

**SUFFOLK COUNTY LEGISLATURE**

**GENERAL MEETING**

**SEVENTH DAY**

**May 13, 2014**

***Verbatim Transcript***

**MEETING HELD AT THE WILLIAM H. ROGERS LEGISLATURE BUILDING**

**IN THE ROSE Y. CARACAPPA LEGISLATIVE AUDITORIUM**

**725 VETERANS MEMORIAL HIGHWAY**

**SMITHTOWN, NEW YORK**

**Minutes Taken By:**

***Lucia Braaten & Alison Mahoney - Court Reporters***

**Minutes Transcribed By:**

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

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

*(\*The meeting was called to order at 9:32 a.m. \*)*

**P.O. GREGORY:**

Good morning, Mr. Clerk. May I have a roll call?

**MR. LAUBE:**

Good morning, Mr. Presiding Officer.

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

**LEG. KRUPSKI:**

*(Present in auditorium).*

**LEG. BROWNING:**

*(Not Present)*

**LEG. MURATORE:**

*(Not Present)*

**LEG. HAHN:**

Present.

**LEG. ANKER:**

Here.

**LEG. CALARCO:**

Present.

**LEG. LINDSAY:**

*(Present in auditorium).*

**LEG. MARTINEZ:**

Here.

**LEG. CILMI:**

*(Present in auditorium).*

**LEG. BARRAGA:**

Here.

**LEG. KENNEDY:**

Here.

**LEG. TROTTA:**

Here.

**LEG. MC CAFFREY:**

Here.

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**LEG. STERN:**

Here.

**LEG. D'AMARO:**

Here.

**LEG. SPENCER:**

*(Not Present)*

**D.P.O. SCHNEIDERMAN:**

Here.

**P.O. GREGORY:**

Here.

**LEG. KRUPSKI:**

Tim.

**MR. LAUBE:**

Fourteen.

**P.O. GREGORY:**

Okay. This morning we'll have -- if you'll all please rise for the Pledge of Allegiance, led by Legislator Lindsay.

***(\*Salutation\*)***

Legislator Lindsay will introduce the Clergy for our invocation today.

**LEG. LINDSAY:**

Good morning. This morning it's my pleasure to introduce Pastor Scott Rees. He has served in New Life Community Church in Sayville since August of 2007.

After growing up near Los Angeles and serving the Chicago area for 20 years, he is now experiencing the Northeast life of Long Island for the first time. Pastor Rees has been married for over 30 years and has been fortunate enough to have four grown children and is now enjoying two grandchildren. The two things Pastor Rees enjoys most about Long Island are the food and the great opportunities to enjoy nature.

And I'm proud to say that Pastor Rees is my Pastor and has been a great mentor and advisor to me. And with that, I would like to turn the mic over to him for the blessing.

**PASTOR REES:**

Thank you, Bill. I'm here to tell you all about Bill's life, so if you'll just sit down for an hour, we'll uncover the details.

***(\*Laughter\*)***

One technicality that I didn't put in there, actually, I was the only family member born in the East Coast, I was born in Massachusetts. And so somehow my parents took a wrong turn, we ended up in Massachusetts, I was born, and I'm kind of living and working back near the East Coast.

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I'm thankful to be here. Whenever I look at the audience, I think of -- see some students here. How cool you're here to check out the Legislative process, and that's a great thing, because you will have various kinds of leadership over your life, and knowing more about it will help your community and us as a nation.

And I see various other people here with interests, and that's what is important, and that's why this Legislative body gathers. And then I see the Legislators. And, like you, I stand between the people and authority, and that's usually a rock and a hard place. You never make everybody happy, so I hope you give up on that. Do what is right and do what is good, and we the people, and I stand with you in this, will thank you for it, though sometimes we won't project that in our words or postures. But I want to thank you for what you do for us, for the untold hours and the untold grief, all for the sake that Suffolk County would be a great place to live in.

So my prayer is for all of us, that God would bless us in all our various places, especially my hardest for those leaders who stand between the people and authority. It is a unique position, a humbling position and a very important one. So let us pray.

Almighty God, we give you thanks today for the life we have. We thank you for the breath we have, the way our brains work, the people in our lives, the family we're a part of. We acknowledge that in a room this size of this many people, there are many sorrows and difficulties, and we ask your grace and mercy and strength upon each one of us that carries a heavy burden. And as we gather as a people, we have many different interests, many different concerns, and we oftentimes can't find middle ground. So we have Legislators who help us find that place where we can live together for the best of our community. And now I ask for you to give them wisdom as they pore over reports, and questions and demands, and have to balance with laws and needs. I pray that you would give that great and awesome gift you gave to Solomon, which is wisdom, in making decisions and giving direction. And give them, dear God, a sense of peace; that at the end of the day, when they have done the best they could do, they'll leave it in your hands and ask you to bless it. We together, as the people of Suffolk, ask these things of your grace and mercy. Amen.

### **P.O. GREGORY:**

Please remain standing for a moment of silence for Robert Knight, our colleague who passed away suddenly on May 1st. Bobby was a dedicated volunteer firefighter in the Sayville Fire Department. We extend our deepest sympathy to his family. His jovial good-humored nature will be deeply missed by all of us here at the Legislature.

Former State Supreme Court Justice Arthur Martin Cromarty, decorated World War II Veteran, and the man for whom the Suffolk County Court Complex in Riverhead is named, recently passed way at the age of 94.

Also, let us remember all of those men and women in the military who put themselves in harm's way every day to protect our country.

*(\*Moment of Silence\*)*

### **P.O. GREGORY:**

This morning, we have several presentations. First up is Legislators Stern, D'Amaro and Spencer, who will present a proclamation to the -- William Ober of the Marine Corps League, Huntington Detachment, in recognition of his retirement.

### **LEG. STERN:**

Good morning, everyone. It is really a personal pleasure to be a part of this team's presentation to a special gentleman this morning. Bill Ober, the Commandant of the Marine Corps League in

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Huntington with Detachment 792. I can read from the proclamation, but, instead, we'll just say, Bill, you've been just a tremendous asset to the Marine Corps League, to your Detachment, but really to all of us throughout the Huntington community. And so with my colleagues, Legislator D'Amaro, Legislator Spencer, we are so pleased to present to you this Legislative proclamation that goes through a lengthy list of all of your accomplishments, all of your recognitions. But what we're here to say this morning to you is congratulations, but, most importantly, thank you.

*(\*Applause\*)*

**LEG. D'AMARO:**

Good morning. Just very briefly, I just want to point out, Bill, and I think everyone here should be interested to learn that Bill also was named New York Marine of the Year by the National Commandant of Marine Corps League in 2013. He's also served as the Detachment's Chaplain and was named as their representative to the Town of Huntington's Veterans Advisory Board, and he's a key contributor to the Scuttlebutt Newsletter, which is actually nationally renowned and known and rated number one detachment newsletter in the entire country.

So we're going to miss Bill as you go on to, I guess, new things and new adventures in life, and I just want to personally thank you for your service. Thank you.

*(\*Applause\*)*

**LEG. SPENCER:**

Bill, one of the reasons that we were able to be here today, and assemble, and carry on the business and enjoy the freedoms of this country is because of sacrifice such as men as yourself. I'm very honored to be here in your presence, and this is just really an insignificant thing compared to all that you've done over our lifetime. And so thank you and congratulations.

*(\*Applause\*)*

**P.O. GREGORY:**

Next, we will have Legislator Anker, who will present a proclamation to Patricia Van Middeltem, president of the Mount Sinai Harbor Advisory Committee. Patricia is working with local municipalities to rebuild the protective jetties at the Harbor, and also conducts beach cleanups.

**LEG. ANKER:**

Okay. And also, Tom O'Grady. Tom, you want to come up here, too? Both of you are wonderful community volunteers in my District. Patricia?

Patricia, and I call you Patty. So Patty, she's a Mount Sinai resident. She's been the president of the Mount Sinai Harbor Advisory Committee for a number of years. As president of the organization, she secured Federal funding to help rebuild the protective jetties in Mount Sinai Harbor. Patty also started a petition to raise awareness about the deterioration of the jetties, which is really becoming a safety issue, and it's very important that we continue to advocate for that.

I am also preserving the money for the dredging here in Suffolk County. So, as long as I'm here, that money's not going anywhere, except for Mount Sinai Harbor's dredging.

Again, you've work with so many levels of government, and also with the community. You helped organize the William Walsh Cedar Beach cleanup each spring. And, you know, just in general, you're a wonderful person.

*(Malfunction of Sound System)*

Is that me or you?

**MR. LAUBE:**

No, it's not you.

**LEG. ANKER:**

Okay. Oh, okay. And again, thank you so much, Patty. And I'm proud to present you a proclamation for your wonderful work. Thank you, Patty.

*(\*Applause\*)*

Okay. Next, we have Tom O'Grady. Now, Tom is a very quiet type of businessman in our community, Tuscany Gourmet Market in Miller Place, and let me repeat that, Tuscany Market in Miller Place. Tom, you know, I just found out how much you donate, and again, you might be getting a lot of calls after this, but in my district. You know, there's a number of not-for-profit organizations, but again, Mount Sinai Fire Department, the Harbor Advisory Committee, the School Districts. You've done so much; senior citizen dances and Fire Department funerals. You just continue to donate and just add to the quality of life that we have here in the Sixth District.

Again, your kindness, your generosity, it's just a pleasure to have you here and to have you as a constituent. And I have a proclamation I'd like to present to you for your wonderful community service. So thank you, Tom.

*(\*Applause\*)*

I asked if they both wanted to speak, they both said no, so I will not put them on the spot. So again, thank you so much, I appreciate it.

*(\*Applause\*)*

**MS. VAN MIDDELEM:**

Thank you, Sarah.

**P.O. GREGORY:**

Next, we would have Legislators Muratore and Lindsay who will present proclamations to three Sachem sports teams.

**LEG. LINDSAY:**

Good morning. We're back again with another team from Sachem being honored. It's so great to see my old alma mater having such great success. And this morning it's my pleasure to congratulate the 2014 Sachem North Varsity Arrowettes, and their Coaches, Katie Prusinski and David Maczkiewicz.

The Sachem North Varsity Arrowettes won their third straight consecutive NDA National Championship last week. The team is now the three-time defending champions in the Small Varsity Jazz category at the National Dance Alliance's National Championship. The Sachem North Varsity Arrowettes competed in a category with 35 teams from across the country, and went on to receive an Innovative Choreography and a Technical Excellence Award for their jazz routine, and in addition, won the best in category for jazz for NDA Nationals 2004.

I'd like to congratulate all 16 athletes for their outstanding achievements and the Coaches for their contributions. And I'd ask the Coaches if they can come up here right now and receive this proclamation on behalf of myself and Legislator Muratore.

*(\*Applause\*)*

**LEG. MURATORE:**

Good morning, everyone. You know, like Legislator Lindsay said, we have another Sachem group coming up. And before I bring them up or bring their Coaches up, I'd just like to -- every time I get up here I talk about how sports are important to us, you know, how much they teach us growing up, you know. And while I was there, standing there, you know, I thought about, you know, being -- playing in sports teaches us how to lose. You know, it's not always winning in life that we need to jump over and be happy about, but we have to learn from losing, too. And I think that's what some sports do for us, they teach us how to lose. Because every day we -- you know, we face loss. And I'm not being -- you know, I don't want to put a dark cloud over everything today, but, you know, it's good that we learn. And the most important thing is we learn how to win, and we do that real well in Sachem.

So if I can bring up, first of all, the Sachem East Field Coach, Coach Tina Moon for your annual trek up here to the Legislature. What is this, third year in a row, Coach?

*(\*Applause\*)*

Tina is the Coach of the Sachem East Field Hockey Team. They are the Suffolk County Champions, they're the Long Island Champions. They were New York State runners-up, too, so they got into the finals, and we didn't get to the top at that time. Next year, right, Coach? You'll be here again, I'm sure of that.

**COACH MOON:**

Yes.

**LEG. MURATORE:**

And we also had an All-American named from the Sachem East Field Hockey, and that was Katie Trombetta. She was named All-American, so let's hear it for Katie. Thank you, Katie.

*(\*Applause\*)*

There you go, Coach. Do you want to say something?

**COACH MOON:**

No.

**LEG. MURATORE:**

Come on, you want to say something.

**COACH MOON:**

This is our third year here, and I just want to say thank you so much, Mr. Muratore, for all your support. It's been quite an honor, and I definitely hope that we can make it back again next year.

**LEG. MURATORE:**

You will, I'm sure.

**COACH MOON:**

Thank you. Thanks for all your support.

**LEG. MURATORE:**

Thank you very much.

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*(\*Applause\*)*

Okay. Now we've got another one from Sachem, from the Sachem East Boys Volleyball Team. If I could have the coach up, Coach Kropp, if you can step up here. Yes, let's hear it for the Coach. He was Newsday Coach of the Year also.

*(\*Applause\*)*

So the Volleyball Team were Suffolk County Champions, Long Island Champions, and we were New York State runners-up. So, again, thanks to another Sachem team. And as Legislator Lindsay and I say, just keep it up, Sachem, and thank you so much.

*(\*Applause\*)*

Here you go, Coach. Do you want to say something? Come on, say something.

**COACH KROPP:**

How long do I have?

**LEG. LINDSAY:**

You have as long as you want, Coach. You're the Coach.

**MR. GRAVANO:**

We break at 12:30.

**COACH KROPP:**

12:30? Okay. No. I'd like to thank everyone here for honoring us. It was a great year. We kind of -- you know, we're the underdogs. We worked hard, the boys worked hard, and I'm very proud of their accomplishments. And, hopefully, they will be here next year, since this is our first time.

**LEG. MURATORE:**

Good, good. Thank you, Coach.

**COACH KROPP:**

Thank you very much.

*(\*Applause\*)*

**D.P.O. SCHNEIDERMAN:**

Okay. In recognition of African-American History Month, Presiding Officer Gregory promoted an essay contest in the schools on the subject of African-American inventors. A proclamation will be presented to Rachel Korba, a middle school student being recognized for her essay.

**P.O. GREGORY:**

Good morning. It's a pleasure to be before my colleagues. I'm going to ask Rachel and her -- hi, Rachel.

In my office, for African-American History Month, we sponsored an essay contest this year, and Rachel was my winner. She hails from the Copiague Middle School, and her essay was about the inventor, George Crum. And Rachel, she also was my, you know -- what was it, about a month ago, I guess? She was a Legislator for a day, so she spent some time with me up here. And, you know, the staff had asked her for raises and she was firm, and she didn't give me any promotions or

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anything. She ran -- she was at the helm very well, and she attended some meetings with us with the Health Department and others. And she's a special, special young lady, and we wanted to recognize her for her efforts, and congratulate her before this august body. So thank you, Rachel. It's good to see you again, and congratulations. Keep up the good work.

*(\*Applause\*)*

**MS. KORBA:**

Thank you.

**P.O. GREGORY:**

I have a second proclamation. If I can ask my colleague, Legislator D'Amaro, to join me. When we first -- it's similar to the last presentation. We had offered -- initially, we had offered the essay contest in our District. There were several offices that wanted to work in collaboration with us; Legislator D'Amaro's office was one of those offices. So out of all of the offices that participated in the contest, Elliot Smith, please, come on up, Elliot. He's a fine, dapper, handsome young guy. All right.

*(\*Applause\*)*

Elliot was selected as the best essay out of all the participants in the contest. He wrote about the inventor, Garret Morgan. And he resides in Legislator D'Amaro's Legislative District, so I wanted to give Legislator D'Amaro an opportunity to congratulate Elliot as well.

**LEG. D'AMARO:**

Thank you, Mr. Presiding Officer, and thank you so much for running the competition as well. I think it's very important that students participate as best they can in this type of essay contest. It goes towards their schooling, and it also goes towards history.

But, Elliot, I wanted to just take a moment to congratulate you. Why don't you come on up here. You did a wonderful job. He wrote the number one essay in the Presiding Officer's Essay Contest. And he wrote about a very interesting story that was very personal to himself, and very moving, and it explained how an African-American inventor of the traffic light, I believe it was, is that correct, was -- played a vital and pivotal impact in his own personal life. So he did a wonderful job. He was chosen as the number one essayist in this competition, and I'm asking all of you to join me in giving him a round of applause to congratulate him. Congratulations.

*(\*Applause\*)*

**D.P.O. SCHNEIDERMAN:**

Okay. Congratulations to both of those students for their essays, both Elliot and to Rachel.

Next, Legislator Spencer will present a proclamation to Anita and Bill Thomas, who collected more than 15,000 pairs of shoes for Soles4Shoes (Soles4Souls), a national not-for-profit. Doc Spencer.

**LEG. SPENCER:**

Good morning. I'm happy to be joined at the podium by Bill and Anita Thomas. And it's a remarkable story. Five years ago, Anita asked permission from an East Northport gym to place a box outside the establishment, seeking donations for shoes for a nonprofit group, Soles4Shoes (Soles4Souls). The first year they raised about 500 pairs of shoes. In the subsequent year, a greater number was donated. But after five years, this past year, or this past month, they raised or collected over 15,000 pairs of shoes from 33 drop-off locations, so pretty amazing.

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So Anita and her husband, Bill, spent almost every day of the month going from place to place picking up donations and placing them in a local storage unit.

Souls4Shoes (Souls4Soles) collects new and used shoes and clothing and redistributes through direct donations to people in need by reselling them carefully to micro-enterprise organizations. These companies are contracted to provide shipping, financing, and training, and support to small businesses in countries like Haiti, where virtually no jobs can generate personal income.

The Suffolk County Legislature welcomes the opportunity to pay a well-deserved tribute to local individuals for their dedicated service to our community. Bill and Anita, it gives me great pleasure to present you with this proclamation, and thank you for making a difference in so many lives. Thank you.

**MS. THOMAS:**

Thank you so much.

*(\*Applause\*)*

**LEG. SPENCER:**

Would you like to say a word?

**MS. THOMAS:**

I would love to.

**LEG. SPENCER:**

Okay.

**MS. THOMAS:**

I would love to, just a moment. Thank you with the bottom of my heart, our hearts. I want to say I have a passion --

**LEG. SPENCER:**

Use the mic.

**MS. THOMAS:**

Oh. I have a passion to help, and it's such an easy way to help, is to collect shoes that are no longer wanted or needed. And they go all over, as Dr. Spencer said, all over our country. They were at Sandy victims, they go out to the West, where they have fires and all the disasters, they're here first, and 125 other countries. So far, they've collected 21 million pairs of shoes, and they go everywhere. In many countries, children cannot go to school without shoes so -- and many die because of infection and all the issues that there are.

So it is so easy to take the shoes, and instead of sending them off to landfills, where they become part of the environment, the toxins go into the soil, into the air, into the water, and we can make such a difference. They estimate 300 million pairs of shoes are dumped.

And I would love to, all of us, to -- all of us. And I'm so happy this word is out. I never thought it went beyond Northport and East Northport. Now everybody knows that perhaps we can recycle and use our -- just recycle these shoes, that it doesn't cost us anything, and have a general awareness of recycling. If we all did that, we would help the world in a small way, but one pair at a time. Thank you, thank you, thank you. Thank you so much.

**LEG. SPENCER:**

Thank you.

*(\*Applause\*)*

**D.P.O. SCHNEIDERMAN:**

Doc, do you want to do a photo? And then you also have the next proclamation as well.

**LEG. SPENCER:**

I would like to have George Montanos join me at the podium, please. Hi, George. Good morning.

This is a remarkable individual. Him and his brother are the owners of Larkfield Manor in East Northport, and this past week, on Wednesday, May the 7th, we had over 200 veterans from all over Suffolk County come to Larkfield Manor for a Veterans Appreciation Breakfast. And we had also our County Executive and our Presiding Officer, that are both veterans themselves, there to recognize these men for their service. And one of the things that was remarkable is that they donated their facility, they donated the staff, the food, and it was all just to give back to the community. And it was really a fantastic breakfast.

And it's just very rare that you see someone willing to just take of their own personal resources and to give so much to the community. And they recognize the service that our veterans have given us. And I really think that what they did went above and beyond, and I wanted an opportunity to recognize them this morning and present George with this proclamation. Thank you.

**MR. MONTANOS:**

Thank you very much.

**LEG. SPENCER:**

Thank you very much.

*(\*Applause\*)*

Thank you. George said he's not going to say anything. He's very -- so thank you. All right.

**D.P.O. SCHNEIDERMAN:**

Thank you. While you do the photo op, let me bring Legislator Stern to the podium.

**LEG. STERN:**

Thank you, Mr. Deputy Presiding Officer. And good morning, again, to my colleagues.

Just very briefly, today my colleagues are joining me and my outstanding staff in wearing the ribbon, wearing the ribbon in recognition of Brain Tumor Awareness Month. Brain tumors and cancers, which, of course, would pose challenges for any of us and any of our loved ones. It is particularly challenging for children. And statistically, not many of us know this, but statistically, brain tumors happen to be more prevalent for children. In fact, brain tumors are the number two deadliest diseases experienced by children statistically behind leukemia. And, of course, challenges with brain tumors pose so many challenges for any of us because of all of the functions that our brain will control, and that makes it particularly devastating for children, particularly as they go through treatment such as chemotherapy and other treatments. In many cases, the treatments, of course, could be even more challenging than the disease itself.

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And so we wear the ribbon today as a way to raise awareness, to pray for a cure, and to get the word out, not just for members of our community, not just for members of our region and our great nation, but in our office we are particularly concerned about a very special little boy, and we hope and pray for a speedy recovery for him, and we keep him and his family in our thoughts and prayers.

So thank you to all of my colleagues for participating today as we recognize Brain Tumor Awareness Month. Thank you.

*(\*Applause\*)*

### **P.O. GREGORY:**

Thank you, Legislator Stern, for bringing our attention to this very, very important issue.

Before we start the Public Portion, I want to make an announcement that there will be a CN, I.R. 1486, which is to adopt a Local Law, a Charter Law amending Article 32, relating to the term of office of the Medical Examiner. It's been posted for Public Hearing, which will be held at 2:30 this afternoon.

To the cards. The first speaker we have is Peter Quinn.

### **MR. QUINN:**

Good morning, members of the Legislature. My name is Peter Quinn, West Islip. I come to you today to bring two economic development and job issues, which I think you'd find appealing.

The first is, one I've made before, before this Legislature several years ago, and also to the MTA, is that they elevate the Babylon Railroad line from Babylon up to Great River, and continue the line eastward to Patchogue through Islip and Sayville, etcetera.

And second, at Great River, there'd be a second line moving northward up towards the Sunrise Highway, east to Johnson Avenue and then into the airport, where it would circulate around the parking area, with escalators for consumers -- customers who ride the rails descend into the airport. But the concern, of course, is money. And you should know, if you don't already, that the Federal Government picks up 80% of that tab. In addition, the State picks up roughly 12% of that tab. So that leaves the balance for both Suffolk County and the Towns of Islip and Brookhaven to pick up the balance. So you've got a relatively small amount, but it does make a commitment. So if we're talking about a billion dollar project, the Federal Government picking up 80% of that cost makes it more palatable.

I would urge your considering -- I've already spoken with people at the MTA about this, but because I'm not involved any longer with the Long Island Progressive Coalition, it hasn't gone very far, but I would like you to consider it. And it takes -- it's a five-year process, with the first year, engineering is the first thing you have to do.

The second point is that the CEO, Elon, of Tesla Motors, the electric car company, is considering going to Texas to create a manufacturing plant. I would urge you to speak with Governor Cuomo and urge him to try to attract that company as a manufacturing company here on Long Island. It will create 6,500 jobs. If we're talking about reviving the economy of Long Island, I can't think of a better way to do it.

In addition, these solar companies out here on Long Island need someplace to develop. What better way than getting your approval of all of the solar companies, both here and in Nassau, to build solar stations.

**D.P.O. SCHNEIDERMAN:**

Pete, you're out of time, if you'll quickly wrap up.

**MR. QUINN:**

I shall. Thank you very much. Building solar stations at the airports -- pardon me, at the railroad stations, 50 to 100 places on girders no wider than a sidewalk for solar power. That will bring terrific jobs and expand the solar power industry. Thank you very much.

**P.O. GREGORY:**

Thank you.

*(\*Applause\*)*

Next, Cathy Kenny, and on deck, Kyra Dorn.

**MS. KENNY:**

I'm Cathy Kenny, the Associate Director of the New York State Petroleum Council. We represent the major oil companies. And because most of the companies have divested their interest in the downstream business, I am here today more on behalf of our dealers than our member companies themselves.

In the short time allotted, and with your permission, I would like to provide the following comments in bullet form:

The Legislature should be aware that we have it on good authority that software changes required by this bill do not currently exist in the marketplace. Therefore, the unfairness of the bill's requirements undermines any advantage it purports to give to consumers.

Moreover, not every station even uses an interactive monitor. This technology has only been available for about five years, and it would appear that this bill would require all stations to convert over to the use of these monitors. This would be very costly to the dealer. One of our member companies, for instance, has advised me that only a half of their stations use such monitors.

Because this software is not available, the dealer would have to stay within the 5% cap imposed by the bill. The Legislature is essentially dictating what a dealer may charge its customers for credit card sales. This is a form of price control to which no other industry is subjected. This bill could backfire. To avoid the 5% cap, a dealer may merely raise his or her cash price.

The bill's preamble concedes that excessive credit card pricing is a problem with only a minority of stations. We agree. To impose a requirement, then, that a dealer cannot possibly comply with, because changes to the technology are out of his or her control, for the reason that a minority overcharged for credit sales, is just bad public policy.

No other commodity is required to post its prices nine inches high at the point of sale as gasoline retailers are. It's hard to argue that a consumer is not given a fair notice. It's not hard to argue, however, that this bill, however, that this bill imposes an unfair requirement burden on small businesses.

This bill is an overreaction to a problem that seldom arises. Because of this, the cost it imposes on small business, many of which are recovering from Hurricane Sandy, and assuming the costs to meet new State requirements for generations or rewiring at 5,000 or so per installation, is out of all proportion.

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In conclusion, you have a bill that requires the use of monitors where not all stations even have such monitors installed, and the use of software that does not exist where monitors are used. By anyone's estimate, this is unfair. On balance, the bill will give consumers only a marginal benefit, if any, at a cost, a great cost to small businesses. These dealers need as much protection from unfair cost burdens as much as any consumer needs protection from unfair pricing. We urge you to consider this before imposing yet another constraint on small businesses. Thank you.

### **P.O. GREGORY:**

Thank you. Kyra Dorn, and then Ashleigh Zoller.

### **MS. DORN:**

Good morning. It's nice to see everyone again. I want to thank Legislator Lou D'Amaro, Justin Littell, and the rest of Legislator D'Amaro's staff who have been instrumental in bringing forth more stringent regulations with regards to the restraint of pets outdoors.

My name is Kyra Dorn. I am the president of Unchained New York, a nonprofit 501(c)(3) animal rescue outreach and advocacy group that services the chained outdoor dogs here on Long Island. I'm here to speak in support of Resolution 1276 and to urge you all to vote in favor of this crucial piece of legislation.

As I've shared with you at previous meetings, the prevalence of chained outdoor dogs is far too common on Long Island. We have previously shown you photos of some of the egregious living conditions of these outdoor dogs. We have brought in pictures of dogs suffering from embedded collars due to being tethered outdoors around the clock without sufficient care. We have shown you dogs who were emaciated, dogs who have died outdoors due to human neglect, and dogs who have suffered abuse at the hands of their owners. We have brought in -- we have carried around the weight of a 43-pound chain removed from one of our outreach dogs, showing you the heavy physical burden that these dogs are forced to carry day in and day out. The sad reality is that these haunting photos and cumbersome chains barely scratch the surface at the gross injustices that we witness on a daily basis.

The time has come for there to be a more humane Long Island. The passage of Resolution 1276 is the first step towards making this a reality. With the more stringent regulations, we hope to see a decrease in the number of perpetually chained outdoor dogs. Our plea for change doesn't come empty-handed. From our end, you can expect a continued presence in the community with outdoor neglect -- in the communities with outdoor neglected dogs. We will continue our in-school humane education programs in the communities where these practices are prevalent, and we hope to expand it to new schools this year. We will continue to work with local law enforcement and the local municipal shelters to enforce these regulations in whatever way possible we can help. Our mission is tireless, but we believe firmly in what we do.

Please help us bring justice to those without a voice. Please help us in bringing change to those chained. Thank you for your time, and, again, I urge you to vote in favor of Resolution 1276.

*(\*Applause\*)*

### **P.O. GREGORY:**

Thank you, Ms. Dorn. Okay. Ashleigh Zoller and Kevin Beyer on deck.

### **MS. ZOLLER:**

Hi. My name is Ashleigh and I am on the Board of Directors of Unchained New York. We are here today to make our final plea, and we urge you to vote in favor of Resolution 1276. We go out day after day, week after week in these Suffolk County communities witnessing firsthand the horrible

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and saddening living conditions of chained, outdoor and frequently neglected dogs. These dogs are often left alone and forgotten in the back corner of their owner's property. Most go days without food or water, and the chains around their necks sometimes weigh as much as half their body weight. These are dogs left alone and neglected and left to fend for themselves. When we show up to supply food, housing and toys, for those few minutes, you can see the smiles on the dogs' faces, for this is more often than not the only human interaction they get.

The sad reality is most of these dogs do not make it into senior years. Many succumb to sickness due to lack of medical care, while others are mauled to death by free-roaming dogs, because they are unable to get away due to being chained. Most of the chains used to restrain the dogs on our outreach programs are chains that are used to tow cars and boats. These are not chains that should be used to restrain any dogs.

While the ultimate goal of our outreach program is to educate people on how to properly care for their dogs and ultimately get them to agree to unchain their dogs and bring them indoors, unfortunately, there are families who are not receptive to our positive educational approach. Therefore, there exists a real need for more stringent regulations to get passed. We urge you to vote in favor of this bill. Thank you.

*(\*Applause\*)*

### **P.O. GREGORY:**

Thank you. Kevin Beyer, and then on deck, Thomas Ecke.

### **MR. BEYER:**

Good morning. Most of you know me. My name is Kevin Beyer. I'm the president of Long Island Gasoline Retailers Association. I'm here to speak on I.R. 1314.

First and foremost, there is no need for more notification on gasoline pumps. We are already required to post the prices over the pumps for all prices on all products. These are large signs with large numbers.

Suffolk County put in place a few years back a requirement that all pumps that have cash and credit pricings have a display -- that have to display the higher price when in idle mode. What that actually means is when the consumer pulls up to the pump and it is hung up, the higher price is displayed. So, if they have cash/credit, you have the higher price displayed there also.

People on Long Island aren't strangers to pumping gasoline. Most people purchase fuel at least once a week. Consumers are aware that many locations charge a different price for credit cards. If there is a large discrepancy, they can simply drive to another location. This isn't an industry-wide problem. If there is a businessman that has chosen to run his operation by charging an extremely high amount on credit card transactions, once people have been to his locations and have seen his business practice, many drive off or they just pay the cash price.

This isn't a simple change, and you'll hear that from Tom Ecke. It's not like you could just go there and say, "Oh, we're going to just change something in our software and it's going to be updated." That's not the case. Also, people have -- you already have the pricing in two locations, and actually some have a third location inside. If people just get off the phone, stop texting, and when they get out of the car, and you realize you're working with a dangerous product, which is gasoline, and if they paid attention, you're going to see it. Ninety-nine percent of the people are doing it the right way. They're handling the pumps the proper way. You pull up, you see the sign, if you don't like it, you drive away. It is -- it's just not needed.

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About the percentage, when we were talking about the percentage price, you're trying to limit or control what we can do and that's going to hurt us on our cash part of it. If we want to lower our cash price to a certain limit, now you're forcing us to say, "Well, it's going to be 5%." I had to pay, which is kind of funny and ironic, I had to pay, which -- I had to pay a parking -- not a parking ticket, a red light camera ticket, and when I calculate the difference to use the credit card, it was 5%. There's nothing telling you it's going to be 5%. There's nothing on the internet, there's no place for it to say check yes or no, you want to proceed. It's if you're going to pay this ticket, it's 5%. I found that pretty ironic when I was doing that yesterday.

Also, when you're dealing with the equipment, we have to pay for the equipment, we have to maintain the equipment, we have to install the equipment, we have to buy the BPA-free paper that is required here in Suffolk County. So to be putting these percentages on us or anything, this regulation is just not needed. It doesn't need an amendment, it's just not needed at all. And it can't be done, that's the thing. It cannot be done the way it exists now with the equipment. The manufacturers are not building any technology for the equipment coming up either.

### **D.P.O. SCHNEIDERMAN:**

Kevin, if you could wrap up, that's your time.

### **MR. BEYER:**

Thank you. No, that's all. Thank you.

### **P.O. GREGORY:**

Thank you. Mr. Ecke, and then on deck, Lillian Lennon, my cousin. There she is, she's back.

### **MR. ECKE:**

Hi. Good morning. My name is Thomas, last name is Ecke. I'm the service manager for a company called Island Pump and Tank, and we build and maintain service stations. So I'm basically here just to let you guys know that the -- what's being proposed for these gas pumps, it's just not available at all.

There's three manufacturers of equipment, each of which has menus for cash/credit pricing and whatnot. There's nothing at all that is built in the software code to have it interactive with the customer at the dispenser. So, from what I understand, I mean, if it's over 5%, you have to press yes or no to proceed. There is nothing at all that's available to allow that to happen.

Out of those three manufacturers, I really -- you'd have to go back to them and ask them to rewrite the code, which I don't think that they would do it at all. I mean, you've got one county in one state that's asking for us. It's impossible.

So, basically, I'm just here to testify and say that it's not possible to do what you guys are asking to have done. So, I mean, any questions, let me know. I'm not going to be here all day.

### **D.P.O. SCHNEIDERMAN:**

We can't ask questions during this portion, it's just for you to make your comments now to us.

### **MR. ECKE:**

Actually, let me -- like Shell a couple of years ago, One Stop and Shop, they had this whole program. That required a major software change from the manufacturers, which probably cost in the millions of dollars for that software to be created. And at a service station level, you're probably talking about 2 to \$3,000. So, again, it's a very, very expensive entity to go forward with this bill. All right? Thank you.

**P.O. GREGORY:**

Okay. Thank you. Lillian Lennon, and then on deck, Jack Potere.

**MS. LENNON:**

Good morning. My name is Lillian Lennon. I'm a retired teacher from the William Floyd School District and a volunteer for RSVP Inc. Animal Welfare and Rescue, and I reside in East Moriches.

I would again like to express my sincere gratitude to Legislator Schneiderman for courageously, diplomatically and tirelessly creating legislation that will provide the oversight needed and the regulations required of our Suffolk County pet industry to assure that the animals in their care are not purchased from the notorious inhumane puppy mills that exist throughout our state and country. If a particular pet store is not purchasing their puppies from such facilities, then they should be -- applaud this bill and wholeheartedly support its promotion to County law.

No one is claiming that the actual pet store is not properly taking care of the animals in its care, we only request complete transparency regarding the origin of those same animals. If the pet store proprietor has nothing to hide, then this legislation should be welcomed. And although I personally will never understand why animals are used as commodities for profit, I also realize that this is America. And although I personally would never buy an animal when there are so many already here awaiting shelters throughout Long Island, I also realize that the pet industry will not completely die, as long as there are consumers out there that just have to have that particular puppy. However, we can demand that those puppies come from a reputable source. This legislation provides the necessary protocols to assure just that. Thank you, Legislator Schneiderman, for that, I appreciate that.

I would also like to thank Legislator D'Amaro for helping to draft legislation to strengthen the County's current tethering law for dogs, unfortunately, chained inhumanely 24/7 throughout our County, which was previously described by my fellow animal advocates prior. This amended version limits the amount of time these dogs may be tethered to a reasonable time period, and although this is a vast improvement, and enforcement may be problematic.

At the last County General Meeting on April 29th, an SPCA Officer mentioned that the Town of Islip already has a "no tethering" law in place. I think Suffolk County should consider following their lead. Enforcement will still be challenging, but with the collective teamwork provided by our ACOs, Law Enforcement, the SPCA and local rescue groups, we can over time assist our fellow Suffolk County residents to comply with the law over time and make transition more palatable through humane education. However, in the meantime, I support 1276, and I request the Legislature to do the same, with the hopes that any tethering for unreasonable periods of time will eventually become obsolete, completely illegal in Suffolk County.

And I thank those of you that were listening to me, I really appreciate that. Thank you.

**P.O. GREGORY:**

Thank you. I'm sorry if I -- is it Jack Porter? Portal? And then on deck, Sarah Davidson.

**MR. POTERE:**

Potere, but that was close enough. Jack Potere. Thank you for giving me this opportunity to speak. My name is Jack Potere. I'm the Associate Executive Director of the Gasoline Automotive Service Dealers Association, commonly referred to as GASDA. We have over 300 members in Suffolk County, covering Nassau, Suffolk, the five Boroughs, and also a member of the New York State Association of Service Stations and Repair Shops.

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After following Cathy Kenny, Kevin Beyer and Tom Ecke, I think everything has been said that needs to be said. This argument is clear, this is a law that we just don't need. We're perceiving a problem where there is none. There is a minority, a very, very small number of stations throughout the County that do charge, but some may seem as exorbitant price fees for credit card use.

Just to reiterate again, it is a form of price control. It seems like government again is on a slippery slope. The consumer already has the awareness, whereas nine-inch signs on top of the pump that was put in place, and this shows you how old I am, back in 1973 during the first gas shortage. So those signs have been there, and now, when you charge cash and credit, they both have to be there and they are.

You've heard Tom Ecke say and Kevin Beyer, the software is not available. It is exorbitant in price. So we're creating a problem when there is none. The consumer is already regulating the price and they do that by information. Information is there on top of the pump. Recently, we reached out to a couple of these locations that is being perceived as charging exorbitant prices, and, in fact, they're cash volume. The gasoline sold by cash has dramatically increased. The consumer is taking advantage of that, so there really is no problem, Gentlemen and Ladies. But, again, I think it's a slippery slope and we urge you to not vote for this. Thank you very much.

### **P.O. GREGORY:**

Thank you, Mr. Potere. Sara Davison.

### **MS. DAVISON:**

Good morning. My name is Sara Davison. I'm the Executive Director of the Animal Rescue Fund of the Hamptons. I want to thank you for the opportunity to comment. I can't be with you this afternoon, and so I just wanted to quickly urge you to vote for 1047, the Local Law to regulate pet dealers and pet stores.

I want to take the opportunity to thank Legislator Schneiderman and Legislator Spencer for their work on this bill. There's been a great process here. The pet dealers have had ample opportunity to provide comment, as have the animal welfare advocates, and I think we've reached a great compromise. It will greatly improve transparency in the animal dealing world, and it will protect our precious puppies.

So I'd just like to thank you so much and urge you to vote for this bill this afternoon. Thank you.

### **P.O. GREGORY:**

Thank you. That is all the cards that I have. Is there anyone else that would like to speak? Please come forward. Okay. Anyone else? Twice. Anyone else like to speak, please come forward. Okay. Thank you.

### **LEG. SPENCER:**

Motion to close.

### **P.O. GREGORY:**

Motion to close the Public Portion. Who was that?

### **MR. NOLAN:**

Legislator Spencer.

### **P.O. GREGORY:**

Legislator Spencer; seconded by Legislator McCaffrey. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Sixteen. (Not Present: Leg. Krupski and Browning)

**P.O. GREGORY:**

Public hearing is closed. We don't see any representatives from the County Executive's Office, so no presentations or any statements.

I'll make a motion to adopt the Consent Calendar.

**D.P.O. SCHNEIDERMAN:**

Second.

**P.O. GREGORY:**

Second by Legislator Lindsay, was it? Oh, Legislator Muratore. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Sixteen. (Not Present: Legislators Krupski and Browning)

**TABLED RESOLUTIONS**

**P.O. GREGORY:**

Okay. Tabled Resolutions on Page 7. ***I.R. 1312 - Amending the Adopted 2014 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2014 Capital Budget and Program, and appropriating funds in connection with: Harmful Algal Bloom Action Plan and Strategy and Shellfish Aquaculture Monitoring Program Assessment (CP 8224)(Co. Exec.).*** Do I have a motion?

**LEG. KRUPSKI:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Krupski.

**D.P.O. SCHNEIDERMAN:**

Second.

**P.O. GREGORY:**

Second by Legislator Schneiderman.

**LEG. D'AMARO:**

On the motion.

**P.O. GREGORY:**

On the motion, Legislator D'Amaro.

**LEG. D'AMARO:**

Thank you, Mr. Presiding Officer. I want to start off by thanking Legislator Hahn for having a presentation at the EPA meeting last week. It was very informative and answered a lot of my questions about this particular bill and what it's seeking to accomplish.

My, for lack of a better word, gripe in the past has been with the constant spending on monitoring programs and always asking enough -- if we've done enough monitoring, when are we going to pull

this all together and come up with solutions? Because, as the presenters that were in the committee meeting had noted, the algal blooms and the harm that they cause to our waters have not only an impact to marine life and to our recreational activities, but also a severe impact on the economy as well, the local economy here in Suffolk County and on Long Island. So it's important to raise awareness of this particular problem, and I think Legislator Hahn has done that, and I want to thank you for doing that.

With respect to this particular bill, what I take away from it is that this is really taking the next step with monitoring. This is bringing in an expert company, shellfish -- I'm sorry, Sea -- what is it? New York Sea Grant -- grant or grass -- which is a university-based research organization that's highly qualified to take all of these efforts that we've engaged in in the past and try and pull all of that together and come up with what they're calling an action plan to try and find solutions to these problems. So I would support this resolution.

But I did have one question. I noticed in some of the information that I was given to review with respect to this bill, was that it states that the actual work will not begin for approximately three years, and I was curious if there was anyone, or maybe Legislator Hahn has some information on why the delay in going forward.

**LEG. HAHN:**

I'm sorry, I cannot answer that. I was not familiar with that piece to this. So I don't know if Director Lansdale would have information, or maybe we could pass over it for her to get that information, if it's necessary. Can you repeat that question for Walter Dawydiak --

**LEG. D'AMARO:**

Sure. Hi, Walter. How are you?

**LEG. HAHN:**

-- approaching the podium right now?

**LEG. D'AMARO:**

I can't -- I mean, if I had to find it again in all the literature that I have for this, I could, but somewhere in here I read that this particular project or action plan, or the work that has to be done in order to get to the action plan, and also the aquaculture lease monitoring won't be implemented for three years; is that accurate?

**MR. DAWYDIAK:**

I apologize. Good morning, Legislator D'Amaro, Members of the Legislature. Walter Dawydiak, Director of Environmental Quality. I'm not sure where that three-year number comes from. I apologize for any misconception. The intent is to get a contract in place immediately, and have a workshop with a target of September. The initial HAB Action Plan will be produced almost immediately thereafter, and within about a one-year time frame, we'll have the full report to you. So we're dealing with about a 12-to-18-month cycle for this project.

**LEG. D'AMARO:**

Okay. Maybe it was that after you create the initial action plan that you intend to update it every three years; is that maybe what I read?

**MR. DAWYDIAK:**

Potentially. All of these initiatives are tied together, the Comprehensive Water Resources Management Plan, the County Executive Water Quality Initiative and Nitrogen Reduction Plan. The idea is to produce an annual water quality report and to update the program on a three-to-five-year basis, so that may be where that comes from.

**LEG. D'AMARO:**

And as long as you're up here, let me ask you, part of the funding of this particular bill is going towards monitoring for the Aquaculture Lease Program, is that correct, for more monitoring?

**MR. DAWYDIAK:**

It's for a symposium to support a monitoring plan. And DeWitt and Cornelia Schlenk are here and can speak to the aquaculture piece more knowledgeably than I.

**LEG. D'AMARO:**

It's for -- so it's not for actual monitoring, it's for a symposium; is that what you said?

**MR. DAWYDIAK:**

Correct. It's to support a monitoring plan associated with aquaculture, which not only supports the economy, but will improve water quality as a goal.

**LEG. D'AMARO:**

All right. Well, that's a good thing, but we're not already doing the monitoring of that plant -- of that program?

**MR. DAWYDIAK:**

Again, I would defer DeWitt on the Aquaculture Plan, because he's in charge of that.

**LEG. D'AMARO:**

Is he here?

**MR. DAWYDIAK:**

Yeah.

**LEG. D'AMARO:**

Mr. Presiding Officer, through the Chair, if I could just ask a few quick questions.

**MR. DAVIES:**

Hi. Good morning.

**LEG. D'AMARO:**

Good morning.

**MR. DAVIES:**

My name is DeWitt Davies. I work for the Division of Planning and Environment.

**LEG. D'AMARO:**

Okay.

**MR. DAVIES:**

Chief Environmental Analyst in that office.

**LEG. D'AMARO:**

Okay, great. The Aquaculture Lease Program, when did we start with that program?

**MR. DAVIES:**

That program was adopted by the Legislature in the County in 2009 and that's when the program began.

**LEG. D'AMARO:**

And that's part of the Peconic Bay and Gardiner.

**MR. DAVIES:**

Peconic and Gardiners Bay. So that's about 110,000 acres of underwater land that was ceded to the County.

**LEG. D'AMARO:**

From the State, I believe.

**MR. DAVIES:**

That's correct, sir.

**LEG. D'AMARO:**

Right. And how many leases do we have in place right now?

**MR. DAVIES:**

At the present time, we have 41 leases.

**LEG. D'AMARO:**

Okay. And, in your opinion, is this a successful program?

**MR. DAVIES:**

Yes. I think that we're right on target with respect to the new enterprises that we have established out there with respect to starting these new ventures. We have a program that spans a decade for the first 10 years here. Here we have 60 new leases that can be issued over a 10-year period. The way I think that we are looking at this is that this is a program for the future of Suffolk County. I use an analogy with respect to the vineyard industry that we have. In 1973, that was when the first vineyard was established on the North Fork at 17 acres. That has grown tremendously over the last 30 years. When we look at aquaculture, it's a new activity that is expanding dramatically on the East Coast of the United States. The way to look at this program, I think, is to look at the potential of it in the future, and we're taking those steps now under the program to get new blood, if you will, into aquaculture as a business activity.

**LEG. D'AMARO:**

So why do you need the program? Why wouldn't private organizations and businesses just go ahead and do the same thing without the lease?

**MR. DAVIES:**

They can't get access to the underwater land for that purpose. They have to have a secure form of access in order to get a permit.

**LEG. D'AMARO:**

Right.

**MR. DAVIES:**

There were many constraints to starting this activity on the East End in the past, because there was no mechanism for the private people to get public land for the conduct of this activity. That's why the County has this program and --

**LEG. D'AMARO:**

What activity is that?

**MR. DAVIES:**

Shellfish farming, oyster farming in particular.

**LEG. D'AMARO:**

Right.

**MR. DAVIES:**

There is hard clam and scallops. They're a more smaller activity, but right now, the major emphasis is on the culture of American oysters in cages.

**LEG. D'AMARO:**

And are the lessees, the individuals or companies that are leasing, part of the underwater land, are they harvesting?

**MR. DAVIES:**

A lot of them, yes, they are. Not all of them, because there is a lag time between the issuance of the lease, getting the permits from the State and the Corps of Engineers, buying the gear, putting it on the bottom, getting shellfish seed, letting it grow. So there's a two, three, four-year period before they can actually sell their shellfish.

**LEG. D'AMARO:**

But that's the intention, is harvesting.

**MR. DAVIES:**

The intention is to get them to harvest, yes.

**LEG. D'AMARO:**

And then sell.

**MR. DAVIES:**

And this is a private operation, it's an operation.

**LEG. D'AMARO:**

Right, okay. And other than the County contributing the land or the lease, is there any contribution made by the County? We do the monitoring; is that correct?

**MR. DAVIES:**

That's it. No. The shellfish that are -- this is a private activity once they get out there. All of the operation is financed by the farmer.

**LEG. D'AMARO:**

Right, but we do the monitoring, we, the County.

**MR. DAVIES:**

Yes.

**LEG. D'AMARO:**

Right?

**MR. DAVIES:**

We do collect information on the farms. We have an accountability system whereby they submit reports, etcetera, etcetera.

**LEG. D'AMARO:**

What is the monitoring for, to monitor -- are we cleaning up the bottom, the seabed, are we -- is it about water quality? What's the monitoring about?

**MR. DAVIES:**

When the program was adopted, there was a generic Environmental Impact Statement process over a two-year period to assess the program and determine what the impacts would be. And part of the County Code requirement is that the County would be looking at the impacts, whether they be positive, negative or neutral, of this activity as it grows in time on the Peconic Bay system.

**LEG. D'AMARO:**

And what have you found?

**MR. DAVIES:**

We haven't done that. We conducted a literature search that was extensive and found that this was an activity that primarily is a positive -- has a positive impact on the environment.

**LEG. D'AMARO:**

Well, wait. It has positive impact on the environment?

**MR. DAVIES:**

That's the --

**LEG. D'AMARO:**

What's the positive impact?

**MR. DAVIES:**

At the scale that this activity is happening at --

**LEG. D'AMARO:**

Right.

**MR. DAVIES:**

-- the positive impact is that these shellfish, and there are -- literally could be millions of them in these cages, filter the water column, remove sediment, improve water clarity, adjust the population, in essence, through their feeding activity of the species of phytoplankton in the water column such that they are beneficial, as a beneficial food source to these organisms. They help control nutrient cycling, and, therefore, have a positive impact in terms of the development of these habitat harmful algal bloom problems.

**LEG. D'AMARO:**

Were the lease areas dead areas, so to speak?

**MR. DAVIES:**

The lease areas --

**LEG. D'AMARO:**

Is this revitalizing those areas?

**MR. DAVIES:**

In terms of production, yes.

**LEG. D'AMARO:**

It is.

**MR. DAVIES:**

They were designed to avoid all conflicts with respect to eelgrass beds, shallow shoreline areas, active recreation and commercial fishing areas, so they are in the deeper waters of the Peconic Bay system and not along the shoreline.

**LEG. D'AMARO:**

Are you going to be a participant in the symposium?

**MR. DAVIES:**

Yes, I will.

**LEG. D'AMARO:**

Okay. Well, good luck, and thank you for the information.

**MR. DAVIES:**

Thank you, sir.

**LEG. D'AMARO:**

I appreciate it. Thank you, Mr. Presiding Officer.

**P.O. GREGORY:**

Thank you. Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Mr. Chair. I've read the letters that have come in. I similarly would like to ask DeWitt if he could speak just briefly, because I want to make sure that I understand what the deliverables are. Thank you. Hi. How are you, DeWitt?

**MR. DAVIES:**

How are you, sir?

**LEG. KENNEDY:**

I'm good, I'm good. I'm reading the letter and it appears to me that actually part of the discussion that we had at the last meeting, and I know -- you know, I think I understand the justification, but I'm just asking, what, in fact, is the tangible that we will see as a result of the \$100,000 expenditure?

**MR. DAVIES:**

Well, most of this project is related to the harmful algal blooms. There's only a small segment related to the aquaculture monitoring component.

**LEG. KENNEDY:**

Okay.

**MR. DAVIES:**

Let me draw the relationship to the two. If we have a red tide in the Peconic system that's associated with, say, paralytic shellfish poisoning, whatever, the State of New York will close, if that problem becomes bad enough, they'll close areas to shellfishing.

**LEG. KENNEDY:**

Sure.

**MR. DAVIES:**

If they do that, our shellfish farmers cannot harvest their product. So there's direct link between controlling harmful algal blooms and whether or not the shellfish farmers can succeed. We cannot lease areas that don't meet water quality standards. We don't lease in areas, for example, that don't have certification based on the coliform concentration. However, these harmful algal blooms tend to be sporadic, unpredictable, and varied in a water body. However, the State of New York, like they did in Sag Harbor a year or two ago, closed it down for several months. So it's a problem for the -- not only for people who use the waterways for bathing, etcetera, but also for the people who do fish.

**LEG. KENNEDY:**

Well, closure is an issue that we have across the board. And, as a matter of fact, if we get a heavy rain, typically, we get -- Smithtown Bay will be closed, Huntington Harbor is closed. We get it all over the place, as a matter of fact, just with surface runoff.

But let's go back to the lease areas for a second. I can't bring the map up. I recall, though, I thought the actual lease areas were a little bit further east. Weren't they out closer to Gardiners Island? Where is the -- physically, where is the lease area located?

**MR. DAVIES:**

The lease -- we have a 30,000 acre cultivation zone within which leases can be issued. Okay? So the leases that are issued are basically 10 acres or so, and they are scattered throughout that 30,000 acre area. So they're not all in one location, they are here and there from Peconic Bay all the way out to Gardiner's Bay.

**LEG. KENNEDY:**

Interior parts of Peconic Bay?

**MR. DAVIES:**

Yes, they are.

**LEG. KENNEDY:**

Oh, no kidding. I didn't realize.

**MR. DAVIES:**

In Flanders, too.

**LEG. KENNEDY:**

Okay.

**MR. DAVIES:**

So they are scattered around. And the idea at the time was to have a predictable control rate of growth in the issuance of these leases, so they wouldn't overpower anyone. You knew what would happen because the scale would be there and the timing would be predictable. So, in the first 10 years, we had 60 new 10-acre leases.

**LEG. KENNEDY:**

Six hundred? You have 600 acres under cultivation?

**MR. DAVIES:**

Under new leases. Now, there were some people out there on temporary assignments when we began the program and they had to convert the leases. We have a few leases on grants which are sort of an anomaly to the system. But new 10-acre leases, we have 600 acres involved with that over the first 10 years. And there were a few people who were brought into the program on the first phase that had what we call a Temporary Marine Area Assignment from the State. As soon as our County adopted its program, that other means of access went away.

**LEG. KENNEDY:**

Okay. So let me go back to this and I'll try to sum it quickly, just so that I make sure that I understand.

The two -- the broader harmful algal blooms and the lease program are somewhat linked in that the lease program benefits if we have reduced, fewer or no algal blooms.

**MR. DAVIES:**

That's correct, sir.

**LEG. KENNEDY:**

Okay. There's two papers that are talked about. There's two conferences that are going to be convened and two papers that are going to be produced. And is that really the sum and substance of what this 100 grand is?

**MR. DAVIES:**

Yes. Aquaculture is a small part of this, but it is related in terms of water quality, and the two monitoring programs that could come out of this are going to be conducted in a coordinated fashion. However, the questions with respect to aquaculture might be a little bit more fine-tuned with respect to the impact of that activity, positive or negative, as an actual -- an activity, as opposed to a reason to widen the bay out there, so there's a relationship.

**LEG. KENNEDY:**

What kind of timeline? When might we expect that we would see some product or some paper produced from this effort?

**MR. DAVIES:**

This was always -- from my knowledge, took about a year to get this together from Sea Grant working on it with the county Department of Health, our office, and others involved from the regulatory agencies, as well as people who are renowned in the field of algal blooms from, you know, the greater region and across nationally. So I would assume it's taken about a year, but we have to get this thing moving to accomplish that.

**LEG. KENNEDY:**

So we can expect something in the Spring of next year, possibly, April, May of 2015?

**MR. DAWYDIAK:**

Legislator Kennedy, the final timeline is to be determined. The first product that you're going to get is an early HAB Action Plan. It's going to be public summary and a synthesis of what these things are, where they occur, why and what we can do about it. That will be available in the Fall. Our goal is in the Spring to get you the full research synthesis. It's going to be an action plan that deals with not only monitoring and research, but also management in terms of pollution control and resource restoration. The Aquaculture Lease Monitoring Project is about 5% of the overall budget. Out of 100,000, it's 5,000. It was a very gracious add-on that Sea Grant agreed to do for us at a very low cost, because they were already involved in the program and it was overlapping. But the

goal is by late next Spring.

We still have a lot of work to do to bring the worldwide experts together and to get the timing right. Right now we're saying 12 to 18 months is a window. We're going to try and press it to 12 to the extent that we can.

**LEG. KENNEDY:**

But you're anticipating that we'll see something about a general summary synthesis or something regarding the algal blooms in September or October?

**MR. DAWYDIAK:**

Yes. The first public synthesis, a public summary and initial action plan will be produced in the Fall.

**LEG. KENNEDY:**

Okay. All right. Thank you. Thank you, Mr. Chair.

**P.O. GREGORY:**

Legislator Krupski.

**LEG. KRUPSKI:**

Thank you. And I do have a question for Dr. Davies. And I understand the need to monitor, because, after all, these leases take place on public lands, so they have to -- you have to make sure that if it was on private land, the County would have no authority and no interest. But because they're on public lands and the County's been vested in this authority to lease the land from New York State, it's very important that the land is used -- is being used productively, and that the gear is being placed where it should be, and that there's a chance of shellfish grow-out. But could you, please, explain to my colleagues the tangible and intangible economic and social benefits to this program?

**MR. DAVIES:**

Yes. As we mentioned before, these shellfish leases are used and farmed by small operations, maybe one, two, three people; some are part-time, some are full-time. They spend what amounts to be a lot of local money with respect to purchase of boats, purchase of rope, purchase of gear, cages, shellfish, etcetera, and they are scattered throughout the East End of the County in terms of where they are located and where they farm. It's a regional program. So, you know, they are making expenditures in the local businesses out there for gas, etcetera, you know, repairs, what have you. They purchase seed from local hatcheries and/or under permit from outside the region, and they grow these shellfish. They have an impact on the local economy and the local businesses. They do spend the money out there.

In terms of the overall long-term prospects, again, they're not necessarily big, giant companies, they're small, because that's what the communities in the East End wanted to pursue with respect to the scale of this program. If we have 41 leases today, I had mentioned at the committee meeting that we have the opportunity to issue 30 more in the next five years of this program. This program will grow over time as these outfits become mature. It takes several years to get a lease, to get the permits, to get the equipment on the bottom, and to allow the shellfish to grow. So they're spending money for the first three or four years, and then they can start to sell their shellfish.

