I was under the same impression that Legislator D'Amaro was, was that everything was proper and had been filed to the letter of the law. That being said, the Real Estate Department would be the best entity on which to comment upon that. They are not here tonight, and we would be happy to entertain a tabling motion to have them come testify that everything has been done according to spec.

**LEG. SCHNEIDERMAN:**

Motion to table.

**P.O. LINDSAY:**

Okay. Legislator Montano?

**LEG. MONTANO:**

Yeah. I tend to -- not I tend, but I agree that this is as of right, Legislator Krupski. While I may not like what is being done, while I may not -- while I may feel that somebody is gaming the system, applying the laws, you know, in a way that someone else might feel offended by, the fact remains that the person who's -- it is of right. The person has the right to redeem it, that's the law, and I don't want to be in a position of abusing my discretion, subjecting the Legislature and the County Attorney's Office to litigation. I don't know if they litigate. I think they would be -- I'm sure that they would be successful, because it is as of right. We may subject ourselves to attorney fees for, you know, unsuccessfully litigating.

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And while I don't approve of this, the fact is that they're paying the penalties and they're paying substantial interest. If that's the way they want to run their business, there's not a whole lot that I want to get involved in. And I really don't want to be kicking this around, because as of right means as of right. You want to -- you pay the penalties, you know, you don't pay your taxes on time -- I think they're paying 2% a month; am I correct, George? I mean, under normal standards, it would be usury. But the penalties are high and the interest is high, so if they want to pay it, hey, knock yourself out, you know. But if you missed the six-month period, it's not as of right, and then you're in a different category.

So I would rather just get this off the calendar, not kick it around. I've dealt with this many times when we've been in -- you know, at Ways and Means. That's my assessment of it. I wouldn't even waste my time debating it, to be honest with you. I've said all I've -- you know.

**LEG. KRUPSKI:**

Thank you.

**P.O. LINDSAY:**

Okay. Ladies, you asked that this be reconsidered, and we voted to have it reconsidered. It's back before us, but I don't think we -- Mr. Clerk, do we have another motion?

**MR. LAUBE:**

No, not at this time.

**P.O. LINDSAY:**

What is your motion? Do you want to approve it now? Do you want to make the point to vote on it and register a protest vote, or do you want to --

**LEG. ANKER:**

I'll make a motion to table it and send it back, I guess.

**P.O. LINDSAY:**

You want to recommit it to committee?

**LEG. ANKER:**

Yeah.

**LEG. NOWICK:**

Why?

**LEG. D'AMARO:**

Bill.

**P.O. LINDSAY:**

Motion to commit it? Okay.

**LEG. ANKER:**

And I'll say why, because Legislator D'Amaro has concerns there may be some legal, you know --

**LEG. MONTANO:**

No, his concerns are on the other side.

**LEG. D'AMARO:**

I'm not seconding that motion.

**P.O. LINDSAY:**

Okay.

**LEG. D'AMARO:**

I want to make my own motion to approve, and when I have a second on the motion, I'll say why.

**LEG. MONTANO:**

I'll second the motion to approve, not because I like it, but because I think it's the proper motion.

**LEG. D'AMARO:**

Well, and I also think, if I may be recognized for a moment --

**P.O. LINDSAY:**

Well, I just want to -- you ladies still want to go through with the motion to table or commit?

**LEG. HAHN:**

No. This is helpful. I want to hear this. I'm not sure whether I am.

**P.O. LINDSAY:**

Okay. You don't know what you want to do with it.

**LEG. D'AMARO:**

Yeah, fair enough.

**P.O. LINDSAY:**

Legislator D'Amaro.

**LEG. D'AMARO:**

Well, I just -- you know, my thoughts, again, I already stated. But one other thought is that based on some of the assertions that we heard during the debate on this bill, it's almost punitive in nature what we're doing here, and I am not going to put myself in that position. There are -- there are laws, there are enforcement mechanisms. If someone is doing something in violation of housing codes or any other code, there are ways to remedy that. I do not view my vote here today as punitive in nature, and it's not something that I should be doing without a judge and jury and a trial.

