

General Meeting - 5/7/13

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

SIXTH DAY

May 7, 2013

Verbatim Transcript

MEETING HELD AT THE WILLIAM H. ROGERS LEGISLATURE BUILDING

IN THE ROSE Y. CARACAPPA LEGISLATIVE AUDITORIUM

725 VETERANS MEMORIAL HIGHWAY

SMITHTOWN, NEW YORK

Taken By

Lucia Braaten & Alison Mahoney - Court Reporters

Transcribed By

Lucia Braaten, Alison Mahoney & Kim Castiglione - Legislative Secretary

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*(*The meeting was called to order at 9:40 A.M. *)*

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

D.P.O. HORSLEY:

Good morning, everybody. Would the Legislators please come to the horseshoe? Mr. Clerk, how are we doing over there? Are we about ready --

MR. LAUBE:

I'm ready to go.

D.P.O. HORSLEY:

All our Legislators in the house? Okay. Mr. Clerk, please call the roll call.

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

LEG. KRUPSKI:

Aye.

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

Here.

LEG. MURATORE:

Here.

LEG. HAHN:

Present.

LEG. ANKER:

Here.

LEG. CALARCO:

Present.

LEG. MONTANO:

Present.

LEG. CILMI:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Here.

LEG. NOWICK:

(Not Present)

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LEG. GREGORY:
Here.

LEG. STERN:
Here.

LEG. D'AMARO:
Here.

LEG. SPENCER:
Here.

D.P.O. HORSLEY:
Here.

P.O. LINDSAY:
(Not Present)

MR. LAUBE:
Fifteen.

(Legislator Nowick Entered the Auditorium at 9:43 A.M.)

MR. LAUBE:
Sixteen.

D.P.O. HORSLEY:
Sixteen?

MR. LAUBE:
Seventeen.

D.P.O. HORSLEY:
All righty. Good morning, everybody, and welcome to the General Meeting of May 7th, 2013. And we will do the salute to the flag, and it's led by Legislator Lou D'Amaro.

*(*Salutation*)*

The invocation will be given by Reverend Conrad Strauch, Pastor of St. Paul's Reformed Church in North Babylon, guest of Legislator D'Amaro.

LEG. D'AMARO:
Okay. Thank you, Deputy Presiding Officer Horsley.

Good morning, everyone. Good morning. It's my pleasure to introduce to you this morning the Reverend Conrad Strauch. Reverend Strauch has served as Pastor of St. Paul's Reformed Church in North Babylon for 30 years.

In our local community, he was one of Babylon area Clergy that gathered in 1984 to form what would become the Babylon Interfaith Clergy Cluster. As one of its founders and current Treasurer, he has been active in supporting the Cluster's outreach to the community through the various food pantries and other feeding ministries of the member congregations.

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On a more regional scale, as a Minister in the Reformed Church in America, Reverend Strauch has been active in the work of the reformed churches in the New York Metropolitan area. He currently serves as Stated Clerk for the of the Synod of New York, and that's the denominational body that has oversight of the Reformed churches in the New York area. Reverend Strauch has also been involved in church and community efforts aimed at ending discrimination against the GLBT community.

And on a more personal level, the Reverend is a native Long Islander. He spent his early childhood in Greenvale, and in 1961, his family moved to Hicksville. He graduated from Hicksville High School, and following on a desire to enter the Church ministry, attended Hope College in Holland, Michigan. After earning his BA at Hope, he attended Princeton Theological Seminary, where he earned his Masters of Divinity. He currently resides in West Islip with his husband.

Please join me, Ladies and Gentlemen, in giving a very warm welcome to Reverend Conrad Strauch. Thank you.

*(*Applause*)*

REVEREND STRAUCH:

I first would like to extend a thanks to the Legislature on behalf of the Babylon Interfaith Clergy Cluster for your generous support of our free ministry with a grant that we have been using to support the feeding programs in our area.

And I also want to thank you for inviting me here today to give the blessing at the start of this morning's session. Let us pray.

Gracious Creator, you have created us in your image. May we, this day and always, see the reflection of the Divine in each other. You have given unto us many gifts; the gift of the mind, giving us the ability to reason and discern, and the gift of the heart, so that it may hear the cries of those in need, and see the suffering of our neighbors.

You have created us with a longing for fellowship and community, and have given to us the wisdom and courage to form communities and societies in which the dignity of each individual is recognized and supported by one another. We ask that this Legislature, elected by us, to lead us in forming a society in which our diversity is celebrated, our safety secured, our social bonds strengthened, and all live under the rule of justice; may use the gifts you have given them and their talents to strengthen and enrich our life together. May they be able to discuss, debate and wrestle with the many issues that we confront in these challenging times in ways that build us up rather than divide and weaken us.

Gracious Creator, through the centuries you have richly blessed us as a county, state and nation. May we treasure our rich past, safeguard and preserve our values and ideals in the present, and work together for an even brighter tomorrow. Amen.

*(*Amend Said in Unison*)*

D.P.O. HORSLEY:

Thank you very much, Reverend. And let me just add my thanks to the Clergy Cluster. You guys do great work. I know that they're all over my neighborhood helping out those folks in need, and you guys, really do a great job. Thank you very much, and thank you for being here.

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All righty. Please let us stand now for a moment of silence, remembering all those men and women in the military who put themselves in harm's way every day to protect our country, both home and abroad.

*(*Moment of Silence*)*

All right. Again, good morning, everybody. And welcome to our General Meeting of May 7th.

The first portion of our agenda is for proclamations, and we have Legislator Stern, who will begin our proclamations, to -- who's giving a proclamation to Tyler Grimaldi as the New York State 160-pound wrestling champion.

LEG. STERN:

Good morning, everyone. And thank you, Mr. Deputy Presiding Officer. Good morning to my colleagues.

This is a very special presentation for me to make this morning to Tyler Grimaldi. We're here to celebrate a couple of things regarding Tyler. First of all, Tyler is the New York State Champion at 160 pounds, representing his high school, Half Hollow Hills High School West. And he has made all of us proud, all of us proud through a literally lifetime career devoted to his sport, devoted to his passion. We've seen the results of his efforts, not just here locally, but in matches that he's had across the country. He has done all of us very proud. But we're here this morning to celebrate Tyler not just as a champion on the wrestling mat, but in classroom as well, for all of his wonderful accomplishments, how he has served as a mentor to so many young people in our community, which is extraordinary, being such a young person himself.

So, after a dedicated career, both on the wrestling mat, in the classroom, in our community, we're very proud of Tyler as he is preparing to start Harvard University this Fall, where we know he's going to accomplish an awful lot of great things and continue to make us very proud.

Today is also Tyler's 18th birthday, so today starts a whole new chapter in his life. I'm told before he goes to school, he's going to go register to vote.

*(*Laughter*)*

And, again, we expect great things from Tyler.

I also wanted to point out that Tyler is joined today by his parents, and also his Coach, Mike Patrovich, and Athletic Director, Joe Pennacchio. Really, an example. I think we would all agree, when you attain such great things, that it is a tribute, not just to a tremendous young man, but to the support system that he has in our community and, of course, at home.

Please join me in congratulating our New York State Champion, and a champion of our community, Tyler Grimaldi.

*(*Applause*)*

D.P.O. HORSLEY:

Tyler, let me -- Tyler, is it a good moment not to have to pull weight now or --

MR. GRIMALDI:

It's a relief, that's for sure.

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D.P.O. HORSLEY:

I could imagine.

MR. GRIMALDI:

You get used to it, though.

D.P.O. HORSLEY:

Oh, I used to wrestle, so I got it. But New York State Champ was beyond the bounds. Congratulations.

MR. GRIMALDI:

Thank you, sir, I appreciate it.

D.P.O. HORSLEY:

Legislator Stern, I understand you have a proclamation to Renarts for donating shoes to children in the Big Brothers and Sisters Program.

LEG. STERN:

Yes. Thank you, Legislator Horsley. We all in our community have special people, special individuals and special businesses that go above and beyond, not just serving their customers, but in serving their community. And so -- guys, why don't you come on up.

It is a pleasure to recognize Renarts. Renarts is a local business in the Elwood community, and we're joined today by Nick Amin, Ankur Amin and Chase Ceperano, who have really gone above and beyond in terms of generosity and service to our local community. They want to do something for the children of our neighborhood, and so they got together to create a program, Kicks for Kids, partnering with Big Brothers and Big Sisters of Long Island to provide new and stylish footwear, along with goody bags, mentoring support for children in need of our community, and really have found a very important way to give back.

And so it is a pleasure to recognize them and Renarts. It's where my children get their shoes as well. It's a great spot on Jericho Turnpike in Elwood. So it is really a pleasure to welcome you here today and to recognize all of you individually for your good work and for your continued dedication to particularly our young people in our community. Thank you so much.

*(*Applause*)*

D.P.O. HORSLEY:

And I understand you also -- Legislator, I understand you have one more, present a proclamation to Jon Ten Haagen.

LEG. STERN:

Yes, one more. Where is Jon? Many of you know Jon Ten Haagen as a leader in our local Huntington community, very active with the Huntington Chamber of Commerce. He is a local business person in the finance industry, but his passion is on our waterways. And I wanted to have Jon join us today to have all of us recognize his hard work and his efforts, really a lifetime of hard work in bringing the important message of how enjoyable boating is to all of us who take advantage of it in our beautiful waterways here on Long Island, but how dangerous it can be as well, and how important it is coming up on the beginning of our boating season to make sure that all of us know the rules of the road, and act as partners with each other on our waterways to make sure that it's safe and enjoyable for all of us.

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And Jon was very instrumental in assisting me personally, and those of us who worked on the Suffolk Safer Waterways Act, which became law here in Suffolk County. So it really is a pleasure for me to have Jon join us and to present him this proclamation to say congratulations for all of your hard work and all of your effort, but, mostly importantly, thank you.

MR. TEN HAAGEN:

Thank you. If I could just take a minute or two. The Greater Huntington Boating Council, along with the Town of Huntington, and now with Steve, and a lot of other Legislators are working on this Safe Boating Proclamation. In Huntington, we have five, six days of all kinds of things involved with safety in boating.

Just this morning on Patch, I read about a 52-year-old out there at 12:05 on Sunday morning, ran into a 50-foot sailboat in the middle of the harbor. People were not -- happily, not hurt, but what's somebody doing out there drunk on a Sunday morning? It's stupid. So what we need is us, all of us to push New York State to, please, get a State law. They got it in Jersey, they got it in Connecticut, they've got it in Hawaii, they got it in Florida and other states. Let's get it done. Let's help get the people in Albany to get this accomplished for us. Appreciate it. Thanks so much.

*(*Applause*)*

LEG. STERN:

Thank you.

D.P.O. HORSLEY:

Thank you very much, Legislator Stern. The next proclamation is -- will be given by Legislator Spencer, who will recognize Eileen and Patrick Kelly, who are the benevolent owners of Ben and Jerry's Scoop Shop in Huntington Village. That sounds good.

LEG. SPENCER:

Good morning.

LEG. CILMI:

Did you bring samples?

*(*Laughter*)*

MS. KELLY:

Sorry.

LEG. SPENCER:

Absolutely. Absolutely. Eileen and Patrick opened their Huntington Village Ben and Jerry's shop on December the 23rd in 2006. Since that time, the Kelly's have continuously given back to our community. Over the years they have supported many community causes and charities. For the seventh year in a row, they have posted free cone day, an event which thanks the community for their support.

Assisted by local residents, and among them teachers and principals who act as guest scoopers, the Kellys accept donations in lieu of payments to cones, with all proceeds going to the Tri-Community Agency. To date, more than \$20,000 has been raised for that organization.

In addition, the Kellys have also personally donated \$25,000 to other clubs and local causes, including local school districts, drama clubs, local sports teams, and Huntington Hospital, to name a few. I personally this year, you know, wanted to get in line for the free cone give-away. And the

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line went around the block and up the street, so I know that they really gave away a lot of ice cream. And really, for a small business owner to commit to doing that, and they accept whatever donations that comes in, so it's really as a very selfless act that they do that requires a lot of labor. In addition to donating the ice cream, they really open up their store and they utilize a lot of their personal resources, so this is a really big deal.

So the Legislature welcomes the opportunity to pay a well-deserved tribute, and thanks for your dedication and also your commitment to our community. Thank you very much.

MS. KELLY:

Thank you.

*(*Applause*)*

LEG. SPENCER:

You want to say something?

MS. KELLY:

No.

LEG. SPENCER:

Oh. All right. Thank you.

*(*Laughter*)*

MS. KELLY:

Thank you.

LEG. SPENCER:

All right.

D.P.O. HORSLEY:

All right. Thank you very much, Legislator. And congratulations to the Scoop Shop.

Next proclomator will be Legislator Anker, who will present a proclamation to Michael Burrridge of the Building Hope for Long Island Foundation.

LEG. ANKER:

Okay. We have -- Michael's here today. He sits on the Board of Building Hope for Long Island Foundation. It was founded in 2009.

Building Hope for Long Island is a not-for-profit organization where business owners and community members alike can donate money, time and services to help repair the homes of Long Islanders in need. Mike's company, Mount Sinai Bagels, Inc., is also a sponsor of this organization. Mike has demonstrated his commitment to our community, and he's urged the community to unite, which is wonderful, and in helping those families in need. And I know, you know, one of their mottos, "Repairing Ordinary Homes For Extraordinary Families."

So, Mike, would you like to say just a few words about your organization?

MR. BURRIDGE:

I'm sure I would. We were a foundation that started because of a gentleman in Mount Sinai who has cancer. He's been battling for 10 years now. And their house had irreparable damage to it, and we

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were able to build them a home, about 2000 square feet, with about \$32,000. And due to the good nature of the people in the community, businesses, we made it happen. And we've recently started our second home in Centerport, which I believe there was some Legislative support there when we took the house down a few weeks ago. And we're proud to be building a young man with Duchenne Muscular Dystrophy a new home that's wheelchair accessible. And we're proud of our efforts and the efforts of the community in Centerport as well.

LEG. ANKER:

Again, thank you. Thank you, Mike. And again, I just want to mention that, you know, these are -- this is a situation where businesses and individuals are giving their time, energy and money towards people in need. So if you, the Legislators, know people in need or volunteers, this would be a wonderful organization.

So, again, thank you so much and congratulations, and I think we -- you deserve a round of applause. Thank you.

MR. BURRIDGE:

Thank you.

*(*Applause*)*

D.P.O. HORSLEY:

Okay. Thank you very much. And we also have a second proclamation that Legislator Anker is going to present today to Pamela Johnson of the Victims Information Bureau of Suffolk County, VIBS.

LEG. ANKER:

Come on up Pamela. Pamela Johnston is the Executive Director of Victims Information Bureau of Suffolk, that's VIBS.

Established in 1976, VIBS has been a leader and a pioneer in the movement against domestic violence. You know, you work on so many educational components, and you raise community awareness for the justice and compassion towards victims of abuse. So it is my honor to designate you a wonderful community supporter, and in recognition of all the wonderful work that you do. So would you like to say a few words about your organization?

MS. JOHNSTON:

Thank you. I want to thank you so much, Legislator Anker. And I am grateful for all of the support that VIBS has had over the years from the Suffolk County Legislature. I feel like it is a real partnership between VIBS and Suffolk County.

And I don't really deserve this as much as my staff. I just have to say they are the people who every day are working to heal traumatized children and adults who have experienced domestic violence and sexual assault, and the volunteers that do that job. So, you know, I'm kind of the public face for that. But the real work goes on and in the work that our staff does. So thank you so much.

LEG. ANKER:

Thank you.

*(*Applause*)*

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And in light of what we found out recently in the news, the three young women that were found to have been kidnapped for 10 years and, you know -- and abused, we have to do more, and Pamela and her organization, they're doing that. So, again, one last round of applause for all the wonderful work that you've done. Thank you.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you very much, Legislator. The next proclamation will be presented by Legislator Nowick, who will present proclamations to members of the Kings Park and Nissequogue Fire Departments, and Suffolk County Police Officers, Terence Corrigan and Martin Lauter, who participated in the rescue of a stranded kayaker from the waters off of Long Island Sound on April 7th.

LEG. NOWICK:

Ladies and Gentlemen, look around you, look behind me. These Ladies and Gentlemen saved a life, and I think that's an incredible, incredible fete and a wonderful thing to live with. And Legislator Kennedy and I are here to thank you so very much.

On April 7th, a kayaker was stranded in the frigid waters of Long Island Sound at the Kings Park Bluff. A bird-watcher in the area saw the kayaker fall into the water and struggle to stay afloat, prompting the call to 911. Suffolk Police and firefighters from Kings Park, Nissequogue, Saint James, Nesconset and Northport cooperated to rescue the overturned kayaker who was in the water and holding on to the kayak. It was determined that the kayaker was approximately one mile north of the Kings Park Bluff, and Kings Park firefighters Greg Smith, Dan Hagstrom and Andrew Strain launched the rescue boat. Arriving at the site, which was marked by a Suffolk County Police helicopter hovering over the position, the victim, who was suffering from hypothermia, was unable to climb into the rescue boat. Kings Park firefighter, Dan Hagstrom, in his full uniform, as I recall, because he was at an Eagle Scout Award, Dan Hagstrom jumped into the 40-degree water to help push him into the boat, while firefighters, Andrew Strain and Greg Smith, helped pull him up.

These actions demonstrated by the firefighters resulted in the successful rescue of the kayaker. While on duty that day helping, Suffolk County Police Department Officer, Police Officer Terence Corrigan was there, Police Officer Martin Lauter -- did I say it right?

POLICE OFFICER LAUTER:

Lauter.

LEG. NOWICK:

Lauter. Also on duty from Nissequogue Fire Department, Stephen Schmidt. Stephen, you're here.

CHIEF SCHMIDT:

Yeah.

LEG. NOWICK:

Okay. Michael -- and excuse me if I say the names wrong -- Grosskopf, Jane Schmidt, EMT; Michael Davis, Gregory Tellone, Al Krauth, Joanne Spatola, Probationary member and new member, Thomas Winkeler, Frank McGarrigal, Christopher Knott, Laura Winkeler, George Gavaris.

And, you know, when the Reverend said that we were all given gifts, I think behind Legislator Kennedy and I are our gifts. These are the people that volunteer. These are the people, and I like to always say this, when we're at our 4th of July picnic, we stay there, or we're in our backyards, or we're at Thanksgiving dinner, they're the ones that leave whatever they're doing to help, and I have to applaud you.

*(*Applause*)*

Legislator Kennedy.

LEG. KENNEDY:

Well, Legislator Nowick usually, as she always does, sums it up quite well. But I would just like to add my thanks. Certainly, Inspector Rhodes in the Fourth Precinct. They do a great job in taking care of us day in and day out. The officers rise to meet the call. And our members of the Fire Department are there for us day in and day out.

To the Chief in Nissequogue, I do have to say, I do have a fond place in my heart for Nissequogue. My father was one of the founding members there in Nissequogue, and so we know firsthand, I guess, the many challenges that you face, particularly when you're talking about the waterfront recoveries. And thank goodness for your swift efforts and the successful outcome. Thank you again.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you very much, Legislators. And to both the Suffolk Police and our firefighters, thank you very much, guys. Nice job. Congratulations.

All right. That concludes the section on proclamations. Nobody else has anymore, right? We're good? All right. We're going to be moving to the Public Portion, and the first member of the public that is going to be coming up is -- and, unfortunately, can't be here for a later -- for a later moment involving a particular bill, but I'm calling up the Deputy Mayor of the Village of the Branch, Mark Delaney -- J. Delaney. Deputy Mayor, welcome to the Legislature.

DEPUTY MAYOR DELANEY:

Thank you. First of all, thank you all for your time this morning. I'm sorry I can't be here later on this afternoon, but at a Village level, we're all sort of part-timers in nature, so that's just the nature of the beast for us.

Let me just give you an example of why I'm so passionate about this particular issue. And this particular issue is speaking out in opposition to the discontinuance or elimination of funding for groundwater, which is also commonly known as the Northeast Branch Restoration Project.

When I first moved into the neighborhood about 10 years ago, I was running in a neighborhood right behind me; saw an older couple, I would say mid-70s, early 80s, pulling out of their basement, still dripping wet, boxes upon boxes of pictures, mementos, teddy bears, stuffed animals, all that sort of the thing. And I stopped to help as best as I could and asked them what had happened. They had gone away for the weekend to visit their grandkids, and because their sump pump failed, their basement flooded with six inches of water. So flash -- so sort of fast-forward to today, that's why I'm involved in a very, very small way at a local level trying to help some of these folks.

Let me say also, I get it, we're struggling tremendously at a financial level, right? Village of the Branch got hit pretty hard with the impact of both Nemo and Sandy. So I certainly understand that once you get to your folks' level, the -- you know, the impacts on budgets and the decisions you guys have to make are tough. But I would say that there are a couple of things that warrant your consideration when it comes to the elimination of this funding.

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One is this is certainly a quality of life issue. These are folks who literally have their basements rendered unusable because of the -- you know, because of the inroads that -- sorry -- the groundwater makes into their basements. You know, a lot of these folks are suffering in silence because a lot of these folks bought their homes in the '60s and '70s and are getting ready to sell them, because they're retiring or moving on because the kids are gone. And they're afraid to make a lot of noise about it, because they're afraid of the impact on property values. So even though we have hundreds and -- you know, hundreds of residents suffering, we probably have hundreds more that are suffering and not saying anything.

It's also a tremendous impact from a cost standpoint, cost-of-living-wise. These are folks who have had to put in expensive French drain systems, sump pumps, in some cases generators. I happen to know a neighbor three blocks over from me who literally we were talking the other night at a barbecue, I asked, you know, "What are you guys doing about vacation this year?" He said, "Well, we're not going on vacation because we're afraid of what will happen if the sump pumps fail." All right? So that's just -- you know, that's the kind of life a lot of these residents are living.

The other part of it, this is not an example of throwing good money after bad. This is a project that's already yielded very tangible results. Where this project has been implemented in the first few phases, we have people who are no longer pumping their basements, and who are finally able to live without being afraid to go on vacation.

It's also -- I don't have nearly the experience that you folks do, but on a very, very small local level, I think that this is an outstanding example of different parties working together. So at the State level, we have various Senators involved through the County level, through Legislator Kennedy's Office. We have the cooperation of his office. We have the cooperation of the Town of Smithtown. We even went so far as to hire the same grants consultant as the Town of Smithtown uses to make sure that there was some consistency there. We have cooperation from local engineers, some of which are donating their time to try to help this problem go away.

So it's a real good example of everyone pulling together and working together, and it's an example of where the project's already been in place. And if you talk to Ted Sanford, who's the retired Smithtown Engineer, he'll tell you, and I'm not an engineer by training, but if you just keep the water moving down to the Nissequogue, it will -- you know, it will alleviate 90% of the problems.

So I just think it's a really good project; that, you know, it would be a shame to lose the momentum that we've had. We have some engineering work that's just recently been completed that would have to be put on the shelf, like the H2M project from 20 years ago. And it would just be a shame to, you know, lose that momentum and lose an opportunity to really help residents at a grassroots level and a real quality of life level, you know, like -- you know, not just in the Village of the Branch, but in surrounding areas. Okay?

D.P.O. HORSLEY:

Thank you very much, Mr. Deputy Mayor.

DEPUTY MAYOR DELANEY:

Thank you for your time.

D.P.O. HORSLEY:

Again, thank you for being here this morning.

LEG. KENNEDY:

Yes. Point of personal privilege. The Trustee has been an excellent partner, and, as he indicated, this has been something that's been a collaboration over the last five or six years. There's been

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great progress. And it really does, I guess, represent the success in municipal collaboration. So thank you for coming out, Mark, I appreciate it.

DEPUTY MAYOR DELANEY:

Thank you.

D.P.O. HORSLEY:

Thank you very much, Legislator Kennedy for your comments. The first member from the public is to spoke -- again to speak is then -- please recall that we have a limit of three minutes. The first one is Kenneth Armstead. On deck is Alan Steiner.

MR. ARMSTEAD:

Excuse me. Honorable members of the Legislature, I'm going to keep this under three minutes. I come to you with an issue that is of great concern to my family, to my home and to my bank account.

Before I begin, I just want to summarize and say thank you to Legislator Montano, his Office. I had the opportunity to work with you during Sandy at the shelter as a Salvationist, and it was walking around with you and watching you with the people that inspired me to keep going and not give up.

I also want to thank your worker in your office, Ryland Gaines, who came to my house, saw the problem and said, "You have a serious problem that needs to be addressed."

LEG. MONTANO:

Thank you.

MR. ARMSTEAD:

Several representatives of this esteemed panel represent districts where Town and Village Councils have adopted local laws banning bamboo growth. Babylon Village and Lindenhurst, represented by Legislator Wayne Horsley; Smithtown, represented by Legislator Lynne C. Nowick; Huntington, as of April 9th, represented by Legislator Sarah S. Anker, and Brookhaven, represented by Legislator Thomas Muratore. Just recently, as of last Wednesday, Malverne was added to that list.

My wife and I purchased a property located at 287 Ellery Street in Brentwood, New York in July of 2006. We first noticed the bamboo shoots in the neighbor's yard, with just a few shoots in our yard, not knowing or having knowledge of the species, we had no idea about how invasive it would become. Over the next five years, I watched as the bamboo began to take over my yard, sprouting through the newly installed brickwork, taking over the flower bed, and heading towards the foundation and cesspool. Another neighbor told me that the wife had planted the bamboo when a dormer was placed on our home for privacy purposes, but she passed away.

I approached my neighbor, Miroslav Izak, about the growth in 2011 and said that I would be willing to pay for half of the removal if he would go in with me. At first he was agreeable, but the following day he told me that his insurance agent, Victor Varela of Allstate told him that he didn't have to do anything, and that he was not responsible for what was taking place in my yard.

By 2012, the bamboo zones had reached the foundation of my house, where I saw cracks. It was only a few feet from my cesspool, and it had grown across and underneath deck, sprouting upwards through the planks. I called in a landscaping company who said that it would provide the following necessary service: Remove all the brick, two feet by 55 feet, remove topsoil, two feet deep, three feet by 55 feet to dig out the roots, remove my flower bed, remove all of the trees on that side of the house, remove the fence and dig two feet into the neighbor's property, install bamboo barrier, replace the fence and replace the topsoil.

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The initial price for this job, which was not to include the replacing of the brick, tree and flower bed, was \$9,000, including taxes. I scrapped replacing of the flower bed, brick and fence to bring the cost down to approximately \$5,000.

On August 10th, 2010, I was involved in a motor -- a vehicle accident, which resulted in injury to my neck and back. And in 2012, when I tried to pull these out of the ground, the resistance I met was incredible, and I just couldn't do it because that stuff is like steel.

D.P.O. HORSLEY:

Mr. Armstead, you're going to have to start to wrap it up. I know, it goes fast.

MR. ARMSTEAD:

Yeah, I see that. What I'm asking today, there are many laws. I've given you a package, pictures of my yard, Local Laws and news articles where laws have been approved by local councils to restrict bamboo growth throughout Long Island and Nassau County -- Suffolk County And Nassau County. And I'm asking this esteemed body to take a vote to restrict it in Islip. The City Council in Islip did not vote. I'm asking you to take a vote on this measure. Thank you.

D.P.O. HORSLEY:

Thank you very much, Mr. Armstead. The next speaker is Alan Steiner, and on deck is Jeannette Phillips.

MR. STEINER:

Good morning, Honorable Lindsay and Members of the Legislature. My name is Alan Steiner. I'm the current Board Chair of HRH Care. I'm pleased to be -- have an opportunity to talk to you this morning. I've been on the Board for over 30 years, and I'm proud to have part of the mission-driven work that has been our hallmark for over 37 years.

I speak today in favor of Resolution 1365, which we see as a step toward expanding the partnership our organization has had with the County, and moving the County's health centers toward the federally qualified health center model. I want to take just a few minutes to talk about our organization and about our operation of the Coram Health Center since May of last year.

Our health center is a not-for-profit Federally Qualified Community Health Center that is committed to providing comprehensive services to all members of the community. As a Federally Qualified Health Center, the majority of our Board are patients. In addition, the Federal Seal means that we provide comprehensive care in areas that are most in need to all who seek it.

We've been a health center provider in Suffolk County for 10 years, first focusing on farm workers, and soon growing to serve the larger community through our center in Greenport. And as you're all aware, more recently, with the addition of the Elsie Owens Health Center in Coram, New York, in May of last year. And at the Elsie Owens Health Center, the patients we are serving are diverse and are the underserved in the community. Of the patients reporting, 97% are below 200% of Federal poverty level, thirty-nine percent of our patients are uninsured, 33% are pediatric patients, 5% are over 65. And the race and ethnicity of the patient population is largely unchanged from May 2012 through May 2013, and represents the rich diversity of the Coram community.

We are a health center -- we are a healthcare home that leverages community partnerships, Federal resources, and state and local resources to provide primary and preventive services to all, regardless of ability to pay. I'm in support of the proposed Resolution 1365, as it builds on the success of the Elsie Owens transition and the expansion of the Federally Qualified Health Center model. Thank you.

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D.P.O. HORSLEY:

Thank you very much, Mr. Steiner.

MR. STEINER:

I have copies. Who do I --

MR. LAUBE:

Right here.

D.P.O. HORSLEY:

Yes, to the Clerk. Thank you. Jeannette Phillips, and on deck is Dr. Blaise Napolitano.

MS. PHILLIPS:

Good morning to this honorable Legislative Body. I am Jeannette Phillips and I'm pleased to be here before you today as one of the founding community members of Hudson River Health Care.

Like the Suffolk County Health Centers, Hudson River Health Care was founded in 1975 in response to the unmet healthcare needs of our families and our community. The vision of the Board goes beyond its local doors in terms of having the compassion to treat and afford access to health care.

As you know, we've been operating the Elsie Owens Health Center since May of last year, marking a year this week. And I'm pleased to share with you the success, if you will, at Elsie Owens. We have seamlessly cared for the patients that have come to Hudson River Health Care by maintaining and improving the clinical relationship with Stony Brook University Hospital. As of the end of March, we have provided care to 85% of the patients seen prior to the transition. We have increased the scope of services offered at the health center to include dental health and mental health services. We have implemented Electronic Health Records and other additional quality improvement initiatives such as NCOA, Primary Care Medical Home Initiative, to enhance the care provided at the Elsie Owens Medical Health Center.

We have preserved and expanded jobs. No employees lost their jobs due to this transition. Hudson River Health Care has hired 19 additional staff members, everything from physicians, to nurses, to patient care partners and patient representatives. We have renovated and reorganized the physical space to enhance the patient experience and the services. We have increased the visit volume at the health center by providing comprehensive and a growing list of services to our patients. We provide care for the patients with tuberculosis, hepatitis, hypertension, diabetes, and the list really goes on and on in that sense.

In Coram, we have provided over 1,000 well-baby visits, 600 pap smears, 750 immunizations, over 800 flu vaccines. In addition, for obstetrical patients, 269 patients received care in 2012. And the list, as I said, could go on, but in conclusion, we're saying that we're here to work hand-in-hand with this community to deliver the health care. And I am in support of the proposed resolution that will build upon the success, if you will, of the Elsie Owens transition and expansion of a Federally Qualified Health Center. Thank you.

D.P.O. HORSLEY:

Thank you very much, Ms. Phillips. Dr. Blaise Napolitano, and on deck is Allison Dubois.

DR. NAPOLITANO:

Thank you, Members of the Legislature, for this opportunity to speak. My name is Blaise Napolitano. I'm an employee of Hudson River Health Care. I'm also a family doctor, practicing at Elsie Owens Health Center in Coram, as well as Site Medical Director for the Greenport Health Center in Greenport.

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Public Health Care necessitates the provision of an incredibly broad spectrum of medical care to a varied population of patients who quite often have every imaginable barrier to health care, be it access, finances, language or comprehension. Many of my patients are either uninsured or underinsured. Many have never graduated from high school; some can't even read or write. Many don't have personal transportation, and some suffer from chronic mental illness.

And when I give a script to a patient, or order a study, or send to a specialist, I need to take all these things into consideration. Can they afford it? Can they access it? Will they be able to come back if the treatment requires periodic monitoring?

In my experience in working with Hudson River, a mission-based public health dedicated organization, I have been provided with some tools to improve the quality of care that I deliver to these patients. An Electronic Health Record allows me to prescribe electronically, or fax records to a specialist, or trend a patient's lab values over time. Wherever I am, whatever time it is, I can access their records through an internet connection. Patients can access me through it as well.

Quite often I tell my patients, "If you have a question about your medication, bring them in without an appointment and someone will review them with you, or if you would like to measure your blood pressure or your blood sugar, come in any time and we will measure it for you." Our team medical home-based approach allows us to accommodate patients in this fashion. Access for these patients is key to providing necessary primary care and potentially avoiding acute illness requiring hospitalization.

Every month or quarter, our team generates quality reports on management of various conditions, such as diabetes, hypertension, cervical cancer screening and childhood immunizations. From these reports I can have my support team try to schedule those patients whom may need improvement in their care or are missing vaccines. I cannot tell you how much my patients' quality of care is improved with this proactive approach to preventive medicine.

Hudson River has demonstrated to me that this medical home-based analytical and open-access approach to primary care not only improves patient care, but improves patient satisfaction and saves health dollars. I am proud to serve our community with them, and look forward to the expansion of our care on the East End. I am, therefore, in support of the proposed Resolution 1365, as I am confident that it will contribute to the provision of quality primary health care to the members of Suffolk County. Thank you.

D.P.O. HORSLEY:

Thank you very much, Dr. Napolitano. Allison Dubois, and on deck is Carlo -- I think it's Orto. I'm not sure about the writing.

MS. DUBOIS:

Good morning. My name is Allison Dubois, and I am also with HRH Care. I'm here this morning to read a letter from Sister Margaret Smyth, who is the Director of the North Fork Spanish Apostolate. She was unable to be here this morning, so please indulge me while I read that letter from her.

"Dear Suffolk County Legislature, as I am unable to be present at the Legislative hearing on Tuesday, I did want to send my letter of support for the East End plan. I came into contact with Hudson over 10 years ago, and began a partnership with them that has brought extended health care to many people on the East End and beyond. And since 2004, I have been a Board Member with Hudson. They provide care to those who have difficulty in accessing health care.

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An important part of Hudson is their capacity to partner with various care providers. Patients can access care at a Hudson center, as in Greenport, or with local providers who are in partnership with them. The patients become the winners.

As with all new ventures, there are concerns, fears and many questions. The proposal before you has generated all of these. It has also generated rumors and of repeating information without checking facts. Solutions are developed based on fact-finding and discussion. Every attempt should be made to do this. Hudson is in operation at the Elsie Owens Center. Have visits been made to see these many new programs and the success that is happening?

Suffolk County is facing many challenges and health care is one of them. You have the possibility of partnering with a proven agency to create a new model. This is a moment when everyone can be a winner. Take the risk, visit the centers, and be willing to think outside of the box. Let us do what needs to be done so that the patients of Suffolk become the winners. Sincerely, Sister Margaret Smyth, Director of the North Fork Spanish Apostolate."

D.P.O. HORSLEY:

Thank you very much, Ms. Dubois. Carlo Ortea, I believe it is, and Fernando Tirado on deck.

MR. ORTIZ:

Good morning. My name is Carlos Ortiz. I'm the Regional Practice Manager for Hudson River Health Care at Elsie Owens, and I'm here to read one of the letters for one of our patients.

"My name is Donna {Dusenberry} and I've been a patient at Elsie Owens Health Center for many years. When the Health Center was under County supervision, the system was much slower and it was difficult to get an appointment. Since May of last year, when Hudson River Health Care took over at the health center, I had noticed great changes; easy access to see my provider, better communications with me. The staff are more organized and getting more information about my condition and my health. Wait time to see a doctor is shorter, and I'm really impressed with improvement. If you need any more information, please contact me." Thank you.

D.P.O. HORSLEY:

Thank you very much, Mr. Ortiz. The next speaker is Fernando Tirado, and on deck is Lance Reinheimer.

MR. TIRADO:

Good morning, Honorable Members of the Suffolk County Legislature. My name is Fernando Tirado. I am with Sustainable Long Island, a nonprofit organization that promotes economic development, environmental health and social equity throughout Long Island. Sustainable Long Island stands alongside our community partners and your constituents in support of Intro Resolution 1349, which supports accepting New York Metropolitan Transportation Council funds to complete the feasibility study for the first phase of Connect Long Island, including the consideration for Bus Rapid Transit System in Suffolk County.

BRT provides opportunities to connect commuters to major commercial areas, such as the Route 110 Corridor, providing fast and effective connections, while reducing traffic congestion, providing reliable traffic times, and improving air quality. Implemented correctly, BRT Systems can also lend support to promote and compact transit-oriented developments that can greatly contribute to the County's economic growth.

Businesses see the advantages offered by a strong public transportation system, and as they begin to invest in the County, more dollars will remain locally. As BRT systems have been successfully implemented globally, the County has the opportunity to examine the success worldwide, and to

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determine which components are best suited for implementation, such as dedicated bus lanes and traffic signal priority, to name a few.

We also need to stress that an environmentally friendly BRT system reduces particulate matter and greatly improved air quality, which is a pressing issue in the County. Also, by having commuters utilizing the BRT, it reduces the number of vehicles on the road, and, theoretically, the number of vehicular and pedestrian accidents that may occur. This is a win/win/win for residents, the County and the environment, and we believe that now is the time to act to make a difference for future generations.

We thank you for hearing our testimony, and we are hopeful that the Legislature will approve this initiative to support the interest of your constituents. Thank you.

D.P.O. HORSLEY:

Thank you very much, Mr. Tirado. Appreciate you being here today. Lance Reinheimer is the next speaker, and on deck is Charles Giarraputo.

MR. REINHEIMER:

Thank you very much. Lance Reinheimer, Director of the Vanderbilt Museum. I'm here to speak in favor of I.R. 1290, which is a resolution to name the newly renovated Planetarium after the Charles and Helen Reichert Family. This is to acknowledge receipt of a donation, \$850,000 over 10 years; \$80,000 a year for the first five years, and \$90,000 for the second year. This is a private donation, this is not a corporate donation. And the Board, the Vanderbilt Board is in favor of acknowledging this gift through the renaming of the Planetarium after Charlie and Helen Reichert.

Just a brief biography on the Reicherts. They're longtime residents of Fort Salonga. Mr. Reichert is a local businessman. He has -- he's a CEO of IGA, with four stars -- four stores here in Suffolk County. He's done a lot of work in the community. He's donated funds to Huntington Hospital for different endeavors in supporting them. He's a man of good character. I think this is a person that we would be proud of to name our Planetarium afterward. And, also, to acknowledge really an historic significant gift to the Planetarium and to the Museum. These funds will be used as an endowment to support the operations and programs of the Planetarium.

I urge you to support this, and thank you very much.

D.P.O. HORSLEY:

Thank you very much, Lance, and we appreciate you being here.

Charles Giarraputo, and Richard Koubek on deck.

MR. GIARRAPUTO:

Good morning, Legislators. My name is Charles Giarraputo, I live in North Patchogue. I'm here about the Foley House.

I've read just about every article I possibly could read in Newsday, and one thing that's -- I don't understand why you folks aren't selling this property if it's costing the taxpayers a million dollars a month, approximately 12 million dollars a year.

There was one thing constant in every article that was written in Newsday, and every single article was the union doesn't want you to sell it. Well, folks, I don't think the union voted you folks into office, I think the taxpayers voted you people into office.

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I'm getting nervous because it's my first time doing this. There's an article here in Newsday, *Battling Cuts*, and most of it's about Legislator Kennedy, Mr. Kennedy over there. He says he wants this done with Smithtown, and Nesconset, and Village of the Branch and -- but, yet, he voted against selling it, which is 12 -- plus the sale of the building, plus the taxes you're going -- the County's going to get on this. Why are you holding us, handcuffing us for 12 million dollars a year? Here, proposed cuts by Bellone. Board of Elections improvements, reconstruction of Carlton Avenue in Islip, improvements on Montauk Highway in the Town of Brookhaven. From my hometown, restoration of Canaan Lake in Patchogue. In the 1960s I used to swim there.

Come on, people, you have 12 million dollars. The next time up drive down a road in Suffolk County and you hit a pothole, say to yourself, "12 million dollars." If you drive enough in one day, you probably say it about 50 to 100 times. It's time for the crap to stop, folks. Suffolk County needs money. Every government in every single district across this country needs money, and, yet, you want to throw 12 million dollars away because a union doesn't want you's to sell it. Well, I'm nervous enough and that's it. Thank you.

D.P.O. HORSLEY:

Thank you, Mr. Giarraputo. Richard Koubek, and on deck is Eric Alexander.

MR. KOUBEK:

Good morning. My name is Richard Koubek. I'm Chair of the Welfare to Work Commission for this Legislature. On their behalf, I want to say just a few words in support of Resolution 1295, utilizing State funds to expand bus service in Suffolk County.

You are in receipt of a letter that we sent to you in April, the Commission did, endorsing this resolution. I just want you to know that we are endorsing the amended version. We had hoped for the full two million dollars, but these are tough economic times. We think the amended version, which would allow for 1.1 million of the STOA Funds to be used for extended service, the additional funding to come from a JARC Grant, is a good compromise. We commend Legislator Schneiderman and the County Executive for working out this compromise.

Our support comes, as you know, from the report we submitted to you last year on poverty in Suffolk County, particularly the problems of the working poor. These are the folks who need Sunday service, they need extended service. We've been trying to get this for years. We're on the verge of getting this pilot now, so we urge you, hopefully unanimously, to support this bill. Thank you.

D.P.O. HORSLEY:

Thank you very much, Dick. Eric Alexander, and on deck is Nanci Dallaire.

MR. ALEXANDER:

Thank you, Legislator Horsley, Members of the Legislature. Eric Alexander, Executive, Director of Vision Long Island. We'd like to speak today on Resolution 1349. Sammy Chu from the County Exec's Office asked us to come down.

We recognize that there are NMTC Funds available to advance a study on BRT. We know our region needs alternative transportation services, and a Bus Rapid Transit plan is something that could be viable for Suffolk County.

We recently had a symposium at the Dennison Building, cosponsored by many other organizations, where the County Executive spoke. But, more importantly, we heard from folks who have advanced those systems in other parts of the country, in other suburban areas, and actually other parts of the world as well, and it is the type of service that is viable and works and is flexible for suburban areas that are growing and growing their economies.

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So what we see the study doing is analyzing the market opportunities of this service. We see it as a study that would analyze where Federal funding opportunities would be to advance this type of service. And, quite frankly, in the past, your Planning Department might be in a place to do these types of studies inhouse. The current leadership and funding and staffing realities necessitate that these types of studies and funds be outsourced, and we know that's a challenge for some folks to acknowledge at this point in time.

What we liked best about the County Exec's Connect Long Island Plan is it's not an academic exercise. What it does is it connects actual redevelopments that are happening in realtime on Long Island and Suffolk County right now, employment centers, educational institutions and the transit-oriented development work that we know is happening in downtowns throughout Suffolk County, and literally connects them and analyzes the type of transportation service that we're going to need. So, for that, we're actually honoring the County Exec on June 14th at our Smart Growth Awards.

And I'd just like to say also, while we're in support of the BRT study and alternative transportation services, and we see that the Federal Government is moving in this direction as far as providing financing for these types of projects, we don't have a vested -- our organization does not have a vested financial interest in the issuance of this RFP. We're not on any team that is going after the grant. So I just want to be clear, you may not have heard that from prior speakers, but, you know, certainly transparency is important. We wouldn't get up here if we are on any kind of team to advance that.

So with all that, we hope you move forward and accept the study and the funds from NMTC, and we want to see that project move forward and get the answers. And if Legislators have questions, there's a scoping process within consulting services where you can get your questions answered through the course of the study to see whether or not BRT is a viable opportunity.

D.P.O. HORSLEY:

Thank you very much, Mr. Alexander. It's always good to see you.

MR. ALEXANDER:

Great. Thank you.

D.P.O. HORSLEY:

Nanci Dallaire, and on deck is Charlene Obernauer, I believe it is.

MS. DALLAIRE:

Thank you. We know that man rises with effort. We put out our effort and we accomplish our goals. But this is why I believe it has been so difficult to accept the loss of the John J. Foley Skilled Nursing Facility. The effort was never made to rehabilitate this facility. We know the potential John J. Foley possesses, and if that effort was attempted, we would not be sacrificing John J. Foley today. This tragedy could have been avoided, the heartache could have been avoided.