Again, oysters typically bring about 50 cents a pop on the market. A lot of the local growers out there bring product to restaurants here, but they also go to New York City, where there is a tremendous -- a tremendous demand for raw shellfish.

So this is a future program with respect to its ultimate potential, and much like the wine industry was 30 some odd years ago when the first vineyard was established on 17 acres on the North Fork. So there is a potential for growth. Standing here, can I say what it will be in 30 years? I cannot. But I think that there is a real potential for this to be a significant activity on the East End of Suffolk County.

**LEG. KRUPSKI:**

Thank you.

**P.O. GREGORY:**

Okay. Thank you. All right. Mr. Clerk, we have a motion and a second?

**MR. LAUBE:**

Yes, you do.

**P.O. GREGORY:**

Okay. Anyone else? Okay. All in favor? Opposed? Abstentions?

**LEG. KRUPSKI:**

Mr. Presiding Officer, excuse me. Could I make a motion to take Resolution 1380 out of order?

**MR. LAUBE:**

Sixteen on that.

**D.P.O. SCHNEIDERMAN:**

Can we call the vote on that.

**MR. LAUBE:**

I did, 16. (Vote amended to 17-1 not present/Not Present:  
Legislator Martinez)

**P.O. GREGORY:**

I want to get to the agenda, so we -- we have six College Trustees or people from the Community College here. We're going to get to that very quickly, I would imagine, because it's on the first page, and then we could do that.

**LEG. KRUPSKI:**

It's going to be faster. We have someone here from the organization, and also is a County employee, just to get people, you know, back to work.

**P.O. GREGORY:**

We'll be there shortly.

### **BUDGET & FINANCE**

All right Page 8, Budget and Finance. ***I.R. 1347 - Amending the 2014 Operating Budget and appropriating funds in connection with bonding for a settlement for a liability case against the County (Co. Exec.).***

**LEG. STERN:**

Motion.

**P.O. GREGORY:**

Motion to approve by Legislator Stern.

**LEG. D'AMARO:**

Second.

**P.O. GREGORY:**

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

**MR. LAUBE:**

Seventeen. (Vote amended to 18)

**P.O. GREGORY:**

***I.R. 1347A - Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$225,000 Bonds to finance the settlement of a general liability case against the County.***

Same motion, same second. Roll call.

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

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. KRUPSKI:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. CALARCO:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MARTINEZ:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. TROTTA:**

Yes.

**LEG. MC CAFFREY:**

Yes.

**LEG. SPENCER:**

Yes.

**D.P.O. SCHNEIDERMAN:**

Yes.

**P.O. GREGORY:**

Yes.

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

Okay. *I.R. 1389 - Amending the 2014 Operating Budget to provide funding for the Three Village Historical Society (Hahn).*

**LEG. HAHN:**

Motion.

**P.O. GREGORY:**

Motion to approve by Legislator Hahn.

**LEG. ANKER:**

Second.

**P.O. GREGORY:**

Second by Legislator Anker. Any questions? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

*I.R. 1426 - Amending the 2014 Operating Budget to provide funding for the Central Islip Public Library (Martinez).*

**LEG. MARTINEZ:**

Motion.

**P.O. GREGORY:**

Motion to approve by Legislator Martinez.

**D.P.O. SCHNEIDERMAN:**

Second.

**P.O. GREGORY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

***I.R. 1441 - Approving County funding for a contract agency (Lumiere) (Gregory).*** I will make a motion.

**D.P.O. SCHNEIDERMAN:**

Second.

**P.O. GREGORY:**

Second by Legislator Schneiderman. Any questions? Okay. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**EDUCATION & INFORMATION TECHNOLOGY**

**P.O. GREGORY:**

Okay. Education and Information Technology: ***I.R. 1401 - Appropriating funds in connection with the Renewable Energy and STEM Center - Grant Campus (CP2141) (Co. Exec.)***. Motion to approve by Legislator Anker, seconded by Legislator Hahn. Any questions?

**LEG. KRUPSKI:**

On the motion.

**P.O. GREGORY:**

On the motion, Legislator Krupski.

**LEG. KRUPSKI:**

What exactly is the proposal here to bond this money for?

**P.O. GREGORY:**

You want to answer that, Chair, or do we have -- okay. We have Gail Vizzini. Please come to the mic.

**MS. VIZZINI:**

These are the \$900,000 in planning monies for the Renewable Energy STEM Building at the Grant Campus. Succinctly, it's the state-of-the-art -- when solar geothermal and energy efficiency programs will be provided there. Training and education for professional development, including for municipal and government employees, people undergoing career changes, emerging workers, degree-seeking engineer students who want to prepare for renewable energy and careers in STEM.

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The new building is needed in order to be designed around the types of equipment that the people in the curriculum will be trained to use. It's also a shared endeavor with Stony Brook University. It's a public/private partnership, where the second floor will be incubator space for startups. We have a feeder from Stony Brook University where businesses will be able to bring their product to market, and our students will be able to train in that setting as well.

We've added cyber security lab for the development of an authentic cyber security experience, and this is an area where we anticipate State funding to be available.

This project is included in the State budget and eligible for 50% State share.

**LEG. KRUPSKI:**

This seems like a great project. But yesterday, at the Budget -- the public Capital Budget meeting, there was some mention of this being an alternative to other budgeted money for maintenance, or repairs, or safety concerns at the College. Is there -- can you address that?

**MS. VIZZINI:**

Yesterday? Who made those statements?

**LEG. KRUPSKI:**

That came from Budget Review, Suffolk County Legislature Budget Review.

**MS. VIZZINI:**

I would defer to Budget Review in terms of what the content of that was.

**LEG. KRUPSKI:**

Please.

**MR. LIPP:**

So yesterday was the first Capital Working Group meeting and we went through a preview of our yet-to-be-released Capital Program, and one of several areas was the College within our discussion, to make a long story short. And, you know, we observed that there -- the STEM Center was part of or included in the proposed Capital Program, but there were several projects that were omitted and that there were substantial dollars associated with them. And we noted that in terms of -- there isn't a debt policy that we have in place. And, you know, it's totally up to you in terms of policy as to how you want to go, but there is -- you have to make decisions as to whether or not you want to include both STEM Center and all these other projects that were in last year's Capital Program for the College and that are being requested that are in addition to what's in the proposed Capital Program on top of that. So you could choose to do the STEM Center and all of those, or you could choose to do only one group, say, which were the projects that were in last year, but aren't in the current proposed program.

And we also observed that there are some hard decisions that need to be made in terms of the overall size of capital spending and affiliated pay, and just laid out the different options for you to make those decisions. So, that being said, you need to look at this in context of the overall Capital Program.

We did a preview yesterday, but you don't have the document yet, in terms of what our review actually -- the details of that are. So I could take questions, if you want to be more -- want me to be more specific, but that was the gist of it.

**MS. VIZZINI:**

If I may add to that, this project is in your adopted Capital Program with planning in 2014. The proposed -- the County Executive's proposed document includes funding for this. The State budget includes funding for this project. I believe that what Dr. Lipp is addressing is when you craft your omnibus or when you craft resolutions to amend the County Executive's proposed document, he's suggesting that you might want to consider, if you were going to put something in the plus column, you might want to put something in the negative column.

**LEG. KRUPSKI:**

Is this done -- my question, I guess, is, is this done in lieu of maintenance? So is this going to be -- or is it going to be just as part of -- because what I've noticed, unfortunately, is -- and not at all in relation to the College. What I've noticed in County operations in the last few years has been things done in -- almost in lieu of maintenance, because there's been kind of a dearth of a maintenance program in a lot of County buildings and facilities, and I didn't want to see that happen. I know the College is very well run, but I don't want to see that happen to the College, and be -- and voting on this, be responsible for saying we're going to build this new center, which is -- I think it's a great idea to train people in this sort of area, and I think there's a great demand for it. But I think, if you need to -- if you're going to spend, and then we're going to make the decision on the Capital Budget Committee on where to spend the money, and how much we're going to choose to borrow to run -- unfortunately, to return the County, because we're there, is this something that's going to -- is something going to be neglected maintenance-wise because we chose to do this?

**MS. VIZZINI:**

Actually, thank you for bringing that up. The College currently has what we refer to as the infrastructure capital project. It was based on a study that we participated in with SUNY, with all community colleges. SUNY took a look at all your infrastructure. And as far as Suffolk Community College, they made the recommendation that in order to tread water and maintain your infrastructure, you will need 10.3 million dollars annually for the next 10 years. That is a very vibrant project as a result of State support, as well as support by the County Legislature. And we are asking for year four 10.3 million dollars for infrastructure. As a matter of fact, I'll be back later to address you at the Public Hearing portion on the Capital Budget to talk to you about that. That is one of my new requests. Unfortunately, the County Executive did not include year four infrastructure.

I think what Robert is saying is if you are going to support the continued infrastructure, you might want to consider not funding something else, whether that be a college project or some other project.

**LEG. KRUPSKI:**

I think that's my question. Are we being asked to choose between one or the other? And, at some point, of course, we will have to, because I don't know at some point we won't be able to -- allowed to borrow any more money, it's going to be -- I assume there's going to be a limit in -- there's got to be a limit.

**MR. LIPP:**

*(Shook head no).*

*(\*Laughter\*)*

**LEG. KRUPSKI:**

There's got to be a limit. But, I mean, are we going to be -- are we going to, as an elected body, make that decision to say we're only going to borrow this much because of the debt service on that?

And so is this going to be one of the places where we say, you know, this is a great thing, but we really should do something along the lines of maintaining what we have? And that's my question.

**D.P.O. SCHNEIDERMAN:**

That's a rhetorical question?

**LEG. KRUPSKI:**

It is. Thank you. To all of us.

**D.P.O. SCHNEIDERMAN:**

Okay. All right. Thank you, Ms. Vizzini.

**MS. VIZZINI:**

You're welcome.

**D.P.O. SCHNEIDERMAN:**

Legislator Hahn.

**LEG. HAHN:**

So, Gail, just talk to me about what exactly planning in this case means. Remind me where we are in the planning phase?

**MS. VIZZINI:**

I'm going to ask John DeMaio, who oversees the planning and works with the contractors, he's our Assistant Director of Facilities, to specifically address that.

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

**LEG. HAHN:**

Okay. Because I've been in some talks with the Community College, with Stony Brook University about the need for training in software development, both at the educational level and at the workforce development level, and I just, you know, was hoping there would be -- this would be a great place for space, if we could replicate what John Lombardo's doing on the manufacturing side in the software development fields. I've kind of been pushing to get Suffolk, you know, further along.

I don't know if anyone saw the article in Newsday's Business Section, either last weekend or the weekend before, where they talked about the need; one of the largest -- fastest growing occupations on the Island. And if you looked carefully, the highest paying occupation was software developers, and there are companies on Long Island paying as much as \$25,000 per person to move people to Long Island because they can't find skilled software developers here.

And so I was hoping that there might be space in this plant -- in this building, if we were to be successful in developing that kind of training program in software development, both to specifically train for businesses that need certain software skills, but also on the education side, you know, training our traditional students.

**MS. VIZZINI:**

Yes. Suffolk is having robust discussions with Stony Brook in terms of a feeder -- better feeder route for our programs to their programs. We are making some modifications to adjust to that and some of our programs are certification -- for certifications. They do end with that and they're not necessarily feeder routes to Stony Brook.

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I'm going to ask John to address your specific question in terms of planning for the stem building. Included in that is the cyber security program, we have certain space for that which is a burgeoning field and is well supported at the State level with State funds.

### **MR. DeMAIO:**

Good morning. So to answer your first question about design, as you pointed out, curriculum development and space programming has already been happening internally at the college. What this money would allow us to do is then craft an RFP with that specific information in it, including space on the second floor for a cybersecurity lab, so that is currently in the program as it's written now. Develop that RFP, get it on the street, hire a consultant to now do the actual design of the facility based on our academic programming needs. This funding allows us to go out and hire that consultant or consultant team to take this to the next level.

### **LEG. HAHN:**

Okay. So basically everything that's going to be in that building has already been planned and it's not like you're really planning the building, but you're designing, you're going further in the design phase for what you have planned for it.

### **MR. DeMAIO:**

And certainly, it will be a collaborative process with the consultant of record. They may have additional experience to bring to the process that might help evolve what we feel the building will have and how it will best serve our needs. But yes, the curriculum has been developed and continues to be developed. The designers, really, their primary focus is to then give us a building in drawing and specification, so that we can then go to the next step which would be to have a public bid and get it built.

### **LEG. HAHN:**

Okay.

### **D.P.O. SCHNEIDERMAN:**

Legislator Anker.

### **LEG. ANKER:**

You know, again, I think you understand our dilemma as far as, you know, how much we want to invest in the Capital Projects. Have you reached out to -- you mentioned a public/private partnership, you know, once it's established. But have you reached out to private companies as far as a building naming or sponsorship of the actual construction of the building? You know, I know Stony Brook has had substantial contributions towards some of their buildings and scientific centers.

### **MS. VIZZINI:**

At this point, the primary funding would be through our normal channels which would be sponsor and matching State share. As programs get underway, the foundation may be reaching out for some sort of entities to support the outfitting of laboratories or a name for the building or something of that nature. We typically do do that. Thank you.

### **LEG. ANKER:**

Thank you.

### **D.P.O. SCHNEIDERMAN:**

Legislator Krupski.

**LEG. KRUPSKI:**

What's the time frame on this proposed facility? I mean, the bonding today is for almost a million dollars for planning only. What's the time frame for construction?

**MR. DeMAIO:**

Given the size and complexity of the building, we would certainly expect a year for design development. So currently in the adopted program, construction funds are scheduled for 2015. We would come back at that time to request those funds. What's being approved today is strictly for \$900,000 for the design of which 50% is State-aided. But I would expect at least a 12-month design period for a building of this size.

**LEG. KRUPSKI:**

Thank you. And then a follow-up to that. All the different curriculums that were described today that would take place in this new facility, can any of those -- and they all seem very valuable and important. Can any of those take place in any other facility with -- suppose this didn't get built, for whatever reason, 'til like 2018? You know, could any of these things that are so important take place in any other part of the campus in any of the campus systems? And if so, you know, why not?

**MS. VIZZINI:**

Well, as I indicated earlier, the idea of this is to design this building to optimize the training on the equipment and the programs that these students will be learning when they get jobs in the field. If we could absorb any other, it would be extremely limited and extremely piecemeal.

**LEG. KRUPSKI:**

Thank you. If the -- so going back to the whole building of this and then choosing whether to include the maintenance money, which is not in the Capital Budget, to put that into the Capital Budget. If the Capital Budget Working Group and then the Legislature decides that the maintenance money isn't going -- is going to -- is not going to be put into the budget, what is the college's plan going forward as far as the building maintenance and safety concerns being met?

**MR. DeMAIO:**

We currently have years one through three of the infrastructure project funded. We have spent through the construction portion of Phase I, we're 75% through construction portion of Phase II, either in progress or committed. By this time next year, we would need to go into Phase IV, which is why I requested in the 2015 calendar. If that was not added to this cycle, we would certainly be coming back next year to ask that it be reintroduced and we would have more information on how much funding we had left in our first three years at that time. But we do predict at this moment, given the pace of the project which has been very good and the effects of these improvements on our existing facilities, that this time next year we would be looking for Phase IV.

**LEG. KRUPSKI:**

But suppose that doesn't, for whatever reasons outside of any -- any reasons related to the college that doesn't happen, what is the plan for that? If this body decides against it?

**MR. DeMAIO:**

Things would be addressed on an as-needed basis, the most critical infrastructure needs first, and they would be funded from our Operating Budget if we don't have the funding from a Capital initiative like this.

**LEG. KRUPSKI:**

Thank you.

**D.P.O. SCHNEIDERMAN:**

Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Mr. Presiding Officer, Vice-Presiding Officer. I think I understand from the cycle. But John, just tell me, my recollection is that when State Ed adopts these programs for us, building construction, they do it in five-year increments? Where are we with this building in whatever the State five-year increment is, or am I misrepresenting that?

**MR. DeMAIO:**

That is correct, unless they want to do it project by project, which they have done. In this case, this project is a specific line item project added into the State budget this year.

**LEG. KENNEDY:**

Oh, okay.

**MR. DeMAIO:**

In the past, they have done five year programs.

**LEG. KENNEDY:**

Uh-huh.

**MR. DeMAIO:**

Recently they've been adding project by project. There are, I believe, discussions from the State to return to a five-year program initiative. We'll keep tabs on that and see how they want to develop --

**LEG. KENNEDY:**

As of right now we're going year by year.

**MR. DeMAIO:**

That appears to be the case.

**LEG. KENNEDY:**

Okay. Tell me a little bit about the curriculum, or is Mr. DeMaio more appropriate to go ahead and talk to us about the curriculum.

**MS. VIZZINI:**

We have with us Nina Leonhardt.

**LEG. KENNEDY:**

Sure.

**MS. VIZZINI:**

I am going to ask her to address the curriculum.

**LEG. KENNEDY:**

Great.

**DR. LEONHARDT:**

Good morning.

**LEG. KENNEDY:**

Hello, Dr. Leonhardt. How are you? Thank you for being here.

**DR. LEONHARDT:**

Thank you for inviting us. This -- as Gail pointed out, this building is going to house very new and emerging curricula. And from the standpoint not only of teaching the concepts, but also using a living laboratory approach. So the energy-related curriculum will look at energy efficiency and weatherization, and that will occur in the roll-out building. So once students learn the concepts and as they learn the concepts, they will have the opportunity to experience those concepts using authentic learning tools, which would be the roll-out building.

The same thing for the solar panels, solar energy. Solar energy will be taught both to those students who are career changers, as well as those individuals who are seeking the various engineering options. So they will learn all the concepts behind, they will see it in action, they will build and construct their own array series, and then they will be equipped to go on to a four-year institution such as Stony Brook in engineering and be able to further their education.

**LEG. KENNEDY:**

Doctor, if I can interrupt. I have an awful lot of familiarity with manufacturing and technology, and one of the major benefits of it -- first of all, it gives great instruction, does a lot of work with veterans. But as I understand it, students in that program are very heavily subscribed and, in many cases, have offers of employment before they even graduate.

Now, from our perspective, our investment is basically targeted towards getting our students and residents into the workforce. What's the likelihood here?

**DR. LEONHARDT:**

It's the same thing as happening here. We've had a number of energy programs in the past that were non-credit, professional development and career changes, and those individuals have gotten work right here in the County.

**LEG. KENNEDY:**

So these areas are areas that are in demand. You feel that by progressing this initiative, we're going to be enrolling students, they're going to graduate and they're going to be able to become employed.

**DR. LEONHARDT:**

Correct.

**LEG. KENNEDY:**

Okay. John, you agree with that?

**MR. DeMAIO:**

Yes, I do. I just wanted to add to that that we have -- through the existing programs and manufacturing and the programs that Nina has, we've engaged companies, future employers, to provide some incubator opportunities, some R and D opportunities in the energy field. The added value of this building is that we would then prototype in our 3-D modeling system those products and then bring them across the lawn to the manufacturing facility and build them. So it's the first time that we see this total integration of process and procedure and training where the students have a career ladder right in front of them and they could take all of the alternative paths. So we take the value of the existing building, we take -- we take the value of the research and development and we have companies currently working on two projects, one for a heating system additive that improves the heating, and then there's also an HVAC product. Both of those R and D

projects will occur in the new building and any manufactured product that develops from that will be prototyped and built next door.

**LEG. KENNEDY:**

Terrific.

**MR. DeMAIO:**

So it's an opportunity. As this industry grows, this building and workforce preparation will feed many other industries throughout the County.

**LEG. KENNEDY:**

Good. Thank you. Thank you very much. Thank you.

**D.P.O. SCHNEIDERMAN:**

Okay. Seeing no further questions, we have a motion and a second on the appropriating resolution for the STEM Building, IR 1401. So I'll call the vote. All -- I'm sorry, there's another question? Okay. All Legislators please report to the horseshoe. Okay, I'll call the vote. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Seventeen (Not Present: Presiding Officer Gregory).*

**D.P.O. SCHNEIDERMAN:**

Approved.

Okay. And on the accompanying Bond Resolution, ***1401A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$450,000 Bonds to finance a portion of the cost of planning of the Renewable Energy and Stem Center - Grant Campus (CP 2141.110)***, roll call, Tim.

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

**LEG. ANKER:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. KRUPSKI:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. CALARCO:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MARTINEZ:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. TROTTA:**

Yes.

**LEG. McCAFFREY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. SPENCER:**

Yes.

**D.P.O. SCHNEIDERMAN:**

Yes.

**P.O. GREGORY:**

*(Not Present).*

**MR. LAUBE:**

*Seventeen (Not Present: Presiding Officer Gregory).*

**D.P.O. SCHNEIDERMAN:**

Okay, the Bond is approved.

On 1402 *(Appropriating funds in connection with the Health and Sports facility - Eastern Campus (CP 2120) (County Executive))*, I believe we don't have the accompanying Bond Resolution, 1402A. Is there somebody here from the Administration? Tom, is that correct, there's no Bond?

**MR. VAUGHN:**

We do not have the Bond at this time, no.

**D.P.O. SCHNEIDERMAN:**

Will we have it today? Should we pass over it or table it?

**MR. VAUGHN:**

I don't believe that we will have the Bond today. There -- as you know, in the last -- recently we -- or in the last two, three years, I believe, we've changed Bond Counsel, and Bond Counsel

has -- as everybody does, has different ways of looking at things. This Bond Counsel believes that this is a different type of SEQRA determination than we've done in the past. They think that it's a Type II as opposed -- because of the construction of a new building, as opposed to indeterminate, which I believe is what is on there, or else I'm reversing this. This is something that we've just started -- that we just -- I just became aware about just moments ago, Legislator Schneiderman, so I apologize. But I don't think that we will have the Bond today. If you would like to adopt it, we can amend the bill later on and bring forward the Bond Resolution at that point in time.

**LEG. CALARCO:**

Motion to table. We'll be back in three weeks.

**D.P.O. SCHNEIDERMAN:**

Okay. I know they're ready to break ground on this.

**MR. VAUGHN:**

I know that they're ready to go, too, and I'm actually pretty disappointed that we don't have that at this point in time.

**D.P.O. SCHNEIDERMAN:**

You want to pass over it for now or --

**MR. VAUGHN:**

No.

**D.P.O. SCHNEIDERMAN:**

All right. There's a motion to table by Legislator Calarco.

**LEG. CILMI:**

I'll second.

**D.P.O. SCHNEIDERMAN:**

Second by Legislator Cilmi. Any further discussion on the tabling? Okay. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Seventeen (Not Present: Presiding Officer Gregory).*

**D.P.O. SCHNEIDERMAN:**

Okay, 1402 is tabled, as well as 1402A.

I guess we have ***1422-14 - Accepting and appropriating a grant award from New York State Department of Economic Development for a Youth Entrepreneurial Financial Literacy and College Preparation Initiative, 91% reimbursed by State funds at Suffolk County Community College (County Executive).***

**LEG. ANKER:**

Motion.

**D.P.O. SCHNEIDERMAN:**

Motion by Legislator Anker.

**LEG. CILMI:**

Second.

**D.P.O. SCHNEIDERMAN:**

Second by Legislator Cilmi. Any questions? Does anyone want to hear from the college on this one? It's 91% reimbursed by the State. Okay? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Seventeen (Not Present: Presiding Officer Gregory).*

**D.P.O. SCHNEIDERMAN:**

***1423-14 - Amending the 2014 Capital Budget and Program and appropriating funds in connection with the Science, Technology and General Classroom Building – Ammerman Campus (CP 2174) (County Executive).*** Is there a motion?

**LEG. ANKER:**

Motion.

**D.P.O. SCHNEIDERMAN:**

Motion by Legislator Anker.

**LEG. CALARCO:**

Second.

**D.P.O. SCHNEIDERMAN:**

Second by Legislator Calarco. Anybody want to hear from the college? Is there a representative from the college?

**MR. DeMAIO:**

Hello again. These additional funds for the Science Technology and general classroom building will be used for two purposes. One, when we originally bid the project, there was an alternate for a rooftop photovoltaic system which has been completely designed and the contractor of record has held their alternate bid pricing in the event that we could get additional funds and add this to the program, and this seeks to fund that portion as well. The system would supply the electrical consumption for about 60% of the building use, so we're very excited that we could potentially add this to the existing building programming.

In addition, there are five new life science laboratories in this building, two additional chemistry. There's a host of equipment needs that those labs should have ranging in everything from balances to centrifuges to all we need to actually utilize those labs to their fullest potential. This additional money would also support those equipment needs. So those two initiatives, in combination, would be funded by the additional monies.

**D.P.O. SCHNEIDERMAN:**

The total additional monies is 650,000; is that correct?

**MR. DeMAIO:**

Six hundred and fifty thousand --

**D.P.O. SCHNEIDERMAN:**

That's our share.

**MR. DeMAIO:**

-- County; your share, yes.

**D.P.O. SCHNEIDERMAN:**

Okay.

**LEG. ANKER:**

Question.

**D.P.O. SCHNEIDERMAN:**

All right. Any questions? Legislator Anker.

**LEG. ANKER:**

Just a comment as far as now the total cost is 3,125,000 and we get LIPA rebates? What's the total cost on that?

**MR. DeMAIO:**

The total cost of the photovoltaic?

**MS. VIZZINI:**

One point three.

**MR. DeMAIO:**

The whole request is 1.3 million, of which 650,000 is State-aided.

**LEG. ANKER:**

And also LIPA rebates with that?

**MR. DeMAIO:**

There is an estimated LIPA rebate, a one-time rebate given the size of the system of \$132,000.

**LEG. ANKER:**

Okay. How much will it save? That's from Legislator Hahn, by the way.

**MR. DeMAIO:**

Roughly \$48,000 per year.

**D.P.O. SCHNEIDERMAN:**

Legislator Hahn.

**LEG. HAHN:**

No, no, that was my question on the savings. At 60% of the building's use, it's \$48,000 a year that will be saved.

**MR. DeMAIO:**

Correct.

**LEG. HAHN:**

Thank you.

**D.P.O. SCHNEIDERMAN:**

Okay. Any other questions? Okay, seeing none, I'll call the vote. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Seventeen (Not Present: Presiding Officer Gregory).*

**D.P.O. SCHNEIDERMAN:**

Seventeen, approved. Okay. And on the companion Bond Resolution *(1423A - Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$650,000 Bonds to finance a portion of the cost of the acquisition of furniture and equipment for the Science, Technology and General Classroom Building – Ammerman Campus. (CP 2174.510)*, same motion, same second. Roll call.

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

**LEG. ANKER:**

Yes.

**LEG. CALARCO:**

Yes.

**LEG. KRUPSKI:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MARTINEZ:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. TROTTA:**

Yes.

**LEG. McCAFFREY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. SPENCER:**

Yes.

**D.P.O. SCHNEIDERMAN:**

Yes.

**P.O. GREGORY:**

*(Not Present).*

**MR. LAUBE:**

*Seventeen (Not Present: Presiding Officer Gregory).*

**D.P.O. SCHNEIDERMAN:**

***IR 1428-14 - Authorizing the County Executive to execute an agreement with the Suffolk County Faculty Association, Suffolk County Community College, covering the terms and conditions of employment for employees covered under Bargaining Unit No. 3 for the period September 1, 2015 through August 31, 2019 (County Executive).***

**LEG. SPENCER:**

Motion.

**LEG. MURATORE:**

Motion.

**LEG. BROWNING:**

Second.

**D.P.O. SCHNEIDERMAN:**

I'm hearing several motions. Let me see them again. Legislator Muratore makes a motion, second by Legislator Spencer. Okay? Any discussion? Seeing none, all in favor? Oh, I'm sorry, discussion?

**LEG. KRUPSKI:**

Yeah.

**D.P.O. SCHNEIDERMAN:**

Legislator Krupski, I'm sorry.

**LEG. KRUPSKI:**

I have a question about the -- you know, how long -- just because the Legislature is not involved in the negotiations, I just had a question about how long it took to negotiate this, and what were the proposed savings?

**D.P.O. SCHNEIDERMAN:**

Jeff, will you come up to answer this? Mr. Tempera.

**MR. TEMPERA:**

Good morning. Jeff Tempera, I am the Assistant Vice-President for Employee Resources at the college. A little background. The agreement, current agreement with The Faculty Association doesn't expire 'til next August. However, there was a clause built into the last agreement that a plus two for class size would expire this August 31st.

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It was anticipated that the -- with the expiration of the increase in class size, there would be an additional cost to the college of over three-quarters of a million dollars. As a result of that, discussions opened probably around January of this year, we expedited the discussions because we had to deal with finalizing the calendar for the college and setting up class sizes. So I would say it probably took us a month or two, going through it in an expedited fashion with all the discussions, to move forward.

In terms of savings, as I mentioned, the extension of the class size agreement will save in excess of \$750,000 a year. We're also going to a paperless payroll, that will save approximately \$500,000 a year. We were granted the ability with flexibility with the calendar where we're able to start up a full week earlier in the Fall, rather than the Monday in the week of which September 1st falls, we can start as early as August 21st, giving the college much more flexibility in terms of scheduling and a number of other items.

We've pushed off the increases. Normally all increases historically have taken place on September 1st of the year; the increases in this agreement have been pushed off six months to February. So basically, when you look at the increases, you can cut them in half from a cash savings standpoint. That's -- from a savings standpoint, that's really a majority of the issues.

**LEG. KRUPSKI:**

How many classes -- you mentioned the class size going from 35 to 37?

**MR. TEMPERA:**

That's -- on average, that's the larger classes we have, yeah. But there's a number of classes that all have different sizes throughout the college. Those are more the entry-level classes and the majority of them, correct.

**LEG. KRUPSKI:**

So how many will this actually affect?

**MR. TEMPERA:**

How many classes? I don't have that information. I don't know if -- Kevin? I don't know that we have an answer on how many classes. I know it's been estimated to save at least three-quarters of a million dollars.

**LEG. KRUPSKI:**

And how was 37 arrived at?

**MR. TEMPERA:**

It was the plus two, it was two extra students. This is an agreement --

**LEG. KRUPSKI:**

I know, but why not -- I know the difference is two, between 35 and 37, but how is that -- why not plus three? Why not negative one? Why not plus ten? I mean, somebody sat down and said "*Plus two*," and that's the number we want.

**MR. TEMPERA:**

That's the order of negotiations.

**LEG. KRUPSKI:**

Where did that come from?

**MR. TEMPERA:**

That's just -- again, keep in mind, this is an agreement that was reached probably back in 2010. So we are extending that agreement back at that point in time when all of the issues with regards to providing services to the students, class size, teaching, how many individuals you can get to. Every class is different. There is a class size agreement that lists all the classes within the college, and many of them have different limits. You may have a reading class where you have a much lower limit than you're going to have in an English class. So they're all different. And why the class sizes and the physical size of the room with regards to labs, there's limitations at that point.

Why plus two? Again, like I said, it's the art of negotiation. Back in 2010, the union didn't want to agree to any increase, the college sought a higher increase and the plus two was what was agreed to between the parties.

**LEG. KRUPSKI:**

Thank you. And one last question; is there any health insurance contribution involved in this contract?

**MR. TEMPERA:**

Not in this contract, because it's already been negotiated with all the unions. Health insurance is all negotiated separately. All new employees will contribute 15% of the cost of health insurance, and that's through a separate agreement. One last piece I didn't mention as to cost savings is the entry level salary will be frozen for the life of the agreement.

**LEG. KRUPSKI:**

Thank you.

**MR. TEMPERA:**

You're welcome.

**D.P.O. SCHNEIDERMAN:**

Jeff, don't go anywhere yet. Legislator Spencer had a question as well.

**LEG. SPENCER:**

Some of my question was answered, because it was with regards to the class size. But I guess -- and I brought this up at caucus, too, that 37 is the maximum class size for any class across the campus; is that --

**MR. TEMPERA:**

I don't know that -- like I said, there's a host, there's a document back at the college, I don't have it with me, that lists every class within the college. I don't know if that's the largest class we have. It sounds like it is, but I don't have that number in front of me.

**LEG. SPENCER:**

No, I get that. But if this is specifically in the contract, are we saying that that's the maximum class size?

**MR. TEMPERA:**

Well, the plus two. The plus two, with any agreement, yes, we can't exceed that plus two, if that's the question.

**MR. PETERMAN:**

If I may? Kevin Peterman, President of The Faculty Association. There are a few nursing classes that have double sections, where we could have 48 in the class. But by and large, most of the

humanities classes are 37. You also have to realize the class size, the actual physical space of the classroom can only hold 37 chairs; that's part of the limitation as well. You can't put 50 chairs in a room that's designed for 37, so that's part of the issue as well. It's not just the art of negotiation, but it's also physics.

**LEG. SPENCER:**

When we look at class size, is this strictly considered more of an issue with regards to the environment for the teacher? I mean, I have concerns, and I did ask just some of my colleagues who are education professionals, but a large class size, doesn't that sometimes translate to a diminished or a more divided educational experience? We're talking at this level, I mean, I've taken classes where I've done, you know, calculus with 300 people in the class and it was done in an auditorium. So are we negotiating -- this is considered strictly a quality of life with regards to faculty and when we're negotiating this number?

**MR. PETERMAN:**

It's also involved with the students. One of the things that's a big attraction for us is we have small class sizes. Even 37 is considered a small class size; as you mentioned, at many universities we're talking 300. One of our features is that students that come there realize that they're going to get the attention they need before they transfer to Stony Brook and get put in a class with 300.

**LEG. SPENCER:**

So not knowing how this number -- if we're -- how did we derive the calculation of the savings of being three-quarters of a million dollars by adding two students? How does that -- how is that calculated?

**MR. TEMPERA:**

There's a look-back by one of the individuals within the college as to all the classes we now have, and if we had to go out and hire an adjunct to teach the additional students that would come in, it's looked at by discipline, by class, and if we had to go out and hire additional faculty to teach those classes, they've estimated that it would be in excess of three-quarters of a million dollars.

**LEG. SPENCER:**

So when you think of a class that has 300 people and you're saying we're attracted to Suffolk because of its large class size, and this gets back to Legislator Krupski's question, so if we save three-quarters of a million by adding two, so why don't we just make it plus four? It's still small and we save 1.5 million? Does it work that way? Is there some proportion there?

We seem to be negotiating quality of teaching experience and educational experience with regards to a dollar amount. Gail, can you tell me how this -- I understand -- you know, is there a proportion there? If we made it plus four, do we save 1.5 million by doing it that way, or is there a diminishing return?

**MS. VIZZINI:**

I just want to point out that the methodology is fairly explicit on your fiscal impact statement. As Jeff said, we went back into the system and took the number of classes that we were able to -- that didn't exceed any hard limits. I think you have to keep in mind that Suffolk Community College is open to all students, it's an equal opportunity educational experience. So we want to be careful in terms of breaking through walls and making our classrooms larger because we want to make sure that we're able to address our developmental students --

**LEG. SPENCER:**

Uh-huh.

**MS. VIZZINI:**

-- our students who need extra time and attention from the teachers, not to say that all classes are like that. But school in general is not specifically designed for large lecture halls. It's designed, what, usually somewhere between 30 to 35, that's how many chairs, that's how many desks. Some classes only have 21, some have 27. The whole concept here is whatever the discipline is, whatever the agreed upon maximum is, we were able to add one or two to maximize the utilization of the space and not have to add more space.

**LEG. SPENCER:**

Oh, okay.

**MS. VIZZINI:**

Kind of like getting more butts in the seat. You know, the seats are there, but we're not asking for more.

**LEG. SPENCER:**

Thank you. Mister D.P.O., I'll yield.

**D.P.O. SCHNEIDERMAN:**

Thank you. All right, so we've had a motion and a second, this is on IR 1428. I'd like to call the vote. All Legislators report to the horseshoe. I'll give the missing Legislators a moment to get back.

Okay, I'll call the vote. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Fifteen (Not Present: Presiding Officer Gregory, Legislators Cilmi & Muratore).*

**D.P.O. SCHNEIDERMAN:**

Fifteen. Okay, it's approved.

Okay. I'd like to recognize Legislator Krupski for a motion to take an IR out of order; I believe it's IR 1380 on page ten.

**LEG. KRUPSKI:**

Thank you, Deputy Presiding Officer. I would like to make a motion to take 1380 out of order.

**LEG. BROWNING:**

I'll second it.

**D.P.O. SCHNEIDERMAN:**

It's on page ten. Okay, there's a motion by Legislator Krupski. A second by Legislator Browning. All in favor? Opposed? Abstentions? Okay.

**MR. LAUBE:**

*Fifteen (Not Present: Presiding Officer Gregory, Legislators Cilmi & Muratore).*

**D.P.O. SCHNEIDERMAN:**

Okay, **1380** is now before us, **(Authorizing an agreement with Long Island ABATE for the use and maintenance of the former Long Island Beagle Club property (Krupski))**. Do we have a motion?

**LEG. KRUPSKI:**

*(Raised hand).*

**LEG. BROWNING:**

Second.

**D.P.O. SCHNEIDERMAN:**

Motion to approve by Legislator Krupski. Second by Legislator Browning. Okay. Any questions? I know there's a gentleman from ABATE who's here today. If there are any questions about the organization, he can answer it. No questions? Okay, I'll call the vote. All in favor? Opposed? Abstentions? Approved.

**MR. LAUBE:**

*Fourteen (Not Present: Presiding Officer Gregory, Legislators Muratore, Hahn & Cilmi).*

**LEG. KRUPSKI:**

Thank you.

**Environment, Planning & Agriculture**

**D.P.O. SCHNEIDERMAN:**

Okay, going back to our agenda, we are on IR 1328, toward the bottom of page eight under the Environment, Planning & Agriculture Committee.

**1328-14** is to *enhance the transparency of the "Triple A Program" (D'Amaro)*. Motion by Legislator D'Amaro.

**LEG. D'AMARO:**

Motion.

**D.P.O. SCHNEIDERMAN:**

Is there a second?

**LEG. ANKER:**

*(Raised hand).*

**D.P.O. SCHNEIDERMAN:**

Second by Legislator Anker. Legislator D'Amaro, can you just explain the bill briefly?

**LEG. D'AMARO:**

Certainly. This bill doesn't change the Triple A procedure that is newly adopted or recently adopted. What it does, though, it makes some minor revisions to it, especially the authorization step that we go through. And all it really does is ensure that not only the EPA Committee continues to get the information it needs to prioritize through Procedural Motion the properties that we should be purchasing, but it just gets that same information in a timely manner to all of the members of the Legislature and gives you proper notice of the fact that the Procedural Motion is upcoming at the next meeting. So it's really just more of an internal adjustment -- excuse me -- with respect to the procedures that we're using to ensure that all members of the Legislature get to attend the committee meetings and can participate in the Executive Sessions that we would have when we discuss not only the properties but the prices that have been submitted by the ETRB.

It's really not changing the procedure itself, it's just ensuring that we all get the same information and accurate information. I know there was an issue with respect to whether or not the prices

would be disclosed. If you recall, at our last meeting we did have a discussion about the Procedural Motion that was up for a vote last time, and what we've done in this bill is we've expressly stated that you may not transmit that information electronically by e-mail which will help to -- or enhance the goal of making sure it's not publicly disclosed information. And I would just say that the Legislators who receive this information, all 18 of us would be under the same constraints and restrictions that the members of the committee would be as well in handling that information. So I urge you to support it.

**D.P.O. SCHNEIDERMAN:**

Thank you, Legislator D'Amaro. Legislator Krupski.

**LEG. KRUPSKI:**

I'm very familiar with the land preservation process and I would support this bill because I don't have a problem at all with any Legislator seeing the information and I trust that all my colleagues would be discreet and keep this information private. And then if they wanted to be part of the whole review process, I think it's totally appropriate as long as -- because in any kind of real estate transaction, whether it's purchase of development rights or purchase of fee title, this information should be kept private between, in this case, the County and the landowner. So I would support this.

**D.P.O. SCHNEIDERMAN:**

Anyone else? Legislator Hahn.

**LEG. HAHN:**

As Chair of the Environment Committee, I also would -- I think I said this in committee, that, you know, this is a new process that we established. There was a lot of time taken to create -- develop this process, but we knew that since it was a huge change to the way we do business, that there could be little quirks along the way. And so I thank Legislator D'Amaro for pointing this out and taking -- making the effort to make this change. I agree with Legislator Krupski. I mean, I think, certainly, all Legislators know they're welcome to the Environment Committee, they're welcome to participate in the Executive Session, etcetera, but this is an improvement and I appreciate Legislator D'Amaro's work on this. So I am supporting this bill. Thank you.

**LEG. D'AMARO:**

Thank you.

**D.P.O. SCHNEIDERMAN:**

Okay. Seeing no further questions, I'll call the vote. This is on IR 1328. All in favor? Opposed?

**LEG. BARRAGA:**

In the negative.

**D.P.O. SCHNEIDERMAN:**

Abstentions? Okay, there's --

**MR. LAUBE:**

*Fifteen (Opposed: Legislator Barraga - Not Present: Presiding Officer Gregory & Legislator Cilmi).*

**LEG. D'AMARO:**

All right. Thank you to everyone except Legislator Barraga.

(\*Laughter\*)

**MR. LAUBE:**

Legislator Trotta, you were in the affirmative?

**LEG. TROTТА:**

Yes.

**D.P.O. SCHNEIDERMAN:**

Okay. *IR 1335-14 - Making a SEQRA determination in connection with the proposed installation of public safety radio communication equipment at Babylon (1st Precinct Monopole), Port Jefferson (Roof of St. Charles Hospital), and Montauk County Park (GATR Site) as part of the Countywide System Enhancements to the 800 MHz Radio Communication System Project (CP 3241) (Presiding Officer Gregory).*

**LEG. CALARCO:**

Motion.

**LEG. HAHN:**

Motion.

**D.P.O. SCHNEIDERMAN:**

We've got lots of motions. So Legislator -- was it Calarco who made the motion? Second by Legislator Hahn. Any discussion? It's a SEQRA determination. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Sixteen (Not Present: Presiding Officer Gregory & Legislator Cilmi).*

**D.P.O. SCHNEIDERMAN:**

Approved.

Moving on to page nine, top of page nine, *IR 1383-14 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - property open space component - for the Sutera property - Mud Creek Town of Brookhaven - (SCTM No. 0200-973.60-03.00-013.000) (County Executive).* Do we have a motion?

**LEG. BROWNING:**

Motion.

**D.P.O. SCHNEIDERMAN:**

Motion by -- I didn't see who made that.

**MR. NOLAN:**

Browning.

**D.P.O. SCHNEIDERMAN:**

By Legislator Browning.

**LEG. CALARCO:**

Second.

**D.P.O. SCHNEIDERMAN:**

Second by Legislator Calarco. Any discussion?

**LEG. KRUPSKI:**

On the motion?

**D.P.O. SCHNEIDERMAN:**

This is a \$4,500 purchase, it's a very small piece. Legislator Krupski.

**LEG. KRUPSKI:**

Well, I think it's important that Suffolk County stays on top of these little parcels as far as because of their elevation, because of their importance and, you know, flood control during storm events. And I think that we should work on, as a County, a small lot policy to help us compile some of these sensitive areas that are important as far as storm surge and do have some environmental value so we can keep -- you know, keep acquiring these and developing them, if possible, as part of our overall flood protection plan.

**D.P.O. SCHNEIDERMAN:**

All right. Thank you, Legislator Krupski. Anyone else? Okay. There's a motion and a second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Sixteen (Not Present: Presiding Officer Gregory & Legislator Cilmi).*

**LEG. KRUPSKI:**

Cosponsor, Tim.

**MR. LAUBE:**

Got it.

**D.P.O. SCHNEIDERMAN:**

Okay, *IR 1392-14 - Amending the 2014 Capital Budget and Program and appropriating funds in connection with the restoration of Canaan Lake (CP 8715)(Calarco).*

**LEG. CALARCO:**

Motion.

**D.P.O. SCHNEIDERMAN:**

Motion by Legislator Calarco. Second by Legislator Hahn.

**LEG. KRUPSKI:**

On the motion?

**D.P.O. SCHNEIDERMAN:**

On the motion, Legislator Krupski.

**LEG. KRUPSKI:**

We did talk about this extensively in committee. I voted against it in committee because I felt that this was a -- because I'm familiar with invasive species removal, I'm familiar with dredging and the physical properties of dredging, you know, different dredging applications. I don't think you could actually dredge all the invasive species out of a water body if you have a problem with nutrient flow into the water body and you don't mitigate that.

In my experience, invasive species -- because it is, after all, an invasive species -- is going to just grow back again. And there also have been anecdotal problems with the dredging of upper lake in the Carmans River. There's anecdotal evidence that there is no trout this year; whether that relates

directly to the dredging or not, nobody knows yet. So because of that, I just couldn't support it in committee.

**D.P.O. SCHNEIDERMAN:**

Anyone else?

**LEG. TROTTA:**

Yes.

**D.P.O. SCHNEIDERMAN:**

Legislator Trotta.

**LEG. TROTTA:**

It's going to cost \$500,000 to take these plants out of here?

**D.P.O. SCHNEIDERMAN:**

The sponsor might want to address that.

**LEG. CALARCO:**

Sure. So actually, Mr. Trotta, it's going to cost more than \$500,000, but that's the cost of the project. It's actually going to be looking at something that's more in line of the ballpark of about a million dollars. We included this into the Capital Budget, we spread it out over two years with the understanding that there was going to be a first phase in terms of engineering, doing the initial planning part of the project, obtaining the permits, any additional sediment sampling that might need to be taken, although we've done some sampling and it all came back clean so that we could prepare for the project. It is to dredge the lake, which is about a 26-acre lake, to about four or five inches down to try to remove all the weeds and all the roots, all the muck on the bottom of the lake to get it back to the original sandy bottom to get the water way moving again.

The Town has already made some investments into this lake. When they repaved Traction Boulevard, which runs along the southern edge of the lake, they installed a fish ladder where there used to be a dam system so that you can facilitate the migration of alewives and other fish life further up the stream way. So that they've already made some commitments to this property. The County owns the bulk of the underwater land, especially the areas that are affected by the invasive species right now. We did a water quality feasibility study for Caanan and the two Yaphank Lakes, upper and lower, as part of our Water Quality Program, and they identified this particular solution as the method to try to address this problem.

Similar attempts have been done in Nassau County in some of their lakes and ponds, they've had some success. There was a project done in the -- in a lake that is owned by the Peconic River Sportsmen Club and they've had some success there as well. In fact, that was the model by which they identified this project to move forward with.

So this is -- while Yaphank was moving forward by the Town of Brookhaven because they own most of the land there and they had the resources a little bit more readily available from Caithness, the power plant host benefit package, we worked a little bit more diligently to find some resources here in the County to do this project. So this is where we stand. We've have been working on this for -- we're going on about eight years and now we're trying to move forward with actual remediation. The County has some parkland on the property, we actually have a park on the property, a small little area, and my goal is that once we dredge this out, we can offer canoe launching, kayaking, that kind of thing, and a lot of fishing. The lake is still stocked by the DEC, so there are fish in there, you just can't put a lure in the water because the -- it gets lost in the weeds pretty quick.

**LEG. TROTTA:**

Where exactly is this?

**LEG. CALARCO:**

Caanan Lake is located in North Patchogue. It's actually part of the Patchogue River Waterway System, so it's the first lake and then it flows under Sunrise Highway and there's a culvert there that the fish can come through, actually. It comes out into Patchogue Lake, Greater Patchogue Lake in the Village and then it turns into the Patchogue River, but it's Caanan Lake area, North Patchogue.

**LEG. TROTTA:**

And you said the Peconic Gun Club, that's where you --

**LEG. CALARCO:**

They have -- the Peconic River Sportsmen Club, which is out in Peconic, had a lake, the name of the lake -- I don't have the name off the top of my head, but that was the lake, one of the first lakes they were looking at in terms of a model. Somebody else who has done this, they dredged it, they treated it with a product called Sonar which is a long-standing approved herbicide by the State DEC for waterways to deal with invasive plant life.

**LEG. TROTTA:**

I was there last year and the lake was covered with invasive species, I think. I don't know what it was.

**LEG. CALARCO:**

If you're down on Traction Boulevard in July, it looks like you can walk on the lake, you can take the lawn mower out and go mow. It's gotten to that point. And the Yaphank Lakes were very similar. It becomes a health hazard for the residents, quite honestly. It's not just a matter of improving the quality of the lake. You're talking about such a choked water body that there is absolutely no water movement anymore, and instead of having a healthy lake and an ecosystem there, you have just a giant breeding ground for mosquitoes that creates a whole nother (*sic*) level of problems for the community there. So this, by clearing it out and getting it into -- back to its natural state, you actually help alleviate that problem as well.

**LEG. TROTTA:**

How do they do it? They bring a dredge in or they do it by hand?

**LEG. CALARCO:**

It will be suction. They'll have a -- they'll bring a dredge into the site, it will have a suction on it so that you -- you can't just scoop it because you will do exactly what Legislator Krupski said in terms of breaking the stuff up. I would imagine you would want to do the dredge -- they're going to do it in the wintertime when the plants are dormant. But they'll have a suction that will actually literally suck the stuff right off the bottom and into and out of the lake so that it never has the opportunity to spread.

**LEG. TROTTA:**

Okay.

**D.P.O. SCHNEIDERMAN:**

Legislator Krupski.

**LEG. KRUPSKI:**

First of all, part of the -- you know, we've -- these aren't natural systems. This is part of a natural river system, these are impounded water bodies, and that's why different things happen. That's

why sediment is impounded and that's why invasives come into them. If you took the dams out and you made it into a natural flowing water body, you probably would have a lot less of this problem.

Second of all, you know, it's kind of ironic. Here we are, the plan is to apply an herbicide directly to our surface waters and there's no, you know, quote/unquote, *environmental outrage*. So I don't really see how you could apply an herbicide, a selective herbicide and not have any kind of other impact on any other vegetation there. But supposedly it's approved by the DEC. I'm not quite sure -- I'm not quite sure how you do that in a moving water body, a totally impounded and not connected water body

**LEG. CALARCO:**

It was actually -- during the feasibility study, the DEC had a representative at all of the meetings and it was that individual who pointed out the lake in Peconic and brought this issue up and made the suggestion.

**D.P.O. SCHNEIDERMAN:**

Legislator Calarco, is that actually part of the plan, to use herbicides as well as doing the dredging?

**LEG. CALARCO:**

It was part of the suggestion, it hasn't been necessarily said that we're going to do it yet. And if we were to go that route, I believe there's some other steps we have to take in the County in terms of approvals.

**D.P.O. SCHNEIDERMAN:**

Okay. Any other questions? Legislator D'Amaro.

**LEG. D'AMARO:**

Thank you. Legislator Calarco, through the Chair, I had a few questions for you on your bill. The cost, first of all, is appropriating 500,000. I realize it's already in the Capital Budget and it's been adopted, but is that an accurate estimate? Do you have any information whether or not that's an accurate estimate?

**LEG. CALARCO:**

The total cost of the project, when you take in all the engineering down through the dredging, is about \$927,000. So this is the first part. We will use a good portion, you know, a portion of this funding for that planning stage. It may be that we will -- well, I'm sure at some point we'll be reallocating some of that 500,000 this year towards the construction end of the project, but the project is through -- the feasibility study anyways was pegged at \$927,000.

**LEG. D'AMARO:**

Who conducted the feasibility study?

**LEG. CALARCO:**

We contracted with Nelson, Pope & Voorhis who conducted the study, they did it for the three lakes. It was funded through the Water Quality Program.

**LEG. D'AMARO:**

Did the study mention anything that should be done with the dam that Legislator Krupski mentioned?

**LEG. CALARCO:**

Other than making sure it was closed up so that when we do the dredging nothing filters out of the

lake? No.

**LEG. D'AMARO:**

And the weed killer that they're using?

*(\*Laughter\*)*

**LEG. CALARCO:**

Well, it's --

**LEG. D'AMARO:**

Is this -- is it something that has been used in Suffolk County in the past, or was this a new --

**LEG. CALARCO:**

Yes. Yeah, that lake at Peconic and the Peconic River Sportsmen Club --

**LEG. D'AMARO:**

Right.

**LEG. CALARCO:**

-- that's exactly where they've used it, and they treat it every year actually.

**LEG. D'AMARO:**

Now, would you consider this lake -- I heard what you said about mosquitoes and I appreciate that, but that's most any place on Long Island. Would you say that the lake itself is a dead lake? I mean, the fish survive in the lake, right.

**LEG. CALARCO:**

Sure. There's fish in the lake, absolutely.

**LEG. D'AMARO:**

But it can't be used for recreational purposes; is that the problem?

**LEG. CALARCO:**

As I said, if you were to try to put a boat in the water in July, you're not going to get very far.

**LEG. D'AMARO:**

Right.

**LEG. CALARCO:**

It's that choke through the weeds.

**LEG. D'AMARO:**

So your goal here is to remove the invasive species?

**LEG. CALARCO:**

The goal is to remove the invasive species, to restore the lake to -- it was at one point in time a bathing lake, I don't think we're ever going to get there again, but to turn it back into a recreational resource where people can put a boat in the water and do some fishing.

**LEG. D'AMARO:**

Right. And this invasive species, does the feasibility study address whether or not what are the chances or likelihood that the species would come back after you complete the project?

**LEG. CALARCO:**

Sure. So, you know, it does address that, it certainly takes a look at that. That's why we had to do a feasibility study. The community had tried a lot of other methods beforehand. This isn't just -- in fact, this community has been very active for well over 20 years and doing different monitoring and studies and taking samplings that they sent to the DEC. They tried a method called benthic barriers which is basically laying a mat on the ground, on the floor of the lake to try to keep the weeds from coming back by choking out the sunlight, that wasn't a very effective method. They tried using sterilized grass carp, which had a slight impact in the initial years while the fish were still growing, but once they reach maturity, their metabolism slows down, they don't eat as much. And since they're sterilized, we're not having any more and we don't want to introduce another species into the lake permanently, so you don't want to use, you know, unsterilized fish.

**LEG. D'AMARO:**

All right. Did these --

**LEG. CALARCO:**

So they've tried a lot of different methods. This is what we've gotten to the -- at this point in time is the dual dredging, keep an eye on it. If it appears that the weeds may be coming back, then we may need to look at doing the Sonar treatments.

**LEG. D'AMARO:**

Right. And to that point, did the feasibility study have any other recommendations or alternative types of treatment, less expensive treatment?

**LEG. CALARCO:**

No, this is actually the cheapest of the three options they identified. They also talked about doing a more extensive dredging project that would take it down a couple more feet, actually, to try to make it an even deeper lake. Because the deeper -- these weeds that are in there, the milfoil and the Cabomba weeds, they like still water and they like a mucky bottom. So what they were suggesting is if you actually tuck it even further down and got into the sand a little bit more, got into deeper water where it's colder and allowed for better flow of the lake, you would help prevent it a bit more, but that's a much more extensive project.

**LEG. D'AMARO:**

Yeah. I'm just wondering at what point does an evasive -- invasive species become, you know, the home species? What's the opposite of invasive species?

**LEG. HAHN:**

Native.

**LEG. D'AMARO:**

Native, native. Thank you.

**LEG. CALARCO:**

A native species flow. This is --

**LEG. D'AMARO:**

Well, because --

**LEG. CALARCO:**

There are --

**LEG. D'AMARO:**

It seems like this is a problem that's occurring more and more and, you know --

**LEG. CALARCO:**

Sure.

**LEG. D'AMARO:**

So if we're going to clean this -- if we're going to clean this lake of this species, it's not necessarily pollution or nitrogen problem, it's more about just this invasive plant or weed that's growing in the lake and prohibiting the recreational use of the lake.

**LEG. CALARCO:**

Sure, and it's turning a lake into a swamp.

**LEG. D'AMARO:**

Okay, but a swamp -- a swamp in the sense that it's not polluted, it's just not usable for recreational purposes; is that correct?

**LEG. CALARCO:**

It's not usable for recreational purposes, but it also becomes a health hazard. Because you would create mosquito breeding grounds where you did not have them and it impacts the wildlife that are there. I mean, there is -- there are native plant life in this lake on the northern end where you had the tributaries that enter the lake and you have a little bit better flowing water at that end of the lake, it is cleaner. In fact, there's a whole -- the whole northeast quadrant of the lake is actually in really good shape. It is, as you travel further south in the lake and get towards the southern end where the waters get a little stiller and the sediment had built up over years.

Part of the reason they want to dredge is because the reality is this plant grows, you know, all summer long, to the point that it's literally poking out of the water. It dies off for the winter, it settles to the bottom, that material decomposes, creates this mucky bottom that it actually prefers to have and then it only -- it's a perpetuating cycle.

**LEG. D'AMARO:**

Right. And so the herbicide, the pre-approved herbicide that they plan to use after the dredging is not something that could be used standalone without the dredging. Because I would assume most of the cost here is going to the dredging.

**LEG. CALARCO:**

The bulk of the cost. In fact, this whole project is for the dredging. The herbicide treatment is only if we find that we may need it in the future, and it's a very inexpensive treatment at that. So yes, the bulk -- this cost is really through the dredging.

**LEG. D'AMARO:**

My only thought on it, Legislator, is that it's an expensive project, you know, at a time where we're looking at the debt service the County incurs through the operating budget. And it seems to me that this is leaning more towards recreational use or bringing back the recreational use of this --

**LEG. CALARCO:**

Well, I would argue there's most certainly a health impact here. And you know, as Legislator Browning can attest for her lakes in the Yaphank area, the people who live in this area, you know, are -- for the most part, many of them, especially the old-timers, they were there when these lakes were bathing beaches and you can actually go in and swim. And now they are in situations where in the summer time, they really can't go out of their homes because of the extensive mosquito

problems that come with it, and all the associated health risks that come with having that mosquito population.

**LEG. D'AMARO:**

So there is a health aspect to the expenditure as well.