So, again, I just -- I think we should approve this. If you have issues in the community with a particular individual, and I know I do it in my district, too, but this is not the way to address those issues. And I think not only is it not the way to address those issues, but I think you're opening up a can of worms by doing that and going down a road that you don't want to go down. And we've done this in the past and we wound up approving it at the end of the day anyway, just for those reasons.

**P.O. LINDSAY:**

Go ahead, Legislator Anker.

**LEG. ANKER:**

And that's why I think it's more we recommit or bring it back to committee. This way, you know, if Jill wants to talk about it, you know, she has the understanding of what's legal and what's not legal, what's appropriate and not. Tom, would you like to comment on this?

**MR. VAUGHN:**

Yes, ma'am. I don't think that Ms. Rosen-Nikoloff has anything else to add to this. I believe, as the Legislator believed -- I wouldn't have filed it if I didn't think that we had done it right in the first

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place. But what I'm simply saying is that if my word on that is not sufficient enough, I completely understand that, and would be happy to bring the Director back to the meeting, if that's what -- if that is the will of this body.

**LEG. ANKER:**

Right. I'm just afraid that she has some issues with, you know, the housing, and there may be -- that may not have been fully vetted with the process.

**MR. VAUGHN:**

I would -- actually, Legislator Anker, I would venture to say that Ms. Rosen-Nikoloff didn't look at the housing, because that has nothing to do with this issue. I certainly understand the concerns of the Legislators who have this, you know, individual in their community. It does not sound like the type of house that any of us would like to be living next door to, and I certainly, you know, can respect that. But that being said, she is given a specific task and a specific criteria to look at. It's my understanding that this bill meets that criteria, and that's why we brought it forward.

**LEG. ANKER:**

Yeah. And maybe we should come up with different criteria, especially, you know -- and I'll say this, you know, because it's not right for people to rent housing that's inadequate for people who have low income. And I worked for Connie Keppert in the Town of Brookhaven and this individual was a -- you know, she was a red flag quite often, and it just -- you know, again, I think this needs to be -- this whole process needs to be looked at in addressing this type of issue.

**P.O. LINDSAY:**

Okay. So where are we? We have a motion to --

**MR. LAUBE:**

All you have right now is a motion and a second to approve.

**P.O. LINDSAY:**

To approve?

**MR. LAUBE:**

Uh-huh.

**P.O. LINDSAY:**

No. We had a motion to commit.

**MR. NOLAN:**

No second.

**P.O. LINDSAY:**

No second.

**LEG. NOWICK:**

Legislator D'Amaro made the motion to approve, and Montano seconded it.

**LEG. MONTANO:**

Yes, I seconded it.

**P.O. LINDSAY:**

Okay. We have a motion hanging out there to commit. Is anybody interested in seconding Legislator Anker's motion to commit?

**LEG. ANKER:**

Okay. I'll withdraw my motion to commit.

**P.O. LINDSAY:**

Okay.

**LEG. ANKER:**

And we'll go forward. But, again, I just want the Legislators to be aware --

**P.O. LINDSAY:**

Okay.

**LEG. ANKER:**

-- that this situation, evidently, has arisen in the past; is that true? Do you remember having this type of situation before?

**P.O. LINDSAY:**

Yeah, yeah, we had this this year. We were -- the audience was loaded with people from the community, and we voted almost unanimously not to go through with this process, and we were sued and we lost.

**LEG. HAHN:**

I have a question.

**P.O. LINDSAY:**

Yeah.

**LEG. HAHN:**

So, but if it's true that this -- that the same individual has gone through this process on more than one occasion, we don't know that is what you're saying. Okay. If that were true, I mean, could there be some sort of gaming of the system going on, that maybe we need to create a process by which, you know, we don't make it as of right in those scenarios?

**P.O. LINDSAY:**

Well, I think --

**LEG. HAHN:**

I kind of understand the legalese going on here, and that we really need to vote for this, even though this isn't the forum to argue what she does personally and in the house, etcetera, but if there's a gaming of the system that's going on that in some way we should address --

**P.O. LINDSAY:**

Well, I think somebody has to do some more work on it.

**LEG. NOWICK:**

I'm sorry, but I have to ask one question.

**D.P.O. HORSLEY:**

Okay.

**LEG. NOWICK:**

I hate to do that at this hour, because it's an easy agenda.