Our County once felt pride in this state-of-the-art facility that serves our community proudly providing these health services. Now their pride is in that state-of-the-art jail. Today they proudly provide for the criminals as they evict vulnerable residents from their home. And without complaint, this County spends millions necessary to build that brand new jail, that jail that the Sheriff now believes to be unnecessary. I quote, "The need for this expensive project could have been avoided had there been a more concerted effort to explore and develop innovative and effective alternatives to incarceration." The Sheriff wrote, "If we learn from past mistakes, we can greatly reduce the need for yet another expansion of the jail beds." Unfortunately, we have learned this Administration

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does not learn from past mistakes, because if there was a concerted effort to operate John J. Foley more efficiently, if alternative solutions were implemented as quickly as that callous closure plan, we would not be losing this County asset today. And our government should be in the business of protecting citizens. Remember, private companies pick and choose. This Administration should have helped to restore this historic health care institution, protect the public, and not hinder John J. Foley's progress.

That Peconic Bay Community Preservation Fund raised over 20 million dollars in the first quarter of this year, raised by a 2% tax when East End property is sold to purchase and protect land. This program has raised 800 million dollars since 1999. Such a program could not be developed to protect our vital public health services? We fight to preserve the quality of life, yet find out that our land is more precious?

*(*Applause*)*

D.P.O. HORSLEY:

Thank you very much, Ms. Dallaire. On deck is -- I mean, next up is Charlene Obernauer, and on deck is Ana Giraldo.

MS. OBERNAUER:

Good morning. My name is Charlene Obernauer. I'm the Executive Director of Long Island Jobs with Justice. We've spoken to some of you about the Sunday bus service, and I'm here to support Resolution 1295 in favor of bus service.

For those of you who don't know Long Island Jobs with Justice, we're a coalition of labor organizations, of community groups, of people of faith and of students. And I give that breakdown specifically because the Sunday bus service bill would impact each one of our main constituent groups. It will benefit labor. Not only will the jobs created by the addition of Sunday service benefit bus drivers and the Transport Workers Union, but it will also be good for local workers who work nontraditional hours, for example, home health aides, who, you know, are traveling to, you know, whichever communities to work and they need to get to their jobs.

For those of you who served on some of the committees we spoke at, we've shared the story of a home health aide who had to walk five miles to just get to her job because she couldn't afford cab fare. There's also low-income earners. For example, people who work in supermarkets where they're earning a little bit above minimum wage, maybe they're earning \$8 an hour, and they're paying half their salaries, half their Sunday salaries just on a \$20 cab fare to get to work. And, of course, they have to work those hours, otherwise they'll jeopardize their employment, so it benefits labor.

Secondly, it also benefits people of faith. People of faith, as we well know, a lot of people worship on Sundays, and how are you going to get to Sunday service if you're a low-income person without a car and there's no private transportation system that your congregation offers? So this would benefit local churches. It would also benefit the community, which, of course, there are people of faith. But people who -- you know, they've got off on a Sunday, they want to come into a local town, they want to contribute to the local economy. Well, for that -- for that working family that might not have access to a car, this would greatly benefit them. I mean, stores are open on Sundays now, right? It's not 1920. So we should give people the opportunity to shop on Sundays and to go to local businesses.

And, finally, students, and I emphasize students because myself, as a student, I worked a part-time job to help pay for college. I worked at -- I went to Stony Brook University, I worked at Stony Brook Library, and I always worked on Sundays. And, you know, for students to be able to pay for college,

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especially with the rising cost of tuition, they need access to public transportation and they need to have part-time jobs. So this would, of course, benefit that portion of our population, and it's a good deal.

We also support the amended resolution. We understand that there's a budget deficit. We're trying to be sensitive to that, but, as we've said before, we don't want the budget and we don't think that the budget needs to be balanced on the backs of workers. So that's why we support the amended resolution for reasonable people, but we also support the expansion of Sunday bus service. So thank you so much.

*(*Applause*)*

D.P.O. HORSLEY:

Thank you very much, Charlene. The next speaker is Ana Giraldo, and on deck is Ryan Lynch.

MS. GIRALDO:

Hello. Good morning. My name is Ana Giraldo and I represent the Long Island Bus Riders Union. Some of you heard me talking before, but I just want to share with you a little bit more of some examples.

We need to understand the Sunday service would not only be good for riders, but also for the economy of our communities. For instance, health care workers, just as Charlene said, who take care of the sick and the elderly will have \$30 more on their income to spend on our businesses, money that can be spent on sales taxes and will actually boost our economy. Investing in public transportation is so important because it's needed. Students, workers and community workers that do not own a car will have the opportunity to take advantage of one more day of public transportation to go to church, to go to the libraries, to go to local businesses.

We again thank Legislator Schneiderman for his leadership on this. And we just want you to support this bill. It's very important for our community, for our workers, for the students. Thank you.

D.P.O. HORSLEY:

Thank you very much, Ms. Giraldo. Ryan Lynch, and on deck is Mary Finnin.

MR. LYNCH:

Good morning. Thank you for the opportunity to testify today. My name is Ryan Lynch. I'm the Associate Director for the Tri-State Transportation Campaign. Tri-State's a nonprofit organization dedicated to creating a more balanced, environmentally friendly and equitable transportation system in New York, New Jersey and Connecticut. We're here to testify in support of the -- of 1295, a bill that would expand service of Suffolk County transit to Sundays.

You know, Tri-State wants to thank everyone up here that we've met, Legislator Schneiderman, Legislator Krupski, Legislator Muratore, and all the other cosponsors. It's a tri-partisan cosponsored bill, or tri-sponsored bill, whatever, and it's -- you know, in my line of work, that's very rare. And we wanted to thank you all for your leadership and meeting with us on this bill.

While Tri-State's preference would clearly be the -- see the whole two million dollars go to expanded bus service, we think that this amended legislation is a good compromise. It recognizes the challenges that Suffolk County is facing fiscally, but it also recognizes the importance of expanding bus service to a day that currently has none or very little.

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This is also important. The legislation seeks to make Suffolk County Transit whole by applying for a Job Access Reverse Commute Grant, which would -- which would support with another million dollars to make the two million dollars whole. And this is, you know, a type of funding source that's perfect for what the County is trying to do. It creates avenues for people who are low income to access work, access retail, and access, you know, services on Sundays.

You know, if the legislation is or resolution is adopted, this expansion is going to be arguably unprecedented, and it's very important. But it's also important to remember that this is just a first step towards a full build-out, a first step towards expanded service on Sundays throughout Suffolk County's system.

Moving forward, Suffolk County has to do more to reach out to New York State to ensure it receives its equitable share of transit funding. New York State only contributes to roughly 30% of Suffolk County Transit's Operating Budget, while Nassau County's bus system receives over 50% of its Operating Budget from the State.

Suffolk County has done a really good job at funding its bus system through the years. I mean, it should be rewarded with increased State Transit funding, which would allow for even greater service expansions to Sunday routes, later in the evenings, and more frequent service on existing routes. A first step towards achieving that must be a more proactive approach to seeking State funding.

Tri-State also is here to support I.R. 1349, which is a resolution to accept a grant for the New York Metropolitan Transportation Council for the purpose of studying the feasibility of Bus Rapid Transit in Suffolk County. BRT -- Bus Rapid Transit, or BRT, is a 21st Century transit option that could be a way to help improve Long Island's transit network, develop more sustainably, and grow more smartly. Last October Tri-State held a BRT symposium here in Hauppauge to highlight the potential BRT has to offer in changing Long Island's landscapes, spurring economic development, and providing greater transportation choice in the region. True BRT entail pre-board fare collection, realtime bus information technology --

D.P.O. HORSLEY:

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

MR. LYNCH:

Sure.

D.P.O. HORSLEY:

Thank you.

MR. LYNCH:

So for BRT to be truly successful on Long Island, it has to be planned in corridors with appropriate characteristics. Feasibility study for BRT in Suffolk County is a logical first step towards identifying these corridors and identifying the -- and encouraging the land use changes that supports a viable system.

We urge the Legislature to accept these funds. And thank you for the opportunity to testify today.

D.P.O. HORSLEY:

Thank you for being here today. Mary Finnin, and on deck is Tawaun Weber.

MS. FINNIN:

Good morning. My name is Mary Finnin. I'm a retired Public Health Nurse. I'm here to speak in opposition to Resolution 1365. 1365 is a resolution to move HEAL money into another fund so that

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it can be used in a way that was not originally intended for this HEAL money. The HEAL money was Federal money that comes to us through the State, and it was to provide expansion of the programs in our County health facilities.

We all know that the County Exec wants to sell or give away all of our health services, including the health centers. So, therefore, I think it's totally inappropriate that you use our tax money to put in another fund so it can be used to fund this out-of-county company that is being named HRH, that is being given the opportunity to take over all of our health centers.

Now, there was an extensive report given to the Health Committee. If you don't have it, I'd ask the staff to give it to those members of the Legislature that don't have it. It goes into some detail on the problems of these contracts. These RFPs were written biased for HRH. If you want to keep the jobs in Suffolk County, if you want to keep the business in Suffolk County, if you want to provide continuity of care for your patients, and to protect the employees of Suffolk County, then you will go back to the drawing board in terms of how you want to handle our public health services in Suffolk County; namely, if you don't want to continue to run the health centers, look at your Article 28 licensure and discuss first with those hospitals and providers that have worked with us for 40 years in Suffolk County and provided services. If we don't need to have an FQHC, if they want to take it over and you want to transfer to the people that have provided the services in-County, that would protect the patients, the continuity of care, it would protect the employees, and it would keep the business in Suffolk County, not giving it away to this other Westchester group. The same thing is going on with the drug abuse centers. I believe that it may even be signed off already, another Westchester group.

Why are we giving away our precious resources that we need in Suffolk County when we should be keeping the business here, the jobs here, and, most of all, protecting the patients and all of the public in Suffolk County?

Now, this is a shell game, moving this money around on HEAL money from one place to another. I know that if it's not used, you give it back to the State. Better give it back to the State than give away our resource and take away our jobs. In the health centers, for those of you who don't know --

D.P.O. HORSLEY:

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

MS. FINNIN:

Yes.

D.P.O. HORSLEY:

Thank you.

MS. FINNIN:

Very few are County employees. Most of them are employed by the various hospitals in the community. This has a major impact of hundreds of jobs, both public and private, as well as disrupting the care for the patients, 60- 70,000 patients just in the health centers alone. Please vote no on 1365. Send it back and start over.

D.P.O. HORSLEY:

Thank you, Ms. Finnin.

*(*Applause*)*

All right. The last card that I have is from Tawaun Weber.

MS. WEBER:

Hi, good morning. I wanted to speak to you regarding the Sunday bus service. First, I want to thank Legislator Schneiderman for working with us on the bus and sponsoring that. For those of you who we've met with throughout our work and our advocacy to support Sunday bus, we wanted to thank you for that.

We just want to remind you that Sunday bus is absolutely essential. Suffolk County is one of the few places that ridership is actually up, so we wanted to make sure that this funding is allocated to Sunday bus. There's a huge support for that. It supports economic development. A lot of the people that are looking to have jobs, we've had testimonies of people who have had to take a pay decrease because they weren't able to work on Sundays, or were unable to take jobs because they're not able to get to work on Sundays. That's something we don't want to see happen.

We're looking for economic development and growth in Suffolk County. We're looking for our young people to stay in Suffolk County. And right now, what we're seeing is the trend that a lot of our young people are leaving to places that do have transit that supports them like Brooklyn, like the Bronx, where they're doing -- Westchester, where they're doing more with their transit system, and where they have reliable bus services.

We're also looking at the impact that it has on our aging population. AARP has shown that there are a lot more of our elderly staying on Long Island and they're living longer, and they're not able to drive. Having Sunday service supports them to be able to get out and to get to the doctors' appointments, to get to stores and the things that they need as well.

Additionally, it supports our students. A lot of our students on Long Island, I, myself, went to Hofstra and the bus service there is essential for me to get to school, to get to work, to be able to support myself through school. And we want to be able to see that same support given to schools like Suffolk Community College, like Stony Brook University. Stony Brook University is very rare because it also applies it to the economic development and the jobs that are worked on Sundays for the Hospital and the University. We want to be able to support that. We shouldn't have to keep bringing in people from outside of Long Island to fill these jobs simply because they have the transportation available.

We also wanted to talk about -- excuse me. We wanted to echo the sentiments of my Executive Director as far as the support of BRT. I mean, I think that's a given. He's given you many points on that, but we do want to see that.

And lastly, I wanted to speak to the point in the idea of economic development, that we also need to look at the sewers for Mastic/Shirley and support that.

We talk about economic development on Long Island. We talk about connecting Long Island, especially in Suffolk County. This has been a theme of this Administration, and you can't do that without having a transit system that supports people every day of the week. You can't do that without having north-south connectors so that they can connect from one downtown to another. You can't have economic development in these downtowns if people can't get to it.

And lastly, if there's no infrastructure system that supports this, then that doesn't help as well in economic development. We understand the financial times, but these are things that are going to generate dollars back into the County and we'd like to see support for that.

In Mastic/Shirley, the community has gone through a process, a very lengthy process of which they've supported, and it's not fair to now tell this community, after they've invested their time and their dollars into it, to now say, "Let's stop and start over at another point." You have a community plan, you have community support.

D.P.O. HORSLEY:

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

MS. WEBER:

Last sentence.

D.P.O. HORSLEY:

Thank you.

MS. WEBERS:

You have community plan, community support, something that generates economic development, and now is the time to move on it. I'd like to see that happen. Thank you.

D.P.O. HORSLEY:

Thank you very much. Okay. Let's see if anyone else would like to be heard. I don't have any more cards. Would anyone like to be heard?
Would anyone like to be heard?

LEG. CILMI:

Motion to close.

D.P.O. HORSLEY:

Okay. Motion to close by Legislator Cilmi. I'll second -- second, Legislator Barraga. All those in favor? Opposed? So moved, the Public Portion has been closed.

MR. LAUBE:

Sixteen. (Not Present: Legs. Spencer and P.O. Lindsay)

D.P.O. HORSLEY:

Let us move to the Consent Calendar. I'll take a motion. Legislator Barraga, you want to make a motion?

LEG. BARRAGA:

Nodded.

LEG. CILMI:

Second.

D.P.O. HORSLEY:

Legislator Cilmi seconds the motion to accept the Consent Calendar. All those in favor? Opposed? So moved, the Consent Calendar has been passed.

MR. LAUBE:

Sixteen. (Not Present: Legs. Spencer and P.O. Lindsay)

D.P.O. HORSLEY:

Okay. We're going to move to Page 8, resolutions tabled to May 7th, 2013.

LEG. SCHNEIDERMAN:

Could we maybe do some of the ones out of order that people spoke about? There was the Sunday bus one, there was the health clinic one. We have people in the audience that I think would like to be here for those.

D.P.O. HORSLEY:

We're having a -- there are different considerations here, Jay. Why don't we just -- why don't we do the resolutions tabled to May 7th first and see where we are, all right?

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

LEG. SCHNEIDERMAN:

Motion to table.

D.P.O. HORSLEY:

Motion to table.

LEG. CILMI:

Second.

D.P.O. HORSLEY:

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

MR. LAUBE:

Sixteen. (Not Present: Legs. Spencer and P.O. Lindsay)

D.P.O. HORSLEY:

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

LEG. BROWNING:

Motion to approve.

D.P.O. HORSLEY:

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

LEG. CALARCO:

Second.

D.P.O. HORSLEY:

Second by Legislator Calarco. Any other motions? Okay. On the motion, Legislator Gregory.

LEG. GREGORY:

Oh, I see Mr. Brown's here. If I could, through the Chair. Good morning, Bill. Mr. Chair, if I could, I see Mr. Brown.

D.P.O. HORSLEY:

Yes. Mr. Brown. I'm sorry, I got distracted there. On the -- with Mr. Gregory, his comments.

MR. BROWN:

Yeah, sure.

LEG. GREGORY:

Hi, Dennis. How are you?

MR. BROWN:

Good morning.

LEG. GREGORY:

Honestly, it's been, I don't know, several months since I really looked at this bill. I know there were some changes. I know originally there was some issues or concerns about collective bargaining.

MR. BROWN:

That's correct. The last time we had the debate was the first meeting in December, which I think was on December 4th. And the position that we took at that time, and we have not altered our position, was that this -- the bill really was imposing a term and condition of employment. It was essentially a no-layoff clause for at least 90 days when the County was involved in some type of initiative to transfer services. And we felt that that was a, you know, collective bargaining issue to be resolved between the bargaining unit and the employer, namely the County Executive, but that this bill was in violation of that in that it was imposing, via this Legislative act, a term and condition of employment.

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

LEG. GREGORY:

Also, as I understand it, and I would like your opinion, this doesn't really protect employees, I think, as well as it could. Because you could technically guarantee someone employment, I think it's, what, 90 days or 60 days?

MR. BROWN:

It was 90 days in this bill, yes.

LEG. GREGORY:

But it doesn't state, "We'll give you a job, but we can give you a job at 15% less pay and less benefits." Is that a possibility also?

MR. BROWN:

Yes, because this was -- you know, actually, I'd have to go back and look at the bill. I don't think -- and I would defer to the sponsor on the question. I don't think that it was on the same terms and conditions of County employment.

LEG. GREGORY:

So there's no guarantee that they would get the same pay, same benefits as they currently are receiving.

MR. BROWN:

I would have to refresh my recollection on that particular question.

LEG. GREGORY:

But in any case, it would certainly -- given recent events, it would limit, or if you could use the term handcuff the Administration negotiating a contract where, in the case of the Foley Nursing Home, you had an agreement for 18 months; you wouldn't be able to do that.

MR. BROWN:

I wouldn't say that the bill would restrict the County Executive from doing something more liberally. I would say that this would -- this would -- this is, like I said, a flaw, but I would think that something more liberal, something broader, something more beneficial to an employee could still be

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negotiated. But the terms and conditions of this resolution I believe does set a term and condition of employment, contrary to the Taylor Law and what would ordinarily be a factor to be considered during the collective bargaining process.

LEG. GREGORY:

Okay. And if I may ask Mr. Vaughn a question. Has -- it's my understanding that the Long Island Federation of Labor is in support of this bill?

MR. VAUGHN:

That is not information that I possess, Legislator Gregory. Commissioner Chu spoke with Long Island Federation of Labor yesterday and they said they were still reviewing the bill. As of the conversation that the Commissioner had with the Long Island Federation of Labor, and that was as of approximately between 9 and 9:30 yesterday morning, they had not yet taken a position.

LEG. GREGORY:

So you're in possession of the information but you didn't have the direct conversation.

MR. VAUGHN:

Your statement was that they were in support of it and I said I didn't have that. I had not been told that.

LEG. GREGORY:

Oh, okay. All right.

MR. VAUGHN:

I'm not trying to mince words, I'm just trying to answer the question.

LEG. GREGORY:

I'm just teasing you. Okay, so they are still reviewing. That's not -- that has not been confirmed.

MR. VAUGHN:

That was the -- that the was the response that we got back after Commissioner Chu spoke with Long Island Federation of Labor.

And Legislator Gregory, could I just add one other thing that you had brought up in your previous questions to Mr. Brown? And that is that the Legis -- one of the things that we have always maintained and why we don't feel -- why we do feel that there is an inherent flaw with this piece of legislation is the fact that if the Legislature did not think that a deal that had been brought forward to them was -- did not protect the workers, there is always the prerogative on the part of the Legislature to reject whatever is brought forward to them until better terms are worked out.

In addition, I would say that AME, as has been the case recently with Foley, worked out a deal that went far beyond what the safety net provisions are provided in this one. I would also slightly disagree with Mr. Brown saying that I don't -- I believe that it would possibly impair our position to negotiate, because what you have done is you've set -- you've set a place and made it County law, I don't know what the impetus for any negotiating party would be to go beyond what is set forward in the County law.

LEG. GREGORY:

Okay. Well taken. Thank you, Mr. Chair.

D.P.O. HORSLEY:

Thank you very much, Legislator Gregory. Legislator Stern.

LEG. STERN:

Thank you, Mr. Chair. Also, through the Chair, to the County Attorney. Dennis, just going back to what you had said before, I just want to make sure that I'm looking at the right language here for the interpretation. Because there have been some changes, I think, so I just want to confirm I'm in the right place. I'm looking at Section 3, B, it's No. 1.

MR. BROWN:

Correct.

LEG. STERN:

With the language that does state that it is for, "At least 90 days after the responsibility for providing the service or performing the function is transferred from the County to the non-governmental entity."

MR. BROWN:

Correct.

LEG. STERN:

That's the language that you're relying on with your former answer regarding the minimum floor --

MR. BROWN:

Correct.

LEG. STERN:

-- and not necessarily a maximum.

MR. BROWN:

Correct.

LEG. STERN:

Section 2, then, right below it, *"Includes a complete list of employees to be retained for said '90 days."* Do you see any potential conflict with the language in the previous provision that says, *"At least 90 days,"* with the one in No. 2 that says, *"For said 90 days"?*

MR. BROWN:

No, I don't, because I read that "said 90 days" as referring back to the prior clause.

LEG. STERN:

Okay. Thank you. And then, through the Chair, to our Counsel. George, I just wanted to make sure that you agree with that interpretation.

MR. NOLAN:

That last question you asked?

LEG. STERN:

Yes.

MR. NOLAN:

Yes, I agree with it.

LEG. STERN:

Thank you.

D.P.O. HORSLEY:

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

LEG. D'AMARO:

Thank you. Mr. Brown, welcome.

MR. BROWN:

Thank you.

LEG. D'AMARO:

I wanted to explore with you this morning a little bit more about the Taylor Law and your statement that it actually -- that this resolution would violate the Taylor Law. And I want to understand what you're saying, that you believe the 90-day provision in this law would be imposing a term and condition of employment that is --

MR. BROWN:

That's correct.

LEG. D'AMARO:

-- subject to collective bargaining.

MR. BROWN:

That's correct.

LEG. D'AMARO:

But let me explain to you my perception of how this law would work. The terms and conditions of employment would already have been collectively bargained. And if we are privatizing a function of government or a facility of government, that union contract would already be in place.

MR. BROWN:

Yes.

LEG. D'AMARO:

Now, what happens, through the privatization process there's a procedure that has to be followed. But what it culminates in is a contract with the potential purchaser.

MR. BROWN:

Correct.

LEG. D'AMARO:

It's in that contract that this law would have effect. It would be a contractual provision that says, irrespective of the terms and condition of employment that were previously negotiated and collectively bargained, this contract will ensure that certain workers who are subject to the privatization will stay in place for a minimum of 90 days. So I'm not sure that I agree with you that this is, in fact, interfering with the collective bargaining process.

MR. BROWN:

It's interesting, because I'm not so sure that I disagree with you.

LEG. D'AMARO:

Okay.

MR. BROWN:

Because if we negotiated some type of transaction with the provider of service, as a condition of that transaction we would ask, as we did with respect to the Foley circumstance, that some type of provision be made for the employers. And that's true, that is irrespective of what was previously bargained for between the bargaining unit and between the County.

LEG. D'AMARO:

Right.

MR. BROWN:

The reason why this interferes with the collective bargaining process is because, as you said, the collective bargaining agreement had already been bargained for.

LEG. D'AMARO:

Right.

MR. BROWN:

If some type of non-layoff provision was to be part of the collective bargaining process, that should be -- was in the collective bargaining agreement, that should be achieved during the collective bargaining process. What this does is it interferes with the collective bargaining process in that legislatively it's being imposed for all employees and it's being made the term and condition of employment. And as you're aware, terms and conditions of employment are generally negotiated between the County Executive and between the bargaining unit under the Taylor Law and that the Legislative role is to approve with respect to changes in the law which have to be made to accommodate something that's been agreed to and with respect to additional appropriations.

LEG. D'AMARO:

Well, the collective bargaining process that you're speaking to, however, has already concluded --

MR. BROWN:

Correct.

LEG. D'AMARO:

-- by the time we're getting to the contract.

MR. BROWN:

That is correct.

LEG. D'AMARO:

So --

MR. BROWN:

So it has been --

LEG. D'AMARO:

I don't see how negotiating a contract provision where instead of your starting point in those contract negotiations are, you know, zero days of employment or 90 days of employment, and that's something that needs -- you know, whether you're starting at zero or starting at 90, it still doesn't change the fact that you're negotiating a contract of sale provision and not collectively bargaining. All you're doing is providing for by contract for employees who are already subject to a collective bargaining agreement that was arrived at through a process that's already complete.

MR. BROWN:

But what this bill does is really, and I say this with all due respect, is interjecting the Legislative role into the collective bargaining process. Because this really does amount to a 90-day no-layoff clause in the event that provisions are being changed.

LEG. D'AMARO:

Right, but this is in the context of the Taylor Law.

MR. BROWN:

That's correct.

LEG. D'AMARO:

As a policy matter, I may have a different point of view. But my concern here is I need to get over this Taylor Law hurdle because -- well, I certainly don't want to violate the law.

MR. BROWN:

Right.

LEG. D'AMARO:

So at the time you're negotiating a contract of sale to privatize a facility or a service of County government, there is no collective bargaining going on.

MR. BROWN:

I don't think that we disagree.

LEG. D'AMARO:

Okay.

MR. BROWN:

So you have the County and you have the provider of service. We enter into a contract, the terms and conditions of that contract makes allowance for the employees, whether it be continuation of employment or salary or severance.

LEG. D'AMARO:

Right.

MR. BROWN:

Some type of benefit for the employee so they're not adversely affected by the transaction.

LEG. D'AMARO:

Right.

MR. BROWN:

But this goes beyond that in that this bill is saying that -- this is independent of anything we negotiate with anybody. So this bill says regardless of who you are or what you're involved in --

LEG. D'AMARO:

Right.

MR. BROWN:

-- the Legislature is saying that in the event that we enter into tran -- we enter into a transaction where your employment is affected, you will be guaranteed a minimum of 90 days of extra employment. That is -- that is a term and condition which should be bargained for between the County Executive and between the collective bargaining unit.

LEG. D'AMARO:

Well, is it common practice in the collective bargaining process to bargain for such a non-layoff clause?

MR. BROWN:

I believe that that --

LEG. D'AMARO:

Like, for example, in the event of privatization or sale of the function or a facility, you know, here are the terms that we -- I mean, is that really done in advance?

MR. BROWN:

I believe that -- I'm not a labor law attorney, but I do believe that I've read cases or PERB decisions whereby no-layoff clauses have been interpreted.

LEG. D'AMARO:

All right. The other question I had is the sponsor of the bill had indicated previously when we talked about this back in December, I think it was.

MR. BROWN:

Yes.

LEG. D'AMARO:

That other jurisdictions have enacted this type of law.

MR. BROWN:

There was actually a case involving the City of New York.

LEG. D'AMARO:

Yeah.

MR. BROWN:

And the City of New York did pass a bill relating -- and it had similar provisions, but that wasn't a public employer, it was respect to building trades employers. And so it would have been a term which would have affected private employers and private landlords or building managers, and also that case was simply a determination as to whether or not the City law had violated the Federal Fair Labor Standards Act.

LEG. D'AMARO:

So do you believe that this Legislature doesn't have the power and authority to enact this bill?

MR. BROWN:

Yes, I do believe that. I believe that the role of the Legislature in the collective bargaining process is as set forth in the Taylor Law which is to approve -- which is to approve what the County Executive has bargained for and to approve appropriations where needed or make changes in the law where needed.

LEG. D'AMARO:

Okay. Because this would put forth a term that may or may not be collectively bargained --

MR. BROWN:

That is correct.

LEG. D'AMARO:

-- at the bargaining table with the public employee union.

MR. BROWN:

That is correct.

LEG. D'AMARO:

Okay. Thank you. I appreciate you answering my questions. Thank you.

D.P.O. HORSLEY:

Okay. Thank you very much, Mr. D'Amaro. And for a point of clarification and point of respect, I would like to call on the Presiding Officer.

P.O. LINDSAY:

First, Counsel, could you explain the bill to us?

MR. NOLAN:

The bill has a couple of different provisions. First it says that if there's any plan/proposal/action which has the effect of privatizing a service or function which the County has previously provided, that plan/proposal/action can't go forward unless it's duly enacted by the County by a resolution. So it needs a Legislative resolution to privatize a function.

P.O. LINDSAY:

Which was the norm anyway.

MR. NOLAN:

Well, there haven't been that many recent examples. You know, with the Foley Nursing Home, those came before us because of the Hibberd law.

P.O. LINDSAY:

Okay.

MR. NOLAN:

So privatization found its way to us that way.

Secondly, it says that the County's not going to privatize a proposal to privatize a function unless the agreement with the private entity states that the people who are County employees will be retained by the new employer for at least 90 days after the function is transferred to the private entity, so 90 days. However, it goes on to state that the new employer can still terminate somebody for cause within that 90-day period.

And then also going back, the plan has to -- is that the County prove, we have to notify the new employer who the employees are that have to be retained for the 90 days, and then there are some notice provisions to the employees about their rights under the law.

P.O. LINDSAY:

And Mr. Brown, why does the Administration feel that this is so onerous? I mean, if you're getting -- you know, a change of employment is a real dramatic thing for a worker. Ninety days doesn't sound too onerous to me for them to transition either to a private employer or to look for a new job.

MR. BROWN:

I don't think it's whether the 90 days is onerous. I think it's really the bill goes beyond what the role is of the Legislature with respect to the collective bargaining process. And I say that with all due respect, Mr. Presiding Officer, because I know that you've been -- your entire career has been

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involved in the labor movement. But when a public employer is involved, as you know, the Legislative role is to approve laws or to make the appropriations when a collective bargaining agreement has been struck between the employees and between the Executive, between the Executive Branch. And that just doesn't apply to the County, it applies to, you know, the various municipal levels of government. And so this is -- really it runs afoul of what those settled procedures are.

And with respect to the provisions just relating to the protection of employees, it's something that when transactions have been brought before you, I know that they have been brought with at least some provisions relating to the protection of employers -- the employees, and that the Legislature does retain the right to either approve or disapprove the transaction that is before it or insist that certain terms be made more appealing to it in order to -- in order to obtain the approval of the Legislature.

P.O. LINDSAY:

Okay. And just to set the record straight, I stepped out of the room and I called Roger Clayman from the Long Island Federation of Labor and they haven't taken a position on this. He said that he had a discussion with Commissioner Chu, but they're still discussing it at their Executive Board level. So they haven't taken a position yet. Okay.

LEG. SCHNEIDERMAN:

What motions do we have?

D.P.O. HORSLEY:

Okay. Thank you very much, Mr. Presiding Officer. Legislator Cilmi.

LEG. CILMI:

Yes. Thanks, Mr. Chair. To -- through the Chair, to the sponsor, and then to the County Attorney's Office and Mr. Vaughn.

I recall last time we debated this I articulated what I thought to be a better alternative to reaching the objectives that the sponsor wishes to reach here, which I think are valid objectives. But I think what the bill does in its current form is it puts the impetus on the new private entity to do certain things that while we may be able to contractually require them to do, maybe very, very difficult for them to do in such a way that it maintains the integrity of the employees' compensation and situation.

It further raises questions with respect to how we're actually going to adjudicate any differences or mediate any differences between the employer and the employee once the County is, for all intents and purposes, out of the equation.

So the thought that I had, which seems to accomplish the same goals for our employees, is to simply say that if the County were to approve a measure that somehow privatizes a function or a facility, that the consummation of that transfer of responsibilities doesn't happen before 90 days subsequent to the approval of said transaction. So in other words, in the case of Foley, for example, the contract with the purchaser of Foley, then, would state that they shall take over the ownership of the facility not less than 90 days subsequent to the closure of the deal. Whether -- and how you define closure of the deal I think could be -- you know, we could debate that or discuss that. That may be, you know, signing of the contract, it may be approval of the Legislature, whatever it is. But in any event, having the 90 days start at that time and having the transfer happen from a technical and legal perspective 90 days hence, it gives our employees absolute certainty as to their salary and benefits for that 90-day period. And then if the employees wish to find some other -- try and find some other employment or get themselves into another situation in that time frame, they can do so

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knowing that there are no questions as to what their salary is and there are no questions as to what their benefits may be during that 90-day period.

I think doing it this way, the way this bill is currently written I think does leave some of those questions out there. And I think the alternative that I've just articulated removes those questions. So I would much prefer that alternative to this alternative, and I would support that alternative, at least conceptually.

So I guess my question to the sponsor and then to the County, to the Administration, would be have you thought about that alternative;
And then to the Administration, is that an alternative that the Administration would support?

D.P.O. HORSLEY:

Thank you very much.

LEG. CILMI:

That was through the Chair to the sponsor. I'm giving --

D.P.O. HORSLEY:

I'm sorry.

LEG. CILMI:

-- the sponsor an opportunity to answer.

D.P.O. HORSLEY:

To the sponsor.

LEG. BROWNING:

I mean, I certainly would like to be able to impose that. But again, I think that this is basically at least giving them a 90-day timeframe where they're not going to be unemployed, where the employer is going to take them. I can give you a little bit of history.

I know this from experience. I worked for a company that was AME represented, became privatized. I was in that position. And basically what happened was you were privatized, you had no idea what your salary was going to be. Yeah, we got paid somewhat accordingly, but it gives the membership -- and what I'm saying here is they're AME members and from what I understand based on the Constitution, they can no longer be AME members once they're privatized. So it gives that membership an opportunity to work on bringing in a union and organizing themselves and work on a collective bargaining agreement.

Where the violation of the Taylor Law is, I don't know. And I hate to say -- I have to say, I spoke with Roger Clayman at the Workers Memorial and he seemed to be supportive of it. In fact, there was additional language that I didn't put in because I didn't think it was going to go through that he had sent to the County Executive before the whole Foley thing. And obviously the agreement with the Shermans, the language that he requested he put in the contract with the Shermans was not entered; none of it was put in.

So I think that this is basically trying to give them some protection. I'm not saying that the County Executive and -- can't work with the private entity to enhance even this and work on salaries. But I don't know that that's something that we can necessarily impose. And you know, as an example I know, yes, you've talked about privatization. Generally what we've seen is like the New York City bill that Mr. Brown talked about, yes, that was for janitors, custodians because the companies

change over. Well, we're starting to see that here in County government. You know, we saw it more in the private sector where companies changed hands and workers were not being protected, never seen it here. We've seen the privatization of security guards, we've seen the privatization of a nursing home, now we're seeing the privatization of our health centers. So that's why I'm doing this, is that we need to do something to protect these workers moving forward.

LEG. CILMI:

So I understand that desire and I appreciate and agree with that desire. My only point, and then I'll turn to the Administration, is I think that a better way to do it is to restrict us from finalizing the transfer of any sort of privatization or any sort of function for a 90-day period so that the employees, in fact, are protected for those 90 days with their current salary and benefits, as AME employees or whatever union they may be represented by, as opposed to trans -- as opposed to creating this arrangement with a private entity that might be difficult to manage, honestly. So my question is to the Administration; is that something that you would support? Do you understand it, first of all?

MR. BROWN:

Yes, I do, because I listened carefully when you spoke before Legislator Browning started to answer, and I would like to say two things.

One is that the Legislature retains the final right of approval with respect to any transaction that's brought before it. So I don't think that the Administration -- and again, I say that I don't think because I can't -- I haven't spoken to Jon about this issue or the County Executive or the Chief Deputy County Executive. But I don't think that the Administration is open to preset terms and conditions with respect to any transactions that might be for the legislation, but I also think that it is fully aware that you do retain final right of approval and that something will not be approved unless there are favorable -- there's favorable treatment to the employees.

Now, with respect to -- but on another note, what I do -- what I do think that the Administration opposes is the enlargement of the Legislative role with respect to the collective bargaining process, and that's really what this does. And negotiations between the Executive and between the workers are to be just that, negotiations between the workers and the Executive so that there is certainty in the bargaining process.

LEG. CILMI:

So Dennis, if I could just interrupt, though. The alternative that I articulated doesn't -- your concern doesn't really relate to that alternative.

MR. BROWN:

I'm not sure if I follow your question, but I don't think that the Administration is open to a preset parameter that should be imposed on all transactions that it might negotiate for the providing of services by employees other than County employees. But that in all cases, the best possible, favorable terms would be negotiated for and presented to the Legislature for its consideration.

LEG. CILMI:

Okay, so I respect that. In your opinion, and maybe -- if Mr. Vaughn has a different opinion or if you could share your opinion as well -- don't you think that that would be a much more manageable alternative and it would be certainly easier for the Administration to deal with from a legal perspective, from a management perspective, if, again, whatever deal we strike doesn't take -- doesn't effectively take place until 90 days after the deal is finally struck.

MR. BROWN:

I can say that if it was the policy of the Legislature, probably the same thing could be accomplished via resolution instead of -- instead of a law whereby the -- whereby the Legislature can, for example, Legislator Cilmi, you could sponsor a resolution and that resolution would set forth a policy of the -- of the County that would maybe establish some type of minimum parameters that you would like to see govern any types of transaction --

LEG. CILMI:

Of transfer.

MR. BROWN:

-- that might involve employees other than County employees.

LEG. CILMI:

Right, right.

MR. BROWN:

That actually might be more manageable at least.

LEG. CILMI:

That's what I'm thinking. And we can do that as a resolution as opposed to a Local Law?

MR. BROWN:

Resolutions can set County policy, yes.

LEG. CILMI:

Tom, do you have any input?

MR. VAUGHN:

I'm going to stick with what Dennis Brown just said. However, I would -- since Local Law 19, the New York City Law from 2002 got brought up, if you don't mind, I didn't have a thought that I'd like to share on that as well.

So one of the things that you brought up, Legislator Cilmi, was this idea of 90 days. Well, I would just also remind the Legislature that currently employees do have 60 days for a layoff clause which has been negotiated between the County Executive and our various unions. So that would be one thing that I would like to keep forward, to put forward.

I would also argue that in both the New York City Law, Local Law 19 of 2002, and the Montgomery County Law which is a law -- which is a similar type of law that was brought forward in the State of Maryland, both of them, one of the impetuses for that was because there was no such notification process or delay in any way, shape or form.

The other interesting thing, though, about both of these pieces of legislation is that both of them also provide clauses there for the employers to be able to right-size their workforce. To be able to say, *"Look, we understand that maybe there were 50 employees, but we think that we only need to run the operations with 45."* Such a similar clause does not appear in this piece of legislation that's currently before you today.

I would also like to point out as well that New York City's law also provides an opt-out clause for any business, any private entity that also has a union in place. So, for example, if the deal with the Shermans had gone forward and this Local Law was in place for a similar Local Law such as the one that New York City adopted was in place, we would have been exempt had that clause existed under

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the New York City law upon which this has been served as the inspiration for Legislator Browning's bill.

LEG. CILMI:

Okay. Thank you very much.

D.P.O. HORSLEY:

Thank you very much, Legislator Cilmi. Legislator Calarco.

LEG. CALARCO:

I pass.

D.P.O. HORSLEY:

Legislator Calarco passes. Legislator Browning, it's back to you.

LEG. BROWNING:

Okay. I kind of got a little muddled up there in what you were saying, Tom. And by the way, thank you for the card.

MR. VAUGHN:

You're very welcome. Congratulations, Legislator Browning.

LEG. BROWNING:

Thank you. Again, the workers, yes, have a 60-day layoff notice.

This is about a 90-day protection after they've been laid off. This has got nothing to do with their layoff contract. They are no longer AME members once they become privatized.

Yeah, and again, let's go back, San Francisco, Montgomery County, Maryland, Washington D.C., California; this is something that's been done. Even the President himself issued an Executive Order in January of 2009 requiring a similar 90-day job protection for service workers employed by Federal contractors. Again, like I said before, we have seen, you know, private entities changing over contracts and we've seen it with the displaced workers with janitors and that -- that were saying, okay, they were not being protected. Companies would switch hands, the workers no longer have an opportunity. I'd love to see it being done across the board in Suffolk County, but let's really look at home first and do it here and protect the workers that we have right now who are facing privatization. Let's make sure that they have a guaranteed job. I would have no objection to the County Executive negotiating with a private entity and saying, "Okay, for the next two years we'll make sure that they have their full salaries and benefits." I can't impose that and you know I can't.

It is a shame that we're going this route. I think the workers are entitled to something. When they become private, they're entitled to have an opportunity to organize and get a union in. And I don't think this is a whole lot to ask for for any of them. I just found out today, from what I can gather is we might be in violation, the County might be in violation of the AME contract as we sit here today, because I found out there are some County workers already being laid off, and I believe in the contract they're required to layoff the agency employees before they layoff the County workers. So I'd like to find out an answer to that one, maybe you can get me an answer for that.

But like I said, this is something that's being done across the country in the private entity. As you see, this Administration has decided to make a decision to privatize an awful lot of Suffolk County Government. I'm just saying, let's protect our workers. If you care enough about them and you're going to support privatization, at least give them an opportunity to be employed for 90-days with the new employer so that they can organize, get a union and negotiate a contract.

D.P.O. HORSLEY:

Thank you very much, Legislator Browning. Legislator Kennedy.

LEG. KENNEDY:

I have some questions about the particular ability to go ahead and impose this, because I do tend to agree with some of the points that Mr. Brown has made. But I will also say, I think part of the reason that this has come forward, and I've been generally supportive of the resolution, is because the only thing that I know that the County Executive has decided that he wants to privatize or eliminate from County government at this point is health. So I'm left here to wonder what it is that he intends to roll through next.

Tom, what's it going to be? Will it be parks? Are we going to have private golf courses or marinas? How about economic development? We could get an outfit to do that or we could privatize the jails. You know, at some point, the last time I checked the Charter, we were supposed to set policy, but when faced with resolutions that talk about forfeiture of millions of money -- dollars, you know, in a 45-day time period, actually, quite frankly, we're left to try to put this type of legislation forward that reestablishes the balance. The Exec is supposed to negotiate and implement, we're supposed to establish the policy. So what's the policy going to be?

MR. VAUGHN:

Legislator Kennedy, I think I completely don't understand your question.

*(*Laughter*)*

This Legislature -- no, I'm sorry, but this Legislature has the ability to vote on all of the bills being put forward. So how can you tell me that we're, quote/unquote, ramming things through? If you don't like it, don't vote for it. I'm very sorry and with all due respect, I don't understand -- I don't understand the question.

LEG. KENNEDY:

Well, you know, I think the question's simple; maybe if you want to consult with some of the members on the Executive staff there, they'll help you with it. I'm asking you what other areas of County government does the County Executive intend to attempt to privatize? That's all. And if you're not prepared to answer it now, get back to me. That is the reason you see legislation like this before you. That's all. Thank you.

D.P.O. HORSLEY:

Thank you very much, Legislator Kennedy. Legislator Barraga.

LEG. BARRAGA:

Yeah, I listen to the debate and I remember reading this particular bill, and certainly I can understand it from the standpoint of protecting workers in the future where privatization may exist, potentially may exist, at least they'd have 90 days. But in the one concrete example we did have where there was a lease agreement between the Shermans and the Administration concerning the Foley Nursing Home, those workers would have been guaranteed, as I understood it, employment for not 90 days but 18 months at full salary.

So my concern is this. I have a feeling that if this particular resolution goes through, it may stifle the debate between a potential buyer and the Executive Branch, where a buyer might turn around and say, "Okay, the law says 90 days, you've got 90 days." And the Administration says, "Okay. Well, that's the law." And the bottom line is that the workers wind up being shortchanged. If this law was in effect, you know, several months ago, maybe, you know, we would only have a lease guaranteeing employment for 90 days, I don't know. It's just that I think it gives a potential buyer

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the ammunition to say, "Look, you know, this is what your law says, 90 days. That's exactly what we're going to do."

For someone to say, "Well, this is a flaw"; well, that's a nice thing to say, but I have a feeling it would be looked at as the reality. Ninety days is 90 days. And I'm not so sure what flexibility the Administration would have once a bill like this goes into place. Certainly it would not have worked, in my judgement, to the benefit of the employees of the Foley Nursing Home on that lease agreement.

D.P.O. HORSLEY:

Thank you very much, Legislator Barraga. Bill, you want to wait 'til Legislator Browning? Yeah, Legislator Browning is the last one, looking for the last.

LEG. BROWNING:

Let's get back to the nursing home again. Clearly, and I want to talk about timing, that we want to kind of set some kind of a policy, because what we have been seeing in the past is this privatization. We're not getting a whole lot of time to react. And yeah, we can vote yes or no, however we know how many of those votes have gone in the past.