**LEG. CALARCO:**

Absolutely.

**LEG. D'AMARO:**

Yeah, as part of even our mosquito project, you know, remediation efforts that we make in the County.

**LEG. CALARCO:**

Sure, absolutely.

**LEG. D'AMARO:**

Yeah. All right. Thank you for answering my questions.

**LEG. CALARCO:**

Thank you.

**D.P.O. SCHNEIDERMAN:**

I have Legislator Krupski next. But Mr. Vaughn, I thought you may want to weigh in on the herbicide issue with the Pesticide Advisory Committee, etcetera.

**MR. VAUGHN:**

Well, as we all know, I really do like to consider myself an expert on 477 Water Quality project.

*(\*Laughter\*)*

But as we are specifically addressing the herbicide issue, if an herbicide or any type of pesticide were to be used, it would have to be approved by our Pesticide Management Committee, and that's really about the only thing that I have to add to this. We do support this project.

**D.P.O. SCHNEIDERMAN:**

Thank you, Sir. Legislator Krupski?

**LEG. KRUPSKI:**

I would like to get back to the -- you know, if you want anything approved, I understand you have to say it's a health hazard and then everybody has to vote for it. The whole thing with the mosquito population, how do you have a breeding mosquito population in a lake where you have fish? That just doesn't make any sense. I mean, that's why you have fish there, to control the mosquito -- and you have mosquito populations in areas where you have no fish, they can breed in a tiny -- you know, old tires, old cups, anything there where there's nothing to eat the larvae. If you have a fish population, they eat -- they're the biological control agent to mosquito larvae.

**LEG. CALARCO:**

Sure. So as I said, if you get into the northern portions of the lake, you don't have the invasive species problem in nearly the same regards. And so you have -- that's where the fish kind of hang out, they don't go down towards the southern portion where the lake's gotten choked off by these weeds, because it's actually become a habitat issue for them as well. So that is, you know, part of the issue that we are trying to address.

**LEG. KRUPSKI:**

Who said the fish don't hang out there? Because if there's food in the place where you say the fish don't hang out, that's where the fish are going to hang out.

**LEG. CALARCO:**

Sure.

**LEG. KRUPSKI:**

Fish aren't just hanging out, they're looking for food.

**LEG. CALARCO:**

Listen, I hear what you're saying. But if you ask anybody who lives along this lake that there's no mosquito problem, I think you would be surprised. You know, you would hear that there is most definitely a problem, as there's a major problem along the Yaphank lakes where we have the similar -- very similar problem. And that's why when water quality program -- and it went through the water quality review, they most certainly approved this. And in fact, in the most recent round, we had put in an application for this. And while it was something that qualified and it was supported, there wasn't the funding available to have the Water Quality Program pay for it.

**LEG. KRUPSKI:**

But is there -- back to the mosquitoes, though. I mean, is there any documentation that the mosquitoes are successfully breeding and emerging from there? I mean, that's the whole question here. Because if it's -- if it is strictly recreational, that's one thing.

**LEG. CALARCO:**

I could only tell you what the residents tell me. I guess if you're doubting the mosquito population, I'll take you down there any time during the summer.

**LEG. KRUPSKI:**

That doesn't -- I don't doubt that there are mosquitoes there, but it doesn't mean that they're coming from that source. And if there are fish in the lake, that's what they're eating, they're eating mosquito larvae.

**P.O. GREGORY:**

Okay. Anyone else?

**LEG. TROTТА:**

Yes.

**P.O. GREGORY:**

Legislator Trotta.

**LEG. TROTТА:**

You said that -- I actually went to that Peconic gun club out there in September and the lake was full of that stuff. I mean, there was only a very small portion that -- how long ago did they do this?

**LEG. CALARCO:**

Yeah, it was quite a few years ago. But I would have to get back to you on what the exact lake was and make sure that you're looking at the same place that they treated.

**LEG. TROTТА:**

It was the lake with the lodge right on the lake there. I mean, I actually talked to them about that and they said, you know, they did -- I vaguely remember them saying they did something, but it

was all coming back. My concern is if you do it and three years from now you've got to do it again.

**LEG. CALARCO:**

Sure. No, I could appreciate that. But, you know, we, as I said, have been working on this for many years. This is what our consultants have advised is the way to go, and so we'd like to try to get it going. And if we find we have a problem with it in the future, then certainly we could change course and of course also help us guide our -- as Legislator D'Amaro said, guide decisions for future lakes. But I know that they've done this also in Nassau and they've had quite a bit of success there.

**LEG. TROTTA:**

How deep is it, approximately?

**LEG. CALARCO:**

I think the average depth of the lake is around eight feet.

**P.O. GREGORY:**

Okay. Legislator Krupski.

**LEG. KRUPSKI:**

Could I ask Dr. Branco here, who's here in the audience, if she could give us a little insight into invasive species control and freshwater?

**P.O. GREGORY:**

Sure. Doctor?

**DR. BRANCO:**

Hi. I'm Alison Branco, I'm with the Suffolk County Health Department. Just so you know, I didn't come prepared to talk about this today, so forgive me if I sound a little scattered. So this pes -- this herbicide that you've been talking about has been used at the Peconic River Sportsman Club. My understanding is that they have tried all kinds of different things, mechanical controls, some special fabrics, a lot of different things over the years. And I believe that they do use this herbicide on -- on a reoccurring basis, but not every single year. I think that they're trying to do it as little as possible, but they are doing it every -- every two years or three years, something like that. In that case, I know, because the County owns some of that property, they needed an exemption or permission or something from the Pesticide Management Committee, I believe it's called, or advisory committee that Mr. Vaughn mentioned, and that committee really has ensured that they've tried every non-chemical, mechanical method and, you know, keeps tabs on the herbicide use that they do. I would assume the same thing would be the case here since it's County funded; I'm not the one to answer that question, though.

**LEG. KRUPSKI:**

Does Mr. Vaughn sit on the Pesticide Review Committee?

**DR. BRANCO:**

I doubt it.

**LEG. KRUPSKI:**

Good.

**DR. BRANCO:**

There are members of -- I know the Planning Department certainly does sit on that committee.

**LEG. KRUPSKI:**

No, but my question is about the invasive species. And I've seen you out there pulling them out of the mud in the Peconic River.

**DR. BRANCO:**

Right.

**LEG. KRUPSKI:**

So are these the same type of plant material?

**DR. BRANCO:**

That's a different plant.

**LEG. KRUPSKI:**

Okay.

**DR. BRANCO:**

Also invasive, that one is a little bit more responsive to mechanical. It doesn't stop it, but it keeps it under control, or has thus far, just pulling it out mechanically. Cabomba is a lot tougher.

**LEG. KRUPSKI:**

Will it re -- the Cabomba, will it reinvade?

**DR. BRANCO:**

It's impossible to say that for sure, but it often does happen. It's very difficult to get it off.

**LEG. CALARCO:**

What's the plant that they're dealing with in Peconic?

**DR. BRANCO:**

Well, at the Sportsman's club, I'm pretty sure it is Cabomba.

**LEG. CALARCO:**

It's Cabomba.

**LEG. KRUPSKI:**

What Mr. Krupski is referring to is actually something called Ludwigia, that's in the Peconic River itself, further down river than the Sportsmen club.

**LEG. CALARCO:**

Okay. I believe we're dealing with milfoil in Caanan.

**DR. BRANCO:**

Oh, milfoil and Cabomba both are much harder to control with just a bunch of volunteers and canoes than Ludwigia. But a lot of different things have been tried, mechanical means. And I believe the reason that they're proposing to do dredging first and then only go with the herbicide if necessary, I think the concept is that the dredging should make it less likely to recolonize, but that's certainly not guaranteed.

**LEG. KRUPSKI:**

Is there any relationship between the invasive growth and the nutrient loading into the water body?

**DR. BRANCO:**

Most likely, yep. Usually in freshwater it's more of a phosphorous issue than a nitrogen issue, but I haven't looked at this lake at all so I couldn't tell you if that's the case here.

**LEG. TROTТА:**

The Peconic Lake.

**P.O. GREGORY:**

Go ahead.

**LEG. TROTТА:**

The Peconic Lake, I was there last year and it was full of this stuff. Now, how did it work there?

**DR. BRANCO:**

From what I understand, the Sportsman Club applies for an exemption from the Pesticide Advisory Committee and periodically they do use the Sonar herbicide on those, but I -- so I think what happens is they use it, they get rid of it and then it slowly comes back and then they use it again and it dies back for a little while and then it slowly comes back; that's my understanding.

**LEG. TROTТА:**

Have you seen it?

**DR. BRANCO:**

No, no.

**LEG. TROTТА:**

You haven't looked at it or --

**DR. BRANCO:**

Not in that particular spot.

**LEG. TROTТА:**

So in your opinion, is this -- does it work?

**DR. BRANCO:**

It works, but it's -- most of the time it's not a permanent solution, the herbicide itself.

**LEG. TROTТА:**

Is there another more permanent solution that we should be looking at?

**DR. BRANCO:**

Well, as Mr. Krupski said, restoring the flow sometimes can help, but not always. I don't necessarily know if there is a permanent solution. You know, invasive species in lakes, play lakes all over the country, it's a major issue. There's a whole field of study, lake management. You know, they've really examined what the different techniques are available, I think there are new ones coming out all the time, the things they're trying, but I don't think anybody's found the magic bullet yet.

**LEG. CALARCO:**

I think if there was a better solution that was more permanent than the one being suggested by the feasibility study, they would have identified it. You know, they spent a lot of time, we pay people pretty good money to do this. They brought on actually quite a good panel of individuals to work with, it wasn't just Nelson, Pope, Voorhis and their own individuals, they brought in quite a few people who had background experience in the issue. They had an individual from the DEC who sat

in, so they had quite a few experts there to work on the project so that we came up with the best solutions.

**P.O. GREGORY:**

Legislator D'Amaro, then Legislator Krupski.

**LEG. D'AMARO:**

Yeah, I'll be very brief. Thank you. Through the Chair, Legislator Calarco. The other alternatives you had mentioned, there were three and this was the least expensive of the three alternative treatments to address this particular problem at this lake. But were the other alternatives, although more expensive, perhaps more effective?

What was the decisive factor for determining which way --

**LEG. CALARCO:**

I would say I think it was actually there was -- you know they looked at the suggestion just doing the Sonar which they thought would be not effective without doing some sort of reaction in terms of the dredging. And then the other option was doing more a deeper dredging option that would be much more costly because you're talking about removing much more material, and without having a whole lot more guarantee in that instance than you do in this proposed plan to have an effect. So you would spend four or \$5 million more to go deeper, but not necessarily have any greater effective efficacy of --

**LEG. D'AMARO:**

Right. And this bill is only addressing the dredging issue, not --

**LEG. CALARCO:**

This is just the dredging. This is not --

**LEG. D'AMARO:**

Not the herbicide.

**LEG. CALARCO:**

Yeah, we have not -- we're not including the herbicide. The plan is to do the dredging, clean the lake out, give it a year or two and see what happens, and then if we have an issue where we're seeing it reoccur, then we could possibly do the Sonar as a preventive measure.

**LEG. D'AMARO:**

Who owns the lake? Is it wholly owned by the County?

**LEG. CALARCO:**

We own about half of the lake, if not a little bit better, and the Town of Brookhaven has some ownership of the under waters. And there's a few odd private ownerships where people who own property along the lakeside have rights to the under waters extending out a bit.

**LEG. D'AMARO:**

Right. Okay, thank you.

**P.O. GREGORY:**

Legislator Krupski.

**LEG. KRUPSKI:**

One more brief question for Dr. Branco. On the mode of action of the Sonar, is it a -- could you describe that mode of action of control?

**DR. BRANCO:**

Sure. I'm not an expert on Sonar, but from what I've learned about what they do in the Peconic Sportsman Club, they used to use a dissolved form, but now there's a new pelletized form. The advantage of that is supposed to be that it stays put even better and there's even less distribution downstream. The idea is that it attacks the plant at the roots and doesn't move downstream.

**LEG. KRUPSKI:**

Is it selective or is it systemic, or how -- I mean --

**DR. BRANCO:**

I don't know the biological mechanism that it works by. I don't -- I haven't looked into it that carefully. It's probably not all that selective. I think it would probably have killed a lot of different aquatic weeds. I do know that that one is often the herbicide of choice because it's supposed to break down quickly so that it has few downstream effects.

**LEG. KRUPSKI:**

Thank you. And my objection is based on -- actually, a question to the sponsor. You said some of the underwater land was in private ownership. Does the County -- how does the County get easements to operate on privately-owned land?

**LEG. CALARCO:**

I'm sure if we have any easement issues, those owners, who all are clamoring for this to be done, would be more than happy to give us their easements.

**LEG. KRUPSKI:**

But how could we fund this with public money on privately-owned lands?

**LEG. CALARCO:**

The bulk of this land is County-owned property. I mean, we own the underwater part of this lake. As I said, there's a few little odd sections, but it's less than 5% of the ownership.

**LEG. KRUPSKI:**

It's still private ownership. And if you say they're paving the road, if you're just paving it the wrong way it's just going to be 5% of that project.

**LEG. CALARCO:**

Sure, sure; no, I know what you're saying. But I guess when you're talking about this project, it's going to -- you know, those are the people closest to the shore. I mean, we'll have to work it out with them and figure it out, but I don't think that's going to be the bulk of the problem here.

**LEG. KRUPSKI:**

I wouldn't say it's the bulk of the problem, I just wonder how it would be figured out. If you're going to work on town-owned land, is the Town going to contribute to this? And if you're going to work on private land --

**LEG. CALARCO:**

I imagine --

**LEG. KRUPSKI:**

-- how do you --

**LEG. CALARCO:**

I imagine the Town's contribution is going to be allowing us to take the spoils and bring it to the dump and give us an offset that way.

**LEG. KRUPSKI:**

But we don't know? What do the reports say?

**LEG. CALARCO:**

That's part of what's going to have to be worked out in these planning stages, Mr. Krupski. You know, that's why we have to do the planning now, we're not actually going out there with a dredge tomorrow. Once this appropriated, this is all part of the planning process.

**LEG. TROTТА:**

This is just for the plan?

**LEG. CALARCO:**

I'm sure not all of this funding is going to go towards the planning and the engineering and the permitting, and then what's left over is going to go towards the construction phase.

**P.O. GREGORY:**

Okay. All right, let's call the vote. Mr. Clerk, we have a motion and a second?

**MR. LAUBE:**

Yes, you do.

**P.O. GREGORY:**

Is that to approve?

**MR. LAUBE:**

Yes.

**P.O. GREGORY:**

That's the only motion?

**MR. LAUBE:**

Yes.

**P.O. GREGORY:**

Okay. All in favor? Opposed? Abstentions?

**LEG. KRUPSKI:**

Opposed.

**MR. LAUBE:**

*Seventeen (Opposed: Legislator Krupski).*

**P.O. GREGORY:**

One opposition.

***IR 1392A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$500,000 in Bonds to finance planning and design costs in connection with the restoration of Canaan Lake. (CP 8715.110), same motion, same second. Roll call.***

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

**LEG. CALARCO:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. KRUPSKI:**

No.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MARTINEZ:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. TROTTA:**

No.

**LEG. McCAFFREY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. SPENCER:**

Yes.

**D.P.O. SCHNEIDERMAN:**

Yes.

**P.O. GREGORY:**

Yes.

**MR. LAUBE:**

*Sixteen (Opposed: Legislators Krupski & Trotta).*

**LEG. CALARCO:**

Thank you, everyone, except for Legislator Krupski.

*(\*Laughter\*)*

**P.O. GREGORY:**

Okay. All right. Al's lively today.

All right, ***IR 1393-14 - Appointing a member of the Long Island Commission on Aquifer Protection (Michael White) (Presiding Officer Gregory)***. I'll make a motion.

**LEG. SPENCER:**

Motion.

**P.O. GREGORY:**

Second by Legislator Spencer. Any questions? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

***IR 1399-14 - Appropriating funds for the purchase of equipment for groundwater monitoring and well drilling (CP 8226) and approving the purchase of a replacement vehicle in accordance with Section (B)(6) of the Suffolk County Code and in accordance with the County Vehicle Standard Law (County Executive).***

**D.P.O. SCHNEIDERMAN:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Schneiderman.

**LEG. KENNEDY:**

Second.

**P.O. GREGORY:**

Second by Legislator Kennedy. Any questions? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

***IR 1399A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$170,000 Bonds to finance the cost of acquisition of equipment for groundwater monitoring and well drilling and of a replacement well drilling truck (CP 8226.527), same motion, same second. Roll call.***

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

**D.P.O. SCHNEIDERMAN:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. KRUPSKI:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. CALARCO:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MARTINEZ:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. TROTTA:**

Yes.

**LEG. McCAFFREY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. SPENCER:**

Yes.

**P.O. GREGORY:**

Yes.

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

***IR 1411-14 - Amending the Adopted 2014 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2014 Capital Budget and Program, and appropriating funds in connection with Orient Decentralized Wastewater Treatment Engineering Report (CP 8710.139) (County Executive).***

**LEG. KRUPSKI:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Krupski.

**D.P.O. SCHNEIDERMAN:**

Second.

**P.O. GREGORY:**

Second by Legislator Muratore.

**LEG. D'AMARO:**

On the motion.

**P.O. GREGORY:**

On the motion, Legislator D'Amaro.

**LEG. D'AMARO:**

Yeah, I would first like just a little bit more of an explanation as to what exactly we're funding here. Is this a study? Does anyone have any information on this bill?

**LEG. KRUPSKI:**

Yes.

**MR. CASTELLI:**

I'm Frank Castelli from Suffolk County Economic Development & Planning.

This is a proposed project that was recommended by the Quarter Percent Water Quality Protection Restoration Program in our meeting last December. This is a -- this is a project to do an engineer -- a detailed engineering study in the Orient area for decentralized wastewater, advanced decentralized wastewater treatment. This would be the kind of wastewater treatment where you would not be able to put a full-fledged sewage treatment plant. Something in a more rural area is where you need to -- where you want to do something to advance the wastewater treatment, but you aren't able to do a full sewage treatment plant like we have in the southwest part of the County.

This would -- the funding here, and I think it's \$60,050, would come out of the Water Quality Quarter Percent funding and it would be for a detailed analysis to determine the viability of getting -- of doing some clustering where you take several residences and you divide the area up into certain districts and you combine the wastewater. It's not for any construction, it's -- the project is going to be headed by a not-for-profit, Peconic Green Growth, and we -- the Water Quality Committee thought that this was a very worthwhile use of the Quarter Percent Water Quality funding.

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This is specifically in the Orient area, and they actually identified, I think, from the application there were 572 separate dwelling units in seven districts within the Orient that were -- that would be slated to be fully analyzed with this engineering.

**LEG. D'AMARO:**

What's the cost of the study?

**MR. LIPP:**

Sixty thousand and fifty dollars.

**MR. CASTELLI:**

Yeah, the 60,050 --

**LEG. D'AMARO:**

Thanks, Robert.

**MR. CASTELLI:**

-- is the funding that's being requested from the County, from the Quarter Percent funding. There is going to be a match. The match -- let me see if I have that information here.

**MR. LIPP:**

From the Peconic Green Growth.

**MR. CASTELLI:**

From Peconic Green Growth, right.

**LEG. D'AMARO:**

So the County contribution is \$60,050; is that correct?

**MR. CASTELLI:**

Yes.

**LEG. D'AMARO:**

And it's an engineering study. Is it going to be done by a panel or by a particular engineering company? Is it going to be RFP'd for bids? You know, how is the study conducted and when do you anticipate it to be completed? Because I think the goal is admirable, wastewater treatment solutions in areas where -- that are not conducive to a larger wastewater type treatment plant; is that correct?

**MR. CASTELLI:**

Right, that's exactly what it is. The project will be headed by Peconic Green Growth and as such, they -- the not-for-profit, Peconic Green Growth, will be doing the procuring of the engineering firm. The County will not be --

**LEG. D'AMARO:**

Oh, I see. So we're just providing funding through 477 funding for this organization to then hire the engineering company to do the study.

**MR. CASTELLI:**

Yes, exactly. And we will --

**LEG. D'AMARO:**

Who selected the company that we're paying the funds to?

**MR. CASTELLI:**

Well, the Peconic Green Growth submitted an application, a Water Quality Protection and Restoration Program application that was -- which was one of several recommended -- which was one of several applications that we received last December, and the Water Quality Committee approved.

**LEG. D'AMARO:**

Okay. So I would assume this is part of the County Executive's Clean Water Initiative that he's been speaking of in the last few months.

**MR. CASTELLI:**

It certainly is in line with the initiative. This is an important area.

**LEG. D'AMARO:**

Yeah.

**MR. CASTELLI:**

The -- one other thing. The County, through my department, will enter into a contract with Peconic Green Growth to make sure that the engineering firm that's procured by Peconic Green Growth will comply with all the normal legislative and other recommendations.

**LEG. D'AMARO:**

Great. I look forward to the study. When do you expect to have it in hand, roughly?

**MR. CASTELLI:**

Well, the first thing, once we procure the funding, then we would have to enter into the agreement, the County and Peconic Green Growth, and then they would move forward on their procurement. I would say hopefully within a year.

**LEG. D'AMARO:**

Okay, thank you.

**MR. CASTELLI:**

Thank you.

**P.O. GREGORY:**

Okay, Legislator Hahn.

**LEG. HAHN:**

Hey, Frank. I'm real excited about this program. I know over the last several years we've been talking about getting to a place where these new technologies, alternative wastewater treatment technologies can actually retrofit properties. Because 70% of our homes and businesses in Suffolk County are not sewered, we need to find ways to address the 70% of our properties. And this study will allow us to test these clustered systems in a retrofit type of way; correct?

**MR. CASTELLI:**

Right, right, that's one of the objectives.

**LEG. HAHN:**

Right, is that -- I mean, we're going to actually -- I mean, this money isn't towards the testing, but it's towards getting ready to test. If we can take one of these new technologies and use it for homes with cesspools and/or, you know, septic systems, the old, antiquated systems that only get us to 50 parts per million in nitrogen when we need to get way, way, way below that. And this -- I'm really excited about what Peconic Green Growth is proposing to do here, what we hope to

learn from this and to how neighborhoods all over Suffolk County and creeks and bays and waterways all over Suffolk County can be retrofitted using these new technologies. So I'm very much in support of this.

**MR. CASTELLI:**

And hopefully what's learned here out at Orient could be applied to other areas as well, that's the intention.

**LEG. HAHN:**

Right, absolutely. That's the point, is that we have many, many tributaries in areas where this will be very appropriate -- we're prioritizing the residences and businesses that sit along endangered waterways or that sit along our precious bays and waterways, and so finding a way in a clustered manner to retrofit these properties is really -- has to be really high on our priority list because we cannot sewer, nor do we want super Suffolk County entirely.

**MR. CASTELLI:**

And there are a lot of details that have to be worked out on this, and exactly how you're going to do it. So that's hopefully what this funding will go towards.

**P.O. GREGORY:**

Legislator Stern.

**LEG. STERN:**

Thank you, Mr. Presiding Officer. All 572 dwelling units across the seven districts, they are all on private cesspool or septic systems at this point?

**MR. CASTELLI:**

Yes, all 572 currently are.

**LEG. STERN:**

And the -- these are all private homes.

**MR. CASTELLI:**

To the best of my knowledge, yes, they are private homes.

**LEG. STERN:**

And the -- my notes indicate here that the nitrogen mitigation that you're looking to accomplish through this process is somewhere between 50 and 90%; is that correct?

**MR. CASTELLI:**

That's correct. The new -- these new innovative systems that have been developed recently can provide 50 to 90% nitrogen reduction over the current system.

**LEG. STERN:**

Okay. And so just to be clear, you're going to go through this process, there's going to be an analysis, determine best practices. But then ultimately what's the next step? So there's been a technology that hopefully will have been identified. Is that going to be information that's then given to private homeowners to go out and make their own determination as to whether or not they're going to utilize it on their private property? What happens at that point?

**MR. CASTELLI:**

Well, once the methodology is determined from the engineering report, the next step would be to actually try to implement it which would be -- which would involve getting the acceptance of the

people that want to participate, and I'm sure there'll be -- you know, it won't be an easy thing, but there'll have to be a detailed analysis of how much this is going to cost, what it will involve. For instance, how many units will have to be, you know, put together in each of the clusters and all of that would -- ultimately, it would have to be taken to the people to buy into this. And hopefully there'll be -- there'll be ways of -- there will be some public funding, possible, to mitigate the expense. Because I know everyone is obviously concerned about the expense to the individual homeowners, and that's always been a sticking point. And the hope is that once these -- the detailed analysis is done and we find out exactly how to do this and how much it's going to cost, then there will be ways of trying to get the funding that will help do it.

**LEG. STERN:**

But that question is next step; is that going to be part of the analysis as you go through this initial process?

**MR. CASTELLI:**

This analysis will tell us how much -- will come up with estimates on how much it's going to cost; how to do it, how much it will cost, and then it will be up to us to go forward to the next step and actually do it.

**LEG. STERN:**

Thank you.

**P.O. GREGORY:**

Okay. Legislator Krupski, just a reminder, we are -- we have reached 12:30, so if we can kind of move it along.

**LEG. KRUPSKI:**

I get the hint.

*(\*Laughter\*)*

So Orient has been selected as a target area, and I understand that. Most of the Orient, between the State and the County and the Town, has been preserved, and there have been seven different areas that have been developed that have been identified for this study. Is this -- and I think this is really relevant and I think the other Legislators asked appropriate questions already, and here we have the Director of the kingdom of wastewater in Suffolk County, Walt Dawydiak here, and I don't know if he wants to make any comment on this. Because the next step is to, in fact, permit these alternative wastewater treatment systems so that when people either want to change their system out or when people build new, there's an opportunity to do a much better job of wastewater treatment in Suffolk County. So I don't know if the Director would like to speak to that or not.

**MR. DAWYDIAK:**

Thank you, Legislator Krupski, Members of the Legislature. Walter Dawydiak, Director of Environmental Quality. I just want to express the Health Department's full support of this project. It's a great initiative. It's a great pilot test project to move forward application of a technology that exists.

I just wanted to make clear that the County, as part of its Comprehensive Water Resources Management Plan, is also undertaking a wastewater plan whereby each and every parcel in the County is going to be identified as a prioritized candidate for either sewerage, where cost effective and feasible, advanced individual on-sites or clustered decentralized systems. These clustered decentralized can accommodate fifty to a hundred residential parcels, they have reduced separation distances, you need less than an acre rather than four acres for a sewage treatment plant. Many of

these exist. We have a half dozen new technologies that are already approved to go in the ground. The challenge is getting them done at a preexisting community which has never happened in Suffolk County and it needs to, so.

**P.O. GREGORY:**

Excellent.

**MR. DAWYDIAK:**

Thank you.

**P.O. GREGORY:**

All right. Legislator Calarco.

**LEG. CALARCO:**

Frank, perhaps you can answer the question. This study, it's an engineering study, so we're going to actually do the engineering work on how to connect these homes to a system, or is this going to be a broader study that can be transferred to other locations?

**MR. CASTELLI:**

From what I understand, this study would be specific to the seven districts in Orient, but they will be carried over in applicability to other areas also. But the -- primarily it will be specific to the Orient area.

**LEG. CALARCO:**

And what do you mean by that? Is that going to be mapping out the -- you know, actually doing the engineer work in terms of mapping out how the area lays out its topography, the water, groundwater levels and where the system could be placed; is that what we're looking to do with this?

**MR. CASTELLI:**

Yeah. From my understanding, that's exactly what they're looking to do, to determine the viability of clustering these residences.

**LEG. CALARCO:**

Wastewater projects.

**MR. CASTELLI:**

Excuse me?

**LEG. CALARCO:**

So this is a wastewater project for this specific neighborhood in Suffolk County.

**MR. CASTELLI:**

Yes, yes.

**LEG. CALARCO:**

Have we ever done a wastewater project through 477 funding before?

**MR. CASTELLI:**

We've supported a previous study on clustering that was.

**LEG. CALARCO:**

And have we ever done engineering work out of the 477 money for sewerage-type projects? I mean, this is -- it's not a sewer, but in essence, it's a wastewater project.

**MR. CASTELLI:**

I'm trying to think back because there's so many projects over the years.

**LEG. CALARCO:**

I mean, don't get me wrong, I understand that doing -- dealing with the wastewater is most certainly something that deals with water quality, but, I mean, we've got a lot of wastewater projects. Doesn't this open the door that potentially we'd want to do sewerage projects and other types of wastewater projects out of the 477 fund? Is that where we're hiding?

**MR. CASTELLI:**

We're not -- we're not talking about actually implementing the construction here. It's just an --

**LEG. CALARCO:**

You're doing the engineering work.

**MR. CASTELLI:**

Right, the engineering work.

**LEG. CALARCO:**

Yeah, that's, I mean --

*(\*Laughter\*)*

Legislator Browning could have used some money for engineering work when she's looking to do her Mastic Sewer plan.

**MR. CASTELLI:**

From a practical standpoint, the amount of funding that's provided to the Water Quality Protection Restoration Program, which is 11.75 percent of the quarter percent, would not be adequate to --

**LEG. CALARCO:**

No, I understand that, Frank. But I know that when we made changes to the ASRF a few years back to do some sewer grants, we actually set some monies specifically aside in that program for individualized septic systems and these smaller systems and these decentralized systems, why aren't they using funding for this project.

**MR. CASTELLI:**

I can't answer that. One more thing I just thought of. We did provide funding to the Riverhead Sewage treatment years back, water -- quarter percent money. So there was money, that was several years ago, for a study that was done.

**LEG. CALARCO:**

It just seems that the Water Quality Program is not intended for further use of sewers. And in fact, my understanding is we're being sued right now over the use of the changes we made to the ASRF funding because of the way those monies were being used and I'm just worried we might be treading in the wrong direction here. Okay. Thank you, Frank.

**P.O. GREGORY:**

Okay, Director, are you guys done? Oh, no.

**MR. CASTELLI:**

Director Lansdale just reminded me of something, that the call for applications for last year's Quarter Percent Water Quality funding, one of the specific areas that was identified was to improve wastewater treatment. So that's why? You know, that was specifically called out in the call for application because of the importance of the issue.

**LEG. CALARCO:**

Sure. It just seems like it's a slight deviation from the past, but I understand that. So I'm certainly going to take this into mind as we move forward, because I have a community in Caanan Lake that really could use a decentralized system and it would help to deal with nitrogen loading in their lake water. So, we'll move forward with that in the future. Thank you.

**P.O. GREGORY:**

Never heard of it. *(Laughter)*.

All right. So we have a motion and a second. Any further questions, comments? Okay. All in favor? Opposed? Abstentions?

**LEG. CILMI:**

Tim, I'm here.

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

Okay, that is it for now. We do have a request of Tom Vaughn; is he here? Please come forward.

**LEG. KENNEDY:**

Are you taking lunch orders?

**MR. VAUGHN:**

I am. Where are we going? I just wanted to clarify. We are going to be bringing forward a Certificate of Necessity this afternoon for IR 1402, the building on the Ammerman Campus, the Eastern Sports Facility Building. The problem that we had with the bill and where we were getting hung up by Bond Counsel and the way that we are correcting it is there was not a problem with the actual SEQRA determination. What Bond Counsel wanted was a WHEREAS clause put into the bill to make it clear that the College was the lead agency on the SEQRA determination. That was unclear in the original version of the bill and we've cleaned that up. Bond Counsel has now issued a Bond, we're going to draft some very nice language for a CN cover sheet and we'll see you all after lunch.

**P.O. GREGORY:**

Okay, great. We stand recessed. Thank you.

*(\*The meeting was recessed at 12:36 P.M. \*)*

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*(\*The meeting was reconvened at 2:33 p.m. \*)*

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

**P.O. GREGORY:**

Okay. Welcome back, everyone. Mr. Clerk, can you call the roll?

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

**LEG. KRUPSKI:**

Yes.

**LEG. BROWNING:**

*(Not Present)*

**LEG. MURATORE:**

Here.

**LEG. HAHN:**

*(Not Present)*

**LEG. ANKER:**

Here.

**LEG. CALARCO:**

Present.

**LEG. LINDSAY:**

*(Not Present)*

**LEG. MARTINEZ:**

Here.

**LEG. CILMI:**

Here.

**LEG. BARRAGA:**

Here.

**LEG. KENNEDY:**

*(Present).*

**LEG. TROTTA:**

Here.

**LEG. MC CAFFREY:**

Here.

**LEG. STERN:**

*(Not Present)*

**LEG. D'AMARO:**  
*(Not Present)*

**LEG. SPENCER:**  
Here.

**D.P.O. SCHNEIDERMAN:**  
Here.

**P.O. GREGORY:**  
Here.

**MR. LAUBE:**  
Thirteen. (Not Present: Legislators Browning, Hahn, Lindsay, Stern and D'Amaro)

**P.O. GREGORY:**  
Thirteen? Okay. All right. If -- I wanted to bring to everyone's attention, we got a request to take I.R. 1390 out of order. We generally don't do that, but the Counsel for the SOA has to be somewhere by 3 o'clock. I thought we would be able to get to him, get to this resolution prior, but we have a lot of cards. So I'm going to make a motion to take Public Hearing, I.R. 1390, out of order, seconded by Legislator Anker. All in favor? Opposed? Abstentions? Okay.

**MR. LAUBE:**  
Thirteen. (Not Present: Legislators Browning, Hahn, Lindsay, Stern and D'Amaro)

**P.O. GREGORY:**  
The Public Hearing is before us. We have several speakers. Paul Linzer. You can come forward. Tim Morris, Jennifer Bentley, John Eterno. Yes. Okay. You filled out cards. Our rule is we'll allow you to sit at the table, but we have -- we have a long Public Hearing. So, if you can maybe keep your comments to three minutes, and we'll open the floor up for any questions, so we can kind of get -- we'll give you three minutes each. All right. Mr. -- I forget your name again. Is it Mr. Linzer?

**MR. LINZER:**  
Yes.

**P.O. GREGORY:**  
Yes. All right. Thank you.

**MR. LINZER:**  
Thank you very much. Good afternoon, Ladies and Gentlemen. Once again, my name is Paul Linzer. I am the General Counsel and Labor Counsel to the Suffolk County Superior Officers Association. Joining me today at the table is Timothy Morris, the President of the SOA, and Co-Labor Counsel, Jennifer Bentley.

We thank you for the opportunity to address the Legislature regarding proposed Legislation 1390 of 2014, introduced by Legislator Robert Trotta.

As you know, the SOA is the certified bargaining agent and the public employee organization for all supervisory members of the County of Suffolk Police Department, commencing with the rank of Sergeant, going up through the rank of Chief of Department. The SOA is a public employee organization under the New York State Civil Service law, and one of the key functions of the SOA is to protect the rights and entitlements of its members as an employee organization recognized by the

Civil Service Law.

The proposed legislation before you today, which seeks to amend Article 13 of the County's Administrative Code, is essentially an amendment that would require a violation immediately of not only the Collecting Bargaining Agreement, but the New York State Civil Service Law itself. And today we want to alert the Legislature to aspects of the proposed legislation that require this caution in terms of the legal impact of the potential passage of this piece of legislation.

Also, as you know, the parties, the SOA and the County of Suffolk are parties to a Collective Bargaining Agreement which encompasses all of the negotiated terms and conditions of employment with regard to the SOA's members, and that Collective Bargaining Agreement has been approved by this Legislature most recently in terms of an MOA that was agreed upon and the eventual Collective Bargaining Agreement.

The proposed legislation would impermissibly impose new terms and conditions of employment on individuals who currently hold the ranks of Superior Officers. If the amendment is passed, it would create an instant violation of the Collective Bargaining Agreement. The Collective Bargaining Agreement, as I said, was just resolved between the Union and the County, and the issue not only of a violation of the Collective Bargaining Agreement by imposing a new term and condition on employment for SOA members being legally problematic, in addition to that, the proposed legislation would circumvent the New York State Civil Service Law. The proposed legislation deals with what we call mandatory subjects of bargaining, and these proposed requirements are mandatory subjects of bargaining between the County and the Union.

The collective bargaining process is a two-way process, and what this legislation effectively does, it removes the good faith negotiations. It removes the obligation under the law to negotiate in good faith, which is one of the most important rights granted by the New York State Civil Service Law, also known as the Taylor Law.

**P.O. GREGORY:**

Mr. Linzer.

**MR. LINZER:**

It's a right and responsibility under the Taylor Law that's conferred both upon the public employers and the public employee organization.

The --

**D.P.O. SCHNEIDERMAN:**

Sir.

**P.O. GREGORY:**

Your time is up, but I do believe there is a question for you. Oh, do you want to wait until all three presenters?

**MR. NOLAN:**

Do one at a time.

**P.O. GREGORY:**

Okay. So I'll ask questions. So my understanding is, your summation is this is not in the County Legislature's purview, that we would be violating the provisions of collective bargaining.

**MR. LINZER:**

Yes. Under the New York State Civil Service Law, sir, there is a section under the law that would -- it would be an improper practice if such a law was passed. The improper practice would be under the subdivision with regard to the refusal to negotiate in good faith regarding a duly recognized employee organization. In this matter, the parties entered into an agreement that expires on December 31st, 2018, and as such, the parties are not in a period, legally speaking, known as status quo, which means that any attempt to change the terms and conditions of employment during this contract term would be considered prohibitive mid-term bargaining, and would be not only a violation of the contract itself, as written presently, but would be a violation of the State's law.

**P.O. GREGORY:**

But how would you respond, I guess, to the question that there are contracts that are negotiated, and then there's MOUs that are kind of -- that come out of -- with management and the unions subsequent to contracts with that.

**MR. LINZER:**

This topic at hand with regard to the proposed legislation is a mandatory topic of negotiation. There is already collective bargaining that has occurred with regard to some of the educational issues that are put forth in the legislation. And this is a matter that's already been in the Collective Bargaining Agreement, not only of this union, but also of the PBA. And it would require, legally speaking, good faith negotiations under section -- under the New York State Civil Service Law, or it would be deemed an improper practice under Section 209(a) of the Civil Service Law for that failure to negotiate in good faith with regard to the current contract, which is already resolved.

**P.O. GREGORY:**

Okay. So there are certain things that are, I guess for lack of a better term, acceptable to putting into an MOU, and then there are others that are more, I guess, required, I guess, for a lack of a better term to be negotiated?

**MR. LINZER:**

Yes, there are -- there are certainly issues that could come up after a Collective Bargaining Agreement is reached and ratified by the Legislature where the parties can negotiate and reach a separate agreement, there are issues such as that. However, if the County wished to alter the terms and conditions of the employment of the SOA's members, as the terms and conditions are cited in the proposed legislation, then the County was required to do so at the bargaining table. We were at the bargaining table for a year-and-a-half, if not longer, pending the recent resolution of the contract ratified by the Legislature.

**P.O. GREGORY:**

So would it be, I guess, more appropriate to -- for the Legislature to direct that certain actions be done in the collective bargaining process, as opposed to kind of implementing certain provisions after the collective bargaining process has already transpired?

**MR. LINZER:**

Yes. When the collective bargaining process resumes, prior to the expiration of the Collective Bargaining Agreement, certainly, both sides will exchange proposals. This is a type of proposal that is a mandatory subject. If this was a proposal from the County at a future collective bargaining session, then this is something that would have to, in fact, be negotiated, it could not be unilaterally imposed.

**P.O. GREGORY:**

All right. So you're, obviously, a labor lawyer.

**MR. LINZER:**

Yes, sir.

**P.O. GREGORY:**

So not being an agent that sits at the table or represented at the table, you know, who obviously ratified the contract, the Administration acts as the agent on behalf of the County to negotiate with yourself and others, representatives of the Union. What is your opinion of the role of the Legislature impeding in this field?

**MR. LINZER:**

In this circumstance, this is outside, quite frankly, of the role of the Legislature. Passage of this proposed legislation by the Legislature is beyond the purview, I would say, of the Legislature's appropriate work. With regard to not only the Collective Bargaining Agreement between the County and the SOA, but with regard to the State Law itself, the New York State Civil Service Law. The County's actions as the public employer would be more appropriate in a future negotiation if they want to put forth such a proposal. Now --

**P.O. GREGORY:**

Yeah, because we would, in essence, be -- it's already established that we are the ratifiers of the contract. But then, in essence, we would be going into the purview of the negotiations of the contract as well. So we would kind of be --

**MR. LINZER:**

The Legislature with -- if it would consider this on its merits or beyond in terms of passage, would effectively be trampling on the County's role under the Civil Service Law as a public employer. That has a specific definition under the Civil Service Law, and the -- certainly, the Legislature is not the public employer under the Civil Service Law, the County itself is, and the Union is the public employee organization, as is defined under the law.

**P.O. GREGORY:**

Right. Okay. Thank you. Legislator Muratore has a question for you.

**LEG. MURATORE:**

Yes, thank you. To President Morris, there's a section in the --

**P.O. GREGORY:**

Oh, I'm sorry, Tom. Tim's going to testify, but he hasn't testified yet. So, if you have questions for Mr. Morris, maybe we can hold it off until --

**LEG. MURATORE:**

I'll ask the attorney.

**P.O. GREGORY:**

Okay.

**LEG. MURATORE:**

Counsel, there's a section of the bill, persons not holding the position of Commissioner, Deputy Commissioner, Chief of Department, Chief of Detectives, most within 180 days of employment successfully completed background check by the FBI to be approved for top secret. First of all, top secret, is there something below top secret that our Commissioner and Deputy Commissioner have already?

**MR. LINZER:**

Not that I'm aware of.

**LEG. MURATORE:**

Not that you're aware of. So let me ask this: If this bill is approved and this section becomes law, is the Chief of Department and Chief of Detectives going to give up certain rights and privileges they may have under the contract?

**MR. LINZER:**

Well, they would effectively be removed from their positions, as this law is similar to an ex post facto law in a sense that it does not cover future employees. It does not contemplate that it would go into effect starting a certain date going forward. The way the legislation as proposed is written, it would affect the current Commissioner and the other ranks that you mentioned instantaneously upon passage, which is impermissible under the law.

**LEG. MURATORE:**

Can I ask the sponsor of the bill or the writer of the bill a question now? No.

**P.O. GREGORY:**

That would be considered debating the bill. Yeah, let's just keep it at the witness at the moment, and there'll be plenty of time to debate the bill.

**LEG. MURATORE:**

Okay, so we'll have time. Thank you.

**P.O. GREGORY:**

Thank you, Tom. Legislator Kennedy, I have you on the list.

**LEG. KENNEDY:**

Yes. Thank you, Mr. Presiding Officer. How do you do, sir? Thank you for being here.

**MR. LINZER:**

Thank you.

**LEG. KENNEDY:**

I didn't get your name when you came in. I apologize, I was outside. You are whom, sir?

**MR. LINZER:**

I'm Paul Linzer, L-I-N-Z-E-R.

**LEG. KENNEDY:**

Okay.

**MR. LINZER:**

Labor Counsel and General Counsel for the SOA.

**LEG. KENNEDY:**

Okey-doke. And you're talking to us about your interpretation, and you're using some language, I guess, that's I believe specific and is derived out of Civil Service Law, basically called Taylor Law?

**MR. LINZER:**

Yes.

**LEG. KENNEDY:**

Sections what? It's about 200, I think, through 212, something like that?

**MR. LINZER:**

Absolutely correct.

**LEG. KENNEDY:**

Okay. So you're a labor attorney. How long have you been doing this?

**MR. LINZER:**

I've been a lawyer since 1991, sir.

**LEG. KENNEDY:**

Well, I'm a lawyer, too, but I don't do labor law, so I'm curious as to your practice specifically in the areas of New York State Civil Service law. How long have you been doing that?

**MR. LINZER:**

After I left the Nassau County District Attorney's Office in the Year 2000, I joined my current law firm, Certilman, Balin, Adler & Hyman.

**LEG. KENNEDY:**

Okay.

**MR. LINZER:**

And I've been practicing labor law.

**LEG. KENNEDY:**

So you're the representative to the SOA, but Certilman is the firm, actually.

**MR. LINZER:**

Yes, Certilman is the law firm.

**LEG. KENNEDY:**

Okay.

**MR. LINZER:**

I'm one of the partners in the firm.

**LEG. KENNEDY:**

All right. Very good. Thank you. So, just out of curiosity, do you represent any other types of Civil Service organizations, or is it just the Suffolk County SOA?

**MR. LINZER:**

Yes, we represent many public sector unions, ranging, geographically speaking, from New York City to Southampton. More specifically, in New York City, we represent the Uniform Firefighters Association, the Assistant Deputy Wardens and Deputy Wardens Association.

**LEG. KENNEDY:**

So you have some familiarity both with State and with City Civil Service.

**MR. LINZER:**

Yes. And in Nassau County, we represent many Village Police PBAs --

**LEG. KENNEDY:**

Okay.

**MR. LINZER:**

-- throughout the Village.

**LEG. KENNEDY:**

Now, my understanding when it comes to, I guess, what would be a dispute, or typically it's called a grievance, is something that winds up getting filed with PERB, I believe is the acronym, right?

**MR. LINZER:**

Well, what I have addressed in my remarks is both not only a grievance, but an improper practice petition. The grievance that you reference would be filed at its origins within the County itself, not in the State Public Employment and Relations Board Agency. An improper practice petition would, however, be filed before --

**LEG. KENNEDY:**

That "P" would go to Albany.

**MR. LINZER:**

Would go to PERB, yes.

**LEG. KENNEDY:**

Okay. So let's go back again to the language. It seems that there's some -- quite a bit of significance with those, what is it, three or four words, mandatory subject of -- what was it, mandatory subject of bargaining?

**MR. LINZER:**

Yes, it's a mandatory subject to bargaining, which triggers good faith.

**LEG. KENNEDY:**

Where do you find the definition for that?

**MR. LINZER:**

Mandatory subjects of bargaining are defined --

**LEG. KENNEDY:**

Primarily in statute?

**MR. LINZER:**

Primarily through case law.

**LEG. KENNEDY:**

Oh, primarily through case law.

**MR. LINZER:**

Primarily, yes. They are defined in a more general sense in terms of the Civil Service Law, but it is a product of an evolution of many, many decades of case law through either the Public Employment Relations Board or in New York City, for example.

**LEG. KENNEDY:**

PERB is administrative findings, but you're talking about Appellate Division or Court of Appeals decisions?

**MR. LINZER:**

In addition to the agency decisions from PERB or the New York City Office of Collective Bargaining, those matters would be appealed by way of an Article 78 petition.

**LEG. KENNEDY:**

Right.

**MR. LINZER:**

And then courts can make a pronouncement on what topics are mandatory subjects of negotiations as well.

**LEG. KENNEDY:**

Okay. So I took a look at some of the research out there and I am not anywhere near close to the level that you would be as far as competence and proficiency, and everything like that, so I'm very interested. Is there something specific at Appellate Division or Court of Appeals that goes to this notion of academic types of qualification for management positions, or something to that effect?

**MR. LINZER:**

Well, yes, sir.

**LEG. KENNEDY:**

There is.

**MR. LINZER:**

Well, first of all, we're dealing with the area, if we speak generally, about qualifications or prequalifications for employment.

**LEG. KENNEDY:**

Okay.

**MR. LINZER:**

But intertwined with the various ranks that would be affected by this legislation is an issue of an economic interest as well. In other words, a Deputy Inspector in terms of wages would make less than a Chief, and a Chief would make less than a Commissioner, etcetera. And if there were certain qualifications for employment that certainly effect an economic interest, those are mandatory subjects of negotiation. Moreover, beyond the fact that they touch on economic interest, they are prequalifications for employment, which are already part and parcel of contract sections, Collective Bargaining Agreement sections. And by way of having been already negotiated and in the Collective Bargaining Agreement as we sit here today, those subjects, which are in the Collective Bargaining Agreement and have been previously negotiated, are in and of themselves mandatory subjects as well.

**LEG. KENNEDY:**

Let's stay on the education piece for just a second. I got a chance to take a look at that agreement that was just recently negotiated and approved by us, and I believe that there is a clause in there that speaks very specifically to an academic requirement for SOA members, beginning in -- what is it? What is it, Timmy, 17 or 18?

**MR. MORRIS:**

Beginning after the signing, anybody employed after the signing of the PBA deal. So any -- the class that's in there now would have that requirement for education. Anybody hired in the future will all have to have the Bachelor's Degrees.

**LEG. KENNEDY:**

And is that going to apply to anybody beyond the level of -- oh, I'm sorry. As a matter of fact, you're right. So that's anybody, starting at patrolman level?

**MR. MORRIS:**

Yes, police officer, all the sworn superior officers and detectives, everyone.

**LEG. KENNEDY:**

Are at a minimum going to have to have achieved a Bachelor's Degree.

**MR. MORRIS:**

Yes. And if they don't, there will be a deduction from their -- from their -- I believe it's the holiday check that we receive in December, there'll be a deduction.

**LEG. KENNEDY:**

Well, that's a little different, Timmy, than -- and I don't want to deviate, because we were actually with Counsel. We're going to get a chance to get back over to you. So I just want to finish up with Counsel, and I'll yield, Mr. Presiding Officer.

So based on what you've laid out for us, based on your years of experience, based on your knowledge of the law, case law and everything like that, is it your opinion that this resolution is -- what would we call it? I guess void on its face.

**MR. LINZER:**

I'm sorry. Yeah, I would agree with that phrase. It is facially void, and discussion even insofar as the merits would be prohibitive, in my view.

**LEG. KENNEDY:**

Well, so that's a conversation that I'll have with Counsel, I guess, when we get over to the bill, but I'll yield for now. Thank you, Mr. Presiding Officer.

**P.O. GREGORY:**

Okay. Legislator McCaffrey.

**LEG. MC CAFFREY:**

To the Counsel.

**MR. MORRIS:**

To your right.

**LEG. MC CAFFREY:**

Over here, to your right. Okay.

**MR. LINZER:**

Good afternoon.

**LEG. MC CAFFREY:**

My question is, what you said before was that the purview of the Collective Bargaining Agreement occurs for anyone that's currently in their Collective Bargaining Agreement covered under right now?

**MR. LINZER:**

Yes. The Collective Bargaining Agreement is applicable to all SOA members right now. Yes.

**LEG. MC CAFFREY:**

So, if we wanted to, for instance, for pre-employment for Police Officers, and we wanted to say that we wanted to increase the educational requirement to become a police officer, do you believe that that is -- that is covered under our purview as a Legislature, or would we have to bargain that with the PBA?

**MR. LINZER:**

I would say you'd have to bargain that with the PBA. That is an issue that is expressly a contract section presently. It is a mandatory subject of negotiation. It cannot be unilaterally imposed. It must be a product of good faith negotiations.

**LEG. MC CAFFREY:**

Without a lot of familiarity of the current PBA agreement, there's a provision in the PBA agreement that sets what the educational requirement is to become a police officer?

**MR. LINZER:**

In the PBA agreement?

**LEG. MC CAFFREY:**

Yes.

**MR. LINZER:**

Yes. It's in there, yes.

**LEG. MC CAFFREY:**

It is in there?

**MR. LINZER:**

The educational requirement to become a police officer in the first place?

**LEG. MC CAFFREY:**

Yes.

**MR. LINZER:**

No. That's not in there, no.

**LEG. MC CAFFREY:**

Is there -- but you're saying, though, in the SOA contract, there is a requirement of -- that there is no requirement or doesn't specify any specific requirement for educational background to become a Sergeant, Lieutenant, etcetera?

**MR. LINZER:**

Yes, that is correct. But both the PBA and the SOA contracts do have, as Mr. Morris stated, the educational provisions that became effective when the PBA signed their contract in September of 2012, the Bachelor's Degree requirement or the 120 credits.

**LEG. MC CAFFREY:**

Currently, in the SOA contract, is there any requirement -- does it speak to requirement for education in your SOA contract?

**MR. LINZER:**

It has the same provision as the PBA contract with regard to the Bachelor's Degree.

**LEG. MC CAFFREY:**

The new one?

**MR. LINZER:**

Yes.

**LEG. MC CAFFREY:**

Okay.

**P.O. GREGORY:**

Okay. Legislator Trotta.

**LEG. TROTТА:**

Is there any requirement in any of these contracts that any of these people have any degree at all, a requirement?

**MR. LINZER:**

A requirement that there is a specific degree at all? No, there is not.

**LEG. TROTТА:**

Okay. So someone with a high school education could come on this Department and work his way right through the ranks; is that correct?

**MR. LINZER:**

Well, what you're addressing, sir, is ultimately the merits of the underlying debate. What I am addressing is, before we even get to the merits, the fact that this is a mandatory subject of negotiation that must be done across the table; that there is already a contract provision in place with regard to educational requirements. Even if there wasn't a contract provision in place, they are subjects of negotiation that are mandatory between the County and the SOA. It's outside of the Legislator's -- Legislature's purview to impose requirements that are the subject of mandatory negotiations and that's what I am addressing.

**LEG. TROTТА:**

What I heard you say was, "I would say it's my belief, it's my opinion." Can you cite any specific case law where it states that someone above the rank of Deputy Inspector who is appointed by the Police Commissioner, not a civil service test, has nothing to do with anything to do with Civil Service, the Commissioner has the unique discretion to appoint who he wants? Can you specifically point to any case law that involves the Commissioner's ability to pick or restrictions to pick who he wants to be, a Deputy Inspector or above?

**MR. LINZER:**

I do not believe there is case law that restricts the Commissioner's authority as the primary managerial confidential employee and the Head of the Police Department to select the members in his or her administration.

**LEG. TROTТА:**

So then it's safe to say what you just said was your opinion, it was your belief, and "This is what I would say." So it's really not struck in law what you said, it's your opinion for your years of experience that that would happen.

**MR. LINZER:**

No. What I am saying is a fact of legal reality in terms of the required negotiations on this topic of educational requirements or other security clearance requirements, that these are topics that are

outside of the purview of the Legislature, that they must be collectively negotiated. Those are legal facts, those are not my opinions. If you want my opinion in terms of your question, I would agree with you, that my opinion is that the Commissioner, as the highest ranking member of the Police Department and as the highest managerial confidential member of the department, has the authority to select the members of his administration or her administration.

**LEG. TROTTA:**

Okay. On 1/2 of '14, United States Department of Justice signed an agreement with the Suffolk County Police Department, and in it, it gave specific criteria for the Internal Affairs Investigators. It said that they had to be free from any type of civilian complaints, reputation for integrity, and a variety of other things. Was that a violation of their contract?

**MR. LINZER:**

No, sir. That's a Federal directive from the Department of Justice, and that's pursuant to the Federal investigation that occurred. That is not what we're talking about here.

**LEG. TROTTA:**

Well, it's signed by the Police Commissioner and by the County Executive. So how -- the Federal Government has some unique ability to come in and say -- you know, do they have to sign it? Were they forced to sign it?

**MR. LINZER:**

They do have that power, yes. But this is not something that the Suffolk County Legislature has the power to unilaterally impose.

**LEG. TROTTA:**

That's your opinion.

**MR. LINZER:**

No, no, that's not my opinion, that's, as I said, a legal reality under the New York State Civil Service.

**LEG. TROTTA:**

Can you cite the case law that says that?

**MR. LINZER:**

This is a mandatory subject. There are many cases I could cite to. I cannot give you a name of a case sitting here right now, but I could certainly follow up with you with numerous cases that have deemed this topic and any topic that effects an economic interest as a mandatory subject of negotiation that must be collectively bargained over the table.

**LEG. TROTTA:**

How is it an economic benefit? I don't understand that if the Commissioner is going to pick who he wants.

**MR. LINZER:**

No. I touched on the economic benefit with regard to -- in your proposed legislation, it touches on a variety of ranks, ranging from Deputy Inspector up through the Commissioner, and then all ranks effectively in between, and those ranks all have various wage scales.

**LEG. TROTTA:**

But, in summary, you cannot cite any case where a Commissioner -- where this was litigated in any way where a County Legislator, Legislative body, went in and said, "Hey, listen, Commissioner you have to fit these criteria," this is some things -- this is something new.

**MR. LINZER:**

Right.

**LEG. TROTТА:**

And you've never seen it before, correct?

**MR. LINZER:**

That's correct, this is something new, that a Legislative body would take this type of step, especially on the heels of a ratification of the contract.

**P.O. GREGORY:**

Okay. Legislator Spencer.

**LEG. SPENCER:**

Mr. Presiding Officer, I understand the rules of our Public Hearing. Can I ask for just your permission? I'm seeing someone testifying as to our purview or what we're able to do, and we have Legislative Counsel. And I usually rely on our Counsel when we talk about things that we can or cannot do. Is there any way that he could speak briefly, if he offered an opinion regarding this? Because, you know, I'm hearing -- you know, I heard a question that basically stated a very legal -- strong legal opinion as to what is fact, and I usually take the word of our Counsel on that.

**P.O. GREGORY:**

Right, and I understand your question. I think that's probably more appropriate. Counsel and I had a prior -- previous conversation about that, and he would -- at this point, you know, the Public Hearing is for the information for people to speak out against the bill. He will at that time, you know, give his legal opinion when we're debating the bill in committee, rather, prefer to give his opinion.

**LEG. SPENCER:**

So, Mr. Presiding Officer, you're saying no. Thank you.

**P.O. GREGORY:**

With a smile.

*(\*Laughter\*)*

**LEG. SPENCER:**

That's quite all right. I respect that.

**P.O. GREGORY:**

This is not the appropriate place for it.

**LEG. SPENCER:**

Not the appropriate place, fair enough. I guess my question, just as I look at -- just I understand the points that you're making, sir, and I think that these are things that, you know, we'll consider. I know, usually, when we look at purview or jurisdiction of this Legislative body, we kind of get some guidance to -- you know, we have Counsel that helps us, and I'm sure that that will come out.