**P.O. LINDSAY:**

What?

**LEG. NOWICK:**

Just a quick question. The woman that you're talking about, when she has these homes and she's a red flag, is she doing something illegal?

**LEG. ANKER:**

I don't know.

**LEG. CALARCO:**

The problem with these houses is the same problem a lot of us have dealt with with these sober homes. Is she doing anything illegal? Sometimes her properties have a little more people living in them than they're allowed by Town Code. She may not have rental permits. Those are very difficult things sometimes for the Town to be able to prosecute, so that's some of the problem, when she's got the drug users running through the property, because she's not exactly a sober home. She's just cramming people into her houses. Is that legal or not? Well, it's not really legal, but it's a very hard thing to deal with.

And in the community in Gordon Heights, where they've got not just this woman, but a couple of other operators who are doing this, you have four or five people who own probably 30 houses throughout the community, and that is just having a horrible effect on this otherwise very nice middle class neighborhood. And they're just getting the effects of this by having 50-plus sex offenders living in it, because Bernadette will take every sex offender that comes her way to put into these houses. When they have an overabundance of people who are DSS recipients, it is a very difficult thing for a community that's only two square miles to handle.

So some of what she's doing is probably illegal. We try to deal with it as best as we can, but it's very hard for the Town to be able to do that in an effective manner when you're talking about so many properties, so -- and she just doesn't care because it's a money-maker. You put 30 people making 450 bucks each for a month and you're going to make a pretty big profit.

**P.O. LINDSAY:**

Does that answer your question?

**LEG. NOWICK:**

Yeah, it does, but I can't help thinking, if this does go through, you might want to -- I don't want to say like give her a hard time and make the police presence there very -- unless you do that already there, I don't know.

**LEG. CALARCO:**

We do, and we have a pretty good program that we're putting in place up there to deal with not just her houses, but all of the houses up there that are of this nature, but it takes time.

**LEG. NOWICK:**

It does take time.

**P.O. LINDSAY:**

Okay. Legislator Cilmi.

**LEG. CILMI:**

Just a related question. It doesn't look like there's anybody here that could answer this, but as far as putting a dozen or more DSS recipients in the same house, isn't there a way that Social Services

can control that?

**LEG. CALARCO:**

We have been down that alley many, many times. Unfortunately, when these people are not receiving -- they're not emergency placements. We're not putting them in the home, we're just giving them a voucher that says, "Here you go, go find a place to stay." We can't dictate to them where to go stay. So, if they get 20 of them who decide to go stay in the same place, because Bernadette goes and sends fliers out at the DSS, well, so be it. The DSS can't tell them they cannot do that, and that's State law. Legislator Browning, Legislator Romaine before, they put in numerous resolutions to deal with the problem, and every time the State Health Department says, "No, you can't implement that."

**LEG. CILMI:**

So DSS can't pre-qualify --

**LEG. BROWNING:**

No.

**LEG. CALARCO:**

No.

**LEG. CILMI:**

-- locations for people to stay?

**LEG. CALARCO:**

No.

**LEG. BROWNING:**

Well, that's part of my RFQ for qualifying sober homes and what I have been doing. And, actually, there's State legislation right now, and, from what I'm hearing, it's not doing well in the Assembly, surprise, but regarding sober homes. But, you know, again, everything is -- it's State law. And Department -- Suffolk County Department of Social Services, believe me, are very much behind everything I've been doing, everything we're doing, but they're bound by State laws.

**LEG. CILMI:**

Maybe the State ought to just take over the administration of Social Services altogether.

**LEG. BROWNING:**

Works for me, works for me.

**LEG. KRUPSKI:**

Second.

*(\*Laughter\*).*

**P.O. LINDSAY:**

Legislator Gregory.

**LEG. GREGORY:**

Thank you, Mr. Chair. And I appreciate the concerns that have been expressed, but I would agree with Legislator D'Amaro's sentiments, that, you know, this is going down a dangerous path. We're, in effect, establishing standards *expo facto* to the property owner, you know, meeting the stated guidelines and requirements. We're putting a certain threshold on there that the property owner has

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not -- has not been made aware of, and we're, in essence, discriminating against this property owner. That's not fair and it's not right. If you want to change the system and the mechanism for which people redeem their properties and hold them to a certain standard, we can do that, but this is not the time nor place to do that, and I suggest that we go forward.