But I want to talk about this -- the vote that the membership took. That vote was muddied up with this so-called lease agreement with the employees. The vote that this membership took from the John J. Foley was to move forward with the lawsuit or withdraw the lawsuit. That's what that vote was about. Nothing to do if they tied up that lease agreement into the lawsuit. However, it does not -- because they voted to move forward with the lawsuit, does not prohibit this County Executive, and it's my understanding, this Administration, to move forward and go with the lease, they don't have the -- they're not the ones that make the decision whether we move forward with the lease. We are. This policy -- the policy is made here, the decision is made here at the Legislature; not by AME, not by the workers. So if this Administration wants to move forward with the lease agreement, they could do that.

D.P.O. HORSLEY:

Thank you very much, Legislator Browning. Legislator Lindsay.

P.O. LINDSAY:

I'm going to make a motion to table, and the reason why is I'd really like to get a definitive answer from the Long Island Federation of Labor where they stand on this. Because, again, Mr. Clayman tells me they're looking in to see if they have any other of their unions represented in some of these facilities. So I'll make a motion to table.

LEG. BROWNING:

On the motion.

LEG. BARRAGA:

Second.

D.P.O. HORSLEY:

Second by Legislator Barraga.

LEG. BROWNING:

On the motion.

D.P.O. HORSLEY:

On the motion?

LEG. BROWNING:

And I think I've made it clear that the language that Roger Clayman brought to this administration was definitely not going to be supported. I'd be happy to give you what they wanted. And my conversation with Roger was he seemed to be okay with it when I spoke with him on the Workers Memorial Day.

So -- and I don't know why we need to wait for the Long Island Fed. I can give you an example where the South Country School District had school bus drivers who were changed over hands from one company to another. The company that got the contract was a non-union company, and that company chose not to hire any of the employees that worked for the other company. They all wound up out of a job. The other guy hired up a lot of people, made sure he had drivers ready so when he took over the contract. And I know, I stood on the line with Roger Clayman, with Tim Lynch from Teamsters and all of those workers, because we knew that the minute that new guy would come in, that new company would come in, that they would all be out of a job and that's exactly what happened.

So I don't know why Roger is now saying that he's not sure where he's going with it, but I think that we should pass this bill today. As we see, we have an issue going on with our health centers. What health center is next to move forward with, with privatization. And like I said, with the sale of the nursing home, the security guards, we didn't have a lot of time to react. The votes went through to go ahead and privatize everything and we didn't get a lot of time to react to putting something in place to protect the workers. So that's why I think it's necessary to have something going right now.

D.P.O. HORSLEY:

Okay. Thank you very much, Legislator Browning. We've got now Legislator Krupski and then Legislator Schneiderman, and we'll see if we can wrap this up. And then Legis -- Mr. Vaughn wants to make a comment.

LEG. KRUPSKI:

I would support the tabling motion because I agree with what the Counsel said, when you have a -- you're making an agreement between any kind of administration or management and labor, I think, you know, the last thing you need is some sort of other complication like this would add, overriding complication kind of out of context to what this specific situation is. And I think that that would be -- to put this on there as an extra layer in the negotiation would be a mistake.

D.P.O. HORSLEY:

Thank you, Legislator Krupski. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Legislator Browning just raised a concern about this bill in connection with another bill we're considering dealing with a public/private partnership with the FQHC. My read of this -- and Counsel, you can correct me -- is that this bill does not interfere with that because there are no employees who are being terminated in that proposal. However, and I've been inclined, I've supported not tabling this every time it's come up. If there is a problem, then I would say let's table it and resolve that issue and I'll support the tabling. So, Counsel, it's clear in terms of whether that proposal is affected?

MR. NOLAN:

Well, if -- and I haven't seen the details on the proposal regarding the East End Health Center, but if the County's retaining the employees, then obviously the new -- the vendor is not going to have to retain them for 90 days after the transaction happens. If it was a service other than a non-health service, though, part of the provision of this bill is if we're going to privatize something, it needs a

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Legislative resolution; and then the second part is the 90-day protection for the employees. Did that answer your question?

LEG. SCHNEIDERMAN:

Well, it sounds unclear. So in which case I need to get a clearer answer, I'll probably support the tabling.

D.P.O. HORSLEY:

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

MR. VAUGHN:

Just two things that I would like to bring up. I would just point out that one person's floor is another person's ceiling, so just something to bear in mind at that point with that.

The other thing that I would mention is that Commissioner Chu grabbed me before and said that the language that Mr. Clayman had suggested for inclusion with the deal with the Shermans was signed in a separate agreement.

D.P.O. HORSLEY:

Okay. That's interesting. Thank very much, Mr. Vaughn. Any --

LEG. BROWNING:

On that, can we get a copy of that, please?

MR. VAUGHN:

I would be happy to ask Commissioner Chu for a copy of that.

LEG. BROWNING:

Thank you. Because I don't think we have ever seen that, anybody here has seen that.

P.O. LINDSAY:

I haven't seen it.

D.P.O. HORSLEY:

No, I haven't either. Okay, I think -- is everybody good? We've all had our piece? We have a tabling motion and a motion to approve. Let's do the tabling motion first. Roll call.

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

P.O. LINDSAY:

Yes.

LEG. BARRAGA:

Yes.

LEG. KRUPSKI:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

No.

LEG. MURATORE:

No.

LEG. HAHN:

No.

LEG. ANKER:

Yes.

LEG. CALARCO:

No.

LEG. MONTANO:

No.

LEG. CILMI:

Yes.

LEG. KENNEDY:

No.

LEG. NOWICK:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

No.

LEG. SPENCER:

Yes.

D.P.O. HORSLEY:

Yes.

MR. LAUBE:

Eleven.

D.P.O. HORSLEY:

The tabling motion passes and the motion has been tabled.

Okay. I'm going to turn this over to Mr. Lindsay.

P.O. LINDSAY:

I am going to make a motion to take Procedural Resolution No. 9 out of order, it's in your manilla folder. It has to do with the selection of the Director of the Legislative Office of Budget Review.

LEG. HAHN:

Motion.

P.O. LINDSAY:

Okay. I made the motion, so you'll second it. Legislator Browning? Did you second it?

LEG. BROWNING:

Kara.

P.O. LINDSAY:

Kara. Okay, Legislator Hahn seconds it, I'm sorry. So we have a motion and a second. Is there any other motions? This is to just take it out of order, excuse me. Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, it's before us. *Procedural Resolution No. 9-2013 - Appoint Director of Legislative Office of Budget Review (Robert Lipp) (Presiding Officer Lindsay)*. I probably should go through the process that we reached with Mr. Lipp with this recommendation and this resolution.

In January, at our January Organizational Meeting, maybe a couple of weeks before I was informed by Ms. Vizzini, who has been our Budget Review Director for a couple of years now and who did a marvelous job, that she was leaving us and going to work for the College. And we -- I got together with the Minority Leader, the Majority Leader and myself and the Deputy Presiding Officer and we decided to create a search committee to look for another candidate. We've had about four changes at this office over the last ten years, and in all of those changes we've never really saw what was available out in the open marketplace and we all thought that it would be a good idea and it would be our responsibility if we did a proper search. And we advertised in all the periodicals that serviced this industry and wound up with I think 83 applications from both public and private sector applicants.

And I -- we created a second layer of a committee and then I asked the last two Budget Review Directors, as well as the Deputy Director, to help us with the screening of these candidates. So Gail Vizzini, Jim Spero and Lance Reinheimer helped us with reviewing the qualifications of a lot of the people that we saw, and we narrowed it down to about six or eight people and we brought them in for personal interviews, and by far we felt that Mr. Lipp was the most qualified. He is the only person we interviewed that had a Doctorate Degree in Finance, which very much impressed us; he's certainly very familiar with the operation of the Budget Review Office because he's been there many, many years; and he became our selection. So I, at this time, would like to make a motion --

LEG. CILMI:

Second.

P.O. LINDSAY:

-- to put forward Mr. Lipp and sponsor this Procedural Resolution.

LEG. CILMI:

Second.

P.O. LINDSAY:

Seconded by Mr. -- by Legislator Cilmi.

LEG. CILMI:

And on the motion.

P.O. LINDSAY:

On the motion.

LEG. CILMI:

Thanks, Mr. Chair. I would just like to articulate my full support for Robert Lipp. Despite some philosophical differences, I find him to be remarkably honest about the fiscal implications of all of the things that we do, about our budgetary situation, and very much enjoy the conversations that we have about those situations and discussing ways that we can move forward and deal with the challenges that we have in the County. So that honesty is, in my experience, a rare thing to find these days, and so because of that, it's certainly my pleasure to second the nomination for his employment. And it's with much gratitude that I do so. Robert, we're very fortunate to have you here and very happy we were able to promote somebody from within and wish you all the success in the world. Thanks for your continued service.

LEG. SCHNEIDERMAN:

Bill?

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

I want to echo the support for Robert. I believe that he will do an excellent job in leading this group that we all depend on so much.

I think I personally can say that the ability to have access and availability, and certainly something outside of the traditional 9 to 5, Monday through Friday, is something that's personally important to me, and I know you and BRO make yourself available to all of us.

I just want to also not only congratulate you, Robert, in this selection, but I want to thank the Presiding Officer for agreeing to actually go through this process and to do something that is -- was a region-wide search for candidates and to do really an arm's length vetting and, quite frankly, to give the minority the opportunity to be at the table as well. Ultimately, I think it goes to your strong belief and the fact that we are a most effective body when all of us are heard and that we preserve the importance and the intendants of the Legislature. So I thank you for that.

P.O. LINDSAY:

Thank you. Legislator Nowick.

LEG. NOWICK:

Doctor Lipp, I want to congratulate you. As someone who lives in my district, I'm very, very proud of you. But I just want to say over the many, many -- I guess seven, eight, nine years I've sat on the Operating Working Budget Committee and we have leaned on you many times, along with Gail Vizzini and Lance. You have, I believe, the greatest knowledge of what the budget is and what the fiscal problems are in Suffolk County, and we all appreciate it. I always say I have no idea what you're saying most of the time.

*(*Laughter*)*

But I am sure you're right about most of the stuff. If you just could, you know, dummy it down a little bit, we would --

*(*Laughter*)*

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But I want to thank the Screening Committee for doing a search and particularly for staying within Suffolk County, and more particularly for staying within our own Legislative offices for someone who has worked so hard and knows so much and cares so much. I'm glad you're staying with us. Congratulations.

P.O. LINDSAY:

Legislator Spencer.

LEG. SPENCER:

I appreciate the work of the committee, and I also am very supportive of you, Rob.

I was wondering, I had a couple of just more philosophical questions with a couple of concerns that I may have. One, it's great that we looked out, but I know that sometimes when you had been working within a particular system and we know that you're capable of doing the job, and sometimes we look to the outside to kind of bring in a different perspective. So I guess -- and you may not be able to answer this but, one, how do you keep it fresh? How do you, kind of being someone that's worked within the system, be able to kind of look outside as to what's going on and kind of bring in new ideas? And then two, knowing in your position as Deputy, that you definitely have the talent and I've witnessed it as a new Legislator that you've worked with me and I appreciate that. But I guess now being the face of the Department whereas when you're in a Deputy position you are in more of an operating position where now you're kind of the spokesperson. So it has a little bit more of a political face where we need you to be able to give us an independent opinion, but also at the same time being able to work with the Executive but also stay -- play friendly with everyone. So could you just give us a couple of words about those two questions?

MR. LIPP:

Sure. Okay, for the first question, I question myself on a daily basis whether I'm right or wrong on any issue, and I'm always looking at, you know, for other opinions from people, looking at, you know, written literature on topics to see what's new, and always listening to what other people have to say, especially Legislators, whether I agree or disagree, and try to understand their perspective -- we can't always agree with each other -- and to try to challenge myself to see differences and to see where I may be wrong. And none of us are perfect. I challenge the staff and I challenge the staff to challenge me on a daily basis. We're constantly speaking about issues and I'll even exaggerate the point just to see -- take the opposite perspective just to see what they say. In terms of morphing from Deputy Director to Director, I would say on one level I've been doing it for almost five months now.

LEG. SPENCER:

Yeah.

MR. LIPP:

And I realize, you know, it's a -- it was a trial period, number one. And number two, I do take very seriously the importance of the position and I realize -- I always said that as Deputy Director, I had the best position in the County, because I didn't have to deal with some of the issues that Gail had to, but I did learn from her and she taught me, you know, that side of the job.

That being said, it's a constant process. None of us could be spot-on on every issue, but I'm more than willing to learn and admit, you know, when I might make a mistake and take seriously what everybody says, every Legislator. I feel I work for all 18 of you and I take serious everything that each of you says and try to balance it. It's a difficult balancing position, and I know that, you know, I'll get some criticism from time to time and that's all right, I can handle that, not a problem. But I will take it seriously, I won't slough it off.

LEG. SPENCER:

Well, I'm -- you couldn't have given me a more -- a better answer. The fact that you are open, that you're willing to learn, that you're willing to admit your shortcomings and your humility combined with your talent I think will be very good for us. So you have my support. Thank you.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you. And Rob, good morning. Thank you for coming forward and being part of our process, I appreciate it. And obviously, having had the opportunity to work with you over the last seven and a half years, your work is very impressive and your knowledge is very impressive and you're a pretty good guy, too, so that helps.

But I wanted to delve into an area that always concerns me here. And just listening to your response to Legislator Spencer kind of highlights my concern that I have. You have to walk a very fine line in the Budget Office. And I'm not commenting at all about your work as the Deputy, I think you did a fine job, but I have some concerns about you being the Director with respect to one issue, and that issue is the line between the Budget Review and analysis, which you're supposed to do, and against influencing policy. And I was wondering if this morning you might take a moment to give me your thoughts on how you deal with those two competing concepts.

And just to give you a little more context, I read the BRO budget analysis every year, especially with respect to the Operating Budget, the Capital Budget, and all in all it's very informative, very, very helpful and I'm sure my colleagues would agree that we couldn't live without it, we need that. But I also see it as a document that doesn't just lay out policy options sometimes but actually takes a position, and I think that crosses a line.

I'll give you another example. Fiscal impact statements, from time to time over my tenure here I have taken issue with the Budget Office's comments in a fiscal impact statement. Your prior comments to Doc Spencer said we don't always agree; well, if your job is to crunch numbers, they are what they are. I don't see how there should be any disagreement based on numbers. So -- and I'm not going to be unrealistic and say you never delve into an area of policy, but whether or not you're presenting options and whether or not you're doing review and analysis as opposed to influencing that policy is a concern that I have. And I especially see that in the fiscal impact statements. They don't just give us numbers, they don't just tell us, "*If you enact this bill, this is what it will cost the County,*" they go far beyond that. So I'd like to hear your thoughts on that as a Budget Director.

MR. LIPP:

Okay. First of all, I'd like to say that I think I've learned a lot about morphing into this new position from you in particular, okay, because we have worked well together a lot of times.

LEG. D'AMARO:

Absolutely.

MR. LIPP:

But when -- you know, when you see something that you're disagreeing with me, you know, you hold my feet to the fire and that needs to be done, okay, and it makes me, you know, a better analyst and a better member of the Budget Review Office and better member of the Legislature.

LEG. D'AMARO:

Well, that's mutual. Thank you.

MR. LIPP:

So I appreciate the constructive criticism, no doubt.

In terms of the number crunching. Well, there are two aspects, okay. There is the budgetary number crunching and there's the policy issues, okay.

First the policy issues. I look at the Budget Review office and the Legislature in particular, actually, in general, as the policy branch of government. So that part of our job is to try to lay out what the various alternative policies are, okay. I do hear what you're saying, that sometimes some of our statements come off as perhaps too heavily weighted in favor of a specific policy and that's problematic. And it's always a fine line trying to state all the different policy alternatives without coming to a conclusion that we should do this or that, and I am fully aware of that.

That being said, it's up to me to word things properly. So for instance, Bob Doering here, he might write a piece, and he's excellent in several areas, and maybe it's too strongly worded. At the end of the day, it's up to me to improve on that. Will I get it right all the time? I think I'm going to get it much more right than I would have in the past because I've learned how to best do that. So I'm looking at it as we are the policy branch. The most important goal in terms of information that we're putting out is to lay out the policy options. We just have to be careful, as Gail would always say to me, "Make sure your words are soft-edged, not hard-edged," so I take that to heart. Hopefully moving forward that will work.

In terms of the budgetary aspects, it's not always black and white. A lot of it are estimates and based upon your assumptions you're going to come up with one number, different assumptions will come up with a different number. It is our job to come up with a number, when possible, and therefore it will be a set of assumptions that we might not all agree with. So what we tried to do often is to lay out what those assumptions are so that we could talk about, "Well, I disagree with that assumption and, therefore, it will have the following impact."

So it really isn't a very simple numbers games. There are estimates or projections, some of them are spot on because the assumptions are very clear and accurate, and some of them are, "Well, we're dealing with lousy data and these are the assumptions we need to make to get to an answer and those assumptions may not be pristine at all.

LEG. D'AMARO:

And I have to say with respect to what you're speaking to, the assumptions and the analysis and all of that, you've always done a great job in the Working Group in laying out not only what the options are for that group and then for the budget overall, but also what the options are with respect to even the assumptions. And I don't want to get all bogged down in this here today and waste anybody's time, but you do that and you do it very well.

My concern goes more to, however, those fiscal impact statements. I think that should you be approved here today, and I think you will be, I think you need to rethink the role of that fiscal impact statement. I think, you know, we're sitting up here thinking about, you know, do we cut services, do we raise taxes; these are big issues for elected officials these days. What would be most helpful to me would be a fiscal impact just telling me, a statement telling me if you go one policy direction, here's what it cost, and if you go in another direction here's what it cost, and not necessarily choosing one over the other, which I do see happening more and more in those fiscal impact statements. And I'd appreciate if you would take a look at that and the role that they play in our lawmaking process here.

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The other issue I have, Mr. Presiding Officer, is -- and this is not a reflection on Dr. Lipp in any way, shape or form. However, I believe that this is more of an organizational matter. I'm not necessarily saying you shouldn't go forward today, but normally when the Director of Budget Review comes up, it's done during this Legislature's Organizational Meeting. And I think that it would be more appropriate to consider this to fulfill yet another three-year term, I believe -- would it be a remaining three years from January?

MR. NOLAN:

Two-and-a-half.

LEG. D'AMARO:

Two-and-a-half, thank you. I think it would be more appropriate to do that perhaps during this Legislature's Organizational Meeting as opposed to doing it now in May. I don't see the real pressing need to do it now. I think Dr. Lipp is doing more than an adequate job. And I know you were certainly anxious to have this vote today, so this is not a reflection on you, this aspect, but I just don't agree that this vote needs to take place today and I think it's an organizational matter and should be put off until January.

P.O. LINDSAY:

The only response to that is that in January, after Ms. Vizzini's departure, I had made a commitment to find -- to create a search committee and to find a recommendation for a new Director, and I'm really fulfilling my commitment. If the body wishes to put this off until January, that would be fine by me. I mean, I don't -- I'm not going to object to that in any way, that's your guys call, you know.

LEG. BARRAGA:

Can I say something?

P.O. LINDSAY:

Legislator Barraga.

LEG. GREGORY:

I thought I was on the list.

D.P.O. HORSLEY:

Yeah, he is.

P.O. LINDSAY:

I'm sorry. I missed Gregory. Legislator Gregory and then Barraga.

LEG. GREGORY:

Thank you, Mr. Chair. I've been here almost five years, four of my five years I've been the Chair of the Budget Committee, so Robert and I have worked very closely together. I'm very -- I think he is, you know, very confident, you have the skills to do the job. I was thankful that the Presiding Officer decided to put out a search and we were able to kind of see what was out there. We had over 80 applicants and looking through all those resumes and some very, very, very impressive people from the public as well as private sector from Suffolk County I think all the way to Dutchess County or somewhere Upstate, so some very impressive people. And we came up to the decision that Robert was the person, the best selection who had a skill-set second to none.

One of the things that we learned is that the skill-set necessary to be the Budget Review Director is very unique. And although we had some very impressive people, they did not have the knowledge. There would be a -- there would certainly be a learning curve that would have to take place. And I

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think, you know, as we are going into our budget cycle, it's important that we have stability in our Budget Office, that they have a Director, they have a Deputy Director. You certainly have the qualifications, you're more qualified than the others, even given their credentials. The Presiding Officer had publicized the process that he had sought to take place. We conducted that process, we completed that process, we are now at the end of that process. I think it's now -- it behooves us to have a vote today so that we can have stability in our Budget Review Office and get on to the business of doing the things that we have to do. We have our selection, I don't think there's any reason to delay.

You know, some concerns have been expressed. You know, I don't necessarily agree with everything you say, I'm sure you don't agree with everything I say. I don't necessarily agree with what my twin brother says, but life goes on. And I think that's exactly the role of the Budget Review Office, is that you're not here to confirm or affirm with us as Legislators would like to be done, nor the Administration or anyone else. You look at the facts given your skills that I certainly don't have and you present them to us. I mean, you guys for years, ever since I've been here and I'm sure even longer, have been saying, "You guys have got to raise General Fund taxes," and we make a political decision not to, but you present the facts as you see them and that's what we call upon you to do. And I respect that and I wouldn't ask for anything different than that. So I will certainly support your nomination here today.

D.P.O. HORSLEY:

Thank you very much. Legislator Barraga.

LEG. BARRAGA:

The only comment I'll make is that I really think the vote should be taken today, because I have never been a big fan of interim anything, especially over a long period of time. And all the evaluations have been done and the interviews have been done and, Mr. Lipp, you are fully and totally qualified.

If for no other reason, I think for the benefit of your staff, they should know that you are permanent, that you're no longer interim. Even though, as members have indicated, if you stayed in that status, you're more than qualified, you're doing a great job. From a staff perspective, you're still not permanent, and anything could happen. There would be still people running around saying, "You know, well, there's always a possibility." You know? I don't think they should have to go through that. It's been five months and the decision should be made and you should be permanent as of today. Thank you.

D.P.O. HORSLEY:

Thank you very much, Legislator Barraga. Legislator Krupski.

LEG. KRUPSKI:

I would like to urge the vote today. You know, of course I'm new here. And meeting with Dr. Lipp numerous times when I started to try to get a grasp of what's going on, I didn't know that he was Acting Director, I assumed he was Director, and that's because of the way he conducted himself to me in private and also here in public, and how he handled himself with all the questions that he was asked. And his knowledge of, you know, the County's finances, however you want to describe them, he had a working knowledge of them.

I came from a place where there was a straightforward -- you wanted a straightforward answer, whether you were at the feast or whether you were at the famine, you really wanted to know exactly, you know, the facts. And I've always gotten that from Robert, so I would urge everyone to vote for his appointment today.

D.P.O. HORSLEY:

Thank you very much, Legislator Krupski. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I'll be very brief because I know we break at 12:30 and I'm hoping we can take the FQHC bill out and let some of the people from Southampton Hospital, the officials who may not be able to be here later, get to be heard on that.

Dr. Lipp, it's been a pleasure having you in this capacity. You have very big shoes to fill. Gail did a tremendous job, but she's also your teacher in many ways, and she did say to me when I asked her, you know, who she thought should -- you know, was capable of filling this role, she said Dr. Lipp, so there you go. And that meant a lot to me. I'm not sure she said Doctor, I think she said Robert, but that's -- (*laughter*), that's okay.

The County's budget is a very complex document. And I, you know, worked when I was Town Supervisor on putting together budgets at the municipal level. There are so many more moving parts in the County's budget. There are not a lot of people who can do this. I like the fact that we're hiring from within, but even beyond that, I can't think of anybody more capable of doing this. I would -- just the learning curve of bringing somebody from the outside in to try to figure this out. These are challenging times, no doubt, for the County. And to have the institutional knowledge, to have somebody who understands, who hits the ground running, I think we need at this point. This is probably the most challenging budget we've ever done, this one coming up, and it will be good to have you in that capacity. So I completely support your appointment.

D.P.O. HORSLEY:

Legislator Hahn.

LEG. HAHN:

I don't want to take too much time, but I, too, support Robert's appointment. I thank you for your honesty, your integrity. You're just an incredible wealth of knowledge and, again, just all your support over the -- I've been working with you for ten years now and it's been a pleasure to work with you and I look forward to continuing to do so.

D.P.O. HORSLEY:

Legislator Anker.

LEG. ANKER:

And also I support -- support you to tell us what we need to know about our finances, but I also would like to ask you to think out of the box, because you have been in this box for a while with the County and the debt issue. And if you could, you know, look into other ideas, maybe from other counties and, you know, again, let's think twice about the one-shots and, you know, the ways that we've been able to kind of tolerate our debt. But again, if you could keep that in mind. You know, if we could possibly keep our taxes stable, it's extremely important, especially in this economy, to our constituents. But again, I support you, Rob.

D.P.O. HORSLEY:

If I may just quickly on a note myself. Robert, I think that the majority of the folks here are looking towards voting to you -- for you. I want to just say that this is going to be a very challenging budget cycle and that I am hopeful that you understand how -- how we have to work with the Administration to make sure that we get the best budget possible for the people of Suffolk County. And I look forward to making sure that this Legislature, along with the Presiding Officer and the rest of the Legislators, work together with the Administration to make sure that we've got the right -- we've got it right this year. Thank you.

LEG. SCHNEIDERMAN:

Let's vote.

P.O. LINDSAY:

Okay. If everybody's had their say, roll call.

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

P.O. LINDSAY:

Yes.

LEG. CILMI:

(Not Present).

LEG. KRUPSKI:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes. Congratulations.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. HORSLEY:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Congratulations, Robert.

*(*Applause*)*

LEG. SCHNEIDERMAN:

Mr. Presiding --

P.O. LINDSAY:

Not too many resolutions here pass unanimously, you should be very proud.

MR. LIPP:

Can I say just one thing? Okay, it would have been embarrassing for me if I didn't get the vote for one simple reason; I redecorated the office, Gail's former office last week --

*(*Laughter*)*

-- so I would like to invite each of you who haven't been by the office to come by to see my decorations.

LEG. SCHNEIDERMAN:

I hope there was no fiscal impact to that.

*(*Laughter*)*

LEG. D'AMARO:

Or at least an accurate fiscal impact.

LEG. SCHNEIDERMAN:

Mr. Presiding Officer, I'd like to make a motion to take IR 1565 --

P.O. LINDSAY:

I was just going to recognize you, Legislator Schneiderman, for the purpose of a motion.

LEG. SCHNEIDERMAN:

Thanks. I would like to make a motion to take IR 1365 on page ten out of order, that has to do with the FOHC, Southampton Hospital. We have some officials here as well as Hudson River Health Care officials here as well. I don't know if they can come back later, so let's -- I'll make a motion to take

it out of order.

LEG. KRUPSKI:
Second.

P.O. LINDSAY:
Okay, we have a motion before us to take it out of order and a second. All in favor? Opposed?
Abstentions?

LEG. MONTANO:
Opposed.

P.O. LINDSAY:
One opposition.

MR. LAUBE:
Sixteen (Not Present: Legislator Hahn).

P.O. LINDSAY:
It's before us. You want to make a motion, Legislator Schneiderman?

LEG. SCHNEIDERMAN:
I'll make a motion to approve.

P.O. LINDSAY:
Motion to approve.

LEG. KRUPSKI:
Second.

P.O. LINDSAY:
I'll second it. Okay. On the question?

LEG. SCHNEIDERMAN:
On the motion, perhaps the Administration has somebody here. Jon, is there somebody who wants to present on this?

MR. SCHNEIDER:
Sure. We have Dr. Tomarken here. Doctor, do you want to start off talking about the resolution?

COMMISSIONER TOMARKEN:
Good morning. The resolution before you is a request to take previously designated HEAL funds, HEAL six from what was initially the South Regional Health Center that was supposed to be built many years ago and over the last several years it was decided not to go ahead with that project. We now have the opportunity to combine two health centers on the East End, the Southampton and the East Hampton Health Centers in a new facility on the Southampton Campus by renovating the current -- well, it's a nursing home building that's used by the hospital for administrative purposes, into a new, state-of-the-art FQHC compatible facility. The advantage is that we would be able to provide one-stop shopping for patients. So patients would come and be seen at the health center, they could get their x-rays, their lab tests, whatever ancillary services they needed at this center.

The other partner in this, besides Southampton and HRHCare, is Stony Brook University which would be providing the family practice training residents who will be able to render care to the patients and hopefully stay in the community because they would be taking care of the patients that live there.

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The important thing to keep in mind is that this money, this HEAL 6 money that the State has given us, as well as the HEAL money that was given to Southampton Hospital, both expire at the end of this year and there is no opportunity to renew it. So if we don't use the funds, we will lose it, both us and Southampton. So this is a real opportunity to put this money to use and to have a very unique partnership with Southampton Hospital, Stony Brook University and the County. I'll leave it at that and be here to answer questions.

MR. SCHNEIDER:

Sure. I would just like to just expand upon one point. So the resolution before you today essentially moves money from point A to point B. So as Dr. Tomarken said, this is money that is use-it-or-lose-it. What we are seeking to do today is to essentially move it from one account to another to allow it to be used for a variety of purposes involving a number of health centers, including Brookhaven Memorial Hospital, Tri-Community, Southampton, as well as Riverhead. Essentially that's what's before you today.

What we are also laying on the table and the process that no doubt a lot of the questions about the consolidation will go into much further detail involves the actual merger of the facilities into a combined FQHC at Southampton Col -- I'm sorry, Southampton Hospital. So essentially today is moving money from point A to point B. In order to then be able to expend that money for that purpose, the Legislature would have to go the next step of the way and approve the merge center which we're laying on the table today.

P.O. LINDSAY:

Jon, just two comments. First of all, that tie is very distinctive, you know?

*(*Laughter*)*

It really jumps out at you.

MR. SCHNEIDER:

I'm going to the Islander game tonight.

P.O. LINDSAY:

Oh, okay. And second of all, vote is just about moving money. It isn't about the consolidation, which I think is an excellent point. We're going to have a chance to review the entire plan for the consolidation at some later point.

MR. SCHNEIDER:

Yes. And -- correct, Mr. Presiding Officer. Look, I know that there are a lot of questions about the consolidation. Obviously we will need to go through the A-96 process. We've submitted all of that, we're submitting that today, we're laying that on the table. So, you know, in terms of, you know, further thoughts on the consolidation, I know there's going to be a lot of questions and, you know, I don't want any member of the Legislature to feel that if you vote for this today, you are not voting for that consolidation. That said, we're prepared to make a heck of a good case on why that consolidation makes sense for the County, but that is not the vote before you today.

P.O. LINDSAY:

Okay. Anybody else?

LEG. MONTANO:

Yeah.

D.P.O. HORSLEY:

Yes, Montano.

P.O. LINDSAY:

Oh, I'm sorry. Legislator Montano?

LEG. MONTANO:

Good morning, Jon.

MR. SCHNEIDER:

Good morning. Good afternoon.

LEG. MONTANO:

Actually, I like your tie.

MR. SCHNEIDER:

Thank you.

LEG. MONTANO:

Jon --

MR. SCHNEIDER:

It's got kind of a Dutch flavor to it as well, for those of you who aren't Islander fans.

LEG. MONTANO:

With respect to -- well, let me preface my question by saying that I did speak -- I made a phone call to Senator Zeldin's office yesterday and they did verify that if the money is not spent by the end of the year, that it will be lost. So we're faced with the prospect of, as you termed, you know, use-it-or-lose-it, and that's something in good conscience I don't think I'd be willing to do. And that is lose the money. However you've -- the County Executive Office, after some discussion, is laying on the table Resolution 1422 which is going to move money into or back into this Capital Project; am I correct?

MR. SCHNEIDER:

So, right, correct. In terms of the amount of money we are seeking to move, an additional resolution that we're laying on the table will move a like amount of money into a Capital Project to be used for essentially, if you will, the Brentwood community. So regard -- so whatever the disposition is of health services in Brentwood, whether ultimately there is perhaps a way to either renovate the clinic, have a new clinic, what have you, we'll be making a like amount of money available at saying it's 4.7 something million dollars, and the important thing about that money is that unlike this HEAL grant, that will not expire. That will be available to the community going forward ward.

LEG. MONTANO:

Well, it's going to be in this -- it's going to be put in the 2013 Capital Budget.

MR. SCHNEIDER:

Yes, we are amending the -- yes, we're seeking to amend the 2013 Capital Budget.

LEG. MONTANO:

Right. Now, what happens if we don't amend -- if we don't use the money in 2013, is this money going to be rolled over into the next Capital Budget?

MR. SCHNEIDER:

That money, yes.

LEG. MONTANO:

All right. And that hasn't been voted on yet, the Capital Project, and it was not included in your Capital Budget submission; am I correct?

MR. SCHNEIDER:

Correct.

LEG. MONTANO:

So what I'm looking for basically is your commitment that somehow we're going to have those votes to keep this project alive beyond 2013.

MR. SCHNEIDER:

You have -- you have our full commitment on that issue.

LEG. MONTANO:

Okay. Counsel, you want to -- when he moves, I know he wants to say something. Go ahead.

MR. NOLAN:

I was just going to say, I think -- I'm assuming the resolution that's coming forward is actually going to appropriate the money this year. And once we appropriate it, then it's available for a number of years.

LEG. MONTANO:

Oh, then it goes unappropriated. All right, so it will stay as appropriated but maybe unbonded, or what's the term, Counsel?

MR. NOLAN:

What do they call it, pipeline debt is what they call it?

LEG. MONTANO:

They have a couple --

MR. NOLAN:

Unencumbered.

LEG. MONTANO:

Unencumbered, right. All right, that's good. And just for the record, Jon, what I want to do is establish the record, if you will, with respect to this 4.7 million. And the reason is that my understanding that came to light as a result of the resolution that's before us is that, at present, the lease for the -- between the County and the landlord for the Brentwood Family Health Center expires in eleven months; am I correct in that?

MR. SCHNEIDER:

Correct, it's March of '14.

LEG. MONTANO:

Okay. And preceding that, sometime around -- and I don't have the resolution in front of me, but I think everyone has seen it -- in 2010 -- well, let me go back even further. When this grant was initially awarded, it was awarded for a specific purpose; am I correct in that?

MR. SCHNEIDER:

I believe you are correct.

LEG. MONTANO:

And it was awarded for the creation and construction of a regional health facility that would encompass the Bay Shore, Brentwood and Central Islip communities in terms of providing health service; am I correct in that?

MR. SCHNEIDER:

I believe that's correct, right? Yep.

LEG. MONTANO:

Okay. And that was probably around 2009 or 2008?

MR. SCHNEIDER:

2009, yes.

LEG. MONTANO:

2009, okay. And then the County went through the process of submitting RFPs for the building of this health center, this Regional Health Center, state-of-the-art, and after the bids were submitted, the County simply changed its mind and walked away from the project; am I correct in that? For whatever reason, I don't need to go into the reasons.

MR. SCHNEIDER:

For that project, yes.

LEG. MONTANO:

Okay. Then in looking at the documentation that deals with this issue, it appears in 2010 the County was able to change the purpose of this HEAL allocation from a construction of a health center to a renovation of the existing Brentwood Family Health Center facility at its present and prior location; am I correct?

MR. SCHNEIDER:

Yeah, I believe the intention, based upon reading the minutes, was that the thought was because Central Islip was closed by the County at the end of '09, that there would be an expansion of Brentwood to take in, if you will, that consolidated health center.

LEG. MONTANO:

Right. Well, actually, I don't hold you responsible because you weren't here at that time, your administration was not here, it was the prior administration. But in reality, the -- the County Executive at the time attempted to close the CI facility, but it was ascertained later that he didn't have State approval so we had to go through the State approval process.

MR. SCHNEIDER:

Yes.

LEG. MONTANO:

Go ahead, you can look at the notes.

MR. SCHNEIDER:

Yes.

LEG. MONTANO:

That's sort of in the form of a leading question. I don't know if you want to respond to that, I don't think you need to, that's more factual.

MR. SCHNEIDER:

Right.

LEG. MONTANO:

So, thereafter, once we closed the Central Islip facility, merged it with the Brentwood facility, the \$5 million, the purpose of the \$5 million was then altered from construction to renovation, correct?

MR. SCHNEIDER:

Yes.

LEG. MONTANO:

And what I find very odd is that a resolution -- oh, and by the way, my understanding was that under the terms of the grant, the lease that we had with the Brentwood Family Health Center, you know, the landlord there, had to be extended for I understand a 12-year period; is that accurate?

MR. SCHNEIDER:

Yes, 12 years because that's what you need otherwise you have to pay the grant back to the State.

LEG. MONTANO:

Okay. So in 2010, this Legislature was presented with a resolution authorizing the extended and revised lease which was passed, I believe, unanimously; am I correct on that, Jon?

MR. SCHNEIDER:

I don't know the vote, but --

LEG. MONTANO:

All right. It passed, that's the main thing.

MR. SCHNEIDER:

Uh-huh.

LEG. MONTANO:

It was also signed by the County Executive, correct?

MR. SCHNEIDER:

Yes.

LEG. MONTANO:

Okay. But we just learned the other day that apparently that lease was never executed; can you tell me why?

MR. SCHNEIDER:

I don't know why.

LEG. MONTANO:

Okay. When your Administration took over, I guess you inherited the issue from the prior administration in terms of being confronted with a lease that was apparently negotiated and presented to this Legislature, approved by this Legislature, but then never executed. I find that somewhat odd, that we would have a lease out there, we would have an approval and somehow we

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have an unexecuted document. Can you comment on that?

MR. SCHNEIDER:

It's seems unusual, but I couldn't explain why that is.

LEG. MONTANO:

All right. So I want to ask Counsel something. What happens if we pass this resolution, send the money to Southampton, then pass 1422 which is meant to supplement the money that we're taking from the Brentwood community, and nothing happens between now and March of 2014, what happens on April -- well, you'd have to get a 30-day notice from the landlord if you don't have a lease and they wanted to evict you. What happens?

MR. SCHNEIDER:

Uh --

LEG. MONTANO:

What's your plan?

MR. SCHNEIDER:

I believe the plan is to avoid that situation from occurring.

LEG. MONTANO:

Right, I believe that would be a generic plan. But what are the details, if any, to effectuate that plan? And I think that's what the constituents are asking for. I think, you know, the devil's in the details. So yeah, the plan is to make sure that we don't, you know, wind up with a health center on the curb. But what are your specific plans, in light of the fact that as of April 31st of 2014, you may wind up without a lease if you don't do something.

MR. SCHNEIDER:

I understand the question, but -- and I do not have a plan to present to you at this time. As you are aware, there is presently an RFP that was issued for operations of the Brentwood Health Center. That RFP has been responded to. It's presently open and I believe, you know, and I believe that the RFP committee will be meeting within the next few weeks, and the purpose of this RFP is to determine the best path forward for health services to the Brentwood community.

LEG. MONTANO:

Well, I'm not sure -- you say the purpose of the RFP is to provide the best health path, but in reality I think that the RFP is simply one path. It may or may not be the best, it's one path that you've considered. Now, at the last -- at the meeting of the Health Committee last week, it was my understanding that it was put on the record that would we have to vote on this, the Legislature?

MR. SCHNEIDER:

On what?

LEG. MONTANO:

On the awarding of the RFP and the -- and the contract with --

MR. LIPP:

Yes.

LEG. MONTANO:

Hudson Valley, Hudson River?

MR. SCHNEIDER:

Yes.

LEG. MONTANO:

Okay. And last week you presented a memorandum of -- a Memorandum of Agreement between the County and Hudson River am I correct?

MR. SCHNEIDER:

Yes.

LEG. MONTANO:

Okay. I read it, I really didn't quite get the issue. But leaving that aside, assuming that the Legislature rejects what comes before us in terms of -- and when we execute what you're planning to do under the bid, is that not a form of privatization? Isn't that privatization of the health care center?

MR. SCHNEIDER:

I'm not getting the question.

LEG. MONTANO:

All right. If the RFP that you sent out and the responses, if there's an agreement between the County and one of the responders --

MR. SCHNEIDER:

Uh-huh.

LEG. MONTANO:

That agreement, would it not encompass or result in a privatization of the health care center from County hands to private hands?

MR. SCHNEIDER:

That would be a possibility.

LEG. MONTANO:

Well, what would be another possibility? Give me some of the possibilities. I see someone with her hand up.

MR. FREAS:

Jon? Legislator Montano?

LEG. MONTANO:

Yes.

MR. FREAS:

You're referring to whether A-96 --

LEG. MONTANO:

Explain to me A-96.

MR. FREAS:

-- would kick in.

LEG. MONTANO:

Explain A-96 for the record.

MR. FREAS:

A-96, it's also referred to as the Mary Hibberd Law here, and it's the law that we have in Suffolk County that provides certain procedures in the event of privatization of County -- it mostly has to do with County direct care health services.

If -- now, as you know, we contract with Southside Hospital for the personnel at the Brentwood Health Center. However, the license, the site license at Brentwood is owned by Suffolk County and there are Suffolk County employees there as well.

LEG. MONTANO:

How many.

MR. FREAS:

Off the top of my head, I couldn't say. I want to say maybe 10 or 15. Some of the prenatal staff --

MR. SCHNEIDER:

About 15.

MR. FREAS:

The family -- WIC is County employees and Family Planning are County employees as well.

LEG. MONTANO:

So you'd say about 15.

MR. FREAS:

And again, please don't hold me to that.

LEG. MONTANO:

I'm not holding you to this. We don't have those numbers.

MR. FREAS:

But there's --

LEG. MONTANO:

A certain amount of employees there.

MR. FREAS:

-- a certain amount of County employees who are there as well. In order for A-96 to apply, basically -- and I would defer to Counsel. I would defer to Counsel on this to be sure, but basically if we were to maintain the license, A-96 would not apply. If we were to go -- if the license was to be transferred to another entity for that site, let's say -- let's say Huntington Hospital, which has its own license for the Dolan Center, was to become the bidder, or Hudson River was to become the operator and they decided to operate under their license and that was what was negotiated, then A-96 would apply.

LEG. MONTANO:

Well, let me ask you this. And we're going to break for lunch, I believe, right?

MR. NOLAN:

Yeah, let's take it now.

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LEG. MONTANO:

Yeah. Let's take it now. I'm fine.

P.O. LINDSAY:

Okay, let's adjourn for lunch. I was trying to get this done before lunch, but --

LEG. MONTANO:

I knew it wasn't going to get done before lunch.

P.O. LINDSAY:

You did, I didn't, so what can I say? So I'll see you's later on, 2:30.

*(*The meeting was recessed at 12:42 P.M. *)*

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

D.P.O. HORSLEY:

Good afternoon, everybody. Would all Legislators please come to the horseshoe. We're about ready to begin. Okay.

MR. LAUBE:

You have enough.

D.P.O. HORSLEY:

We're good?

MR. LAUBE:

Yeah.

D.P.O. HORSLEY:

Mr. Clerk, roll call.

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

LEG. KRUPSKI:

Here.

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

Here.

LEG. MURATORE:

Here.

LEG. HAHN:

Present.

LEG. ANKER:

Here.

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LEG. CALARCO:

Present.

LEG. MONTANO:

(Not Present)

LEG. CILMI:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Here.

LEG. NOWICK:

Here.

LEG. GREGORY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

(Not Present)

LEG. SPENCER:

Here.

D.P.O. HORSLEY:

Here.

P.O. LINDSAY:

(Not Present)

MR. LAUBE:

Fifteen. (Not Present: Legislators Montano, D'Amaro and P.O. Lindsay)

D.P.O. HORSLEY:

All righty. We are now going to be doing the Public Hearings portion of the agenda.

Okay. The first Public Hearing we have is the 2014 - 2016 Capital Budget and Program. We have one card, I believe -- no, we don't, we have several. Elaine Renner. Elaine, of course, as you know, our rules are that you have three minutes, and please say what you'd like to talk to us about on the Capital Budget. Okay. Good, Mr. Clerk.

MS. RENNER:

Hello? Okay.

D.P.O. HORSLEY:

There you go.

MS. RENNER:

I'm here along with a few of the others here that are representing between 3- and 4,000 families that couldn't attend because of other obligations that weren't able to come to this meeting. We are all outraged and furious over the County Executive's decision to eliminate the groundwater remediation Capital Project 8170 from the Capital Budget. It's taken over 33 years for this Capital -- for this issue to have some action from a report and studies done from H2M back in '80s.