My question, as far as when you look at just the merits of -- you know, just when we think of something as robust and as big as our Police Officers, and where you have a hierarchy that's there, and you have a lot of lives that really depend on how this Department is run, and when you look at other similar departments. As far as educational standards are concerned internally, would you say that this bill is just completely off base to -- for there to be some sort of educational standards?

And would that be something that would be considered from within the Department to establishing different education standards for certain levels of officers?

**MR. LINZER:**

I do think it's off base, sir. This Legislature has a long history to look back at with regard to the Suffolk County Police Department, and with regard to the past practice of how members of the Department progress, progress through the various ranks from Police Officer through the Sergeant and Superior Officer ranks, up through the ranks implicated by the proposed legislation. And I would say to the Legislature to look at that long, rich past practice and that history of how people have gotten to various ranks in the Department. And in my view, based upon my experience and working with the SOA, I think it's very clear that the past practice of how members get promoted to various appointed ranks in the Department has revealed that this is a strong positive.

**LEG. SPENCER:**

Okay. Thank you.

**P.O. GREGORY:**

Thank you, Legislator Spencer. Okay. Mr. Morris, you're up.

**MR. MORRIS:**

Thank you. I'll just speak briefly. I just want to reiterate what I said before at the Public Safety Committee the other day. This is a mandatory subject of our negotiation or bargaining. We just completed a contract or an MOA that we signed and this Legislature approved. And, simply put, if it wasn't a subject of negotiation, there would have been no need for this County to put the provision into our recent MOA requiring a Bachelor's Degree or 120 credits, and if you didn't have it, there was a so-called penalty in place. There would not have been a need for them to negotiate that section, they could have just had this Legislature or themselves impose it on the SOA.

So that's, to me, in a nutshell the simple plain, ordinary speak, that if they didn't have to negotiate it, they wouldn't have done that. And that's really all I have. Thank you. I appreciate it.

**P.O. GREGORY:**

Okay. Thank you. Legislator Kennedy has a question for you.

**LEG. KENNEDY:**

Timmy, thank you. Thank you for being here, and thank you for really giving us an opportunity, me in any event, to at least get a little bit of a window into something that in 10 years I've never had the ability -- I've never been at the table. It's always only been the agreement that's been brought forward that I get an opportunity to vote yes or no on.

So let's talk a little bit about the education piece, because when you take a step back, and the PBA contract was the first contract to come through the door, and I didn't recall it, but now that I'm thinking about it, it had the educational clause in it. And I want to make sure that I don't misspeak, because it's really like a salary enhancement. It's not a requirement, it's a salary enhancement. So when we look at wanting to have the best, and the most knowledgeable, and the brightest law enforcement force that we can, obviously, we -- you know, we want to promote education. But your members are a little different than those members, because your members are the ones that manage those members, right?

**MR. MORRIS:**

That's correct.

**LEG. KENNEDY:**

Okay. So the general membership has this economic enhancement, and, in essence, your language mirrors that.

**MR. MORRIS:**

That's correct.

**LEG. KENNEDY:**

Okay. I'm just curious, did you -- was there any discussion about moving it from the economic enhancement to something that would be now more along the lines of a requirement or a condition that had to be met in order to establish eligibility? Let's put it that way. In order to be -- and again, this has to be above Captain, because Sergeant and Lieutenant and Captain, those are all tested positions, right?

**MR. MORRIS:**

That's correct.

**LEG. KENNEDY:**

We would be talking about from Deputy Inspector.

**MR. MORRIS:**

Deputy Inspector up through the Chief ranks, yes.

**LEG. KENNEDY:**

Right, up through there. Just out of curiosity.

**MR. MORRIS:**

There was --

**LEG. KENNEDY:**

When they're at the table back and forth, was there --

**MR. MORRIS:**

There was no discussion about further requirements, mandated requirements for any particular ranks, including above the rank of Captain. The only discussions were about the provision that was -- already had been negotiated with the PBA, and the County wanted that provision with the SOA, and that is -- there was no other -- no other discussions.

**LEG. KENNEDY:**

Do you -- in your opinion, do you think it makes any difference if one of your members has a degree as to their effectiveness in being a Deputy Inspector, or an Inspector, or a Chief?

**MR. MORRIS:**

Well, fully, about 85% of my members have upper level degrees and so on. But if you're asking for my opinion --

**LEG. KENNEDY:**

Yes.

**MR. MORRIS:**

My opinion from my life experience, maybe 30 years ago I would have said yes, but I think there's a lot more. I mean, an education can give you some background, but 25 years or so, or more, in the Police Department, in general, I would take that over a college degree. You know, I don't think you

can say it's a complete predictor. And I think if you look to the private sector, there are many, many organizations that have come to realize that one of the biggest -- there was an article probably a year or so ago on Google where they don't particularly immediately consider higher education being a predictor of who is going to be the superior employee.

**LEG. KENNEDY:**

Okay. Just one other quick question to you, because I know really nothing about this at all. The FBI requirement, security requirement, the clearance requirement, whatever it is, do you have any sense or opinion on that one way or the other?

**MR. MORRIS:**

For me, again, if that's something that the County wants, I believe it should be negotiated with us. And I'm simply -- I don't see the need for having, you know, some kind of clearance from the Federal Government.

**LEG. KENNEDY:**

Okay. Thank you. All right. Thank you, Mr. Presiding Officer.

**P.O. GREGORY:**

All right. Legislator Muratore.

**LEG. MURATORE:**

Thank you. For Timmy Morris. There's a section of the bill, A13-14, background requirements for officers of appointed ranks, and it says -- well, I mean, unless we're giving you a test, I don't know that this test is available in the Police Department. It says, "Any officer considered for the rank of Deputy Inspector or higher must possess excellent investigative skills." So, do you know how they're going to prove that or how that's going to come -- to say that you have it and I don't?

**MR. MORRIS:**

You know, that's a -- I don't know how you would determine investigative skills or ability. And I'm not sure why a person of that rank would need investigative, you know, superior investigative skills. I think management skills and people skills might be a little bit more appropriate than the need for investigative skills. I'm not aware of our people above the ranks conducting investigations.

**LEG. MURATORE:**

It also says a reputation for integrity. So people -- do we know how people are going to judge my integrity versus yours? I mean, if you ask someone about me, they might have something to say different than Kate might say about me.

**LEG. BROWNING:**

You better watch out.

**LEG. MURATORE:**

So how are we going to determine that; do you have any idea?

**MR. MORRIS:**

Again, this has always been -- this has always been the right of the Police Commissioner to choose his or her staff. And if the County puts a person in that position as Police Commissioner, certainly, I would believe that the County would believe that they would only choose people of whatever, you know, integrity and so on, as you said.

**LEG. MURATORE:**

In another section, I mean, I don't want to waste time here, but it says, "The ability to write clear reports." With what we have now, I mean, I think it's all, you know, fill in the blanks and everything's done with the computer and spell check and everything. So are we going to do it? Do we have a test for that also? I mean, I'm just looking to find out where parts of this bill came from, because, you know, if I can ask you this, I don't know if I'm allowed to, but do you see the purpose of this bill? What is behind this bill? I'm confused with it. I was a cop for 35 years and I've been a Legislator for five years, and I work with some real intelligent people, and they're saying the same thing behind the door, is, you know, what's this -- what's this bill looking to achieve. Do you see, President Morris?

**MR. MORRIS:**

Think we'd have to ask the person who wrote the bill. I have no idea what good purpose it serves either for the Department, or for the SOA, or for the members.

**LEG. MURATORE:**

I know I can't -- I can ask, you know, through the Chair, we can't ask the sponsor of the bill, but I thought, you know, you've been a cop for a lot of years and you've been a President for a lot of years. You've got learned Counsel next to you, and maybe we can find out what this bill's about, because it's all full of these -- I mean, I don't want to insult the sponsor or attorney, but, you know, "ability to be fair and objective," who's going to make that decision? I mean, if I don't like somebody and I'm the Commissioner, I may not have that ability to say you're fair and objective. So I don't know where this bill is coming from.

**MR. MORRIS:**

Well, I -- you know, what I will say is when I read the bill, I was assuming that whoever wrote it felt that we were lacking integrity above the rank of Captain, and I, quite frankly, take that as an insult.

**LEG. MURATORE:**

Well, I apologize. I'm sure the majority of the people that sit on this Board do not -- on this Legislature do not feel that about the members of the SOA.

**MR. MORRIS:**

I'm aware of that. Thank you.

**P.O. GREGORY:**

Legislator Browning.

**LEG. BROWNING:**

Okay. I guess we want to get on integrity. I mean, this section, A13-14, and, you know, it talks about the officer and holding the rank of Deputy Inspector or higher, who has a complaint of excessive force, sexual harassment, discrimination, I mean, obviously, Internal Affairs does an investigation. Now it does say that the officer -- if it has been substantiated by the Police Department, my guess is, is that when Internal Affairs does an investigation, if it's so egregious, can you tell me has there been cases where Police Officers have lost their jobs if it's so egregious. I mean, obviously, people do things that are wrong on the job when they're working, and, you know, there's discipline action. But, again, you know, my question is, is you should be held forever accountable for everything that you've done in your life. That's something that we've been talking about here quite a bit.

But, you know, again, my question is, as the Union President, if you have a member who has had an incident that occurred, you know, 25, 30 years ago and now he has an opportunity for promotion, and based on that one incident he's going to not have an opportunity to move up in the promotion,

is that something that you would fight? And, I mean, I kind of like to get your opinion on that as far as -- you know, I would assume that if it's so egregious, they wouldn't be in the job anymore.

**MR. MORRIS:**

Well, yes, we have had people that have left the job for various disciplinary reasons. You know, unfortunately, if a -- you know, when someone is promoted to, or not unfortunately, the Department still has the right on promotions of the one in three rule. They can pass people, and the Department over the years has passed people, but they do not share their reasons with the SOA or generally the member that I'm aware of. And, you know, so I really don't know what reason they have passed over people in the past if it was an old incident or a relatively new incident.

**LEG. BROWNING:**

Okay. And, basically, the Commissioner has the discretion to make that decision?

**MR. MORRIS:**

The Commissioner on promotions has the discretion to pass -- pass people on the list and not have to give a reason, yes.

**LEG. BROWNING:**

Okay. And on the education thing, there is -- I mean, I guess, when a police officer takes a Civil Service test, passes the test, there is no college requirement to take the test to become a police officer, correct?

**MR. MORRIS:**

There is no requirement in Suffolk County other than high school or --

**LEG. BROWNING:**

Okay. And is there college credit to the Academy when you go through the Academy? Say if I was to go to Empire State, and, you know, if I'm a police officer for 20 years on the job, maybe at one point I went to the FBI Academy, you know, if I was to go to the Empire State College and decide, okay, you know, all my life experience as a police officer and the education I've had as a police officer and now to try and get the accreditation, everything has college credit, right?

**MR. MORRIS:**

I believe the last I knew, the Suffolk Police Academy, I believe, is 60 college credits. I could be wrong, but those are all considered, especially by like a college like Empire. They would consider those, yes. And then --

**LEG. BROWNING:**

You know, it's just that --

**MR. MORRIS:**

Yes.

**LEG. BROWNING:**

I know sometimes you'll have people with college degrees, and you can say many times, you know, they might be very smart, but they don't have a lot of common sense. And I know sometimes as a police officer, sometimes it takes a lot of just common sense, rather than a piece of paper that says you're qualified. So, you know, I will talk to you more about that, because I do think that that's something that should be looked at. I do believe that Police Officers with the training and experience that they have definitely gives them a lot of life experience that has college credibility, but maybe not on a piece of paper, which I think is unfair.

**MR. MORRIS:**

I agree.

**P.O. GREGORY:**

Okay. Legislator Barraga.

**LEG. BARRAGA:**

Good afternoon, Mr. Morris. You know, it seems to me that for a police person who is ambitious, who wants to get ahead in the Department, who wants to move through the ranks, this is a golden opportunity to achieve a Bachelor's Degree, especially if you get to a point where you're above Captain and all things are equal, experience, background, but you've got the Bachelor's Degree and say I don't, that could be the difference. I think any cop that takes a look at long-term in terms of how far he can go in the ranks, now that he has this possibility based on the Collective Bargaining Agreement of getting an additional degree and getting reimbursed for it, he will -- he or she will pursue it, if for no other reason than what I've just stated. All things being equal, the degree makes the difference.

It's like when you go into the private sector and you're sitting there with the Master's Degree, and you've got the Bachelor's Degree, there's two people, all things, backgrounds similar, that Master's Degree may well make the difference. That's why people go back and get a Master's Degree. That holds true even in your situation in the Police Department. So I don't see why someone who is -- who wants to move ahead and has available to him or her financial resources made by the collective bargaining agreement wouldn't pursue the degree, so that then in 10 or 15 years, the ones who are really assertive and want to move ahead, they will all have degrees. They'll require it or look at it as almost a requirement that they have to do it.

**MR. MORRIS:**

I agree. The overwhelming majority of our members in the SOA, especially the upper ranks, have pursued above and beyond a Bachelor's. They've gotten Master's, and so on, law degrees. And, you know, our only problem is, you know, it needs to be discussed if it's going to become a requirement. But you are correct, I know in the past with many different Commissioners, I know when they promoted people above the rank of Captain, they definitely did take into consideration education.

**LEG. BARRAGA:**

See, I don't think it has to be a requirement based on what you -- your Collective Bargaining Agreement. I think any Police person would take a look at that and say, "You know, I have to have that degree. If I really want to move up in this Department, if I want to go beyond Captain, I'm going to have to have that Bachelor's, because I'm going to be competing against people with Bachelor's Degrees or Master's Degrees or better, it's almost a given. It doesn't have to be required. These people will have good common sense to realize I have to do this.

**MR. MORRIS:**

I agree.

**P.O. GREGORY:**

Okay. Legislator Trotta.

**LEG. TROTTA:**

Yeah. In terms of the investigative -- excellent investigative skills, reputation for integrity, the ability to write clear reports, clearly, the Federal Government is the universe that came in and said this should be a requirement for the Internal Affairs Investigators. So the Federal Government are the people -- we got ourselves in this position when we had to sign this agreement -- who came in

and said this is the requirement. I think you'll agree that, certainly, if those people in Internal Affairs are held to a higher standard, certainly the people above them reviewing their decisions should be held to the same standard. Wouldn't you agree?

**MR. MORRIS:**

I'm aware of the -- what the Federal Government said. The Internal Affairs Bureau is an investigative command. What I simply stated was that it was my opinion that superior investigative skills are not necessarily needed for those above the rank of Captain. In addition, what we don't need is we don't -- without negotiating with us, you are mandating to the Police Commissioner what you believe should be the requirements for his staff. And I think the Commissioners, at least the ones that I've worked with over the last 35 years, all had the ability to pick their staff and they didn't need a list of what they should be looking for in their staff.

**LEG. TROTTA:**

Well, my question was, do you believe that the hierarchy of the Police Department should be held to the same standard as the Internal -- as the Federal Government put on the Internal Affairs Investigators and that the County Executive and the Police Commissioner signed? So if they're obligated with reviewing these complaints, shouldn't they be held to the same standards as the investigators?

**MR. MORRIS:**

I think I answered that. I said that I don't -- it is my opinion that the investigative part of that, whether the Federal Government stated that or not, I don't believe that portion of it is particularly important that they have superior investigative skills. I don't have a problem with any of those -- the other requirements. What I'm saying is if it's going to be mandated on our members, it needs to be discussed with us.

**P.O. GREGORY:**

Okay. Legislator D'Amaro, then McCaffrey.

**LEG. D'AMARO:**

Thank you. I want to go back to the question about jurisdiction here. Mr. Linzer, was it?

**MR. LINZER:**

Yes, sir.

**P.O. GREGORY:**

Lou, we're in a Public Hearing. They've testified separately, so we're trying to address the questions to the person who's the witness, and the witness now or the speaker is Mr. Morris.

**LEG. D'AMARO:**

You mean I missed my opportunity to talk to Mr. Linzer?

**P.O. GREGORY:**

Yeah, you're a little late, unfortunately.

**LEG. D'AMARO:**

Okay.

**P.O. GREGORY:**

I mean, we have them sitting there, but it's just -- you know, we specifically had them address the committee, the body separately.

**LEG. KENNEDY:**

Ask Timmy the question to ask Linzer.

*(\*Laughter\*)*

**P.O. GREGORY:**

Yeah.

**LEG. KENNEDY:**

There you go.

**LEG. D'AMARO:**

That will work. All right. Well, I guess I can find a way, maybe. Mr. Morris, do you think your Counsel would answer --

*(\*Laughter\*)*

Or how do you think your Counsel would answer to the following question: The -- I understand the merits of the debate we're having here. I understand the sponsor of the bill wants to raise the bar with respect to requirements and I think that's a positive thing. I think it's something we could all consider and debate. However, there's a threshold issue here, and the threshold issue is whether or not this is properly before the Legislature, and whether or not the Legislature has the appropriate jurisdiction, power and authority to pass a bill such as this.

Now, I've heard your Counsel mention that there is -- this would be going to the terms and conditions of employment. Therefore, it's subject to mandatory -- it's a mandatory topic of arbitration or subject of arbitration. And it was asked of your Counsel whether or not there is any exact case on point where perhaps a Legislature sought to impose this type of, let's say, educational requirements and other requirements by passing a resolution, as opposed through collective bargaining. And my question is whether or not you need an exact case on point. Do you need that, or can you just look at the case law that's out there now and determine that this would fit within the parameters of the existing law as determined by case law?

**MR. MORRIS:**

I know I heard my Counsel say before, both Counsel say that no, you do not need particular case law.

**LEG. D'AMARO:**

Right.

**MR. MORRIS:**

Am I correct?

**MR. LINZER:**

Yes.

**LEG. D'AMARO:**

You know, several years ago this body outlawed -- not outlawed -- this body did away with what we used to call Sense of the Legislature resolutions. And the reason why we did that, I think, and all of you were here, most of you were here, was because we can put in -- you could put in a Sense of the Legislature resolution on any topic, and we could sit here for five hours at a clip and debate them and have public hearings, and get into, you know, all kinds of issues that this body has absolutely no jurisdiction over. And if you're right about the jurisdiction of the Legislature with respect to this

particular law, this really is nothing more than one Legislator's opinion or sense of what the requirements should be with respect to these particular ranks within the Police Department, and you're entitled to that opinion. But I really have to question, if this is a subject of collective bargaining, whether it's appropriate to have this legislation before us at this point.

And I would be interested to know if your attorney could, perhaps by email, just give us a quick couple of paragraphs citing some cases that would establish the fact that this would be a matter for collective bargaining and it's not properly before the Legislature. That would be helpful to have when the bill comes up for debate.

**MR. MORRIS:**

Yes, we will have that to you.

**LEG. D'AMARO:**

Okay. Thank you, I appreciate it.

**MR. MORRIS:**

Thank you, Legislator D'Amaro.

**P.O. GREGORY:**

Thank you, Legislator D'Amaro. Legislator McCaffrey.

**LEG. MC CAFFREY:**

Tim, as you know, I'm also in the Union business, and maybe as long as you, or maybe not, but -- and I have filed my fair share of unfair labor practices against different parties for trying to take away my rights to bargain, and so I know exactly where you're coming from. And I don't disagree with what you're saying, and, in fact, I agree with you. I agree that if there's something in your contract that stipulates that you are not required to have an educational degree unless we negotiated with you, you're absolutely right. We would be required to negotiate with you over that, or else we could be subject to whatever action you care to take.

My question, though, is going backwards. And I asked a question before, and I'm not quite sure if I asked it the right way or if I didn't get the right answer. And you would know better, because I asked Mr. Linzer and he's not allowed to answer again, but I could ask you, and it was about the requirement for pre-employment to become a police officer. And I believe the answer I got was that it is in the contract, your Collective Bargaining Agreement, that states that what the educational requirements to be hired are; is that correct?

**MR. MORRIS:**

There is the education requirements. The minimum education requirements for the job of Police Officer is posted by the Civil Service Department, and that's, you know, by public notice. There is no -- there is no section in our contract that relates to any education that you must have, other than the education section that was placed into the MOA, most recently with the new MOA.

**LEG. MC CAFFREY:**

Okay.

**MR. MORRIS:**

So the -- if you go to the Department of Civil Service, they have the requirements for Police Officer. As was stated before it's high school, a high school diploma, and it has been for quite some time.

**LEG. MC CAFFREY:**

Okay. Now, as I said, I agree, that I don't think we can change this once these people are

employed. I agree with it. And if they're your members now, I agree with you, that we can't change that. I know my colleague doesn't agree with me, but --

**MR. TROTTA:**

No.

**LEG. MC CAFFREY:**

Oh, okay. He's agreeing with me. Okay. So he's going to remove his bill.

**LEG. TROTTA:**

No.

**LEG. MC CAFFREY:**

No, I'm only kidding. But I feel we still have the right before somebody's hired to effect the standards of which -- for the people that are going to be hired, whether it be a Police Officer. New York City has a higher education requirement, Nassau County has a higher education requirement, and we've got none. And by agreeing to any of these things, whether -- as I said before, I agree with your position, that it would be a mandatory subject of bargaining.

I also agree that we should have the ability, whether it be as Police Officers coming in, and possibly before they become SOA officers, to have a requirement for education, because there are a lot of people out there that said, hey, these people make a lot of money, they have an opportunity to move up in the ranks and make a lot more money, and that it may not be too much of us to ask that they have some sort of minimum education requirements beyond high school.

So I just wanted to clarify the fact that your agreement does not contain an educational requirement.

**MR. MORRIS:**

No. And as far as pre-employment requirements, those are candidates. They're not covered by the PBA, SOA, or the Detective agreement. So I'm sure the County could change those standards. That would be my guess, but they -- if they want to retroactively change the standards for people that are already here, then it should be necessarily a subject of negotiation.

**LEG. MC CAFFREY:**

We're in complete agreement. Thank you.

**P.O. GREGORY:**

Legislator Muratore.

**LEG. MURATORE:**

President Morris, to me, as far as I remember now, maybe it's changed, do we hire Sergeants? I mean, we just hire Police Officers, correct?

**MR. MORRIS:**

Yes, we only hire Police Officers. The rest is promotion, or promotion to Superior Officer ranks or designation for Detective.

**LEG. MURATORE:**

For Detective, right. And there's no -- as far as I know, there's no test for Detective, it's all on your field work and what you do in the field, right?

**MR. MORRIS:**

Exactly.

**LEG. MURATORE:**

And Sergeant, Lieutenant, Captain is all by promotional exam?

**MR. MORRIS:**

Yes, all by -- yes, Sergeant, Lieutenant and Captain are a promotional exam.

**LEG. MURATORE:**

And it's not automatic if you get a 99.9 on the test that you will get promoted to Sergeant?

**MR. MORRIS:**

Not at all.

**LEG. MURATORE:**

And if you're number one on the list, that doesn't mean you're going to be promoted to Sergeant?

**MR. MORRIS:**

No.

**LEG. MURATORE:**

And you can be bypassed?

**MR. MORRIS:**

You can be bypassed if you're number one on the list, yes.

**LEG. MURATORE:**

Okay, great. Thank you.

**P.O. GREGORY:**

Okay. That is all the questions --

**LEG. CILMI:**

Me.

**P.O. GREGORY:**

Oh, I'm sorry, Legislator Cilmi.

**LEG. CILMI:**

Just a quick follow-up question for you, Tim. Do you know whether or not the County, through an act of the Legislature or otherwise, could require -- could make certain requirements or could set certain criteria for the eligibility to take those exams?

**MR. MORRIS:**

To take the Superior Officer exams?

**LEG. CILMI:**

Right, or Detectives, or whatever other exams there might be?

**MR. MORRIS:**

That's by the Civil Service Commission, and I'm not sure of the process of how they determine that, no.

**LEG. CILMI:**

Okay. Thanks.

**P.O. GREGORY:**

Okay. Thank you. My next speaker, Jennifer Bentley.

**MS. BENTLEY:**

I will not be speaking.

**P.O. GREGORY:**

Okay.

**MS. BENTLEY:**

I'm Co-Counsel.

**LEG. D'AMARO:**

DuWayne, can I ask one more question of Mr. Morris?

**P.O. GREGORY:**

Sure. Sure, yup.

**LEG. D'AMARO:**

Because I don't want to lose my shot here again. I just need to clarify something. I think I heard you just say is that you agree prospectively and going forward that the Legislature and the County can properly impose educational requirements, as long as they don't apply to those already in the position?

**MR. MORRIS:**

What I'm saying is that if the person is a candidate prior to employment, they are not -- they are not represented by us.

**LEG. D'AMARO:**

Okay.

**MR. MORRIS:**

Now, as far as --

**LEG. D'AMARO:**

A candidate, meaning they're not even a member of the Police Force.

**MR. MORRIS:**

They're not a member of the Police Department, they're taking a Civil Service exam. What I'm saying is I don't know who can change that, whether it's the Civil Service --

**LEG. D'AMARO:**

The County or State, okay.

**MR. MORRIS:**

I'm not familiar with that.

**LEG. D'AMARO:**

Okay, fair enough.

**MR. MORRIS:**

I don't know who determines the minimum requirements. Whether it's the Civil Service Commission or whether it's the County Executive, I really don't know.

**LEG. D'AMARO:**

All right. But let's say that those requirements are properly in place. They would -- like, you know, if someone wants to take the police exam, it would now state in the application process that here are the minimum requirements and here are the minimum educational requirements. That would be okay, as long as it's done properly. That wouldn't be through collective bargaining, that would be whatever authority has the jurisdiction to impose that?

**MR. MORRIS:**

To my knowledge, that whatever -- whoever is responsible for that has the jurisdiction to set the requirements.

**LEG. D'AMARO:**

Right. So let's say those requirements are in place. Would they ever apply to the higher ranks?

**MR. MORRIS:**

If they were in place, they -- if they were put in place, say, for the next Police test --

**LEG. D'AMARO:**

Right.

**MR. MORRIS:**

-- they're going to be for everybody that's hired off of that list.

**LEG. D'AMARO:**

Right.

**MR. MORRIS:**

That's why I said before that they couldn't retroactively require the people that are already here that took a Civil Service exam that didn't require anything beyond a high school --

**LEG. D'AMARO:**

So the only way you can reach the higher ranks with these requirements is to impose them from the beginning?

**MR. MORRIS:**

From the beginning, or negotiated.

**LEG. D'AMARO:**

Or negotiated. But putting that aside, because I think we all agree it's something that can be discussed at a bargaining table.

**MR. MORRIS:**

Yes.

**LEG. D'AMARO:**

The only way you reach the higher ranks would be by imposing those conditions initially, when you're first taking your first test and first being hired by the County. So at that level now, I think you said all that's required is a high school diploma?

**MR. MORRIS:**

There is a requirement for a high school diploma to take the test for Police Officer. There is no requirement, again, beyond that for any of the ranks, except for the -- again, for the new section of our contract --

**LEG. D'AMARO:**

Do you think that --

**MR. MORRIS:**

-- that doesn't require it.

**LEG. D'AMARO:**

Okay. Right, I understand. Do you think, Tim, that imposing the requirements in this bill at the beginning of the career of becoming a Police Officer would hinder the force in any way?

**MR. MORRIS:**

To put all of these -- I mean, there's many facets to this bill, but --

**LEG. D'AMARO:**

Well, I think the answer is yes. So I think it would be a hindrance, because --

**MR. MORRIS:**

I -- you know, in my personal opinion, I have -- you know, I have an Associates and Bachelor's with Criminal Justice. And after, as I said, almost 40 years in law enforcement, I'm not really sure what that degree did for me, except for expose me a little bit --

**LEG. D'AMARO:**

Well, I only meant it in the sense that it would greatly diminish the pool available that's --

**MR. MORRIS:**

Absolutely.

**LEG. D'AMARO:**

Yes.

**MR. MORRIS:**

The pool would go greatly down.

**LEG. D'AMARO:**

Right.

**MR. MORRIS:**

And I'm not sure whether it would be appropriate with our consent decree that we are still under with the Federal Government.

**LEG. D'AMARO:**

Right, because there are unintended consequences to things like that.

**MR. MORRIS:**

Absolutely.

**LEG. D'AMARO:**

All right. My last question, then, is, has -- and I think this might have been asked and answered, so

I apologize, but has the topic of educational requirements in the higher ranks, the Superior Officer level, come up during bargaining negotiations?

**MR. MORRIS:**

Only in the sense of the provision that was in the PBA -- the PBA MOA. It wasn't discussed any further, further than that. And I don't recall any past negotiations that I was involved in. They may have brought -- the County may have brought it up briefly at some point, but I can't recall right now.

**LEG. D'AMARO:**

I think in order to impose that type of -- even if it's done not properly and through collective bargaining. You talk about educational requirements. I think you really have to think that through and get more of an expert opinion as to what should be required, what -- why should it be required, how does it benefit, how does it limit the availability of people who may be otherwise qualified. There's a whole host and range of issues buried in something as simple as putting on educational requirements, even through the collective bargaining process. And I think it's well beyond the pale of our ability to discuss that today.

**MR. MORRIS:**

I agree 100%.

**LEG. D'AMARO:**

Yeah.

**MR. MORRIS:**

I touched on that briefly at the Public Safety Committee, that I don't know, you know, again, like you said, what authority dictates that a particular degree is important for the particular position that you're speaking about.

**LEG. D'AMARO:**

Right. Okay. Thank you. Thank you, Mr. Presiding Officer.

**P.O. GREGORY:**

Okay. Legislator Muratore.

**LEG. MURATORE:**

To President Morris, I kind of remember something, that the Police Department has a consent decree they have to hire under; am I correct there?

**MR. MORRIS:**

Yes, there is.

**LEG. MURATORE:**

So we're already mandated on how we can hire and or who we can hire. So can we change that consent decree?

**MR. MORRIS:**

Yeah. As I said, I don't know, but I don't believe that we can change the requirements for -- I could be wrong, but I don't believe we can change the requirements for police candidates without altering the consent decree.

**LEG. MURATORE:**

Okay. Thank you.

**P.O. GREGORY:**

Okay. Legislator Stern.

**LEG. STERN:**

Thank you, Mr. Presiding Officer. Tim, just a quick question. Coming at it from the other direction, assuming that whatever jurisdiction does have the authority to impose some type of educational requirement, once that's done properly, in the proper forum, since education, contending that education is a mandatory subject of bargaining, if there was that requirement that was imposed properly, could that requirement still be changed afterwards during the collective bargaining process, or is that a guiding principle that has to remain in any kind -- in any kind of agreement that you would come to going forward, specifically as it pertains to new hires?

**MR. MORRIS:**

You know, I would believe that if it's a requirement to come on the job, that -- for the position of Police Officer, I'm not sure that the particular unions have a standing. And I don't believe -- I mean, that's my opinion, that I don't believe we could change that, if they've done it the proper way that it should be done, and that they change the requirements, say, from high school to an Associate's Degree or 60 credits. I'm not sure if we have a standing in that.

**LEG. STERN:**

So, if it was done properly, then perhaps it no longer -- this as an issue no longer becomes -- it can no longer be classified as a mandatory subject of bargaining, because it would be taken down kind of a level and imposed on pre-hires, rather than existing union members.

**MR. MORRIS:**

Well, it would still be a mandatory subject for the people that are already here.

**LEG. STERN:**

Understood.

**MR. MORRIS:**

So, for the people that were coming on, they're going to come to us already with the 60 credits or the -- whatever it is they require. So the point would be -- I guess the point would be moot.

**LEG. STERN:**

Thank you.

***(AUDIO MALFUNCTION)***

**P.O. GREGORY:**

That means the clock has run out. No. Frank Ashby. Okay. Thank you. You guys, thank you.

**MR. MORRIS:**

Thank you very much. We appreciate it.

**MR. LINZER:**

Thank you for considering our input.

**P.O. GREGORY:**

Sir, you can go to the podium. Thank you. And then on deck, John Eterno.

**MR. ASHBY:**

My name is Frank Ashby and I'm here to talk for a few minutes about the article in Newsday on May 1st about Legislator Trotta's efforts to bring some added professionalism and some higher standards to the Suffolk County Police Department.

I've written several books and articles on leadership development in the building of high performance organizations, and I have 30 years of experience helping organizations identify their strengths and weaknesses and make needed changes. I have a Doctorate in Organizational Development, and served six years on the Commission on Educational Credit and Credentials at the American Council on Education in Washington. One of my talks as a keynote address at the FBI Academy in Quantico on the building of trust, community support, and a better organizational culture.

I have great regard for law enforcement in general and the many outstanding members of the Suffolk County Police Department. Many of my best friends and neighbors are law enforcement officers, as are several of the outstanding people I write about in my books and my articles. That said, and given my understanding of things at the moment, I am among those who believe that Legislator Trotta's bill, calling for a new set of academic standards at the Suffolk County Police Department, is both reasonable and long overdue.

We live in one of the most sophisticated and best educated parts of the country, and this Island is surrounded by Police Departments and law enforcement agencies that have adopted a Bachelor Degree requirement, similar to what Mr. Trotta is proposing, primarily because of the impact it has on the communication skills, the writing skills, the vocabulary, the problem-solving skills, and the overall professionalism and credibility of Police Officers and Police Departments. The evidence on this, despite the debate and what we've heard this afternoon, really is indisputable. And I can talk chapter and verse about it if anyone's interested.

America spends about 500 billion dollars every year on higher education. It is unreasonable to believe Suffolk County Police Officers are immune to the benefits. Rob Trotta's proposal is not absurd, and, in my opinion, PBA President Noel DiGerolamo was very wrong to say what he did in the Newsday article I read on May 1st. In my judgment, his reaction is reflective of sentiments that have existed at the upper levels of the Suffolk County Police Department for much too long.

At the moment, I see Rob Trotta's bill as needing some refinement. I agree with some of the comments we heard a moment ago, but far more helpful and courageous than anything else. In fact, I -- if anything, I don't think Mr. Trotta's bill goes far enough in some areas. If it was up to me, every new Police Officer in this County would be required to have a Bachelor's Degree as a condition of employment. The skills I mentioned a moment ago are that important and that much in need within our County Police Department right now.

Suffolk County Police Officers are already among the best paid in the whole country. It is not unreasonable that they also be among the best educated, the best credentialed and the most credible and professional. Mr. Trotta's call for those in very senior level jobs --

**D.P.O. SCHNEIDERMAN:**

You're going to have to wrap up your comments, your three minutes are over.

**MR. ASHBY:**

Can I continue or --

**D.P.O. SCHNEIDERMAN:**

Yeah, just for this --

**MR. ASHBY:**

All right. It will be another minute at most. Mr. Trotta's call for those in very senior level jobs to have FBI top secret security clearance also seems very reasonable to me, particularly when some say that important investigations have already been hampered by senior police officials with decision-making authority, but not the clearances they need to participate fully in investigations involving classified information, because they haven't passed or can't pass the FBI background check. If this is true, it is unacceptable. And the people of this County should be looking for the members of this body --

**P.O. GREGORY:**

Sir, please wrap up.

**MR. ASHBY:**

-- to put it right. I have two more sentences; is that okay?

**P.O. GREGORY:**

Quickly.

**MR. ASHBY:**

Let's not throw the baby out with the bath water here. There are provisions in Mr. Trotta's bill that will be very helpful to the people of Suffolk County. Please put politics and selfish interests aside and give Mr. Trotta's bill the consideration and support it deserves. Thank you for your time.

**P.O. GREGORY:**

Thank you. Legislator D'Amaro has a question for you.

**LEG. D'AMARO:**

Good afternoon. I'm over here.

**MR. ASHBY:**

Please, yes.

**LEG. D'AMARO:**

And thank you for coming down and offering testimony. And when you mentioned your credentials they're very impressive. It's almost like I kind of wish that you were here on my last comment. I said this would have to be something we need to explore on the level of experts and those in the field such as yourself that can tell us what are the true benefits, impacts. And there's a whole analysis to be had, and, obviously, you are knee deep in all of that. So I really appreciate the fact that you're here.

And the problem that we're having here today, and I'm sure you've listened to the debate, or at least the Public Hearing, is that there is a threshold issue here of whether or not procedurally we have the authority to impose the restrictions here and now. So, in my mind, I don't necessarily disagree with one word of what you said, and I really appreciate the fact that you took the time to give us your expert opinion with respect to the benefit of education for Police Officers and having that education, developing skills that are necessary on the job. Problem solving, and vocabulary, and things like that, I think are extremely important, and I think that's a lesson that every parent teaches their child from the day they start school, as a matter of fact. And I can be appalled, to use your words, or surprised, or disappointed that there are not more strict higher educational requirements in place. But the question is, do we have the authority to impose them?

So I was wondering, given your extensive knowledge in the field, if you had any opinion on that?

**MR. ASHBY:**

Well, I have an opinion, but I'm not an attorney.

**LEG. D'AMARO:**

Okay,

**MR. ASHBY:**

My opinion is that where there's a will, there's a way, and that this body is not the first -- that body is not the first Legislature that has run up against this objection. And, again, I can talk chapter and verse about other police departments, police agencies. I was a Deputy U.S. Marshal at one time when there was no Bachelor Degree requirement, now there is one. They have overcome it.

**LEG. D'AMARO:**

But can I ask you this?

**MR. ASHBY:**

Please.

**LEG. D'AMARO:**

Can I ask you this?

**MR. ASHBY:**

Yeah.

**LEG. D'AMARO:**

If I agree that to impose these conditions now on those already within the ranks is something that should be collectively bargained, then by default, if I want to impose these types of conditions, I have to go to the pre-employment, when you're first filling out applications and coming onto the force.

**MR. ASHBY:**

Right.

**LEG. D'AMARO:**

Do you know if that's the level that these conditions are applied at or come into effect?

**MR. ASHBY:**

The benefits, where the benefits come into effect?

**LEG. D'AMARO:**

No, no, no. What I'm saying is these other forces that you're referring to, we're surrounded by police forces that have much higher educational requirements. In fact, I think we heard testimony here today that all that is required is a high school degree, which is still an achievement, but it's certainly -- there's much more educational opportunities than that available.

So these other forces that we're surrounded by that have these higher educational standards that you must meet, are they imposed from the day you take the police exam? In other words, a condition of actually taking the test and becoming a police -- going into our academy, or are they imposed as you climb the ranks, where maybe to take the test, you need an Associate's Degree, and then to go to the next level, you need a Bachelor's Degree, and then a Superior Degree for

becoming a Detective? Do you know how that's -- it is imposed incrementally, or is it just imposed from the beginning?

**MR. ASHBY:**

It's a terrific and an important question, and I don't want to give a -- you know, an answer that's too spontaneous. I'm sure there's a good answer out there. My guess is, if anyone took on that -- took that on as a project, they're going to find that it's happened both ways, that they've done it retroactively and they've applied the standard to existing people, and giving people on the job at the moment sufficient time to either finish a degree -- and I think the gentleman over here said that many, many members currently in place have college credits. You get 30 credits, presumably, or 60 for going through the academy. So there are ways for people in place at the moment to finish their degree and earn the credential, and, I'm going to argue, get the benefits of the education, despite some of the things we heard today. But my guess is, if we looked hard at it, you're going to find that it's a mixed bag, that some agencies and departments have imposed it retroactively on people as a condition of hire, and others have imposed it on existing Police Officers and Police Officials, but giving them the time they need to complete it.

**LEG. D'AMARO:**

All right. But putting aside the question of jurisdiction, who has the power, the authority --

**MR. ASHBY:**

Yeah, I can't answer that.

**LEG. D'AMARO:**

That's not something that you really are offering an opinion on, but your opinion is loud and clear, that you believe that the higher educational requirements, the benefits to having those conditions far outweigh any other impacts?

**MR. ASHBY:**

My opinion, there's absolutely no doubt about it.

**LEG. D'AMARO:**

No doubt. All right. I appreciate, again, your testimony. Thank you.

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

**P.O. GREGORY:**

Okay. Legislator Trotta.

**LEG. TROTТА:**

Do you have any research? I mean, do you have papers on it?

**MR. ASHBY:**

Well, I can certainly provide it. I mean, the American Council on Education is this country's largest arbiter on behalf of higher education and they are in the business of doing this kind of research. And as I said, I was on the National Commission on Educational Credit and Credentials for six years and am familiar with several of these. A lot of them have been during my time there. So there's sufficient research out there in the public domain that will help reinforce what I'm saying.

I should also mention that, you know, there's research for just about everything today. You can go on Google and find research that disputes pretty much everything. So I think it's important for decision makers like you folks to look hard at the methodology involved, how the research was conducted, who conducted it, what their vested interest was before you attach too much significance. You know, it's a balancing act in some ways, but the answers are out there for you.

And again, I want to reinforce, you're not the first body to come up against this objection, and others have overcome it and this County Legislature can too if it has the will to do it. The logic is there, and the people want it, I can say with confidence. I know the public would see the commonsense of this. But it's going to require, I say respectfully, putting some politics aside and just looking logically at the research, what others have done and the legitimate benefits that would come to Suffolk County by doing something like this

**P.O. GREGORY:**

Are you done, Legislator? So just, I have a question. Maybe I missed it. What are those benefits that you, I guess, write about or opine on?

**MR. ASHBY:**

One of the arguments that I heard, you know, heard repeated by others on other occasions is that a Bachelor's Degree in Sociology or Psychology or Architecture or Anthropology really doesn't have direct application, necessarily, to the work of a Police Officer. And I don't quarrel with that; I don't think most people like me would quarrel with that. But it is the communication skills, the writing skills, the vocabulary skills, the decision making skills, the willingness to consider and, you know, factor in other points of view that does -- that is a byproduct of a college education, it's shown to be. It is a byproduct of pretty much any college education and something that I believe has direct -- you know, is directly applicable to the job of a Police Officer.

**P.O. GREGORY:**

Okay. So would you agree, given that point of view, that our Police Department has done, I would say, an extraordinary job? We have one of the lowest crime rates, if not in the State, in the country. You know, people love living in Suffolk County, on Long Island without these requirements. So I'm trying to see what additional benefit would be obtained for the residents, I won't say of Suffolk County because there are districts -- there are Police Districts outside, but at least those residents within the Police District.

**MR. ASHBY:**

Well, I'm going to challenge, sir, your thesis and the foundation of your argument. I have a feeling that if you go out into the electorate, you're going to find an awful lot of people, maybe a majority of people like me who feel that the Suffolk County Police Department is not as professional as it needs to be.

**P.O. GREGORY:**

No, I didn't say that. I -- what I said was we have one of the lowest crime rates. That's not an opinion, that's not a feeling.

**MR. ASHBY:**

Depending on how the numbers are used, though.

**P.O. GREGORY:**

It was supported by statistics.

**MR. ASHBY:**

You know the saying as well as I do that, you know, research can be used for anything, numbers do mislead and people do use numbers to mislead. So let me be very clear with you; I'm not convinced that the numbers we see in a whole host of areas, not just related to Suffolk County or the Suffolk County Police Department, are vetted as rigorously as you would find in a -- at a university, for example, during a dissertation, research project. A lot of this stuff is -- and there's also -- there are people on the other side of this who will make the point better than I can, who argue that the numbers coming out of the Suffolk County government are not accurate enough, and some of them have been distorted in ways to make people look better than they are.

Now, that debate -- that's a debate for another day. But clearly, you can't tell me that you're unaware that there's skepticism about some, if not a lot, of what, you know, gets reported from Suffolk County government.

**P.O. GREGORY:**

Well, I think if you want to look on just the basis of education, I don't think there's a department in the country that people may question some of the statistics, whether that's valid or not. I don't think it's based on the educational level, I think it's just based on that people were skeptical when they see statistics, for whatever reason that may be. You know, I don't think if all of a sudden every person in the Police Department had PhDs, that people wouldn't say, "*Well, I don't know. Crime rates, you know, will drop 15%.*" I don't think people would stop questioning that.

**MR. ASHBY:**

I say respectfully you've got to look at the way the statistics are accumulated and reported. There -- you know, there are differences in the way a study, tested for validity and reliability, is reported out and the way political numbers are reported out. We saw that recently in Washington. Tests for validity and reliability --

**P.O. GREGORY:**

But you're --

**MR. ASHBY:**

-- attach a lot of significance and a lot of weight to the credibility of reported numbers.

**P.O. GREGORY:**

But the premise of your argue is not --

**MR. ASHBY:**

Your numbers are not vetted for validity and reliability, this County doesn't do that.

**P.O. GREGORY:**

You make an ambiguous argument, because you're talking about an integrity argument. You can have three doctorate degrees and still have the integrity that will tell you that it's correct to fudge the numbers. You can have not even a high school degree and say, "*Well, I'm going to report what the statistics are.*" That has nothing to do with educational level.

**MR. ASHBY:**

No, but you asked me. You asked me -- you used the numbers as evidence that the Police Department is performing very well and that there may not be a need for higher educational standards. All I'm seeing in response is that I question the validity and reliability of some of those numbers.

**P.O. GREGORY:**

No, I --

**MR. ASHBY:**

And if you question my position, my suggestion would be let's put it to a test.

**P.O. GREGORY:**

No. My only reference --

**MR. ASHBY:**

We're miles away from a university that could do that test and report back to this body in a matter of weeks.

**P.O. GREGORY:**

Fair. My only reference, really, to the numbers were that, you know, my impression from your statements and possibly from this legislation is, well, you know, we have a department that's incompetent, that can't do anything, the crime rate's through the roof. The only way to get our act in order is if we had a more educated --

**MR. ASHBY:**

I didn't say that, sir.

**P.O. GREGORY:**

No, I didn't say you said that. But that certainly could be the impression --

**MR. ASHBY:**

Well, I don't think that --

**P.O. GREGORY:**

-- that we have an incompetent police force when I don't think that's the case. Whatever the educational requirements are, I think it's been stated here today that there are many members that have gone out and got their Associate's, their Bachelor's as well as their even Law Degrees or Advanced Degrees.

**MR. ASHBY:**

That's right, yeah.

**P.O. GREGORY:**

And I think it's reflected in their competency through the statistics. You know, whatever the numbers may be, I think in general people feel safe in their communities. You know, there are certainly certain areas that have more issues than others, but I don't think that would change necessarily because with instituting a mandatory educational requirement; would you agree with that?

**MR. ASHBY:**

I don't think it's a fair measure. I think you're confusing the issue and mixing up the issues here. What I'm here to argue is that a higher educational standard has been shown to add to the effectiveness of people and organizations at large. And I've said twice now, I can talk chapter and verse about it and I'm happy to provide this panel with good evidence of it. How the department is performing now, how a higher education standard would affect the way it performs tomorrow is a matter of debate and some speculation. But my experience tells me that there is a direct correlation, a direct relationship between the two and that other, other -- in Legislative bodies like this one, have made the decision to increase the standard because they've looked at the research

and they buy into the argument. This body obviously, at the moment, my impression is it does not, it does not; and I think that's unfortunate, it's the reason I came down here today.

**P.O. GREGORY:**

Well, thank you, sir, for coming down today.

**MR. ASHBY:**

I appreciate your time. Thank you.

**P.O. GREGORY:**

All right. Legislator Barraga.

**LEG. BARRAGA:**

I was wondering if I could get your comment, you know, whether you agree or disagree with the resolution. I would think that there are a number of Legislators who have some very serious concerns about interceding or changing an existing collective bargaining agreement that's in place through 2018. Certainly I think for some of us, that this particular topic, additional educational requirements, may be appropriate, but only at the time when the contract is up for renewal and negotiations start again. I feel very hesitant about doing anything here that would interfere with the existing provisions of the contract in place.

**MR. ASHBY:**

It's hard to argue with that, except there's -- I can tell you -- and again, I'll provide the evidence if you want to see it. There are enough reasonable people within the electorate in this County who question how these contracts and these agreements are constructed and the nature of the relationship between the parties on both sides of the table. And why some of the decisions that get made get made. I can go down that road with you, but I'm not sure this is the time for it. But I do think -- you know, if you're saying that you have concerns about opening up an agreement that's been signed and delivered, I agree with you. I don't disagree with that. That is a tricky -- tricky thing to do. But I -- if it has to wait until 2018 is when it comes up again; is that what you said?

**LEG. BARRAGA:**

*(Nodded head yes).*

**MR. ASHBY:**

Boy, I -- if I'm still around, I would certainly like to look hard at the people arbitrating on behalf of the people, you know, the people in Suffolk County and know even more about the nature of some of these relationships and the motivations of some of the folks that are on both sides of that table. That's not an unreasonable thing to say, given articles that have appeared in Newsday and elsewhere. I'm not accusing and I'm not even speculating, but I am saying that, you know, it's something that I think -- we have arguably the highest paid workforce in the country, and a group of elected officials -- a whole panel of people who have stood up here now and arguing against a standard that is universally recognized as contributing quality to organizations.

**LEG. BARRAGA:**

Thank you for your input. Thank you.

**MR. ASHBY:**

Thank you.

**P.O. GREGORY:**

Thank you, sir. John Eterno. Thank you.

**MR. ASHBY:**

Am I done?

**LEG. TROTTA:**

I had another question.

**P.O. GREGORY:**

Oh, I'm sorry. Legislator Trotta.

**LEG. TROTTA:**

How would you feel if there was not a single -- if you knew there was not a single word in the existing contract that described who the Commissioner could appoint to those positions in my bill? Not a single word on who, how we can do it, the qualification that we can do it. If that contract is null and void, it has nothing to do with the Commissioner's ability to pick who he wanted in those higher ranking positions?

**MR. ASHBY:**

I'm sorry, I'm sure you're saying it clearly, I'm just not getting it right.

**LEG. TROTTA:**

In the contract --

**MR. ASHBY:**

Yeah.

**LEG. TROTTA:**

-- there's not a single word about how the Commissioner has the ability to pick who a Deputy Inspector and above is, and what I'd like to do is put in some small criteria of who he can pick.

**MR. ASHBY:**

Yeah.

**LEG. TROTTA:**

Now, in 2018 it's not in the contract. There's some argument here whether or not you can or not. I've talked to lawyers, they said it's not an issue; these lawyers say there is issue. That's what lawyers do, they go back and forth.

**MR. ASHBY:**

Right.

**LEG. TROTTA:**

My question to you is knowing now that there's not a single word in it, do you feel any different? Do you think it should be done now?

**MR. ASHBY:**

Yes, I do. Because knowing. Knowing -- learning what I have now in the last hour and having heard the questions and what I sense to be the sentiments and the opinions of the people on this panel, I think adding some prerequisites, some standards, to whatever extent there can be, in the existing contract would probably be a good idea if those standards and expectations raise the -- you know, the requirements for certain jobs.

**LEG. TROTTA:**

Thank you very much.

**MR. ASHBY:**

I'm all for raising them up.

**P.O. GREGORY:**

Thank you, sir. Mr. Eterno. Thank you.

**MR. ASHBY:**

Am I finished now? (*Laughter*).

**P.O. GREGORY:**

Yes, you're finished.

**MR. ASHBY:**

Thank you very much.

**MR. ETERNO:**

Good afternoon. My name is Dr. John Eterno, I'm Associate Dean and Director of Graduate Studies in Criminal Justice at Malloy College. I've also written several books on this topic. I've written -- I'm on my fourth book now on other topics, on Police management. I've written peer review articles on the topic. I stand here in support of the bill, but I also recognize the need to work with the unions and I think that is critical at this stage. I was a Captain in the New York City Police Department who did the research behind the New York City Police Department's increase in age and education requirements.

That being said, I did hear that 85% of the people in the higher ranks do have degrees and higher level degrees, from what I was listening to. That is very telling. That is very telling. It tells us the importance of higher education. Higher education is critical, it credentializes, it professionalizes a Police Department and anything else, whether it's an accountant, whether it's a lawyer, whether it's a nurse, a doctor. You would not go to a doctor, a medical doctor who did not have the qualifications, the skills, the schooling behind that.

There's been a lot of research on this, and the research on higher education is very positive. The fact that 85% are running to the higher ranks is just more proof. From what I've done and in my research, I have shown that these officers are less likely to get civilian complaints. Civilian complaints -- less likely to use excessive force, more likely to follow the law in terms of stop and frisk and other laws. Now, this doesn't mean it's perfect. This doesn't mean that getting a college education is some support of a golden panacea or something, but it does mean that these officers are more likely to perform better. The Commission on the -- CALEA, the Commission on the Accreditation for Law Enforcement Agencies, which includes the National Organization for Blacks in Law Enforcement, all agree, all -- the Police Executive Research Forum, the International Association of the Chiefs of Police all agree that college education is an important part of developing a professionalized Police Department.

Now, this isn't going to happen overnight. It's not a simple, easy thing that I think is going to just appear. But it's something that has to be worked at. I am in support of the merits of this bill. Now, there are issues that I've heard about in terms of working with the unions. When I was on the Police Department in New York City, the unions were behind us. It's not an easy thing for you guys to do, but I tell you, this is the best thing for the Suffolk County Police Department. I would caution you, there are some areas that I would look at. I mean, things like a grandfather clause I would recommend being there. I hear my time is up, I just want to mention a couple of other things.

Analysis problem-solving, writing, all of those things, understanding research to make a policy decision. You have to -- if you're in a higher level position, you need to understand that research.

And just two other quick points. First, when it comes to this issue of substantiated complaints. If you're in charge of a unit, you should be of the highest quality. You should be a person that does not have at least a really scarred record, you shouldn't be put in that position. Clearly that is something that I am -- I'm for.

And then lastly, having a security clearance. This is something that Commissioner Bratton, Commissioner Kelly, most Commissioners in Intel, they all have that security clearance because their underlings have the clearance. And I guarantee you, in Suffolk County there are people who now work on joint task forces that have that clearance and their bosses don't. So their bosses won't get the information because they don't have the clearance. This is an important piece of legislation.

**P.O. GREGORY:**

Thank you.

**MR. ETERNO:**

This is very important. And I can't tell you how much the merits of this --

**P.O. GREGORY:**

Thank you, sir.

**MR. ETERNO:**

-- are critical, but you have to work with the unions and I think that's pretty clear.

**P.O. GREGORY:**

Thank you.

**MR. ETERNO:**

You're welcome.

**P.O. GREGORY:**

Your time's up, but you do have a question. Legislator Trotta has a question for you.

**LEG. TROTTA:**

Yeah, could you go into detail about the top secret clearance thing? And, you know, you explained the importance of it, I just want to give you enough time to fully explain it to us.

**MR. ETERNO:**

Well, even -- Well, Commissioner Bratton, for example, he came on, he was appointed as a Police Commissioner only a few months ago. He did not have the clearance, he had to get it before he was appointed. This was something -- it was absolutely critical. Why? We're at an age of terrorist activity. You are a suburb of New York City. The Police Department that's operating now is very professional, but why not bring it up another notch? Why not bring it to the next level? And that's what this legislation does, it brings it to the next level.

Again, I would argue that you have to work with the unions and I heard a lot of the issues, that's for your Counsel to talk about. But in terms of getting the clearance, I know officers, for example, on gang task forces. These officers have FBI clearance, and you need it in order to do a proper investigation. Your superior should have that same level of top secret clearance where they're privy to information on, for example, Al Qaida. Right now you have a situation where the bottom has

that ability to see those things, but the top of your organization can't be told about it. This is an egregious problem. It's something you really have to work on. Regardless of the Legislature, whether you have the power or not, it's something you need to discuss, as a Legislature and as a people. The people, it's like the tail wagging the dog. The Police Officer on the street has that clearance, has that information, but the policy maker at the top doesn't.

**P.O. GREGORY:**

Thank you.

**LEG. TROTТА:**

I just have a follow-up. I was actually in that position; I had top secret clearance with the FBI and I couldn't tell people what was going on.

My next question, you touched on it briefly about the DOJ, about the substantiated complaints and the effect it has on the underlings. Can you tell me a little bit about that?

**MR. ETERNO:**

Yeah. You need to be a role model as a leader. If you, as a top of the organization, if you're at the top of the organization and you have a lot of force complaints, what happens is that trickles down to the lower level. The top sets the example. If the top has, I don't know, a number of complaints for Internal Affairs, whatever the complaints are, what it does is it trickles down and eventually the lower levels will be doing the same thing. If you have one officer that does a bad thing, okay; you know, you're going to have one officer, it's a rotten apple. You have a Sergeant that's doing bad and setting a bad example, all the officers underneath will be doing the same thing as that Sergeant. If you have a Lieutenant, then the Sergeants and then the officers. You have a Captain doing it, then the entire precinct's going to have a problem.

In New York City, as I said, nothing is perfect. There is no panacea to this, but there is a need to look at this in very strong detail. This is not a bill that I would just shove away and say, "*Okay, that's it.*" This is important, very important to this Legislature and this body.

**LEG. TROTТА:**

Thank you.

**MR. ETERNO:**

You're welcome.

**P.O. GREGORY:**

Legislator Browning.

**LEG. BROWNING:**

I don't disagree with you on education; education is always the best way to go. But I do believe that integrity is not something that you learn, it's -- it is something you learn. It's something you learn from the day you're born and how you're raised. It's not something you get out of a book. And again, I'm married to a Police Officer and I think my husband is definitely integrity is something I can say very much about him. When it comes to education, I know our Police Officers are very well trained on many things, and I do believe that a lot of it is common sense in what they do every day on the job.

Now, I believe you did say that the standards in the New York City Police Department are higher as far as education, and when you talked about complaints that are substantiated against Police Officers. So I I'd like to know, in the NYPD, are there people who move up in the ranks who have had substantiated complaints against them and have been able to move up in the ranks?

**MR. ETERNO:**

Yes. The short answer is yes.

**LEG. BROWNING:**

Okay.

**MR. ETERNO:**

But I would caution, I would give a caveat to that. In the New York City Police Department, we have something where we look at CPI points, that's the Confidential Performance Index. And in that ability, if somebody has a lot of complaints, in that case the person will not be promoted, it will be stopped. And we heard earlier about Civil Service law; not everybody, just because you're on a list, gets promoted. If they have a big problem and there's an investigation, an open investigation on that person, they are not promoted. But is there a person with one or two complaints that -- I would argue yes, and I've discussed this in the past where, you know, an active officer actually will have some complaints; I did as Captain. Now --

**LEG. BROWNING:**

They all do.