**P.O. LINDSAY:**

Okay. So, again, we have a motion to approve, that's where we are. We have a motion to approve and a second.

**MR. LAUBE:**

That's correct.

**P.O. LINDSAY:**

Okay. All in favor? Opposed?

**LEG. HAHN:**

Opposed. I'm opposed.

**LEG. SCHNEIDERMAN:**

Abstain.

**P.O. LINDSAY:**

Roll call. Let's do a roll call.

**MR. LAUBE:**

Thank you.

**LEG. D'AMARO:**

This is to approve?

**P.O. LINDSAY:**

To approve.

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

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. NOWICK:**

To approve, this is what we're doing, approve?

**LEG. MONTANO:**

If I may, this is the motion to approve.

**MR. LAUBE:**

Yes.

**LEG. MONTANO:**

Made by Legislatoꝛ D'Amaro?

**MR. LAUBE:**

Yes.

**LEG. MONTANO:**

And I second it, right?

**MR. LAUBE:**

Yes. So Legislatoꝛ Montano. Let me come back again.

**LEG. MONTANO:**

Yes.

**MR. LAUBE:**

Then Stern, Gregory.

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

**LEG. NOWICK:**

No.

**LEG. KENNEDY:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. CILMI:**

Abstain.

**LEG. CALARCO:**

No.

**LEG. ANKER:**

No.

**LEG. HAHN:**

Abstain.

**LEG. MURATORE:**

No.

**LEG. BROWNING:**

No.

**LEG. SCHNEIDERMAN:**

Can I make a motion to a table?

**LEG. MONTANO:**

Second. And I second it.

**LEG. SCHNEIDERMAN:**

I'm going to make a motion to table. This is ridiculous.

**P.O. LINDSAY:**

Okay.

**LEG. HAHN:**

Second.

**LEG. MONTANO:**

Second. I second.

**P.O. LINDSAY:**

Okay. We have a motion to table in the middle of the roll call.

It's okay.

**LEG. SCHNEIDERMAN:**

It's really going to fail.

**P.O. LINDSAY:**

Huh?

**LEG. SCHNEIDERMAN:**

It was heading toward failure. I'd rather see it tabled.

**P.O. LINDSAY:**

Okay. Yeah, I'd rather not deal with it the rest of tonight, too.

**LEG. ANKER:**

Can I ask a question? Now, is that because there are legal issues? If this bill fails, what happens?

**P.O. LINDSAY:**

We're heading down the road towards a lawsuit.

**LEG. D'AMARO:**

Right. Through the Chair.

**P.O. LINDSAY:**

Nobody wants to take that vote. Nobody wants to take that vote.

**LEG. SCHNEIDERMAN:**

That's why I think we ought to have an executive session.

**LEG. D'AMARO:**

Right.

**LEG. SCHNEIDERMAN:**

That's why we should table it.

**LEG. D'AMARO:**

Right, I agree.

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**LEG. SCHNEIDERMAN:**

And not necessarily defeat it. Let's hear from Real Estate, as was suggested, and let's hear from the County Attorney, and then let's make a decision.

**LEG. D'AMARO:**

A sober decision.

**P.O. LINDSAY:**

Okay.

**LEG. SCHNEIDERMAN:**

A sobering thought.

**P.O. LINDSAY:**

Okay. We have a motion by Legislator Schneiderman to table. Do I have a second?

**LEG. MONTANO:**

I seconded it.

**P.O. LINDSAY:**

All right. All in favor? Opposed? Abstentions?

**LEG. D'AMARO:**

Opposed.

**LEG. GREGORY:**

Opposed.

**LEG. KENNEDY:**

Opposed.

**LEG. BARRAGA:**

Opposed.

**LEG. CALARCO:**

Opposed.

**LEG. KRUPSKI:**

Opposed.

**P.O. LINDSAY:**

To tabling?

**LEG. SCHNEIDERMAN:**

Roll call on the tabling.

**MR. LAUBE:**

Roll call?

**P.O. LINDSAY:**

Roll call.