We finally started to see a little light towards the end of the study from some work that H2M has done in a phasing project, multi-phased project that started, that removed over 4,000 feet of silt from the tributaries from the northeast branch of Smithtown, Nesconset and Hauppauge within the last year-and-a-half, two years. This would be disastrous. I can't believe that somebody would stop something in the middle of the project halfway through as we are going.

Back in 2005, we had 11 days of rain nonstop, which brought all of this water back up to the issue, which got our project going. We are all here to help support Legislator Kennedy in restoring the project with an amendment back into the Capital Budget. The problem is a lot of these people that make these decisions to take things away don't have the problems with these issues. They have dry feet, so they don't know the problems a lot of these people have to deal with, and this has been going on for decades and decades.

Back in the '80s, they used hundreds and thousands of dollars of taxpayer money to do studies and never did anything. So when this issue came back up into the table with the rain, we got this project underway where Legislator Kennedy obtained monies for these fundings, for these projects to get underway. Right now, we're in the middle of this multi-phased project, and it would be disastrous for them to stop partway through it.

People don't know what it's like to have electric bills from pumps that don't stop pumping. They don't know what it's like to have mold coming from the water damage, to have their cesspools pumped out every other month to the tune of \$500 a month for removing of the cesspools. Now we're coming into the summer and then we have to deal with the water pooling with the mosquito problems, West Nile and everything else.

We are all here to support the restoration of this capital project back into the Capital Budget. And we all will still come until this completion is done so that we can see the result of what this whole project is supposed to do. We've already started to see a little bit.

D.P.O. HORSLEY:

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

MS. RENNER:

Okay. We've already started to see a little bit of progress from what they've done from the first phase. We can't let them stop. We've got to let them complete the project so we can see the benefits of all the work that needs to still be done.

D.P.O. HORSLEY:

Thank you very much.

LEG. KENNEDY:

Can I ask her a question?

D.P.O. HORSLEY:

Yes. Ms. Renner.

LEG. KENNEDY:

Elaine.

D.P.O. HORSLEY:

We have a question that is being asked by Legislator Kennedy.

LEG. KENNEDY:

Thank you for coming to the podium, I appreciate it. And, actually, just for clarifying the record purposes, I think the capital project that we were talking about is 8710, 8-7-1-0.

MS. RENNER:

That's correct.

LEG. KENNEDY:

Right.

MS. RENNER:

That's what I'm talking about.

LEG. KENNEDY:

Right. But, also, thank you for sharing what you did about the issues that everybody sustained here. And all of the Legislators have voted in the past to support this project, so I want to recognize and acknowledge all of my colleagues' support in bringing this project forward. So thank you for being here.

MS. RENNER:

Okay. I mean, this isn't the first time we've been here, and we'll still keep coming as long as this, you know, becomes an issue.

D.P.O. HORSLEY:

Thank you very much. All right. The second speaker on the budget is Joanne Solana Greco.

MS. GRECO:

Good afternoon. Choices; every day in life we make a choice. Do we do the right thing? Do we go to work? What do we have for breakfast, lunch or dinner? Do we work hard? Do we deviate against the norm? Do I come here and speak to you today?

Hurricane Sandy devastated homeowners. Did they choose to live by the water? Yes. Did they choose to take out flood insurance? Some hedged their odds and did and some did not. However, they did not choose the devastation that Mother Nature brought upon them. Thank God they have FEMA to step in and help these homeowners out. This is not the same case we have here with the Nissequogue River and their tributaries.

Yes, I did choose to buy a house in Smithtown. What I did not choose is to have Suffolk County, New York State, nor Smithtown neglect their responsibility to maintain this river system. I say "neglect" because that is what it is. After an enormous amount of complaints, over 30 years ago a study was done and recommendations were made to solve the groundwater issues. It took 30 years to get some type of action out of these municipalities. Trying to get the DEC, Smithtown Town Board and Suffolk County to work together on this was not an easy task. With the help of Legislator Kennedy, along with these municipalities, funding was put in place and a plan was devised.

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Finally, a few years ago, remediation began and the dredging of the tributaries with different phases to be implemented. Relief was finally in site for these homeowners, and many reaped the benefit of the first phase of dredging. Now Suffolk County has made the choice to take monies away from a project that has already started. Suffolk County is choosing to neglect their responsibilities all over again. The monies already spent will mean nothing without continuing with the additional phases. I don't know about you, but I would not want to respend money again by redoing work because you choose not to continue with the project at hand. This is just throwing monies out the window, which is pretty much why the County is having budgetary issues to begin with.

I am asking you to rethink your decision about taking the money away from the remediation of the Nissequogue River and their tributaries. Our quality of life is affected on a daily basis when we have to leave work to check on our homes; when we spend fruitless hours vacuuming the endless water seeping into our basements; when the value of our homes go down because of water problems; when our insurance and electrical bills go up. This list is endless.

I am asking you to choose. Choose to continue the project that has already been started. Choose to put back the monies you have taken away from the next phases. Choose to help these 3800 homeowners who cannot rely on FEMA. Choose not to neglect your responsibilities to maintain this waterway. Thank you.

D.P.O. HORSLEY:

Thank you very much, Ms. Grecco. Ms. Grecco, would you hang on just one sec? We have a question from Legislator Nowick.

MS. GRECO:

Sure.

LEG. NOWICK:

Hi. Thank you for coming.

MS. GRECO:

No problem.

LEG. NOWICK:

Did you find that after the last Capital Budget and after the work that Legislator Kennedy did, did you find improvement?

MS. GRECO:

Yes, significant improvement.

LEG. NOWICK:

You did?

MS. GRECO:

My pumps used to run 24 hours a day. When I first moved in, my pumps never ran. Then after about 10 years, my pump started running only in the springtime. By 2005, they were running 24 hours a day, 365 days a year. Now they've only gone on for three weeks this spring. So, yes, there has been great improvements. However, there's other homeowners that have not seen improvement yet, and that's why we need the capital funding put in place to help the other homeowners that are affected by this.

LEG. NOWICK:

I remember being on the Parks Committee when people were coming in here and telling these

stories that were absolutely horrendous.

MS. GRECO:

They were.

LEG. NOWICK:

And anything --

MS. GRECO:

I mean, I have some pictures of, you know, the flooding in my basement. I mean, you really can't get the full effect of it, but for that week in 2005 my kids had off, I had -- all five of us were manning Wet-Vacs just to stay on top of this.

LEG. NOWICK:

Well, I can't even imagine doing that. And I will be very supportive, and as I'm sure this Legislature will be.

MS. GRECO:

Thank you, I appreciate it.

D.P.O. HORSLEY:

Thank you very much, Legislator. Legislator Kennedy had a quick question.

LEG. KENNEDY:

Joanne, one of the things I think that's important that you bring up, and, as I said before, everybody has supported me in the past with this and I'm confident we'll be able to go ahead and continue with this for a project that's begun, how many pumps do you have in the house now?

MS. GRECO:

I have three pumps.

LEG. KENNEDY:

You have three pumps. At one time you were running four pumps, weren't you?

MS. GRECO:

Yeah, because we had to piggyback.

LEG. KENNEDY:

That's right.

MS. GRECO:

We had to piggyback another pump onto one, and so we had four pumps running and five vacuums and water was still coming in.

LEG. KENNEDY:

And when we came over there, I think the Supervisor and I were there, and as a matter of fact, we had Tim Bishop out at one point.

MS. GRECO:

Yes, you did.

LEG. KENNEDY:

You were averaging how much a month in electricity where you were running those things full bore?

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MS. GRECO:

An extra \$300 a month to run those.

LEG. KENNEDY:

Right. So it's something that not only went to quality of life, not only went to conditions for the kids, for the children --

MS. GRECO:

Correct.

LEG. KENNEDY:

-- the economic impact was huge, was significant.

MS. GRECO:

Yes, it was. And we have solar panels on our house, too, so --

LEG. KENNEDY:

Yeah, I remember when he put them in.

MS. GRECO:

Yeah, so.

LEG. KENNEDY:

Okay. Thank you. Thank you for coming.

D.P.O. HORSLEY:

Thank you very much, Legislator, and thank you very much for being here today.

The next speaker on the Capital Budget is Gail Vizzini, formerly of BRO.

MS. VIZZINI:

Thank you, Mr. Deputy Presiding Officer and all Suffolk County Legislators. I'm here representing the College, and I want to thank you for your past support for the College's capital projects. With me is John Lombardo, heading up our Workforce Development area, and Nina Leonhardt of our Continuing Education Program, in the event that you have any questions.

The support you have given the College has allowed us to continue our efforts in terms of maintaining our aging buildings and infrastructures, address critical health and safety issues, and improve student services and academic programming at all three of our campuses.

The County Executive's Capital Program includes eight of our -- eight of the College's requested projects. Four of them are delayed. The funding is different than what we originally requested. After reviewing these four, we have two I would like to bring to your attention for the purpose of your support for an amendment to the Capital Budget to advance the monies by one year. The first is the Health and Sports facility at the Eastern Campus. This project, the planning money has already been appropriated. Planning is at the stage where the developmental design has been addressed. We've designed building systems, material selections and the structural design.

We would be ready to go to bid in 2014, but the monies must be scheduled in that year and appropriated. This -- although there is State funding for this, the appropriation of the County share is the first step in our applying for receipt of the State funds. Therefore, we're asking that these monies, the construction funds be moved up to '14, as they are in the current adopted Capital Program.

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The other project is the renewable and STEM Center, which is to be constructed on the Grant Campus. This is truly a showcase for renewable energy and science technology, engineering and math programs. It will provide a facility -- the first floor will be for academic programs, the second floor we are partnering with SUNY Stony Brook in operating an incubator, whereby students will not only learn solar installation preparation for transfer to either Farmingdale or Stony Brook, or receive certification in some of our other energy programs, but they will be able to obtain employment in the incubator. They will see how a product goes from design to manufacture, and we are hopeful that they will also be able to observe the marketing of such projects -- products, and maybe the College will benefit from a small portion of the revenue generated from that marketing effort.

At any rate, the project is included, but in -- the planning funds are included in 2015 and construction in 2016. We would like those monies to be advanced at least by one year.

Thank you very much for your past and your continued support.

D.P.O. HORSLEY:

Thank you very much, Gail, and it's always good to see you. Are there any questions of Ms. Vizzini? We're good?

LEG. SPENCER:

Do you have a relationship with our Budget Director?

*(*Laughter*)*

MS. VIZZINI:

Congratulations, Robert.

D.P.O. HORSLEY:

All right. The next speaker is Claire Russell, also on the Capital Budget.

MS. RUSSELL:

Good afternoon, Ladies and Gentlemen. I'm here also to speak about the water table problem. I live over here in Smithtown on Kim Avenue. I border the greenbelt. I'll be in my house 31 years this August, and this past March was the 30th anniversary of my first flood in my home. So as much as it's been terrible since 2005, I want you all to keep in mind that long-term residents have been dealing with this for decades.

I lost my husband to cancer when he was 36 years old in 1992. I have struggled to maintain my home, and because of the flooding in 2005, I've yet to be able to fix my basement back to the way it was. I have literally -- I work from home; I'm a real estate appraiser. I have literally sat at my desk in the big rubber boots up to my knees in waters two to three inches deep, typing in order to stay employed to bring in money to keep running my Shop-Vac.

I don't have sump pumps. I started going to these meetings in 2005 and heard the horror stories, the electric bills, and I immediately decided I'll never put in sump pumps because I just can't afford that, so I have Shop-Vacs, I have submersible pumps that put in the Shop-Vacs to pump the water out the window and try to get it out into the street.

I can't believe I'm back here yet again, because I've gone to many of these meetings and the Town meetings. It's just when is it going to end? When will we see the end of the tunnel? I thank you all for your support so far, especially Mr. Kennedy, who is an absolute Godsend to the people of Smithtown and Hauppauge and Nesconset. I think some of us would have killed ourselves long ago if it hadn't been for all your help.

LEG. KENNEDY:

No, no, no.

MS. RUSSELL:

You know, but I just wanted you to know. My daughter's away at college right now, and thankfully, yes, I have seen progress since the dredging. In my situation, I usually had water come in if we had a week of rain or more, or if we had three inches of rain at one time or more. And it's just a matter -- it's a time delay. The rain is coming, the rain is coming, the anxiety is building.

I went out and spent the money on a generator for Irene, because I didn't know. If I lost power and it did flood, my house would be devastated if I didn't have electricity to run the pumps.

Now, as I stated earlier, I am an appraiser. I have seen firsthand the damage that Sandy did to those homes on the South Shore, and my heart went out to those people because I know what anxiety it is to have just a few inches of water in my basement, and to see water lines up to my shoulder in these homes and people's lives out on the street. But please keep in mind, they do have FEMA, they do have flood insurance, they do have people raising money for them to help them reconstruct. They have, you know, stars going on televisions doing fundraisers. And it's maybe a one or two-time lifetime event for them. For us, this has been ongoing time and time again for over 30 years.

So I just ask you to please continue your support of our cause, and don't leave us hanging.

D.P.O. HORSLEY:

Ms. Russell, what we're going to do is Mr. Kennedy has a question of you. Your three minutes is up.

MS. RUSSELL:

Okay.

D.P.O. HORSLEY:

So this will extend your three minutes.

MS. RUSSELL:

Okay.

LEG. KENNEDY:

Kim, thank you for coming to speak. And, again, I'm going to reiterate, all the work that we've done so far has been a collaboration and it's been with the full support of the Legislature. But there is another element that I believe it's important for my colleagues to hear, particularly in your street, in your neighborhood.

MS. RUSSELL:

The gas plume?

LEG. KENNEDY:

Yes.

MS. RUSSELL:

(Laughter) Yes, we have -- we're lucky we have the gas plume from the old Exxon Mobil Stations that were at the intersection of 347 and Terry Road. I'm luckily at the very end of it. It hasn't -- I don't believe it ever reached my house, but I can't tell you how many times I'm waiting, I'm waiting for the gasoline to come up into my basement, and then what do I do, you know? It's just --

LEG. KENNEDY:

And that's exacerbated by the flooding.

MS. RUSSELL:

Exactly.

LEG. KENNEDY:

So yet another reason to go ahead and do this project. Thank you.

MS. RUSSELL:

You're welcome. Thank you all.

D.P.O. HORSLEY:

Thank you very much, Ms. Russell. The next speaker is James Altemose.

MR. ALTEMOSE:

Thank you, sir. I'm also here to request we continue funding for 8710, groundwater remediation.

First, I'd like to thank and acknowledge Legislator Kennedy and Legislator Nowick for their support over the years. I know they've suffered through the dozens of meetings we've had on this, both Town and County and State at Riverhead. We've met here, we've met in Smithtown many, many times, we've gone out to Riverhead. We've typically had hundreds of affected people attending those meetings. It would just be a shame to see all the work that we did.

We had a very encouraging meeting at a local school where the State and the County and the Town were able to get together and form a plan, because for years and years and years everyone was pointing fingers at each other, saying, "Well, that's not our responsibility, that's theirs." "Well, that's not ours, that's theirs." Finally, everybody came together and developed a great plan.

I'm nervous and concerned at Ted Sandford's retirement, Smithtown's Engineer, who was very helpful in the whole process. You know, I hope the people who take over realize the impact and seriousness of the situation and can continue his efforts.

Just there's been feet of water in many people's basements. You know, if it's not raining, it's out of sight, out of mind. But when we get, you know, days or a week of straight rain, all of a sudden it's a huge issue that takes up your time, it takes up our time. What we're asking for is simple, basic maintenance. Keep the tributaries clean, keep the recharge basins in good shape, keep the sewers straight. Just keep basic necessary things.

We're on top of a large clay deposit that involves Lake Ronkonkoma, Millers Pond, Blydenburgh Lake, and it all dumps down into Nissequogue River. And if a lot of rain comes up, it piles up on the clay and doesn't disperse fast enough. So it's a major issue to keep these runoffs clean. And I'm concerned that Hurricane Sandy came by and wiped out the greenbelt trail, dumped lots of trees, dumped lots of leaves, dumped lots of things in these necessary tributaries.

I guess that's all I have to say, and thank you.

D.P.O. HORSLEY:

Thank you very much, Mr. Altemose.

LEG. KENNEDY:

Thank you.

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D.P.O. HORSLEY:

The next speaker is Eileen Cook, also on the budget.

MS. COOK:

Good afternoon. Thank you for having us and listening to our tales of woe, as I'd like to say.

We come here yet again. This is probably the 15th or 20th time I've come to one of these meetings and pleaded for funding. It took us eight years. I literally walked door to door with my three-year-old in a carriage to try and get signatures and get people to work together to work on this problem. And it's taken eight very, very long years to get the Federal backing that we needed through Tim Bishop's Office, the State DEC, the County, the Town, and all of the engineers all together to agree that this problem that's been going on for 30 years, it's time we deal with it. We finally start making progress with that, finally start in the right direction so we won't be here in 30 years saying the same exact things, and now we're finding that we might not make it across that finish line because of funding cuts.

I understand that there's many projects that need to get cut and monies that need to be found in other places. Our issue is that this is a 30-year problem that we're seeking a resolution to. And if we don't resolve it now, today, with this funding that we have set apart, when we finally have a plan of action and steps that could take place, and all of the different departments, in order do it, we don't just stop funding and, oh, the project gets cut, we move back 10 steps. And the amount of money it would take to do if you did it today gets multiplied, and that's what we found when we did the original H2M study back in the '80s. It was a million dollar study, it dried up, everybody walked away and it went on the shelf. And it cost us a half a million dollars to push the dust off of it and start the process all over again. In the meantime, all of these people have been silently suffering and realizing they thought they were the only ones.

When I went door to door, I can't tell you how many people have lived here for 20 years, had no idea that everybody else around them had the same problem. We finally are getting to a point that everyone's understanding that this isn't a one or two-home thing. This isn't a sometimes, a once in a lifetime, hundred-year event that happens when it rains. This happens every time we get more than an inch of rain. These houses are impacted emotionally, financially, and they're going to the point where now we're seeing the spread go further and further out.

We finally just started to make progress with the cleaning out of the tributaries to start moving backyards and start seeing a little relief. My pump's probably run about half of what they did before they started the clean-outs, but we also had a more dry year than we've had in the past. It scares me to think that all of that hard work from all of this level of government are going to go pushed to the side because we need to find funding for something else.

Please reconsider taking that funding out and make sure that we don't take 10 steps backwards.

D.P.O. HORSLEY:

Yes. Legislator Kennedy has a quick question.

LEG. KENNEDY:

Hello, Eileen. How old is your daughter now?

MS. COOK:

She's now 10.

LEG. KENNEDY:

Wow.

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MS. COOK:

She spent most of her life in a carriage going door to door. She could tell you all the neighbor's names.

LEG. KENNEDY:

You back up right to the local elementary school, Branch Brook.

MS. COOK:

Branch Brook Elementary, who actually about four, five years ago now had their entire cesspool system overtaken by water and it cost over \$500,000 to have an entire new system put in. They even need to go back and do a special type of cesspool because of the water level. If I dig a hole in my backyard, if I go further than 18 inches, it automatically fills with water. That's how close the water is to the surface. So when they say flooding because of rain, it literally bubbles up through the concrete in the foundation of the home.

LEG. KENNEDY:

How much have you had to invest just to deal with some of the waterproofing and the drain work around your home?

MS. COOK:

In the basement, probably about 20, 25,000 in the basement, I have about 6,000 in the backyard in different trenches and draining system, and I just had to put in a new -- if the power goes out, we had to put a generator in. I need an automatic generator, because if I'm not home, I lose the basement. Within about three hours, I would probably get at least six inches in the basement, and then all the mold that comes along with it.

And again, I live right by Claire. I was also impacted by the Exxon Mobil plume. The groundwater that comes up through the basement was contaminated by MTBE when the gasoline station about a half a mile up from us, north of us on 347, had a leak in one of those tanks. It was one of the biggest settlements you can read about from -- the DEC has ever had. It was a tremendous plume.

LEG. KENNEDY:

Thank you. Thank you for coming out.

D.P.O. HORSLEY:

Thank you very much.

LEG. KENNEDY:

Hold on.

D.P.O. HORSLEY:

Excuse me.

LEG. KENNEDY:

Elaine, come on back.

D.P.O. HORSLEY:

Legislator Nowick has a quick question.

LEG. NOWICK:

I was just curious. How did you make out during Sandy, all of you?

MS. COOK:

During Sandy, I had three pumps and two Shop-Vacs, and I have a generator. So the generator was put in about three weeks before the storm came, because my husband was petrified we would go through the same thing again, and he -- it was about \$2,500 for the generator, and I don't even know what it costs to put in an entire -- I had to put a separate electrical panel in to handle the weight of the generator.

LEG. NOWICK:

So you were you out of electric, too?

MS. COOK:

No, I had the generator running. I had the generator running, but the generator holds the pumps, so that the pumps can continue pumping when the water is coming in.

LEG. NOWICK:

Thank you.

D.P.O. HORSLEY:

Thank you very much. All righty. That concludes the cards on the 2014-2016 -- through 2016 Capital Budget and Program. Would anyone else like to be heard on the Capital Budget? Would anyone else like to be heard on the Capital Budget? I understand that this has been now -- we've had -- this is our second hearing, so I'll make a motion to close.

LEG. SCHNEIDERMAN:

Second.

D.P.O. HORSLEY:

Second by Legislator Schneiderman. All those in favor? Opposed? So moved, it has been closed. All right. The second --

MS. ORTIZ:

Sixteen. (Vote Amended to 15. Not Present: Legislators Hahn, Spencer & P.O. Lindsay)

D.P.O. HORSLEY:

Thank you. *I.R. 2064-12 - A Local Law to ensure adequate gasoline distribution to the public after disasters (Stern).*

I do not have any cards on 2064. Would anyone like to be heard on 2064? Would anyone like to be heard on 2064? Seeing none, Legislator Stern?

LEG. STERN:

Motion to recess.

D.P.O. HORSLEY:

Recess? The motion is to recess. I'll second -- second by Legislator Cilmi. All those in favor? Opposed? So moved.

MS. ORTIZ:

Fifteen. (Not Present: Legislators Hahn, Spencer, and P.O. Lindsay).

D.P.O. HORSLEY:

All right. *I.R. 1032 - A Charter Law to adopt tax policy prior to Election Day, "Taxpayer Awareness Act Part 1" (Cilmi).*

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I do not have any cards on this. Would anyone like to be heard on 1032? Would anyone like to be heard on 1032? Seeing none, Legislator Cilmi, what would you like to do?

LEG. CILMI:

Motion to recess.

D.P.O. HORSLEY:

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

MS. ORTIZ:

Fifteen. (Not Present: Legislators Hahn, Spencer, and P.O. Lindsay)

D.P.O. HORSLEY:

Thank you. *1033 - A Charter Law to require open deliberations in budget amendment process, "Taxpayer Awareness Act Part 2" (Cilmi).*

I do not have any cards on this. Would anyone like to be heard on 1033? Would anyone like to be heard on 1033? Seeing none, Legislator Cilmi, what would you like to do?

LEG. CILMI:

Motion to recess.

D.P.O. HORSLEY:

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

MS. ORTIZ:

Fifteen. (Not Present: Legislators Hahn, Spencer, and P.O. Lindsay)

D.P.O. HORSLEY:

Thank you. *1034 - A Charter Law to improve transparency and participation in setting spending priorities "Taxpayer Awareness Act Part 3" (Cilmi).*

I do not have any cards. Would anyone like to be heard on 1034? Would anyone like to be heard on 1034? Seeing none, Legislator Cilmi what would you like to do?

LEG. CILMI:

Motion to recess.

D.P.O. HORSLEY:

Motion is to recess; I'll second the motion. All those in favor? Opposed? So moved. 1182 --

MS. ORTIZ:

Fifteen. (Not Present: Legislators Hahn, Spencer, and P.O. Lindsay)

D.P.O. HORSLEY:

Thank you. *1182 - A Charter Law to strengthen Legislative oversight and public participation in law-making process (Montano).*

I do not have any cards on this. Would anyone like to be heard on 1182? Would anyone like to be heard on 1182? Seeing none, Legislator Montano, how say ye?

LEG. MONTANO:

A quick question of Counsel. George, do you know when this is going to expire, or is it going to expire?

MR. NOLAN:

Well, we're going to get it out of committee in six months, so I've got to go find the date.

LEG. MONTANO:

Oh, I'm sorry.

MR. NOLAN:

That's all right.

LEG. MONTANO:

All right. Just bear with me one second. All right. I'm going to make a motion to recess.

D.P.O. HORSLEY:

Legislator Montano makes a motion to recess; I'll second the motion. All those in favor? Opposed? So moved, it has been recessed.

MS. ORTIZ:

Fifteen. (Not Present: Legislators Hahn, Spencer & P.O. Lindsay)

D.P.O. HORSLEY:

Thank you. *1208 - A Charter Law to clarify employee residency requirements (Cilmi).*

I do not have any cards on this. Would anyone like to be heard on 1208? Would anyone like to be heard on 1208? Legislator Cilmi, how say ye? I don't have any cards.

LEG. CILMI:

Motion to close, please.

D.P.O. HORSLEY:

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

LEG. KENNEDY:

Second.

D.P.O. HORSLEY:

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

MS. ORTIZ:

Fifteen. (Not Present: Legislators Hahn, Spencer, and P.O. Lindsay)

D.P.O. HORSLEY:

I.R. 1250 - A Local Law to enhance and improve Suffolk County's E-911 System -- Service, rather (Kennedy).

I do have a card. First card is from Anthony LaFerrera. Anthony?

MR. LAFERRERA:

Good afternoon, Legislators. I'm here to ask for support on I.R. 1250, introduced by Legislators Kennedy, Horsley and Schneiderman. It's in reference to Enhanced E-911 System, and help fund

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our PSAPs throughout the County.

Just a quick synopsis. Back in '97, when the 911 system came online, the PSAPs were getting \$100,000, that was wireline only. The State Troopers would get all the wireless money. In the 2000s, the landline money dropped to 40,000, our lowest being 36,000. And when I say ours, it's all PSAPs. Now we're getting no wireline money, and we use that for maintenance of all our systems and computers, and so on, infrastructure.

The VoIP, which people got to replace wireline, we don't get any. Basically, the only thing we've been getting is through Legislator Horsley's bill a couple of years ago from the wireless surcharge money, which was 74,000 last year, and now it's \$26,000, less than we were getting back in '97.

The lifespan of the computers, as we know, usually three to five years. Our contract with Verizon is up in 2014. These computers will need replacement in the near future, software licenses, maps, equipment, all the cost that was being taken care of through the money we'd receive through surcharges.

Just to remind everybody, like I have to remind anybody, but, excuse me, Comptroller Sawicki's report, audit report that was put out in March, if I could just read two quick paragraphs from some of his bullet points from his Executive Summary.

"The actual number of landline, VoIP and wireless communication service suppliers, providing services in Suffolk County, cannot be determined." This is one of the big problems. "However, we believe the major wireless service providers serving the County are remitting the charges, surcharges, but not sure. There is no process in place to ensure that all major suppliers providing landline, VoIP and wireless services in Suffolk County are remitting surcharges on a monthly basis, and surcharge revenue is not always recorded in the appropriate revenue source code."

So what I'm asking for is if this resolution could be passed. I'm sure it will bring all PSAPs back up to that \$100,000 range and help provide us with better service to the people of our County. Thank you.

D.P.O. HORSLEY:

Thank you, Anthony. Anthony, I just have a quick couple of questions. There are, what, 12 PSAPs in the system?

MR. LAFERRERA:

Correct, throughout the County.

D.P.O. HORSLEY:

Throughout the County. And that they are in most of the Legislative Districts that we have before this -- with this Board?

MR. LAFERRERA:

I would say there's about 10 Legislators that have PSAPs within their District.

D.P.O. HORSLEY:

Right. And if the -- and again, the PSAP System is the redundancy to the 911 system; is that correct?

MR. LAFERRERA:

Correct.

D.P.O. HORSLEY:

Okay. I'm making this easy for you, Anthony.

*(*Laughter*)*

If the dollar amount is not increased to what it was back in 19 -- whatever the year it was that you cited, to \$100,000, and you've consistently been getting less, who makes up the difference?

MR. LAFERRERA:

Well, we would have to make up the difference from our budget debt.

D.P.O. HORSLEY:

And "we" being who?

MR. LAFERRERA:

Meaning our Babylon Central Fire Alarm, who I represent.

D.P.O. HORSLEY:

Right.

MR. LAFERRERA:

So our budget would be affected tremendously.

D.P.O. HORSLEY:

Okay, and I understand that. Now who -- now, if you have to go out and get monies that if not supplied by the 911 system, the VoIP, and whatever, who would be -- where would the money come from, then?

MR. LAFERRERA:

Well, the people we represent, the fire departments, it would have to come from them.

D.P.O. HORSLEY:

That would be -- that was the answer I was looking for *(Laughter)*.

MR. LAFERRERA:

The 10 Departments. Yes, the 10 Departments we represent.

D.P.O. HORSLEY:

The Departments. In other words, the taxpayers would have to make up --

MR. LAFERRERA:

Right, the 10 Departments that we represent.

D.P.O. HORSLEY:

-- the differences. The Villages would have to kick in additional dollars.

MR. LAFERRERA:

Everybody would have to chip in, yes, all the municipalities.

D.P.O. HORSLEY:

Right. So this is a much needed method of financing the PSAPs that is relatively painless to our taxpayers.

MR. LAFERRERA:

As long as everything could be accounted for.

D.P.O. HORSLEY:

Okay.

MR. LAFERRERA:

Riverhead is easier.

D.P.O. HORSLEY:

Riverhead is easier, there you go. Anthony, thank you very much. We appreciate your coming down here today.

MR. LAFERRERA:

All right. Thank you very much.

D.P.O. HORSLEY:

Yes. Oh, Anthony, we have a question for you. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Yeah. Hi, Anthony. Thanks for coming out today. In terms of distribution of the new money from the voice-over, the bill is calling for the distribution to the non-County PSAPs to be based on actual revenues collected. Is that what, by -- within the service area of that PSAP? Do we have that? Is there a way to determine that?

MR. LAFERRERA:

It would be the total revenue that's collected from the County. Okay? I'll just give you a for-instance. Let's say 16 million dollars was collected, all right?

LEG. SCHNEIDERMAN:

Okay.

MR. LAFERRERA:

Out of that 16 million, 20%, as the law is written, is taken, and out of that 20% is divided by 12, and that's the revenue that the PSAPs would receive.

LEG. SCHNEIDERMAN:

Let me just check that with the lead sponsor it. John, is that your understanding, too, because I've seen that -- the vision in other legislation, but this one seems to say it's distributed by how it's collected.

LEG. KENNEDY:

Well, but --

LEG. SCHNEIDERMAN:

I mean, I like that distribution, just divide it in 12.

LEG. KENNEDY:

And what happens is the remittance, and this was part of -- through the Chair, if I can. The remittance --

D.P.O. HORSLEY:

Okay, partner.

LEG. KENNEDY:

Yes. As a matter of fact, we are cosponsors on this resolution. And one of the many things that the resolution does is specify who the recipient is of the remittance from the wireless providers from the voice-overs.

Right now, if you recall, Comptroller Sawicki's report identified that the P.D. receives checks, the Treasurer receives checks, and the Comptroller receives checks. There's no consistency, no single point of remittance, and, as a matter of fact, there's not distribution until some 15 months after remittance. So the wireless providers pay over based on the number of units they service throughout the geographic distribution of the County of Suffolk, and will do so, I guess, now exclusively to the P.D., and will now move to a quarterly distribution.

Through the Chair to BRO, is that -- that's pretty much the way it is, John?

MR. ORTIZ:

What you said is all correct.

LEG. KENNEDY:

There you go. Look at that, go figure.

D.P.O. HORSLEY:

That's because we're partnering, John.

*(*Laughter*)*

LEG. SCHNEIDERMAN:

So the distribution, the determination is based on actual revenues.

LEG. KENNEDY:

Yes.

LEG. SCHNEIDERMAN:

And the 20% goes to the non-County.

LEG. KENNEDY:

Yes.

LEG. SCHNEIDERMAN:

And then of that 20%, it doesn't say so in the bill, but it's going to be divided equally --

LEG. KENNEDY:

Yes.

LEG. SCHNEIDERMAN:

-- for the record, okay, whether it's a large PSAP or a small PSAP.

LEG. KENNEDY:

Correct.

LEG. SCHNEIDERMAN:

Okay.

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D.P.O. HORSLEY:

Okay? We're good? Anthony, thanks for coming down today, I really appreciate it.

MR. LAFERRERA:

Thank you.

D.P.O. HORSLEY:

We also have a second speaker on this, on 1250, and that is Matthew Curtis.

MR. CURTIS:

Good afternoon. You pretty much covered everything. I am from Smithtown Fire District. We host the PSAP for Kings Park, Hauppauge, Nesconset and Saint James.

The big thing with the PSAPs, and you already covered it right now, is that we get phone calls from Centerport, we'll get them from West Islip. The secondary PSAPs are not local to where they're stationed, they're used throughout the County.

The primary thing right now is to remember, if something happens to Suffolk County P.D. or FRES, your secondary PSAPs are your backup. So to put all the eggs in one basket out in Yaphank and have a problem is a major problem.

The biggest issue we have right now is that the money that comes in through the surcharges, which has went down continuously since 1997, is this: We used to get \$100,000. Our operating costs alone, just to maintain the equipment, is a 150,000. And you hit it right on the head. Who's paying for it? The other districts, yet other agencies throughout the County are allowed to use the system. People that come in from Connecticut and call 911 get to use our service, as well as when you go to Connecticut and you use 911, you use their service.

What we have to do is make sure that the money is evenly distributed among the secondary PSAPs, as well as your primaries.

Smithtown right now is at a critical time. For the last 10 years they've been at a loss. The other districts have been notified that if things do not change, there's going to be repercussions. You cannot continually go down the road losing money. The County can't lose money, fire districts can't lose money.

Every time I go to a meeting, I sit with John or Legislator Nowick, the fire service, two PSAPs, which are your two PSAPs, Babylon Central and Smithtown, are the only ones that come. Why do we come? We have a vested interest. We're not police taxing districts. We can't just randomly pick numbers out of the woodwork and pay the bills, it doesn't work that way.

We have a five-year plan. Our five-year plan in Smithtown is in the garbage right now, because I cannot spend money on the backbones of Smithtown residents not knowing if the money is going to come back.

So I'm here to hopefully get the support for I.R. 1250. And, hopefully, we're going to get this figured out, because I'm telling you right now, if we don't come to a solution, an equitable solution that's going to make it work for all of us, there's going to be problems. And not that something's going to happen today or tomorrow, it's going to happen. And if you don't have your secondary backups in place, there's going to be a problem.

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I really want you guys to really think. I think half the Legislators have PSAPs in their district, the others don't, but, yet, we all are allowed to use them. So when you do go to vote on this, please think about that. Thank you for your time. Thank you much, Mr. --

LEG. SCHNEIDERMAN:

Just one.

D.P.O. HORSLEY:

Yes, Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Just real quick. Not all the non-County PSAPs are secondary. In fact, a lot of the them, actually, are primary. Sp anything that's outside of Suffolk County P.D. is the PSAP that's taking the 911 call. So whether it's like Westhampton or Southampton -- I'm not sure Southampton -- East Hampton, but there is a number of PSAPs that do -- are the first respond -- it's right where the 911 call goes. But in other areas, I guess there's more secondary. I just wanted to get that clarification out.

MR. CURTIS:

The issue right now is that if you have the towers triangulated, and a 911 wireless call could be sent to Smithtown's PSAP, it's taken care of. If a direct call comes in, it's given to us right away. There are issues with the training out at P.D. where they don't really know the geographic or where the PSAPs are at, and they'll take care of the call themselves and then transfer it later on when it goes to FRES. If they knew what the geographic was, they could push the button right there and then and be transferred right over.

But the other issue with the P.D. right now is that they hold the call, it counts as a call towards them. So say they have a million calls, where really they could have put 500,000 out, they still get credit for a million. And then that was a whole issue, too, with how are you going to fund this? If I have a million calls and I only have a hundred calls, I should get paid on the million calls, but that's really -- it's apples and oranges, because the call should have initially went to the secondary PSAP and took the burden off of FRES and also Suffolk County P.D., but that's not the way it works. That's a whole other issue that needs to be addressed.

D.P.O. HORSLEY:

Okay. Thank you very much. May I ask or add that I imagine Riverhead would be the same as your -- as the --

LEG. KENNEDY:

Hey, Matt, hold a second.

D.P.O. HORSLEY:

Yeah, Matt, we have one more question from Legislator Kennedy. Would that be true, Legislator Schneiderman, that --

LEG. SCHNEIDERMAN:

Yeah, that would be a primary.

D.P.O. HORSLEY:

That would be a primary, so keep that in mind, Mr. Krupski.

LEG. KENNEDY:

Thank you, Mr. Deputy Presiding Officer. And, Matt, thank you for being here. And I also want to recognize we have Fire Commissioner Ed Crean here in support of this as well from Hauppauge Fire

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Department.

Matt, the other thing I think that sometimes doesn't necessarily get out there is the ongoing dispatch function associated with the PSAPs. So in Smith Central Dispatches, there's subsequent dispatching that goes on as well as the incident evolves, isn't there?

MR. CURTIS:

That's correct.

LEG. KENNEDY:

A fire, an ambulance call? So there's that continuous monitoring and continuous presence from the dispatchers as the event unfolds, I believe, right?

MR. CURTIS:

That's true. And the issue right now, when you have an initial call come in, because Smith and Babylon Central are full-service dispatching centers, that means they put the call out, they do the truck-to-truck operations, and they take the phone calls. So, if you have one call, you basically get between 30 and 50 contacts until the call is completed. So, if we're doing -- we do an average of between 9- and 10,000 calls a year. So, if you take 10,000 and times it by 300, it's 300,000 contacts in the course of a year. So it's not like you just -- a lot of the other secondary PSAPs, they'll activate out the fire department and then that's it, they're done. Then the fire department would take over their own truck-to-truck and finish up their calls themselves.

LEG. KENNEDY:

All right. Thank you very much for coming out.

MR. CURTIS:

Thank you.

D.P.O. HORSLEY:

Okay. Thank you very much, Mr. Kennedy. Would anyone else like to be heard on 1250? Would anyone else like to be heard on 1250? Seeing none, I understand that the reason why we recessed it last time was because it was misadvertised. It has been now properly advertised, Mr. Counsel?

MR. NOLAN:

As far as I know.

LEG. KENNEDY:

I make a motion to close, Mr. Chair.

D.P.O. HORSLEY:

Motion is to close by Legislator Kennedy, seconded by Legislator Cilmi. All those in favor? Opposed? So moved, it has been closed.

All right. We're going to skip --

MR. LAUBE:

Sixteen. (Not Present: Legislator Hahn and P.O. Lindsay)

D.P.O. HORSLEY:

Thank you. We're going to skip over I.R. 1257. The Presiding Officer would like to be there for that.

J.R. 1258 - A Local Law authorizing an exemption in County's Backflow Testing Law (Schneiderman). I do not have any cards on 1258. Would anyone like to be heard on 1258? Would anyone like to be heard on 1258? Seeing none, Legislator Schneiderman, what would you like to do?

LEG. SCHNEIDERMAN:

Motion to close.

D.P.O. HORSLEY:

Motion is to close.

LEG. KRUPSKI:

Second.

D.P.O. HORSLEY:

Second by Legislator Calarco. All those in favor? Wasn't it Clark? I'm sorry. Legislator Krupski -- I'm sorry -- makes a motion to close -- seconds the motion to close. All those in favor? Opposed? So moved.

MR. LAUBE:

Sixteen. (Not Present: Legislator Hahn and P.O. Lindsay)

D.P.O. HORSLEY:

You guys sound alike, I guess.

1302 - A Local Law to clarify -- Law to clarify Board of Ethics authority to issue advisory opinions (D'Amaro).

This is 1302. I do have a card on 1302 from Robin Long. Robin Long?

MS. LONG:

Good afternoon. I'd like to at this time yield my time to our Executive Director of the Board of Ethics, Samantha Segal, who will speak to the Legislation.

D.P.O. HORSLEY:

Okay. Well, just so you know that Samantha also has a card and you could both speak, if you'd like.

MS. LONG:

That's okay. I'm going to let her start.

D.P.O. HORSLEY:

There you go.

MS. SEGAL:

Good afternoon. Samantha Segal, as Executive Director on behalf of the Suffolk County Board of Ethics. I'm here today with respect to a Local Law clarifying the Board of Ethics' authority to issue advisory opinions.

To date, the Board of Ethics has taken a strict constructionist interpretation -- it's on, right? To date, the Board of Ethics has taken a strict constructionist interpretation of the Ethics laws in Suffolk County. As applied, that means that currently, current public servants can request advisory opinions to Board of Ethics. To date, former public servants cannot request such opinions and prospective employees cannot request such opinions.

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Also, as applied, what that means is the post restrictions -- the post-employment restrictions that are under the Suffolk County Board of Ethics jurisdictions and can result in sanctions and fines, the Board has current authority on.

As of today, the Board of Ethics would like to ask the Legislature to clarify their intention as to standing for advisory opinions. In the event that the legislation was intended to provide standing to prior or former -- I'm sorry, to prior and prospective public servants, we've provided the language that is currently in effect in the New York City Conflict of Interest Board that defines public servants for the purpose of advisory opinions to include prior and prospective public servants. Thank you.

LEG. D'AMARO:

Question.

D.P.O. HORSLEY:

Yes. Legislator D'Amaro, this is your bill. Why don't you have this one first?

LEG. D'AMARO:

Okay. Thank you. Just a couple of points of clarification just to get it on the record.

So the way the code is being interpreted presently, you feel that the Board of Ethics does not have the authority to give advisory opinions to prior or prospective public servants, as you say?

MS. SEGAL:

That's correct. Currently --

LEG. D'AMARO:

What --

MS. SEGAL:

I'm sorry.

LEG. D'AMARO:

No, go right ahead.

MS. SEGAL:

Currently, the way the law reads, and as the Board interprets it, as on the request of a public servant or supervisory official of a public servant. Those are the only two individuals who can request advisory opinions from the Board.

LEG. D'AMARO:

Right. What has been the County's practice in the past?

MS. SEGAL:

In the past, the prior -- in the past, in this County, the prior commission has extended standing to formers and prospectives, and supervisory officials of prospectives, meaning a department head or an agency head could inquire to the Board also if they have someone coming on board to see if there would be a potential conflict of interest.

LEG. D'AMARO:

Okay. I understand how you can easily define a prior employee. What is a prospective employee? What level does the person have to reach in order to become prospective in the sense of being able to ask for an opinion? It's not just some kind of nebulous "I may work for the County, therefore I need an opinion." What would you be looking for?

MS. SEGAL:

I'm going to actually defer to the Chair and the Board on that.

LEG. D'AMARO:

Sure.

MS. LONG:

I would say, at this point, it would be people who have been -- who are prospective, being interviewed, are now being hired, and are in that period of time before they actually take the position, who are then going to be asking whether they have to yield or resign from anything that they're doing at this time.

LEG. D'AMARO:

So, at a minimum, you would be in an interview process.

MS. LONG:

Correct.

LEG. D'AMARO:

And then you can -- to track the interview, along with the request to Board of Ethics. Are you in a position to issue those opinions quickly?

MS. LONG:

Yes.

LEG. D'AMARO:

Okay. All right.

MS. LONG:

Within what is our regulations. We have certain statutory times from which we have to -- from the intake period, investigation, to issuing. We are all legislated to do that.

LEG. D'AMARO:

Right.

MS. LONG:

We have those regulations.

LEG. D'AMARO:

Because if someone is looking for employment, you wouldn't want to hold that up, at least minimize the amount of time it would take.

MS. LONG:

And I think we would also probably be hearing then more from supervisors or from --

LEG. D'AMARO:

Right.

MS. LONG:

The person who's hiring them is going to be looking for that guidance also. If they're going to be having a conflict, the agency is going to have a conflict by doing the hiring.

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LEG. D'AMARO:

While I have you, these opinions that are issued, who is entitled to those opinions?

MS. LONG:

What we do is after an opinion is issued, then your opinion is redacted, and the opinion will be posted on our website. So you can get a copy of the opinion, but it is redacted. The public is --

LEG. D'AMARO:

Is it redacted to the extent of not being able to determine what position it's relating to?

MS. LONG:

Yes, so the person would not be identifiable.

LEG. D'AMARO:

Indirectly, you cannot identify the person --

MS. LONG:

Yes.