**MR. ETERNO:**

No, I just want to point out that, you know, if you're active, you're going to get them. And quite frankly, if you don't have any, you're probably not an active cop. So I would argue that you need to have somebody that has some experiential background that's moving up the ranks, but not somebody who's done something egregious. For example, sexual harassment; it's disgusting. This is something we cannot allow, and I think that that's the spirit of this legislation.

**LEG. BROWNING:**

Okay. Well -- and why I ask you that is because when you state that, I don't necessarily agree that in any Police Department that -- I'm not going to go into it. I can't go further, but I can say I would beg to differ that the NYPD is really no different.

**P.O. GREGORY:**

Legislator Muratore.

**LEG. MURATORE:**

Yes, thank you. I have a question for the retired Captain. You said you retired. Over here, this way, Captain, over here, to your left.

**MR. ETERNO:**

Oh, okay.

**LEG. MURATORE:**

There you go.

**MR. ETERNO:**

Oh, I'm sorry.

**LEG. MURATORE:**

Okay, that's all right. I just heard that Legislator, former Detective Trotta had top secret security -- FBI clearance. So if some of our Chiefs didn't have it and something was going on in Suffolk County that needed FBI top secret clearance, you're telling me they tell Trotta before they tell the Chief?

**MR. ETERNO:**

Yes.

**LEG. MURATORE:**

They would?

**MR. ETERNO:**

Yes.

**LEG. MURATORE:**

Okay. You're on the record today.

**MR. ETERNO:**

Sure.

**LEG. MURATORE:**

Okay.

**MR. ETERNO:**

I have no problem. If you don't have top secret clearance, you're not getting it. And that's why Commissioner Bratton had to get it.

**P.O. GREGORY:**

Okay. Thank you, sir.

**MR. ETERNO:**

You're welcome.

**P.O. GREGORY:**

All right. That is all the cards that we have. Is there anyone else in the audience -- please God no. Okay.

*(\*Laughter\*)*

Okay. President Noel DiGerolamo. Just please state your name for the record so the stenographer can get it.

**MR. DIGEROLAMO:**

Noel DiGerolamo, President, Suffolk County Police Benevolent Association. Thank you very much for your time. And I didn't plan on speaking, but since my name was brought up, I just want to clear the record.

If in any way my comments in Newsday was offensive to anyone or this body, my apologies. My comments are not meant to be offensive. I wanted to clear up something that Legislator Muratore said regarding the Justice Department's Consent Decree. He's absolutely correct, we are functioning under one right now and the Department of Justice Consent Decree does not allow us to have an education requirement to be hired. That's the reason why we do not have anything beyond a high school diploma in Suffolk County as a matter of being hired. Okay?

I just wanted to clear that up for the record. And also, if the County does see a significant value to this legislation and wishes to sit back down at the table and negotiate it, I am more than willing to open up the Collective Bargaining Agreement sooner than '18 and we can negotiate some new terms if they'd like to. And I just wanted that on the record also.

**P.O. GREGORY:**

Okay. Anyone have --

**MR. DIGEROLAMO:**

Any questions for me?

**P.O. GREGORY:**

-- questions? Oh, Legislator Mura -- geez, Trotta.

**LEG. TROTTA:**

Isn't it true that the Justice Department at any time can remove the Consent Decree and the County has just not asked for it to be removed?

**MR. DIGEROLAMO:**

I couldn't answer that if it's true or not, I don't negotiate with the Justice Department.

**LEG. TROTTA:**

Not yet.

**MR. DIGEROLAMO:**

Not yet. That's it?

**P.O. GREGORY:**

Legislator D'Amaro has a question for you.

**LEG. D'AMARO:**

Yes. It's always nice to see you, thank you.

**MR. DIGEROLAMO:**

Thank you very much.

**LEG. D'AMARO:**

I just want to -- that's a very, very important point. Because let's put aside the whole jurisdictional threshold issue that we have here, which is really the only issue I believe we should be discussing because I don't think that the County or we here today have the ability to even pass this bill. But putting that aside, you're saying that the educational requirement of a high school diploma is still in place and has not been changed because the County does not have the authority to change that under the Consent Decree.

**MR. DIGEROLAMO:**

Currently they do not. And it's not just a high school diploma, it's or equivalency.

**LEG. D'AMARO:**

Or equivalency, okay. So if the County wanted to change that, is there a procedure that you know of in place to do that? With the Justice Department, I guess it would be; they'd have to make an application of some kind or --

**MR. DIGEROLAMO:**

I couldn't tell you how they would do that through the Justice Department.

**LEG. D'AMARO:**

Yeah, I don't know.

**MR. DIGEROLAMO:**

But again, that's not my purview.

**LEG. D'AMARO:**

Right, yeah, mine either. But I was just wondering if you had an answer. Okay, thanks. Okay, thank you.

**P.O. GREGORY:**

Legislator Cilmi has a question for you, Noel.

**LEG. CILMI:**

Hey, Noel. How are you? Thanks for speaking. It gives us an opportunity to ask a couple of additional questions. The Consent Decree that we're talking about, does that have a life, a shelf life? Does it expire at a certain time?

**MR. DIGEROLAMO:**

I actually just checked on this recently when the bill was passed and I asked if it was still in force and I was told yes, it is. I didn't get an end date. Maybe the Legislator knows.

**LEG. TROTТА:**

*(Inaudible).*

**LEG. CILMI:**

Okay. So --

**MR. DIGEROLAMO:**

My understanding is that -- and I don't know this for a fact. My understanding is that it exists until it's removed, that there is no date certain that it's released.

**LEG. CILMI:**

Okay. And that Decree expressly speaks to the issue of requirements or educational criteria for Police Officers?

**MR. DIGEROLAMO:**

Yes, it was found that the educational requirement for the hiring was in some way discriminatory in nature. And for that reason, the County entered into the agreement with the Justice Department, so now the Federal Government mandates what our hiring requirement is which is done through Civil Service. Now, I guess one could extrapolate that out and say if you can't hire because it's discriminatory, then it's discriminatory for the promotions, but I'm not -- that's not my issue, that's the SOA.

**LEG. CILMI:**

Well, I was actually going to take it in another direction. If it's discriminatory for us not to impose that sort of criteria, why isn't it discriminatory for some of the other jurisdictions in our area to do the same?

**MR. DIGEROLAMO:**

Maybe they didn't have the same issues with the Federal Government that we have.

**LEG. CILMI:**

Okay, that's fair enough. What are your -- I'm just curious to know what your thoughts are as to the merits of -- setting aside the legal issues of jurisdiction and timing, do you have an opinion on the merits of -- or do you see a value to the educational component, the higher educational

component for Police Officers as it's been expressed in a couple of -- by a couple of the speakers this afternoon?

**MR. DIGEROLAMO:**

I definitely share a belief that higher education is important and that it does lead to a more rounded individual, but I don't subscribe to the belief that it needs to be in the form of an advanced degree or a Doctorate, or even a Bachelor's Degree for that matter. Some higher education with additional work experience, military experience. You know, someone could go to school for two years and get an Associate's Degree to get on the Police Department in Nassau County, for instance, but they spent four years in the military and they're told that they're not qualified.

**LEG. CILMI:**

Or somebody could go to school for numerous courses and not receive a degree at all just because they weren't all part of the same program.

**MR. DIGEROLAMO:**

Right, if you're not matriculated -- if I'm not matriculated and I went to school for my Bachelor's Degree but you mandate an Associates, I could have 120 credits and not be eligible if I don't have the Associate's Degree. And that's the reason why in the collective bargaining agreement we did it by credits so that it would address just that issue.

**LEG. CILMI:**

Interesting. Okay, thank you.

**P.O. GREGORY:**

Thank you. Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Mr. Presiding Officer. Like my colleagues, I guess I have a little bit of a curiosity with this Consent Decree. And as I sit here thinking about it, I guess it's probably been in place all of the ten years I've been here. But I recall with the last exam, Police Officer exam, I believe we set up two lists; we set up a Hispanic Police Officer list, I believe, as well as a general Police Officer exam as well; right?

**MR. DIGEROLAMO:**

There was a Spanish-speaking list which they have to pass a proficiency exam for also.

**LEG. KENNEDY:**

Okay. So it was communication-based, not that it was of ethnicity based, it was communication-based.

**MR. DIGEROLAMO:**

Yes.

**LEG. KENNEDY:**

An individual could be, you know, Irish, but if I was proficient in Spanish, then I would be eligible to go ahead and be on both lists.

**MR. DIGEROLAMO:**

Correct. It was strictly communication and there was no required educational requirement for the communication either. The person didn't have to study any particular language; if they just had the ability to communicate, they were considered eligible.

**LEG. KENNEDY:**

Is Justice looking for a particular percentage or diversity within the workforce? What's the ultimate object with the Decree?

**MR. DIGEROLAMO:**

Again, I don't negotiate with the Justice Department, so the specifics of what they're required to do or how they're going to lift it, you know, that's up to the County.

**LEG. KENNEDY:**

Well, it sounds like, then, that actually that would be a question for the Commissioner, for Commissioner Webber. I would presume he would be -- he's our representative with the PD, it would be a question for him?

**MR. DIGEROLAMO:**

It would probably be jointly between the Police Commissioner, the County Attorney's Office and Civil Service.

**LEG. KENNEDY:**

Okay. All right. Thank you very much, Noel.

**MR. DIGEROLAMO:**

You're welcome.

**P.O. GREGORY:**

Okay, thank you. Thank you, Noel.

**MR. DIGEROLAMO:**

Thank you for your time.

**P.O. GREGORY:**

Anyone else? Okay. What's your pleasure, Mr. Trotta?

**LEG. TROTTA:**

Motion to recess.

**P.O. GREGORY:**

Motion to recess.

**LEG. KENNEDY:**

Second.

**P.O. GREGORY:**

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

**MR. LAUBE:**

Eighteen. (ACTUAL VOTE: Seventeen - Not Present: Legislator Browning).

**P.O. GREGORY:**

Okay. Let's go to the top of the agenda, the *(Public Hearing on) 2015-2017 Capital Budget & Program*. We have several cards.

Gail Vizzini.

**MS. VIZZINI:**

Thank you all for your past and continued support of the College's Capital Projects. That support has helped the College to maintain our aging infrastructure, address critical health and safety issues, expand our existing course offerings, and to develop new programs that respond to the local workforce and their needs.

In our request to the County and the Legislature, the 2015-2017 requests were modest, focused on our existing projects, leaving them as they were scheduled; continues our infrastructure project; and we have one request for a new project which is to update our Master Facilities Plan. It's a long-term planning document, which the original version was done in 2001 and was intended as a ten-year document.

I'm here today because the County Executive's proposed 2015-17 Capital Program deletes four existing College Capital projects, the funding for which totals \$12.9 million. All four projects are funded in the current 2014-16 Adopted Capital Program and are included in the New York State budget with the requisite 50%, or \$6.45 million in State aid. The college requests your support for the restoration of these four projects, as well as year four of infrastructure and \$500,000 for an updated Master Plan.

In your packet, Ann Marie distributed a letter from Dr. McCay to the Presiding Officer with copies to each of you that details these projects and details the fundings for your reference and your review. But briefly, the projects that were deleted, the renovations to Kreiling Hall at the Ammerman Campus. This space will be vacant when the William J Lindsay Life Sciences Building opens. The building is currently set up as a science laboratories, it is a much needed renovation of space to address longstanding teaching space deficits and student support service needs. Right now, much of it is lab space. It's one of the oldest academic buildings on the Ammerman Campus. When it is vacated, it is sorely in need of renovation. The other deleted project is renovations to the Sagtikos Building. It is currently where the Grant Campus Library is situated. This will be vacant when we open the Learning Resources Center. We need to renovate the library space to academic uses for the arts and sciences. The plants -- the plans include a chemistry lab necessary to meet current student demand, and the centralization of our Graphic Arts Program to enhance our course offerings and improve enrollment.

The other two projects that have been deleted are the Plant Operations Building for the Grant Campus. Right now, Plant Ops occupies two very old buildings originally constructed in the 1930's. Both of these Plant Op buildings suffer from significant deterioration, egress issues, are inadequate to effectively house campus facility services and storage needs. We'd like to consolidate that and we ask you to restore the funding as included.

The final building that was removed was the warehouse. The Eastern Campus has no central receiving and we need to have a safe place to store items that are delivered to the college.

You are familiar with the infrastructure project. It has helped the college to maintain its existing infrastructure and buildings. We are seeking year four of funding, \$10.3 million. Our Master Plan, as I indicated, needs updating; that is a \$500,000 consultant study. I thank you for your continued support.

**P.O. GREGORY:**

Gail, you have -- Legislator Hahn has a question for you.

**LEG. HAHN:**

Just quickly; do you plan on -- you mentioned the old buildings, the Plant Operation Buildings for Facilities. Will the old buildings be razed?

**MS. VIZZINI:**

Yes, they will be.

**LEG. HAHN:**

Thank you.

**P.O. GREGORY:**

Legislator D'Amaro.

**LEG. D'AMARO:**

Thank you. Hi, Gail.

**MS. VIZZINI:**

Hello.

**LEG. D'AMARO:**

Nice to see you.

**MS. VIZZINI:**

Same here.

**LEG. D'AMARO:**

I just had a question. I know the Capital Budget Working Group is working now, that's why we're having the hearing. But these four projects that you mentioned that were deleted by the County Executive's proposed budget, just how were they treated prior to the proposed budget? In other words, are these ongoing projects? Have they been started? You know, has any funding been actually appropriated? You know, just what's the status of them?

**MS. VIZZINI:**

Yes.

**MR. DEMAIO:**

The first project, the Kreiling Hall renovation, design funds were already appropriated, so we're putting together a Request For Proposal to have a design consultant hired to design that renovation.

**LEG. D'AMARO:**

When were those funds appropriated; last year or this year?

**MR. DEMAIO:**

I believe in 2013.

**LEG. D'AMARO:**

In 2013, so that would be the first phase of that project moving forward.

**MR. DEMAIO:**

Correct.

**LEG. D'AMARO:**

And the RFP is not out.

**MR. DEMAIO:**

The RFP is not out yet because we weren't sure how far off the construction funds were going to be. That money has been moved back a number of times.

**LEG. D'AMARO:**

So where does it sit in the 2014 Capital Budget.

**MR. DEMAIIO:**

2015, currently.

**LEG. D'AMARO:**

And that's where it was back in 2013 as well? In other words, when we appropriated the funding for the design, the construction funding was always programmed for 2015?

**MR. DEMAIIO:**

I think it was moved back since we appropriated the design.

**LEG. D'AMARO:**

Okay.

**MR. DEMAIIO:**

It is now currently in 2015.

**LEG. D'AMARO:**

But it's your intention to go forward with the RFP.

**MR. DEMAIIO:**

Yes, the new science building is finishing up --

**LEG. D'AMARO:**

But that funding wasn't deleted because that would be for this year, right?

**MS. VIZZINI:**

No, none of -- good point. None of the 2014 money is out, but the construction money, the 3.1 million --

**LEG. D'AMARO:**

Right.

**MS. VIZZINI:**

-- for Kreiling has been taken out.

**LEG. D'AMARO:**

So if we appropriated the design funding, how much was that, roughly?

**MR. DEMAIIO:**

Three hundred thousand.

**LEG. D'AMARO:**

Right. So you need -- once you get that process completed, you need the programming of the construction funding put back in.

**MR. DEMAIIO:**

Correct.

**LEG. D'AMARO:**

Right. And what year are you looking for that?

**MR. DEMAIO:**  
2015.

**LEG. D'AMARO:**  
Okay.

**MS. VIZZINI:**  
That's where it is in the Adopted Program.

**LEG. D'AMARO:**  
Right, okay. And just very quickly, on the other three. The Sagtikos, I know we've talked about this for a number of years. Is that -- have you appropriated any funding on that project?

**MR. DEMAIO:**  
A resolution was submitted this year to appropriate \$400,000 in design as scheduled, 2014.

**LEG. D'AMARO:**  
Was it passed?

**MR. DEMAIO:**  
I believe --

**MS. VIZZINI:**  
It's laid on the table today.

**LEG. D'AMARO:**  
Oh, okay. So you want to move forward with that. And you will appropriate -- that's, again, for the design phase?

**MR. DEMAIO:**  
Correct.

**LEG. D'AMARO:**  
And how's the programming for the -- you know, the later years? When does the construction phrase -- how is it in the present 2014 budget?

**MR. DEMAIO:**  
2015.

**LEG. D'AMARO:**  
Again, 2015.

**MR. DEMAIO:**  
Correct.

**LEG. D'AMARO:**  
Okay. And then the plant ops at the Grant Campus?

**MR. DEMAIO:**  
Yes. Design funds for that also were scheduled in 2014, we have submitted a resolution for that it, was laid on the table today.

**LEG. D'AMARO:**  
Okay.

**MR. DEMAIIO:**

That totals \$250,000.

**LEG. D'AMARO:**

All right. And then the warehouse, same thing.

**MR. DEMAIIO:**

Warehouse design funds were appropriated last year construction funds in the current adopted budget were scheduled for 2015. They can remain there, but at present they have been removed.

**LEG. D'AMARO:**

Right. And has design gone forward on that project?

**MR. DEMAIIO:**

Not as of yet. That's a \$50,000 design, smaller structure.

**LEG. D'AMARO:**

Right.

**MR. DEMAIIO:**

We have time to do that.

**LEG. D'AMARO:**

How come?

**MR. DEMAIIO:**

We have a lot of projects to manage and we're pushing forward the highest priority project.

**LEG. D'AMARO:**

But are you prepared -- is the college prepared at this time, with these four projects, if we restore them, to move ahead? In 2015 you'll be in construction these four projects.

**MR. DEMAIIO:**

That is the plan, yes.

**LEG. D'AMARO:**

That's the plan, okay. All right, and all of the -- the State component for all of these four projects is still in place.

**MS. VIZZINI:**

Absolutely.

**LEG. D'AMARO:**

Yes. Okay, thank you. Thank you.

**P.O. GREGORY:**

Legislator Krupski.

**LEG. D'AMARO:**

Thank you, Mr. Presiding Officer.

**P.O. GREGORY:**

Legislator Krupski.

**LEG. KRUPSKI:**

Thank you, Mr. Presiding Officer. So I had a couple of questions about -- I'll start with the warehouse building on the Eastern Campus, and the description that I was given, it calls for 450,000 in design funding.

**MR. DEMAIO:**

Yes.

**LEG. KRUPSKI:**

So you've gotten existing warehouse there?

**MR. DEMAIO:**

No, we have no warehouse at the Eastern Campus.

**LEG. KRUPSKI:**

Then why would it cost \$50,000 to design a warehouse?

**MR. DEMAIO:**

It was an estimate based on the overall square footage and the size of the building. Relative to design funding of other projects, it is relatively modest and the building itself is not overly complex, so \$50,000 should be enough for the design.

**LEG. KRUPSKI:**

But who makes the decision that you need \$50,000?

**MR. DEMAIO:**

We use cost estimating to estimate the value of the construction. From that, in addition, there is cost estimating for the design portion as well as some SUNY guidelines based on the overall cost of the construction, its complexity on how much we should allocate for design.

**LEG. KRUPSKI:**

And who would do this warehouse design?

**MR. DEMAIO:**

We would hire an architect.

**LEG. KRUPSKI:**

It also includes \$500,000 for a Master Plan. It states that the old Master Plan was completed in 2001. How much of that -- how much of that Master Plan has been followed?

**MR. DEMAIO:**

Any projects up until recently that we've advanced were all called for in the Master Plan. I don't have the actual numbers in front of me, but insofar as the number of projects, I would say well over half of that plan has been advanced and either completed or is in progress. When we look at the remaining projects on the plan, the concern is that they may not accurately reflect where the college is now and the direction given the plan was written ten years ago. So a new plan would not only look at projects that still remain to be completed and if they should be advanced, but the new direction of the college, how it's evolved and what other projects should be considered.

**LEG. KRUPSKI:**

So who sets the priorities? I mean, we have a list here of different projects. Who sets those priorities?

**MS. VIZZINI:**

The President and in conversation with Finance.

**LEG. KRUPSKI:**

Thank you.

**P.O. GREGORY:**

Okay. Anyone else? No? Oh, Legislator Trotta.

**LEG. TROTTA:**

A quick question. I mean, based upon the -- I know Suffolk, the enrollment's going up, but, you know, based upon what I'm seeing in the school districts, they're going down. My wife's a kindergarten teacher, there used to be eight classes, now there's four. There's a lot of building projects going up.

I mean, ten years from now are these buildings going to be sitting there empty? I mean, the projections are, you know, very important and, you know, I'm seeing schools being sold and closed and I don't want to spend this money if we're not going to have anybody here.

**MS. VIZZINI:**

I think what you have to keep in mind, too, is that 25% of our population is a non-traditional student, they're 24 and over. There are many people who didn't have the advantage to go to college right after high school or in their earlier years and they are returning. Many people are returning to get the necessary vocational skills that they need for employment. You know, hence, you have the combination of the credit and the non-credit at the Renewable Energy STEM Building, that whole program. We're talking about restoring projects that have been in the adopted program, it's a warehouse and a plant operations facility.

**LEG. TROTTA:**

I'm not -- I'm talking about just in general the other things that are coming up, too.

**MS. VIZZINI:**

Well, the Kreiling and the Sagtikos, we are repurposing. We -- funds have already been appropriated for a library. It's one of the largest growing campuses that the college has is the Brentwood Campus. There is no bona fide library; it's a small building with library materials in it. There are many reasons why we are in competition with other schools, but having a bona fide library and the resources that that provides, the computers for the students to use for various research and the books for those who can't afford to buy them, what we have in our other libraries.

So the contents of Sagtikos Building will be vacated, the library books will be moved over, computers will be installed and what have you, there will be a bona fide library. We have -- we want to repurpose the space. Similarly with Kreiling, it's a very old building, it looks like a scene from *One Flew Over the Cuckoo's Nest*. It was -- at the time, it was the best thing to do to make science laboratories, they're very much in demand, the science classes, but now we will have the William J. Lindsay Life Sciences Building, those classes will be offered there. You have a layout for science labs, that's not what we need to put in there, we need to address some of our other academic concerns. So it's not always for buildings, it's repurposing, and I think that that would be the focus of the Master Plan, to give us more updated information to augment our own enrollment projections, our own projections in regards to program demands and putting people back in the work force, more for repurposing.

Parking is a challenge at the Selden Campus. So please don't get the impression that it's build, build, build, but it's a managed plan and we don't really have the in-house resources. If I had to dedicate my people, it would bring us to our knees to do a Master Plan.

**P.O. GREGORY:**

You're good? Okay, thank you. I don't see Dr. McKay, but he does have a card. Okay. All right. Anyone else that would like to speak for the Capital Budget, 2015-2017?

**D.P.O. SCHNEIDERMAN:**

Motion to close.

**P.O. GREGORY:**

Motion to close by Legislator Schneiderman. I will second. All in favor? Opposed? Opinion? Abstentions? Excuse me (*laughter*). We all got opinion. It's been a long afternoon already.

**MR. LAUBE:**

*Seventeen (Not Present: Legislator Muratore).*

**P.O. GREGORY:**

***(Public Hearing on) Procedural Motion No. 8-2014 - To set a public hearing regarding the alteration of rates license for Davis Park Ferry Co., Inc. (Presiding Officer Gregory).*** I don't have any cards. Is there anyone in the audience that would like to speak, please come forward.

**D.P.O. SCHNEIDERMAN:**

Motion to recess.

**P.O. GREGORY:**

Okay, motion to recess by Legislator Schneiderman.

**LEG. CALARCO:**

Second.

**P.O. GREGORY:**

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

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

***(Public Hearing on) Procedural Motion No. 11-2014 - Setting public hearing to consider the application of the Smithtown Fire District to legalize and validate acts done in connection with the construction of a new substation on Plymouth Boulevard, Smithtown (Kennedy).*** I have two cards, the first being Lawrence Kenney.

**MR. KENNEY:**

Good afternoon.

**LEG. KENNEDY:**

Can they take the table, Mr. Presiding Officer?

**P.O. GREGORY:**

Sure.

**LEG. KENNEDY:**

Hold on. Why don't you sit at the table.

**P.O. GREGORY:**

So is the second gentleman Mr. King?

**MR. KENNEY:**

Ring.

**P.O. GREGORY:**

Ring?

**MR. RING:**

Yes, Chris Ring. Good afternoon. As mentioned, my name is Christopher Ring, I'm one of the attorneys for the Smithtown Fire District. I'm here with my partner, Lawrence Kenney. We also have present in the audience the Chairman of the Board of Fire Commissioners, Thomas Buffer, as well as the District Treasurer, Anthony Minerva.

Previously, we submitted a petition to this Legislator which was reviewed by the County Attorney as well as Mr. Nolan for its content. In that petition, we seek you to utilize your authority under County Law section 227, namely Subsections A and C, legalize an action taken by a municipality, meaning the fire district, for a lawful purpose. The lawful purpose was in connection with the construction of a fire substation on Plymouth Boulevard in the Town of Smithtown, County of Suffolk.

In brief, what had occurred was in removing monies from a Capital Reserve Fund, there are certain requirements under General Municipal Law Section CG -- I'm sorry, 6-G, and two of the requirements are publishing a public referendum and also publishing a notice. Here, although a resolution was made at a Board of Fire Commissioners to appropriate the monies for the lawful purpose, a permissive referendum was not established in the local newspaper and those were two requirements under that statute that were not followed. So again, we're asking you to utilize your authority under the County -- under County Law Section 227 to correct that error, that ministerial error, and to legalize the action, the remittance of payments in connection with the construction of that substation.

A couple of points I want to point that I think are of great importance. All monies for this project were budgeted; none were bonded or financed, so there was no taxpayer impact on that money. Secondly, all requirements under the General Municipal Law Section 103 with respect to public bidding were followed from inception to the present date and the project's conclusion. Last, all monies taken from the capital reserve for buildings and grounds could only be used for this project, as that reserve is designated for this project.

That's pretty much all I have as far as my presentation. I will entertain any questions from any of the members of the Legislature.

**P.O. GREGORY:**

Legislator Kennedy.

**LEG. KENNEDY:**

Yes, thank you. And thank you to my colleagues and thank you to Mr. Ring and Mr. Kenney. This is somewhat unique, but actually something that the State Legislature contemplated, that from time to time a municipality, just by simple error or omission, may have not addressed something in what can be sometimes a complex scheme associated with building a building or undertaking some type

of function for a library, fire district or what have you.

As Mr. Ring pointed out, the Board of Fire Commissioners adopted a resolution to go forward to build an addition on an existing substation only about a half mile away from here. It was done based on the fact that there was an additional need with some expanded population in the area, a need to go ahead and site some additional equipment, and also to provide for assembly and training for Smithtown Volunteer Fire Department members.

Also, I think very important to go ahead and reiterate again is, is the whole project actually was done based on capital reserve that had been aggregated. There was no borrowing, no financing that was undertaken through this project, no interest charge associated to the fire district residents and, in fact, actually, the project has come out quite well.

This ultimately was determined, I believe, through a post-audit from the Comptroller's Office and it was a recommendation from the Comptroller to Counsel for the district that they actually come and ask us to go ahead and assist in the ministerial act. That's pretty much it in a nutshell; right, guys?

**MR. RING:**

Yes. Actually, that's a good point that I neglected to mention, that this was discovered through the audit of the Comptroller's Office and through a management letter. They had asked that we appear here so we could have it omitted from the management letter and it would not need to be part of any corrective action plan in the future.

**P.O. GREGORY:**

Okay. Legislator Schneiderman.

**D.P.O. SCHNEIDERMAN:**

Most of my query has been already answered in that last question because I wanted to know how this came to your attention. It is unusual, I've never seen one in my eleven years here. So I guess -- and this wasn't a bond, you said you had the capital reserves.

I guess my first point is are you aware of -- is there local public controversy around this project? Are people saying, you know, *"We wish it didn't happen. You shouldn't have spent your capital reserves in this fashion"*?

**MR. RING:**

Not that we're aware of, no.

**D.P.O. SCHNEIDERMAN:**

Is the public in general aware? Because the -- I'm concerned about the precedent of the Legislature doing something like this. There was a permissive referendum requirement which would have allowed the public the chance to put this on the ballot if there were objections to it. And if we are going to allow this to happen without that, I as a Legislator want to make sure that we're approving -- we're doing at least our due diligence to make the public aware, to give them the opportunity if they had a problem with it to let us know as a body.

So has this been in local newspapers? Is the public in general aware that the capital reserves were spent without this permissive referendum?

**MR. RING:**

Yes. As a condition to coming here, we had to under the Statute publish notice. We published notice at the firehouse, Town Hall in Smithtown, as well as Smithtown Library trying to find the most places we'd find traffic, and that's part of a condition, to come here and ask for the relief.

**D.P.O. SCHNEIDERMAN:**

That notice alerted people that there would be a hearing today at this Legislature?

**MR. RING:**

Correct.

**D.P.O. SCHNEIDERMAN:**

Okay. So we'll see --

**MR. NOLAN:**

*(Inaudible)*.

**D.P.O. SCHNEIDERMAN:**

Okay, so it was. Okay, that answers my questions. Thank you, sir.

**P.O. GREGORY:**

Legislator Calarco.

**LEG. CALARCO:**

Thank you. I have just one real follow-up question to the Deputy Presiding Officer. And that's the ministerial act that you failed, the district failed to do was basically publishing notice as per law to notify the public that there's this action that was going to be taken, that this construction was going to take place, so that they had fair warning if they wanted to submit for a permissive referendum; is that what was missed?

**MR. KENNEY:**

That is correct. They did pass a resolution to expend the funds. The resolution did not say that it was subject to a permissive referendum and the notice was not placed in the paper.

**MR. RING:**

Any time you withdraw monies from a capital reserve fund, I'm sure you're aware, you have to have permissive referendum. So that step was neglected, that was the error.

**LEG. CALARCO:**

Okay. So it was just the failure to publish in the paper that this was going to happen, to give the public the fair opportunity to do a petition. So it wasn't required to have referendum, it was just the matter that you failed to give notice to the public, bring one if they wanted one.

**MR. KENNEY:**

That is correct.

**LEG. CALARCO:**

Okay, thank you.

**P.O. GREGORY:**

Legislator D'Amaro.

**LEG. D'AMARO:**

So, all right. I'm sorry, were you Counsel to the department?

**MR. KENNEY:**

Yes, we were counsel.

**LEG. D'AMARO:**

Counsel to the department?

**MR. KENNEY:**

That is correct.

**LEG. D'AMARO:**

Were you present at the meeting where the resolution was passed?

**MR. KENNEY:**

I was present at the meeting.

**LEG. D'AMARO:**

What happened?

*(\*Laughter\*)*

**MR. KENNEY:**

That's a good question. I've represented the district for 40 years. As far as I know, we have never missed a permissive referendum or a resolution subject to permissive referendum.

**LEG. D'AMARO:**

Right.

**MR. KENNEY:**

This was quite a surprise to everyone when the audit, the auditors asked for a copy of the resolution and the notice in the paper and we didn't have it.

**LEG. D'AMARO:**

Yeah, so that was my next question; how did it come to your attention? Who conducted the audit?

**MR. KENNEY:**

The State Comptroller's Office.

**LEG. D'AMARO:**

Interesting, okay. And how long ago did you re -- were you notified that this was done incorrectly?

**MR. LAWRENCE:**

I was notified maybe a couple of months ago and we right away started this proceeding.

**LEG. D'AMARO:**

Okay. I was equally surprised to find out that we had a provision in our County Charter that permits us to have this hearing. So it's all new.

Can you tell me -- it's a large step to take. Obviously the project is complete, or you started the project?

**MR. KENNEY:**

It is completed.

**LEG. D'AMARO:**

It is completed? What was the project again?

**MR. KENNEY:**

The building of a substation. Replacement of the substation.

**LEG. D'AMARO:**

Yeah, which is always a good thing for the community. But of course, we would leave that up for the community to decide. What was the cost of that project?

**MR. KENNEY:**

Well, the authorization two million eight hundred and some odd thousand dollars, and there was a subsequent permissive referendum for an additional 178,000, that was passed subject to resolution and put in the paper.

**LEG. D'AMARO:**

On, the follow-up funding.

**MR. LAWRENCE:**

That is correct, yes.

**LEG. D'AMARO:**

Right. But the initial funding was Where the error occurred.

**MR. LAWRENCE:**

Yes, that is correct.

**LEG. D'AMARO:**

And how is the department funded?

**MR. LAWRENCE:**

The department is funded through taxes.

**LEG. D'AMARO:**

The taxing jurisdiction?

**MR. LAWRENCE:**

It is a taxing jurisdiction.

**LEG. D'AMARO:**

Okay. And then that's why you have the requirement on a capital expenditure from reserves, you needed to go through a certain procedure.

**MR. KENNEY:**

Yes, that is correct.

**LEG. D'AMARO:**

All right. So my -- this is not something that happens regularly within the department or within any department, it's just something that -- it was an error that occurred, but it was a substantial error in the sense that it was a large expenditure from taxpayer funds and taxpayers did not have an opportunity to voice their opinion through a permissive referendum if they chose to do so. I don't -- I wouldn't categorize this as a ministerial error. I think it's a substantive error.

But with that said, my only concern at this point, given that the project is complete and given that the department has a track record of not doing this as long as you -- as far as you know in the past, what safeguards have now been put in place to ensure that this will not happen again?

**MR. RING:**

Well, we've made sure that copies of all the minutes from board meetings get disseminated to numerous parties.

**LEG. D'AMARO:**

Okay.

**MR. RING:**

An extra set of eyes. In addition, on this particular project -- and not passing the buck at all, something was missed.

**LEG. D'AMARO:**

Okay.

**MR. RING:**

There was also an architect/engineer, {H2M} was on the project who worked as a Clerk of the Works, or a project manager, if you would.

**LEG. D'AMARO:**

Right.

**MR. RING:**

Dealt with all requisitions. So it was to me personally an anomaly; it was something that was missed. I know myself and Mr. Kenney have over 50 years of experience with fire districts. We currently represent 13, and I've never appeared before this Legislature.

**LEG. D'AMARO:**

Right.

**MR. RING:**

Never even found this statute until recently.

**LEG. D'AMARO:**

Right.

**MR. RING:**

So I agree with you, it was something that just doesn't happen very often.

**LEG. D'AMARO:**

Yeah.

**MR. RING:**

And we put things in place so it won't happen again.

**LEG. D'AMARO:**

Right, that's what we need to know. The substation is operational at this time?

**MR. RING:**

Yes.

**LEG. D'AMARO:**

It is, okay.

**MR. KENNEY:**

Yes, it is.

**LEG. D'AMARO:**

Yeah. All right, so you do have -- obviously you're aware of this and you have now focused and put procedures in place to guard against this reoccurring.

**MR. RING:**

Yes.

**MR. KENNEY:**

That is correct.

**LEG. D'AMARO:**

Right, okay. All right, thank you. Thank you for answering my questions.

**D.P.O. SCHNEIDERMAN:**

Legislator Kennedy.

**LEG. KENNEDY:**

Yes. Just one other follow-up, and thank you, Legislator D'Amaro for those questions. Similar to you, I have never had occasion to have any dealings with this. In the ten years that I've dealt with and worked with the Smithtown Fire Department, they've operated in an outstanding fashion, they maintain one main firehouse, I believe it is, and three substations. And all of the fire departments that I deal with it's never occurred. I don't recall it ever being in front of any of us.

But one other thing that I would offer to you as far as an additional element or measure of insurance, remember that the actions were taken by an elected Board of Fire Commissioners. We have the elected Fire Chairman of the Board here today. So while we're being asked to go ahead and help ratify, I say ministerial, you say substantive, I don't know, maybe we meet in the middle.

**P.O. GREGORY:**

Question.

**LEG. KENNEDY:**

There is a base level of elected individuals charged with operation of that department who, likewise and similarly, are seeking, I guess, the ability to go ahead and remedy. So I would just add that to the dialogue. Thank you.

**LEG. D'AMARO:**

That's a great point.

**P.O. GREGORY:**

Okay, thank you.

**LEG. STERN:**

Mr. Presiding Officer?

**P.O. GREGORY:**

You're Mr. Kenney, so you're -- those are the cards that we have.  
Is there --

**LEG. STERN:**

DuWayne?

**MR. NOLAN:**

Legislator Stern has a question.

**P.O. GREGORY:**

Oh, I'm sorry. Legislator Stern.

**LEG. STERN:**

Thank you, Mr. Presiding Officer. So we're of the procedure then going forward, this is the public hearing, and then my understanding is that if this public hearing is closed, it will then go before the Ways & Means --

**LEG. KENNEDY:**

Yes.

**LEG. STERN:**

-- committee.

**LEG. KENNEDY:**

Yes.

**LEG. STERN:**

If it then passes out of the Ways & Means Committee, it will come back to the full Legislature for a vote, up or down. So my question to you is you're aware of the process, then, going forward?

**MR. KENNEY:**

Yes, we are.

**LEG. STERN:**

Okay. And if --

**LEG. D'AMARO:**

I hope so.

**LEG. STERN:**

-- you're aware of the process then going forward, what, if any, plans do you have to continue to give the community the opportunity to be heard if it's something that they choose to do? So I count it as two more opportunities for the public to be given notice that this process continues. What, if any, plans do you have on continuing to publicize that opportunity that the public continues to have?

**MR. RING:**

It would be on the agenda that we were here today of the fire district, and that's a public agenda, and the public's free, obviously, to come to any of the board meetings. It will be discussed and reported and when it gets to the next step, that will be reported and discussed as well at a public meeting, a public forum. And when, hopefully, it's finally approved, that will be made public as well.

**LEG. STERN:**

You had mentioned earlier that there were efforts made at the local library where there's a lot of foot traffic and maybe if there's something posted, then people might become aware of it. Is that

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something that you're going to continue to do for the next two sessions?

**MR. RING:**

We have no problem with that. We chose these locations for the traffic. We chose the Smithtown Library and downtown Smithtown as well as Town Hall and the firehouse hoping that we would make it as transparent as possible.

**LEG. STERN:**

It would be my hope, I'm sure that some colleagues would agree, that because there are -- because of the nature of the process, there are two other opportunities that the public would have, my hope certainly would be that they continue to be given every opportunity to be heard.

**MR. RING:**

I would agree.

**LEG. STERN:**

Thank you.

**P.O. GREGORY:**

Thank you, Legislator Stern. That's all the cards that we have. Is there anyone else that would like to speak that hadn't filled out a card? Please come forward.

**D.P.O. SCHNEIDERMAN:**

Can I just ask, what -- sir, what newspapers was the notice published in; do you know?

**P.O. GREGORY:**

We did that.

**D.P.O. SCHNEIDERMAN:**

We published it. So it was in --

**MR. NOLAN:**

Smithtown Messenger.

**D.P.O. SCHNEIDERMAN:**

Smithtown Messenger is one of our papers; is that correct?

**MR. NOLAN:**

Whatever the Town paper is for Smithtown, that's what we -- it wasn't the County-wide papers, it was the Smithtown specific.

**D.P.O. SCHNEIDERMAN:**

Okay. I just wanted to put that on the record.

**P.O. GREGORY:**

Okay.

**MR. KENNEY:**

Excuse me, if I may.

**P.O. GREGORY:**

Yes.

**MR. KENNEY:**

The legislation, the section 227 --

**P.O. GREGORY:**

Your mic's not on.

**MR. KENNEY:**

Oh, I'm sorry. Section 227 does have publication of the legislation once it's been passed also; we have to -- that has to be put in the paper after the passing of the legislation or the resolution.

**P.O. GREGORY:**

Okay. Thank you, gentlemen.

**LEG. KENNEDY:**

I make a motion to close.

**P.O. GREGORY:**

Motion to close by Legislator Kennedy. Second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

**MR. RING:**

Thank you very much.

**MR. KENNEY:**

Thank you.

**P.O. GREGORY:**

Okay. *(Public Hearing on) IR 1027-14 - Adopting Local Law No. -2014, A Local Law to amend Section A13-10 of the Suffolk County Administrative Code to authorize donation of property held by the Police Property Bureau (County Executive).* We do not have any cards. Mr. Vaughn?

**MR. VAUGHN:**

We ask the Legislature to please recess this public hearing.

**P.O. GREGORY:**

Okay. I just ask, is there anyone here to speak on this matter? Please come forward. I'm sorry, what did you say, Mr. Vaughn; you said recess?

**MR. VAUGHN:**

Please, sir.

**P.O. GREGORY:**

Okay. I make a motion to recess. Second by Legislator Lindsay. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Seventeen (Not Present: Legislator Kennedy).*

**P.O. GREGORY:**

*(Public Hearing on) IR 1047-14 - Adopting Local Law No. -2014, A Local Law to regulate pet dealers and pet stores in the County of Suffolk (Schneiderman).* We have several cards, the first being Pamela Green. And then on deck, Susan DesGaines.

**MS. GREEN:**

Hi. Good afternoon. I wanted to thank everyone for hearing from all of us animal advocates over the past weeks about this very important issue of puppy mills and where the pets and puppies from -- that are -- you know, where they're coming from, that are sold in pet shops and are brought into Suffolk County.

I also thank you for hearing from us, my colleagues and I that have pretty much spoken to every Legislator here over the past month, and it's just such an important issue. But when I spoke in Riverhead, I briefly touched on the issue of consumer fraud. And I received a call just after that meeting from an attorney and he was representing a woman who had purchased a puppy from a pet shop in Suffolk County, and when the woman fell in love with the puppy, she also realized that it had some medical issues. It had what they explained to her was kennel cough, which is an upper respiratory infection; it also had a conjunctivitis and some cuts and scratches on it, which, you know, very often is just from puppies playing. But in any case, the owner of the pet shop told her that she could take the puppy to the veterinarian that the pet shop uses to have the puppy checked out. So she took it there and -- the veterinarian, by the way, had his license suspended twice in the past, and she took the puppy there and he gave it some herbal medications. Well, needless to say, the puppy got worse, its medical issues progressively worsened over a period of ten days, she was giving it herbal medication.

So she took the puppy to the Atlantic Coast Veterinary specialist. The puppy was kept there for 12 days on oxygen and given IV fluids, IV anti-biotics, and it was released 12 days later. It almost died, but it was released 12 days later to the tune of \$15,000, which the woman put on her credit card. Because she was an animal lover, she bought the puppy for her family and this is what she got. But this is not uncommon, this is happening. This is happening to many people and it really is fraud. In fact, this attorney, quote/unquote, had said to me that the entirety of the purchase is a fraudulent transaction. It's not until that the consumer purchases the puppy that they actually find out where the breeder is located, which most often it's located in the midwest. I think Missouri has one-third of all puppy mills in the United States.

**P.O. GREGORY:**

Ma'am, your time's expired, please wrap up.

**MS. GREEN:**

Okay. So, you know, I ask the Legislature to really consider this problem of consumer fraud, in addition to, you know, the humane aspect of this bill. And thank you again, Legislator Schneiderman, for bill 1047.

**P.O. GREGORY:**

Thank you. Susan DesGaines. And then on deck, Dori Scofield. Susan, are you here? Oh, okay.

**MS. DES GAINES:**

Hello. My name is Susanne DesGaines, I am a volunteer at the Brookhaven Animal Shelter for the past seven years. I'm happy to be here this evening, and I'm absolutely in favor of Resolution 1047. This law needs to be approved because it is very important to have the protection of this law to prevent the abuses of innocent animals. We need to stop the sale of puppies from puppy mills, as they commonly have numerous illnesses and diseases. Sick puppies are not removed from breeding pools, which means they can have congenital conditions. The consumers are then stuck

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with enormous vet bills, as we just heard, and endless heartbreak.

This law alone cannot stop the illegal abuse of the puppy mill industry, but it is a very positive first step. Every minute counts to stop the suffering. It is time now. These animals have suffered enough and deserve better care.

**D.P.O. SCHNEIDERMAN:**

Thank you, Susanne.

**MS. DESGAINES:**

We all should be very proud of Legislator Schneiderman and Spencer. They showed true character creating this selfless, compassionate resolution --

**D.P.O. SCHNEIDERMAN:**

Thank you, Susanne --

**MS. DESGAINES:**

-- as they see the need for this resolution to resolve this problem. They are real role models. Thank you.

**D.P.O. SCHNEIDERMAN:**

You hear that guys?

*(\*Laughter\*)*

**LEG. D'AMARO:**

No wonder why we're going through this again.

**P.O. GREGORY:**

Okay, Dori Scofield. And then on deck, Julie Cappiello.

**MS. SCOFIELD:**

Hi. I'm Dori Scofield, President and Founder of Save-a-Pet Animal Rescue and Vice-President of Guardians-of-Rescue. I was thinking when Susanne was up here, I was the Supervisor of the Town of Brookhaven Animal Shelter for two years, and one thing that we haven't touched on is the burden that taxpayers have at the overcrowded shelters on Long Island for the dogs that need homes, and it's costing us a ton of money in taxes to house these animals while they wait. Nobody wants them euthanized, yet nobody wants to, you know, promote them, but that's just one little piece. And I know Susanne will agree with me, we are dying for homes for our animals in our shelters.

I've been an animal advocate for over 30 years and I'm just going to skip right to the point, we now have the opportunity to regulate pet dealers and set the standard for municipalities all over New York State. If we pass this legislation and, above all, we enforce it, we may see change.

For these pet dealers to comply with this bill, it's a no-brainer. If they are indeed doing business with the best of the worst commercial breeders, which is all we can ask for right now, is that they use the best of the worst, because there are no good commercial breeding facilities as far as I'm concerned and my fellow animal advocates. The legislation is a start. It's a drop in the bucket, but it will force pet dealers who sell these innocent beings to be more accountable. And we as animal advocates, we'll be watching, FOILING health certificates and reporting to Consumer Affairs any violations to this soon-to-be law.

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Are there loopholes? Absolutely. And the pet dealers already know. I don't know what they are, but there's loopholes and we'll address them when we get there. In the meantime, this is a start and I commend the Legislators for helping to protect our puppy mill dogs coming into Suffolk County. So that's about it. Thank you very much.

### **P.O. GREGORY:**

Thank you. Okay, Julie Cappiello. And on deck, John DiLeonardo.

### **MS. CAPPIELLO:**

Thank you. Good afternoon. My name is Julie Cappiello and I'm Vice-President and co-founder of Long Island Orchestrating for Nature, an animal advocacy organization that serves both Nassau and Suffolk Counties.

You've heard all the stories regarding puppies that reside in these large commercial breeding facilities. You've heard that they spend their entire lives in wire cages unable to touch the ground. You've heard that these wires they live in are often no larger than six inches their body size. You've heard that these same wires are caked with excrements from themselves or the dogs above them. This past week was Puppy Mill Action Week. Now it is your time to act. To better ensure the safety of animals in these large commercial breeding facilities, I urge you to pass IR 1047 and make Suffolk County a leader in animal protection. Thank you, Legislator Schneiderman, Legislator Spencer and all who have worked on this important piece of legislation.

### **P.O. GREGORY:**

Thank you. John DiLeonardo. And on deck, Mike Kaplow.

### **MR. DILEONARDO:**

Hi. My name is John DiLeonardo. I'm an Anthrozoologist, President of Long Island Orchestrating for Nature and the District Leader for the Humane Society of the United States.

Puppy mills are monsters to consumers, our shelters, to all of Suffolk County, and of course to dogs. They take man's best friend, keep her in a wire cage and turn her into a factory to make a quick buck. As I was celebrating Mother's Day with my own mother this weekend, I could not help but think of the many images I have seen of matted, feces-covered puppy mill moms who never get the opportunity to run and play with their pups, or rather get to run and play at all.

Stuck in cages often no bigger than six inches larger than their entire bodies, for their entire lives, these mothers live lives hardly worth living at all, and lives most mothers would shudder to even think about. Next, my mind wandered to the countless human mothers who would be getting puppies from their children this holiday due to their immense affection for dogs. Unfortunately, due to the current state of things, many of these moms, too, are soon to be heartbroken.

Right here I have an inspection report from a facility used by Suffolk County breeders, and it has to do with mothers, the direct violations and indirect violations having to do with mothers giving birth during an inspection. In the adult outdoor facility, there was a cream-colored female French Bull Dog, identification unknown, that was seen in the sitting position reluctant to move. As the dog stood up, it was obvious she was in distress and attempting to give birth. There was a puppy with a breach presentation, approximately halfway exposed and completely dry. Birthing complications can lead to serious conditions for the adult females.

Also during this inspection, another adult female French Bull Dog was in the adult housing facility having complications with birthing. The facility representative had not observed the situation with this dog and did not notice that the dog was in distress. I think it's pretty bad when the breeders don't even notice moms who are having severe difficulties giving birth, it's just lucky that inspection

was going on at the time and the inspector took the time and the care to notice these animals; I'm sure they would have died otherwise.

To protect consumers, to better our shelters and to better protect mothers of both the K-9 species and our own, I urge you to pass IR 1047 and make Suffolk County and our mothers proud. Thank you, Legislator Spencer, Legislator Schneiderman and all who worked on this bill.

**P.O. GREGORY:**

Thank you. Mr. Kaplow. And then on deck, Elliot Gordon.

**MR. KAPLOW:**

Good afternoon, Legislators. I am Mike Kaplow, I am the President of the Siberian Husky Club of Greater New York. We've been doing show and rescue since 1968.

1047, as revised on April 28th, still needs a bit of improvement. I must add, however, that flaws and all, it is a reasonable step for the animals. It takes a negative approach still to discipline in that no pet dealer shall obtain animals from a breeder who has received specified violations over various periods of time. A more positive approach would be pet dealers and pet stores shall obtain animals only from breeders or wholesalers who have received no violations of any type on their most recent USDA Inspection Report.

A clean record on a current inspection report is clear and convincing evidence that a commercial breeder has had no violations or has corrected any faulty conditions, founded previous USDA inspections and runs a decent kennel or {catorie}. Consumers readily understand a clean record. Ideally reputable pet dealers and stores would welcome animals from a supplier with a clean record; disreputable pet stores and dealers would and should succumb to economic reality.

In classifying breeders as commercial, the old system counted litters rather than individual puppies or kittens. That should be reinstated at higher levels as it makes more sense and should be -- or could be amended to 1047 along with other improvements in the future. Backyard breeders who are currently unregulated and from whom large numbers of animals are vended must be classed and regulated as commercial operations by any counting system. No matter the counting system, however, recognized show and competition breeders have been American sports persons since shortly after the Civil War, have codes of ethics that discourage, if not prohibit sales to pet stores and similar channels and take pride in their dog's environmental standards, maintaining them to higher standards and values than required by law. Thank you very much, Ladies and Gentlemen. It's been a pleasure.

**P.O. GREGORY:**

Thank you. Mr. Elliot Gordon? And then on deck, Laurette Richin.

**MR. GORDON:**

Good afternoon, Legislators. Thank you for this opportunity to have me come up here and speak. My name is Elliot Gordon, I own -- I'm a store owner, a pet dealer in Suffolk County as well as Nassau County. I had the pleasure of sitting on a committee and working with Legislator Schneiderman to work out a workable legislation that would benefit the retail sale of puppies in Suffolk County.

Legislator Schneiderman had a daunting job ahead of him, trying to bring two adversarial sides together. In most counties and states in the country, this has not been able to get accomplished, but Legislator Schneiderman negotiated a -- what I think is a very workable legislation. He worked very hard, it was contentious at times and he had a steady hand, like a surgeon, and he was able to bring the two parties together.

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As a result, I'm sure there's people on both sides, you know, that aren't a hundred percent happy with everything that's in it, but for the most part it's good legislation. And as a pet dealer, I'm proud that I was able to work with Legislator Schneiderman in bringing this all together. And I unofficially represent a lot of stores out here in Suffolk County, and as well I'm speaking for them that we're all for it. I mean, the true winners in this legislation is not necessarily the animal activists or the store owners, but the residents of Suffolk County who can now go into a store and, with assurance, purchase a puppy that's not from substandard breeders and receive a healthy puppy and still be backed by, you know, the strict rules and regulations that we have now with New York State Department of Agriculture. So you did a great job.

**D.P.O. SCHNEIDERMAN:**

Thanks.

**MR. GORDON:**

And I'm all for this legislation, and I hope it passes.

**D.P.O. SCHNEIDERMAN:**

Thank you. I don't have a question, but I just want to thank you for all the time you took to go to those meetings and your willingness to try to find common ground. It was not an easy process --

**MR. GORDON:**

No, it wasn't.

**D.P.O. SCHNEIDERMAN:**

-- but your voice was very important to it. So, thank you.

**MR. GORDON:**

Thank you.

**P.O. GREGORY:**

Thank you. Laurette? And then on deck, Brian Shapiro.

**MS. RICHIN:**

Hello and thank you for listening. Laurette Richin, Long Island Bull Dog Rescue, Executive Director. Also the Bull Dog Club of America Rescue Network, Regional Coordinator for the Northeast.

I founded Long Island Bull dog Rescue in 1999. That year I had 13 dogs, this past year I had 347. Those are all dogs that cost between 2,000 and \$4,000 at a pet store. My breed is extremely vulnerable to upper respiratory infections, and what happens in the puppy mills, you've have heard a lot about the cages, the feces, the whole thing. But what I deal with every day is people crying, families torn apart. I had an emergency I had to take care of, but I was going to bring a picture that a family brought. Their three children wrote a -- made a picture of the family with hearts all over it saying, "We love you, Max. Please don't forget us." They could not afford the \$7,000 worth of surgery that that dog needed, nor could they take care of the subsequent things.

Here in real-time, I just got a text from -- an e-mail. This is what goes on day after day. *"We have a one-and-a-half year-old female spayed English Bull Dog we have had since a pup. She is fantastic with our young children and other small dogs. We do not want to surrender her, however we just had a TPLO surgery on one of her hind legs three weeks ago -- nine weeks ago. We are being told she needs another one on her other knee and her shoulders are starting to turn arthritic to compensate for her weight. We're keeping her comfortable. Seeing how young she is and we realize our financial situation, we know we can't provide her the surgery within several years. We are a young family who just purchased a home and live paycheck to paycheck,"* and she goes on.

She wants to do what's best for her puppy.

So these puppy mill dogs are coming in with an amazing array of birth defects, things like luxating patellas and tropian, severe allergies, profound ear infections being the result, elongated palates, heart murmurs, pulmonary stinosos, mega esophagus, mega colon, hernias, parvo, severe hip displasia in very young dogs, severely in-grown tails requiring amputation, seizure disorder, brain tumors and immune disorders such as lupus; this is all in young dogs.

So I thank you for doing whatever you can to stop some of this, make it a little better. And for the people of this County who are spending fortunes, my organization alone spent \$270,000 last year on vet bills alone. Thank you for listening.

**P.O. GREGORY:**

Thank you. Brian Shapiro. And on deck, John Koval. Koval?

**MR. SHAPIRO:**

Thank you, sir. Good evening, Esteemed Legislators. My name is Brian Shapiro, I'm the New York State Director for the Humane Society of the United States, the nation's largest and most effective animal protection organization. It's been a long day, I'll keep my comments short. I was also a County Legislator for many years, so I applaud the work you are doing.

We strongly support this legislation. And as others have said, hats off to Legislator Schneiderman for pulling together a piece of legislation which goes a very long way and puts Suffolk County in a leadership role on this issue. I covered the entire state and I can assure you this is very popular legislation here in Suffolk County, and it was an absolute honor to be able to participate in this process. It's very thorough and Suffolk County, again, is truly in a leadership role. This is a strong piece of legislation and all of you should be proud of this. Particularly it was an honor working with you, Legislator Schneiderman. Thank you.

**D.P.O. SCHNEIDERMAN:**

Thank you, Brian. And again, your voice was critical here. In fact, I think it was the Humane Society that came up kind of with a critical piece that pulled this all together with how to separate the good breeders from the not-so-good breeders, those criteria which we then tweaked. But originally that idea of using the USDA report I believe was your concept. So thank you.

**MR. SHAPIRO:**

Yes. Thank you, sir. Thank you, Legislators.

**P.O. GREGORY:**

Mister -- I'm sorry, is it Koval or Kowal?

**MR. KOWAL:**

Kowal.

**P.O. GREGORY:**

Kowal? Okay.

**MR. KOWAL:**

Hello. My name is John Kowal, I'm from Blue Ribbon Puppies in Manorville. I've been breeding and selling dogs, licensed and inspected by the Department of Agriculture since 2004 and I'm one of two licensed breeders in the Town of Riverhead.

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At the last hearing, a Legislator was asking the people why -- that were speaking why they were here. And I'm here because any reform in this industry that I support my family with concerns me. And I earn my living by breeding and selling dogs. I don't sell any other animals or pet supplies, my income is generated solely from the puppies. But I would like to thank Legislator Schneiderman and the County for not entertaining a bill that would prevent me from earning my living by outlawing dog sales in Suffolk. I'm pleased to have reviewed the bill and it's very reasonable and it will lessen the chance of the public purchasing from a puppy mill, and I'm supportive of any reform with that goal. My name is John Kowal and I'm supportive of the bill.

**D.P.O. SCHNEIDERMAN:**

Thank you, sir.

**LEG. SPENCER:**

Thank you.

**P.O. GREGORY:**

Thank you. That is all the cards that we have. Is there anyone else in the audience that would like to speak, please come forward. Not seeing any --

**D.P.O. SCHNEIDERMAN:**

Motion to close (*laughter*).

**LEG. KENNEDY:**

Second.

**P.O. GREGORY:**

Motion to close by Legislator Schneiderman. Second by -- who was that? Legislator Kennedy.

**LEG. KENNEDY:**

Cosponsor.