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

**LEG. SCHNEIDERMAN:**

Yes to table.

**LEG. HAHN:**

Yes.

**LEG. SPENCER:**

(Not Present)

**LEG. D'AMARO:**

No.

**LEG. STERN:**

No.

**LEG. GREGORY:**

No.

**LEG. NOWICK:**

Yes.

**LEG. KENNEDY:**

No.

**LEG. BARRAGA:**

No.

**LEG. CILMI:**

No.

**LEG. MONTANO:**

Yes.

**LEG. CALARCO:**

No.

**LEG. ANKER:**

Yes.

**LEG. MURATORE:**

No to table.

**LEG. BROWNING:**

Yes to table.

**LEG. KRUPSKI:**

No to table.

**D.P.O. HORSLEY:**

Yes. Bust her chops.

**P.O. LINDSAY:**

To table. No, I'll vote yes to table.

**MR. LAUBE:**

Eight. (Not Present: Legislator Spencer)

**LEG. SCHNEIDERMAN:**

Tabling fails.

**LEG. D'AMARO:**

Okay. Motion to approve.

**MR. NOLAN:**

We're in the middle of a -- we're in the middle of a roll call.

**LEG. D'AMARO:**

I apologize.

**P.O. LINDSAY:**

No. He called it already.

**MS. ORTIZ:**

He called it.

**LEG. SCHNEIDERMAN:**

All right. I'll abstain. Are you on the roll call?

**MR. LAUBE:**

All right. So the tabling motion fails.

**LEG. SCHNEIDERMAN:**

Back to the roll call.

**MR. LAUBE:**

Pick up the roll call where we left off?

**P.O. LINDSAY:**

Yeah.

**MR. LAUBE:**

Yes? Okay.

**P.O. LINDSAY:**

Go ahead.

**MR. LAUBE:**

I'll pick it up where I left off.

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

**LEG. SCHNEIDERMAN:**

Abstain.

**LEG. KRUPSKI:**

The vote to approve the resolution as advertised?

**MR. NOLAN:**

Yes.

**LEG. KRUPSKI:**

Yes.

**LEG. MONTANO:**

Point of information. If we -- if we don't approve it, it dies?

**LEG. BROWNING:**

Yeah.

**LEG. CALARCO:**

Of course.

**LEG. MONTANO:**

You want to do that?

**LEG. KRUPSKI:**

No. That's why I voted yes.

**LEG. MONTANO:**

No, I didn't mean you. I'm sorry. I'm talking about as a body.

**LEG. KRUPSKI:**

Me, too.

**MR. LAUBE:**

I'm still on Legislator Krupski.

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

**LEG. KRUPSKI:**

Yes to approve.

**D.P.O. HORSLEY:**

No.

**MR. LAUBE:**

Seven. (Not Present: Legislator Spencer)

**P.O. LINDSAY:**

Okay. Heading down the road to another lawsuit.

*(\*Laughter\*)*

**LEG. KRUPSKI:**

There's an expression for this, but I can't say it in front of the ladies.

**P.O. LINDSAY:**

Okay. We've got 1466. Come on, folks, let's go. We're down to four.

***(1466)Repealing Resolution No. 157-2013 and repealing Resolution No. 158-2013 and amending the 2013 Capital Budget and Program and appropriating funds in connection with Optical Disk Imaging System (CP 1751)(Presiding Officer).***

**LEG. KENNEDY:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Kennedy, and I'll second it. Anything on the motion? No? Okay. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen. (Not Present: Legislator Spencer)

**P.O. LINDSAY:**

Okay. The accompanying bond resolution, same motion, same second. Roll call.

**MR. NOLAN:**

There's no bond.

**MR. LAUBE:**

Legislator Kennedy.

**MR. NOLAN:**

Hold on one second. There is a bond?

**P.O. LINDSAY:**

There is a bond listed there.

**MR. NOLAN:**

I apologize.

**P.O. LINDSAY:**

Go ahead.

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

**LEG. KENNEDY:**

Yes.

**P.O. LINDSAY:**

Yes.

**LEG. SPENCER:**

(Not Present)

**LEG. D'AMARO:**

This is 1466A?

**MR. LAUBE:**

Correct.