LEG. D'AMARO:

-- that it would cover.

MS. LONG:

That's right. But it should still be giving enough guidance for people to know. You know, for the educational purposes and for awareness purposes, it should be enough identification for people in the public to be able to, or other employees to be able to take guidance.

LEG. D'AMARO:

Sure. That's very good practice. What -- under what circumstance do you foresee a prior public servant seeking an opinion?

MS. LONG:

Somebody leaves public employ and now goes to, let's say, an agency that functions and has -- submits contracts, or a lobbying agency or such, and they're going to need the guidance.

LEG. D'AMARO:

Sure, very important. If you leave County employment and you go to work for a company or an individual that may be doing business, even indirectly with the County, I think it's better to err on the side of caution and get an opinion.

MS. LONG:

Also, it seems a little inconsistent to -- and I think the intent was clear. When you gave us the power, there's certain powers that we have for post-employment. So it would seem a little inconsistent to punish somebody for doing the wrong thing when they can't come to ask us --

LEG. D'AMARO:

I agree.

MS. LONG:

-- at first how not to.

LEG. D'AMARO:

And the County has done this in the past. We're just really putting it in black and white for you.

MS. SEGAL:

Yes.

LEG. D'AMARO:

Right.

MS. SEGAL:

And to expand upon that also with respect to former public servants, I think it also would account for public servants who left the County unexpectedly, whether it be by termination or some other unforeseen event where they didn't have the time to ask or plan ahead for many life reasons. It would still afford them the opportunity to not be concerned about their prior life serving the public running interference with what they're trying to further their life with.

LEG. D'AMARO:

Right.

MS. SEGAL:

So it gives them still -- it still gives them standing, especially if the separation from employment wasn't something that was foreseeable.

LEG. D'AMARO:

Okay. It sounds like a clarification that we need to put in the code itself, in the regulations itself.

MS. SEGAL:

The way that we initially drafted it, in the event that the Legislature wanted to clarify it, was to just redefine "public servant" with respect to that one provision.

LEG. D'AMARO:

It would only relate to that one provision, however.

MS. SEGAL:

And that's how it reads in the law that's been proposed.

LEG. D'AMARO:

Correct. Okay. All right. Thank you for answering my questions, I appreciate it.

MS. SEGAL:

Thank you.

LEG. D'AMARO:

Thank you, Legislator Horsley.

D.P.O. HORSLEY:

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

LEG. BARRAGA:

Just a very general question with reference to advisory opinions.

Can you tell me in 2012, that twelve-month period, how many advisory opinions the Board of Ethics issued?

MS. SEGAL:

2012, there were not -- it was under 10 in 2012.

LEG. BARRAGA:

Under 10.

P.O. LINDSAY:

Could you talk into the mic?

MS. SEGAL:

I'm sorry. In two thousand --

LEG. BARRAGA:

We've had a great deal of dialogue --

MS. SEGAL:

No, in 2012 --

LEG. BARRAGA:

-- with reference to the Board of Ethics for several years, all sorts of changes.

MS. SEGAL:

It was under 10. The Board was fully constituted --

LEG. BARRAGA:

So 10 advisory opinions for the entire year in 2012?

MS. SEGAL:

It was under 10.

LEG. BARRAGA:

Okay. And how many of those were Legislative?

MS. SEGAL:

How many of those were -- what do you mean? What --

LEG. BARRAGA:

You don't know? I mean, for a Legislature requesting an opinion -- a Legislator?

MS. SEGAL:

Well, we can't divulge --

LEG. BARRAGA:

You can't divulge that. But there's a total of 10, total of 10.

MS. SEGAL:

Yeah.

LEG. BARRAGA:

And how many so far this year?

MS. SEGAL:

To date?

LEG. BARRAGA:

Yes.

MS. SEGAL:

To date, it's been eight.

LEG. BARRAGA:

Eight. All right. Thank you.

MS. LONG:

Just to flesh that out a little bit more, if you remember, the Board did not become fully constituted until May of 2012, so that until we became fully constituted, we weren't giving -- the opinions weren't being issued at that time.

We've also now promulgated rules and regulations for how to ask for an opinion, how the opinion timing is -- to getting the responses out, so that it's much clearer. And you can get that information on the website, so people are able to download forms to ask for opinions, so it's much more user friendly.

D.P.O. HORSLEY:

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

LEG. MONTANO:

Thank you. Good afternoon.

MS. SEGAL:

Good afternoon.

LEG. MONTANO:

I just wanted a clarification, because the resolution that is in front of me only lists the Section E to be added, so I don't have the full context. When it says that you can ask for an advisory opinion, must it be with respect to the public servant's own conduct, or could it be an opinion about another official's conduct?

MS. SEGAL:

No. With respect to advisory opinion requests, it's to --

LEG. MONTANO:

It's personal.

MS. SEGAL:

-- their own conduct, or if it's a supervisor, the supervisory official can request one. As to third party inquiry, we can only take -- the Board can only take complaints.

LEG. MONTANO:

Okay. So then it is personal to that particular public servant.
Thank you.

MS. SEGAL:

And that's also, obviously, because there is a legally binding effect on the advisory opinions that are rendered, since they do provide potential immunity or not -- or no immunity in the event a complaint comes in. We have no authority to bind a third person off of a --

LEG. MONTANO:

Gotcha. I appreciate that. Thank you.

D.P.O. HORSLEY:

Thank you very much, Legislator Montano.

P.O. LINDSAY:

I have a question.

D.P.O. HORSLEY:

Okay. Legislator Lindsay.

P.O. LINDSAY:

First of all, again, I want to compliment the Board for doing a great job of picking up the pieces and putting them back together again. I think you are going doing a wonderful job. This particular legislation you guys are in favor of, right?

MS. LONG:

Yes.

P.O. LINDSAY:

Yes, you are. Okay. I think that's important for us to know, because I think it's important that we give you the tools that you'd need to operate effectively.

MS. LONG:

And we appreciate all the cooperation we have received to this point.

P.O. LINDSAY:

All right, good.

MS. LONG:

We do thank you.

P.O. LINDSAY:

All right. Thank you.

D.P.O. HORSLEY:

Thank you very much, Legislator Lindsay. I do not have any more cards on this. Would anyone else like to be heard on 1302? Would anyone else like to be heard on 1302? That being -- hearing none, Legislator D'Amato.

LEG. D'AMARO:

Yes. I'd like to offer a motion to close the public hearing.

D.P.O. HORSLEY:

Closes the public hearing; second by Legislator Lindsay?

P.O. LINDSAY:

Yes.

D.P.O. HORSLEY:

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

MR. LAUBE:

Sixteen. (Not Present: Legislators Hahn and Nowick)

D.P.O. HORSLEY:

Thank you. *I.R. 1307 - A Charter Law adopting and incorporating 2% Property Tax Cap into the County Budget Process (Cilmi).*

I do not have any cards on 1307. Would anyone like to be heard on 1307? Would anyone like to be heard on 1307? Seeing none, Legislator Cilmi?

LEG. CILMI:

Motion to close, please.

D.P.O. HORSLEY:

Motion is to close.

LEG. D'AMARO:

Second.

D.P.O. HORSLEY:

Second by Legislator D'Amaro. All those in favor? Opposed? So moved, it has been closed.

MR. LAUBE:

Sixteen. (Not Present: Legislators Hahn and Nowick).

D.P.O. HORSLEY:

Thank you. *I.R. 1316 - A Charter Law to improve hiring opportunities for Suffolk County residents (Nowick).*

1316, I do not have any cards on 1316. Would anyone like to be heard on 1316? Would anyone like to be heard on 1316? Seeing none, Legislator Nowick? Where did --

LEG. KENNEDY:

Give me a second and I'll find out what --

D.P.O. HORSLEY:

What she wants to do.

LEG. NOWICK:

Motion to table -- recess.

D.P.O. HORSLEY:

Recess?

LEG. NOWICK:

Recess.

D.P.O. HORSLEY:

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

MR. LAUBE:

Seventeen. (Not Present: Legislator Hahn)

D.P.O. HORSLEY:

1358 - A Local Law establishing registration requirements for pool maintenance

businesses operating in Suffolk County (Spencer).

I do have a card from Kyle Chaikin, I believe, Charcken? I couldn't tell what that initial -- that letter was.

MR. CHAIKIN:

Chaikin.

D.P.O. HORSLEY:

Chaikin.

MR. CHAIKIN:

That's right. Well, good afternoon, Ladies and Gentlemen, and I am Kyle Chaikin. I'm a certified building professional, certified service professional and a certified pool operator.

There are a lot of reasons why we need a specific pool, swimming pool construction license and service license. It goes back to the fact that pools and spas are constructed today, serviced today and maintained today very different than they were 35 years ago, when the Home Improvement Contractors Act was originally enacted. Construction codes and industry standards have evolved from practically nothing back in the '70s to more than 16 accepted and adopted industry-wide best practices, and in many cases referred to by nearly every state in the Union in all the modern building codes.

New Federal laws, such as the Virginia Graeme Baker Act, and energy conservation codes are all things that need to be held to a higher standard as builders, and they require different education and training to be put in place to be able to know what you're doing, to be able to comply with the new laws that exist. For instance, nowadays, every year there's new energy efficiency technology that's coming out. It's coming online every single year. An educated, well-trained workforce will be necessary to ensure that consumers are knowledgeable in the efficient use of their pools and spas. And if we have educated, trained pool service and pool construction professionals, we're providing a safer environment for the consumer, we're providing a safer environment for the employees of the construction companies, and safer pools in general for our children.

You know, this goes down not just to construction and service, but to maintenance as well. The proper sanitation of water, chemical balance and the handling of hazardous materials are an everyday part of maintenance technicians' jobs, as well as proper cleaning and backwashing techniques. It might seem trivial to those of you who have a swimming pool in your yard, but there are many different accidents that can take place when people are handling chemicals as basic as just chlorine and acid. This registration will ensure that pool maintenance technicians are able to demonstrate at least a minimal level of competency for the safe practice of chemical application and safe water sanitation, protecting the consumer.

D.P.O. HORSLEY:

Okay. Thank you very much, Mr. Chaikin. I think I have a question from Legislator Cilmi.

LEG. CILMI:

Yes. Good afternoon. Here you go.

MR. CHAIKIN:

There you go.

(*Laughter*)

LEG. CILMI:

Voice from beyond. So thank you for your testimony. I know, having spoken with Legislator Spencer about this, I know that this is something that the industry association, is it LIPSO or LISPO or --

MR. CHAIKIN:

LIPSA, Long Island Pool and Spa Association.

LEG. CILMI:

Has asked for. And I know, also, that there was some legislation passed in Nassau County, which, if I'm not mistaken, according to a pool fellow across the street from where I work, ran into some problems because they really didn't -- I guess they constructed the law without the full input of the Association, and there is some vagaries associated with the law. Do you have any familiarity with that?

And then the second part of the question is how many -- how many businesses in Suffolk County do you think this impacts?

MR. CHAIKIN:

I can't answer the question as to how many businesses. I'll tell you that it's hundreds of businesses, and that's just to our knowledge who exist. There are a lot of contractors that have absolutely no concept of swimming pools, nor should they because they don't do any of the education classes, that are out there servicing, maintaining. Especially after Hurricane Sandy, they're just up here chasing money and there's no license to preclude them or prevent them from doing it.

LEG. CILMI:

So you would say hundreds of legitimate businesses that are certified like you are and --

MR. CHAIKIN:

Well, no, I wouldn't say that, no. I think that there will be hundreds of certified businesses that will go forward. They're all going to be in the process of lining up at the doors to get the education that I have, that I also teach the classes in, so that -- and it's an industry-wide situation. This is a national organization. The APSP, along with NESPA, which is the Northeast Spa and Pool Association, and what we're doing is we're trying to push continuing education, and we're trying to make it so that those hundreds of people that I referred to actually become certified and educated in the process of not only building pools, but servicing pools and maintaining them.

LEG. CILMI:

So your answer brings up an interesting question, which I hadn't really thought of. The legislation before us incorporates what I would -- what I believe is a relatively nominal fee associated with the registration process with Suffolk County. I think it's a \$100 every three years.

LEG. SPENCER:

Yes.

LEG. CILMI:

Which I think is reasonable for somebody to be -- you know, for somebody who is in business legitimately to pay. I always hesitate, you know, with these regulations on business, because it just seems to me that we just don't get to everybody that -- and there can be some problems with it. But, in this case, the industry is calling for it, so I have no problem with it. But when you talk about the certification process, not the registration, but the certification process, so what sort of opportunities are out there for a legitimate business owner who wants to be registered with Suffolk County to become certified, and what are the costs associated with doing so?

MR. CHAIKIN:

Well, we have a couple of other people that are also going to speak to this. But the reality is we offer education classes, not only once a year at our industry show in Atlantic City for free, but all across Long Island. LIPSA puts on and sponsors many different education courses, especially those that are required to then sit for the test-taking, meaning for free or for a nominal fee for the dinner that might be associated with it. If you were joining us for the dinner, \$25 to \$40. You would come and be able to get the continuing education credits, as well as the credits that will prepare you or be in line to then take the test. As far as the actual test itself, again, a nominal fee for somebody to assure us that they are actually building a safer pool and servicing pools in a safe manner.

LEG. CILMI:

Now, while the registration is valid for three years, the \$100 registration is valid for three years, does the certification have to be renewed on a regular bases?

MR. CHAIKIN:

No. See, you have to do continuing education credits.

LEG. CILMI:

You do.

MR. CHAIKIN:

And most of those can be achieved by attending free seminars.

LEG. CILMI:

Gotcha. Okay. Thank you very much for your testimony.

MR. CHAIKIN:

You're welcome.

D.P.O. HORSLEY:

Thank you very much, Legislator Cilmi. Legislator Stern.

LEG. STERN:

Thank you, Mr. Deputy Presiding Officer. Welcome. The organization that you mentioned before, I'm sorry, the name was?

MR. CHAIKIN:

On Long Island, we're called Long Island Pool and Spa Association.

We are a chapter of the Northeast Spa and Pool Association, which is an affiliate of the Association of Pool and Spa Professionals.

LEG. STERN:

And so you're concerned with business-related activities, both in Nassau and in Suffolk Counties. What, if any, role did the organization play in the enactment of any type of rule or regulation that they currently have in Nassau County?

MR. CHAIKIN:

We went to Nassau County and asked them the same thing that we asked of Legislator Spencer, who I believe is sponsoring this bill. They took it and ran with it. And, you know, perhaps they went ahead quickly, but they did grandfather in and allow some of our people to get the certifications that need it. And there's only, I think, a few small changes that we're doing a little bit differently here in Suffolk, thanks to spending a little more time on it, that will allow somebody, for instance, with the top certification of CBP, or Certified Building Professional, to go ahead and service and maintain,

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whereas in Nassau County, they forced people to get all three certifications. I think that's about the one and only big difference, correct?

LEG. STERN:

Am I reading it correctly here, Nassau County has a -- there's a five-year requirement, and here, in the proposed legislation, there is a two-year requirement, if I'm reading it correctly, a two-year experience requirement.

MR. CHAIKIN:

I'm not sure about that.

LEG. STERN:

As opposed to a five-year, is how I read it in Nassau.

MR. CHAIKIN:

No, I believe it's a five-year in both, that you have to show that you have been involved in the industry for five years.

LEG. STERN:

Okay. Here I see, and Mr. Deputy Presiding Officer, we're -- for these purposes, we're talking about both bills that are before us, correct? Part of the same conversation, there are two items before us?

D.P.O. HORSLEY:

Well, certainly you could --

LEG. STERN:

Okay.

D.P.O. HORSLEY:

Feel free.

LEG. STERN:

I just wanted to make sure that we're not limited to just discussion about one.

D.P.O. HORSLEY:

No. Go ahead.

LEG. STERN:

Okay.

D.P.O. HORSLEY:

Wing it.

LEG. STERN:

But if I look at -- if I'm looking at it correctly at 1359 here, there is a requirement that you have to have passed your certification that is approved, and demonstrate a minimum of two-years experience.

MR. CHAIKIN:

That would be for the lesser license, or at least certification in our industry of Certified Maintenance Technician, which really enables somebody to clean pools, not --

LEG. STERN:

Okay. So, please, yes, if you could --

MR. CHAIKIN:

Right.

LEG. STERN:

-- that's what I wanted, if you can take me through the different levels that we're talking about.

MR. CHAIKIN:

I'm more than happy to. Obviously, sitting here next to me is the CEO of NESPA, Larry Caniglia, who would be perhaps more equipped to do so.

LEG. STERN:

Okay. Well, we'll wait until he gets to that, then. Okay. Thank you.

MR. CHAIKIN:

Okay.

D.P.O. HORSLEY:

Thank you very much, Legislator Stern. Legislator Muratore.

LEG. MURATORE:

Thank you. You know, having been in this business, the pool business for 25 years, I can speak a little to it. And, you know, it is an industry that needs monitoring, I mean licensing. I mean, you know, a guy buys a pole, and a brush, and a pickup truck, and a test kit and he's in the pool business, maintaining pools, you know, doing a lot of damage to liners, and to filters, and to pumps and everything. So it is an industry that does need some kind of licensing.

And even with the installation part, I mean, you know, people get pools put in, particularly on Long Island, on an everyday basis, and not done the right way. All you do is end up with a hole in the ground, putting a lot of money into. You know, done the right way, it can be quite enjoyable and not as costly. And like Kyle said, with new technology, that should be being brought to the consumers in testing water, and sanitizing water and constructing pools.

So, you know, like I say, not many of you know, but I was in the pool business for like 25 years while I was a cop, so, you know, I did both of them, so I know. Like Mr. Lindsay knows about electric, I know a little bit about pools, and I urge my colleagues to support both of these legislation to put some kind of control over the pool industry, especially here in Suffolk County.

D.P.O. HORSLEY:

Thank you very much Legislator Muratore. You never cease to amaze me.

*(*Laughter*)*

Legislator Barraga.

LEG. BARRAGA:

I just had a question for you and it pertains to the certification. What about the situation where you have someone who does maintenance on your pool, opens up your pool, say, around the end of June and then closes it in September, and has been doing it for years and is doing a good job, but he's not registered and this particular piece of legislation goes through? If he's not registered, does he have to basically stop what he's doing until he's certified, or can -- or is there some provision in here that allows him to continue to make a living while he goes for the certification?

MR. CHAIKIN:

There absolutely is a provision that will enable him to earn a living while he is going for the certification. I believe we have a one-year? Right. So, for instance, if my license or his -- if I was that person that you spoke of and my license was due up tomorrow, I can go register, but prior to the next renewal, I would have to get certified and be able to pass the not-so-rigorous test.

LEG. BARRAGA:

What are the specifics associated with the certification, is it a course, is it -- you have to do so many --

MR. CHAIKIN:

There's a build -- you know, for the CBP, for instance, there's a Certified Builders Manual, there's a test that goes along with it. There are --

LEG. BARRAGA:

You attend classes?

MR. CHAIKIN:

There are many classes offered. There are people -- there are ways they can challenge the test without taking these classes. Certified Service Technician, there's a four-day class they can sign up for, if they choose to.

LEG. BARRAGA:

So four days and that's it?

MR. CHAIKIN:

If they -- no. Well, they have to have 24 hours of education prior to being able to even --

LEG. BARRAGA:

All right. Wait a minute. What is the 24 hours of education prior --

MR. CHAIKIN:

Free seminars that are offered at every trade show that are offered here on Long Island at least six to eight times a year.

LEG. BARRAGA:

All right. What happens with -- I'm aware of some of these fellows who do pool maintenance, but they're seasonal. They'll come in and open up and shut pools for like four or five months, or whatever the period is, and then they actually go to another location, because they really can't make a living in the off-season, you know, not running a pool store or anything like that. It seems to put them in a position where it's rather difficult for them to get certified.

MR. CHAIKIN:

If they're the owner of their own business, then, in theory, they have to have a license. And if they have a license to come into your yard and open and close your pool in particular, you know, personally, I would want them to know what they're doing, because we do deal with things that are of a nature that could be dangerous, like we talked about with the chemicals. We also deal with gas, we deal with electric, we deal with a lot of different things when it comes to closing a pool, not the least of which is taking the water out of the lines, as simple as winterizing a pool. And we don't want allow a guy who doesn't know what he's doing, that isn't licensed to come into your yard, sell you on a winterizing.

LEG. BARRAGA:

No, I understand that. I'm just concerned about the individual who's doing an effective, good job, has been doing something for many, many years. I just want to make it too onerous on them in terms of getting certified.

MR. CHAIKIN:

If he's been in this business for a couple of years, as you see, five years in -- for the technician, service technician, or the building professional, two years for the maintenance, then he is welcome to come and take the test, and it's not -- if he's been doing it, as many say to me, you know, "Hey, I've been doing this for 30 years, what do I need" -- come pass the test. It's pretty simple. It's not trick questions, it's just about service and construction. And if you don't know the answers, the truth is you shouldn't be out there doing the service or the construction, so it's not onerous at all.

LEG. BARRAGA:

Okay. Thank you.

D.P.O. HORSLEY:

Legislator -- thank you very much Legislator. Legislator D'Amaro.

LEG. D'AMARO:

I'd like to pick up on that questioning. But, first, before I get to the actual requirements, especially the experience requirements, just explain -- I want to go into a little bit more about the need, the need for the legislation itself. Does your association track in any way any kind of data that would show that there's a need for this type of licensing?

MR. CHAIKIN:

I'm going to have to defer to Larry on that, Larry Caniglia, and when he comes up to speak, he'll answer it as far as tracking of data.

LEG. D'AMARO:

Right.

MR. CHAIKIN:

I mean, I can speak to the need for the license the way that Legislator Muratore did, and I can tell you all the horror stories of, you know, guys that haven't taken these tests, or haven't taken any of the education, and how they end up getting rushed to the hospital.

LEG. D'AMARO:

Well, the thing about that is if I have an automobile and I choose to hire someone as a mechanic, you know, I can ask for their credentials, I could not ask for their credentials. Same thing with my pool. If I want to put in a pool, or have it serviced, or have the heating element tended to, I could ask for these certifications and choose not to hire someone that doesn't have them, but why do we need to require them?

MR. CHAIKIN:

To protect the consumers, because although you might understand that just because there's a marketing campaign out there that doesn't make them, quote-unquote, certified or educated, whereas when we hopefully get this passed, if somebody's out there marketing that they're in the swimming pool industry, you can rest assured that if they have that license, they have been trained, rather than the storm-chasers that I'm running into up here that are going down on the South Shore and telling people, "No problem, no problem," and they're ripping out pools and starting to build new ones and leaving. Those people are being taken advantage of. So as a protection to the consumer is why we're asking for this license.

LEG. D'AMARO:

Well, are those folks that are not licensed representing that they are?

MR. CHAIKIN:

Are they -- they're representing that --

LEG. D'AMARO:

In other words, my point is that a consumer -- a consumer, before they hire someone, for example, I recently passed a bill that said if you're going to, let's say, remodel your kitchen, you can call the Department of Consumer Affairs and ask about complaints. All right? So we want to have an informed consumer, but the consumer has a right now to ask for this level of experience and for certification. Now I don't think you're representing here today that every person that doesn't have your certification is not competent, are you?

MR. CHAIKIN:

No, sir.

LEG. D'AMARO:

Okay. So, again, that brings me back to the need. What's driving this legislation? I mean, there's always going to be in an industry people that -- you know, there will be certified individuals that don't do a good job, too, so --

LEG. SPENCER:

I can probably -- as the sponsor of the legislation, I could probably address that.

LEG. D'AMARO:

Well, I just was wondering --

LEG. SPENCER:

It's probably not appropriate in this venue, but I will when I --

LEG. D'AMARO:

Well, I just wanted to know if they had any data that they are tracking in any way to establish the need, other than a consumer being able to ask right now, "Are you certified, not certified, what's your level of experience," you know.

MR. CHAIKIN:

The problem is it's misleading, because they're asking, "Are you licensed," and the answer is yes. So anybody who's passed a home --

LEG. D'AMARO:

Oh, we don't really know that.

MR. CHAIKIN:

I'm sorry?

LEG. D'AMARO:

Well, we don't really -- I mean, that's in any industry.

MR. CHAIKIN:

It's very specific. They say, "Are you licensed and insured?" And if somebody who's done a roof before that is a licensed, you know, home remodeler says, "Yes, I am," a lot of consumers don't follow up with the next question, is, "Well, do you actually know what you're doing when it comes to

a swimming pool," because they're selling it as they're a swimming pool salesperson.

LEG. D'AMARO:

I mean, it's certainly another layer of certification being put on businesses now that are not licensed or certified and there's a cost to doing that. And I would just like to be convinced that there's a need to put that obligation on these businesses, so -- and I don't think you're really establishing that for me, but I get your point.

I also had a question about the minimum experience required, but I'll defer to Legislator Stern on that.

D.P.O. HORSLEY:

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

P.O. LINDSAY:

You keep talking "we", and you're talking about your association.

MR. CHAIKIN:

Correct.

P.O. LINDSAY:

Right, of installers. I've been involved with occupational licensing, you know, before I was a Legislator here through our Consumer Affairs Department, and they do an excellent job, and they lean very heavily on the industry that they're licensing. The process is they usually establish an Occupational Licensing Board from that industry that is familiar with the industry, primarily to screen potential licensees, and to formulate any kind of regulations that might be needed in terms of your industry. So you guys are probably going to have to go through that. It's going to take a little while to set up. But overall, I've always been supportive of occupational licensing, especially where the industry is involved. I think it's the best protection for the consumer that we can provide.

And I'm not familiar with atrocities or with the pool industry, although I'm sure there is many. I am very familiar with other industries where fly-by-nights or people get involved and are not qualified to do the work, or are just plain scam artists. I mean, we had so much in the chimney cleaning end of the businesses that they used to set up stings. They would pick these guys up, like they'd set up a house, they'd set up -- they'd catch 10 guys in a day. They'd come in, no license, give estimates that are based on nothing, and just totally rip off the consumer. So I'm sure that exists in your industry.

So I will be supportive of the licensing concept. This is the first step, but good luck with it.

MR. CHAIKIN:

Thank you.

D.P.O. HORSLEY:

Thank you very much Legislator Lindsay. Legislator Nowick.

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

LEG. NOWICK:

And just to the sponsor. Sponsor? Don't walk away. Just to be perfectly clear, what you want to do in this legislation is to have the Consumer Affairs Department license pool maintenance companies, pool installation companies; is that correct?

LEG. SPENCER:

Well, it's really more -- we wanted to make it as minimally invasive as possible, so it's just that they register. And part -- in order to register with Suffolk County, we're asking that they have these minimum requirements; that they be able to pass this test that everyone should know and then they have the chance to get the education pretty much for free.

LEG. NOWICK:

So when they register, they have to make sure they can pass a test so their knowledge of chemicals and installation and electrical and all of that, so they know what they're doing.

LEG. SPENCER:

Exactly.

LEG. NOWICK:

Well, I must agree with Legislator Lindsay; I cannot see how this would hurt. I myself am a pool owner and it literally could be devastating for someone to come in your backyard, first of all, that's not licensed, not bonded; first of all, that's an issue right there. But to put the wrong chemicals in, chemicals that perhaps can hurt someone swimming in the water or equally as bad as putting chemicals in and ruining the water in some way and the expense of that goes off the charts.

LEG. SPENCER:

(Nodded head yes).

LEG. NOWICK:

I have personally asked if I could write my pool off in April as a dependent.

*(*Laughter*)*

So I know what you're doing. Tim, I'm going to cosponsor this legislation. Thank you.

D.P.O. HORSLEY:

Thank you very much, Legislator Nowick. Legislator Spencer.

LEG. SPENCER:

Thank you. I appreciate you taking the time to come out and address this issue.

Now, I wanted to clarify that we're dealing in the pool industry that it's not only from your experience just looking at consumer protection with regards to property value, but also there's a significant public safety component. And so we're dealing with, I guess, everything from if things are not grounded appropriately with regards to electric shocks, with plumbing with regards to if there's inappropriate suction where someone could be held to a suction and drown, whereas there could be chemical burns, damages to eyes or things like that. And these complaints are quite significant. From your experience, have you seen people who have been injured or heard stories of people that have been injured or drowned or burned or shocked?

MR. CHANKIN:

I personally have sat -- as a matter of fact, I just stepped down as Chairman of the National Builders Council. I was on the International Code Council when we were rewriting all the standards that are going to be adopted here in New York, most likely in 2014, on building safer pools. Virginia Graham-Baker that came from the CPSC is because of all the children and people across the country that have been eviscerated by being held down to suction outlets. It just happened in Connecticut a few years ago. You know, it does not matter how much money you have or how smart you are, if there are not standards and people are not held accountable to those standards, pools will be built in

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an unsafe manner. To guarantee that people will build to the standards, you have to make it so they know the standards and educate them. And if they know the standards and you're holding them to that type of license, or registration in this case, then at least we know we've done everything we can to try and protect the public.

LEG. SPENCER:

Thank you. I appreciate you answering my question. I realize we're not debating the bill, so I had a much longer statement --

D.P.O. HORSLEY:

Right. We also have several other --

LEG. SPENCER:

-- but I kept it shorter.

D.P.O. HORSLEY:

-- cards as well. Thank you, Mr. Chankin.

MR. CHANKIN:

Thank you.

D.P.O. HORSLEY:

We appreciate it. Next speaker would be Andrew Levinson.

MR. LEVINSON:

Thank you. I'm here to speak about the complexity of the products that I sell as a distributor. I have three locations in Suffolk County and in the 25 years that I've been in the swimming pool business, the amount of complex and technical products that I've been selling to the trade have gone up by more than tenfold. There's new and green methods of building pools that educated builders can learn by taking these classes in order to save energy. Some of these codes were actually adopted in Southampton Township a few years ago, but that's the only place where that's been adopted so far, but those are techniques that can be used throughout Suffolk County and the rest of New York, and the country, as a matter of fact. So I'm a big supporter of education and knowledge for this industry.

People come in to me all the time to my business to try to buy products that have either been outlawed or changed in the last 20 years that they have no idea that aren't even available anymore. For instance, about five years ago when the Virginia Graham-Baker Law came into effect, two main drains which are the bottom circulating -- bottom suction outlets on a pool, it was a law that you had to install two. People still come in trying to buy one at a time and don't realize that you can only buy two. So I think education is a real important thing for our industry and for the safety of the people of Suffolk County as well. Thank you.

LEG. NOWICK:

Could I ask one question?

D.P.O. HORSLEY:

Yes, you can. But I believe, Legislator Stern, is this the gentleman you'd like to talk to? Or you said the next one.

LEG. STERN:

The next one.

D.P.O. HORSLEY:

Ah, the next one. You're still on hold. Okay, Legislator Nowick.

LEG. NOWICK:

Just quickly, that law you're speaking of, that's for new pools?

MR. LEVINSON:

The law I'm speaking of is for new pools.

LEG. NOWICK:

Okay.

MR. LEVINSON:

In Southampton, yes.

LEG. NOWICK:

Southampton only.

UNKNOWN AUDIENCE MEMBER:

Any renovated pool in Southampton.

MR. LEVINSON:

Any new pool or pool renovated to a certain percentage of their original value?

UNKNOWN AUDIENCE MEMBER:

I believe it's a new --

MS. MAHONEY:

You need to come up to the podium.

UNKNOWN AUDIENCE MEMBER:

(Inaudible).

MR. LEVINSON:

I believe it's new pool or any renovation, and I think the law states over a certain percentage of the original value.

LEG. NOWICK:

But this is only Southampton? It's not a State law or --

MR. LEVINSON:

It's not a State law.

LEG. NOWICK:

Okay.

D.P.O. HORSLEY:

Okay. Thank you very much, Mr. Levinson. We appreciate you coming up. I have a card also from Lawrence Caniglia.

MR. CANIGLIA:

Good afternoon, and thank you. My name is Lawrence Caniglia, I'm the Executive Director of the Northeast Spa & Pool Association. I know you had some questions and I'll try to answer them.

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Just very briefly, though, I still have one more person, John Lochren, who wants to speak as well. This initiative that was begun by the industry actually started about 25 years ago and it really started and continues to be a safety issue. It's a consumer and a safety issue. We look at this as in our trade association we are trying to elevate the professionalism of the industry. That really goes with the education and the training that is required to make sure that the dealers, the service personnel, the maintenance personnel and the builders really know what they're doing.

Just to answer one of your questions, the incident that took place in Greenwich a few years ago, a little boy got his arm caught in the suction -- the suction opening on the spill-over spa of a pool in Greenwich and unfortunately was entrapped and drowned. It was found afterward that the pool builder, who also owned the service company, was not aware, because he did not take the proper education to learn, that the code had changed, and what was required really at that time was the dual main drain that Andy was just talking about a couple of minutes ago. Had that been on that spa, had that dealer known what the correct requirements were, that horrible, horrible tragedy would not have happened.

About two months ago, again, this happened in Connecticut, this was on a commercial pool, a service company went in to service the pool and they mixed the wrong chemicals. And unfortunately, I don't know the exact names of the chemicals, but they were mixing chemicals to sanitize the pool and it created mustard gas. They had a complete HAZMAT situation going on up there and, again, that particular company was not properly -- they weren't licensed and they weren't properly trained. So we look at this very much as a consumer safety issue and that's why we do believe there is a reason behind the need for the licensing today.

As Kyle said, building a pool today in 2013, servicing a pool in 2013 is vastly different from when the original Home Improvement Contractors Act was initiated in Suffolk, you know, 35 years ago. There's really no -- as Dr. Spencer has indicated, we're not asking to change the law, we're asking for that minimum level of competence be demonstrated for those individuals who were building, servicing, maintaining pools.

D.P.O. HORSLEY:

Okay? Thank you very much. Legislator Stern?

LEG. STERN:

Yes, thank you. And thank you for being here. You cite the Connecticut examples. So I have a copy of the Connecticut legislation here, I just wanted to get some clarification from you, to the extent that you know.

The Connecticut legislation breaks it down into two separate classifications, maybe that's what the gentleman was alluding to before. On the builder's side there is, among other things, there is this five years required experience; to be a service or a maintenance provider, that is two years. So I guess my first question to you is do you see a substantial difference between a five-year requirement and a two-year requirement? The legislation before us has a two-year requirement, not the five that applies in Connecticut, and at least in part of what you cite. So I was wondering if there are any thoughts on that.

LEG. SPENCER:

I have two legislations, one is two, one is five.

D.P.O. HORSLEY:

Legislator Spencer, did you want to answer that?

LEG. SPENCER:

I have two pieces of legislation. One, the maintenance has the two-year, but the other legislation has the five-year requirement in it.

LEG. D'AMARO:

The heating element.

D.P.O. HORSLEY:

Okay, that's 1359. Okay?

LEG. STERN:

I show -- just to make sure that I'm reading off the right copy here, I have 1359 and I'm looking at page two over on to page three, *Subsection G* which is *Builder and Installation*, which I'm assuming is the higher level of certification, shows a two-year required experience. The next provision, which is letter *H* which is the *Servicing of Heating Elements*, is also a two-year requirement. So I see it consistent in the legislation which differs from Nassau County, differs from Connecticut which is a five-year. Again, I just wanted to get your thoughts on that.

MR. CANIGLIA:

Yeah, let me -- if I can explain my understanding of why Connecticut chose what they did and why Nassau County did what they did. If you look at the certification, which is a prerequisite, to become a certified -- to become a licensed builder under the proposed legislation, and also in Nassau County and in Connecticut, you need your Certified Builder Professional Certification; in order to qualify for that, you need five years' experience. So in order to even take that national exam to become what we call a CBP, it is a five-year experience requirement. You don't have to be building pools for five years, you can be in the industry for five years. So that's where I think that five years comes from.

So when Connecticut enacted the building -- the Builder's Law two years ago in 2011, they simply adopted the five years that would be required for the CBP that you need to pre-qualify to take the State test which, by the way, is very different from what is happening here on Long Island. Nassau County does not require any type of a County-wide test; if you have your certification, you qualify for the license. The proposed legislation here is the same; if you have your certification, you qualify for the license. In Connecticut it's a two-step process; you need your certification, then you take a Statewide test. Very different than what's going on here.

LEG. STERN:

I don't know if I read it quite that way. Here it says that you have to have your certification, and then it goes on to say, it's an "and", "*And demonstrate a minimum of two years' experience in the building and installation of pools.*" So if you're saying that by definition, in order to sit for the certification exam that you have to have five years, I don't know what the meaning of the two-year demonstrated experience is.

MR. CANIGLIA:

You're talking about the Suffolk County.

LEG. STERN:

Yeah.

MR. CANIGLIA:

Okay. Well, if you -- I believe, if I'm understanding correctly, it's the experience of the company in the pool building -- in building pools. What the legislation says, you must demonstrate two years' experience; but frankly, in order to get the CBP you have to have five years' experience. I'm not sure if I'm answering the question.

LEG. STERN:

Well, that's the answer to my question. I don't know if it's correct (*laughter*), but it's an answer. You're saying that the demonstration of a two-year minimum experience element is almost superfluous because, by definition, in order to sit for the exam, you have to have five years of demonstrated experience.

MR. CANIGLIA:

I don't think so. I think the two years is as a demonstrated business in Suffolk County, business in Suffolk County, because otherwise, yes, it really would be -- in a way it would be superfluous, because in order to have your CBP, you have to have five years' experience.

LEG. STERN:

All right. So I would have a question, then, a remaining question on the interplay between the two. I understand what you're saying about Connecticut, I also understand the difference with Nassau County and the five years. I still don't understand how two years plays into it.

LEG. SPENCER:

We may need to adjust the legislation.

LEG. STERN:

Yeah. So I raise it as an issue and I appreciate your comments there. But sticking with, then, this experience and training element. How does one show that they have the requisite experience and training to satisfy whether it's a two-year requirement or a five-year requirement? Who says and what standard does one have to meet there?

MR. CANIGLIA:

Basically the way we do it in the certification process, the applicant -- it's upon -- it's incumbent upon the applicant to demonstrate to the national certifiers through the Association of Pool & Spa Professionals that they have the five years' experience. They have to show that they have been working in the industry for five years, a list of their employers if they're not the employer themselves. It's really pretty much an honor system explaining that you have the five years' experience. Once you have that, then you can register and take the test for the CBP. But that's really how it's done, the industry asks the applicant to demonstrate your five years of experience, and that's really how it's done. It's on the application form.

LEG. STERN:

So then that's really a prerequisite; you have to have that certification, assuming that the industry organization has done its due diligence. And then that's teed up for, then, the certifying agency here to take that previous certification that all of those elements have been established.

MR. CANIGLIA:

That's correct. The way it actually works is when you -- if an applicant wants to take the Certified Builders Professional exam, they register through the National Organization in Alexandria, Virginia. There's a two-week process where the National Organization actually does vet out that application. They have to show that -- you know, they'll do spot checks making sure the person really does have the five years' experience. They have to show so many hours of pre-education which, as Kyle explained, most of it -- a lot of it's free because manufacturers, distributors give free education, we give free education at our trade show in Atlantic City every year. They have to demonstrate and they have to show their list of courses they've taken to show the amount of hours that they have. Once they've done all that, then they're notified that they can take the actual examination to get the Certified Builders Professional -- that's the CBP exam.

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Also, I wanted to point -- I wanted to clarify one other thing. As Kyle Chankin had mentioned, yes, we give NESPA, LIPSA, APSP, we all give courses throughout Long Island, live courses. There's also on-line courses, there's correspondence courses. There are several ways that an applicant can become educated. You don't have to go in for a four-day course. You can take it on-line, you can take correspondence courses where you really work along at your own pace and you're tested at each segment of the way. America's a big country, not everybody can get to a four-day program. We're very lucky here on Long Island, most people can, you know, come out to someplace centrally located, either in Suffolk or Nassau County. But the National Association does provide various ways to get your certification that you do not have to sit through a four-day course, it's different things you can do.

LEG. STERN:

Let me ask you, then, you know, a hypothetical. If this was an industry that I was interested, very much interested in getting into and I sat for my certification but I did not have the requisite five years of experience, you're saying that I wouldn't be able to sit for the examination in the first place which means I could not become certified to operate this type of a business in Suffolk County.

MR. CANIGLIA:

That's true. Yeah, that is true. I mean, the requirement is you have to demonstrate experience. You don't have to be the owner of a pool building company, but you have to have -- you have to demonstrate experience of five years in the pool industry. So that you have, again, the basic knowledge in order to qualify for the test.

LEG. STERN:

Okay. Thank you.

D.P.O. HORSLEY:

A quick question, Legislator Lindsay.

P.O. LINDSAY:

Yeah, who says that, though? You need this five years; who says that?

MR. CANIGLIA:

The Association of Pool & Spa Professionals.

P.O. LINDSAY:

Yeah, I know, but are they a government agency that says that you can't be in business?

MR. CANIGLIA:

No, I'm sorry, I'm not sure if I'm following the question. You don't have to be in business for five years, you have to be in the industry for five years.

P.O. LINDSAY:

No, I'm following you fine. But you're saying that if you don't have the five years you can't be in business. Who says that; this association?

LEG. D'AMARO:

Yes.

P.O. LINDSAY:

What authority did they have to say that you can't be in business because you don't have the five years.

MR. CANIGLIA:

Well, there's no authority that says that. The question is how do you get the certification. The certification is a process that requires five years' experience and then taking a test.

P.O. LINDSAY:

Okay.

MR. CANIGLIA:

But there's no government that requires --

P.O. LINDSAY:

Okay, that's my point.

MR. CANIGLIA:

Yeah.

P.O. LINDSAY:

I think they're misled here a little bit, that they can't be in business. There's a lot of fly-by-nights that are out there in business that aren't certified by your association or any national association.

MR. CANIGLIA:

That's correct.

P.O. LINDSAY:

Yeah. And that's why you guys are here, to get it licensed under our Occupational Licensing Board.

MR. CANIGLIA:

Precisely, that's exactly correct.

P.O. LINDSAY:

Okay.

D.P.O. HORSLEY:

Okay. Legislator Cilmi.

LEG. CILMI:

Thanks. Thanks for your testimony. So I have a couple of questions. First, relative to what Legislator Stern was asking about in terms of the two years/five years. So if -- I can work in the industry without this. I mean, with this bill passing -- because we have two sets of circumstances; we have present where there's relatively no regulation whatsoever, if I understand you correctly. Somebody needs to have a Consumer Affairs Home Improvement license; is that --

MR. CANIGLIA:

That's pretty much it, yeah.

LEG. CILMI:

Okay. Even if currently, if somebody wants to do an opening and a closing of a pool, do they have to have the Consumer Affairs Home Improvement License to do that currently here?

MR. CANIGLIA:

My understanding is the answer would be no because they're not -- they don't fit the definition of what a home improvement contractor is under your Local Law for the home improvement contracting.

LEG. CILMI:

Okay.

MR. CANIGLIA:

That's why there's -- I believe that's why Dr. Spencer has the two different pieces of legislation.

LEG. CILMI:

Okay. So if I wanted to gain the experience -- if this bill passes and ultimately I see myself in the pool business, so I want to gain the experience necessary to become certified and, therefore, become registered with Suffolk County. Because without the certification I can't be registered, and without the regulation, if this bill passes, I can't go into the pool business, basically; that's correct, right?

MR. CANIGLIA:

That's correct, yes.

LEG. CILMI:

Okay. So if I wanted to gain the two years or five years or whatever it is, can I do that?

MR. CANIGLIA:

Yes, because you're going to work for a company that does that.

LEG. CILMI:

Okay.

MR. CANIGLIA:

Because it's -- the license is for the company. So if the company is licensed, you just described 95% of our industry. It's the technicians and the service personnel and the apprentices, for want of a better term, who work for the companies and they get their experience working for the company. They take the education, they come to the trade shows, they do the different education pieces. Then when they have enough years, in this case, if you've been working for a pool builder for five years, you now have your five years' experience, you get your CBP and if you want to go out on your own, sure, you can go on your own at that point.

LEG. CILMI:

So talk to me a little bit about this association. The legislation references -- it says, "*The County as a pool maintenance business shall provide the department with a proof that they obtained the Association of Pool & Spa Professionals Certified Maintenance Specialist Certification or other equivalent certification program approved by the Commissioner.*" By our Commissioner, right, Doc?

LEG. SPENCER:

Yes.

LEG. CILMI:

Right. So tell me about this Association of Pool & Spa Professionals; how old of an organization is this?