**D.P.O. SCHNEIDERMAN:**

All in favor say "*Woof. Woof.*"

(\**Laughter*\*)

**P.O. GREGORY:**

All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

Motion is closed.

**(Public Hearing on) IR 1236-14 - Adopting Local Law No. -2014, A Local Law to require the use of biodegradable products by chain restaurants (D'Amaro).** Legislator Hahn, what is your pleasure? We do not have any cards. I'm sorry. We do not have any cards. Is there anyone in the audience that would like to speak on this matter, please come forward. Seeing none, Legislator Hahn?

**LEG. HAHN:**

Mr. Presiding Officer, I have some potential changes, so I would like to move to recess.

**P.O. GREGORY:**

Okay. Motion to recess. Second -- what was that, Legislator Calarco second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

***(Public Hearing on) IR 1300-14 - Adopting Local Law No. -2014, A Local Law to eliminate automatic pay increases for County Elected Officials (Lindsay).*** Is there anyone in the audience that would like to speak on this matter, please come forward. Seeing none, what is your pleasure, Mr. Lindsay? Legislator Lindsay?

**LEG. LINDSAY:**

Motion to close.

**P.O. GREGORY:**

Motion to close by Legislator Lindsay.

**LEG. MARTINEZ:**

Second.

**P.O. GREGORY:**

Second by Legislator Martinez. I think Legislator Krupski did have a quick question, or --

**LEG. KRUPSKI:**

Question for the sponsor. I don't know if it's appropriate. I'll wait for committee.

**P.O. GREGORY:**

Okay. You want to save it for committee? Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

***(Public Hearing on) IR 1323-14 - Adopting Local Law No. -2014, A Local Law to streamline procedures for filling Presiding Officer and Deputy Presiding Officer vacancies (Presiding Officer Gregory).*** I don't have any cards. Is there anyone in the audience that would like to speak on this matter, please come forward. Not seeing anyone, I will make a motion to close.

**LEG. CILMI:**

Second.

**P.O. GREGORY:**

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

**MR. LAUBE:**

*Eighteen.*

*(The following testimony was taken by Lucia Braaten &  
Transcribed by Kim Castiglione, Legislative Secretary)*

**P.O. GREGORY:**

Okay. *I.R. 1325 - Adopting Local Law No. -2014, A Local Law to ensure access to emergency services via telephone (Trotta)*. I do have one card, Daniel Wilson.

**MR. WILSON:**

This is on? Okay, great. Thank you. This is my first time in this room and certainly my first time presenting, and I have to say I'm impressed by the attention that all of you have given the previous speakers. I appreciate that. I'm going to talk about I.R. 1325, but I've been sitting in here for about an hour, and I'm considering a law to make those doors not slamming when they open and close in this room. I think that might be better use of my time. And perhaps not trying to be funny is a better use of my time as well.

*(\*Laughter\*)*

So I'm going to talk about a Local Law to ensure access to emergency services. On December 1st of 2013, Kari Hunt died because of a single digit. She met her estranged husband in a hotel room in Marshall, Texas for visitation with their three children. Her ex-husband brutally attacked, I'm supposed to say allegedly brutally attacked and stabbed her 49 times in her hotel room. Her nine-year-old daughter tried to call 911. In fact, she tried to call 911 four times and then she heroically escorted her siblings to safety. Kari died of her injuries that day.

Why did the calls fail? Well, you needed to call 9-911 at that hotel. But that's not what we teach our children. That's not what's on police cars in many towns, because a police car in Long Island would dial 911. It's not what the Suffolk County Government website instructs children in an emergency. We say dial 911. Nine is an access code to get trunks on a phone system. It could also be eight and it could be six. Nine is common. But 911 is not the same as 9-911. FCC Commissioner Ajit Pai had comments about hotels. He called for an investigation of how hotels handle 911. Amazingly, 44% of franchise properties when someone dials 911 they get connected to emergency services. And even more amazing, in independent hotels, only 30% of callers that dial 911 get to emergency services. So your family members -- you have kids checking into a hotel? Who do you think -- do you think they think when they dial 911 they'll get emergency services? Because in 70% of the cases that's not what happens.

David Simpson is head of FCC Public Safety and Homeland Security Bureau. His opinion, if you fail 911, you should fail fire inspection. And we're not just talking about hotels, we're talking about anywhere where there's a telephone system; a corporate office, a County office. They dial nine or eight. So we have people that work in offices and they know they dial nine, but we have visitors, contractors, family members, constituents in your office.

**P.O. GREGORY:**

Mr. Wilson, please, your time has expired. Please wrap up.

**MR. WILSON:**

Okay. Thank you for that. So pass this law in Suffolk so that when someone dials 911 they're connected to Suffolk's 911 Center. Think about how absurd that is when I say it out loud. When you get home tonight talk to your family and your neighbors and your constituents and say, "You know, some guy was talking about a law that when you dial 911 it connect to a 911 Center", and they'll say, "What do you mean, of course it does". Well, not always. Sometimes you have to dial nine, sometimes it rings the front desk. So that's -- thank you for your time and I really would welcome any questions.

**P.O. GREGORY:**

You have several questions. I saw the long extended arms of Legislator Hahn first, so I'll call her and then Legislator Krupski.

**LEG. HAHN:**

My colleagues are saying really, do you have to talk on this?

*(\*Laughter\*)*

But also in your research on this, I would argue -- well, we're not here to argue the bill, but I would ask if you've also found that not just children having problems and/or folks that are new to the business practice, some business practices of having to dial out, but just the intense, flustered type situation when there's actually an emergency happening that people don't think that. Even if it's something you do every day in your job, the thought to go to -- you know, it could disrupt calling 911, even if you know you're supposed to dial nine to get out of your office. And so have you -- have you also found that? That could be a factor in hindering folks calling.

**MR. WILSON:**

It absolutely is a factor. I was at an industry event called 911 Goes to Washington run by the National Emergency Number Association. These are the 911 people. This is what they do. One of the officers of that organization told me that he himself when he had to call 911, was flustered as you said. He wasn't sure about the address. There's another discussion about making sure the right address is pushed to the answering position, but even he said to expect people that work in an office every day and dial nine or six or eight every day to get a trunk, to dial 9-911 is even unreasonable. You're exactly right. An emergency situation is not the same as making a business call. Thank you for reminding me to mention that.

**P.O. GREGORY:**

Legislator Krupski.

**LEG. KRUPSKI:**

Thank you, Mr. Presiding Officer. So -- and I expect you to be able to answer this after you said you went to a convention called 911 Goes to Washington.

**MR. WILSON:**

Pressure's on.

**LEG. KRUPSKI:**

Mechanically, how does this happen? I mean, I don't understand how a phone works. How do you make this -- I mean, it's a great idea, but how does it actually happen?

**MR. WILSON:**

I agree and, you know, I've become friends with Hank Hunt, Kari's father, the woman who was murdered, and he's a cowboy from Texas, and we forced him to learn. He's become an advocate and we forced him to learn this technology and this business because he is an advocate. And I look at him and I say, boy this guy has come a long way in really six months. Today's telephone systems even, you know, considerably old ones, it's software, it's software programming, any modern system. The answer's not hey let's all dial eight from now on so we can dial 911. That's ludicrous, that's preposterous. It's programming.

I approached four companies that make their living installing manufacturers phone systems, two in Suffolk County -- and the name that this initiative has taken on is Kari's Law, based on Kari Hunt, but there's no specific law. That's why we talk about these things. And I said, you know, the main

tenants are when you dial 911 you get an emergency center, and they said of course we would support that. I said well, would you go on the record saying you'll do a free audit at no charge for your customers and remediate any issues. They said of course we will, because we know there's no issues. But I'm not saying every system. There might be issues, it's programming in the vast majority of cases. It's digit manipulation and routing to get technical. It's telling the system -- we already tell it when you dial nine do this, give me an outside line. When you dial two, three, four, give me an internal extension. So it's routing and we tell the system no.

911 is special, and I would argue -- I would ask any -- any professional responsible for installing a system or selling a system, why did you sell and install a system that's broken? I would not say I need this reprogrammed, I need a feature, I need a favor. You installed a broken system. It can't dial 911, now what are you going to do about it?

So to answer your question, it's software programming. If somebody doesn't know how to do that, you know, they may, you know, want to talk to somebody who does. Certainly we had discussions about old, antiquated systems. I haven't ran into one. They might be out there and we could talk about that. But the answer's not to say we can't do it. So it's software programming.

**LEG. KRUPSKI:**

Thank you. I just wanted more of a concise answer about cost or -- and software programming I understand, that would resolve it, but is it -- what is the cost factor? So you're saying all the systems aren't standardized so it's going to be different for every system?

**MR. WILSON:**

What I'm saying is I'm an expert on maybe three or four systems and there probably is 50. I will -- I will tell you this: In the State of Illinois, in the State of Colorado, in the State of Florida there's been laws with teeth in it for about 10 years. So I know a company I worked for, we realized we couldn't do business in Illinois unless we had a solution for this, and that was probably 15 years ago.

But to answer a question, a system that can be programmed using digit manipulation and routing as I discussed, maybe two hours of a technician's time, maybe \$100 an hour.

**LEG. KRUPSKI:**

Thank you.

**MR. WILSON:**

Which again, I would argue with why am I paying you to fix a system where an FCC Homeland Security person said you fail 911, you should fail fire inspection. But I understand the reality. So we're talking programming, software, if necessary.

**LEG. KRUPSKI:**

Thank you. And then I have a legal question for our Legal Counsel. The question, general question, is do we have the legal authority to mandate this? Is this within our purview?

**P.O. GREGORY:**

I don't know. We'll have to wait until Counsel gets back. We'll have him talk to you.

**LEG. KRUPSKI:**

Thank you.

**P.O. GREGORY:**

All right. Legislator Trotta, you had a question?

**LEG. TROTTA:**

Just as a sidenote. When I introduced this I went to one of the local hotels and sure enough, you had to dial 9-911. And after they were made aware of it, an hour later they came down, reprogrammed it at no charge, and now the hotel is 911 straight. Do you have any idea what percentage of the newer systems can do this this quickly?

**MR. WILSON:**

A newer system I would say 100%. I would say Ajit Pai, the FCC Commissioner I mentioned, he sent a -- well, I didn't mention this. He sent a letter to the CEO of all the major hotel chains asking for a response and that's where we got those numbers that I gave you. Since then, he sent a letter to the CEOs of all the major telephone system providers and he's going to get answers back definitively using what he calls the bully pulpit of the FCC Commission. But I know from my experience any modern system can do that. I'll tell you, any international system, they don't dial 911 in Europe. They dial 112 or 999. So there's nothing really -- there's nothing special about 911 in any system that's sold internationally. It's programmed to be special.

**P.O. GREGORY:**

Okay. Legislator D'Amaro.

**LEG. D'AMARO:**

Yes, very quickly. Since this is a Public Hearing and we're just exploring all the different aspects of what you're talking about. If you have large offices where people are very accustomed to dialing nine to get an outside line, then if you switch over the systems, don't you have the same problem where you are acclimated to dialing 9-911?

**MR. WILSON:**

Yeah, good point. So in any system that's installed, 911 and 9-911 need to get through. That's best practice. That is -- by the way, about ten years ago the FCC gave guidance on this and guidance means nothing, you know, laws mean something. So, yeah, 911 and 9-911 need to go through.

**LEG. D'AMARO:**

Okay. Thanks.

**P.O. GREGORY:**

Okay. Anyone else? Any questions? No? Okay. That's all the cards that we have.

**MR. WILSON:**

Thank you.

**P.O. GREGORY:**

Is there anyone else that would like to speak? Please come forward. Okay. Legislator Trotta.

**LEG. TROTTA:**

Recess.

**P.O. GREGORY:**

Motion to recess.

**LEG. CILMI:**

Second.

**P.O. GREGORY:**

Second by -- who was that? Legislator Cilmi. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen.

**D.P.O. SCHNEIDERMAN:**

You know, recuse me for the moment on the bill.

**MR. LAUBE:**

Sixteen. (*Legislator Schneiderman - Recusal; Legislator Spencer - Not Present*)

**P.O. GREGORY:**

Okay. I.R. 1390 we did. ***I.R. 1394 - Adopting Local Law No. -2014, A Local Law to warn consumers of the dangers of liquid nicotine (Anker).*** I have several cards, the first being Robert Ermolovich, and then on deck, Michael Watt.

**MR. ERMOLOVICH:**

Good afternoon. My name is Robert Ermolovich, owner of Fluid Vapor, an electronic cigarette store located in Suffolk County. Three years ago I personally made the switch from smoking two packs a day to using electronic cigarettes and I never looked back. Today I own an electronic cigarette store that employs five people and helps thousands of smokers get away from harmful and deadful -- deadly tobacco smoke.

I'm here today opposing resolution 1394, because not only will it force vendors to lie to and scare smokers into continuing to smoke, but it will also complicate standards with the already deeming regulations set forth by the FDA. While requirements one and two of Section Three, Paragraph A, are reasonable and most vendors already comply with these. Requirements three and four, as written, are unreasonable.

On April 25th, 2014, the U.S. Food and Drug Administration formally issued its proposed regulations to extend its regulatory authority over other tobacco products, including electronic cigarettes. This is an important regulatory step by the FDA to establish uniform national regulations on electronic cigarettes that would need to be complied with by all manufactures and retailers nationwide. Specifically, the proposed FDA regulations will require manufacturers to register electronic cigarette products, file a list of ingredients contained in the nicotine liquid and report any harmful or potentially harmful constituents in the products.

In addition, manufacturers would be required to include a new health warning on all electronic cigarette packaging which reads: "Warning this product contains nicotine derived from tobacco. Nicotine is an addictive chemical." The same warning would need to be included on any electronic cigarette advertisements produced by the manufacturers and retailers.

Moreover, the FDA states that in the proposed regulations that it's conducting further scientific research on electronic cigarettes in order to develop additional regulations in the future. In other words, many of the same kind of regulations that are included in Resolution 1394 are a part of the FDA's deeming regulations.

To avoid a patchwork of local electronic cigarette regulations that resolution 1394 would begin to create, we ask that you do not proceed with Resolution 1394 and instead allow the FDA to finalize its regulations that will apply across the country. Thank you.

**P.O. GREGORY:**

Okay. Thank you. Michael Watt, and then on deck, Spike Babaian.

**MR. WATT:**

Good afternoon, good evening, wherever we're at. You want to have copies? My name is Michael Watt. I'm the Executive Director of the Long Island Gasoline Retailers Association. I'm here to discuss the I.R. 1394, a proposed Local Law to require any person selling liquid nicotine in the County of Suffolk to provide the following information on the liquid nicotine products they offer for sale: The level of nicotine contained in a product measured in milligrams per milliliter, the size of the liquid nicotine container, the chemical composition of the liquid nicotine and a skull and crossbones symbol with a statement that consumption of this product may lead to serious health conditions and if consumed in large quantities may result in death.

The Long Island Gasoline Retailers Association opposes this proposal. LIGRA represents hundreds of service station operators on Long Island and in the five boroughs of New York City, most of whom conduct their business in Suffolk County. These men and women operate their respective businesses in a highly competitive environment and succeed by providing the products and services their customers most desire.

They regard their 21 and over customers as mature, intelligent adults, capable of making their own choices. If enough customers wanted fresh kale skewered on a recycled stick, that's what our members would offer for sale. They do not see themselves as the bad choice police that this legislation would turn them into.

The scientific jury is still out on a degree to which e-cigarettes are either a smoking cessation tool or a public health threat or some combination of the two. The U.S. Food and Drug Administration's currently sorting that out in a rational, orderly fashion, trying to balance the benefits and risks. If the FDA makes the determination that liquid nicotine and/or e-cigarettes present a health risk, it will require that the product manufacturer's label them accordingly. To ask a retailer to provide information to the consumer for the assumed purpose of discouraging the purpose of said product places an unfair, baseless burden on the retailer and takes any state government to a new, dangerous level.

LIGRA respectfully reminds the Suffolk County Legislature that there are a number of products popular with the public that can bring about negative consequences when consumed or even result in death when quote "consumed in large quantities". Nobody wants to go to a bakery and be handed a pamphlet regarding the deleterious impact large amounts of butter, sugar and white flour can have on one's heart. When you attend a Duck's game, can you imagine ordering a hotdog and receiving a flier explaining how that hotdog was made with your napkin and mustard packet. And if a bartender had to delineate the chemistry in alcoholic content of a shot of tequila, that bar would soon be out of business.

Enactment of this law imposes yet another regulation on a convenience store operator, one more thing to worry about when running a business in Suffolk County and one more reduction in much needed revenue. For these reasons, LIGRA opposes I.R. 1394. Thank you.

**P.O. GREGORY:**

Thank you, Mike. Okay. Spike -- I'm sorry. Babaian?

**MS. BABAIAN:**

Hi. How are you? My name is Spike Babaian. I am President of National Vapors Club, started here on Long Island five years ago when Legislator Jon Cooper told us that we couldn't use electronic cigarettes anymore. So thank you to everybody here for pushing us. I'm also co-author of a study on electronic cigarettes. Thank you to Jon Cooper, because he told us if I came back here in a couple of years with a study that showed e-cigarettes were not toxic to bystanders he would reverse his legislation. He subsequently left. So if anyone wants to sponsor that legislation

we've already written it and we're happy to meet with you.

In regards to the current bill pending, I had a couple of questions. I'm also here to represent Smoke Free Alternatives Trade Association, New York Chapter, which is a trade association for New York e-cigarette stores. Some of our members are here to speak today, and thank you for taking the time. I don't know if all of them signed up, hopefully they'll all speak.

The four points asked for -- asked to be presented on the bottles or on the papers that are going to be handed out with the liquid nicotine, the reason for them is to protect public health and to make sure that people are safe, because the product could potentially cause harm. I'm assuming that's the intent of the bill, that's what it seems like the intent of the bill is. However, this bottle, if you turn the top of it, does not open. The reason for that is because it is childproof. I notice that nowhere in this legislation does it ask for childproof packaging for e-cigarettes. So if that's the intent of the bill I would strongly suggest that as an amendment to the bill.

Chemical consumption of the liquid nicotine. Containing ingredients on the bottle is in the FDA proposal, is also listed in the New York State legislation that I was in Albany until three this morning talking to Senators and Assembly members about and trying to help them amend that legislation, which was also written missing some key components. And that's why I'm dressed like this. I apologize. I found out about the hearing very, very late last night.

The biggest concern that our organizations, and I apologize I'm speaking for two organizations today because no one else could make it, is that it says a skull and crossbone symbol with a statement that consumption of this product may lead to addiction, serious health conditions and if consumed in large quantities may result in death. I've been puffing on this thing for five-and-a-half years. Most of you remember meeting with me privately five-and-a-half years ago, and I'm not dead. I've consumed this product for five-and-a-half years. Consumption in the way that it's written sort of insinuates using the product. I think it intends to say that ingestion of what's in this bottle could lead to serious health consequences, and it's not written properly. And for us to put on our product that if you use this product, you could die, is going to encourage people not use this product.

I am proud to say that I'm five-and-a-half years now smoke-free thank you to this product, and I'd like a lot of other people to come here in five-and-a-half more years and say the same thing. But if you tell them this product is going to kill them, that is not going to happen. That's not acceptable. The legislation needs to be revised. I'm happy to meet with the bill's sponsor and go over the legislation and the wording, and maybe refine some things, but this bill as it's written absolutely cannot be passed. You're risking a lot of people who are going to look at this product and go well, cigarettes don't even say they're going to kill me, I'm not going to use this instead. I'd rather just smoke, it's safer. I mean, is, you know, that's not the intent of the bill I don't think, but it's a big concern for our organization.

And if any of the Legislators have -- well, if any of the Legislators are not going to be here next year and they don't really care what everyone thinks and they want to sponsor a bill to undo the indoor ban, call me. Thank you.

**P.O. GREGORY:**

Thank you, Spike. William Higgins, and on deck, William Merritt.

**MR. HIGGINS:**

Good evening, everyone. I'm a consumer of --

**P.O. GREGORY:**

Mr. Higgins?

**MR. HIGGINS:**

Yes, William Higgins. My name is William Higgins. Thank you for allowing me time to speak. I found out about this product about a year ago. I did my own research and found that, you know, it wasn't as harmful as the rumors were out there, and it's been almost about a year since I've picked up a cigarette.

Now, if this product had a skull and crossbone or crazy warnings on it like that, I don't think I would. I wouldn't be standing here not having a cigarette. It's even hard for me to push now to friends, family, people that don't -- that do smoke and say this works. You know, I'm a consumer, but saying that this helps. But with all these warnings, labels and stuff like that, it might, you know, steer people away from it. And until like the research is done I feel like -- in all reality, I feel like the legislation here dropped the ball on the research on it and just saying that it can cause death, it can do this. Like, how can you say that? Where is that, you know, proven? You know, it said that the rise of calls to the Poison Control was up. Like I know for a fact that I read it somewhere in an article that twice as many calls for swallowing toothpaste was on there, you know, what I'm saying? Twice as many for e-cigs -- twice as many for toothpaste than e-cigs.

So like, I mean, I just feel like there needs to be more time and more research and just really get to the truth and get to like the science of it, not just say let's pass a bill and say this. You know, if you look at any pack of cigarettes it doesn't say that. You know, it doesn't have a skull and crossbone on a pack of cigarettes. It says may cause cancer. So let's do some research. Thank you.

**D.P.O. SCHNEIDERMAN:**

I have a question.

**P.O. GREGORY:**

Thank you, Mr. Higgins. Someone has a question for you.

**D.P.O. SCHNEIDERMAN:**

Can I ask you, how long did you smoke cigarettes before you switched to e-cigarettes?

**MR. HIGGINS:**

About 10 years. I started smoking cigarettes when I was 17. I was 27 when I put them down. I'm 28 now.

**D.P.O. SCHNEIDERMAN:**

And did you try other ways to quit smoking besides e-cigarettes?

**MR. HIGGINS:**

Yes, I have.

**D.P.O. SCHNEIDERMAN:**

What were some of the other techniques?

**MR. HIGGINS:**

I mean, the gum, the patch, pretty much cold turkey I've tried.

**D.P.O. SCHNEIDERMAN:**

The nicotine gum you tried?

**MR. HIGGINS:**

Yeah.

**D.P.O. SCHNEIDERMAN:**

Nicotine patch you tried and then nicotine cigarettes, the e-cigarettes you tried and that worked.

**MR. HIGGINS:**

Yes. I mean, for me, like I said, I'm a consumer. What happened was I had both the nicotine craving inside, like the actual physical craving, and the mental of like actually putting, you know, something to my lips and inhaling it. So like the ritual of it was still there, so that's why I think it helped me so much.

**D.P.O. SCHNEIDERMAN:**

Right. All right. Yeah, I have a good friend, too, who it was the only thing that worked for him, was these e-cigarettes. He just had a little baby girl, you know, and it's nice to know that there's no smoke around the infant, too, from cigarettes.

I've been torn on this because it seems like it's one of the best or most effective smoking cessation devices, but, you know, this body has expressed some concerns about those e-cigarettes. So I just wanted to know really how effective it was for you and if you tried other things. So I appreciate that, thank you.

**MR. HIGGINS:**

Thank you.

**P.O. GREGORY:**

Hold on. Legislator Cilmi also has a question for you.

**LEG. CILMI:**

How are you, sir? I'm just curious. So you've been using the e-cigarettes for how long now?

**MR. HIGGINS:**

About a year.

**LEG. CILMI:**

About a year. Do you feel healthier?

**MR. HIGGINS:**

I do. I actually do.

**LEG. CILMI:**

Describe how you feel healthier.

**MR. HIGGINS:**

For example, when I used to smoke cigarettes I'd have a cough. I mean, just alone I haven't -- my allergies -- I usually have allergies. I'm not going to say it's from smoking e-cigs, but with cigarettes I always had around this time a bad cough, a little nasally, and it hasn't occurred yet. So like maybe I'm still waiting for my allergies to kick in but, you know I always -- I breathe better. I've actually been sleeping better. I don't know if that makes any sense, but for the past year I've actually gotten a little more sleep. And it actually kicked me in -- it helped motivate me -- I'm actually down almost 40 pounds in the past couple of months because I'm trying to be healthier. This helped me like even go to the level of dieting and exercising. So, like for me personally, I feel healthier, I've been more active, and I smell better.

*(\*Laughter\*)*

**LEG. CILMI:**

Good for you on all counts. Thank you very much.

**P.O. GREGORY:**

And good luck on your weight loss. Oh, I'm sorry. Legislator Anker or was that Hahn? Anker. Legislator Anker has a question for you.

**LEG. ANKER:**

I want to thank you for coming here and speaking. I just want to clarify. This is not a ban on e-cigarettes. It's basically requiring a warning label. And the reason, of course, is that, you know, it's very -- it's a very strong toxic chemical if taken, you know, in a quantity that can either cause illness or can kill you, and especially to children. What's happening is these little kids are getting ahold of this stuff, and most don't have the tamperproof tops. In fact, we're not allowed to legislate tamperproof tops, that's why it's not included in the legislation. It's just basically a warning.

What's happening, too, with the e-nicotine or liquid nicotine, the younger kids in middle school and high school are getting ahold of this, and they're -- they're putting it in their -- in their -- what's that, the inhalers. They're sneaking it in school and they think it's fun and they're becoming very addicted at a very young age. You know, 13, 14, 15, 16, and you just explained how hard it was to no knock, you know, the habit of nicotine.

This is what we want to do, we want to try to prevent those young, young kids from becoming addicted, because what will happen is they become addicted at a young age and then they start smoking cigarettes. And it becomes a bigger issue down the road. But again, this is not a ban on e-cigarettes or the liquid nicotine. It's just trying to prevent younger kids from becoming addicted and also protecting small children.

**P.O. GREGORY:**

Do you have a question, Legislator Anker?

**LEG. ANKER:**

Oh, the question. I just wanted to clarify as far as what this ban is doing.

**MR. HIGGINS:**

Well, but, to go off that, that's -- but why put a warning label for something that you should put on an age requirement? Why does it need to have a skull and crossbones on it and say may cause death. And when you say it may cause death in a certain amount of consistency, like of a quantity, what is that quantity? Because I've personally spilled this stuff on myself and didn't feel anything of those symptoms in your legislation. Not one.

**LEG. ANKER:**

Right. I have some testimony from our Health Department that will give you a little bit more details about the actual substance and how it affects your health. But, you know, again, basically just like, you know, cigarettes, my grandfather died of cigarette, you know, addiction. And, you know, if we can prevent deaths, prevent illnesses, especially in kids, that's the intent of this legislation.

**MR. HIGGINS:**

Okay.

**P.O. GREGORY:**

Okay. Thank you.

**MR. HIGGINS:**

Thank you.

**P.O. GREGORY:**

All right. Mr. William Merritt, and then on deck Boris --

**AUDIENCE MEMBER:**

Don't worry about it.

**P.O. GREGORY:**

Yeah, that's a tough one there.

**AUDIENCE MEMBER:**

It's too long.

**P.O. GREGORY:**

A lot of consonants.

**MR. MERRITT:**

Hi. I'm William Merritt. I'm a consumer of e-cigarettes. Don't worry, none of us can pronounce Boris's last name. Mrs. Anker just said that kids under five years old, and she wrote in the legislator, the legislator also determined that all -- that calls to Poison Control Centers involving liquid nicotine have increased sharply, with more than 50% of those calls involving children under the age of five. Now, I understand that it's not your ability to say we need childproof caps. However, I have a four year old at home. From parenting she knows that she's not supposed to touch my electronic cigarettes. She cannot read a thing that says that this will cause harm if she ingests it. She's four, you know what I mean? You don't start reading until first grade at six, and that's still like rat and ball. She's not going to understand harmful, poison, you know what I mean? She's going to see skull and crossbones and think of like the vegetable pirates from -- you know what I mean? That's what she's going to think, you know?

But like electronic cigarettes, man, like they're good for -- maybe not good for you, but they're definitely a much better alternative in quitting smoking. I've tried plenty of different things just like the last gentleman before me. I've tried the chewing gum. It doesn't taste well and it really burns. I've tried the patches. It gives me horrible dreams and nightmares, and I've tried what a doctor prescribed me and told me that I never might ever have to smoke again if all I got to do is take it for a month, I can even smoke while I am on it. And I had suicidal thoughts and I don't have mental illness, nor does it run in my family. Subsequently, as soon as I finished I was able to -- as soon as I came off it the suicidal thoughts decided to just stop. And like I went right back to smoking.

I've been clean -- I've been clean from smoking cigarettes for a little over nine months and I'm not like -- I've tried. I've tried cold turkey like the -- I see a lot of gentlemen in here. I'm sure that not all of you smoke cigarettes, but I'm sure once in a while you guys go home and smoke cigars and wine with your wife and all this other stuff. Try to quit smoking cigars and find out how irritated she becomes with you. You know what I mean? I'm married, too, you know what I mean? So like I understand. This has helped me like able to like curb the addiction to nicotine and also like has given me like a better smell.

Like I've also, like the last gentleman before me, have lost weight, decided to go to the gym because I've decided to get on this like new health kick. I don't know if you guys can notice, but I'm a little big. It's kind of hard for me to walk upstairs sometimes, even when it's like three, and I get like, you know, and I can tell you that it's a little bit easier. I don't mind taking the stairs anymore as

much as I -- I heard my timer. Thanks for letting me share.

I could just tell you that like eventually like my plan is to come off e-cigarettes, too. But it's -- but it's genuinely helped me all the way of life. If I would have read and crossbones and I would have read one, two, three and four, one and two is already on it. I have a bunch of them in the car. One and two is already on it. Three and four might have deterred me.

**P.O. GREGORY:**

Mr. Merritt, please wrap up.

**MR. MERRITT:**

Three and four might have deterred me from going out and like taking a risk. You know, it also talks about like children, and I'll finish up with this: I started smoking -- my first cigarette I tried, my mother smoked Marlboro Red 100's. I was eight years old. It didn't taste like watermelon and gummy bears. It tasted like an ashtray and just exactly like the way my mom smelled. It didn't deter me from trying to smoke. It was peer pressure and like lack of parenting.

**P.O. GREGORY:**

Thank you very much. Thank you for your passion. Boris Kowatschitsch, and on deck John Lappas.

**MR. KOWATSCHITSCH:**

Hi, everybody. I'm very glad to be here. I'm Boris Kowatschitsch, business owner from Clean Vapor Long Island Corp. I have the store for one year now. Smoked 22 years cigarettes, very heavy. I'm a graphic artist so I had an ashtray always next to me smoking like a chimney, and I switched to vaping two years ago and it changed literally my life. I'm going to the gym now, I'm working out more. It is more lifestyle. You start more thinking about yourself and your health. It's not like if you're a smoker you just smoke, but if you vapor, you're vaping something, you're trying to do something good for yourself. You're turning a bad habit into something better. I'm not saying it's perfect, the researchers are not here, but it's definitely better than all the other chemicals that are available on the market, including patches, pills, whatever they give you to get you off cigarettes.

I'm just here to tell you guys that electronic cigarettes is actually a lifestyle. People who start vaping, change, and I see it in the store every day. I have people walk in after three months not smoking, hugging me and thanking me for that they made it. So I just want to keep you in mind, like if you ban something like that or make the warnings on the e-cigs -- on the liquid bottles too big it will make confusion. So before we do that, why we don't think about something that makes more sense and get everything a little bit better. And see that we can make our business and help, continue helping people to switch to vaping and leave that bad habit and see where we get from there. Thank you.

**P.O. GREGORY:**

Okay. Thank you, Boris. Okay. John Lappas.

**MR. LAPPAS:**

Thanks for having me. I'm also a business owner, recently got into the market for a year now. A lot of the key points on the bill would definitely hurt business as far as a lot of the e-liquids come from different states and as a small business owner, you know, these vendors wouldn't just follow a specific county's legislation.

What I think is important is to allow the FDA to release their findings and have them regulate the market. As more and more state or specific legislation comes through, I believe, as a business owner, it's curbing us from continuing business in New York. Our plan was to open two to three more stores in the summertime, and I think it's holding back a lot of future business from opening up in New York State.

As far as the business aspect, a lot of companies are flourishing in Florida and California, and I think the legislation either has to be more specific, do a little bit more research or allow the FDA to continue its findings to regulate. Thank you.

**P.O. GREGORY:**

Thank you. That is all the cards that we have. Is there anyone else in the audience that would like to come forward? Please state your name for the record.

**MS. BENINCASA:**

Hi. I'm Lori Benincasa. I'm the Director of Health Education. It is true that the FDA is developing regulations for e-cigarettes and e-liquids. However, they have a very long comment period and their regulations probably will not be available for at least a year. The CDC last month released a report saying that the number of calls to Poison Centers involving e-cigarette liquids containing nicotine rose from one per month in September 2010, to 215 per month in 2014. It's a big problem because these products, if you've never seen them, they come in little bottles and they smell delicious. They're flavored in caramel, strawberry, cotton candy, delicious flavors, and if any of your children -- I know my children had this snow cone machine when they were kids. You put the ice in it and you turned it and it came out and you put it in a cone like a snow cone, and then there were individual little flavoring bottles that you used to flavor the ice. That is what these products looks like. That is what they smell like, and probably -- I have never tasted them -- it's probably what they taste like. That's why they are very appealing to children. More than half of the calls to the Poison Control Center were for children under five years old getting this product.

This bill does not talk about banning e-cigarettes or banning the liquid, just having a warning. The warning is for the parents, not for the children. Many of the parents that are buying this product do not know that this product is so harmful. Nicotine is used as a pesticide. It is poison when ingested, it's poison when it touches your skin. It can get into your system that way. So the whole intent of this bill, I believe, is to protect children.

My office does the regulation, the enforcement. It is now currently an age restricted product, the liquid nicotine at 19. It will go to 21 when Tobacco 21 goes into effect January 1st. These products are ubiquitous. You can go anyplace and find them and people don't really know what they're buying. And that's why I think this legislation is very important. It's a warning to parents that you're bringing a potentially toxic, well, it is a toxic product, into your home and it's very important to keep it away from your children.

**P.O. GREGORY:**

Thank you, Lori. I have a question for you.

**MS. BENINCASA:**

Sure.

**P.O. GREGORY:**

A lot has been mentioned about the skull and crossbones. Do you -- I guess my question is, is your opinion that that is an appropriate type of warning label for e-cigarettes?

**MS. BENINCASA:**

Well, there's also written warnings. Skull and crossbone is just one part of the warning for parents. It is a poison. If you look under your kitchen sink I bet half of the products under there also have skulls and crossbones and warnings that they are poison.

**P.O. GREGORY:**

That's the -- that was my point, is that I think people generally associate skull and crossbones with some type of immediate, catastrophic effect, you know, not something that is a gradual potentially a long-term --

**MS. BENINCASA:**

Oh, no. Liquid nicotine can be fatal. It is immediate. It's no different than if your child drank drain cleaner from under the sink. It's poison. Nicotine is a poison. It's used in pesticides.

**P.O. GREGORY:**

Okay. All right. Legislator Anker has a question.

**LEG. ANKER:**

I just want to follow-up with your comment. So, you know, the idea as far as the skull and crossbone came from a wholesaler. It's called Dekang e-liquid PG/VG PEG. Basically, you know, they have a skull and crossbone and a warning on there, I guess, wholesale liquid nicotine. And I guess what would happen, they would -- I guess you would buy this big bucket of liquid nicotine with the skull and crossbone warning label and you'd put it in these little vials or little containers and I guess that's how they sell them, you know, in some of the convenience stores or the stores. But, again, the wholesalers -- this one has that warning.

**P.O. GREGORY:**

Do you have a question for Lori?

**LEG. ANKER:**

No, I wanted to clarify what your concern was.

**P.O. GREGORY:**

Thank you. Legislator Krupski, you had a question, right?

**LEG. KRUPSKI:**

Thank you. You know, item number three -- so you're in favor of this bill?

**MS. BENINCASA:**

Yes.

**LEG. KRUPSKI:**

So item number three, the chemical composition of the liquid nicotine, can that vary or is liquid nicotine the same chemical composition every time?

**MS. BENINCASA:**

I'm not sure about that, but what I was going to propose is that we could work up a fact sheet as a template for the businesses, and then they would just have to fill in the blanks with the name of the product, how much nicotine is in it and any other chemicals that are in it. My office could write the warning that they could give to customers. See, one of the problems is that these products have not been labeled as a tobacco product. Even though, from what I understand, making synthetic nicotine is a very expensive process, so the nicotine that companies are getting to make these products do come from tobacco. If they were labeled a tobacco product, then all of the same

regulations would apply to these products that apply to tobacco now, but they're not.

**LEG. KRUPSKI:**

So liquid nicotine is a tobacco product. It's not synthetic?

**MS. BENINCASA:**

From what I understand it's too expensive to make it synthetically. What's available on the market now is all made from tobacco.

**LEG. KRUPSKI:**

And item number four, the statement that consumption of this product may lead to addiction, serious health conditions, and if consumed in large quantities may result in death, I mean, that is, I mean, that same could be said for anything containing sugar. So is that -- you think that's specific enough to warn people? Because you could put that on anything.

**MS. BENINCASA:**

I'm not sure. Did you have something else in mind that you think might make that stronger?

**LEG. KRUPSKI:**

I asked you. I don't know.

**MS. BENINCASA:**

Oh. Well, I don't -- I don't personally know of anybody that drank so much sugar that they died as a result of it. See, we're talking about -- we're not talking about the long-term consequences of using nicotine like we do with smoking. This is an immediate threat. If a kid picks this up and drinks it, it's poisonous. So it's not like a long-term, you know, over time you can die as a result of this. That's not what we're talking about. We're not talking about adults using e-cigarettes, we're talking about how poisonous this product is if it gets in the wrong hands.

**LEG. KRUPSKI:**

Thank you.

**P.O. GREGORY:**

Okay. Legislator Schneiderman.

**D.P.O. SCHNEIDERMAN:**

Thank you, Lori. First of all, under the current labeling of these bottles that you're concerned with, does it say keep out of reach of children now?

**MS. BENINCASA:**

I don't know. They are not regulated by anybody. You can buy these anywhere. Anybody can -- anybody --

**D.P.O. SCHNEIDERMAN:**

I'm assuming it does.

**MS. BENINCASA:**

If you go on You Tube, there are all instructions for how you can make these in your basement, how you can get the products online. So there's no standards for them. Some of the places that make them may be responsible and may have warning labels on them, but they're not regulated.

**D.P.O. SCHNEIDERMAN:**

Okay, because it seems like your main point is they really -- you want to keep it away from the kids.

**MS. BENINCASA:**

Right.

**D.P.O. SCHNEIDERMAN:**

And the one thing that the bill doesn't do, it doesn't have a requirement that says keep out of reach of children. It has all kinds of other language, but it doesn't have that one piece. It seems like a critical component.

The other thing is you say that kids may, you know, get this bottle, it smells like candy and they might ingest it. Well, what about the gum? I mean, kids love gum and there's nicotine gum. Have we seen problems with the nicotine gum?

**MS. BENINCASA:**

Well, they actually do have warning labels on them to keep them away from children and pets. They are heavily regulated, nicotine gum.

**D.P.O. SCHNEIDERMAN:**

So the gum is regulated --

**MS. BENINCASA:**

It is.

**D.P.O. SCHNEIDERMAN:**

-- but the liquid is not.

**MS. BENINCASA:**

This is not regulated by anybody, no. The gum is actually regulated by the FDA. The tobacco cessation products that we distribute in our program are all regulated by the FDA.

**D.P.O. SCHNEIDERMAN:**

And is it likely the FDA is going to pass similar restrictions that they have on the other smoking cessation devices?

**MS. BENINCASA:**

They may. They are in the comment period now.

**D.P.O. SCHNEIDERMAN:**

Okay. Thank you.

**MS. BENINCASA:**

E-cigarettes are not an approved method for cessation; they may be. One day they may prove to be very effective, but right now there hasn't been enough research. There was an article in The New York Times last week that said that even without a match some popular e-cigarettes get so hot that they, too, can produce a handful of the carcinogens found in cigarettes and at similar levels. So even though this isn't about e-cigarettes, they are not a cessation device and they are not allowed to be marketed as a cessation device.

**P.O. GREGORY:**

Okay. Thank you, Lori. All right. That is all the cards that we have. Does anyone else that would like to speak, that hasn't spoken already, please come forward. No? Okay. You spoke, Boris. I'm sorry.

**MR. KOWATSCHITSCH:**

All right.

**D.P.O. SCHNEIDERMAN:**

You only get one try.

**P.O. GREGORY:**

Legislator Anker.

**LEG. ANKER:**

Motion to close.

**P.O. GREGORY:**

Motion to close.

**LEG. BARRAGA:**

Second.

**P.O. GREGORY:**

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

**MR. LAUBE:**

Seventeen -- sixteen. *(Not Present: Legislators Hahn and McCaffrey)*

**P.O. GREGORY:**

You guys, if you want to speak you can come to the committee meeting and speak at that time.

**AUDIENCE MEMBER:**

Can we get a time and date?

**P.O. GREGORY:**

We can get that information to you. All right. ***I.R. 1409 - Adopting Local Law No. -2014, A Local Law to establish the Suffolk County Taxi and Limousine Commission and to provide for the registration of for-hire vehicles (Co. Exec.)***. I have two cards. I have Robert Cunningham.

**AUDIENCE MEMBER:**

He left.

**P.O. GREGORY:**

Okay. I have Charles Gandolfo.

**AUDIENCE MEMBER:**

He followed him.

**P.O. GREGORY:**

Okay. Anyone else that hasn't filled out a card and would like to speak? Please state your name for the record.

**MR. PODLESNY:**

My name is Ed Podlesny. I'm the Suffolk County Director of the Long Island Limousine Association. We do support this bill. Hopefully it's been -- well, Mr. Lindsay's dad ten years ago I had come to this meeting when Nassau County had started their Nassau TLC, and I was -- had been a business

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owner in Suffolk County for 26 years, and I was looking forward to a Suffolk TLC back then. Mr. Lindsay back then said we can't regulate licensing dogs, so at this point now you guys finally moved forward to getting the dogs taken care, now the Suffolk TLC is right there and we support it fully. A year ago I saw Legislator Rob Calarco and I saw his You Tube video. I went down, we set up a meeting with the Association, we met with him and everything's looking forward so hopefully we move forward and pass this bill quickly.

**P.O. GREGORY:**

Okay. Thank you, sir. Anyone else that would like to make a comment? Please come forward.

**MR. FARGNOLI :**

I'm Mike Fagnoli.

**P.O. GREGORY:**

Please state your name again for the record.

**MR. FARGNOLI :**

Mike Fagnoli. I'm Treasurer of the Long Island Limousine Association. We just -- we're glad you are going ahead with this. We are just looking for a level playing field and however we could help you guys, we'd appreciate it. We had a meeting last week with Mr. Chu and we seem to be on the same page. So any way we could help you guys, we're glad you're going ahead with this.

**P.O. GREGORY:**

Great. Thank you. Okay. Anyone else? Okay. Mr. Vaughn.

**MR. VAUGHN:**

We'd appreciate it if you'd please close the Public Hearing.

**LEG. CALARCO:**

Motion to close.

**P.O. GREGORY:**

Motion to close by Legislator Calarco.

**LEG. ANKER:**

Second.

**P.O. GREGORY:**

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

**MR. LAUBE:**

Fifteen. *(Not Present: Legislators Hahn and McCaffrey; Recusal - Legislator Lindsay)*

**P.O. GREGORY:**

Public Hearing is closed. ***I.R. 1425 - Adopting Local Law No. -2014 A Local Law to streamline the functions of certain Occupational Licensing Boards (Co. Exec.).***

We do not have any cards. Is there anyone in the audience that would like to speak on this matter? Please come forward. Not seeing any, Mr. Vaughn?

**MR. VAUGHN:**

We'd like you to please close the Public Hearing.

**LEG. CALARCO:**

Motion to close.

**P.O. GREGORY:**

Motion to close by Legislator Calarco.

**LEG. KRUPSKI:**

Excuse me, Mr. Presiding Officer. Could we get from Mr. Vaughn a little explanation on this?

**P.O. GREGORY:**

Okay. Mr. Vaughn.

**MR. VAUGHN:**

We're actually merging two boards together and we are going to merge the -- we're going to merge the Home Appliance Board into the electronic -- into the Electrical Board. We're going to increase the size of the Electrical Board by three members. One of those members is going to have to be a home appliance expert or individual. The net value of doing that is we will go from having a total of 15 paid members, eight who were on one board and seven who were on the other. We will go from 15 down to 11. This will be a minimal savings of approximately \$6,000.

**LEG. KRUPSKI:**

Without me doing the math in my head, what's the cost per person per year?

**MR. VAUGHN:**

It's \$100 a meeting with a maximum of \$1500.

**LEG. KRUPSKI:**

Thank you.

**P.O. GREGORY:**

Okay. So we have a motion. I'll second that motion to recess. Oh, I'm sorry, to close. I'm sorry. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Sixteen. *(Not Present: Legislators Stern and Hahn)*

**P.O. GREGORY:**

Okay. ***I.R. 1431 - Adopting Local Law No. -2014, A Charter Law to authorize Reserve Fund transfers (Pres. Off.)***. I don't have any cards. Is there anyone in the audience that would like to speak on this matter, please come forward. Okay. I will make a motion to recess.

**LEG. CALARCO:**

Second.

**LEG. CILMI:**

Second.

**P.O. GREGORY:**

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

**MR. LAUBE:**

Sixteen. *(Not Present: Legislators Hahn and Stern)*

**P.O. GREGORY:**

We also have I.R. 1486 -- okay. ***I.R. 1486 - Adopting Local Law No. 14 -2014, A Charter Law amending Article XXXII relating to the term of Office of the Medical Examiner (Co. Exec).*** The Public Hearing has been posted. I do not have any cards on the matter. Is there anyone that would like to speak? Please come forward. Not seeing anyone, I'll make a motion to close. Second by Legislator Martinez. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen. (Not Present: Legislator Hahn)

**P.O. GREGORY:**

Okay. Public Hearing is closed. Okay. I make a motion to set the following public hearings: Public Hearing on June 3, 2014, 2:30 P.M. at the Rose Caracappa Auditorium in Hauppauge, 2014/2015 Suffolk County Community College Budget. Do I have a second? Second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen. (Not Present: Legislator Hahn)

**P.O. GREGORY:**

We have Mr. Alan Schneider here who will address I.R. 1486. So I'll make a motion to take ***I.R. 1486 - Adopting Local Law No. 14 -2014, A Charter Law amending Article XXXII relating to the term of Office of the Medical Examiner (Co. Exec).*** Make a motion to take it out of order.

**LEG. KRUPSKI:**

Second.

**P.O. GREGORY:**

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

**MR. LAUBE:**

Sixteen -- seventeen.

**P.O. GREGORY:**

Same motion, same second to approve. Mr. Schneider?

**MR SCHNEIDER:**

Good evening, everyone. Well, I am here --

**P.O. GREGORY:**

I'm sorry. It's in the red folders. It's a CN.

**MR. SCHNEIDER:**

I am here in support of the Medical Examiner candidate who has been offered the position of Chief Medical Examiner in Suffolk County to be able to obtain the full term of six years that is part of the Medical Examiner's position. And I just want to go through -- since Dr. Milewski left Suffolk County, we have had a very extensive job search nationwide, an extensive search team, and to say the least that this has been a frustrating process for us is an understatement. Initially, because of the salary that was involved with the position and once we got the salary up to a competitive number, then locating a candidate. And we subsequently have found what we believe to be an outstanding candidate, who the Legislature will have the opportunity to meet in I believe in a couple of weeks when he will be coming up here.

But in our discussions with the candidate, we talked about a six year term. For somebody to uproot their family and have to sell a home, buy a home on Long Island to live, have their wife give up a job that she has been in for a lengthy period of time, and come up here to accept the job when the term could be theoretically less than a year, we would be sitting and we would never find a candidate to accept this position. So we have gone through this process understanding that we had the ability to offer the candidate a full six year term, which we have done. The County Executive has made the offer to the candidate. He has accepted it.

We brought him up here. After doing an interview, we brought him through the Medical Examiner's Office. He spent an entire morning there going through both the Toxicology Lab and the Crime Lab, meeting all the employees of the Medical Examiner's Office, and to say that the employees there were -- they were thrilled with him. And they are to a person looking forward to working with and for Dr. Caplan when he arrives. And at this point we do not want to see anything stand in the way of this individual not coming to this County, because we think we have gotten ourself a real gem in this appointment. So we believe that this resolution can be a change that could be made by the Legislature and allow Dr. Caplan to obtain a full term of six years as the Medical Examiner.

Now, I know it's going back 30 years to when I came to the County, and my predecessor had one year left in his term when the job was offered to me. My predecessor was offered a job in -- as the Commissioner of Labor and left the job as Personnel Director and head of the Department of Civil Service. There was one year to go on that term, and I was working in the Town of Islip in a permanent competitive Civil Service job, and with -- actually, when I would have started there would have been less than one year on the term and I probably would not have taken the job at that point, never knowing what I would have been missing. But I was offered the opportunity for a full six year term. There was never a question about just filling the remaining one year of the term. I was offered the six year term and I accepted that and I'm hoping the Legislature will pass this resolution to enable Dr. Caplan to come in here, bring his wife up here, sell his home, come up here and become a resident of Suffolk County, which is where he originally was from. Thank you.

**P.O. GREGORY:**

Thank you.

**MR. SCHNEIDER:**

Any questions that anybody has I will be happy to answer.

**P.O. GREGORY:**

I think you make a very strong argument about the sacrifices, well, the extensive research for one, that goes into trying to find an applicant that qualifies for this type of position. And also the, you know, when you hire someone from out of state the sacrifices that they personally have to make with their families, and this is almost an incentive. You know, the pay is one thing, but the incentive to or the ability to incentivize someone to motivate them to come to this particular position, is the security of a six year term. I think that's -- I think that's reasonable given the sacrifices that are made. So thank you. I know you are a part of the Search Committee.

**MR. SCHNEIDER:**

Yes.

**P.O. GREGORY:**

Okay. Great. Well, thank you for shedding light on this for us. Legislator Spencer has some questions for you.

**LEG. SPENCER:**

Hi, Alan. It's always good to see you. Thank you.

**MR. SCHNEIDER:**

Likewise, Doctor.

**LEG. SPENCER:**

I agree. I echo those remarks with regards to offering the six year term, and you indicated that possibly may have less than a year-and-a-half left on the term. My understanding is that Dr. Milewski's term, there's four-and-a-half years left.

**MR. SCHNEIDER:**

Four-and-a-half, correct.

**LEG. SPENCER:**

So why would it possibly be only a year-and-a-half?

**MR. SCHNEIDER:**

No, I was talking about myself and going back in time, but I'm saying that there could be the possibility that if Dr. Milewski had stayed here for another --

**LEG. SPENCER:**

I see.

**MR. SCHNEIDER:**

-- three or four years, that we would be sitting and doing a search nationwide trying to recruit somebody to come to Suffolk County for a job that only had a year or less than a year. And commonsense would be who's going to give up a current job, sell a home, have their wife give up a job, to come to Suffolk County.

**LEG. SPENCER:**

Yes, Sir, I get that. This legislation then isn't just specific only to this, this would change the law moving forward that will allow us in other -- in future situations that we would be able to offer a fresh six year term?

**MR. SCHNEIDER:**

Well, I -- you're talking about with other term offices?

**LEG. SPENCER:**

Well, this particular legislation is it only -- just because it's coming as a C of N, I haven't had a chance to review the details.

**MR. SCHNEIDER:**

This resolution is for the Medical Examiner.

**LEG. SPENCER:**

Would that apply in the future moving forward if this --

**MR. SCHNEIDER:**

I think -- well, I would think, yes, it would set --

**LEG. SPENCER:**

It would.

**MR. SCHNEIDER:**

Yes, and I think it should. Although I do want to say that I'm hopeful that with Dr. Caplan coming in, that he's going to do such an outstanding job and he's going to be happy doing it, that we don't have to address the recruitment of a Medical Examiner for a good time off in the future.

**LEG. SPENCER:**

I agree. I support this. And this may come out later on as we start to get into the particular candidate. My question or one of my concerns would be when -- one of the things I asked was does the Medical Examiner serve at the pleasure of the County Executive and the answer to that is no, and I understand that. And I would -- maybe you can't answer this question, but what I would be curious to find out, because I know our commissioners do in effect they have a six year term, but some serve potentially at the pleasure of the County Executive. I may have that wrong.

**MR. SCHNEIDER:**

Yes, you have it right.

**LEG. SPENCER:**

I do, okay. My question is when you talk about a Medical Examiner, and I know this where you can see someone that interviews well, they have professional qualifications, they come in and they present themselves in a particular way, they relocate, but when we talk about our Medical Examiner, they are critical with regards to handling evidence that can lead to convictions in crimes and murders and things of that sort. And from your experience with this being a Civil Service position that doesn't serve at the pleasure of the County Executive, and this guy relocates his family and he looks really, really good. Let's say he comes up but once he starts to execute that office, what happens if the quality isn't there? There are cases that aren't being handled appropriately, evidence, there's not proper procedures in place. What oversight options do we have? I know we could always terminate with --

**MR. SCHNEIDER:**

Cause.

**LEG. SPENCER:**

-- egregious cause.

**MR. SCHNEIDER:**

Absolutely.

**LEG. SPENCER:**

But what about just poor performance. And I look at, I guess when I, you know, I say I am relocating four-and-a-half years versus six years, we're really talking about a year-and-a-half. You answered that by saying well, this would help us in the future moving forward. But what opportunity do we have if there's not particular cause, but just poor performance? Do we have any options or any way to be able to address that?

**MR. SCHNEIDER:**

Well, let me answer your question, Legislator Spencer, the best I can. We have interviewed probably 15 people, and I've got to say he is by far the best person we interviewed.

**LEG. SPENCER:**

I have no doubt he's a superstar. I have no doubt.

**MR. SCHNEIDER:**

In addition to that, we had other candidates who made a decent impression enough for us to begin to check references, and we had actually scheduled interviews for them to come here, but we decided to do reference checks first. And we did not get very good reference checks on those individuals, sufficient enough for us to cancel those interviews. In the case of Dr. Caplan, everybody that we have spoken to we have gotten just quality references on him. So past performance is a very good indicator of future performance. And I can tell you, I don't have any concern about Dr. Caplan's performance on the job, so.

**LEG. SPENCER:**

I guess I understand what you're saying, and I'm sure he's impeccable and I plan to support him. I plan to support this resolution. It is something I feel in my position in terms of -- I take the Health Department well, you know, personally, but we can get into that. I don't need to hold up this meeting. But I am curious as to and I would like to know what oversight opportunities that we have when we tuck someone in a six year term that doesn't serve at the pleasure.

**MR. SCHNEIDER:**

Well, I mean, we have -- we have five term officers in the County, including the Commissioner of Health, and once they're appointed to their six year term, they're appointed.

**LEG. SPENCER:**

Do you have any other insight on that? Thanks Alan. And I do appreciate what you're saying, thank you.

**MR. BROWN:**

If it's an appointment for a term the person can be brought up on charges and have the opportunity to be heard.

**LEG. SPENCER:**

Thank you.

**MR. SCHNEIDER:**

You had already stated that, as far as for any cause can be brought up on charges.

**LEG. SPENCER:**

Thank you.

**P.O. GREGORY:**

Thank you, Legislator Spencer. Legislator D'Amaro.

**LEG. D'AMARO:**

How much time is left on the current term?

**MR. SCHNEIDER:**

Four-and-a-half years.

**LEG. D'AMARO:**

Four-and-a-half years. Why can't we just do a waiver of the requirement, you know, that you're appointed for the balance of the existing term? Why can't we just do it as a waiver on a case by case basis?

**MR. NOLAN:**

Legislator D'Amaro, I just thought perhaps I could pop in here and say that we're doing this Charter Law. We actually are at the supersede provisions of State Law. As a Charter County we have that authority. But in order to do that, you know, it would have to be at least in Local Law form. It really should be a Charter Law in this particular situation, since we're looking to supersede the Public Officer's Law. So it's difficult to do. You know, I don't think Alan has the authority to waive it, and if -- I think the authority is here and this is the way we have to exercise that authority.

**LEG. D'AMARO:**

I mean, in theory and on paper it sounds wonderful that you have a -- the ultimate candidate for Medical Examiner, but it's also an opportunity for the County to appoint someone for less than a full term to give us the ability to bring that person up for renewal, if you will, to give -- to chime in on job performance and things like that. So we're giving that up. And you know, it's luck of the draw whether a person comes in and needs to be appointed. They might have five years and eight months left on that term, or they might have three months left on that term. But it is a method that we have to try and at least give us some opportunity occasionally to review the performance of the person appointed to the term. And I'm not really sure if we should do this in every instance.

**MR. SCHNEIDER:**

Oh, I'm not sure we should do it in every instance.

**LEG. D'AMARO:**

But that's what the law is providing for. This law says that if we adopt this Charter amendment, that every time there's a vacancy in the Medical Examiner's Office, the new person will be appointed for a six year term.

**MR. SCHNEIDER:**

In the Medical Examiner's Office. And I'm saying that in the future, I don't believe there's going to be any vacancy if, and I'm assuming if Dr. Caplan gets confirmed by this Legislative body, which I believe he will.

**LEG. D'AMARO:**

No, but let me just interrupt you there. I heard that testimony. I discount that because I believe that you believe that, but I mean, it may have nothing to do with his performance. He may get a better offer a year from now and decide it's worth moving again. My point is you just can't predict the future. But what I do know is that if we appoint the Medical Examiner in every instance to a six year term, then we are committed to that person short of committing an offense for removal, and we don't have an opportunity to review their performance except after six years. So it's -- what we're doing is we're changing the Charter Law to accommodate someone that we would really like to hire, but in the same -- but at the same time, we're also giving up our ability to periodically review candidates less than six years out.