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. MONTANO:**

Pass me.

**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.

**LEG. MONTANO:**

Yes.

**MR. LAUBE:**

Seventeen. (Not Present: Legislator Spencer)

**P.O. LINDSAY:**

Okay. *1482 - Authorizing the renewal of the lease of premises located at 3105 Veterans Memorial Highway, Ronkonkoma, NY for use by Fifth District Court (Co. Exec.).*

**LEG. KENNEDY:**

Motion.

**LEG. D'AMARO:**

Motion.

**P.O. LINDSAY:**

Who made the motion?

**LEG. NOWICK:**

John.

**P.O. LINDSAY:**

Legislator Kennedy, seconded by Legislator Horsley, how's that?

**LEG. KENNEDY:**

Sure.

**P.O. LINDSAY:**

Okay? We have a motion and a second. Anything on the question? Hearing none, all in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen. (Not Present: Legislator Spencer)

**P.O. LINDSAY:**

*1491 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Stephen Mazza and Lori Mazza, his wife (SCTM No. 0500-257.00-01.00-048.000)(Co. Exec.).*

**LEG. D'AMARO:**

I'll offer a motion to commit. This is not a slumlord.

**P.O. LINDSAY:**

Motion to approve.

**LEG. D'AMARO:**

Motion to approve, yeah.

**P.O. LINDSAY:**

Okay. And I'll second it. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen. (Not Present: Legislator Spencer)

**P.O. LINDSAY:**

*Home Rule Number 8 - 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)(Co. Exec.).*

**LEG. D'AMARO:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator D'Amaro.

**LEG. MURATORE:**

Second.

**P.O. LINDSAY:**

Second by Legislator Muratore. All in favor?

**LEG. CILMI:**

On the motion. On the motion. I'm sorry. George, could you just explain this real quick?

**MR. NOLAN:**

This is a Home Rule Message that's applicable only to the Town of Islip. For a number of years, the State law has capped the amount of taxes which can be shifted from one class to another to 1%. In the Town of Islip, it allows them to do that. This would continue that for another year. This comes out at the request of the Islip Assessor's Office.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen. (Not Present: Legislator Spencer)

**P.O. LINDSAY:**

Okay, it passed. Okay. Did we do the -- did we do fifteen-fifty --

**D.P.O. HORSLEY:**

1558, yeah, that one we did.

**P.O. LINDSAY:**

Okay. Let's do the red packet. **1451 - Approving the appointment of Anthony Sullo** -- oh, we did this one, didn't we?

**MR. NOLAN:**

No.

**P.O. LINDSAY:**

Oh, we didn't? **As a member of the Suffolk County Fire, Rescue and Emergency Services Commission.** Do I have a --

**LEG. BROWNING:**

Motion.

**P.O. LINDSAY:**

Do I have a motion?

**LEG. BROWNING:**

I'll make that motion.

**P.O. LINDSAY:**

Motion by Legislator Browning.

**LEG. BROWNING:**

This is the one that we had to get the CN on because it was an appointment, not reappointment, or vice versa.

**MR. VAUGHN:**

Actually, Legislator Browning, we did need a CN on this one.

**LEG. BROWNING:**

Oh.

**MR. VAUGHN:**

And the thing that needed to be clarified, and this was at the request of the Presiding Officer's Office, we needed to list the previous incumbent's name in the legislation and we had not done that.

**LEG. BROWNING:**

Ah, okay.

**MR. VAUGHN:**

The only way to amend the bill after the amended copy deadline was to use the Certificate of Necessity, and that's what we did. And Mr. Sullo was at the committee and was vetted by the committee.

**LEG. BROWNING:**

Yeah, he was at committee and he was vetted, he's good.

**P.O. LINDSAY:**

So we have a motion and a second.

**MR. LAUBE:**

Who was the motion and second again?

**LEG. BROWNING:**

From Babylon.

**LEG. MONTANO:**

On the motion.

**P.O. LINDSAY:**

To approve 1451, Anthony Sullo, by Legislator Browning, and seconded by Legislator Horsley.

**MR. LAUBE:**

Thank you.

**LEG. MONTANO:**

On the motion.

**P.O. LINDSAY:**

On the motion.