MR. CANIGLIA:

It was founded in 1958. It was originally called the National Swimming Pool Institute, then it changed the name to the National Spa & Pool Institute, and then it became the Association of Pool & Spa Professionals I think in 2006. They've been in Alexandria since the beginning. Northeast Spa & Pool Association is -- was also called Region 1, it's one of the regions of the entire country. Long Island Pool & Spa Association is a chapter which represents our business interests on Long Island.

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So it's a three-tiered Confederated National Industrial -- National Trade Association.

LEG. CILMI:

Okay. So the association -- so the Northeast, which is what you belong to, which you're the Executive Director of --

MR. CANIGLIA:

Correct.

LEG. CILMI:

So you're employed by that.

MR. CANIGLIA:

I'm employed by the Northeast Spa & Pool Association. We cover all of New Jersey, Eastern New York and all of Long Island, all of Connecticut and Eastern Pennsylvania, that's what we call our region.

LEG. CILMI:

So right now in Suffolk County, other than the marketing benefit of somebody saying that they're certified by your association, there is no benefit, really, to belonging to your -- I mean, I would assume that members get some sort of educational benefits, as some of the other speakers detailed in terms of you can go to courses and whatnot.

MR. CANIGLIA:

Correct.

LEG. CILMI:

But other than that, there's no -- there is no other benefit to your organization or no -- nobody's required to belong to your organization currently.

MR. CANIGLIA:

That's correct. There's no requirement that you belong to the association. The association also has several other programs besides education that we do; we think we offer more than just education.

LEG. CILMI:

Sure. Now, so there are many, many individuals in Suffolk County who provide the services that we're seeking to control with this legislation. Many of them, I would assume, are not members or in any way associated with your association; would that be a fair statement?

MR. CANIGLIA:

Absolutely.

LEG. CILMI:

Okay. Previous speakers talked about there being free courses that folks can go to and that they're relatively simple. If this bill passes, there'll be a much greater demand on those courses. In fact, you won't be able to own a pool and spa company without having taken some of those courses and becoming certified. So that, therefore, makes your organization very important.

MR. CANIGLIA:

We think that is absolutely true, but the language in the legislation also says, "Or equivalent certification or other programs," because we know our association won't be the only game in town, we already know there are others even in Connecticut now, which is fine. There are other competing organizations that provide education, that's fine.

LEG. CILMI:

But if the current market is such that yours is the only organization that provides those educational courses right now, you have sort of a -- sort of a -- I don't want to use the word, the "M" word, but you have sort of a monopoly on that business; yes?

UNKNOWN AUDIENCE MEMBER:

No.

MR. CANIGLIA:

Let me put it this way. Anybody can offer an APSP certification course. The way it works is you go to APSP, you show how you can offer the course, you charge your own fees, you have to use their manuals and they get a registration fee. And then if there's any profit, which there is not much profit, you would get the extra money; that's not just our organization, other organizations can do that. But in answer to -- to be fair, right now, yes, that's the one certification that is clearly delineated in this proposed legislation, yes. But it's not just us who can offer that program.

LEG. CILMI:

So given the -- given the increased demand that will happen as a result of this bill if it passes, do you anticipate charging for courses?

MR. CANIGLIA:

We charge for courses now.

LEG. CILMI:

You do.

MR. CANIGLIA:

They're based on -- depending on where we have it, it's based on the cost of the room. We have to pay the instructors, we have to buy the books, the textbooks. You know, obviously we have to cover our cost and that's pretty much what we do. And there is -- depending on the course, obviously if you have more students you can -- there might be a slight, use the word profit, if you will, we're a non-profit, but we have -- we do make a little more money sometimes than it would actually cost us to do the course, yes.

LEG. CILMI:

So this question may sound flip and I don't mean it to sound flip, and I certainly support the intent of this legislation, I think it's clearly important that we keep our pool owners and users safe. But if we were to -- the thing that concerns me -- maybe I won't ask my flip question. The thing that concerns me is that we could pass this bill and all of a sudden, you know, business owners who would otherwise have a very small cost associated with their business ownership, now all of a sudden might have a very significant cost associated, or certainly we would have no control over that, over the cost of their business ownership.

So, you know, if we were to, for example -- back to my flip question. If we were to, for example, say that associations in Suffolk County cannot charge more than \$20 for a certification course for pool certification, I mean, would you support that type of legislation?

MR. CANIGLIA:

If I couldn't cover my cost, I wouldn't be able to offer the cost.
I have to at least be able to cover my cost.

LEG. CILMI:

Right.

MR. CANIGLIA:

It's like any other business; if I have cost to put the course on, which I do, I have to be able to cover my cost.

LEG. CILMI:

Right.

MR. CANIGLIA:

If you were to say something like you can't -- you know, they can't make more than X percentage over it; well, that's a different story. But just to say arbitrarily \$20, I would have to say I can't put the course on. Then what do we do? Now you can't get the education.

LEG. CILMI:

Right.

MR. CANIGLIA:

And by the way, the --

LEG. CILMI:

And what happens if the cost of the course becomes such that it becomes very expensive to provide?

MR. CANIGLIA:

Yeah, let me explain how the costs work. When we come here to Long Island to do a course, it will cost 395 to \$450 to put the entire week course on. For that money, the student gets the book, which is the manual, and they get the course for that week and they get the test at the end of the week. So that's what the cost is to them.

It's one license per company. So if you are a maintenance company, yes, you have to pay the \$100 for the fee to Suffolk County. Then, yes, the one time, if you don't already have your certification, it's going to cost you 350 to 400 some-odd dollars, whatever, to get that certification and that's it. Because then your continuing education is typically free, you can get it anywhere, it doesn't -- you don't have to pay for it. So yes, there is that one cost to get the certification, I'm not going to dispute that, but that's what we're talking about per company.

LEG. CILMI:

Is that continuing education free across the State or across the country, or is it just free here?

MR. CANIGLIA:

It's free throughout our region. And I know even at our national show, which is usually done, it's either in New Orleans or Las Vegas, most of the courses, what we call the technical courses, the ones you're supposed to take, are free. So if you go there, they're free in Atlantic City, they're free here on Long Island. Andy is a distributor, his manufacture is that he often put on courses for free for the dealers, they do courses all the time, there's no charge for that. Now, there are courses that we charge for, yes, but not all the courses are like that, most of them would be free.

LEG. CILMI:

I apologize if I sound a little cynical in my questions. I'm just -- it concerns me that we're not seeing all of the potential ramifications of this legislation. The \$100 every three years I think is fine, but now we're talking about a \$400 course.

MR. CANIGLIA:

Correct.

LEG. CILMI:

And then who knows what else; and that's my real question is who knows what else. That really worries me. I'm not sure how to deal with my fear, but I appreciate your -- the answers to the questions. And I guess what I would hope for is that we would have some input from a much larger cross-section of people in this business before we go forward with this legislation. Thank you.

P.O. LINDSAY:

Okay, let's see if we can pick up the tempo a little bit because it's 4:30. DuWayne? Legislator Gregory, you can make it quick, maybe?

LEG. GREGORY:

Yes, my question's really more for Counsel. I wanted to know how this bill would impact towns who have pools or gyms that have pools; would they be required to register now? Because generally they service their own pools.

P.O. LINDSAY:

Do they service their own pools?

LEG. GREGORY:

(Nodded head yes).

P.O. LINDSAY:

I think it only applies to employers that are in this business.

LEG. GREGORY:

But would they -- but would they be required to have an outside contractor who's registered now to service pools? I don't know.

P.O. LINDSAY:

I don't know.

MR. NOLAN:

I think it's like a business entity. You know, if somebody is servicing their own pool, I don't think they have to register. I think it's somebody who's out there for compensation, installing pools, servicing pools, those are the people who would have to either license under one bill or be registered under the other.

LEG. GREGORY:

Okay. So the -- all right. Thank you.

D.P.O. HORSLEY:

Okay. Very good. I think that concludes -- anyone else want to speak? Thank you very much. We appreciate it. Oh, Legislator Barraga.

LEG. BARRAGA:

I'll be very quick. I want to be convinced that this is a good piece of legislation, but I have to be convinced that it's warranted. Most pieces of legislation, in my experience, that deal with these issues are usually reactive; something has happened, a tragedy, and a Legislature responds. For example, you used the Connecticut incident, a few weeks ago we had something in Central Islip which was very, very tragic. Usually from those events, a piece of legislation comes forward.

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In your case, though, you're not pointing to a specific event. What you're really making a case for this particular proposal, your case is around the safety issue, safety for the consumer. And the question I have is how do I -- how do I judge that empirically? For example, tomorrow, if I were to call the Suffolk County Department of Consumer Affairs and ask them, "*How many complaints have you had in the last 12 months from consumers concerning pool construction or maintenance,*" what would they tell me? If they gave me a figure, I'd have to ask that person, "*Well, in your mind, is that a lot or is it less?*"

Now, all of you testified and you have a particular proposal. Do you have any information along those lines in terms of the number of complaints from consumers to appropriate levels of government, say the County, because this is a County Legislature.

LEG. SPENCER:

I do.

LEG. BARRAGA:

How many?

LEG. SPENCER:

In terms of -- I looked at it from the medical point of view in terms of swimming pool, incidents of chemical burns. We're looking at local Suffolk County facilities and it's about 1200 a year that we see in the hospital system. So that's my research --

LEG. BARRAGA:

But is that because an outside source has put chemicals in the pool, or is that because the father or mother put chemicals in the pool? Do we know who did -- you know, it's -- or do you know that?

LEG. SPENCER:

No, I guess in fairness, I don't.

LEG. BARRAGA:

You don't know that.

LEG. SPENCER:

I looked at it in terms of swimming pool incidents with everything from suction injuries to --

LEG. BARRAGA:

But in terms of specific complaints where, you know, a consumer calls and says, "*You know, I hired Barraga Construction to build my pool and he did a terrible job,*" or, "*You know, I have Smith Maintenance and he's done a terrible job*"; do we know how many incidents or reports like that have gone into Consumer Affairs before we take up a bill like this, calling for major changes in registration?

P.O. LINDSAY:

Legislator Barraga, I think they should have those stats for you. Consumer Affairs keeps all kinds of stats on complaints.

LEG. BARRAGA:

Yeah, I'm going to need something like that --

P.O. LINDSAY:

Yeah. No, we --

LEG. BARRAGA:

-- before I, you know, make a judgment.

P.O. LINDSAY:

We're going to have to get the Commissioner in here from Consumer Affairs --

LEG. BARRAGA:

Yeah, all right. That's fine.

P.O. LINDSAY:

-- and see what he thinks about it.

LEG. SPENCER:

I'm happy to follow up on that. But before when they came to me, before I brought this forward, that was the question that I asked, what's the indication. And from my research, and I don't recall what Consumer Affairs had said, but I was convinced that there was enough significant injuries, especially in light of since the storms, there were a significant number of swimming pools that were damaged and there's a lot of --

LEG. BARRAGA:

I would just like that specific information on, you know, pool construction and pool maintenance, individual companies where consumers have complained because of poor quality.

LEG. SPENCER:

I'll get that for you.

LEG. BARRAGA:

I think that's important.

LEG. SPENCER:

I'll get that for you.

LEG. BARRAGA:

I don't want to -- you know, I'm not out to seek a solution for a problem that doesn't exist.

LEG. SPENCER:

Fair enough.

LEG. BARRAGA:

Thank you.

D.P.O. HORSLEY:

Okay. I think that concludes the -- thank you very much.
We appreciate it.

MR. CANIGLIA:

Thank you.

D.P.O. HORSLEY:

I still have one more speaker on this matter, John Lochren.

MR. LOCHREN:

Yes, I'm John Lochren, I'm also a member of the Long Island Pool & Spa Association. I'm not a builder, I install automatic pool covers, so I get to see a lot of different pools along the Long Island.

I'm really talking today as APSP Service Education Chairman. We're responsible for putting the program together for the education, writing the textbook, writing the test and giving the test for certification. So it's getting late, we've all talked about the certified specialist, the CSM, the certified building professional, and that's for those going out and actually working on the pool. And then there's the building professional, that's the people that are installing it in the backyard. So again, like everyone has said before, times have changed. It's not like you can work on your car anymore, the same with your swimming pool, it's a lot more complex than it was 35 years ago.

I think the biggest component here, though, and what I think a lot of people have overlooked is the continuing education. We're taking people that really are totally unaware of what's going on in the industry and just doing the same thing that they've been doing for the last 30 years. And to the question, well, if somebody's done a good job for the last 20 years, why shouldn't they continue to do so; well, because things change and we can't necessarily always do the same things we've always done. We're much more in tune to safety now and it's a big issue that I think we need to address.

Getting these people in part of our system and having them periodically update with all the resources that are out there for them is a major component of this legislation that I think we need to address. And if there's any questions. Other than that, that's really I think the crux of what this is all about. Again, helping -- I'm a consumer, you're a consumer. You know, I wouldn't want to have my kids out on a school bus that somebody wasn't properly instructed how to do that and the safety of it. My wife's an eye doctor, I wouldn't want to go to a doctor that's not licensed and keeping up on what they're doing. We talked about how do you get in and how do you educate yourself? Well, how does an electrician do it? They have to go through a process. They work for a company, they're -- they become an apprentice, a journeyman and then they get their certification. And answer to the people that if you want to go in business -- part of our education component is how to stay in business. It teaches us not only what to do and how to do that specific task, but it also tells us how do we actually run a business, how do we pay our insurance, how do we -- we have -- we give them a text --

D.P.O. HORSLEY:

Okay. Mr. Lochren, thank you very much.

P.O. LINDSAY:

Yeah, we get the picture, okay?

MR. LOCHREN:

All right.

P.O. LINDSAY:

You give us too much information. All right?

D.P.O. HORSLEY:

(Laughter) I see we're both getting frustrated.

P.O. LINDSAY:

Yes.

D.P.O. HORSLEY:

Okay. That is the last card that I have on 1358. Would anyone else like to be heard on this issue?

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Would anyone else like to be heard on 1358?

LEG. CALARCO:

No; close it.

D.P.O. HORSLEY:

That being the case, Doc, what do you want to do on this?

LEG. SPENCER:

Motion to recess.

LEG. D'AMARO:

Second.

LEG. SPENCER:

Well, before I make that motion. I'm going to -- with the statements that I have here and providing further information, I'm able to close this hearing and I can make some minor adjustments so that we can move on and we can do this in committee. Would that be fine? I think I can --

P.O. LINDSAY:

(Nodded head yes).

LEG. SPENCER:

Okay. So motion to close.

LEG. D'AMARO:

Second.

D.P.O. HORSLEY:

Okay. There's a motion to close. Second by Legislator D'Amaro. All those in favor? Opposed? So moved.

(Public Hearing on) IR 1359-13 --

MR. LAUBE:

Thirteen (Not Present: Legislators Anker, Montano, Kennedy, Nowick & Stern).

D.P.O. HORSLEY:

-- Adopting Local Law No. -2013, A Local Law to amend Chapter 563 of the Suffolk County Code to further regulate the installation and servicing of swimming pools and spas in Suffolk County (Spencer). I will -- I am not trying to cut down any debate on this issue, because we're really not supposed to be debating at this point, but I have the same four folks that put cards in for the second. Would it be okay with you guys if --

MR. CANIGLIA:

We're good.

D.P.O. HORSLEY:

You're good? You're gems. Thank you, guys.

LEG. SPENCER:

Motion to close.

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D.P.O. HORSLEY:

Motion to close by Legislator Spencer. Second by Legislator D'Amaro. All those in favor? Opposed? So moved. Okay, the one that we skipped over, going back --

MR. LAUBE:

Sixteen (Not Present: Legislators Montano & Stern).

D.P.O. HORSLEY:

Thank you. Halfway up the page, *(Public Hearing on IR) 1257-13 - Adopting Local Law No. -2013, A Local Law to amend requirements for contract agency funding (Presiding Officer Lindsay)*. I do not have any cards. Would anyone like to be heard on 1257?

P.O. LINDSAY:

Yeah, if I might be, as the sponsor of this bill. It's simply a redirection of some funds that have already been appropriated in last year's budget. It's not spending any more money, it's moving it from one agency to another, that's all. And we had to have a public hearing on it, so.

D.P.O. HORSLEY:

Okay.

P.O. LINDSAY:

So I make a motion to close.

D.P.O. HORSLEY:

Well, let's hang on and see if there's anyone that wants to be heard on this. Would anyone like to be heard? Anyone like to be heard? Seeing none, Legislator Lindsay wants to close it. I'll second the motion. All those in favor? Opposed? So moved. 1257 has been closed.

P.O. LINDSAY:

I might reveal to the --

MR. LAUBE:

Sixteen (Not Present: Legislators Montano & Stern).

P.O. LINDSAY:

This bill is going to come back to us under a CN so I can move the money to take advantage of the summer. The money --

D.P.O. HORSLEY:

Today?

P.O. LINDSAY:

Yeah, today, so that the money can be used for some concerts this summer by the community.

D.P.O. HORSLEY:

Okay. Sounds wonderful.

All right. We have -- I'm going to make a motion to set the date for the following Public Hearings for June 4th, 2013 at 2:30 PM, Rose Caracappa Auditorium in Hauppauge, New York;

The 2013-2014 Suffolk County Community College Budget;

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And IR 1381-13 - a Local Law to strengthen the Prepared to Protect Our Most Vulnerable Citizens Act.

I'll take a second on the motion.

P.O. LINDSAY:

I'll second it.

D.P.O. HORSLEY:

Second by Legislator Lindsay. All in favor? Opposed? So moved.

MR. LAUBE:

Sixteen (Not Present: Legislators Montano & Spencer).

D.P.O. HORSLEY:

They have been set.

MR. NOLAN:

You might want to set the other public hearing for that.

P.O. LINDSAY:

June 18th.

D.P.O. HORSLEY:

Oh, I'm sorry.

P.O. LINDSAY:

Yeah, down the bottom of the page. I'll make a motion to set the date for the following Public Hearing of June 18th, 2013 at 2:30 PM, Maxine Postal Auditorium, Riverhead:

2013-14 Suffolk County Community College Budget.

D.P.O. HORSLEY:

I'll second that motion.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator Spencer).

P.O. LINDSAY:

Yeah, we've got to go back to -- we were in the middle of 1365 which is on page ten, we've got to finish that up (*Amending the 2013 Capital Budget and Program, and appropriating funds in connection with improvements and modifications to Health Centers (CP 4082).*)

D.P.O. HORSLEY:

I think we were in the middle of Mr. Montano.

LEG. MONTANO:

Yes, we were.

P.O. LINDSAY:

You would like the floor again?

LEG. MONTANO:

Yes.

P.O. LINDSAY:

Legislator Montano.

LEG. NOWICK:

Hi, Jon.

MR. SCHNEIDER:

Hello.

LEG. MONTANO:

You had a good lunch?

MR. SCHNEIDER:

I did.

LEG. MONTANO:

You did, okay.

D.P.O. HORSLEY:

Time for dinner.

LEG. MONTANO:

Jon, I think we've done a good job establishing the record of what has transpired with respect to this grant, both at the committee and also this morning. We basically covered a lot of ground. So I want to ask Counsel a question, because what's disturbing to me is this convoluted history of this grant, and I'll ask Counsel. My -- my understanding of the process to approve a lease, and in this case, there was a negotiated lease extension which would have amended the existing lease that is now in effect that's due to expire on the -- at the end of March of next year?

MR. SCHNEIDER:

It's actually due to expire in August.

LEG. MONTANO:

Which August?

MR. SCHNEIDER:

Of 2014.

LEG. MONTANO:

Oh, I thought it was March?

MR. SCHNEIDER:

That info is incorrect. It's actually August, so.

LEG. MONTANO:

All right. So --

MR. SCHNEIDER:

Anyway --

LEG. MONTANO:

Okay. So March, April, May, June, July, so we actually have a little more time than we thought we had at committee.

MR. SCHNEIDER:

Yes, correct.

LEG. MONTANO:

When did you find this out?

MR. SCHNEIDER:

Dr. Tomarken just informed me at lunch, actually.

LEG. CALARCO:

(Inaudible).

MR. SCHNEIDER:

It was a very productive lunch for the people of Suffolk County.

LEG. MONTANO:

(Laughter) Well, at least they gave you something to think about at lunch. So we're now running out of the lease in August. But the question to Counsel is, as far as I've been on the Legislature, I've never known of a situation where there's been a lease presented to the Legislature that, number one, wasn't first executed not by the County but by, I guess, the landlord, and not executed subsequent to the passage of a bill giving us the lease, telling us that this was -- this is the amended lease and this lease is now going to be effective, once we approve it, till the year 2022. So Counsel, am I correct in that this is not the way it was supposed to be done, or it's never been done that way or whatever language you want to use? Do you know of any history other than what I've explained?

MR. NOLAN:

I'm not aware. It may have happened, I'm not aware of that happening. You know, normally we authorize the County Executive or his designees to enter into this lease; we did that, but then they didn't execute the lease. So there's no lease.

LEG. MONTANO:

But isn't the lease, or whatever agreement we ratify or approve, supposed to be executed before it gets here? Isn't that the process? Or maybe the County Attorney can answer that? I mean, I'll leave it up to you guys, whoever -- no, I think it's executed. Hi, Lynne.

MS. BIZZARRO:

How are you, Legislator Montano?

LEG. MONTANO:

Did I -- did I startle you?

MS. BIZZARRO:

Did you startle me? No, no, I was just trying to figure out what the question was.

LEG. MONTANO:

All right. I'm sorry.

MS. BIZZARRO:

It's okay.

LEG. MONTANO:

Let me repeat the question and maybe more succinct. When we ratify an agreement or when we ratify a -- or approve a lease, isn't it -- it was my impression that it was standard practice that the lease would have been executed, at least by the landlord and possibly by the County Executive, prior to being presented by the Legislature. And I'm talking now about a general lease, or a general agreement. Aren't these things a fete accompli before they get here? I mean, you --

MS. BIZZARRO:

Not typically.

LEG. MONTANO:

What do you do?

MS. BIZZARRO:

I think the leases at times are executed by the landlord, but I've seen them go either way, not typically signed by the County Executive until --

LEG. MONTANO:

Right, not signed by the County Executive, but executed by the landlord first.

MS. BIZZARRO:

Sometimes they are, yes, I've seen that. Yes.

LEG. MONTANO:

Well, is it -- is it the case that sometimes they're not?

MS. BIZZARRO:

It could be. I don't -- you know, I'm trying to think of the leases -- you know, I'd have to really -- standing here, I couldn't say definitively and I would not want to give you the wrong answer.

LEG. MONTANO:

Right. Because it doesn't seem to me, and I don't want to argue the point with you, but it doesn't seem to me that you would give us a document that wasn't executed. I mean, because then you're not asking for a ratification of a lease.

MS. BIZZARRO:

Right. I mean, that would be unusual, right.

LEG. MONTANO:

Well, that's what happened in this case. The lease was presented to us apparently unsigned by either party.

MS. BIZZARRO:

Oh.

LEG. MONTANO:

We ratified it, or we approved it, the County Executive signed it.

MS. BIZZARRO:

Right. Yeah, I mean, typically the resolution says, *"We hereby authorize the County Executive or his*

or her designee to execute" --

LEG. MONTANO:

This particular lease, what's in front of us.

MS. BIZZARRO:

Sometimes it's that, sometimes it's the form of which. Like I know that I prepared an agreement last year, no parties had executed it and it was just the form was attached. I believe we renegotiated subsequent to the Legislature passing the resolution and then the parties all signed it. So I don't know that there's an absolute with respect to all agreements, all leases. But I do know with respect to leases, I've seen them with the landlord's signature on them.

LEG. MONTANO:

Well, that's the only way I remember them. So in this case, that did not happen and I'm at some point -- and it had nothing to do with you, Jon, or the Administration, this was the prior administration.

Now, the County Executive signed the resolution that I'm talking about authorizing the execution of the lease, but he never executed the lease. Is there any legal significance to that, Counsel?

MR. NOLAN:

You know, just it made the resolution effective. But again, it just authorized him to do it. If he didn't do it, he didn't do it, you know. He had to sign it to make it a fully executed lease, so.

LEG. MONTANO:

Is he subject to mandamus or something?

MR. NOLAN:

He's gone.

LEG. MONTANO:

Yeah, that's good news. All right. Jon, thanks a lot. I don't want to belabor this. But we do have on the record that, number one, before any privatization takes place, something must be presented to the Legislature; am I correct in that?

MR. SCHNEIDER:

Yes. The resolution that we laid on the table today, correct.

LEG. MONTANO:

Which resolution?

MR. SCHNEIDER:

That would be the resolution to move forward with the agreement in Southampton. So before -- yes, before privatization.

LEG. MONTANO:

Well, that's Southampton, I'm not dealing with --

MR. SCHNEIDER:

Correct.

LEG. MONTANO:

I'm dealing with Brentwood.

MR. SCHNEIDER:

Okay.

LEG. MONTANO:

I'm dealing with the County --

MR. SCHNEIDER:

Oh, yes, yes, of course. It has -- yes.

LEG. MONTANO:

Right, okay. We established that --

MR. SCHNEIDER:

That's the County law.

LEG. MONTANO:

-- at the last meeting. I just want to bang that into the ground.

MR. SCHNEIDER:

That's County law, that's not my opinion. Yep.

LEG. MONTANO:

Okay. All right. Listen, we'll take this up. And the other thing is that you have put on -- you have introduced 1422. I want to thank you for working with me on that and the other Legislators so that we can restore that money. And then now our timetable is pushed back from March 31st to August 31st in terms of a solution to the problem of what's going to happen with the Brentwood Health Center?

MR. SCHNEIDER:

We still need to act quickly, but yes.

LEG. MONTANO:

Right. But now that's a firm date, August 31st is the date, not March.

MR. SCHNEIDER:

August.

LEG. MONTANO:

Gotcha. I see a hand back there. Hi, Commissioner.

MR. SCHNEIDER:

August 15th, the Commissioner says.

LEG. MONTANO:

Okay, I'll take back those 16 days.

MR. SCHNEIDER:

August 15th.

LEG. MONTANO:

Thank you very much.

P.O. LINDSAY:

Okay. I just want to say, Jon, I'm more confused than when I started this morning with this bill. Simply what this bill does is it takes a preliminary step for us to access the HEAL money.

MR. SCHNEIDER:

Correct. So fundamentally, Mr. Presiding Officer, what this resolution does is it takes this money that is now in an account where it essentially can't effectively be spent by the end of the year, use-it-or-lose-it funds, and puts it into a different account where we can access it for a number of projects that can go forward this year.

LEG. SCHNEIDERMAN:

Thank you.

P.O. LINDSAY:

Okay. Make it quick, though, John, because it's so late.

LEG. KENNEDY:

All right. Jon, through the Chair, Margaret, at the Health Committee meeting, actually read what the list was of where the HEAL Grant funds were going to be moved to. We've talked about the consolidation of the two East End clinics and the Southampton initiative, but my recollection is she listed about four or five different --

MR. SCHNEIDER:

Yes.

LEG. KENNEDY:

-- items that, in fact, this was going to go to.

MR. SCHNEIDER:

Yes.

LEG. KENNEDY:

Could you tell me again, this is 4.7 million --

MR. SCHNEIDER:

Correct.

LEG. KENNEDY:

-- that is ultimately being spread to where, in approximately what increments?

MR. SCHNEIDER:

Correct. Round numbers -- Margaret, correct me if I'm wrong -- \$2.2 million for Southampton, \$1 million for Brookhaven, \$1 million for -- or is it --

MS. BERMEL:

One point three.

MR. SCHNEIDER:

One point three million dollars for Tri-Community and --

MS. BERMEL:

And Riverhead combined.

MR. SCHNEIDER:

Oh, and Riverhead combined.

MS. BERMEL:

(Inaudible).

MR. SCHNEIDER:

And 236 planning for Riverhead and Tri.

LEG. KENNEDY:

So let's go just a little bit further with that, then. Because we've talked an awful lot, as I said, about that South Fork consolidation.

MR. SCHNEIDER:

Yep.

LEG. KENNEDY:

What does the money for Tri-Community or Riverhead, what does it reflect? Is it an interior renovation? Are we looking at new space? Do we have a new entity that's going to operate? What does it mean?

MR. SCHNEIDER:

Hang on one second.

LEG. KENNEDY:

I can't remember.

MR. SCHNEIDER:

Sorry, hang on one second. Margaret's coming up.

LEG. D'AMARO:

I think we have it right here.

LEG. KENNEDY:

Do you have it? I don't have that book, Lou. You want to share that one with me?*(laughter)*.

LEG. D'AMARO:

You only have to do one thing.

LEG. KENNEDY:

(Laughter) I can't get there from here.

LEG. D'AMARO:

Our door is always open.

LEG. KENNEDY:

Yeah. What's it going to be, Margaret. Please, help me out. I'm begging you.

MS. BERMEL:

Good afternoon. Okay, for Riverhead, there would be emergency -- there would be repairs to the dental trailer that is current, and there is a -- we're still going -- we haven't begun the planning process yet. DPW has started the walk-thru and the assessment. The general overall plans are to

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move the dental services on to the -- into the building onto the second floor. Constructing -- construct the clean and soil utility room for the Family Planning area on the second floor, upgrade the outlets to childproof outlets in the area used by the --

LEG. KENNEDY:

So you're doing interior types of upgrades.

MS. BERMEL:

Mainly interior and then some possible work on the current dental trailer to use it for other purposes.

LEG. KENNEDY:

Okay.

MS. BERMEL:

And then for Tri-Community, essentially the same type of work and also to do some limited outside work to redirect the traffic flow in that parking area, because it's very -- it gets very difficult for people to maneuver.

LEG. KENNEDY:

And that's a County building? We own Tri-Community, right?

MS. BERMEL:

Yes, that's correct.

LEG. KENNEDY:

Okay.

MS. BERMEL:

It gets very congested in that outside parking area.

LEG. KENNEDY:

Okay doke. And so we'll be able to expend the funds by the end of the year?

MS. BERMEL:

Yes, if DPW --

LEG. KENNEDY:

For these --

MS. BERMEL:

Yes. If DPW can begin the work soon, then we can do it in-house with DPW doing the design and planning and the construction.

LEG. KENNEDY:

Okay. Thank you.

MS. BERMEL:

Thank you.

P.O. LINDSAY:

Okay. Everybody's good? Madam Clerk, I know it was a long time, but we did have some motions this morning.

MS. ORTIZ:

Yes, we do. Motion to approve.

P.O. LINDSAY:

Motion to approve. Are there any other motions?

LEG. KRUPSKI:

Second.

P.O. LINDSAY:

No, we have a motion and a second, right?

MS. ORTIZ:

Yes, we do.

P.O. LINDSAY:

Okay, motion and a second. All in favor? Opposed? Abstentions?

LEG. BROWNING:

Opposed.

MS. ORTIZ:

Seventeen.

LEG. SCHNEIDERMAN:

Renee, list me as a cosponsor, please.

LEG. KENNEDY:

List me as an abstain on that.

MS. ORTIZ:

Sixteen (Opposed: Legislator Browning - Abstention: Legislator Kennedy).

P.O. LINDSAY:

All right, let's pay attention, Ladies and Gentlemen --

LEG. BROWNING:

Abstained.

****AMENDED VOTE ON IR 1365-13***
Sixteen (Abstentions: Legislators Browning & Kennedy)*

P.O. LINDSAY:

-- because we're going to try and move quickly.

If we go back to page eight, *Resolutions Tabled to May 7th*:

Did we do 1841? We did, right?

MR. NOLAN:

Yes, and 1935.

P.O. LINDSAY:

Okay.

2108-13 - Studying the preservation of sensitive properties damaged by Hurricane Sandy (Browning).

LEG. BROWNING:

Motion to table.

P.O. LINDSAY:

Motion to table by Legislator Browning.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Tabling stands.

1155-13 - Amending prior capital authorized appropriations for the Partial Renovation of the Peconic Building (CP 2181) (County Executive).

LEG. BROWNING:

I guess I'll make a motion to table. I know Mike is here, Mike Sharkey from the jail (*laughter*). I hate to say that. From the Sheriff's. Sorry. But we did send a letter out requesting the --

P.O. LINDSAY:

We did, I signed a letter.

LEG. BROWNING:

-- Commissioner to come.

P.O. LINDSAY:

The letter is going out in the morning.

LEG. BROWNING:

Right. So when we have -- when we get a response back, we'll schedule a special meeting to address this issue.

D.P.O. HORSLEY:

Did you want to send it back to committee?

LEG. D'AMARO:

Bill?

P.O. LINDSAY:

Should we continue tabling this until we hear back from the State?

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LEG. BROWNING:

Mike, there's no time issue? You're okay? I guess so. He's got a nice smile there.

P.O. LINDSAY:

Okay. Why don't you make a motion to table?

LEG. BROWNING:

I'll make the motion to table.

P.O. LINDSAY:

Okay. Do I have a second?

D.P.O. HORSLEY:

Second.

P.O. LINDSAY:

Second.

LEG. D'AMARO:

Just on the motion.

P.O. LINDSAY:

On the motion; yes, Legislator D'Amaro.

LEG. D'AMARO:

Would it make more sense to recommit this bill to committee so that the presentation can go forward there rather than here?

P.O. LINDSAY:

Whatever --

LEG. BROWNING:

I don't think we really need to do that and have to go through the whole process again. I mean, I think that if we have -- we're planning to have a special Public Safety meeting where everyone will be invited to come, listen to the Commission of Corrections and, you know, I think based on what we hear then, we could make a decision when we come back to the General Session.

LEG. D'AMARO:

So you're going -- through the Chair, there is going to be a hearing at the committee level on this?

LEG. BROWNING:

It's not going to be a committee -- at a committee meeting. We're going to have a special committee meeting for all Legislators just for that issue.

LEG. D'AMARO:

Prior to the next Public Safety meeting.

LEG. BROWNING:

Hopefully prior to the next -- no, no, hopefully prior to the next General Meeting.

LEG. D'AMARO:

Okay.

LEG. BROWNING:

We're waiting for the Commissioner of Corrections to get back to us.

LEG. D'AMARO:

Okay. You know, that's fine. I mean, it might make sense to do it in committee, or if you want to have a Special Meeting to do it. Just a suggestion.

P.O. LINDSAY:

Well. I'll defer to the Public Safety Committee on what they want to do with it.

LEG. D'AMARO:

Okay.

LEG. SPENCER:

The issue in Public Safety was that to -- for us to properly address this issue, that there's longevity that's associated with it. And when I brought it up at committee, it was that there's still newer Legislators that don't know the whole backstory and still the State requirements, that's why the need for either doing it here or with a special committee that all Legislators would be able to attend. That was the issue.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. I'm going to stop again and go out of order.

1318, which should be page eleven, and 18A, we have several people from the Police Department here that want to talk about the burn pits.

LEG. HAHN:

Second.

P.O. LINDSAY:

Okay. So I made a motion to take it out of order. It was seconded by Legislator Hahn. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, it's before us now.

1318-13 - Appropriating funds in connection with the Replacement of Existing Fireworks Burn Pits (CP 3016)(County Executive).

LEG. BROWNING:

Motion to approve.

LEG. MURATORE:

Second.

P.O. LINDSAY:

Motion to approve by Legislator Browning. Seconded by Legislator Muratore. I mean, it's pretty self-explanatory, but does anybody want to ask any questions of the department?

LEG. SCHNEIDERMAN:

I do. Do we have somebody from the department?

P.O. LINDSAY:

Could someone come forward from the department to answer a question?

LEG. SCHNEIDERMAN:

Sir, this is the burn pit located at the BOMARC facility in Westhampton, correct?

DEPUTY INSPECTOR SHANAHAN:

That's correct.

LEG. SCHNEIDERMAN:

And the new pit is going to be, what, located further away and will also remediate some of the environmental concerns; is that correct?

DEPUTY INSPECTOR SHANAHAN:

That's correct. It would be located approximately --

LEG. SCHNEIDERMAN:

I say further away, I mean further away from the residential facility that's near it.

DEPUTY INSPECTOR SHANAHAN:

I'm sorry. Yeah, I understood. Yes, it will be approximately a thousand feet further away than the current pits.

LEG. SCHNEIDERMAN:

The use will be relatively the same. This is going to be -- because we do have the vehicle now, right? We have -- for some of the smaller ordinances? Ordinance?

DEPUTY INSPECTOR SHANAHAN:

Yes. You're talking about the trailer; that's primarily for disposing of ammunition. It could do small amounts of fireworks, but its primary function is ammunition and it serves that purpose better.

LEG. SCHNEIDERMAN:

Okay. And we have kind of a protocol in place where we notify the community that borders it before we explode any ordinance.

DEPUTY INSPECTOR SHANAHAN:

That's correct. We do that red alert, so we'll let them know that we're going to detonate explosives, fireworks or other explosives, yes.

LEG. SCHNEIDERMAN:

And what happens to the old pit?

DEPUTY INSPECTOR SHANAHAN:

It will be filled in.

LEG. SCHNEIDERMAN:

It will be remediated and filled in?

DEPUTY INSPECTOR SHANAHAN:

That's correct.

LEG. SCHNEIDERMAN:

Okay. No further questions.

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

Just a quick question. So you're moving the location of the burn pit? Why are you moving it?

DEPUTY INSPECTOR SHANAHAN:

We're going to be constructing new ones and this will move them further from those town homes, so it will, you know, reduce the amount of noise and disturbance to that community.

LEG. BROWNING:

And the town homes, how long have they been there? I mean, was the burn pit there before the town homes or the town homes were there first?

DEPUTY INSPECTOR SHANAHAN:

Yes, they're right next to our firearms range. Yes, they moved in after us.

LEG. BROWNING:

Okay. That's interesting to hear.

LEG. D'AMARO:

Bill?

P.O. LINDSAY:

Anybody else?

LEG. BROWNING:

Thank you.

LEG. SCHNEIDERMAN:

Are we also moving the shooting range?

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Yes, thank you. I had a question about -- I'm over here, sir. Hi.

I just had a question. So we have a pit right now that's beyond its useful life; is that --

DEPUTY INSPECTOR SHANAHAN:

The current pit was -- the Suffolk County Water Authority indicated to us, they thought it was leaching perchlorate salt into the groundwater.

LEG. D'AMARO:

Oh, is it doing that?

DEPUTY INSPECTOR SHANAHAN:

Well, it was sealed and there's a test well. Right now we have no indication of that, but that's a possibility.

LEG. D'AMARO:

Oh, the old pit was already sealed?

DEPUTY INSPECTOR SHANAHAN:

Yes.

LEG. D'AMARO:

It's no longer in use?

DEPUTY INSPECTOR SHANAHAN:

No, no, a sealant was used to --

LEG. D'AMARO:

Oh.

DEPUTY INSPECTOR SHANAHAN:

-- reduce or eliminate the leaching of salts, but we're not sure that it was effective. And you have explosions in the pit and we think it may compromise the ceiling.

LEG. D'AMARO:

So we haven't really yet confirmed whether or not it's an environmental hazard or a safety issue?

DEPUTY INSPECTOR SHANAHAN:

Confirmed, I don't believe so.

LEG. D'AMARO:

All right, so we don't know that yet. But let's say that the sealant does work; do we need the new pit?

DEPUTY INSPECTOR SHANAHAN:

We still have the issue of the town homes nearby and the disturbance and possibly damage to their property.

LEG. D'AMARO:

But we're --

DEPUTY INSPECTOR SHANAHAN:

A high order detonation could cause --

LEG. D'AMARO:

But we're using -- how long have we been using this existing pit?

DEPUTY INSPECTOR SHANAHAN:

Probably -- I'm not certain, but I would say about ten years.

LEG. D'AMARO:

About ten years. And I also would like to know, why is it so expensive to construct? Over a half of a million dollars for a fireworks pit?

DEPUTY INSPECTOR SHANAHAN:

That I'm not sure of. DPW gave us those numbers.

LEG. D'AMARO:

So we're not sure yet if there's actually a need for this?

DEPUTY INSPECTOR SHANAHAN:

In all likelihood, there is. The pit --

LEG. D'AMARO:

Oh, spending \$600,000 on a likelihood is not giving me the comfort that I want to support this. If there's a need for it and the County Police Department needs it, I understand that. But at the same time, this is a substantial cost to the County. And I think it's admirable that we're trying to find out whether or not there's a problem with the existing pit, but we really don't know that yet. Why are we coming forward at this time with this project?

DEPUTY INSPECTOR SHANAHAN:

Well, my understanding is the Water Authority indicated there was some leaching. There was a sealant placed in -- put in place, test wells were put there, but it takes time before any kind of leaching would be detected in the test well. The sealant that was put in, there's constant explosions in this pit and it's a real concern that it will reach the sealant and we will again be putting perchlorate salt into the groundwater.

P.O. LINDSAY:

Legislator D'Amaro, if you would suffer an interruption?

LEG. D'AMARO:

Sure, absolutely.

P.O. LINDSAY:

Commissioner Anderson is at the mic, he might be able to help with --

COMMISSIONER ANDERSON:

How are you?

P.O. LINDSAY:

-- some of your questioning.

LEG. D'AMARO:

All right, thanks. I appreciate that. I guess, Commissioner Anderson, just the cost seems high when you're talking about exploding fireworks; why is that so high?

COMMISSIONER ANDERSON:

The unit that we've specified is one similar that's used in New York City. It's a specialized unit. The original construction, the one that exists now, is essentially concrete cylinders buried. When there was concern about permanganate, we sealed it and that is the reason for and the need for the project, is that we don't know how the sealant is, you know, holding up. We do have a cover on it; effectively, that should keep the water out, but rain does get in. You know, so there is an environmental concern there. The cost, you know, I'm afraid to say is the cost. I mean, the

specialized unit that we're proposing, as I said, is similar to the one that was used in New York City.

LEG. D'AMARO:

I mean, does the County -- or maybe the Police Department could answer. I mean, why not just -- we can't transport these things and dispose of them in any other way, destroy them without exploding them?

DEPUTY INSPECTOR SHANAHAN:

No, as far as transporting them, we would have to give them to a private vendor and the cost is quite prohibitive.

LEG. D'AMARO:

Given the volume, the amount of fireworks that are confiscated?

DEPUTY INSPECTOR SHANAHAN:

That's correct. And there really is no other way to dispose of them on the site.

COMMISSIONER ANDERSON:

If I may, also. We looked at that when we were developing the project. The cost to get them through New York City and over the bridges is extremely prohibitive.

LEG. D'AMARO:

Okay, that makes sense to me. Would we be willing to consider seeing whether or not the sealant is effective, or was the sealant just a stopgap until we get the new one in place?

COMMISSIONER ANDERSON:

Exactly. Yeah, it was an effort to try and keep -- trying to keep water from getting through the rings. The rings are solid concrete, but they're -- you know, the sealant was a stopgap with the intent that at some point we were going to, hopefully, do the project we're proposing right now.

LEG. D'AMARO:

Where did the \$600,000 figure come from?

COMMISSIONER ANDERSON:

It was from my office, Buildings, Design & Construction got the estimate together based on the unit that we're planning to install.

LEG. D'AMARO:

It just seems awfully high.

COMMISSIONER ANDERSON:

I agree.

LEG. D'AMARO:

Yeah.

COMMISSIONER ANDERSON:

But it -- you know, we verified it and I'm comfortable with it.

LEG. D'AMARO:

Okay. Thank you.

P.O. LINDSAY:

Yes, Legislator Krupski.

LEG. KRUPSKI:

What's the -- going back to the beginning. What's the volume of fireworks that we're destroying here and what's the life span of the proposed burn pit? The new proposed burn pit.

DEPUTY INSPECTOR SHANAHAN:

The volume, it varies, but this time of year we can seize tractor trailer loads which would be in the tens of thousands of pounds range. And as far as the life expectancy --

COMMISSIONER ANDERSON:

Again, I would go to a 20 to 30-year life expectancy if it's maintained, which, you know, it would be. This is the unit that's designed specifically for this type of work, if you will. It's not like the one that we built.

LEG. KRUPSKI:

To follow-up on that, then. So what's your procedure? You take it there and someone lights it on fire and then they keep lighting them and throwing them in, or -- I mean, and then once you get them all burnt, when you're done, you clean out the residue and then ship it out? How does that work?

DEPUTY INSPECTOR SHANAHAN:

What's done is the fireworks are placed in the pit in kind of an order to detonate, mix smaller ones and larger ones. Then a fuel oil is put in just to ignite them, and it's basically a controlled burn. However, every once in a while they do go high order, you know, causing a substantial explosion. But at the end of the burn, yes, the pit is cleaned out.