**MR. SCHNEIDER:**

Well, Legislator D'Amaro, in all due respect, we are -- you're looking at it from out in the future, and I'm looking at it from the standpoint of today and the fact that we have had a vacancy in our Medical Examiner's Office for seven, eight months.

**LEG. D'AMARO:**

Right. But with all due respect to you, if a person is that great and exemplary in their position and the County is offering them a substantially increased salary, and is giving them four-and-a-half years --

**MR. SCHNEIDER:**

No, we're not offering --

**LEG. D'AMARO:**

Let me finish. That person should have the confidence to move here, uproot themselves and their family, change their life and should be very confident in the fact that, you know, four-and-a-half years later they possibly, you know, that they will be reconfirmed by the Legislature.

**MR. SCHNEIDER:**

But you're --

**LEG. D'AMARO:**

Why is the onus put on us to have to give up that authority that we have before we even meet this person just based on you telling me he's the ultimate candidate? I mean, I don't know that. Maybe you should have brought the candidate down, we should have the hearing and then we should decide whether to give him the full term.

**MR. SCHNEIDER:**

I think, again, in respect to you as a Legislator, you're saying that --

**LEG. D'AMARO:**

But you see, Alan, my point is --

**MR. SCHNEIDER:**

You keep interrupting me.

**LEG. D'AMARO:**

I know I do, because I know what you're going to say.

**MR. SCHNEIDER:**

You don't know what I'm going to say.

**LEG. D'AMARO:**

You say with all due respect to me as a Legislator, all right, but you're not respecting this Legislature. You're asking us to grant someone a six year term as Medical Examiner and you're not even presenting that person. So where's the all due respect?

**MR. SCHNEIDER:**

Legislator D'Amaro, I've been coming in front of this Legislature for 30 years and this is the first time anybody has said that I am not showing respect for this Legislature.

**LEG. D'AMARO:**

I'm talking about by not bringing the candidate here but asking us to basically do away with the authority that we have to review candidates for less than a six year term.

**MR. SCHNEIDER:**

You said that we're offering this candidate a big increase in salary. We increased the salary to match a similar salary to what the candidate is earning. We're not making the candidate rich by offering him this salary. We are offering him a job back in Suffolk County on Long Island in a very modern facility. We need a Medical Examiner. We don't have a Medical Examiner. We have spent seven months of interviewing people. We have found a candidate.

**LEG. D'AMARO:**

I know all this. I know all this, but you're not addressing my point.

**MR. SCHNEIDER:**

We have offered him this job, the County Executive has offered him this job.

**LEG. D'AMARO:**

Right.

**MR. SCHNEIDER:**

With a six year term.

**LEG. D'AMARO:**

But you know what you did? You offered that job and changed the conditions of employment before you even came to this Legislature. That's what you did. And now you come here and tell us you have to pass this because we already made the offer.

**MR. SCHNEIDER:**

No, I didn't say you have to.

**LEG. D'AMARO:**

Well, in effect that's what you're saying. We can get tied up on semantics all night, that's fine, but the fact of the matter is you were authorized or the County was authorized to offer this position at that salary under certain terms and conditions, including a four-and-a-half year term. So you make the offer for a six year term and then you come here and say we have to change this. I mean, it's kind of like the cart before the horse, isn't it? Just like you came here for the salary increase before you made the offer, I think you should have done this before you made the offer. And now on top of that, I have to give the full six year term because you're telling me he's the ultimate candidate. How do I know that? You don't even bring the person down here.

**MR. SCHNEIDER:**

He's going to be here in two weeks and then you'll have your opportunity to judge him.

**LEG. D'AMARO:**

Well, then maybe we should hold this for two weeks.

**MR. SCHNEIDER:**

No.

**LEG. D'AMARO:**

No, because you already made the offer.

**MR. SCHNEIDER:**

That's your -- you know, that's your decision, Legislator D'Amaro. I'm not saying you have to do anything. We brought this resolution to the Legislature and I am asking you --

**LEG. D'AMARO:**

I understand that.

**MR. SCHNEIDER:**

-- to do this.

**LEG. D'AMARO:**

I understand that you're asking.

**MR. SCHNEIDER:**

I'm not saying you have to do this. I am asking you to do this because we have gone through this process.

**LEG. D'AMARO:**

Right.

**MR. SCHNEIDER:**

And I will take the blame for offering him the six year term, because I was under the assumption that Yvonne left this job and that he was entitled, according to our Charter, to a six year term. And that's how we advertised the position in the first place.

**LEG. D'AMARO:**

Oh, okay. So it was --

**MR. SCHNEIDER:**

That's how the job was advertised. That's how it was discussed with all the candidates. And it was only in the last couple of weeks that it was brought to my attention that the Public Officers Law talks about the filling of the unexpired term. So I felt that we had a problem because we based the job offer on our discussions and the advertisement and that's what the candidate was under the impression of and that's what he was offered.

**LEG. D'AMARO:**

Okay. Was there any discussion with the candidate that we're not authorized to offer a six year term, it would be four-and-a-half?

**MR. SCHNEIDER:**

No, because I would hate to go back and say that to him.

**LEG. D'AMARO:**

You'd hate to correct the error and tell them what the law says.

**MR. SCHNEIDER:**

I would, I would.

**LEG. D'AMARO:**

Well, I don't agree with that, Sir, at all. You're coming here asking us to give up some authority based on the fact that, you know, that this offer was made in a certain way, which was not authorized. So instead of going back to the candidate and exploring whether or not that candidate would be willing to move for a four-and-a-half year term, it's easier just to come here and say well, you know, take it or leave it. I don't understand why you would do that.

**MR. SCHNEIDER:**

I'll tell you why.

**LEG. D'AMARO:**

Especially that's such a critical position, so we have an opportunity to limit a term perhaps to four-and-a-half years. What if three months into the job it turns out that this is not the ultimate candidate for the position? I mean, that's almost against the County's interest. If we have an opportunity to review someone's job performance in less than six years, shouldn't we keep that

opportunity? Isn't that in the best interest of the County?

**MR. SCHNEIDER:**

No, I don't believe it is.

**LEG. D'AMARO:**

Well, I disagree with you.

**MR. SCHNEIDER:**

I don't believe it is. I think what's in the best interest of this County right now is to get a Chief Medical Examiner and in the event that we went back and said to him now, "Sorry, we made a mistake, I believe that the best we can do is offer you the term of four-and-a-half years", maybe he'll accept that, but maybe he will say, "Well, I'm sorry, I'm not going to accept that. I was expecting the full six year term". He's had other job offers. He's accepted this job offer. I do not want to be in the position of having to go back and start this process all over again after seven months of seeing one candidate after another and finally finding the person that I believe is going to lead this Medical Examiner's Office with dignity and professionalism.

**LEG. D'AMARO:**

Right. I understand that, and frankly you put yourself in this position, not anybody else. But, you know, you're making offers that you're not authorized to make. And even that, it's like building a firehouse without getting the public referendum published. You know, it's the same thing. And you know, again, I don't have an issue with an error being made like that. What I have an issue with is that rather than go back to the candidate and explain that, okay, we're going to just say let's go to the Legislature and say, you know, we're not going to ask the question, so let's just waive our authority. Let's give up some of our authority, and you know, now, for the rest -- until the end of time, now if the Medical Examiner has a year left on the term, we're going to have to give them six years. If the Medical Examiner leaves and there's five years left, we're going to have to give them a year. It's why diminish the authority of the Legislature at the expense of a candidate for the Medical Examiner. There's no long-term thinking in that at all, especially that you're not willing to ask.

**MR. SCHNEIDER:**

Actually, I kind of disagree with you, because being a term officer and where it's prescribed that you get a six year term, I kind of believe that if somebody leaves a job, a new person coming in should get a six year term.

**LEG. D'AMARO:**

I don't.

**MR. SCHNEIDER:**

Then you and I can argue all night here.

**LEG. D'AMARO:**

It's extremely uncommon. In fact, even for elected office you fill unexpired terms. It's extreme. We don't even have that luxury. We as the policymaking body of this Legislature, if you fill an unexpired term in a special election, then that's it. You have to run again.

**MR. SCHNEIDER:**

I understand that.

**LEG. D'AMARO:**

That's the rules.

**MR. SCHNEIDER:**

And that I understand.

**LEG. D'AMARO:**

Well, you know, again, for this Medical Examiner, who you believe is a great candidate, and I hope I agree with you when we get an opportunity to interview the person, and I'm not discounting that you're saying they're a great candidate, but again, I just don't see the point of amending the Charter to take away authority from this Legislature that we have already and not even presenting the candidate. And I think if anything, there should be a mechanism in place perhaps where we would have the authority to waive the requirement that it's only for the balance of the unexpired term, but on a case by case basis. The candidate gets presented, we can decide whether we want to do, you know, the three years remaining or the full six year term.

But again, I just don't agree with diminishing the authority of the Legislature. We have very little authority as it is when it comes to appointed officials with a term. And now we're going to get no authority with that. So if someone could come in with a year-and-a-half remaining on a term where we can evaluate that job performance, we're giving up that authority. And I don't think that's the right -- I don't think that's the right way to handle this particular situation.

**P.O. GREGORY:**

Can we agree that you guys are going to disagree? We're kind of going in circles.

**LEG. D'AMARO:**

Well, with all due respect, I don't think I'm going in circles. I think I'm trying to make a point.

**P.O. GREGORY:**

No, I think you made a point.

**LEG. D'AMARO:**

Well, I'm glad you think so.

**P.O. GREGORY:**

And I've asked some of those very same questions. I had a conversation with Dennis Cohen, and what was relayed to me was that the offer was made and they felt if they went back to the gentleman that he would decline to come to Suffolk.

**MR. SCHNEIDER:**

That's a possibility.

**P.O. GREGORY:**

Right.

**LEG. D'AMARO:**

So let's change the Charter based on the possibility and not even ask the question. Look, it's fine. I'll just vote the way I have to vote. That's all.

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

**P.O. GREGORY:**

Okay. Legislator Schneiderman?

**D.P.O. SCHNEIDERMAN:**

First, Alan, thank you. Thank you for your 30 years of service. You have always been the go-to person, the expert on Civil Service matters. And it's actually refreshing to hear you say you made a mistake.

**MR. SCHNEIDER:**

Well, this isn't a Civil Service matter --

**D.P.O. SCHNEIDERMAN:**

It's really not, that's true.

**MR. SCHNEIDER:**

-- Legislator Schneiderman.

**D.P.O. SCHNEIDERMAN:**

That is true. But it is refreshing to hear you say that you made a mistake. And mistakes, as we saw earlier with the fire department, happens.

*(\*Laughter\*)*

**LEG. KENNEDY:**

Here we go. Get that out of your system.

**D.P.O. SCHNEIDERMAN:**

They happen. So thank you for your candor, your honesty about that. And I understand the complex position that you'd be in, either going back to that candidate, you want to have your options. So obviously, if we don't pass this, it's our prerogative to pass it or not.

**MR. SCHNEIDER:**

Absolutely.

**D.P.O. SCHNEIDERMAN:**

If it fails, you have to go back and he may or may not accept it. I have to say, I'm glad you found somebody. I'm glad you found somebody who sounds like a very strong candidate, we need an ME.

So I have a kind of slightly different line of question; I disagree with my colleague. But mechanistically, there are how many Commissioner level positions that have terms? There aren't very many. I know we did this with the DSS Commissioner. ME has, what, a five-year term?

**MR. SCHNEIDER:**

Yes.

**D.P.O. SCHNEIDERMAN:**

Or is it -- no.

**MR. SCHNEIDER:**

Five.

**D.P.O. SCHNEIDERMAN:**

Six years.

**MR. SCHNEIDER:**

No, five.

**D.P.O. SCHNEIDERMAN:**

ME has a five-year term, right.

**MR. SCHNEIDER:**

Five years in Social Service.

**D.P.O. SCHNEIDERMAN:**

In Social Service. And this term is a six-year term?

**MR. SCHNEIDER:**

This is six.

**D.P.O. SCHNEIDERMAN:**

Anything else?

**MR. SCHNEIDER:**

The Health Commissioner is six, the County Personnel Director is six and Real Property, Penny LaValle is six.

**D.P.O. SCHNEIDERMAN:**

Okay. And everything else serves at the pleasure of the County Executive.

**MR. SCHNEIDER:**

All the Commissioners and department heads serve at the pleasure of the County Exec.

**D.P.O. SCHNEIDERMAN:**

All right. So these particular posts were kind of distinguished from the other -- I guess because of continuity from administration to administrations or -- you know, what would be the purpose of the term on these posts rather than --

**MR. SCHNEIDER:**

Well, I know in mine that it would be virtually impossible to do your job without getting fired because you have to say no to the County Exec.

**D.P.O. SCHNEIDERMAN:**

All right. So it's basically to protect those Commissioners. Now, with DSS, I'm just trying to imagine, you have a County Executive appoint somebody to, let's say, a five-year term in their first year as County Executive. Their last year as County Executive, assuming they're not running -- not talking about this County Executive, some future County Executive. You now have that Commissioner, let's say the DSS Commissioner, with one year left. That DSS Commissioner steps down, then that outgoing County Executive could then appoint another five-year term so the next County Executive wouldn't get to appoint that Commissioner. So that could create a problem, right; are you following what I'm saying?

**MR. SCHNEIDER:**

Yeah. Well, that happens --

**D.P.O. SCHNEIDERMAN:**

In some cases.

**MR. SCHNEIDER:**

That happens all the time.

**D.P.O. SCHNEIDERMAN:**

But the ME is slightly different, right?

**MR. SCHNEIDER:**

Yes, it is.

**D.P.O. SCHNEIDERMAN:**

In a sense. So tell me -- distinguish the ME post so I can -- it's clearly not a political type of post, it's a medical post.

**MR. SCHNEIDER:**

It's a doctor.

**D.P.O. SCHNEIDERMAN:**

It's a doctor.

**MR. SCHNEIDER:**

It's a doctor who's responsible for doing autopsies, the crime lab, the toxicology lab.

**D.P.O. SCHNEIDERMAN:**

Because I want -- just so you understand, I'm trying to distinguish this in my mind why we wouldn't do this for all of those posts that have terms. Why just the ME? So answer that; why just the ME should have this special provision? And maybe with that doctor/medical angle.

**MR. SCHNEIDER:**

Well, you're asking me a difficult question, Legislator Schneiderman, because I believe that any term officer who gets appointed to replace a prior term officer should get a full term. Legislator D'Amaro disagrees with that. I believe if there is a term attached to a job, that a new person coming in should get the full term.

**D.P.O. SCHNEIDERMAN:**

Right. Because I have to get past that we're doing it for this individual. Once you make it a Charter Law, this is permanent, and there may be situations in the future and this may be expanded to other posts, so I want to look at it carefully.

Certainly this is a really important position, so are -- the DSS Commissioner is a really important position. I wouldn't want it abused to deny an incoming County Executive the choice to fill some of these Commissioner level posts with the people who they think are, you know, best suited for those posts.

**MR. SCHNEIDER:**

I don't think -- I don't think a new incoming County Executive, if there wasn't a term, would remove a Chief Medical Examiner, because, I mean, obviously it's not in any way a political position. This is somebody who has to make a decision on everybody's death where there is any question about that death, who works with the DA, who works with the Police homicide --

**D.P.O. SCHNEIDERMAN:**

Right, so it's really not a policy position. And we did make it an independent position only about a year or two ago.

**MR. SCHNEIDER:**

That is correct.

**D.P.O. SCHNEIDERMAN:**

Right.

**MR. SCHNEIDER:**

Yes.

**D.P.O. SCHNEIDERMAN:**

With his own budget authority.

**MR. SCHNEIDER:**

Correct. It formerly was part of the Health Department.

**D.P.O. SCHNEIDERMAN:**

Health Department. So the body has basically distinguished that post out already, to some degree --

**MR. SCHNEIDER:**

Correct.

**D.P.O. SCHNEIDERMAN:**

-- wanting it to be independent. Okay, I think you answered my question.

**P.O. GREGORY:**

Legislator Kennedy.

**LEG. KENNEDY:**

Yes, thank you. Alan, I am going to ask if I can have a conversation with Mr. Brown for a second. I know you're here as the proponent of this piece of legislation. I know this has been a long and tedious process. I am interested in seeing this position come here and get this position, but I am somewhat concerned and somewhat persuaded by Legislator D'Amaro in that I don't think that it is something that's in the best interest of my constituents, or us collectively, to voluntarily diminish what we have as far as an appointment process.

And unlike what Legislator Schneiderman just spoke about with the appointments, I don't agree with that at all. And I think the distinguishing factor here is, is I believe the ME is unique to us in that we elected to create that position. You, the Health Commissioner, Department of Social Services, those are terms that I think we all find in State Statute. And quite frankly, I want those Commissioners to have the measure of protection, if you will, with that State Statute appointment because as you said, on occasion they may have to hold to --

**D.P.O. SCHNEIDERMAN:**

*(Inaudible).*

**LEG. KENNEDY:**

-- imposing or adhering to State law, perhaps to the conflict of the Exec. But let me talk to Dennis for a second. Maybe there's some middle ground here.

**MR. SCHNEIDER:**

Okay.

**LEG. KENNEDY:**

Thank you, Alan. Thank you. Okay, Counselor, it's your time in the barrel.

**MR. BROWN:**

Where do you want me to start?

**LEG. KENNEDY:**

Where do I want you to start. Here's where I want you to start. I want you to --

**MR. BROWN:**

I can just start with whether there's a diminishment of your power.

**LEG. KENNEDY:**

No, no, no, no. That -- I don't need you to advise me on that; that one I know about already.

**MR. BROWN:**

Okay.

**LEG. KENNEDY:**

What I do need you to tell me is, is there a way, other than permanently eliminating what is this appointment process for this position, for the six-year term and essentially eliminating the natural sequence that we have, and being able to extend the offer to this physician, waiving whatever that calendar requirement is as to this individual only and not eliminating or removing this provision that's in County Law and Public Offices Law.

**MR. BROWN:**

We proposed a Charter Law to deal with vacancies because we have that authority under the Constitution under the Municipal Home Rule law.

I think that I understand -- if I understand your question correctly, you're asking is there some other way to draft this Charter Law amendment with respect to giving more discretion to the Legislature on how vacancies shall be filled in the future; is that your question?

**LEG. KENNEDY:**

Well, we're kind of getting there. Again, let's make very clear, my question to you is for the ME only.

**MR. BROWN:**

Well, we're only dealing with the ME.

**LEG. KENNEDY:**

Right, okay.

**MR. BROWN:**

We're not dealing with anybody else.

**LEG. KENNEDY:**

That's the first place that we're at. Secondly, as to this particular offer, this set of unique circumstances with Dr. Caplan, is there a way for us, other than with this CN, to accommodate and to ratify the offer that was extended to him? I don't have an issue with the offer, and I'm hoping the guy walks on water.

The next question I'm going to have to you is whether or not we have a signed contract. Because if he does get up here and he's, you know, Dr. No-Good, then we need a way to be able to off-load him. But, you know, the offer for six years is out there. So is there a way to, other than this, perfect that offer and have it work?

**MR. BROWN:**

I don't think that there's a way to do that other than an amendment to the Charter dealing with the vacancies. If you're asking me if we could craft language that somehow alters what's being proposed so that some more discretion is given to the Legislature on how to fill a vacancy, I'm sure that we could come up with some type of language. But to do it other than a Charter Law amendment, I don't think so.

**LEG. KENNEDY:**

Okay. So then since I'm looking at this for the first time now, and you and I did have a conversation about this and you did answer some of my questions, which I appreciate, but -- so if Dr. Caplan comes and, for whatever reason, Dr. Caplan stays for two years and, I don't know, he wants to go to New Mexico or he wants to go anyplace else and he says, "You know what, folks? It's been nice. Thanks for the offer, I'm out of here, adios." Then the next doctor we get we'll be offering six years? From time going forward, regardless of the amount of time that a person spends in this position, each time we do the offer it will reset for six?

**MR. BROWN:**

That's the way the law is currently written; yes, that's correct.

**LEG. KENNEDY:**

Well, no, that's not the way the law is currently written.

**MR. BROWN:**

No, It is.

**LEG. KENNEDY:**

The way that you are proposing to amend will effectuate that. The way the law is written right now is --

**MR. BROWN:**

Yes, we agree.

**LEG. KENNEDY:**

-- Dr. Caplan could have 52 or 53 months, because it would be the completion of Dr. Milewski's term.

**MR. BROWN:**

The way that it's currently written is, yes, he would be -- he would fill out the balance of the term.

**LEG. KENNEDY:**

Okay.

**MR. BROWN:**

The way the Charter currently exists, I should say.

**LEG. KENNEDY:**

Do these -- will Dr. Caplan sign a contract with us?

**MR. BROWN:**

Will he?

**LEG. KENNEDY:**

Yes. There is no employment contract.

**MR. SCHNEIDER:**

No.

**LEG. KENNEDY:**

So similarly, Dr. Milewski did not have an employment contract.

**MR. SCHNEIDER:**

No.

**LEG. KENNEDY:**

So we are giving a term, but, in essence, they're an at-will employee. On their end --

**LEG. D'AMARO:**

Right.

**LEG. KENNEDY:**

-- we can't eliminate them, but if they secure something more favorable, or wake up one day and say, "*I don't want to be a doctor anymore. You know, I'm going to be a tree surgeon now,*" they could leave.

**LEG. SPENCER:**

Or be a Legislator.

**LEG. KENNEDY:**

Go figure. There you go.

**MR. SCHNEIDER:**

Anybody could do that.

**LEG. KENNEDY:**

Well, not necessarily anybody can do that. And it's almost -- again, I'll go back to what Legislator D'Amaro was talking about in that we're being asked to accommodate, but in essence, what we're getting on the other side is no con-committant accomodation. We're not getting a greater degree of assurance. We're not getting -- I mean, there's an offer made, he's orally accepted. The only way he perfects, I guess, is that he shows up after we all get an opportunity to talk to him about what kind of doctor he is. So I'll go back to, I'll go back to, is there any way that we can, in this instance, waive what that limitation would be as to Dr. Caplan specifically?

**MR. BROWN:**

Not without an amendment to the Charter Law.

**LEG. KENNEDY:**

Well, we have one now. So, I mean, you know, fortunately everybody's got ink in their pens. We could mark it up.

**LEG. D'AMARO:**

I have a suggestion.

**LEG. KENNEDY:**

I'll yield.

**MR. NOLAN:**

I would also just say that, you know, down the road we could amend the Charter again. You know, this is not, you know, in perpetuity. I mean, we could amend the Charter as we're doing tonight, if in the future the Legislature decides --

**LEG. KENNEDY:**

Yeah. But George, look --

**MR. NOLAN:**

I'm just pointing it out, John.

**LEG. KENNEDY:**

Yes, you are. Yes, you are. But when we get asked to amend the Charter, first of all, it is a significant issue to begin with. Secondly, it is not something where we should -- we should have at least a little bit of time to understand what the significance is going forward. Let me yield because there's probably other people that want to talk, but I want to come back to this.

**P.O. GREGORY:**

Okay. Legislator Muratore.

**LEG. MURATORE:**

Thank you. I really think we should listen to Legislator D'Amaro.

You know, we're giving up a lot here. We do it every meeting, every session we have we're giving up more and more of the authority we have. We have the right to make certain decisions here and, you know, we want to hold on to those. You know, we're doing it to the public by taking away their right of choice. You know, like you can't buy cigarettes unless you're 21, you know, and you can't buy -- and now e-cigarettes, you know, we're going to do that to them. So we're doing it to the public and, in turn, we're doing it to ourself also. So I really think we should listen to Legislator D'Amaro and really think about this one twice.

**P.O. GREGORY:**

Okay. Legislator Hahn.

**LEG. HAHN:**

So some of the questions I had were covered by Legislator Schneiderman. But I just want to confirm. There are several Commissioners that already get five or six-year terms and their terms do not -- they don't get a -- they don't fill the remainder of the term, they get a new term upon completion, right? Like you listed them.

**MR. NOLAN:**

That is true for like the Department of Social Services Commissioner; under State law, each term they get a new term --

**LEG. HAHN:**

Right.

**MR. NOLAN:**

-- because there's a provision of State law that says that.

**LEG. HAHN:**

Right, so that was already answered. What is there -- just so that I am clear. Is there or what is the process to remove someone in a position that has a term?

**MR. SCHNEIDER:**

Well, speaking for myself, Kara, I could be brought up on charges, even though I have a six-year term appointment, for any wrongdoing that I do, just like any other employee with permanent Civil Service can be brought up on charges.

**LEG. HAHN:**

It would have to be egregious, but there is a process --

**MR. SCHNEIDER:**

There is a process.

**LEG. HAHN:**

-- to remove someone if --

**MR. SCHNEIDER:**

That's correct.

**LEG. HAHN:**

-- if they're not --

**MR. SCHNEIDER:**

And in my case, that's spelled out in Civil Service Law.

**LEG. HAHN:**

And so Civil Service law applies to this appointed position with a term.

**MR. SCHNEIDER:**

Charter.

**D.P.O. SCHNEIDERMAN:**

Charter Law.

**LEG. HAHN:**

Charter Law, not Civil Service Law; is that what we're saying? Sorry, is there a difference?

**LEG. D'AMARO:**

A big difference.

**LEG. HAHN:**

Yes, okay. Those were -- I think most of the questions that I had have been asked. I just wanted to make sure I was clear on those things. Thank you.

**P.O. GREGORY:**

Okay, Legislator Krupski.

**LEG. KRUPSKI:**

Thank you. And it's in the line of thinking of Dr. Kennedy -- I mean Legislator Kennedy over there, sorry.

*(\*Laughter\*)*

**LEG. KENNEDY:**

What now? *(Laughter)*.

**LEG. KRUPSKI:**

You asked a question, I was going along those lines there about -- and I did have ink in my pen.

**LEG. KENNEDY:**

There you go.

**LEG. KRUPSKI:**

And it's a question for Dennis Brown, in that if you did change it to -- you know, that the term of the vacancy may be waived and filled by appointment of the County Executive for a six-year term. I mean, if we're changing everything, why not just change it to say that for this one instance?

**MR. BROWN:**

We could come up with alternative language to go in the Charter Law, yes.

**P.O. GREGORY:**

Are you done, Legislator Krupski?

**LEG. KRUPSKI:**

Yes, thank you.

**P.O. GREGORY:**

Okay. Legislator Calarco.

**LEG. CALARCO:**

My question was answered.

**P.O. GREGORY:**

Okay. Legislator D'Amaro.

**LEG. D'AMARO:**

All right, in the spirit of picking up on what my colleagues are talking about and amending or accommodating this Legislature, Dennis, would it be -- I'm sorry. Is he still here?

**MR. BRAUN:**

I'll get him.

*(\*Brief Pause\*)*

**MR. BROWN:**

Yes, I'm sorry.

**LEG. D'AMARO:**

That's all right. Is it possible to revise the Charter Law to read that the Examiner can be appointed to a full six-year term, or the remainder of the unexpired term as determined by the Legislature?

**MR. BROWN:**

I'm sure that we could come up with some language to accommodate what's been expressed here. I wouldn't want to commit tonight to that specific language. I might want to look at case law, I might want to look at other provisions of State law.

**LEG. D'AMARO:**

All right.

**MR. BROWN:**

But I'm certain, because we have to do this by Charter Law --

**LEG. D'AMARO:**

Right.

**MR. BROWN:**

That we can come up with something.

**LEG. D'AMARO:**

Right. So you have to keep it within the bounds of what we're permitted to do, I understand that.

**MR. BROWN:**

Correct.

**LEG. D'AMARO:**

But then you would have a procedure where you had a vacancy in the Medical Examiner's Office, the individual would come to the Legislature to be interviewed after being put forth by the County Executive, and that person could be told that, you know, *"You have an opportunity to get the full six-year term or the balance of the term,"* and, you know, everyone can chime in on that opinion at the time that the person is up for review before the Legislature. So that would be a suggestion that I would make.

And then when this candidate comes forward and if this candidate is acceptable to all of the members of the Legislature for a six-year term or for the four-and-a-half-year term, we can make that decision at that time.

**MR. BROWN:**

I do see potentially practical problems with the solution that you're offering, and namely that -- and it's -- you know, so this is really my opinion and my goal here is to give you legal advice. But from a practical perspective is I see that as not offering enough certainty to a potential candidate.

**LEG. D'AMARO:**

I understand that. But, you know, so why are we giving up the right to make that determination and so concerned about the applicant all the time? You know, I don't want to argue policy with you. I understand your role here.

**MR. BROWN:**

Right.

**LEG. D'AMARO:**

But I would just submit that if the person is qualified to the extent we believe they should be offered the full six-year term, then that should be our option. And I'll tell you, that would put me, if I were interviewing for the position and I knew that I had a four-and-a-half year shot and a six and I knew I wanted the six, I think I would come up and really make my case. Why are we always diminishing our standards in favor of other individuals outside of the County that's not -- you know, Legislator Kennedy is exactly right and Legislator Muratore says the same thing, it's -- you know, we have these specific powers to protect our taxpayers and to protect our residents, that's why they're there. And yet we're giving up everything while we're letting the applicant come in and not have to be as strenuous and advocating for themselves to convince us they should have a six-year term. All right, so that's a policy argument.

**MR. BROWN:**

Okay (*laughter*).

**LEG. D'AMARO:**

If you would look into whether or not that would be permissible, I would appreciate that and I'm sure my colleagues have other suggestions or amendments as well.

**MR. BROWN:**

Okay, thanks.

**LEG. D'AMARO:**

Thank you.

**P.O. GREGORY:**

Legislator Cilmi.

**LEG. CILMI:**

So I do find some merit in the arguments raised by many of my colleagues here. But it seems to me that the problem is really with the -- with the length of these terms. And I know that we can't necessarily control the length of the terms, but I would just ask you -- ask those of you who were here in 2010 to recall that I had introduced -- it was IR 1370-2010, a Local Law -- a Charter Law to increase the accountability of department heads. And what that law proposed to do was to bring Commissioners and department heads, appointed by the County Executive, subject to Legislative approval, who serve at the pleasure of the County Executive, to bring them back after four-year periods, four consecutive year periods basically for reconfirmation. So that may be something that we want to explore. In fact, I'll work with Counsel and look at this again and see if it's something that I want to bring back up.

In this particular case, however, it seems to me that if Dr. Milewski had filled her full six-year term, that we would be asked to appoint a Medical Examiner for a new full six-year term at that point. So I don't see this as really diminishing our powers, but in a way, in a way I see how it may.

I still think that in any case, had the person in that position filled a six-year term, we would be appointing somebody for six years. We wouldn't have a second bite at the apple after three years or four years or five years or whatever, and I don't see the need to do that now in this case. And it's really exclusive of the arguments made by Mr. Schneider and whoever else specifically referencing this candidate, him or herself. I think there's merit to the argument of giving a new appointee, whoever that may be, the full six-year term at whatever time that may be. I think we should talk about it in that context rather than in the context of this particular candidate.

Now, I say of that -- I say all of that notwithstanding a shared sense of frustration at the fact that, you know, mistakes were made, at the fact that this is a CN and, you know, a variety of other things.

**P.O. GREGORY:**

Okay. Legislator Barraga.

**LEG. BARRAGA:**

As I listen to the argument, Alan, I certainly can understand certain points of view with reference to some of the members that maybe in the future we should have, as a Legislature, get to see a potential candidate before any final decision is made. Having said that, it is my impression that you have -- you or someone in the Administration has met with the candidate, you gave a commitment. You laid down the parameters in terms of salary and in terms of years; that was a commitment you

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made. And frankly, I think as an administration, as a whole we should live up to a commitment once we made an obligation. So all you're doing with this particular piece of legislation is extending the term from four-and-a-half to six years. There's no conjecture with reference to the salary, it's still \$250,000. And frankly, depending upon the market, you often have to make something very appealing to people that come from some other state into New York. As I understood your comments, the salary would be about \$250,000, but his spouse is also giving up a job, there's some sacrifice here. And you and the Administration gave a commitment that this is the deal and he's accepted it.

Now, I don't know if the man is going to stay a month or two years or three years, but my feeling is you made the commitment. Let's make the decision and if we have to change the decision later, we will. In the future, maybe we'll do it a little bit different, without changing Charters and all this other stuff. Someone can say, well, look, you know, if there's an opening in the future for Medical Examiner, you've got to bring this fellow in before the Legislature, we have to take a look at him, we have to ask him certain questions. But under these circumstances, because you made the commitment, I think we should take a vote and it goes up or down based on the legislation you have before us.

**P.O. GREGORY:**

Okay, thank you. I'm going to call for a five minute recess.  
We'll get back. All right, thank you.

*(\*The meeting was recessed at 7:29 PM\*)*

*(\*The meeting was reconvened at 7:48 PM\*)*

**P.O. GREGORY:**

Mr. Clerk, take a roll call.

**MR. LAUBE:**

Good evening.

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

**LEG. KRUPSKI:**

Here.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

Here.

**LEG. HAHN:**

Present.

**LEG. ANKER:**

Here.

**LEG. CALARCO:**

Present.

**LEG. LINDSAY:**

Here.

**LEG. MARTINEZ:**

Here.

**LEG. CILMI:**

Here.

**LEG. BARRAGA:**

Here.

**LEG. KENNEDY:**

*(Not Present).*

**LEG. TROTTA:**

Here.

**LEG. McCAFFREY:**

Here.

**LEG. STERN:**

Here.

**LEG. D'AMARO:**

Here.

**LEG. SPENCER:**

Here.

**D.P.O. SCHNEIDERMAN:**

Here.

**P.O. GREGORY:**

Here.

**MR. LAUBE:**

*Seventeen (Not Present: Legislator Kennedy).*

**P.O. GREGORY:**

Okay, we have IR 1486 before us. Do we have a motion?

**LEG. BARRAGA:**

Motion.

**P.O. GREGORY:**

Motion to approve.

**MR. LAUBE:**

Yes, you do.

**P.O. GREGORY:**

We have a second?

**MR. LAUBE:**

You have a motion and a second.

**P.O. GREGORY:**

Before I call the vote -- us in the Democratic Caucus, the Majority caucus I should say, not Democratic caucus.

**LEG. CILMI:**

What difference does it make?

**P.O. GREGORY:**

It doesn't make a difference, it doesn't, but I just want to be correct. That it was the feeling of the Caucus that there should be a change in the Charter Law that reflects a full term *may be* awarded instead of *shall*, but that will be done at a future date. We feel that there has been not necessarily a violation, but a -- the process hasn't been followed. And, you know, kind of after-the-fact fashion coming to the Legislature wasn't and isn't appreciated, and that is the sentiment of the majority of the Majority Caucus and that, we feel, will be corrected with future legislation that will be laid on the table. I think I pretty much sounded up, rounded -- said everything, right?

**LEG. CILMI:**

So are you with withdrawing you -- whoever made the motion and the second?

**P.O. GREGORY:**

No, no. You know, I believe there's support to move forward with the appointment today. But at a future date --

**LEG. CILMI:**

Oh.

**P.O. GREGORY:**

-- the Legislature, at least in the Majority Caucus, feel that it's important that we be able to measure or have the ability to award, if you count our vote for support, either the remainder of the vacancy or to issue a -- the six-year term, and that's something that we feel that this body is -- you know, it's at our discretion and we feel we shouldn't give up that right and it's expressly stated by several members in the Caucus. So that's -- we're going to move forward with that. Now, I have several people; Legislator Schneiderman and then Legislator D'Amaro, Legislator Kennedy.

**D.P.O. SCHNEIDERMAN:**

Well, I think that we certainly understand the need to have a Medical Examiner as soon as possible. We have a qualified candidate. We aren't pleased with the sequence of events. I believe that had the Administration come here like they did with the additional salary, asking for a seven -- a six-year term, the body probably would have said yes, if that's what it takes to recruit a qualified candidate. But we also, I think, recognized that a mistake was made, and an understandable mistake in my mind. So I think we want to proceed with getting this at least attempting to bring this ME on board as quick as possible for, you know, public safety reasons. So that's all I have to say. Thank you.

**P.O. GREGORY:**

Legislator Cilmi.

**LEG. CILMI:**

I have nothing more, no.

**P.O. GREGORY:**

Legislator Kennedy and then D'Amaro.

**LEG. KENNEDY:**

Mr. Presiding Officer, I thank you for your words, talking about the process. But I'll tell you -- speaking for myself, I'm not speaking for the Minority -- I don't think that the request of the Administration was unreasonable. And as a matter of fact, I had a conversation with the County Attorney yesterday as to this one individual. I think, like all 18 of us, all 17 of us, I think every one of us knows it's critical that we bring on an ME right now. We have been very, very, very fortunate that we have not wound up in the same circumstance as Nassau.

That notwithstanding, I am very, very concerned with this solution. I don't think a simple one or two-word change would have been that difficult. And while I did indicate that I was inclined to support this appointment, which I am and probably will in committee, I'm not supporting this process. And quite frankly, I didn't see this bill until about 15 or 20 minutes ago. And so to your point, it's not the individual that's the subject of criticism. And as a matter of fact, if you go on the County law, each one of us is supposed to ascertain that this individual has the skill and competency to undertake dissections. Maybe Legislator Spencer's going to help us out with that one, because I don't know how you ascertain that. We really are supposed to be voting on what this individual's skill set and merits are that he brings to the job. So I'm not going to join in supporting this one.

**P.O. GREGORY:**

All right. Legislator D'Amaro.

**LEG. D'AMARO:**

Thank you. I'm going to separate the issue of the need and the importance of getting a Medical Examiner here in the County from all the other issues we're discussing, including whether or not we should be changing the Charter to always allow a six-year term or whether there should be some kind of alternate provision that allows us to grant either the six-year term or the unexpired term. Just talking about procedure for a moment, we are here tonight having never met the candidate, we don't know anything about this person, and yet I'm being told that because this person was offered the six-year term, that they're now relying on that and relocating based on that. I think this is putting the cart before the horse. I think that going forward, we have to revisit this Local Law that we're going to pass that always grants the Medical Examiner a six-year term; I don't think it's appropriate to do that.

But with that said, I think it's more important that we keep this process moving and that we get that office filled as soon as we possibly can. So for that reason and only that reason, I'm going to support this bill tonight, but I do think that we should revisit the amendment that we're actually making to the Charter for this individual that we've never interviewed, and I think we have to revisit the procedure at length. But I'm not going to hold up the process because I think it's important to fill the Examiner's Office as quick as possible because the County is probably at risk without someone heading up that department.

**P.O. GREGORY:**

Okay, thank you. We have a motion and a second. I'm going to call the vote. All in favor? Opposed? Abstentions?

**LEG. KENNEDY:**

I'll abstain.

**LEG. MURATORE:**

I'll abstain also.

**MR. LAUBE:**

*Sixteen (Abstentions: Legislators Muratore & Kennedy).*

**P.O. GREGORY:**

All right, motion passes.

***IR 1427(-14)*** on page nine, ***Amending the Adopted 2014 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2014 Capital Budget and Program, and appropriating funds in connection with Nitrogen Fertilizer Reduction Initiative (CP 8710.120)(County Executive).***

**LEG. KRUPSKI:**

Motion.

**P.O. GREGORY:**

Motion; is that Legislator Krupski? Motion by Legislator Krupski, second by Legislator Schneiderman. Any questions? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

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

**P.O. GREGORY:**

***IR 1314-14 - Adopting Local Law No. -2014, A Local Law to require consumer notification for disparate gasoline pricing (Schneiderman).***

**D.P.O. SCHNEIDERMAN:**

I'll make a motion to approve.

**LEG. HAHN:**

Second.

**LEG. KENNEDY:**

Motion to table.

**LEG. CILMI:**

Second.

**P.O. GREGORY:**

Okay. Motion to approve by Legislator Schneiderman, second by Legislator Hahn. Motion to table by Legislator Cilmi, seconded by --

**D.P.O. SCHNEIDERMAN:**

On the motion.

**LEG. KRUPSKI:**

No, no, I didn't -- I didn't make any motions.

**LEG. CILMI:**

Kennedy made the motion. I'll second.

**P.O. GREGORY:**

I'm sorry. Motion to table by Legislator Kennedy, seconded by Legislator Cilmi. On the motion, Legislator Cilmi and then Krupski.

**LEG. CILMI:**

I'm not on the list. I don't have to talk.

**P.O. GREGORY:**

Yeah, I did. That's what I said.

**D.P.O. SCHNEIDERMAN:**

No, you said Legislator Cilmi.

**P.O. GREGORY:**

Oh, I meant Schneiderman. I'm sorry.

**D.P.O. SCHNEIDERMAN:**

That's okay. I'll just be very brief. I know that the votes are not there to pass this tonight, so it's likely to be tabled. You know, I'm going to continue a dialogue with the Gasoline Retailers and with some of the other Legislators who have expressed some concerns here. You know, I do think that something needs to be done about these particular gas stations that are charging exorbitant differences for credit card purchases. People are getting caught off-guard and I think this is a place for action, for us to do something to protect those consumers. And it's unfortunate it won't happen tonight, but there's been some good points brought to my attention by various Legislators, including Legislator Hahn, and I'd like to consider those. So although I will oppose the tabling, I look forward to continued debate on this matter.

**P.O. GREGORY:**

Legislator Krupski.

**LEG. KRUPSKI:**

I really never thought I would be championing the cause of the Gasoline Retailers, but this is just an anti-business and it's -- I see it as passing -- anything we make these people do in this regard where you already have notification is going to add to the price of gas, it's going to be passed on to the consumers and I object to that.

**P.O. GREGORY:**

Legislator Browning.

**LEG. BROWNING:**

Well, I think everything Al said. But in addition to that, I will continue to say it is time for government to stop trying to tell everybody what they can and cannot do. I'm sorry. I've jokingly said I'm going to put in a bill to mandate everybody live in a bubble and government will just control them, because it's just -- we're getting out of hand. We're really getting out of hand. And I think -- I'm not going to support a tabling. I'm not going to support a tabling. I would like to see up or down. I just think this is -- you know, we can't hold everybody's hand every time they go to buy cigarettes or e-cigarettes or, you know, buy energy drinks. We just have to stop. You know, we have so many more things to worry about and I think this is just not something that we should be even addressing. So I would prefer not to support a tabling. I say vote it up or vote it down.

**P.O. GREGORY:**

Okay, Legislator Lindsay.

**LEG. LINDSAY:**

I think the intent of the legislation was well intended. I don't think it's -- would accomplish what it was originally set out to do, which the problem that we have is you have gas stations advertising one price and you pull in and you get to the pump and it's a completely different price if you're paying by credit card. So I would support tabling the -- tabling it at this point and then revising it to show that, you know, if you do want to charge an exorbitantly higher price for credit cards, then you have to advertise that on the street. That you should not be allowed to falsely advertise your price and do a bait and switch when somebody pulls into the station. So that's my opinion.

**P.O. GREGORY:**

Okay, thank you. Just a little anecdote. I was at an event last Friday and, you know, the National Association of Social Workers and I was at a table of people and we just got on a discussion. They said, *"What's going on in the Legislature? What are you guys talking about?"* And I brought up this bill and, you know, it was a table of maybe ten people and five of the people, they got all excited, *"Yeah, yeah. There's a Mobile gas station I told Legislator Calarco about on Main Street and 111 or 101,"* and the woman said, *"I'm so upset. The credit card price, the different between the credit card price and the cash price is \$1.22."* That to me is egregious.

Obviously the bill's not going anywhere today, but I think something should be addressed. And possibly, I guess, you know, putting the highest price, posting it on the street could address that concern. But I think, you know -- I think that's -- you know, a dollar twenty-two cents, there's no justification for that at all. And to put it on, you know, a mother who drives up to the pump, has the baby in the car seat and you've got to look and then you're asking her to drive to another location to find a cheaper or less expensive transaction fee, I think that's -- you know, that's a little bit much. But anyway, anyone else? No? Okay, we have the --

**LEG. CALARCO:**

Just for the record, that gas station was always a dollar more than everybody else, even before this credit/non-credit price thing came into play.

**D.P.O. SCHNEIDERMAN:**

It makes it \$2 more then.

**P.O. GREGORY:**

Okay. So motion to table goes first. Roll call.

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

**LEG. KENNEDY:**

Yes.

**LEG. CILMI:**

Yes to table.

**LEG. KRUPSKI:**

Yes.

**LEG. BROWNING:**

Pass.

**LEG. MURATORE:**

Yes.

**LEG. HAHN:**

No.

**LEG. ANKER:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. CALARCO:**

Yes.

**LEG. LINDSAY:**

No.

**LEG. MARTINEZ:**

Yes.

**LEG. BARRAGA:**

No.

**LEG. TROTTA:**

Yes.

**LEG. McCAFFREY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. SPENCER:**

Yes.

**D.P.O. SCHNEIDERMAN:**

No to table.

**P.O. GREGORY:**

Yes to table.

**MR. LAUBE:**

Fourteen. Oh, sorry, pass; Legislator Browning?

**LEG. BROWNING:**

No.

**MR. LAUBE:**

*Thirteen.*

**P.O. GREGORY:**

Okay, motion's tabled.

***IR 1355-14 - Approving the reappointment of Angelina M. Marketta as a member of the Suffolk County Home Improvement Contracting Board (County Executive).***

**LEG. CALARCO:**

Motion.

**P.O. GREGORY:**

Motion -- was that Legislator Calarco? Motion by Legislator Calarco. I'll second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

***IR 1356-14 - Approving the reappointment of Christian B. Lister as a member of the Suffolk County Plumbing Licensing Board (County Executive).*** Same motion, same second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

***IR 1357-14 - Approving the reappointment of Daniel J. Meehan as a member of the Suffolk County Plumbing Licensing Board (County Executive).*** Same motion, same second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

***IR 1358-14 - Approving the reappointment of Mario Mattera as a member of the Suffolk County Plumbing Licensing Board (County Executive).***

**LEG. KENNEDY:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Kennedy.

**LEG. McCAFFREY:**

Second.

**P.O. GREGORY:**

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

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

***IR 1359-14 - Approving the reappointment of Richard L. Crescenzo as a member of the Suffolk County Commercial, Industrial, Residential Septic Tank/Sewer Drain Treatment, Bacteria Additives and Maintenance Board (County Executive).*** I'll make the motion. Second by Legislator McCaffrey. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

***IR 1384-14 - Approving the reappointment of Frank DiFazio as a member of the Suffolk County Electrical Licensing Board (County Executive).***

**LEG. CILMI:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Cilmi.

**LEG. KENNEDY:**

Second.

**P.O. GREGORY:**

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

**MR. LAUBE:**

*Eighteen.*

**LEG. LINDSAY:**

Abstention.

**MR. LAUBE:**

*Seventeen (Abstention: Legislator Lindsay).*

**P.O. GREGORY:**

***IR 1385-14 - Approving the reappointment of Clarence W. Coleman as a member of the Suffolk County Commercial, Industrial, Residential Septic Tank/Sewer Drain Treatment, Bacteria Additives and Maintenance Board. (County Executive).***

**LEG. KRUPSKI:**

Motion.

**P.O. GREGORY:**

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

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

***1452-14 - Appropriating funds in connection with the replacement of weights and measures inspection vehicles for the Suffolk County Department of Labor, Licensing and Consumer Affairs (CP 1813). (County Executive).***

**LEG. CALARCO:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Calarco.

**D.P.O. SCHNEIDERMAN:**

Second.

**P.O. GREGORY:**

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

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

Same motion, same second on ***IR 1452A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$188,000 Bonds to finance the purchase of replacement vehicles for use by the Suffolk County Department of Labor, Licensing and Consumer Affairs. (CP 1813.511)***, roll call.

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

**LEG. CALARCO:**

Yes.

**D.P.O. SCHNEIDERMAN:**

Yes.

**LEG. KRUPSKI:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MARTINEZ:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. TROTTA:**

Yes.

**LEG. McCAFFREY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. SPENCER:**

Yes.

**P.O. GREGORY:**

Yes.

**MR. LAUBE:**

Eighteen.

**LEG. TROTTA:**

No.

**MR. LAUBE:**

*Seventeen on that last vote (Opposed: Legislator Trotta).*

**D.P.O. SCHNEIDERMAN:**

I'm trying to make a motion to take the Bond for the Eastern Campus.  
I know that's what Mr. Zwirn is here for.

**MR. NOLAN:**

It's IR 1402, it was tabled earlier. But since then, the underlying bill has been amended and brought to us as a Certificate of Necessity. So in a procedural sense, I think we should make a motion to reconsider 1402 first --

**D.P.O. SCHNEIDERMAN:**

Okay. So --

**MR. NOLAN:**

-- since it's been tabled.

**D.P.O. SCHNEIDERMAN:**

All right. So I'll make a motion to reconsider 1402 which was tabled earlier.

**LEG. KRUPSKI:**

Second.

**P.O. GREGORY:**

Second by Legislator Krupski. On the motion?

**LEG. CILMI:**

On the -- well, not on the motion to reconsider.

**P.O. GREGORY:**

Okay. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

Okay, same motion, same second.

**D.P.O. SCHNEIDERMAN:**

To approve.

**P.O. GREGORY:**

To approve, I'm sorry.

**LEG. CILMI:**

On that motion.

**P.O. GREGORY:**

Legislator Cilmi, on the motion.

**LEG. CILMI:**

I don't see Gail here; is she gone?

**P.O. GREGORY:**

Ben's here.

**MR. ZWIRN:**

No, she's gone.

**LEG. CILMI:**

Just in -- sort of to carry on some of the conversation that we had referenced a bill that came right before this, Legislator Krupski had raised some concerns based on a presentation that we -- that we heard yesterday. And this Bond is significantly more money, I think it's -- this is \$8 million or so, I think, of serial bonds. And I'm just wondering if you can just share with us, Ben, where we're at in the process for this particular building.

**MR. ZWIRN:**

Legislator, we're ready almost for ground breaking on this one. The planning money has been spent, the project is ready to be let out for bid and to go. This is a really important project, not just to the Community college, but to the whole East End of Long Island. You know the way that the Grant Campus, the Health & Wellness Facility there, Legislator Kennedy will tell you how many people use that.

**LEG. CILMI:**

Yeah, I remember it well.

**MR. ZWIRN:**

-- in his district and outside the college. And this facility will be available to school groups, Police Departments for dive team exercises where they have to now go way up Island to do it, because there are no public pools except for one in the Town of East Hampton that was built when Legislator Schneiderman was the Supervisor out there at the YMCA. This will also provide space for an exposition center. I mean, this is a -- it's more than just -- people say it's a gymnasium and a pool.

It really is going to be a focal point for economic development.

**LEG. CILMI:**

I can see all of that. And in fact, if I'm not mistaken, I think I've supported --

**MR. ZWIRN:**

Absolutely.

**LEG. CILMI:**

-- everything for this particular building up until now, and I'm not saying that I won't support this. But in light of the presentation that we had yesterday, and in light of the fact that we're on the precipice of dealing with -- or we are dealing with our Capital Budget now, which will be approved or amended within the next month or so, I suppose.

**MR. ZWIRN:**

Yes.

**LEG. CILMI:**

I'm wondering if this shouldn't be, you know, vetted again in the context of that Capital Budget process, that's all. That's my only concern.

**MR. ZWIRN:**

This one is time sensitive if we're going to move forward with it. One of the things that we worry about --

**LEG. CILMI:**

Why?

**MR. ZWIRN:**

Why? Because --

**LEG. CILMI:**

Why is it time sensitive, yeah?

**MR. ZWIRN:**

-- we'd like to break ground and start building. If we're not going to -- if the construction money is not going to be there, one, the project will stop right where it is; and two, we wind up in jeopardy of losing State aid which provides 50 cents on the dollar. You know, we talk about what we don't get State money. We've got a Capital Program which will put local people to work, it will be a force for economic development. It is something that will help the education of students who live and work and pay taxes in Suffolk County. I mean, this is really -- of a lot of the projects that the college has worked on, this is really a home run project, because everybody is going to benefit from this one. So to hold it up -- you know, we fight very hard -- and Legislator Barraga will know.

**LEG. CILMI:**

And I'm not debating the value of the project, understand that.

**MR. ZWIRN:**

Let me just say that we have to work very hard to get this stuff into the State budget. I mean, they just don't -- we don't send up a list and they say, "*Fine.*" This year they took everything out. Governor Cuomo didn't put anything in except for infrastructure, so we had to go lobby not only Senator LaValle in the State Senate, but we had to go to Assemblyman Sweeney and the delegation. This was a really tough road, but we have that money in there. You know, this is really -- this is

not the battle, I don't think. And there may be times we want to fight over some of the projects, I don't think this is the one.

**LEG. CILMI:**

And I'm not suggesting that we -- please don't misunderstand or mischaracterize my point here. My point is, very simply, this is \$8 million of bonding.

**MR. ZWIRN:**

Right.

**LEG. CILMI:**

And the previous resolution was a few hundred thousand and we debated that for, you know, a half an hour. This is eight million, and we have a Capital Program budget process that we're enduring now and we will have a Capital Budget approved one way or the other within a month or so. I'm just wondering why we -- why this resolution is before us today as opposed to waiting for a month for our next cycle after we've done the Capital Budget process.

**MR. ZWIRN:**

Because this is in the current Capital Budget.

**LEG. CILMI:**

I understand that.

**MR. ZWIRN:**

Well, you've --

**LEG. CILMI:**

Well, listen, we reprioritize every year for three years, and some of the things that were in the Capital Budget and Program last year may not be in the Capital Budget and Program this year. I'm not suggesting that this would be one of those things. I'm just saying that given where we are now, it seems to me like it would be a better idea to wait and kind of consider this in the context of all the rest of the Capital Program items that we're, you know, asked to consider, that's all.

**MR. ZWIRN:**

I understand what you're saying. Let me just also point out that the money is not borrowed until it is going to be spent. So if we don't have bills to pay, the money is not borrowed -- we just borrow \$8 million and it sits somewhere. The Comptroller goes out twice a year, he checks with the college to find out what the accounts receivable are -- the account payable are, rather, and then the disbursements are made. It's not as if the County is borrowing money and just sitting paying interest on money that's not being used.

**LEG. CILMI:**

I'm not suggesting that we are.

**MR. ZWIRN:**

I'm just saying, I just wanted to make that clear.

**P.O. GREGORY:**

Okay. Legislator Kennedy.

**LEG. KENNEDY:**

Ben, so typically these projects, with the College projects, my recollection -- Gil would know this, but you're familiar enough with it, too -- playing money is typically 10% of whatever the total project

cost is, somewhere around there/

**MR. ZWIRN:**

Yes.

**LEG. KENNEDY:**

So you've got about 1.6 that's been expended already. You've got design, you have approved design from State Ed and every place else. Do you have a GC yet?

**MR. ZWIRN:**

I don't believe so, no.

**LEG. KENNEDY:**

No GC and no Subs yet. So this would be the predicate to doing the bid and putting it out there in order to go ahead and --

**MR. ZWIRN:**

Right. We can't do it without it.

**LEG. KENNEDY:**

Right, right, right. You've got to give them money first and then you go out and you do the bids. So typically the RFP process and bidding is -- let's see, we're in May, you're talking about maybe 45, 60 days for it to be out there. You'd get submissions back in August, you'd vet them, you'd go through the selection process, you'd probably have a GC selected somewhere in October. So ground won't get cleared or broken probably until we're looking at maybe March of '15 on this time frame, unless we don't have a winter like we just had; nobody worked in that winter.

I agree with you on the money end of it. I know you guys have always been very proactive and, quite frankly. Very successful, and you saw it in your prior life, too, what went on when you went up there in order to try and go ahead and make sure the money would be in. All right, that's it, I'm fine.

**P.O. GREGORY:**

Okay. Legislator Schneiderman.

**D.P.O. SCHNEIDERMAN:**

My understanding is, should this be approved, that they will break ground this year, not next year. That a lot of, you know, the work has already been done, they're ready to go out to bid. They can't go out to bid until they have the bond in place. So -- and this is something that actually had been delayed numerous times. This was in subsequent years I think when I got to this Legislature in the Capital Program. It kept getting -- it kept getting pushed back and pushed back. Finally, you know, we got it into the operating yet. First it was the planning which was over a million dollars, which has been done, they did all the design work, I think Wiedersum was the architect on it and they went to the Pine Barrens Commission to get approvals there, it's in the State budget. It's in this year's Capital Budget. So the Capital Budget that we approved last year had it in for 2014, it's in the Operating Budget, this is ready to go.

As we talk about the Capital Budget, we're talking about the 2015 Capital Budget. So this is all set, and I certainly would like to see it move forward. I think it's an important project that's going to be good for economic development, and it's certainly that Eastern Campus doesn't have any fitness facility whatsoever. So you have three or four thousand -- how many kids there now?

**MR. ZWIRN:**

Thirty-five hundred.

**D.P.O. SCHNEIDERMAN:**

Thirty-five hundred kids without a place to even shoot a basketball, so it's an important project. I just would urge the support of my colleagues.

**P.O. GREGORY:**

All right. So we have a motion and a second to approve.

**MR. LAUBE:**

Yes.

**P.O. GREGORY:**

All in favor? Opposed? Abstentions?

**LEG. TROTТА:**

Opposed.

**MR. LAUBE:**

*Seventeen (Opposed: Legislator Trotta).*

**P.O. GREGORY:**

Okay. Same motion, same second for **1402A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$8,375,000 bonds to finance the cost of the Health and Sports Facility – Eastern Campus (CP 2120.310 and 510))**, roll call.

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

**D.P.O. SCHNEIDERMAN:**

Yes.

**LEG. KRUPSKI:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. CALARCO:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MARTINEZ:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. TROTTA:**

No.

**LEG. McCAFFREY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. SPENCER:**

Yes.

**P.O. GREGORY:**

Yes.

**MR. LAUBE:**

*Seventeen (Opposed: Legislator Trotta).*

**MR. ZWIRN:**

Thank you very much.