**LEG. MONTANO:**

Yeah. I just want to put on the record, I have no opposition to this bill, and I'm going to support it, but to put in the C of N because you passed the deadline to amend is really not what a C of N is for, unless you can explain to me --

**P.O. LINDSAY:**

No, it's a screw-up by this office. We screwed it up, Rick.

**LEG. MONTANO:**

Okay. So there are extenuating circumstances, but it doesn't look good to say, "We need a C of N because we missed the deadline."

**P.O. LINDSAY:**

Well, there's sometimes --

**MR. VAUGHN:**

That wasn't what I said, Legislator Montano.

**LEG. MONTANO:**

What was that?

**MR. VAUGHAN:**

I said I don't believe that that's what I said. There was a request by the Presiding Officer to please clarify the legislation. That request came to us after the amended copy deadline had been approved. Our original intention was to have the bill tabled in committee. However, Mr. Sullo was at committee and it didn't seem fair to ask him to come back.

**LEG. MONTANO:**

And I concur in that. I'm just pointing out that -- you know what, it will pass.

**P.O. LINDSAY:**

Good. Okay. We have a motion and a second on it, right?

**MR. LAUBE:**

Yes.

**P.O. LINDSAY:**

Okay. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen. (Not Present: Legislator Spencer)

**D.P.O. HORSLEY:**

Cosponsor.

**P.O. LINDSAY:**

Okay. ***1554 - Authorizing the sale, a Local Law Number 16, real property acquired under Section 46 of the Suffolk County Tax Act David R. Reisman, as Devisee and Executor of Elizabeth S. Reisman (SCTM No. 0400-024.00-03.00-008.000)***. Okay. This was -- I'll make a motion on this.

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**LEG. D'AMARO:**

I'll second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen. (Not Present: Legislator Spencer)

**P.O. LINDSAY:**

And that one, the next we sent to committee, so we're done with that.

Okay. Let's go to the Late-starters. Okay. 1544 is Government Ops; 1546 is Public Works.

**MR. NOLAN:**

Do you have 45?

**P.O. LINDSAY:**

No, I didn't have 45.

**D.P.O. HORSLEY:**

There is one. Here.

**P.O. LINDSAY:**

Oh, I got it. 1545 to Education and IT; 1546 to Public Works; 1547 to Public Works; 1548 to Vets and Seniors; 1549 to Parks; 1551 -- there's no 50?

**MR. NOLAN:**

No. 1552.

**P.O. LINDSAY:**

No, 51 I have.

**MR. NOLAN:**

You do?

**P.O. LINDSAY:**

Yeah, Ways and Means.

**MR. NOLAN:**

Oh, I'm sorry.

**P.O. LINDSAY:**

1551 to Ways and Means; 1552 to Ways and Means; 1553 to EPA; 1554 to Economic Development and Energy; 1556 to Economic Development and Energy; 1557 to Economic Development and Energy. 1559, it goes to --

**MR. NOLAN:**

Yeah, 59.

**P.O. LINDSAY:**

Okay. 1559 goes to Health; 1560 goes to Public Works. Okay. 1561 goes to Ways and Means, and it sets a Public Hearing for July 30th at 2:30 in Hauppauge. 1562 to EPA; 1563 to EPA; 1564 to

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Budget and Finance; 1565 to EPA; 1566 to EPA. 1567 is assigned to Government Ops, and it sets a Public Hearing for July 22nd at 10 a.m. in Hauppauge. And that's it, right?

**MR. NOLAN:**

That's it. We need a motion to waive the rules. Did you do that?

**P.O. LINDSAY:**

Okay. I need a motion to waive the rules and set those --

**LEG. MURATORE:**

Motion.

**P.O. LINDSAY:**

Motion by myself, seconded by Legislator Horsley. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen. (Not Present: Legislator Spencer)

**P.O. LINDSAY:**

Okay. And a motion to adjourn.

**LEG. CILMI:**

Motion.

**LEG. BARRAGA:**

Motion.

**P.O. LINDSAY:**

Motion to adjourn.

**MR. LAUBE:**

Seventeen. (Not Present: Legislator Spencer).

***(THE MEETING WAS ADJOURNED AT 6:37 P.M.)***