LEG. KRUPSKI:

(Inaudible).

COMMISSIONER ANDERSON:

If I may, we -- the Highway Department will come in with a back-hoe, we'll basically clean it out and bring it to a landfill, you know, to dispose of the material.

P.O. LINDSAY:

Are you done, Legislator Krupski? Legislator Krupski, are you done?

LEG. KRUPSKI:

Yes. Thank you.

P.O. LINDSAY:

All right. Anyone else? Okay. Seeing none, I thank you for being patient with us. All right. We have a motion and a second. All in favor? Opposed? Abstentions?

LEG. KENNEDY:

I'm here.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. On the accompanying Bond Resolution, *1318A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$600,000 bonds to finance the cost of the replacement of existing fireworks burn pits (CP 3016.310))*. Same motion, same second. Roll call.

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

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. KRUPSKI:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay.

Like a yo-yo, back. Just to the Police that's sitting in the audience. We have another reso here about a backup generator; are you guys here to talk about that?

LIEUTENANT SCHARF:

Only if necessary.

P.O. LINDSAY:

Okay. But why don't we get that out of the way so you guys can go home. I would like to make a motion to take **1319(-13)** out of order, ***Appropriating funds in connection with the Replacement of Police Headquarters 911 Backup Generator (CP 3216)(County Executive)***.

LEG. MURATORE:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

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

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Second by -- where was the second from? Legislator Kennedy. Okay. On the question?

LEG. BROWNING:

Just I believe --

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

-- the information I received on this generator, it dates back to I think 1988. Isn't that what it was? It's a pretty old generator.

LIEUTENANT SCHARF:

Lieutenant Robert Scharf, S-C-H-A-R-F. Yes, ma'am, the generator is over 30 years old. It broke down last year and it was down for several weeks because the company that would fix it, Power Pro, could not find replacement parts, and they told us the next time it may not go back up again. It's a critical generator for the building, for the 9/11 Center and many other functions. A hundred thousand of the project is to replace that generator and then the remaining ten is to replace the air conditioner in the generator switching room, also very necessary.

LEG. BROWNING:

Okay.

P.O. LINDSAY:

Anybody else? Okay, thank you very much.

LIEUTENANT SCHARF:

Thank you very much.

P.O. LINDSAY:

We have a motion and a second before us on 1319. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

It passed. On the accompanying Bonding Resolution, ***1319A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$110,000 Bonds to finance the cost of replacement of the Police Headquarters 911 backup generator (CP 3216.310).*** Roll call.

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

P.O. LINDSAY:

Yes.

MR. LAUBE:

Muratore? I'm sorry, Kennedy.

LEG. KENNEDY:

Yes.

LEG. KRUPSKI:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. NOWICK:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. HORSLEY:

Yes.

MR. LAUBE:

Eighteen.

LEG. GREGORY:

Mr. Presiding Officer, I would like to take 1325 out of order. We have an official from the Town of Babylon here.

P.O. LINDSAY:

Okay, could you -- what page is it on?

LEG. GREGORY:

I'm sorry, page twelve, Public Works.

P.O. LINDSAY:

Page twelve, *1325-13 - Authorizing execution of an agreement, pursuant to Local Law No. 11-2010, by the Administrative Head of SCSD No. 3 – Southwest with Wyandanch Public Library (BA-1477.1-001) (Wyandanch Rising)*. Do I have a motion?

LEG. SCHNEIDERMAN:

Motion.

LEG. GREGORY:

Motion.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Motion to take it out of order by Legislator Gregory. The second was by Legislator Schneiderman. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1325 is now before us. I start off with a motion again.

LEG. GREGORY:

Motion.

P.O. LINDSAY:

Motion to approve.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro. On the question? Anybody have any questions? We have an official from Babylon here?

MR. RHODES:

Yes.

P.O. LINDSAY:

Yes, sir. Would you like to come forward and say anything about it, or just let it go?

MR. RHODES:

Only if there's any questions. I know you have a very big agenda today.

P.O. LINDSAY:

Okay. You're here if we have any questions. Thank you.

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, it passed. Thank you. I'm sorry that we kept you waiting all day.

Okay, back to page nine. Okay, let's go to the top of page nine.

Budget & Finance

1171-13 - Adopting Local Law No. -2013, A Charter Law to implement One-Year Rolling Debt Policy under 5-25-5 Law to mitigate budgetary shortfall (County Executive). I'll make a motion.

LEG. GREGORY:

Second.

P.O. LINDSAY:

Second by Legislator Gregory. On the question? Seeing none, all in favor? Opposed? Abstentions?

LEG. KENNEDY:

Opposed.

LEG. CILMI:

Opposed.

LEG. MURATORE:

Opposed.

P.O. LINDSAY:

Abstentions?

LEG. CALARCO:

Abstain.

LEG. MONTANO:

Abstain.

P.O. LINDSAY:

You got the vote? It passed?

MR. LAUBE:

Thirteen (Opposed: Legislators Kennedy, Cilmi & Muratore - Abstentions: Legislators Calarco & Montano).

P.O. LINDSAY:

Okay.

1291-13 - Amending the 2013 Operating Budget to provide funding for East Quogue Chamber of Commerce, Westhampton Cultural Consortium and Montauk Observatory (Schneiderman). Motion by Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman.

LEG. KRUPSKI:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1297-13 - Amending the 2013 Operating Budget and appropriating funds in connection with bonding for a settlement for a liability case against the County (\$100,000)(County Executive).

LEG. GREGORY:

Motion.

P.O. LINDSAY:

Motion by Legislator Gregory.

LEG. CALARCO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

On the accompanying Bond Resolution, ***1297A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$100,000 bonds to finance the cost of the payment of a settlement of a liability case against the County arising out of a vehicular accident)***, same motion, same second.

LEG. MONTANO:

Just a quick question, if I may, Mr. Lindsay?

P.O. LINDSAY:

Yes.

LEG. MONTANO:

What's the nature of the case? Is it an accident case?

P.O. LINDSAY:

Counsel, could you answer this question of Legislator Montano?

LEG. MONTANO:

The \$100,000 settlement.

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MR. NOLAN:

Yeah, I honestly don't remember. It was explained I think in committee, but I don't remember.

P.O. LINDSAY:

Mr. Vaughn, do you have the answer?

MR. VAUGHN:

County Attorney Lynne Bizzarro is in the back, she's coming up now to give you the answer.

P.O. LINDSAY:

Okay. Why don't we skip over it so we can keep moving.

D.P.O. HORSLEY:

Here she comes.

P.O. LINDSAY:

Oh, here she is.

MS. BIZZARRO:

Good afternoon.

LEG. MONTANO:

Hi, Lynne. I had just asked what the nature of the case was.

MS. BIZZARRO:

This is on IR 1297?

MR. NOLAN:

Yes.

MS. BIZZARRO:

This is a car accident between a Police Officer --

LEG. MONTANO:

Thank you.

P.O. LINDSAY:

Okay. We have the same motion, same second on the 1297A. Roll call.

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

LEG. GREGORY:

Yes.

LEG. CALARCO:

Yes.

LEG. KRUPSKI:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Next is *1298-13 - Amending the 2013 Operating Budget and appropriating funds in connection with bonding for a settlement for a liability case against the County (\$125,000) (County Executive).*

LEG. GREGORY:

Motion.

P.O. LINDSAY:

Motion by Legislator Gregory.

LEG. MURATORE:

Second.

P.O. LINDSAY:

Second by Legislator Muratore. Ms. Bizzarro, is this the same situation here; is this an accident?

MS. BIZZARRO:

This was -- IR 1298 was with respect to a jail incident.

P.O. LINDSAY:

Okay.

MS. BIZZARRO:

I'm not sure who I'm answering.

P.O. LINDSAY:

Okay, before it's asked. Okay. We have motion and a second.
All in favor of 1298? Opposed? Abstentions.

MR. LAUBE:

Eighteen.

LEG. MONTANO:

I'm here.

P.O. LINDSAY:

1298A, the accompanying Bond (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$125,000 bonds to finance the cost of the payment of a settlement of general liability case against the County), same motion, same second. Roll call.

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

LEG. GREGORY:

Yes.

LEG. MURATORE:

Yes.

LEG. KRUPSKI:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

Economic Development & Energy

P.O. LINDSAY:

1253-13 - Establishing an Educational Outreach Program on the economic value of Cultural Arts (Hahn). Legislator Hahn?

LEG. HAHN:

Motion.

P.O. LINDSAY:

Motion to approve.

LEG. MURATORE:

Second.

P.O. LINDSAY:

Second by Legislator Muratore. What -- Legislator Hahn, do you want to say anything about the bill?

LEG. HAHN:

Do you need an explanation?

P.O. LINDSAY:

Yeah.

LEG. HAHN:

This bill was the result of a meeting I had with a local cultural arts affairs group who came in to talk about some cultural arts funding and had spoken to some local businesses. They mentioned -- happened to mention the Charles Dickens Festival which happens in Port Jefferson and brings in about 35,000 people into Port Jefferson over the course of the festival, which is a weekend. So you would expect that, you know, most businesses look forward to that, that festival weekend. But in truth, it turns out that there were some that just, you know, didn't really know how to best take advantage of the event of the weekend. And so we got to talking and I got to thinking that it might be something our economic development team can help with, is come up with some pointers, some tips for some businesses in local downtowns to help take advantage of festival weekends, parades, carnivals, all kinds of cultural events, concerts, things that are done in our downtowns. And it may be a way just to help small businesses in our local downtowns. And so that's what this is about.

P.O. LINDSAY:

Okay.

LEG. HAHN:

Thank you.

P.O. LINDSAY:

Any other questions? No? Seeing none, we have a motion and a second. All in favor? Opposed?

LEG. CILMI:

Opposed.

LEG. BARRAGA:

Opposed.

P.O. LINDSAY:

Abstentions?

MR. LAUBE:

Sixteen (Abstentions: Legislators Barraga & Cilmi).

P.O. LINDSAY:

1327-13 - Authorizing cultural funding for 2013 (County Executive).

I think there's a list somewhere of where the money is going.

LEG. CILMI:

Yes.

LEG. CALARCO:

Motion.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Motion by Legislator Calarco. Second by Legislator Schneiderman. Any other questions,? No?
All in favor? Opposed? Abstentions?

LEG. CALARCO:

Tim, cosponsor.

MR. LAUBE:

Eighteen.

LEG. SCHNEIDERMAN:

Cosponsor, Tim.

P.O. LINDSAY:

1328-13 - Authorizing film promotion funding for 2013 (County Executive).

LEG. SPENCER:

Cosponsor.

P.O. LINDSAY:

This is part of the Hotel/Motel money. Motion by Legislator Calarco. I'll second it. All in favor?
Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1349-13 - Accepting and appropriating 80% Federally funded New York Metropolitan Transportation Council (NYMTC) carryover grant funds for the purpose of preparation of the Suffolk County Bus Rapid Transit Feasibility Study (County Executive).

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro. Do I have a second?

LEG. STERN:

I'll second.

P.O. LINDSAY:

Second by Legislator Stern.

LEG. KENNEDY:

On the motion?

P.O. LINDSAY:

On the motion, Legislator Kennedy.

LEG. KENNEDY:

While this is an idea that's been out there by the County Executive and it's been discussed and there may be some update to be had on this, this idea was actually vetted about 12 years ago in a study, Long Island Teepee 2000, and it was a multi-million dollar study and State DOT still hasn't released the results. I tried to get them a week ago and I've been told that they're still a draft. Yeah, 12 years later, they're still draft.

My point is, is if there's been multiple millions that have been spent on it already, why are we looking at 300,000 today? So I won't be supporting it.

LEG. CILMI:

Bill?

P.O. LINDSAY:

Okay. Legislator Cilmi?

LEG. CILMI:

So 400,000 I think is the total number, right; 321,000 I think comes from the Feds, and 80 some-odd thousand comes from us. And it's interesting, we always talk about it's Federal money, so it's not County money, but in the end it's all taxpayer money.

So the description of what this was in committee was a study which will hopefully yield -- the result that it looks to yield is ten proposed bus routes that are appropriate for Bus Rapid Transit. And then once this study is done for \$400,000, then we have to study those ten proposed bus routes, again I guess, and see which ones are best, which ones we should do first, etcetera.

*(*The following testimony was taken by Lucia Braaten
& transcribed by Alison Mahoney - Court Reporters*)*

LEG. CILMI: *(Continued)*

It seems to me we could pay somebody a little bit of money, maybe two or three of us could spend a few hours and pick out ten appropriate bus routes. I don't think we need to spend, you know, close to half a million dollars on trying to figure out where ten appropriate routes for buses are in Suffolk County. I mean, I would rather spend the \$400,000 on providing better bus service in Suffolk County, if that's what we want to do.

And I recognize that the Federal money may not be -- or the State money, whatever it is, Federally-funded, may not be designated in such a way or appropriately used in such a way. But still, I can't see spending \$400,000 on picking out ten possible routes for buses. It just doesn't make any sense.

P.O. LINDSAY:

Yeah, Mr. Anderson, I see you jump up, and I see the other Commissioner jump up. Maybe you guys could weigh in on this reso.

COMMISSIONER ANDERSON:

These funds are planning funds. The need for a BRT has been identified, as Legislator Kennedy said, it's been studied by the State. You know, we feel it's an important thing to consider as we move forward as a County.

The statement that, you know, we could hire a consultant; that's really what, you know -- and correct me if I'm wrong, that's what we're going to be doing is bringing in a consultant who is familiar with transportation that can look at these things, to identify them.

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I agree, the Federal process is very extensive, but if we're going to do this and it eventually proves out that, you know, we want to do it, we're going to need Federal funding to identify and to get the buses and to do everything else. So there is a process we have to follow.

LEG. CILMI:

So let's appoint somebody in-house, in our Transportation Department, talk to some of the folks who are in the bus industry in Suffolk County who, you know, provide bus service in Suffolk County, take the money, go from there. Why do we have to pay a consultant \$400,000 to pick out ten bus -- ten potential bus routes in Suffolk County? It doesn't --

COMMISSIONER ANDERSON:

The 400,000 is an estimate -- well, it's 300 -- as you know, this 321,000 is a -- is an estimate.

LEG. CILMI:

Well, it's 321 is the total number, or is --

COMMISSIONER ANDERSON:

No, it's --

LEG. CILMI:

It's 321 of Federal money and 80,000 of County money is what I --

COMMISSIONER ANDERSON:

County, which is staff time and review and such.

LEG. CILMI:

Right.

COMMISSIONER ANDERSON:

That's what our contribution would be towards that. The Federal funding, it's money already in place. You know, it's planning money and we feel that this is a project that's worthy of study.

P.O. LINDSAY:

Again, the Federal process is extensive and needs to be looked at.

In this isn't just something -- and again, in fairness to Gary and his staff, they're all very qualified, I don't know that we're qualified to study something to that level that we need to look at.

LEG. CILMI:

Well, we're picking out ten potential bus routes which are going to be studied further down the road, right? You don't think we have expertise in house to pick out ten potential bus routes, of which we're not going to select all ten, we're going to select some of them.

COMMISSIONER ANDERSON:

To --

LEG. CILMI:

And couldn't that -- pardon me, Commissioner, I'm sorry. But couldn't we utilize the Federal money, then, for that purpose, but utilize it in-house as opposed to paying a consultant to do it?

COMMISSIONER ANDERSON:

To be frank, we don't have the staffing to do that, to do that type of study in-house. You know, again, there is a certain expertise that's involved with any of this transportation. What do we have, eight, twelve people on staff that handle transportation? I can't put -- focus people on this full-time

and take away from the other operational things that we need.

LEG. CILMI:

So you have years and years and years of experience. What type of experience do you think you would need, somebody would need in order to, you know, pick out ten different potential bus routes? What kind of things are they going to study? What are they going to look at? They're going to look at where there's commerce, where there's education.

COMMISSIONER ANDERSON:

Yeah.

LEG. CILMI:

Okay. Well, we pretty much have that covered I think already.

P.O. LINDSAY:

Director Lansdale, do you want to weigh in on this?

MS. LANSDALE:

If I may. So the scope of the study, just to clarify, is to look not at ten bus routes, but to look at ten roadways where there could be potential north/south connections to existing transit, either rail transit or bus transit. So it's not looking at ten existing bus routes, I just want to clarify that.

LEG. CILMI:

No, I understand that. And so if we're looking at ten -- if we're looking at north/south roadways, that probably eliminates 60% of the roadways, maybe -- I don't know, I'm guessing -- in Suffolk County.

So it doesn't seem like there would be that many roads to -- that would be appropriate for a bus service that are north/south, that are large enough to accommodate buses, that connect centers of commerce or industry with academia or research.

MS. LANSDALE:

If I may. We're also looking at land use patterns, you know, anticipated growth, where that growth is occurring, so that we can match and look at future Bus Rapid Transit corridors to implement this plan. We're also -- what will be required is a technology assessment of how to implement this plan. So it's more than just traffic counts and looking at -- and also, it's more than just land use, it's really looking at technology and what will it take. What does the County currently have in terms of technology, in terms of que jumping and things like that, and what do we need to do to implement this idea.

LEG. CILMI:

What sort of financial commitment would you anticipate subsequent to this study being completed? And what would that financial commitment be devoted to exactly?

P.O. LINDSAY:

I think the Commissioner has already said that our financial commitment is personnel that are on staff already. I don't think it's dollars.

LEG. CILMI:

I appreciate that, Mr. Presiding Officer. I mean total financial commitment, not necessarily just hours.

COMMISSIONER ANDERSON:

After the study, if the study comes up and says, "No, it's not appropriate"; at that point we can end the project and walk away.

LEG. CILMI:

Right.

COMMISSIONER ANDERSON:

Obviously, moving forward, if we find it, in fact, is worthy of continuing, then obviously there's more of a financial commitment.

I have no idea what that cost would be.

LEG. CILMI:

What would we -- what would the next step be if we decide that there are ten or five or however many appropriate routes for buses?

COMMISSIONER ANDERSON:

I mean, it would just -- again, further study would be on that, the individual routes, the timing. BRT is trying to -- the intent of BRT is to have a bus come by at least every 15 minutes, so you're going to have to determine where the stops are, you know, where the priorities would be.

LEG. CILMI:

So further study would be warranted, then, after this study.

COMMISSIONER ANDERSON:

I believe so.

LEG. CILMI:

Yeah. Have we thought about reaching out to the bus companies to ask them what their opinions are as far as what potential routes might be appropriate?

COMMISSIONER ANDERSON:

No. That's really not a bus route, I mean a bus company's function. Again, BRT is certainly a little more specialized than driving a bus or operating a bus company. So it involves planning. So that's really why we can't just go to the bus companies. I'm sure they -- you know, I'm sure they're in full favor of a BRT if we can implement it.

LEG. CILMI:

You wouldn't think that a company like Suffolk Transportation, for example, would have significant input as to where appropriate bus routes, north/south bus routes might be in Suffolk County?

COMMISSIONER ANDERSON:

No.

LEG. CILMI:

Okay. All right, thank you.

D.P.O. HORSLEY:

Thank you very much, Legislator. Legislator Barraga.

LEG. BARRAGA:

You know, certainly we can debate the purposes of the funds, but realistically, if we were not to take the 80%, those Federal monies aren't exactly going into the pockets of the taxpayers. I am sure the

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Feds would just take the dollars and reappropriate them to someone else in some other County for some other purpose.

LEG. D'AMARO:

Yup.

LEG. BARRAGA:

So the money is there and you indicate there's a valid reason to take it, we should take it.

D.P.O. HORSLEY:

Succinct. Legislator D'Amaro.

LEG. D'AMARO:

Thank you. I also think that the total project cost on this particular study is -- it doesn't seem high to me at all. I think it's a bargain. This is labor intensive, this type of study. And it's not just about, you know, putting a bus on the road and taking 15 roads and narrowing it down to ten, whether or not we could have rapid transit. I mean, rapid transit has a particular objective.

COMMISSIONER ANDERSON:

Correct.

LEG. D'AMARO:

And in order to know whether you can meet that objective, you have to do a very comprehensive, statistical analysis of not only what exists today but what's going to exist in the future and the potential growth and the demographics, and then you start opening up that whole can of worms. And here you are now, you have 15 people looking at this at full-time once you get the data, then you have to extrapolate from the data what the needs are. So there's a lot of work that goes into doing this right the first time.

So, you know, I'm going to -- that's why I made the motion to pass this. This is Suffolk County trying to come into the 21st century and move people in a manner that's efficient, that's extremely efficient. And once you do the studies and if these buses are up and running, if there is the need and it all plays out, this could have a major impact on revitalization efforts, economic development efforts, all kinds of efforts. You will get this back as a multiplier 20-fold, easily.

So I think and I would urge my colleagues to support this. I think that the cost of the study is a drop in the bucket compared to what the objective of the study is to achieve would be a grand slam for this County. It's something we really, really need, given the congestion on our roads, the sprawling suburbs that we have. We need to be able to move people quickly. I don't think a committee of five of us sitting down would have the expertise to be able to do that. I just don't think we could do it in-house and I don't think that this is overly costly given the amount of statistical analyst that has to go into this and the knowledge that has to go into this. So I'm all for it.

D.P.O. HORSLEY:

All righty. Thank you, Legislator. Legislator Krupski.

LEG. KRUPSKI:

Given the current cost of running the Suffolk Bus and the deficit it runs every year, is this study going to take into account the cost to the County and having ridership share that cost?

COMMISSIONER ANDERSON:

It's certainly going to look at demographics, it's going to look at those factors, it has to. You know, it's going to also look at operational costs, as you've identified, capital costs. It's going to eventually have to determine where we're going to get the funding to do all this. You know, as you've noticed, I mean, as you've mentioned, there is a deficit. We are, you know, subsidized. And even in our Capital Program for the transportation, it is highly subsidized.

LEG. KRUPSKI:

Thank you.

D.P.O. HORSLEY:

Thank you very much, Legislator. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Well, I don't think you're going to find too many people who will say that we don't have problems with traffic; we certainly do. And certainly bussing is a good grain initiative and environmental initiative as well.

Bus Rapid Transit is not just putting a bus on the road. Obviously you need a completely dedicated lane. This is -- from an engineering standpoint, this is a really complicated problem, particularly with the way our roadways and bridges are set up. So with this feasibility study, there's obviously a lot of questions that need to be answered. But the concept to be able to go from highly dense population areas to high employment centers or to the train stations where people could then go to work in New York City does seem to make a lot of sense.

I think it's worth finding out whether this can be done based on our current road infrastructure. I think it's worth spending the money, particularly since we have the grant available to do it. So I'll support it.

D.P.O. HORSLEY:

Thank you very much, Legislator Schneiderman. Legislator Gregory.

LEG. GREGORY:

Thank you. Legislator D'Amaro and actually Legislator Schneiderman made a lot of the comments that I was looking to make, and I'll just add to that that I think this study is necessary. Route 110 in my district is one area that I think that can use this. I mean, it's -- for the large part of the day it's a parking lot and, you know, it's large employment centers. It can certainly use a BRT, and there are other areas throughout the County and I think it's important that we look at -- this study is about the future of Suffolk County. When you talk about the Ronkonkoma Hub and Wyandanch Rising and Heartland Developments and all those types of projects, you know, a system like this will help transport people to and from those major projects, those TOD's. So I think it's necessary to give it a further look at and see where it comes, and if it's too costly it's too costly, but it certainly, I think, behooves us to go in that direction. Thank you.

D.P.O. HORSLEY:

Thank you very much, Legislator. May I add that on the 110 corridor, which Legislator Gregory just mentioned, we have been talking about that in the Town of Babylon for the last 15 years and when I was on the Town Council, how were going to put a railroad track -- a railroad station there in Farmingdale with a third track and it's going to have a transportation hub that will go up and down the Huntington Railroad Station. It would be a major boon for 110. The others I'm sure that it would help as well.

LEG. CILMI:

Put me back on.

D.P.O. HORSLEY:

Okay. Legislator Cilmi and then we'll vote.

LEG. CILMI:

Just briefly, just briefly. So do we have to spend this money with the consultant? And does the Legislature get another bite at the -- in other words, do we get to approve the consultant or whatever? How does that work exactly? We're accepting and appropriating here; what's the next part of the process?

COMMISSIONER ANDERSON:

No, it's already been -- the RFP already went out. It was -- the Review Committee I believe has selected the consulting team.

LEG. CILMI:

Oh. Is that public information yet?

COMMISSIONER ANDERSON:

Not until the actual contract would be awarded, at that point it is, yeah.

LEG. CILMI:

How many respondents were there to the RFP?

COMMISSIONER ANDERSON:

Four.

LEG. CILMI:

Four. Can you share the names of those respondents?

COMMISSIONER ANDERSON:

Not at this time.

LEG. CILMI:

Okay. Well, we can take 110 off the list because -- or add that. I mean, that's going to be one of them, right? 110 will be one of the routes.

LEG. GREGORY:

I hope.

COMMISSIONER ANDERSON:

I sure hope so.

LEG. D'AMARO:

It better be.

D.P.O. HORSLEY:

Okay, quick question to you, Gil. Do you know how long the study is going to take place and when it would be finalized? This could impact the Capital Budget for this year.

MS. LANSDALE:

The work's going to be completed by December 18th of this year.

D.P.O. HORSLEY:

December 18th of this year. Legislator Schneiderman, you're okay?

LEG. SCHNEIDERMAN:

What was the date?

D.P.O. HORSLEY:

December of this year.

LEG. SCHNEIDERMAN:

This feasibility study will be completed by the end of this year; is that --

MS. LANSDALE:

Yes, that's correct.

LEG. SCHNEIDERMAN:

Did I understand that correctly? Wow.

LEG. CILMI:

Can we get a copy of the study when it's done?

MS. LANSDALE:

Yes, I'll make sure of that.

D.P.O. HORSLEY:

There you go.

Okay. That's all the speakers that I have listed. We have a motion to approve, I believe; is that correct? Renee, we're good.

MS. ORTIZ:

Yes.

D.P.O. HORSLEY:

And that's it, right? All those in favor?

LEG. CILMI:

Opposed.

LEG. KENNEDY:

Opposed.

MS. ORTIZ:

Fifteen (Opposed: Legislators Cilmi, Kennedy - NOT PRESENT? ?????)

D.P.O. HORSLEY:

So moved. Thank you.

P.O. LINDSAY:

Back to the agenda.

Education & Information Technology

1235-13 - Appropriating funds in connection with the acquisition of an IFMS Release 3 (CP 1782)(County Executive). Do I have a motion here?

LEG. KENNEDY:

Motion.

P.O. LINDSAY:

Motion by Legislator Kennedy, second by Legislator Anker. On the question, anybody have any questions? We have a motion and a second. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Seventeen (Not Present: Legislator Hahn).

P.O. LINDSAY:

Okay. On the accompanying bond resolution, ***1235A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$380,000 bonds to finance the cost of acquisition of Integrated Financial System (IFMS) Release (CP 1782.110 and .512)***, same motion, same second. Roll call.

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

LEG. KENNEDY:

Yes.

LEG. ANKER:

Yes.

LEG. KRUPSKI:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. CALARCO:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. NOWICK:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1308-13 - Authorizing transfer of surplus County cell phones and blackberry devices to Victims Information Bureau of Suffolk (Spencer).

LEG. SPENCER:

Motion.

P.O. LINDSAY:

Motion by Legislator Spencer.

LEG. ANKER:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1309-13 - Authorizing transfer of surplus County cell phones and blackberry devices to SEPA Mujer, Inc. (Montano). How do you pronounce it?

LEG. MONTANO:

Mujer.

P.O. LINDSAY:

Mujer, Inc..

LEG. MONTANO:

Motion.

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P.O. LINDSAY:

Motion by Legislator Montano. Second? 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:

1348-13 - Authorizing transfer of surplus County computers to RSVP (Kennedy).

LEG. KENNEDY:

Motion.

P.O. LINDSAY:

Motion by Legislator Kennedy.

LEG. MONTANO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1350-13 - Authorizing transfer of surplus County computers to Half Hollow Hills High School West Robotics Club (Stern).

LEG. STERN:

Motion.

P.O. LINDSAY:

Motion by Legislator Stern.

LEG. SPENCER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

Environment, Planning & Agriculture

P.O. LINDSAY:

Page ten.

2028-13 - Authorizing appraisal of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 Avalon Bay property – Town of Brookhaven (SCTM No. 0200-610.00-01.00-022.000) (Browning).

LEG. BROWNING:

Motion.

LEG. HAHN:

Second.

LEG. KRUPSKI:

Second.

P.O. LINDSAY:

Did you make a motion, Legislator Browning?

LEG. BROWNING:

(Raised hand).

P.O. LINDSAY:

Motion. Seconded by Legislator Krupski; is that correct?

LEG. KRUPSKI:

Yes.

P.O. LINDSAY:

Yeah, okay. We have a motion and a second? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1113-13 - Authorizing appraisal of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007, Calabro property – Town of Brookhaven (SCTM Nos. 0209-025.00-07.00-001.000, 0209-025.00-07.00-002.000, 0209-025.00-07.00-003.000 and 0209-025.00-07.00-013.002) (Browning).

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning. Do I have a second?

LEG. HAHN:

Second.

LEG. MURATORE:

(Raised hand).

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

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.

P.O. LINDSAY:

Motion to table by Legislator Hahn. I'll second that. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1189-13 - Authorizing appraisal for the acquisition of development rights under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 – Volmut Farm property – Town of Riverhead (SCTM No. 0600-098.00-01.00-019.000)(County Executive).

LEG. KRUPSKI:

Motion.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Motion by Legislator Krupski. Second by Legislator Schneiderman.
We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1256-13 - Authorizing the acquisition of Farmland Development Rights under the New Suffolk County Drinking Water Protection program (effective December 1, 2007) for the Riverhead Central School District No. 2 property - Town of Riverhead - (SCTM No. 0600-046.00-03.00-005.000 p/o)(Krupski).

LEG. KRUPSKI:

Motion.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Motion by Legislator Krupski. Second by Legislator Schneiderman.

LEG. KENNEDY:

On the motion?

P.O. LINDSAY:

On the motion, Legislator Kennedy.

LEG. KENNEDY:

I guess to the sponsor. This is property that's presently held by the Riverhead School District that -- it's not being actively farmed, is it, Al?

LEG. KRUPSKI:

If you take a look at the map and the graph that was passed out to you, you'll see that the parcel that the school owns is in red. The parcels that have been preserved by either County or Riverhead Town funds are in green. There's almost -- this is in an area there's almost 600 -- I mean over 600 acres of preserved land in that area.

Now, the school has owned this since the 60s. It's never been used as a school property, it's always been actively farmed. And if the school put a ball yard there or, you know, some kind of playground, it would really impact the value of the agricultural land adjacent to it, because it would really affect the way you'd have to farm around something like that.

LEG. KENNEDY:

Is it the --

LEG. KRUPSKI:

Wait, let me finish.

LEG. KENNEDY:

Sure.

LEG. KRUPSKI:

If the school sold it as-of-right, you could put roughly 12 homes on it and that would really, really degrade the value of the agricultural land around it. So when you look at economic development, you know, you look at the County as a whole, you look at Wyandanch Rising or you look at the Ronkonkoma Hub and all those other things, you look at farmland on the East End as an industry, this is very important when you look at this parcel in context with the surrounding farmland.

LEG. KENNEDY:

I don't disagree with you. As a matter of fact, I think from that perspective, you're quite correct. It's an industry that's as important as anything we talk about right here in the Hauppauge Industrial Park. I don't disagree with that at all. I'm just trying to understand the graph, I guess. I was going to ask if there's any spread over? I see there's -- it's equestrian to the -- I don't know what you would call that, south?

LEG. KRUPSKI:

South.

LEG. KENNEDY:

Okay. What does it mean, "Vines on the Top"; is that a winery?

LEG. KRUPSKI:

Grapes. It's not a winery, it's a vineyard, an active vineyard, but there's no winery associated with it.

LEG. KENNEDY:

Just the --

LEG. KRUPSKI:

Just the vines.

LEG. KENNEDY:

The arbors, okay.

LEG. KRUPSKI:

Don't forget, that's today. You know, once that land's preserved, in 50 years it's going to be something else and in a hundred years it could be something else.

LEG. KENNEDY:

What is the amount of money that's involved? We often hear around this horseshoe talk about, from a policy perspective, acquiring property from another municipal entity, and there's been a lot of discussion, you know, at different times. I'm not necessarily opposed to it, I'm just curious what's the amount at stake here?

LEG. KRUPSKI:

I think it's around 1.2 million total.

MR. NOLAN:

One point three five.

LEG. KENNEDY:

One point three five? And if the school was to offer it out there, what would they -- what would they market the property for, what would it realize? Ballpark.

LEG. KRUPSKI:

I don't know.

LEG. CILMI:

Twenty-five acres.

LEG. KENNEDY:

Is it buildable? I mean, is it zoned buildable?

LEG. KRUPSKI:

Oh, yes. Yeah, it's -- you know, it doesn't have any restrictions on it that I know, and I think maybe Director Lansdale could add to that.

LEG. KENNEDY:

Through the Chair, could we have Sarah talk to us, Bill?

MS. LANSDALE:

Hello.

LEG. KENNEDY:

Hi. How are you, Sarah.

MS. LANSDALE:

Good. The property is zoned in the APZ District, the Agricultural Protection Zone, which has a minimum lot size of 80,000 square feet.

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LEG. KENNEDY:

So that would be two acres, so we have 25 acres, so it would throw 12 lots? Okay. All right. So the agricultural rights are less than what the district would take otherwise. Okay. Thank you.

LEG. MONTANO:

I have a question.

LEG. KENNEDY:

Thank you.

P.O. LINDSAY:

Yeah, Legislator Montano.

LEG. MONTANO:

Hi, Sarah. A quick question, or maybe Legislator Krupski. I'm looking at the map and you said that the green surrounding the red has already been preserved.

LEG. KRUPSKI:

(Nodded).

LEG. MONTANO:

It looks to me like the red is landlocked; am I missing something here?

LEG. KRUPSKI:

Yes.

LEG. MONTANO:

How do you access it?

LEG. KRUPSKI:

Yes, the road goes north/south. The road's right adjacent to it.

LEG. MONTANO:

Which road?

MS. LANSDALE:

Tuthill Lane.

LEG. MONTANO:

Yeah, this -- but it looks like the green part -- oh, so the road itself is a road that's accessible. So it really shouldn't be in green.

LEG. KRUPSKI:

Right, that's right.

LEG. MONTANO:

Okay. That's what --

LEG. KRUPSKI:

We'll work on the graphics next time.

*(*Laughter*)*

LEG. CALARCO:

No more outside the lines.

LEG. MONTANO:

I'm going to get you some other crayons here (*laughter*). No, I thought -- the way I looked at this graph, it looked like there's no access to the property.

LEG. KRUPSKI:

No, it's a regular road.

LEG. MONTANO:

Okay, gotcha.

P.O. LINDSAY:

Yes, Legislator Spencer.

LEG. SPENCER:

Sarah, if it's in the Agricultural Protection Zone, doesn't that already prevent it from being developed?

MS. LANSDALE:

Not necessarily. In fact, I just -- the -- no, development could still occur on that property.

LEG. SPENCER:

Am I -- is that the same process we go through last year where -- no, that's a different protection.

MS. LANSDALE:

Yes, that's -- the process that you're referring to, Legislator Spencer, is the New York State Agricultural Districts Process, which is different than the Agricultural Protection Zone which is a local town function.

LEG. SPENCER:

Okay. Thank you.

P.O. LINDSAY:

My question, do we have the money to buy this?

MS. LANSDALE:

We do. There are funds. This has been accounted for in the money that I -- the balance that I report out to the members of the EPA Committee, so this funding has already been allocated and accounted for.

P.O. LINDSAY:

And Legislator Krupski, I believe this property has been before us before.

LEG. KRUPSKI:

It has.

P.O. LINDSAY:

And the prior County Executive has always rejected it because it was municipally owned.

LEG. KRUPSKI:

True.

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P.O. LINDSAY:

Who farms it now? Itinerate farmers or --

LEG. KRUPSKI:

No, right now it's a sod farmer.

P.O. LINDSAY:

A sod farmer leases it.

LEG. KRUPSKI:

Yes, from the school. The school has always leased it. It had been in vegetables and now it's in sod.

P.O. LINDSAY:

Okay.

LEG. KRUPSKI:

You know it's all wide open.

P.O. LINDSAY:

Okay.

D.P.O. HORSLEY:

So we'd get that money now?

P.O. LINDSAY:

No.

D.P.O. HORSLEY:

For the rent?

P.O. LINDSAY:

No.

D.P.O. HORSLEY:

From the school farmer.

LEG. KRUPSKI:

The school would own it -- no, no, no, we're not buying fee title.

D.P.O. HORSLEY:

Okay. All right.

LEG. KRUPSKI:

This is for development rights, we would pay for the development rights from the school. Now, because it's a reduced value, the school can then sell it to a farmer who can now afford it.

D.P.O. HORSLEY:

I understand.

LEG. KRUPSKI:

The school doesn't really want to own it.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Yes. It's my understanding that the school plans on selling this.

But it does require, even for them -- even for this selling of the development rights on this piece, the school has to hold a referendum, which is coming up, I think, later this month, I think it might be next week or so. So it has to be approved by the school district to actually sell this. So if that's not approved, this can't move forward. But I think the school does plan on selling the land eventually to a farmer.

P.O. LINDSAY:

Okay. Good. No, the school owns it now, right?

LEG. KRUPSKI:

Yes.

LEG. SCHNEIDERMAN:

Yeah, but for them to dispose of it --

P.O. LINDSAY:

But we're buying it from the school, right?

LEG. SCHNEIDERMAN:

Yes.

P.O. LINDSAY:

We're buying the development rights from the school.

LEG. KRUPSKI:

Yes.

P.O. LINDSAY:

And then the school is going to turn around and sell the remainder value of the property to a farmer?

LEG. KRUPSKI:

Yes.

P.O. LINDSAY:

Okay, now I get it. Legislator Spencer.

LEG. SPENCER:

I apologize. The same question. I really -- for me to vote on this, I need to understand this Agricultural Protection Zone; your answer was not necessarily. So I've got to understand the distinction, are we -- you know, are we going a little extra -- if it's in an Agricultural Protection Zone, that seems to indicate that it can -- there are restrictions on the development. What is an Agricultural Protection Zone and what would be -- why would this be necessary? What would be the circumstances to get around that?

MS. LANSDALE:

Sure. I just had a chance to read my notes more carefully since you raised the question.

LEG. SPENCER:

Okay.

MS. LANSDALE:

And so I misspoke previously. The current zoning on the parcel is Residence A-80, which is still the 80,000 square foot minimum lot which is two acres. And then there's an overlay that the Town of Riverhead designated, which their goal is -- the overlay is the Agricultural Protection Zone. But residential -- but the underlying zoning for the parcel is still, it's residentially-zoned right now.

LEG. SPENCER:

But if the overlay is -- but so if the overlay is this protection zone, wouldn't you have to go through some sort of zoning process or get some exemption to get past that overlay?

MS. LANSDALE:

What the Agricultural Protection Zone allows for is the transfer of development rights, so that you could transfer the development rights off of this parcel and send it to a receiving area in another part of the town, and that's how you could protect the land. That's another way of --

LEG. SPENCER:

Okay. I'm a little happier now. Thank you.

P.O. LINDSAY:

Okay. Anybody else? Okay. Mr. Clerk, we have a motion and a second --

MR. LAUBE:

That's correct.

P.O. LINDSAY:

-- on this bill before us? Another question? Okay. All in favor? Opposed? Abstentions?

D.P.O. HORSLEY:

Congratulations.

MR. LAUBE:

Eighteen.

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

P.O. LINDSAY:

Okay. Next up, **1281 - To appoint a member of the Suffolk County Planning Commission (J. Edward Shillingburg) (County Executive).**

LEG. GREGORY:

Motion.

P.O. LINDSAY:

Motion by Legislator Gregory. Do I have a second?

LEG. D'AMARO:

Second.

LEG. MURATORE:

Second.

P.O. LINDSAY:

Second by Legislator Muratore.

LEG. KENNEDY:

On the motion.

P.O. LINDSAY:

Legislator Hahn, did he come before the committee? Legislator Hahn?

D.P.O. HORSLEY:

Shillingburg.

LEG. HAHN:

Yeah.

P.O. LINDSAY:

Yes, he did.

LEG. HAHN:

Yes, he did.

P.O. LINDSAY:

Okay. Okay. Yes, he did.

LEG. KENNEDY:

On the motion, Mr. Chair.

P.O. LINDSAY:

On the motion, Legislator Kennedy.

LEG. KENNEDY:

I guess either to Legislator Hahn or to Counsel. What appointment is this? Is this a Town appointment, a Village appointment? Is he at large? What spot is he filling?

LEG. HAHN:

Town I believe.

D.P.O. HORSLEY:

Shelter Island.

LEG. HAHN:

Shelter Island.

LEG. KENNEDY:

Is it a Shelter Island appointment?

D.P.O. HORSLEY:

He's willing to come to the meetings from Shelter Island (*Laughter*).

LEG. KENNEDY:

Well, if he's good enough for those two guys, he's good enough for me.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

LEG. SCHNEIDERMAN:

Tim, cosponsor.

P.O. LINDSAY:

Okay. *IR 1355- Establishing the South Shore Coastal Protection Task Force (Calarco).*

LEG. CALARCO:

Motion.

P.O. LINDSAY:

Motion by Legislator Calarco.

LEG. CILMI:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

1360 - Accepting and appropriating \$50,000 in grant funding from the New York State Department of Agriculture and Markets to update to the Suffolk County Agricultural and Farmland Protection Plan (County Executive). Do I have a motion? Anybody from Environment?

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman. Do I have a second?

LEG. STERN:

Second.

P.O. LINDSAY:

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

LEG. KRUPSKI:

Recused.

MR. LAUBE:

Seventeen (Recused: Legislator Krupski).

Government Operations, Personnel, Housing & Consumer Protection

P.O. LINDSAY:

Okay. *1290 - Approving the naming of the Vanderbilt Museum Planetarium (Presiding Officer Lindsay)*. I'll make the motion.

LEG. SPENCER:

Second.

P.O. LINDSAY:

Second by Legislator Spencer.

LEG. SCHNEIDERMAN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Schneiderman.

LEG. SCHNEIDERMAN:

You know, I certainly recognize the great generosity of the donor here, and I think this is a nice gesture. I don't think the donor is asking for the planetarium to be named after him. I'm just concerned. We've spent a long time branding this facility, we've spent a lot of money on this facility, I think three million dollars recently on the projector. And everybody knows it as the Vanderbilt Planetarium. They don't know it as the -- what is it, the Reichert Planetarium? So I'm just a little bit concerned. I mean, I don't want to discourage people from being, you know, philanthropic here, but I just want to make sure we're not hurting ourselves in the long run by suddenly people -- as we start advertising the Reichert Planetarium, nobody knows what that is. They know what the Vanderbilt Planetarium is.

P.O. LINDSAY:

I think --

LEG. SCHNEIDERMAN:

We didn't actively sell the naming rights here, which is something we've done, you know, with Ducks Stadium.

LEG. SPENCER:

Locally, though, it's really the Vanderbilt Museum, and they offer -- it's still -- the complex is still the Vanderbilt, and you've got the old Vanderbilt home that's there. And so, as far as most of the people are concerned locally who come looking, you know, all the signs are Vanderbilt Museum, and so this is just naming that specific building. And it's a lot of money that -- you know, I think that allows them to increase their endowment. These are people that have been involved in the whole process. And so that's -- so you're not really taking that branding away. It's really known more as the Vanderbilt Museum.

LEG. SCHNEIDERMAN:

If we market it as the Reichert Planetarium at the Vanderbilt Museum, kind of kept the two connected, that might help.

LEG. SPENCER:

They will. The Vanderbilt name will still be there, is my understanding.

P.O. LINDSAY:

Legislator Krupski, did you want to say something?

LEG. KRUPSKI:

You know, I would like to support this. I mean, the Reicherts have been so generous, you know, from the Vanderbilt Museum all the way to Southold. And, you know, I don't think it's unfair to give them some naming recognition there, because they're helping -- they've been helping communities for a long time. I don't see anything wrong with it.

LEG. SPENCER:

But we'll pass the concerns. I apologize.

P.O. LINDSAY:

There's nothing, I mean, wrong with it. In all the years that I've been sitting here, there's been nothing but complaints about this Legislature about the Vanderbilt bleeding money. And we went through a whole process where we went through Directors and came up with a whole host of ideas on how to get this place to kind of pay for itself, and here we got some money. What are we going to do, throw it back at them?

LEG. SCHNEIDERMAN:

No, that's not what I'm suggesting, and as I prefaced my remarks by saying how, you know, grateful I am for this donation. I just -- it was just a thought to make sure that by changing the name, we weren't hurting our marketing with the schools. But, you know, I certainly want to support, you know, the generosity. And if we can throw the name Vanderbilt in when we're marketing it, I think we can overcome that concern.

LEG. CILMI:

Through the Chair.

P.O. LINDSAY:

Yeah, Legislator Cilmi.

LEG. CILMI:

You know, through the Chair to Legislator Schneiderman's concern, I don't think there's anything that would require us to market the facility as anything but the Vanderbilt. I mean, we may be naming it -- there may be a name on the building or inside, dedicate whatever, but we don't have to market it as anything other than the Vanderbilt.

LEG. HAHN:

I'm sure that would be --

LEG. CILMI:

You know, we have Ronald Reagan Way in East Islip, but --

LEG. HAHN:

I'm sure there's a contract.

LEG. CILMI:

-- you all know it as Union Boulevard.

LEG. HAHN:

I'm sure there's a contract that states what we have to do.

LEG. SCHNEIDERMAN:

And remember, too, and obviously this man is very generous, but so are the Suffolk County taxpayers. I mean, three million dollars just on the projector is a lot of money, so still, it's a Suffolk -- Suffolk County has got to be in that name, too.

P.O. LINDSAY:

Okay. But we're taking the money, right?

LEG. SCHNEIDERMAN:

Yes.

P.O. LINDSAY:

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

LEG. SPENCER:

Cosponsor, please.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Legislator Nowick.

LEG. NOWICK:

Just as an aside, you can't see that sign anyway on 25A, it wouldn't matter what it was named.

*(*Laughter*)*

P.O. LINDSAY:

Okay, Legislator Nowick.

1329- To approve the lease of one (1) replacement fifteen (15) passenger van in the Suffolk County Department of Labor, Licensing and Consumer Affairs in compliance with Local Law No. 20-2003 (County Executive). Do I have a motion?

LEG. CALARCO:

Motion.

P.O. LINDSAY:

Motion by Legislator Calarco.

LEG. BROWNING:

Second.

P.O. LINDSAY:

Who got the second?

LEG. BROWNING:

(Raised hand).

P.O. LINDSAY:

Legislator Browning. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

Health

P.O. LINDSAY:

1317- Declaring June 6th as "Transverse Myelitis Awareness Day" in Suffolk County (Spencer).

LEG. SPENCER:

Motion.

P.O. LINDSAY:

Thank you, Doc. Motion; I'll second it, as long as I don't have to repeat it.

*(*Laughter*)*

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1333- Authorizing the transfer of deer collars to Cornell University Cooperative Extension of Suffolk County (County Executive).

D.P.O. HORSLEY:

We have them, huh?

P.O. LINDSAY:

Does anybody want some?

LEG. SCHNEIDERMAN:

Motion.

LEG. BROWNING:

I'll second that.

P.O. LINDSAY:

Okay. We have a motion by Legislator Schneiderman and a second by Legislator Browning. Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

LEG. KRUPSKI:

Abstain.

MR. LAUBE:

Seventeen (Abstention: Legislator Krupski).

P.O. LINDSAY:

1346 - To appoint member of the Food Policy Council of Suffolk County, John T. Woods (Hahn). Legislator Hahn.

LEG. HAHN:

Motion.

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Hahn, second by Legislator Browning. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

I'm going to divert from my normal course of business here. We have a bond on 1365A, and I'm going to ask Counsel to explain it.

MR. NOLAN:

This is the resolution we approved earlier for the health center out east. There's a bond with it. We got a little bit late, so we just need to take a roll call on this bond, 1365A.

P.O. LINDSAY:

Mr. Clerk, you have who the sponsors were of 1365?

MR. LAUBE:

Yeah. Just give me a second, I'll dig it out.

P.O. LINDSAY:

I'll give you a minute.

MR. LAUBE:

Legislator Schneiderman and Lindsay.

P.O. LINDSAY:

Okay. We have a motion and a second on the Bond, *1365A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$4,736,036 bonds to finance the cost of improvements and modifications to Health Centers (CP 4082.110 and .310).*

On the question, anyone? Seeing none, roll call.

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

LEG. SCHNEIDERMAN:

Yes.

P.O. LINDSAY:

Yes.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Oh, no.

MR. LAUBE:

No?

LEG. BROWNING:

Sorry. Which one was this? Oh, no, no. Abstain. Abstain.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Abstain.

LEG. NOWICK:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. HORSLEY:

Yes.

MR. LAUBE:

Sixteen (Abstention: Legislators Browning & Kennedy).

LEG. SCHNEIDERMAN:

Mr. Presiding Officer, since we have our Commissioner of Veterans Affairs here, maybe we could take the two Veterans Affairs bills so he can go home. It's all the way down the agenda on Page 12. So I'd make a motion to take 1301 out of order.

LEG. HAHN:

Second.

LEG. KRUPSKI:

Second.

P.O. LINDSAY:

Okay. We have a motion by Legislator Schneiderman to take 1301 out of the order; it's seconded by Legislator Hahn. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1301 is before us.

Veterans & Seniors

1301 is Conducting a study to determine the feasibility of establishing Community Emergency Support Centers at veterans support organization sites in Suffolk County (Horsley).

D.P.O. HORSLEY:

Motion.

P.O. LINDSAY:

And the motion is by Legislator Horsley.

LEG. MURATORE:

Second.

LEG. STERN:

Second.

P.O. LINDSAY:

Seconded by Legislator Stern.

LEG. KENNEDY:

Who's doing the study?

P.O. LINDSAY:

I don't know. Why don't you ask Mr. Ronayne?

MR. RONAYNE:

That would be conducted jointly between my office and FRES.

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LEG. KENNEDY:

And no problem, you guys have the ability to work it out?

MR. RONAYNE:

I've met with Commissioner Williams, I've met with Legislator Horsley. We're all fine with this.

LEG. KENNEDY:

Great. Thank you.

P.O. LINDSAY:

Any other questions on it? Okay. We have a motion and a second. All in favor? Opposed? Abstentions.

LEG. SCHNEIDERMAN:

Cosponsor.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay.

LEG. STERN:

Mr. Presiding Officer.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

LEG. STERN:

If I may, 1366 might also require a commentary from the Director, since he's here.

P.O. LINDSAY:

Yeah, I was just -- I was just going there. So you want to make a motion to take 1366 out of order?

LEG. STERN:

I'll make the motion.

LEG. KRUPSKI:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1366 is before us.

And *1366 is authorizing the County Executive to execute an Intermunicipal Agreement with the Town of Brookhaven and accepting funds associated with the cost of part-time assignments of a Veterans Services Officer in the Town (County Executive).*

LEG. KENNEDY:

Motion.

LEG. KRUPSKI:

Second.

P.O. LINDSAY:

Motion by Legislator Kennedy, second by Legislator Muratore.
You want to comment on this, Mr. Ronayne?

MR. RONAYNE:

We were actually very excited about this. I think that this is an outstanding example of innovative government, smart government, where we are looking at ways of partnering with other municipalities within the County to deliver, in this case, enhanced services to the veterans in the Town of Brookhaven at what will ultimately be a reduced cost.

P.O. LINDSAY:

Questions, Legislator Cilmi?

LEG. CILMI:

Hey, Tom. Is this a -- is this something that you anticipate or envision being a model for, you know, exploration in other parts of the County as well?

MR. RONAYNE:

I can only hope. Right now, we're working with the Town of Brookhaven. We believe that the size and the population within Brookhaven, the number of veterans residing there allow this to be an ideal place to test such an agreement going forward. If we are successful at the level that we believe that we will be, then perhaps that's a conversation we should have down the road.

LEG. CILMI:

All right. Thank you.

P.O. LINDSAY:

Okay. Yes, Legislator Anker.

LEG. ANKER:

Again, I think it's a great idea, because, again, we're combining services, you know, government services, and there are so many that are in need, you know, in need of help.

I just wanted to mention, though, that John Rago, is that who's currently working with the Town right now?

MR. RONAYNE:

Mr. Rago, John Rago.

LEG. ANKER:

Rago. He really is wonderful. I went to a couple of his Veteran Chats and -- but I understand he doesn't have the credentials for helping the vets with benefits; is that the situation?

MR. RONAYNE:

That's correct. One of the reasons that we went beyond the discussion phase of this understanding was that the service officer working for Town of Brookhaven right now does not have the appropriate credentials or accreditations that allow him to represent veterans at the level that we do in Suffolk County, and that's really a matter of trainings. It's a process that would not be able to be undertaken by Brookhaven in the short term.

LEG. ANKER:

I just wanted to put a good word in for him, because I appreciate his groups. You know, he would have veterans from all over the -- you know all over the County and different wars, and I got to listen to their stories. And he has a lot of valuable experience. But, again, thank you for all of your work. Thank you.

MR. RONAYNE:

Thank you.

P.O. LINDSAY:

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

LEG. KRUPSKI:

Cosponsor.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. Do you have any other business with us?

MR. RONAYNE:

No. Thank you, Mr. Presiding Officer.

P.O. LINDSAY:

You're welcome.

LEG. CILMI:

You're welcome to stay if you want.

*(*Laughter*)*

MR. RONAYNE:

Thank you. You're always so kind.

P.O. LINDSAY:

Okay. Go back to Page 11, 1036.

Human Services

(1036-13) Advancing and improving Patient Advocacy Services in the County of Suffolk (Browning).

LEG. BROWNING:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Browning?

MR. NOLAN:

Yup.

LEG. MURATORE:

Second.

P.O. LINDSAY:

Second by Legislator Muratore. On the question?

LEG. CILMI:

Yeah, I guess I have a question.

P.O. LINDSAY:

Yeah, Legislator Cilmi has a question.

LEG. CILMI:

Fiscal impact, Budget Review, of this?

MR. LIPP:

I'm sorry. Could you -- I was distracted.

LEG. CILMI:

I'm sorry. We're on I.R. 1036, which deals with patient advocacy services in the County of Suffolk. I was wondering about fiscal impact. Are they -- they're in the budget now? I'm hearing some banter.

MR. LIPP:

Yes, they're included in the 2013 Operating Budget.

LEG. CILMI:

Okay.

MR. LIPP:

So there's no impact on this year.

LEG. CILMI:

Okay. Thank you.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

Parks & Recreation

P.O. LINDSAY:

1259 - Authorizing use of Southaven County Park for the Kara's Hope 5K Run/Walk (Browning).

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning.

LEG. MURATORE:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1310 - Authorizing a Concession Agreement at the Vanderbilt Museum (Presiding Officer Lindsay). I'll make the motion to table.

LEG. SPENCER:

Second.

P.O. LINDSAY:

Yeah. And seconded by Legislator Spencer. There's some problems with the contractor we want to take another look at.

LEG. MONTANO:

Was it executed?

P.O. LINDSAY:

No, it wasn't executed.

LEG. MONTANO:

I think we should table it.

P.O. LINDSAY:

Huh?

LEG. MONTANO:

We should table it.

LEG. CILMI:

On the motion.

P.O. LINDSAY:

On the motion to table?

LEG. CILMI:

Yeah. What sort of --

P.O. LINDSAY:

I'm not --

LEG. CILMI:

Okay.

P.O. LINDSAY:

I'm not prepared to talk about it right at this moment.

LEG. MONTANO:

It's not executed.

LEG. CILMI:

Never mind.

P.O. LINDSAY:

Okay. So we have a motion and a second to table. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1311 - Designating a "Safe Boating Week" in Suffolk County (Stern). Legislator Stern?

LEG. STERN:

Yeah, motion to approve.

P.O. LINDSAY:

Motion to approve. Do I have a second.

LEG. SPENCER:

Second.

P.O. LINDSAY:

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

LEG. CILMI:

Second.

LEG. SPENCER:

Cosponsor.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1315-13 - Establishing a "Discover Suffolk County Parks Day" (on June 27, 2013) (Schneiderman). Legislator Schneiderman?

LEG. SCHNEIDERMAN:

This is -- we're doing by CN, right?

P.O. LINDSAY:

I don't know; are we?

LEG. CILMI:

Why is it on the agenda?

P.O. LINDSAY:

Okay.

MR. NOLAN:

It must have been amended.

P.O. LINDSAY:

Okay.

LEG. SCHNEIDERMAN:

Okay. So we're going to --

P.O. LINDSAY:

Tom, we've got a CN coming with this?

MR. VAUGHN:

It's actually already in your packet, sir.

P.O. LINDSAY:

Okay. So we'll skip it.

(The following testimony was taken by Lucia Braaten - Court Reporter & transcribed by Kim Castiglione - Legislative Secretary)

1320-13 - Authorizing use of Cedar Beach County Park by Event Power for its Mighty North Fork Triathlon Fundraiser (County Executive).

LEG. KRUPSKI:

Motion.

P.O. LINDSAY:

Motion by Legislator Krupski.

LEG. SPENCER:

Second.

P.O. LINDSAY:

Do I have a second?

LEG. BROWNING:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1321-13 - Authorizing use of Blydenburgh County Park and showmobile by the Cystic Fibrosis Foundation for its Great Strides Walkathon (County Executive).

LEG. KENNEDY:

Motion.

LEG. NOWICK:

Second.

P.O. LINDSAY:

Motion by Legislator Kennedy, seconded by Legislator Nowick. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1322-13 - Authorizing use of Cathedral Pines County Park by the League for Animal Protection of Huntington for its "Ride Laps For L.A.P." Fundraiser (County Executive).

LEG. SPENCER:

Motion.

P.O. LINDSAY:

Motion by Legislator Spencer.

LEG. BROWNING:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1322, Authorizing the use of -- oh, 1323, excuse me. *1323-13 - Authorizing use of Blydenburgh County Park by the Care Center for its Annual Walkathon Fundraiser (County Executive).*

LEG. KENNEDY:

Motion.

LEG. NOWICK:

Second.

P.O. LINDSAY:

Motion by Legislator Kennedy, second by Legislator Nowick. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1336-13 - Authorizing use of Meschutt County Park by the Suffolk Bicycle Riders Association for its Bicycle Rally Fundraiser(County Executive). Do I have a motion?

LEG. CALARCO:

Motion.

P.O. LINDSAY:

Motion by Legislator Calarco. I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

Public Safety

D.P.O. HORSLEY:

Okay. *1248-13 - Clarifying rules for distribution of public safety revenue sharing monies to towns and villages (Schneiderman).* Legislator Schneiderman?

LEG. SCHNEIDERMAN:

Motion to approve.

D.P.O. HORSLEY:

The motion is to approve. I'm sorry, where did the second come from?

LEG. SPENCER:

Right here.

D.P.O. HORSLEY:

Okay. Legislator Spencer seconds the motion. Anything on the motion? All those in favor? Opposed?

LEG. CILMI:

Opposed.

LEG. BARRAGA:

Opposed.

LEG. KENNEDY:

Opposed.

MR. LAUBE:

Fifteen.

LEG. KRUPSKI:

Cosponsor.

LEG. SPENCER:

Cosponsor.

D.P.O. HORSLEY:

Okay. The motion passes.

D.P.O. HORSLEY:

We've done 1318, correct? 1318A, 1319, 1319A.

Now we're down to **1342-13 - Accepting and appropriating 75% Federal pass-through grant funds from the NYS Office of Emergency Management to the Suffolk County Department of Fire, Rescue, and Emergency Services for a Pre-Disaster Mitigation (PDM) Planning Grant to update the existing Pre-Disaster Mitigation Plan and to execute related agreements (County Executive)**. Do we have a motion? Motion by Legislator Anker.

LEG. HAHN:

Second.

P.O. LINDSAY:

Second by Legislator Cilmi. On the motion, everybody good? All those in favor? Opposed? So moved.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

Thank you.

Page 12, **1353-13- Accepting the asset transfer of inventory of furniture, fixtures, equipment, materials, supplies and vehicles purchased under Probation Contracts for the American Red Cross Community Service Program and appropriating such inventory to the Suffolk County Department of Probation and authorizing the County Executive to execute related agreements (County Executive)**. Do we have a motion? I'll make a motion to approve. Is there a second on the motion?

LEG. ANKER:

(Raised hand)

D.P.O. HORSLEY:

Second by Legislator Anker. On the motion, everybody good? All those in favor? Opposed? So moved.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

Thank you.

Public Works

1027-13, this is under Public Works and Transportation, **Directing the Department of Public Works to study the S62 and 5A Bus Routes (Anker)**.

LEG. ANKER:

Motion.

D.P.O. HORSLEY:

Legislator Anker makes the motion to approve. Legislator Schneiderman, do you want to second the motion?

LEG. SCHNEIDERMAN:

Second.

D.P.O. HORSLEY:

Seconds the motion by Legislator Schneiderman. On the motion, everybody good? All those in favor? Opposed?

LEG. BARRAGA:

Opposed.

D.P.O. HORSLEY:

So moved.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

1173-13 - Adopting Local Law No. -2013, A Local Law to ensure adequate ferry service (Calarco).

LEG. BARRAGA:

(Raised hand)

P.O. LINDSAY:

Legislator Calarco makes the motion. Second by Legislator Anker. On the motion, everybody good? All those in favor? Opposed? So moved.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

1293-13 - Amending the 2013 Capital Budget and Program and appropriating funds in connection with development of a Village Square at the intersection of CR 80 and CR 46, Shirley (CP 6421)(County Executive).

LEG. BROWNING:

Motion to approve.

D.P.O. HORSLEY:

Legislator Browning makes the motion to approve. Second on the motion, Legislator Muratore. Everybody good? All those in favor? Opposed? So moved.

LEG. BARRAGA:

(Raised hand)

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

D.P.O. HORSLEY:

Same motion, same second, on the corresponding Bond Resolution ***(1293A Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$50,000 bonds to finance a portion of the cost of construction of a Village Square in the County right-of-way at the***

intersection of County Road 80 and County Road 46, Shirley (CP 6421.310). Roll call.

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

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. KRUPSKI:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

MR LAUBE:

Seventeen.

D.P.O. HORSLEY:

Thank you.

1295-13 - Utilizing State Funds To Expand Bus Service In Suffolk County (Schneiderman).

Legislator Schneiderman?

LEG. SCHNEIDERMAN:

Motion to approve.

D.P.O. HORSLEY:

Motion is to approve. There's a second on the motion by Legislator Muratore. On the motion, everybody good? All those in favor? Opposed? So moved.

LEG. HAHN:

Recuse.

MR. LAUBE:

Seventeen.

D.P.O. HORSLEY:

Recusal by Legislator Hahn.

LEG. GREGORY:

Tim, cosponsor.

D.P.O. HORSLEY:

Okay? We got it? All set?

MR. LAUBE:

Seventeen (Recused: Legislator Hahn).

D.P.O. HORSLEY:

Thank you. Resolution ***1303-13 - Resolution amending Bond Resolution No. 1136-2012, adopted on December 4, 2012, relating to the authorization of the issuance of \$500,000 bonds to finance the cost of construction of improvements to Suffolk County Sewer District No. 10 – Stony Brook (CP 8175.314) (County Executive).***

LEG. HAHN:

Is Gil here?

D.P.O. HORSLEY:

Yes, he is. You want to make -- would you like a motion first?

LEG. HAHN:

Yeah. Somebody can make a motion then.

D.P.O. HORSLEY:

Okay. I'll make a motion to approve, second by Legislator Calarco. On the motion, Gil. Legislator Hahn.

LEG. HAHN:

Gil, quick question. I just want to make sure that we're not going to be doing any leaching in that P section area.

COMMISSIONER ANDERSON:

Absolutely not.

LEG. HAHN:

Thank you.

D.P.O. HORSLEY:

Anything else on the motion? We have a motion to approve and seconded. All those in favor? Opposed? So moved.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

1324-13 - Authorizing connection of Holiday Mid-Rise Tower (IS-1451) to Suffolk County Sewer District No. 13 – Windwatch (County Executive). Anyone? Good? I'll make the motion to approve. Is there a second on the motion?

LEG. SPENCER:

Second.

D.P.O. HORSLEY:

Second by Legislator Spencer.

LEG. KENNEDY:

On the motion.

D.P.O. HORSLEY:

On the motion, Legislator Kennedy.

LEG. KENNEDY:

Okay. We've talked about this one for a long time, Gil. I think the capacity for this one, this is Mr. Monter's tower there I guess, and their wanting to lockup, I guess, whatever the connection is. I just want to be very certain that we still have the capacity in 13 for Spring Meadow, which is connecting now, and Town House Village that we have the potential to connect?

COMMISSIONER ANDERSON:

Yes, sir.

LEG. KENNEDY:

Got it all covered? Great. Okay.

D.P.O. HORSLEY:

Anyone else?

P.O. LINDSAY:

Yeah.

D.P.O. HORSLEY:

Legislator Lindsay.

P.O. LINDSAY:

Maybe to Legislator Kennedy. Is Monter doing it at the old rate or the new rate?

LEG. KENNEDY:

This connection, I mean, this initial approval under the Sewer Agency goes -- it predates me, Billy. I mean, this was something -- so it must be at \$15 a gallon, I've got to believe, sure.

COMMISSIONER ANDERSON:

It's at the old rate.

P.O. LINDSAY:

Okay. Thank you.

D.P.O. HORSLEY:

Okay. That being the case, everybody all right? Okay. We have a motion to approve and seconded. All those in favor? Opposed? So moved.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

Very good. 1325 we've already done. ***1326-13 - Amending the authorization of the execution of agreement by the Administrative Head of SCSD No. 3 – Southwest with Deer Park, LLC (BA-1633)(County Executive).***

LEG. D'AMARO:

Motion.

D.P.O. HORSLEY:

Motion by Legislator D'Amaro. Seconded by Legislator Stern?

LEG. STERN:

(Nodded)

D.P.O. HORSLEY:

On the motion, everybody's all right? We have a motion to approve. All those in favor? Opposed? So moved.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

Thank you.

1330-13 - Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 3 Southwest and Karp Associates (HU-1644) (County Executive).

We have a motion? I'll make a motion to approve. Is there a second on the motion?

LEG. D'AMARO:

Second.

D.P.O. HORSLEY:

Second by Legislator D'Amaro. On the motion, everybody's good? All those in favor? Opposed? So moved.

MR. LAUBE:

Eighteen.

D.P.O. HORSLEY:

All right, we've done 1301 and 1366.

Ways & Means

We're now down to Ways and Means, **1262-13 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 A.B. of Sayville, Ltd. (SCTM No. 0200-234.00-03.00-030.000) (County Executive).**

LEG. D'AMARO:

Motion.

D.P.O. HORSLEY:

Legislator D'Amaro makes the motion. Is there a second on the motion?

P.O. LINDSAY:

I'll second.

D.P.O. HORSLEY:

Second by Legislator Lindsay. On the motion, everybody's good? All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen. (Not Present: Legislator Montano)

D.P.O. HORSLEY:

1263-13 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 A.B. of Sayville, Ltd. (SCTM NO. 0200-234.00-03.00-018.000) (County Executive). Same motion, same second? Okay. All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen. (Not Present: Legislator Montano)

D.P.O. HORSLEY:

1264, we're now on page 13, **Sale of County-owned real estate pursuant to Local Law No. 13-1976 A.B. of Sayville, Ltd. (SCTM No. 0200-235.00-01.00-007.000) (County Executive).**

Can I go with same motion, same second?

LEG. CILMI:

Same vote.

D.P.O. HORSLEY:

Same motion, same second. All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen. (Not Present: Legislator Montano)

D.P.O. HORSLEY:

Thank you.

1265-13 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Brookhaven (SCTM No. 0200-371.00-08.00-001.000) (County Executive).

LEG. CALARCO:

Motion.

D.P.O. HORSLEY:

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

LEG. BROWNING:

(Raised hand)

D.P.O. HORSLEY:

Second by Legislator Browning. All those in favor? Opposed? So moved. It has been approved.

MR. LAUBE:

Seventeen. (Not Present: Legislator Montano)

D.P.O. HORSLEY:

1266-13 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 A.B. of Sayville, Ltd. (SCTM No. 0200-213.00-03.00-031.000) (County Executive). How about Legislator D'Amato and Legislator Lindsay on the motion?

LEG. D'AMARO:

So moved.

D.P.O. HORSLEY:

Okay. Everyone okay? All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen. (Not Present: Legislator Montano)

D.P.O. HORSLEY:

Thank you.

1267-13 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 A.B. of Sayville, Ltd. (SCTM No. 0200-234.00-03.00-007.000) (County Executive). Same motion, same second. Anything on the motion? All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen. (Not Present: Legislator Montano)

D.P.O. HORSLEY:

1331-13 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Smithtown (SCTM No. 0800-114.00-03.00-030.000) (County Executive). Anybody?

LEG. KENNEDY:

Motion.

LEG. NOWICK:

Motion.

D.P.O. HORSLEY:

By Legislator Nowick, second by Legislator Kennedy. On the motion, everybody's good? All those in favor? Opposed? So moved. It has been approved.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. In the manilla folder there's *Procedural Resolution No. 8 of 2013 - 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 (Kennedy).*

LEG. KENNEDY:

I will make a motion, Mr. Chair.

P.O. LINDSAY:

Make a motion to buy a cemetery.

LEG. KENNEDY:

Expand a cemetery. Well, you know.

P.O. LINDSAY:

Seconded by Legislator Nowick.

LEG. KENNEDY:

Need more room.

P.O. LINDSAY:

Anybody on the question? Anybody want to reserve a plot? Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. Next, we go to *Procedural Motion No. 10-2013 - Setting public hearings for the proposed consolidation of the Riverhead and East Hampton Health Centers and the operation of a Single FQHC Health Center on the Southampton Hospital Campus by Hudson River Healthcare, Inc. (Presiding Officer Lindsay).* Do I have a motion?

LEG. KRUPSKI:

(Raised hand)

P.O. LINDSAY:

Motion by Legislator Krupski, seconded by Legislator Schneiderman. On the question? Okay. All in favor? Opposed? Somebody had a question.

LEG. KENNEDY:

I did.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

George, what is this?

MR. NOLAN:

These are the Hibberd hearings on the FQHC.

LEG. KENNEDY:

They're authorizing the Hibberd hearings?

MR. NOLAN:

These are the two public hearings, yes.

LEG. KENNEDY:

And then -- well, these are the Exec's two Hibberd hearings.

MR. NOLAN:

No, these are ours.

LEG. KENNEDY:

These are our two Hibberd hearings. Okay, fine. All right. Thanks.

P.O. LINDSAY:

Well, it's up to the, you know -- this is --

LEG. MONTANO:

I had the wrong one, I'm sorry.

P.O. LINDSAY:

This is when they are. If anybody would like to show up I certainly would appreciate it. I know we're lining up Legislators to make sure that they're there to cover it. So -- but if anybody can help us out, let us know, all right?

LEG. MONTANO:

And there's one -- if I may, Bill. There's one in the evening.

P.O. LINDSAY:

There's one at 5:00 in Riverhead and -- no, the one in Riverhead is at 10 o'clock, and the one here is at 5:00 on two different dates, right? You have two different dates. Okay? All right. So we have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

LEG. KENNEDY:

I'm a no on this.

LEG. BROWNING:

I'm opposed, sorry.

MR. LAUBE:

Seventeen.

LEG. BROWNING:

Did you get --

MR. LAUBE:

Sixteen.

LEG. BROWNING:

I think there was more than that.

MR. LAUBE:

All right, I need to hear it.

LEG. MONTANO:

Put me as an abstention on that.

MR. LAUBE:

So I have a total of 15. **ACTUAL VOTE: Fourteen (Opposed: Legislators Kennedy & Browning - Abstention: Legislators Montano & Calarco)**

P.O. LINDSAY:

Okay. In the same folder, we have a *Home Rule Message No. 2-2013 - Requesting the New York State Legislature to amend the Public Authorities Law in relation to the Suffolk County Judicial Facilities Agency and the H. Lee Dennison Building (Assembly Bill A. 7179-2013 and Senate Bill S. 5029-2013)*. Do I have a motion? I'll make the motion.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro.

LEG. MONTANO:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Montano.

LEG. MONTANO:

I just had a couple of questions. The bill, the Home Rule -- I'm sorry, the bills in the Home Rule Message indicates the H. Lee Dennison Building and the North County Complex. Is that the entire

complex?

P.O. LINDSAY:

I believe it is. This is to explore the leaseback provisions of the buildings we have here.

LEG. MONTANO:

Is this to explore it or to do it.

P.O. LINDSAY:

No, I don't think it's to do it yet.

MR. LIPP:

I believe it's to explore it, but it probably wouldn't include the entire North Complex if for --

LEG. MONTANO:

Well, we're in the North Complex.

MR. LIPP:

Yes, but it wouldn't --

LEG. MONTANO:

What part of the North Complex?

MR. LIPP:

Right. It probably wouldn't include the entire North Complex only because the new Fourth Precinct has all new debt so therefore that probably would be excluded.

LEG. MONTANO:

Right, but that's not what the bill says. The bill says the North County Complex.

P.O. LINDSAY:

Yeah, but we wanted to ask permission to explore broader than anybody anticipated. You don't want to keep going back to the State asking for permission to do this.

LEG. MONTANO:

All right. So because this was put on, I didn't really get a chance to read the entire bill, Tom. So just explain to me, this is to explore the leaseback or is this to authorize the leaseback, and if it's to explore the leaseback, then does it come back to us?

MR. VAUGHN:

Sir, there's a couple of parts to your question there. Let me try and answer them.

LEG. MONTANO:

Yeah, I did it in three parts. You want to do it one at a time?

MR. VAUGHN:

No, because I don't think that all the questions have an answer. So let me just try and give you the response that I have.

LEG. MONTANO:

Go ahead.

MR. VAUGHN:

The reason that you got this at this date was that the bill was literally printed yesterday.

LEG. MONTANO:

Understandable. They work that way.

MR. VAUGHN:

That's why it's here now. What this -- when you say does this explore or authorize, yes, it does come back to you. What this is, is the State enabling legislation. Without this legislation we could not bring a sale leaseback of Dennison back to you. So I would argue that this is to explore it, but it's the State enabling legislation that would allow us to bring a piece of legislation to you to do the sale leaseback. So without this we could not do a sale leaseback, but this does not lock us into the sale leaseback, that will ultimately still require another vote by this Legislature.

LEG. MONTANO:

Okay. And just so I'm clear, in the budget, we authorized the sale leaseback of the Dennison Building. Did that include the North Complex?

MR. VAUGHN:

My understanding was that it did when we did the budget.

LEG. MONTANO:

All right. Just let me, if you don't mind, Counsel? Robert? Somebody?

MR. LIPP:

Okay. The budget just put a dollar number in it. It didn't say in the budget specific properties. That being said, Budget Review Office, about two years ago, had done a preliminary analysis and we never thought that the Dennison Building alone would be able to bring the 70 million, so implicitly we believe it would include more.

LEG. MONTANO:

I'm sorry. You said it implicitly what?

MR. LIPP:

Implicitly we believed it would include more than the Dennison Building.

LEG. MONTANO:

Right, but is that the way it was enunciated or spelled out in the budget we passed?

MR. LIPP:

Once again, the budget just passed a dollar number.

LEG. MONTANO:

It just said we're going to do a sale leaseback of \$70 million.

MR. LIPP:

Right.

LEG. MONTANO:

It didn't name the H. Lee Dennison Building?

MR. LIPP:

Right. The only thing that you were adopting in the budget was the dollar amount, which is the 70.

It wasn't specific location.

LEG. MONTANO:

Okay. And then the last question, if we borrow the whole, you know, enchilada, \$70 million, what are the terms and conditions and what is the payback amount?

MR. LIPP:

Okay. My understanding is we, first of all, if we do it through the JFA we'd be --

LEG. MONTANO:

Right. That's what this bill says.

MR. LIPP:

It would be cheaper than any other alternative that we have, and the way you could conceptualize it is we'd be issuing a bond or the JFA would be issuing a bond through us.

LEG. MONTANO:

Let me interrupt you, Robert. You said that the best way and the cheapest way would be the Judicial Facilities Administration. Is that the way it's spelled out in the bill or is it open-ended that it doesn't have to go through the JFA and it could be done in another fashion, through private investors or something.

MR. LIPP:

I believe, but I'm not 100% certain, that we could do it without the JFA, but it would be more expensive.

MR. NOLAN:

I think this resolution is specific, though, authorizing us to do it through the JFA.

MR. LIPP:

Correct.

LEG. MONTANO:

That's what I'm asking, are we limited to -- in this bill are we limited to the JFA.

MR. LIPP:

Correct. That would give the authority to do that and it would be the preferable way of doing it if we were going to do it.

LEG. MONTANO:

You keep saying preferable and that's where you have me confused. I'm looking for a yes or a no. Does this bill limit the refinancing or the bonding or whatever you want to call it to the Judicial Facilities Agency or is it open-ended?

MR. LIPP:

My understanding is not 100%, because I just got the bill myself.

LEG. MONTANO:

That's our problem.

MR. LIPP:

But my understanding is that what the bill does is it gives us the authority to go ahead with the JFA and do it.

LEG. MONTANO:

No, I understand that. I get that part.

MR. LIPP:

And the point is we wouldn't have to do that, but it would just give us the authority to.

P.O. LINDSAY:

Tom has the answer.

LEG. MONTANO:

Tom, you have the answer?

MR. VAUGHN:

I think that we are limited to the JFA, sir. We are amending specifically -- this is an act to amend the Public Authorities Law in relation to the Suffolk County Judicial Facilities Agency and the H. Lee Dennison Building, and then the section of law that the JFA is spelled out in, there's multiple amendments to that section, which include H. Lee Dennison and the North County Complex.

LEG. MONTANO:

All right. So we're limited -- that's the answer that I'm looking --

MR. VAUGHN:

That's my understanding.

LEG. MONTANO:

That's the answer to the question. Yes, it would be that we are limited to doing this through the Judicial Facilities Agency. Am I correct, Tom?

MR. VAUGHN:

That is my reading of the bill, correct.

LEG. MONTANO:

Okay. And then the other question I had was the payback and do we have an idea of the terms and conditions? I mean, we're going to be borrowing \$70 million, theoretically. How much are we going to be paying back in total, over how many years, and what -- you know, and what are our payments going to be if you know at today's rate? Do you have like a fiscal impact that tells us, you know, how much we're going to be paying back per year through -- and I gather we're paying this back through the Operating Budget?

MR. LIPP:

Correct.

LEG. MONTANO:

All right. So do you have a number on that? If you've had a chance to do it. Or you, Tom, do you know? I know you're not the numbers guy.

MR. VAUGHN:

I don't know whether to say thank you or say that I'm insulted.

LEG. MONTANO:

Say thank you. We'll throw it onto Robert. He just got a pay increase, I think, so he can.

MR. LIPP:

So, yes, we had done an analysis. Off the top of my head, since I haven't looked at it for a while, so I will have to double check, but it would in all likelihood be a 15 year bond.

LEG. MONTANO:

Fifteen, okay.

MR. LIPP:

Okay. And the estimate, as I could -- the best I could recall would be in the neighborhood of seven-and-a-half million or so a year, for each year.

LEG. MONTANO:

That we would be adding as debt to the Operating Budget.

MR. LIPP:

It would probably show up as lease payments, but yes.

LEG. MONTANO:

Okay. All right. Thank you, Tom.

P.O. LINDSAY:

Okay. We good? So we have a motion and a second, Mr. Clerk?

MR. LAUBE:

No.

P.O. LINDSAY:

No, we don't. I thought I made the motion.

MR. LAUBE:

Okay. I just need a second then.

LEG. D'AMARO:

I'll second.

MR. LAUBE:

Thank you.

LEG. MONTANO:

Wait a minute. Before you call the vote, Mr. Lindsay, one issue. Yeah, Tom --

MR. NOLAN:

It just means that it has to come back to the Legislature when we actually do the sale leaseback. That's what I believe that language means.

LEG. MONTANO:

Just to be clear so you don't think we had a sidebar without you knowing. Legislator Nowick pointed out that the third Whereas clause says this legislation will authorize the County at its option to utilize, so Counsel is saying that the option doesn't apply to anything other than the Judicial Facilities Agency, it applies to whether or not we choose -- we exercise the option to do it through the FH -- the JFA. Are we on the same page? Did I explain that properly?

MR. VAUGHN:

It sounds like we're on the same page, sir.

LEG. MONTANO:

Okay, good. Sorry about that.

P.O. LINDSAY:

Are we okay now?

LEG. MONTANO:

Well, I understand it.

P.O. LINDSAY:

All right. Any other questions? Okay. Did we decide we have a motion and a second?

MR. LAUBE:

Yes, we do.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

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

P.O. LINDSAY:

Okay. We're up to another *Home Rule Message, (No. 3-2013) Requesting the State of New York to amend the tax law to extend the additional one-percent sales and compensating use tax rate (Senate Bill S.5003/Assembly Bill A.7180)(County Executive)*. And if I'm not mistaken, this is the normal 1% that we have to renew every two years, right.

MR. VAUGHN:

Yes, sir.

P.O. LINDSAY:

Yeah, it's not a new tax.

MR. VAUGHN:

Not a new tax, sir.

P.O. LINDSAY:

Okay. I'll make a motion. Is there a second?

D.P.O. HORSLEY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. To the red folder, CN's:

The first one has to do with the transfer or the movement of money from one agency to another. I'm the sponsor. I make a motion. It's **1257-13**, to approve -- it's ***Adopting Local Law No. -2013, A Local Law to amend requirements for contract agency funding (Presiding Officer Lindsay)***. As you recall, our requirements had that it would be a minimum of \$5,000. This amends it one time --

MR. NOLAN:

No.

P.O. LINDSAY:

No, it doesn't, it amends it permanently?

MR. NOLAN:

What it does is we can -- the Legislature can authorize a lower amount by two-thirds vote.

P.O. LINDSAY:

Okay. So we need two-thirds vote to pass this? No.

MR. NOLAN:

No.

P.O. LINDSAY:

Okay. All right. This is just a majority vote. So is there a second bill?

MR. NOLAN:

(Inaudible).

P.O. LINDSAY:

Okay. I'll make a motion on this. Do I have --

D.P.O. HORSLEY:

(Raised hand).

P.O. LINDSAY:

Second by Legislator Horsley.

LEG. CILMI:

On the motion?

P.O. LINDSAY:

On the motion, Legislator Cilmi.

LEG. CILMI:

I just want to make sure I understand. So this, in perpetuity, creates the ability for the Legislature to override the minimum requirement by a two-thirds vote.

P.O. LINDSAY:

Right.

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MR. NOLAN:

We established a number of years ago a requirement that the contract agency funding, which is basically the not-for-profits --

LEG. CILMI:

Right.

MR. NOLAN:

They had to have a minimum amount of \$5,000.

LEG. CILMI:

Right.

MR. NOLAN:

But now a couple of years in a row we've run into situations where it was very difficult to hold to that and we wanted to fund groups for lower amounts for different reasons. So this will allow us to respond to those emergency situations by a resolution but with a super majority vote of the Legislature.

LEG. CILMI:

Is there any -- does it set any floor, George? Does it set any floor at all or --

MR. NOLAN:

No.

LEG. CILMI:

It could be really any amount, as long as we get two-thirds.

MR. NOLAN:

Yes.

LEG. CILMI:

Okay.

P.O. LINDSAY:

Did you want to say something, Legislator Montano?

LEG. MONTANO:

Yeah, very quickly. I just want to know why this needs to come in as a Certificate of Necessity.

P.O. LINDSAY:

Let me answer that. Because --

LEG. MONTANO:

Go ahead.

P.O. LINDSAY:

One of the things that this is paying for is a concert in July, so I need the money to pay the vendor.

LEG. MONTANO:

Oh, okay.

P.O. LINDSAY:

That's why I asked for the CN.

LEG. MONTANO:

And why, though, are we raising -- or are we raising the vote from a 10-vote to a 12-vote?

P.O. LINDSAY:

It's just a mechanism that we came up with that could set up a permanent mechanism that we could do this on an ongoing basis if we needed it, because it's come up a couple of times now.

LEG. MONTANO:

You mean in terms of doing it as a C of N? Because the C of N already requires 12, but --

P.O. LINDSAY:

No, but we won't have to do it as a CN moving forward. But you're absolutely right, by setting up a super majority, I don't see what we gain by doing it.

LEG. MONTANO:

Yeah, I don't -- what I'm looking at, and I looked at it quickly, it's an item that generally requires ten votes and we set the limit at 5,000, so now we're -- you know, we realize that we may have been over ambitious in saying we're going to stop it at five. But why do we need to raise the number -- did you want to answer, Lou?

LEG. D'AMARO:

Yeah, I have an answer.

LEG. MONTANO:

Go ahead. I'm ready to leave.

LEG. D'AMARO:

Through the Chair. The reason -- and I'm sure the Presiding Officer will recall, in our working groups earlier on we realized that doing -- there were a lot of \$1,000, fifteen hundred, one thousand, and it was an enormous amount of paperwork, it had to go through County Attorney and various departments had to originate the grant. So that's when we came up with a policy threshold for the 5,000.

LEG. MONTANO:

Right, I get that.

LEG. D'AMARO:

So once we set that policy, if you want to have a mechanism in place to, in effect, override that policy, you want to have a mechanism that discourages its use unless it's really warranted. So I think that would warrant the super majority. You don't want to make it a 10-vote, you want to make it 12 votes because you don't want this to be something that's used. You want to make sure that there's enough support for it because you're violating the policy that we put in place initially to cut down on all the paper work. So that would be a justification for the 12 votes.

LEG. MONTANO:

What we're doing -- we're not violating -- I think what we've done is --

LEG. D'AMARO:

We're not violating, but --

LEG. MONTANO:

We've eliminated the policy that we set in place by reducing the \$5,000 limit; am I correct?

MR. NOLAN:

No. The policy --

LEG. D'AMARO:

No, we're not reducing -- I'm sorry.

MR. NOLAN:

I was just going to say, no, the policy is still in effect. The law says the minimum should be \$5,000, I think that's still a goal we'd like to try to adhere to in most cases because we're trying to cut down on proliferation of contracts. We don't want a lot of 1,000 and \$2,000 contracts, but we recognize there are certain situations, emergency situations where there's a good reason to make exceptions. But to have the two-thirds requirement is just showing, again, that you have to demonstrate a real emergency to convince two-thirds of the Legislature to go along with the exception.

LEG. D'AMARO:

Right. Because, in effect, we'd be overriding our own policy.

P.O. LINDSAY:

I think the policy has been successful in that we used to have --

LEG. MONTANO:

Yeah, we used to do a thousand dollars, 500.

P.O. LINDSAY:

Yeah, right, right.

LEG. MONTANO:

Yeah, I get you.

P.O. LINDSAY:

So this is very much of a rarity now compared to what it used to be.

LEG. MONTANO:

All right.

P.O. LINDSAY:

So I'm -- I'd like us to pass this.

LEG. MONTANO:

Okay.

P.O. LINDSAY:

And I'll probably have to bring back a different bill, because the bill to actually appropriate the money from one agency to another isn't in here and I thought it was.

LEG. MONTANO:

Well, I generally, you know, am opposed to the so-called super majorities; you know, a majority is a majority. But I'll support it.

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P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

And we have another CN here, *(1315-13), Establishing a "Discover Suffolk County Parks Day" on June 27, 2013 (Schneiderman)*. Legislator Schneiderman?

LEG. SCHNEIDERMAN:

Motion to approve.

P.O. LINDSAY:

Motion to approve.

LEG. KRUPSKI:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Fifteen. Eighteen, sorry.

P.O. LINDSAY:

Okay. Hold it together, we're almost done.

I think all we've got is *Late Starters:*

LEG. MONTANO:

Are we done?

P.O. LINDSAY:

We need a motion to waive the rules and place the following Late Starters on the table: 1421 to Health and set a Public Hearing for June 4th, 2:30 PM in Hauppauge; 1422 to Health; 1423 to Ways & Means; 1424 to Government, Operations, Personnel, Housing & Consumer Protection; 1425 to EPA; 1426 to EPA; 1427 to Public Safety; 1428 to Health, and that's it. So I'm making a motion. Do I have a second?

LEG. BARRAGA:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

We stand adjourned.

*(*The meeting was adjourned at 7 P.M.*)*

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{ } - *Denotes Spelled Phonetically*