*(\*The following testimony was transcribed by  
Kim Castiglione, Legislative Secretary\*)*

**P.O. GREGORY:**

Okay. ***IR 1096 - Adopting Local Law No. -2014, A Local Law to establish healthy food standards at Suffolk County Facilities (Hahn).*** Motion to approve by Legislator Hahn. Second -- do I have a second.

**LEG. ANKER:**

*(Raised hand).*

**P.O. GREGORY:**

Second by Legislator Anker.

**LEG. KRUPSKI:**

On the motion.

**P.O. GREGORY:**

On the motion. Was that Legislator Krupski? Okay.

**LEG. KRUPSKI:**

I had a question for the sponsor. If this is to, and I understand the value in providing an alternative to, if you're going to go somewhere with your family, an alternative to something, of food, that might not be as healthy as what you might be used to eating at home. But why wouldn't you extend this to -- you think we're -- especially where students are, Suffolk County Community College. You think that was -- and I've eaten there a few times in the past. You know, it's -- I don't think it would be a bad thing to have healthy choices there for one, and then also Duck Stadium, you know, I've been there with the family. Again, it's something that as far as I understand, it's under our control. I think those are two venues where you should extend this to that also, because if you're taking your family somewhere there's nothing wrong with a different option.

**LEG. HAHN:**

I agree. I thought that the Community College needed a separate item. I just thought we had to think that through separately, work with the Community College separately. I don't know how much control we have there, so it just felt separate for me, that it needed to be separated. I'm not even sure that we have the authority to do that, but I would like to work with them, Ben, if you're listening, on healthy food options at your concession, everything that's provided to the students, making sure there are healthy options. I exempted them because I wasn't sure about our authority there and I thought it needed to be just a fully separate discussion.

**LEG. KRUPSKI:**

I'm sure, since they're building a Health and Wellness Center, they would be very interested in providing a healthy option.

*(\*Laughter\*)*

**LEG. HAHN:**

They also have the Culinary Institute or whatever that's called, and we can work with the students on the policy involved in this for their own, you know, it can be a whole learning experience for those folks. I just thought that maybe should be handled separately, and I think there was some legal reason for handling it separately and I don't recall. Maybe if Counsel suggested that, but --

**MR. ZWIRN:**

I think, Legislator, the College is receptive. I think they just have to -- they have some contracts with vendors that are in place that will have to expire happen.

**LEG. HAHN:**

Sure. This doesn't apply to any current -- this has to wait for contracts to expire, different contracts expire at different times. There's one, Meschutt -- I think it's Meschutt that's coming up at the end of this year. You know, so contracts will expire at different times and so apply at different times, depending on where it is. I hope that answers your question. Well, maybe not about the Duck Stadium. That, you know, I want to look at that. I didn't want to turn this into me against the Ducks. I don't know.

*(\*Laughter\*)*

I just, you know, there might not have been a good reason there, but I look forward to, you know, working with you on that. We can extend it there in the future and so that was the reason for that exclusion.

**P.O. GREGORY:**

Okay. Legislator Spencer.

**LEG. SPENCER:**

I feel that this is important that we consider supporting. I hear my colleague, Legislator Browning, talk about that we're trying to legislate and government controlling everything, but this is different because it provides options. And we see right now life expectancy in this country in places like Fairfax, Virginia being 82 years and in McDowell County, West Virginia, as I mentioned before, it's 62 years. And a large part of that is because of diabetes, obesity, the smoking epidemic. And one of the issues is not that the people in McDowell County, West Virginia, they don't want to eat healthy, a lot of times they don't have healthy choices and a lot of times there's just fast food that's offered. But we're confronted with the crisis that in this generation for the first time we are about to see life expectancies decrease, and that hasn't happened since World War II, and that really tells you with this age that we have, the technology that we have, that where we have a Legislator that's proposing that we just have options, especially where we see sometimes where families are on assistance and a lot of times they may go to a vending place that offers nothing but fast food and processed carbohydrates and grease and fat and things of that sort, that to have a vending machine to say we're going to offer a healthy option. It gives us choice.

So this is us doing what we're supposed to do, but it's not mandating, it's allowing options. And I think that there are some choices that companies can do with relatively no expense to look and provide some things with fiber and vegetables, things that are not processed, carbohydrates, lower fats and things of that sort. So this is a no-brainer. I would encourage you that when we see life expectancy going down with all the resources that we have today, that that's a real call to action. I congratulate Legislator Hahn and I really strongly encourage my colleagues to support this.

**P.O. GREGORY:**

Okay. Legislator Cilmi.

**LEG. CILMI:**

Thank you. This is -- this is far beyond offering healthy options. I mean, my question would be to my pizza loving friend to my right over there.

*(\*Laughter\*)*

**LEG. HAHN:**

I offered you a salad.

**LEG. CILMI:**

You did offer me a salad.

**LEG. SPENCER:**

She gave you an option.

**LEG. CILMI:**

And I cheerfully declined and enjoyed the slice of cheese laden pizza that you offered me. But this, I'm counting them. It's 20 some-odd requirements. I don't know how in the world a vendor is going to comply with all of these different requirements. I mean, just to list a couple of them. "Yogurt shall have no more than 30 grams of sugar per eight ounces. No more than 50% of snacks offered shall be grain or potato based. Snacks shall contain no more than ten grams of sugar, except fruit and vegetable products with no added sugar are exempt." And it goes on and on and on. "Sixty-six percent of snacks shall contain not more than 200 milligrams of sodium." I mean, how are our vendors going to go through this huge list?

**LEG. HAHN:**

Well, that's for the -- there's one vendor for the vending machines. That's the vending machines.

**LEG. CILMI:**

All of these 20 or so requirements are just the vending machines.

**LEG. HAHN:**

You were reading from Section B for vending machines on County property. Section A is for the concession stands at County parks and cafeterias.

**LEG. CILMI:**

And what does -- what are the requirements from section -- okay, I see. Section A. *"Concessionaires shall offer a minimum of four fresh fruit or vegetable choices and a minimum of one leafy green salad and a minimum of one vinegar based dressing"*.

**LEG. SPENCER:**

That's easy.

**LEG. CILMI:**

*"Attempt to offer sandwiches, salads and entrees which have no more than 700 calories."* So, I mean, are they going to -- how do they know, based on how much, you know, turkey breast they put on the sandwich how many calories? *"Thirty-three percent of all breakfast breads offered by a concessionaire shall have no more than 300 calories; 33% of desserts offered shall have no more than 200 calories."* I mean, this sounds really, really onerous to me. I don't know how we can expect them to comply.

**LEG. HAHN:**

We met with Beach Hut, who has a contract at our beach, at the concession stands at the beaches, and this wasn't overly onerous. The numbers were higher than 33%. At one time it was, you know, everything was at a higher percentage. I dropped it a little bit just so that they felt safe.

**LEG. CILMI:**

And I'm not even so worried about the percentages, Legislator Hahn, it's just the multitude of considerations that really bothers me more.

**LEG. HAHN:**

There's a lot to think about when we're talking about healthy options. And so, you know, when you think about, if you've got three items and one of them should be healthy when you are thinking about 33%. If you've got six items, two should be healthy. If you got ten, three of them should be healthy, you know, or four should be healthy. And it's trying to just say that some of the items there should be offered and should be healthy options. If a Mom is, you know, and I wanted to go last, but through the Chair, I hope you don't mind me just finishing up this point. As a Mom, you know, if I'm going to bring my kid to the beach, I just, you know, I want to know that it's not just french fries that I have to choose and the greasy hamburger.

**LEG. CILMI:**

But as a Mom wouldn't you pack the fruit?

**LEG. HAHN:**

Maybe.

**LEG. CILMI:**

Maybe?

**LEG. HAHN:**

Who knows where I came from that day when I decided to go to the beach. Who knows, you know, I might have picked them up from school and we decided to head down there. You know, I don't know what's happening. I think that, you know, when -- if we were a private business and everything was about the bottom line, and I have a feeling that the bottom line is going to start to trend in this direction anyway, because the concessionaire was -- had been being demanding for these kinds of healthy options. Being demanded -- had gotten some demands from some customers for these kind of options anyway and was already trending their menu towards this. But we have a higher purpose as a government entity and we need -- we care about, you know, the benefits of a healthier population. It's actually beneficial to us and our bottom line to have a healthier population, and we have a greater responsibility to provide -- to make sure that when we're providing food, I believe we should just make sure that some of it is a good choice.

**LEG. CILMI:**

Well, when we're entering into contracts with these vendors --

**LEG. HAHN:**

Right. So --

**LEG. CILMI:**

Can't we just ask them to commit to --

**LEG. HAHN:**

But that's what we're doing.

**LEG. CILMI:**

-- you know, providing some healthy choices? Something as simple as that?

**LEG. HAHN:**

So these are businesses that want to meet our needs, and we're saying that our need is to provide food to folks that come to our parks and beaches and, you know, our cafeterias and that some of that should be healthy. And so this is just defining what that means, so that it's not, "*Go ahead, make some of it healthy*", without kind of setting a little bit of parameters around that. And these are not super stringent I don't believe.

**LEG. CILMI:**

There are -- one of the -- one of the issues, and there maybe others, to be honest with you. I haven't gone through each and every one of them, but one of the issues that raises a question is in your Section B for vending machines on County property, number -- Subsection I, Subsection B, beverage requirements, and then it says, "Water must be stocked in the highest selling position." So wouldn't that always be the position that -- like what happens if you have, you know, Diet Pepsi in one of the positions and that happens to be the highest selling product in that vending machine. Do we make sure to move all of the water into that position and then what happens next month --

**LEG. HAHN:**

Yes.

**LEG. CILMI:**

-- when the Diet Pepsi that's in a different position is the highest selling product. Are we moving the water back?

**LEG. HAHN:**

So if Diet Pepsi, well, I don't know that the positioning -- so the idea here is that people see what's up high first. It's top of mind, it's what they see. You know, you know that you have the option of the water instead of the sugary drink. If Diet Pepsi is the highest seller and it's in position number two, people will look for Diet Pepsi and will push position number two and will get their Diet Pepsi if that's what they want. And that is a zero calorie drink, just for your information. But putting -- positioning the water up higher just makes it so that everyone see it, everyone knows it's an option.

Same thing with the other items in the vending machine. If it's a candy machine having -- instead of -- it's like what they do at supermarkets. They put all the kids sugary cereals down low so the kids are walking low and they see them all there. Instead, if we have the healthy options at eye level, you know, people know they're there, they see them, and if that helps them to make that selection, great. If they look for what they want, they want their peanut M&M's, Kate, you know, and they're there, they're going to be there.

**LEG. CILMI:**

Okay. I mean, we could continue -- we're going to disagree on this one, but I think I've made my point and you certainly have made yours, so we'll leave it at that. Thank you.

**P.O. GREGORY:**

Okay. Legislator Browning, then Krupski.

**LEG. BROWNING:**

Okay. God, Tom, you are going to have a heart attack when I start saying what I am going to say, maybe. You know, I understand what you're trying to do here, but I did want to ask you. Now, you said you met with the Beach Hut and they are, I guess, saying that this is not going to hurt them in any way. Okay, I mean, I go down to Smith Point Beach, I go to the Beach Hut. I'm not buying the burgers and the french fries, and I can tell you families that I know that go down there, they pack a lunchbox for their kids. So they bring what they want to bring.

My concern is, my concern is that what if the concessionaire is now buying all these healthy products, especially fresh fruits and vegetables and the salads and it's not selling. Now he loses money because now he has to buy all this product. And I see that you put organic and I'm sure that the farmer next to me can agree that organic produce cost more. And so now you're asking him to provide organic products.

**LEG. HAHN:**

One option.

**LEG. BROWNING:**

One option. Still, you're going to pay more. What if the concessionaire comes back, because it's not really giving them an opportunity to kind of do a trial period to see if it's successful. So now you're going to force something on him, and now he might come back after the summer and say, "*Do you know how much money I spent on all these healthy products and now it cost me more money and I lost money*". What are you going to do?

**LEG. HAHN:**

This will be part of the contract before they bid the contract.

**LEG. BROWNING:**

So in other words, if they start to see it's financially burdensome to them, that the contract with the County is going to allow them to no longer sell the products; correct? Okay, so we're going to force him to continue to provide something that he may not sell.

**LEG. HAHN:**

We're going to force them to provide healthy options. They can try other healthy -- maybe they're making the wrong selection as to what -- but they can find other healthy options. So green grapes, you know, bananas, apples, carrot sticks, roasted corn on the cob, you know, a baked potato. These are things that I don't think they're going to have a problem moving.

**LEG. BROWNING:**

Right. Well, again, what I'm saying is, is that you're asking the vendor to provide healthy options and now he's going to go out and assume these are healthy options, and he's not going to be able to sell them, you know, because within a couple of days it's no good. So now he's throwing it out and now he's going to say let me try these other healthy options, and if they don't sell, he's going to have to throw them out.

**LEG. HAHN:**

7-Eleven carries bananas and apples and lots of produce. There's -- it's stuff that moves or they wouldn't be carrying it.

**LEG. BROWNING:**

And it's an air-conditioned store, and if you go down to the Beach Hut it's wide open, so to the element.

**LEG. HAHN:**

They have ice cream, so. They have refrigeration capabilities, I mean.

**LEG. BROWNING:**

That's my major concern, is I understand what you're trying to do, but I don't know. I'm having a hard time with this. Again, you know, if he's not offering healthy options, you know, and I'm going down there, I don't buy what, you know, what has no interest to me. So, again, if people want to have healthy options, they'll bring it for themselves. They'll pack a cooler.

**P.O. GREGORY:**

Okay. Legislator Krupski.

**LEG. KRUPSKI:**

In the bill also, the thing that troubles me about this, and I don't mind that people could have healthy options, because it does give them an option. But I don't think we should exempt the County golf courses, the Vanderbilt Museum and the -- I mean, Duck Stadium I said already, and the, you know, the correctional facilities. Why would there -- why would we -- I don't understand why we would exempt those items.

**LEG. HAHN:**

Right. So the jail --

**LEG. KRUPSKI:**

Because if you're going to the golf course, you're going for, you know, active recreation. You should have to have an option there. They shouldn't be exempted.

**LEG. HAHN:**

So the jail -- I'll start there. The jail, again, I felt like that needed to be handled separately. It was a whole different slew of issues and I wanted to take them one at a time. So I intend to work with the Sheriff. I haven't even attempted to talk to him yet about this, but that is -- it's there in exemption because I recognize that it's something that has to be addressed, but may have to just be -- have some separate considerations from what's here. It's not -- I don't know exactly how it works in the food they provide and how they select it and yada, yada, yada, so I --

**LEG. CALARCO:**

They don't have options.

*(\*Laughter\*)*

**LEG. HAHN:**

So it just made sense to think about that separately and I have not gotten there yet. So that will be something I will attempt to address or maybe they already -- everything they provide is healthy and tastes great I'm sure.

**LEG. CALARCO:**

I'm sure it's a bologna sandwich.

**P.O. GREGORY:**

All right. Legislator D'Amaro. I'm sorry, are you done, Al?

**LEG. KRUPSKI:**

Why were the golf course restaurants and the Vanderbilt, why were they exempted?

**LEG. HAHN:**

I believe --

**MR. NOLAN:**

If I could just say on the Vanderbilt that, you know, the Vanderbilt's a different animal because under the will the Trustees are responsible for the management of that facility. So I don't think we can tell the Trustees, you know, what to do vis a vis that.

**LEG. KRUPSKI:**

Or we pour money into that place, we should have some input.

**LEG. HAHN:**

Yes, so I'm remembering now. I believe I was, you know, advised that it would be best to keep that one separate because of that reason, and then I think we got -- someone told me we got a little bit of buy in from Lance and I think they have the intention of working towards this, but I was advised that they have a little bit more control on that.

**MR. NOLAN:**

It's really the same with the Community College campuses because the Trustees of the Community College are given responsibility for what goes on in the campus. That has only gotten stronger over the years. So that's why those entities were exempted.

**LEG. KRUPSKI:**

How about the golf courses and marinas?

**LEG. HAHN:**

I know that I spoke with the Parks Commissioner about that. You know, I wanted to start where, and look, hey look, I look forward to working with everybody to expand this to apply to other facilities that we have the jurisdiction over, and you know, I just didn't want to complicate it too much. I was, you know, had talked with the Beach Hut vendors on what it would mean in their work, and my intention is to expand if this is successful, you know, to expand elsewhere. Because I absolutely agree with you, Al, this should apply at the College if we can in any way influence them. This should apply at Ducks Stadium. You know, there are a lot of people who go through that facility. And I look forward to working with you on making that happen.

**LEG. KRUPSKI:**

Can we table this and get those changes put in it at the golf courses and Vanderbilt and the Duck Stadium? The College, you know, we'd have to work with them a little separately, but those other ones we have control over.

**LEG. SPENCER:**

We have to move forward. People are dying more and more. We have to move forward tonight. People are dying.

**P.O. GREGORY:**

Okay. Are you done, Legislator Krupski?

**LEG. KRUPSKI:**

Thank you.

**P.O. GREGORY:**

Okay. Legislator D'Amaro.

**LEG. D'AMARO:**

Thank you.

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

**LEG. D'AMARO:**

Thank you. Through the Chair to the sponsor. Kara, Legislator Hahn, I read the bill, and it's well intentioned. And I remember you supporting my legislation when I passed the calorie count bill a few years back, the purpose being that I agree with Legislator Spencer and yourself, and probably everyone else here, that diabetes, and heart disease, and obesity, especially in children, is a major, major problem. And I think every jurisdiction, including the City of New York, has struggled from time to time in how to address it. It's almost as if people need protection against themselves.

And I understand what you're trying to do, but the calorie labeling bill did not put any limitations on what an establishment could sell. It did not interfere with the free market. It did not interfere with what's stocked based on demand. It was a different type of bill, just providing information.

**LEG. HAHN:**

Before you go on, can I respond to that particular point, because you probably have a ton of points and I don't want to forget.

**LEG. D'AMARO:**

Sure, go right ahead.

**LEG. HAHN:**

If you don't mind, through the Presiding Officer. Thank you. We are not -- that's why the point was made earlier, we are not a for-profit institution. We are asking the vendors to provide for us what we want them. They bid on our contracts, and we bid out or put out an RFP to provide us with X, Y and Z. So this is the County saying we want to supply food at these facilities that include healthy options.

So you are absolutely right. If this bill applied to every restaurant in Suffolk County, if it was a Local Law, which yours was, and applied to every restaurant in Suffolk County, I could absolutely understand your concern on that point, but this applies to -- this is different. This is not a Local Law. This -- I don't think. Well, in that sense, that it -- it's not -- applies to every restaurant and facility in Suffolk County, this just applies to our own facilities. So we're making a policy statement that says we should provide healthy options in our food that we sell to our patrons. We're not telling any other -- we're not telling businesses out there to do this, we're telling -- we're just making a statement that we should model healthy options for our patrons. And, hopefully, if it's super-duper successful and those are the things that are flying off the shelves, then maybe our businesses will follow, as people realize that, you know -- and it really is the trend, healthy, you know, watching calories, watching the amount of sugar, watching the amount -- you know.

**LEG. D'AMARO:**

Well, it is and it isn't, that's why we have all of these problems. But let me ask you this question, then: The concessions that you're speaking to and the vending machines that your bill addresses are owned by Suffolk County?

**LEG. HAHN:**

*(Nodded yes).*

**LEG. D'AMARO:**

Or are they being let out to private companies?

**LEG. HAHN:**

Well, yes. Like we own the vending --

**LEG. D'AMARO:**

Okay.

**LEG. HAHN:**

Well, we own the ability to vend, so I guess the machine itself is --

**LEG. D'AMARO:**

Right. So here's --

**LEG. HAHN:**

Right.

**LEG. D'AMARO:**

So the point is that the companies that we hire to run our concession stands and the companies that we hire to provide our vending machines are running on a thin profit margin, and they have to sell in volume to succeed and to make money. And what we're doing is we are artificially injecting ourselves into the demand side of the equation and you're going to severely impact these businesses. The point is that what you're trying to do is give people a healthy choice, but at the expense of providing the products that they're going to buy that the concession stand is going to be successful.

So I think what you're doing here is -- you know, this is like trying to parent instead of educate. Instead of telling people through education, as we're all trying to do, that, you know, these types of snacks and these types of foods are bad for you and you should be concerned about how many calories a day you're eating, what you're trying to do is be the parent and say, "No, let me slap your hand, you can't have this, you should have that." So it's a substantial interference with the conduct of supply and demand, the market for the products, the profit margin of the concessionaire. And I think that if the demand were there for these products, which it's not, but if it were, I think you would see these concessions already providing these types of options.

And I think I saw a part of the bill that said 66% of some kind of stocking of a concession or a vending machine had to be this particular product. Let me make a suggestion on the vending machines. You should amend the bill to include a limitation on how long this product can stay in the machine, because what's going to happen is that the stuff that you're mandating in these machines is not going to be bought, and they're going to wind up staying in there not for a month, but for probably three years. There's no demand for that, number one.

And I just -- it's really difficult for me to -- our role should be to educate the public and provide information. Our role should not be to interfere with the way business is conducted, what demand is dictating, and how people can run a business without interference from us, the Government. At the end of the day, we want these businesses to succeed, and they're going to succeed selling products based on what the public wants from them. What you're doing is you're trying to change behavior and putting that onus on these concessions, because there is not the demand for those products yet, because, if there were, they would be in these machines and they'd be at these concessions already.

So I don't disagree at all with the fact that you want to educate people about having healthy choices and making healthy choices, and you know I agree with you on all of that. But, you know, again, this is really parenting instead of educating, and I don't think it's the right way to go. And the vendors, I mean, you may actually find vendors that are unwilling to even bid on these contracts, because they're going to take a look at the requirements and they're going to say, "I can't sell those products in the volume that I need to sell in order to make a profit, you know, at this location."

So I have issues with this bill, I truly do. I wish that people would want the products that you're mandating in the machines, but if they did, then you wouldn't need the mandate, you wouldn't need the legislation. You can't change behavior and put that on the back of these County concessionaires, because what people are going to do is not go to those concessions, they're just going to get the products they want from somewhere else and bring them with them. There's not going to be the demand if you interfere with this free market system, if you interfere with the concept of supply and demand. This is exactly a perfect example of trying to regulate, regulate business to a point where they can't do business.

So I support the concept of trying to get folks to eat more healthy, and make the right choices, and attack heart disease, and those things, but, you know, there's a reason why these businesses don't already have all of this, and there's a reason why you need to put in a bill to do it, and the reason is that people just don't want to buy this stuff, they just don't. And that's wrong and we should change their behavior, but that's the fact.

**P.O. GREGORY:**

Yes.

**LEG. HAHN:**

I'm going to rebut. I'm going to say again that, you know, we put out a request to fill our needs. And so all that I'm saying here is if -- we're slightly changing our needs, because we have a mission

to improve the health of individuals in Suffolk County, and we should -- I believe we should be modeling good behavior, healthy behavior and providing options. If I was slapping someone's hand, that would be if I said, "You may not serve French fries at all." But I'm saying you can have the French fries on the menu, but please also have something like watermelon slices, or, you know, bananas, or etcetera.

**LEG. D'AMARO:**

No, but you're going beyond that, because what you're doing is you're telling the concessions how much of a product to have.

**LEG. HAHN:**

And they're bidding on a contract, so --

**LEG. D'AMARO:**

No, no. I know it's in the contract, that's the problem. You're telling a concession, "Yeah, you can offer both types of servings and food, but I'm going to tell you how much of each you have to have in your store." That's not going to comport with what the demand is, and so how are you going to run that business?

**LEG. HAHN:**

So they're going to come back and bid based on what they think that these new terms of this contract are going to cost. So this -- they're going to provide for us what we ask of them. We are the -- you know, I would agree with you if this was applying to all restaurants and businesses in Suffolk County, this is not. This is only applying to food that is offered in these circumstances, these facilities. And I believe Suffolk County should just make sure we're providing healthy options when we provide food and because it is in our best interest. From a fiscal perspective, it's in our best interest, because for all the reasons Doc mentioned earlier, and -- what was the other point I was going to make? There was another point. I should have interrupted sooner.

**LEG. D'AMARO:**

All right. Well, I don't want to belabor the debate on this. It's -- I agree with all of your conclusory statements, that we should have a goal of promoting health and deterring all the disease and the obesity associated with improper eating. I think we have to continue to educate the public with that message as well. But I think the devil in this particular bill is in the details, and what you're doing is, you know, when you tell a snack requirement, at least 66% of the snacks offered for sale, so that's what I can stock, I mean I can't offer anything else, I can only offer 33% that don't meet your criteria, but what if the demand is just the opposite? What if there's 66% demand for what I can't offer and there's 33% demand the other way? You're artificially injecting yourself in this free flow, this free market, free, you know, supply and demand type of system. And what you're going to ultimately do is defeat your goal, because the concessions are not going to succeed. How can they? How can they succeed in business if government is telling you how much -- it's like going to McDonald's that has a successful business model and telling them that two-thirds of your menu has to be 200 calories or less. That's not McDonald's anymore.

**LEG. HAHN:**

There's no competition, so we don't know about fair market at our vending machines, because we only have one vending machine contractor and he fills everything, and he decides what it is, because we don't limit it.

**LEG. D'AMARO:**

Well, right. But no, he doesn't decide what it is, the demand for the product decides what it is.

**LEG. HAHN:**

No. There's no competition with our vending machines. Every vending machine -- if we had side-by-side-by-side-by-side-by-side vending machines, then there would be competition for who stocked the better, and then they'd be at a disadvantage.

**LEG. D'AMARO:**

Well, you're not -- I don't -- I think we're talking about two different things. All I'm saying is that that vendor, that individual that runs our business for us has kids to put through college, has bills just like you and I do. Okay? And that person wants to stock that machine as best as they possibly can to sell the most product they can. What you are doing is you are telling them, "No, you can't do that, you have to stock this machine my way. I don't care what the demand is and I don't care what the impact is on your revenue and your success in business."

I agree with your goal; I do not think that's the way to go. I think you have to educate people, provide them information. But putting that message and trying to cure the ills of society about obesity on the backs of the County vendors I just think is inappropriate legislation. So I agree with your goals, though.

**LEG. HAHN:**

Thank you.

**P.O. GREGORY:**

Okay. All right. Legislator Trotta wants to chime in. Let's --

**LEG. TROTTA:**

Correct me if I'm wrong, but this M & M pack has 25 grams of sugar, and in this case it would not be allowed to be sold in any vending machine. If you go to F, it says snacks that contain no more than 10 grams of sugar, except fruits and vegetables or yogurts, cannot be sold. I might be wrong, but the way I'm reading it, it's saying this has -- this has twice -- more than twice as much sugar as you're accepting.

**LEG. D'AMARO:**

You're right.

**LEG. TROTTA:**

We might need an M & M exception.

**LEG. HAHN:**

Yeah. No, I actually made an M & M exception with the calories, because originally the calorie count had said 200, I believe, and that's 250.

**LEG. TROTTA:**

Yeah, and --

**LEG. HAHN:**

I guess it depends on the size. And so I -- per eight -- wait, is it a --

**LEG. TROTTA:**

That could be un-American.

**LEG. HAHN:**

No. And I intended -- I wanted to make sure -- again, I worked with -- I worked with Stony Brook University Dietician, Family and Health and Medicine on this, and so --

**LEG. TROTTA:**

Well, this says 25 grams of sugar in this package, and if I'm reading --

**LEG. HAHN:**

It was not my intention to exclude peanut M & M's.

**LEG. TROTTA:**

I didn't think you were that bad.

**LEG. HAHN:**

So I will move to table based on that fact.

**P.O. GREGORY:**

All right.

**LEG. HAHN:**

And --

**P.O. GREGORY:**

The power of M & M's. Second.

*(\*Laughter and Applause\*)*

All right. Motion to table by Legislator Hahn, I will second.

**LEG. D'AMARO:**

And just on that --

**LEG. CILMI:**

You must really like M & M's.

**LEG. D'AMARO:**

Kara, another amendment to the bill might be to get like a screen that size over every vending machine with your picture on it and saying, "No, don't take that," "No, don't buy that."

*(\*Laughter\*)*

**P.O. GREGORY:**

All right.

**LEG. D'AMARO:**

But I agree with your goals.

**P.O. GREGORY:**

All right. Motion and second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

Okay. Motion is tabled.

***I.R. 1391 - Declaring May as "Brain Tumor Awareness Month" in Suffolk County (Stern).***  
Legislator Stern.

**LEG. STERN:**  
Motion.

**LEG. SPENCER:**  
Second.

**P.O. GREGORY:**  
Motion to approve by Legislator Stern, second by Legislator Spencer. All in favor? Opposed?  
Abstentions?

**LEG. SPENCER:**  
Cosponsor.

**MR. LAUBE:**  
Eighteen.

**P.O. GREGORY:**  
***I.R. 1322 - Designating a "Discover Suffolk County Parks Day" on June 21, 2014***  
***(Schneiderman).*** Legislator Schneiderman.

**D.P.O. SCHNEIDERMAN:**  
Motion to approve.

**P.O. GREGORY:**  
Motion to approve by Legislator Schneiderman.

**LEG. CILMI:**  
Second.

**P.O. GREGORY:**  
Second by Legislator Cilmi. All in favor? Opposed? Abstentions?

**LEG. STERN:**  
On the motion.

**P.O. GREGORY:**  
I'm sorry. Legislator Stern.

**LEG. STERN:**  
I just had a question for -- request through the Chair, for the sponsor. Do -- I just want to make sure that I read it correctly. So this is going to apply to those that do not possess a valid Green Key card and who pay nonresident rates? So it doesn't apply to -- it doesn't offer the discount to Suffolk County residents, it offers the option to everybody else?

**D.P.O. SCHNEIDERMAN:**  
No.

**LEG. STERN:**  
That's how I see this.

**D.P.O. SCHNEIDERMAN:**

Let me pull the bill up, because I don't think that's correct. But, George, do you have the bill up in front of you?

**MR. NOLAN:**

Reduce the nonresident vehicle use fees for parks with lifeguards and parks without lifeguards by 50% to reflect current resident green card holder rate.

**LEG. CILMI:**

Let me withdraw my second, please.

**D.P.O. SCHNEIDERMAN:**

No, that's --

**LEG. CILMI:**

Let someone else.

**D.P.O. SCHNEIDERMAN:**

No. I just want clarification. So Legislator Stern had asked the question of whether it only applies to -- it's meant to apply to all park users. So is it specific?

**MR. NOLAN:**

Let's pass over it.

**D.P.O. SCHNEIDERMAN:**

Let's pass over it. Let me pull up the bill, too. There might be a mistake in the bill.

**P.O. GREGORY:**

All right. We're going to pass over the bill. We're going to go to 1331. ***I.R. 1331 - Authorizing the use of Smith Point County Park property by Mastic Beach Ambulance Company for "Help Us Save You Program (Browning)***. A motion to approve --

**LEG. BROWNING:**

Motion.

**P.O. GREGORY:**

-- by Legislator Browning; second by Legislator Muratore. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

***I.R. 1396 - Appropriating funds in connection with improvements to Old Field Horse Farm (CP 7176) (Co. Exec.)***.

**LEG. HAHN:**

Motion.

**P.O. GREGORY:**

Motion to approve by Legislator Hahn; I'll second.

**LEG. KRUPSKI:**

On the motion.

**P.O. GREGORY:**

On the motion, Legislator Krupski.

**LEG. KRUPSKI:**

Is there a -- who operates the old farm here?

**LEG. HAHN:**

Sally Lynch, Friends of Old Field Farm.

**LEG. KRUPSKI:**

Do they contribute anything to the upkeep and maintenance of the farm?

**LEG. HAHN:**

Yes.

**LEG. KRUPSKI:**

What do they do?

**COMMISSIONER DAWSON:**

I'm sorry, Legislator. Just ask that question one more time.

**LEG. KRUPSKI:**

Do they -- what do the -- so there's one group that --

**COMMISSIONER DAWSON:**

The Friends of -- correct, the Friends of Old Field Farm. It's with Sally Lynch.

**LEG. KRUPSKI:**

So what's their role there?

**COMMISSIONER DAWSON:**

Their role is that they operate and maintain the facility. They cut all the grass, they upkeep the -- they upkeep the buildings and they run a number of horse shows every year.

**LEG. KRUPSKI:**

Do they make money on the horse shows?

**COMMISSIONER DAWSON:**

All the -- part of the custodial agreement is any money that's made from those horse shows goes back into the operation of the facility.

**LEG. KRUPSKI:**

So, if we're -- if they're maintaining all the buildings, what are the funds for?

**COMMISSIONER DAWSON:**

Well, we work in conjunction with them. There's no way they could raise enough money to rehab all of those buildings. I think their last project, they just rehabbed four of the nine stables, so --

**LEG. HAHN:**

These are historic structures that are crumbling in some instances. I mean, we've heard about this in many different areas of the County, and they have come in and been a tremendous asset at this farm. They're incredibly professional. They've worked with the Parks Department --

**COMMISSIONER DAWSON:**

Yeah.

**LEG. HAHN:**

-- in a really positive way, but, you know, there was never an expectation that they were going to pay for -- if you saw some of these barns and stables, they were in no condition when they took over for, you know, that organization to be able to handle that. They're there to main -- you know, basically to maintain the property and --

**COMMISSIONER DAWSON:**

Keep it from falling into further disrepair.

**LEG. HAHN:**

Keep it from falling into further disrepair. But to put the entire onus on them, this is our -- these are our structures and our -- it's our farm.

**COMMISSIONER DAWSON:**

Yeah, it's very similar to -- I mean, we help support Sagtikos Manor, we help support Deepwell Farms. This isn't very dissimilar to those same agreements.

**LEG. KRUPSKI:**

So, if a member of the general public wanted to go there, could they go to this site?

**COMMISSIONER DAWSON:**

Oh, absolutely. Yeah, it's open to the public.

**P.O. GREGORY:**

Are you done, Legislator Krupski?

**LEG. KRUPSKI:**

Thank you.

**P.O. GREGORY:**

Okay. Legislator Anker.

**LEG. ANKER:**

I just wanted to mention, too, that my daughter was in Pony Club and we would go there, and it was -- it was going through a lot of repairs at the time, it was probably about 10, 15 years ago, and they have done incredible work there. And they're a very -- you know, very strong horse advocate, and, you know, I will be supporting this resolution.

**P.O. GREGORY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

Okay. ***I.R. 1396A - Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$100,000 in Bonds to finance the cost of improvements to Old Field Horse Farm (CP 7176.313).*** Same motion, same second. Roll call.

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

**LEG. HAHN:**

Yes.

**P.O. GREGORY:**

Yes.

**LEG. KRUPSKI:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. CALARCO:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MARTINEZ:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. TROTTA:**

Yes.

**LEG. MC CAFFREY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. SPENCER:**

Yes.

**D.P.O. SCHNEIDERMAN:**

Yes.

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

Okay. *I.R. 1398 - Appropriating funds in connection with improvements to Cupsogue County Park (CP 7080) (Co. Exec.).*

**P.O. GREGORY:**

Whose District?

**D.P.O. SCHNEIDERMAN:**

Mine.

**P.O. GREGORY:**

Cupsogue? Oh, Legislator Schneiderman. Second by Legislator Browning. Questions? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

*I.R. 1398A - Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$175,000 in Bonds to finance the cost of improvements to Cupsogue County Park (CP 7080.110 and 312), the bond resolution, same motion, same second. Roll call.*

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

**D.P.O. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. KRUPSKI:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. CALARCO:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MARTINEZ:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. TROTTA:**

Yup.

**LEG. MC CAFFREY:**

Yes.

**LEG. STERN:**

Sorry. Yes.

**LEG. D'AMARO:**

Yes.

**LEG. SPENCER:**

Yes.

**P.O. GREGORY:**

Yes.

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

Okay. *I.R. 1410 - Authorizing the use of Meschutt County Park by the Suffolk Bicycle Riders Association for its Bicycle Rally Fundraiser (Co. Exec.).*

**LEG. MURATORE:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Muratore.

**LEG. KRUPSKI:**

(Raised hand).

**P.O. GREGORY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

*I.R. 1412 - Accepting the donation of one (1) "Land Rover" Sport-Utility vehicle for use in the Suffolk County Parks Department's Piping Plover Monitoring Program (Co. Exec.).*

**LEG. BROWNING:**

Motion.

**P.O. GREGORY:**

Motion by Legislator -- was that Browning?

**LEG. BROWNING:**

Yup.

**LEG. MURATORE:**

(Raised hand).

**P.O. GREGORY:**

Second by Legislator Muratore. Any questions?

**LEG. HAHN:**

I have a question on the motion.

**P.O. GREGORY:**

Question by Legislator Hahn.

**LEG. HAHN:**

I just wanted to understand our agreement with Land Rover, because I have a property, a County property on -- I forget what the official name of it is, but if the Parks Commissioner can come up. I want to understand our agreement with Land Rover on the sport utility vehicle we're accepting. Do we have an agreement with them that they get something in exchange for this use?

**COMMISSIONER DAWSON:**

We have an agreement with LIBBA, Long Island Beach Buggy Association, not necessarily with -- not necessarily with this group. But they do run one -- they do run one event a year up at the sand mines, an educational, highly structured, highly structured educational event.

**LEG. HAHN:**

So the property in question we had taken due to tax default in the early '80s, I believe. I could be wrong on the date of the taking. So it's property in our possession and it was a sand mine. It's damaged property, no question. But, you know, we -- our community would like to see it heal, and I have -- I just have an issue with that use. It had been -- it's been -- and it's been bad in previous years whereby the neighbors complained and -- but, you know, we have long-term goals for that property. We have new potential commitment from the Town on partnering to help us put in fields on our property, I'd like to have discussions with you about, but I've had discussions with the Town of Brookhaven. And so, you know, I've just -- I hesitate to support this if it's any way tied to that use. That will be my rationale for voting to abstain, is that I just don't want to in any way be supporting that use on the property in Setauket.

**COMMISSIONER DAWSON:**

It is only one day out of the entire year.

**LEG. HAHN:**

It's very damaged property and it needs to heal, and that use doesn't help.

**P.O. GREGORY:**

Okay. Anyone else? We have a motion, a second. All in favor? Opposed? Abstentions?

**LEG. HAHN:**

Abstain.

**MR. LAUBE:**

Seventeen.

**P.O. GREGORY:**

Okay. Let's go back to *I.R. 1322 (Designating a "Discover Suffolk County Parks Day" on June 21, 2014 (Schneiderman))*. We have a motion and second. There were some questions. Counsel, will you address the questions at hand?

**MR. NOLAN:**

Yeah. I just confirmed with Commissioner Dawson that there's a Green Key fee for the parks with lifeguards of \$8, and then under nonresident, \$15, but that's for anybody who doesn't have a Green Key, whether they are a resident of the County or not. So Suffolk County residents would get the benefit of the half price on this one particular day.

**LEG. STERN:**

So, through the Chair, if I may. So, to Counsel, so a resident of Suffolk County essentially pays the same rate as a nonresident of Suffolk County if, and only if, they don't have a Green Key. The benefit to a Suffolk County resident in terms of the rates is by having the Green Key. Otherwise, it's the same fee for a Suffolk County resident and someone who lives anywhere else?

**MR. NOLAN:**

That's the way the fee schedule reads, yes, it looks that way.

**LEG. STERN:**

Okay.

**D.P.O. SCHNEIDERMAN:**

Somebody with a green card is typically a frequent user. They've already discovered -- the Green Key. I'm sorry, not the green card. It's late. The Green Key. They've already discovered Suffolk County parks. But somebody who maybe never goes to the parks or occasionally goes to the parks wouldn't have that Green Key.

**LEG. STERN:**

I just want to be clear that in supporting this initiative, a Suffolk County -- just to be clear, a Suffolk County resident for these purposes under the fee schedule is considered a nonresident --

**D.P.O. SCHNEIDERMAN:**

Yes.

**LEG. STERN:**

-- unless they have a Green Key?

**D.P.O. SCHNEIDERMAN:**

Yes.

**LEG. STERN:**

Okay. The other issue, again through the Chair, to Counsel, the presumption here is that there potentially is some loss of revenue. Is there -- is there a concern that there is a loss of revenue here that -- with no offset?

**D.P.O. SCHNEIDERMAN:**

I think that question is more -- it's not really to Counsel, it's really a BRO question. But, if I may --

**LEG. STERN:**

Well, it's to Counsel first, because there's the requirement --

**D.P.O. SCHNEIDERMAN:**

Oh, for the offset.

**LEG. STERN:**

-- to even get to the conversation.

**MR. NOLAN:**

Yeah, that's correct. Under the Stern Rule, if we take a year -- an action in the middle of a budget year that decreases a revenue, then under the Charter, we do have to find an offset. Now we'll go to Budget Review to find out what the fiscal was.

**MR. LIPP:**

Okay. So there is a concern. There would be a reduction of \$7. What we estimated was based upon typical for that day, 1420 individuals would result in a potential loss of \$9,940; not a large number, but a loss, nevertheless. So what we said in the fiscal, though, was not that it's a high probability scenario, but we would need to attract an additional 1420 visitors, charge the \$7 figure in order for it to break even. So there's always that possibility. There's no way to know that for sure, but it would be hard to imagine if that would be actually the case.

**LEG. STERN:**

So, then, although there's been at least some kind of analysis and some kind of estimate, overall, you're saying that it's indeterminate?

**MR. LIPP:**

Yes. There's likely to be an impact, but it's indeterminate, and the bill is what it is.

**D.P.O. SCHNEIDERMAN:**

Can I say on that issue, too, that the hope is that not only will it attract people who otherwise might not use the parks, but they will come additionally; that this won't be their only visit, that they maybe will purchase that green card and they will come so they can enjoy that lower rate.

So it's -- again, it's very hard to figure out how much additional we would get through the year. But the Parks Department would prepare a report under this so that we can analyze this. We tried this last year, but we got rained out, so we don't really have any data.

With the veterans bill, when we lowered the golf course fees for veterans to the same as a senior price, we actually, I believe, made more money off the lower fee, because the usage went up significantly. So whether that will happen here, we won't know. It's just a one-day event, though, where that is now a permanent discount for the veterans.

**LEG. STERN:**

Well, whenever we're lowering rates, especially on a pilot project basis, that's, of course, always the hope. But the way we have always handled that as a particular issue, especially when there might be a potential loss of revenue, is that it's indeterminate, let's give it a shot, and then see where it takes us, and that seems to be the case here.

**D.P.O. SCHNEIDERMAN:**

Right. And we did add the rain date on this bill. And the date -- these dates were selected by the Parks Department as traditionally fairly slow dates, that maybe we could grow some park business. So, yeah, I thank the Park Commissioner for cooperating, coming up with a date where they thought this would work.

**P.O. GREGORY:**

Okay. Legislator Krupski.

**LEG. KRUPSKI:**

A question to the sponsor. So does this -- and I think it's a good idea to get people in who ordinarily wouldn't be going that day. Does this require them to buy a green card?

**D.P.O. SCHNEIDERMAN:**

No, no way. They don't have to buy a green card. They would get the same, basically the same price as a green card holder would get, which is roughly half the price. The hope is that they will buy a green card, but they're not required to buy a green card.

**P.O. GREGORY:**

Okay. We have a motion.

**D.P.O. SCHNEIDERMAN:**

Green Key, not green card. Sorry.

**P.O. GREGORY:**

Yes, Green Key. It's late. We have a motion, a second.

**MR. LAUBE:**

I need a second.

**P.O. GREGORY:**

We do.

**MR. LAUBE:**

Legislator Cilmi withdrew his second.

**P.O. GREGORY:**

Oh, right. Second by Legislator McCaffrey.

**LEG. CILMI:**

And on the motion. Just one question, and forgive me if I missed this, but -- so Nassau County -- Nassau County residents are not permitted to have a Green Key card, correct?

**MR. NOLAN:**

That's what the Commissioner just told me, yes.

**LEG. CILMI:**

So are we just trying to entice Nassau residents to use our beaches -- use our parks, therefore, for this one day at the lower price in the hopes that they'll come back and pay the nonresident prices at some point in the future; is that the objective?

**D.P.O. SCHNEIDERMAN:**

Well, that could be one of the positive outcomes of it, sure. They're allowed to use the parks now, so it's --

**LEG. CILMI:**

Right.

**D.P.O. SCHNEIDERMAN:**

So, yeah. So maybe some of them would come back. And it's kind of like an introduction to half-price day. It gets them in the door, in this case there's no door, but into the park, and then, yeah, hopefully, they would come back. But, I mean, I think mostly it's going to be for Suffolk County residents. There might be some Nassau residents that take advantage of it, but predominantly the hope is that it would be Suffolk County. I don't know if that's something we track. Commissioner, do we track the origin of the vehicle? Probably not. So we won't know whether it's lots of people from Nassau County or mostly Suffolk.

**COMMISSIONER DAWSON:**

Yeah.

**LEG. CILMI:**

So then why does the bill even address, or doesn't it address, Nassau County specifically?

**D.P.O. SCHNEIDERMAN:**

We don't check, right?

**LEG. CILMI:**

Does the bill or does it not -- does the bill not specifically reference Nassau?

**D.P.O. SCHNEIDERMAN:**

No, it doesn't mention --

**LEG. CILMI:**

Does not reference Nassau County?

**D.P.O. SCHNEIDERMAN:**

Doesn't reference Nassau County, no.

**LEG. CILMI:**

Okay. So it just speaks to nonresident versus resident?

**COMMISSIONER DAWSON:**

Actually, it speaks to Green Key, non-Green Key. I mean, it's semantics, but that's what it is. Does that make sense?

**LEG. CILMI:**

Okay. So it doesn't even talk about nonresident, it just says Green Key or non-Green Key?

**COMMISSIONER DAWSON:**

That's correct.

**D.P.O. SCHNEIDERMAN:**

Well, actually the whereases all talk about Suffolk residents, you know.

**LEG. STERN:**

Well, that's the type of -- the effect is that it's Green Key versus non-Green Key, but that's only because we're referring to Suffolk residents who don't have a Green Key as a nonresident.

**COMMISSIONER DAWSON:**

Correct.

**LEG. STERN:**

There's a problem with the term.

**D.P.O. SCHNEIDERMAN:**

You'd have to fix the fee schedule.

**P.O. GREGORY:**

Okay? All right. We have a motion; we have a second now? Okay, Mr. Clerk? You're okay?

**MR. LAUBE:**

Yeah, I'm just waiting for Doc.

**P.O. GREGORY:**

Got it? All right. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

There he is. Eighteen.

**P.O. GREGORY:**

Okay. All right. *I.R. 1276 - A Local Law to further strengthen the County's regulation on the outdoor restraint of pets (D'Amaro).* Legislator D'Amaro.

**LEG. D'AMARO:**

Motion to approve.

**P.O. GREGORY:**

Motion to approve, Legislator D'Amaro.

**LEG. HAHN:**

Second.

**LEG. KRUPSKI:**

Second.

**P.O. GREGORY:**

Second by Legislator -- who was it? No, I heard Legislator Hahn first.

**LEG. D'AMARO:**

On the motion.

**P.O. GREGORY:**

On the motion, Legislator D'Amaro.

**LEG. D'AMARO:**

Yeah, very briefly, because I know over the last several weeks we've heard an awful lot of testimony in support of this bill. I hope that you would seriously consider supporting it and passing it today.

This bill addresses inappropriate behavior -- inappropriate treatment of dogs specifically. All it really does is regulate the device that can be used -- excuse me -- a device that can be used to tether a dog. You can't use a choke collar, or embedded collar, or even heavy chains. I mean, if you've looked at some of the pictures in support of this bill, you can see how it really winds up. When you use those types of devices inappropriately, it really turns into nothing less than abuse of the animal itself.

The bill also regulates the length of the chain that can be used to tether a dog outside, it can be no less than 10 feet. And it prohibits tethering, or chaining, or putting your dog outside for more than two hours in any 24-hour period. So I think these are all positive steps in the right direction for animal rights and the protection of dogs.

Some of the testimony that we've heard from some of the organizations over the last weeks have highlighted the need for this bill and what's happening. Most people love their dogs, they love their pets, but, unfortunately, there are those that are doing this type of tethering, or the length is just too long and it's being done in the winter months, and it really is abusive to the animal itself.

So the bill does provide also for a \$500 penalty per violation. And what we're doing is we're empowering law enforcement to go into the field, and when they see this type of abuse, we're giving them the tool in their arsenal to protect the animals themselves. So I'd ask for you to support this bill.

**LEG. SPENCER:**

Here-here.

**LEG. D'AMARO:**

And let's take a vote, I guess.

**P.O. GREGORY:**

Okay. Legislator Barraga has a question or comment.

**LEG. BARRAGA:**

Legislator D'Amaro, certainly I'm going to support your bill. I guess the question I have, though, realistically is from the enforcement side. I mean, who's really going to do the enforcement of this legislation? I mean, you might say the Suffolk County Police or the SPCA. Do they have the manpower? I mean, how does one really know if a dog is tied up more than two hours? How does one get on the property? How does one even see these animals?

**LEG. D'AMARO:**

Yeah, I had similar questions, because I don't want to pass something that ultimately just gathers dust on the shelf, so to speak, but -- and I also want to thank Unchained New York for helping me, and to draft this legislation, and highlighting the need, and answering many of my questions. That's one of the organizations that I worked with. The fact is that there are organizations throughout the County that go into neighborhoods, and they've testified here, and they see this type of abuse and they see it all the time, and it happens much too frequently. And they work hand in hand with the SPCA or other -- or the Suffolk County Police Department. And it's not uncommon for

a police officer to respond to this type of call, and perhaps say, "Okay, well, this is my sector and, you know, we'll give it the two hours and we'll come back," and that's how you enforce it. It's not something where the Police Department, or the SPCA, or anyone else with enforcement authority, would be going out specifically looking for violations, but most laws are not like that. We don't -- you know, we don't patrol the neighborhoods looking for violations, it's usually based upon reporting. And not only are there homeowners that are willing to report this type of conduct and abuse, but there are also organizations that are very concerned about this and can do it on their own as well.

So I think enforcement is really not an issue. Think of the flip side. If you don't have this bill in place, then you can have a dog that's being abused or left outside overnight when it's, you know, 15 degrees outside and three feet of snow. You can have a dog that has a choke collar on for twelve hours outside.

**LEG. BARRAGA:**

I don't disagree with your bill.

**LEG. D'AMARO:**

Right. And can you have an embedded collar, you can heavy -- you can have all -- and then, when the police officer shows up, there's nothing there that they can do about it.

**LEG. BARRAGA:**

From an enforcement perspective, is there anything in the bill that after a period of time, six months or a year, the Legislature or someone would get a report on the number of summonses that have been issued in this particular area?

**LEG. D'AMARO:**

No, there's nothing in the bill that --

**LEG. BARRAGA:**

Because that's one way of sort of measuring the effect of this, you know, enforcement procedure.

**LEG. D'AMARO:**

Yeah. But I think that information would be easily available, you know, if you wanted to, you know, check up and see if it's actually being utilized.

**LEG. BARRAGA:**

I think we both want to see something like that if we pass this --

**LEG. D'AMARO:**

I have no doubt --

**LEG. BARRAGA:**

-- in six months or a year.

**LEG. D'AMARO:**

Yeah. I have no doubt in my mind that you will see this bill used, these provisions used, because there --

**LEG. BARRAGA:**

I want you to be -- I want you to be right in terms of the enforcement aspect. I want to be wrong on this issue.

**LEG. D'AMARO:**

Yeah.

**LEG. BARRAGA:**

But I'm sort of a doubting Thomas on this aspect of it.

**LEG. D'AMARO:**

Right.

**LEG. BARRAGA:**

I'm not so sure of the enforcement.

**LEG. D'AMARO:**

But you know what, but if we don't pass this, that number will be zero.

**LEG. BARRAGA:**

No, absolutely.

**LEG. D'AMARO:**

Right.

**LEG. BARRAGA:**

But I'd like to see, you know, some real progress after six or twelve months, predicated on your statements of enforcement and different groups being out there.

**LEG. D'AMARO:**

Well, Tom, I --

**LEG. BARRAGA:**

I think it's something I'd like to see personally.

**LEG. D'AMARO:**

Right, but I can't --

**LEG. BARRAGA:**

I know that. I know that.

**LEG. D'AMARO:**

I'm not going to be in the field telling the cops what to do, you know.

**LEG. BARRAGA:**

But maybe at some point in time, six or nine months out, I'll put the request to see what's --

**LEG. D'AMARO:**

Oh, yeah, no.

**LEG. BARRAGA:**

If an increase in total summonses have been issued in this particular area by police.

**LEG. D'AMARO:**

Right, right. Okay, good. And if it's not, what's the number you're looking for?

**LEG. BARRAGA:**

I'm not looking for a specific number. I'd like to see the next six months versus the last six months, see if there's progressive improvement in terms of the enforcement predicated on your bill passing.

**LEG. D'AMARO:**

Right. And if there's not, then the solution wouldn't be to repeal this bill --

**LEG. BARRAGA:**

No, no.

**LEG. D'AMARO:**

-- but to ask the Police Department why they're not enforcing it.

**LEG. BARRAGA:**

Well, you and I would have to have a talk in terms of what could be done to enforce the bill. Otherwise, we've got a piece of legislation that's really not effective.

**LEG. D'AMARO:**

Well, it's effective from the moment it's signed into law, because it doesn't exist right now.

**LEG. BARRAGA:**

Effective from an enforcement perspective. If we don't see any increase in the number of summonses in six to nine months, anything substantial, then we have a problem somewhere. We've got a bill on the books, like a number of other bills probably, that they sound great, but we don't really enforce the law.

**LEG. D'AMARO:**

Well, you know, if you've been listening to the testimony in the Public Hearing and during -- well, I don't know about committees, but even here today, there are active organizations that have every intention of making sure that this law gets enforced. That's more -- that's more, frankly, than enforcing Health Department regulations.

**LEG. BARRAGA:**

I want them to be right.

**LEG. D'AMARO:**

Right.

**LEG. BARRAGA:**

But just in six or nine months, I'll put a request in at the Police Department or the SPCA, whoever in charge with the enforcement, I'd like to see the numbers. I'd like to see if we have increases in the enforcement aspect.

**LEG. D'AMARO:**

Okay.

**LEG. BARRAGA:**

That's reasonable. I think you'd like to see that as well.

**LEG. D'AMARO:**

Yeah. You know, listen, I don't make policy decisions based upon what's going to happen six or nine months. I have to make a decision today on do I want to pass this legislation to protect or

undo --

**LEG. BARRAGA:**

I want -- you know, I'm not defending that.

**LEG. D'AMARO:**

-- or try to prevent this certain wrong that I see.

**LEG. BARRAGA:**

I want you to protect these animals. All I'm saying is that at some point in time --

**LEG. D'AMARO:**

Yeah, but I'm just curious. Why do you hold this bill to that particular standard, but not every other bill that has to be enforced?

**LEG. BARRAGA:**

Because in the testimony I heard, there were a number of people from the organizations that you said who indicated they have a difficult time getting on the properties.

**LEG. D'AMARO:**

Right, of course they do. That's why you need the police there.

**LEG. BARRAGA:**

So I'm not so sure how effective that particular group is going to be. I'm not so sure the Police want to embrace the enforcement of this anyway. Usually, they have the SPCA or somebody else come in.

**LEG. D'AMARO:**

Well, that's a different issue. They don't have that choice. A police officer has to enforce the law. You can't base your judgment on this bill based on what the police might do as a matter of what they want to do. And, again, why is this bill being held by you to this standard?

**LEG. BARRAGA:**

Because I think in this particular piece of legislation, I sense that the enforcement aspect could be a problem.

**LEG. D'AMARO:**

I don't agree at all.

**LEG. BARRAGA:**

Well, I just want to quantify it.

**LEG. D'AMARO:**

I think what -- I'm not even -- I would like the bill to be enforced, but I'm making a policy decision right here, just like I do on every other bill. I can't answer for the enforcement of the bill, that's up to the Police Department.

**LEG. BARRAGA:**

Well, you have your position and I have mine.

**LEG. D'AMARO:**

No, no, I understand.

**LEG. BARRAGA:**

I'd like to see a quantifiable aspect --

**LEG. D'AMARO:**

I would like to see it, too.

**LEG. BARRAGA:**

-- of it in six or nine months.

**LEG. D'AMARO:**

Right, right. Okay.

**LEG. BARRAGA:**

Okay?

**LEG. D'AMARO:**

All right.

**P.O. GREGORY:**

Okay. Legislator Trotta, real quick.

**LEG. TROTTA:**

One quick -- well, two quick questions. One is, what about the thing like they have the rope tied between the two trees and then the leash goes back and forth, is that included in it, to get tethered.

**LEG. CALARCO:**

That's a run.

**LEG. D'AMARO:**

What about the what? I'm sorry. What's that?

**LEG. TROTTA:**

Is that included in like what's -- it's not a dog run, like it's got, I guess, some kind of rope between its neck and then a tether, and the tether runs like along the whole property. Is that considered a leash?

**LEG. D'AMARO:**

Well, first I want to understand what you're describing to me. So there's a cage?

**LEG. TROTTA:**

No. There's like a wire that runs from here to the corner of that room.

**LEG. CILMI:**

Like a zip-line.

**LEG. D'AMARO:**

Right.

**LEG. TROTTA:**

A zip-line.

**LEG. D'AMARO:**

Well, let me ask you this: You have a dog on your line tethered. Right? Is the collar on the dog embedded or a choke collar?

**LEG. TROTТА:**

No.

**LEG. D'AMARO:**

Okay. So then it wouldn't violate that provision. Does the chain or the link that's being used exceed 25% of the dog's total body weight?

**LEG. TROTТА:**

I don't know.

**LEG. D'AMARO:**

Well, I want to answer your question. You have to give me --

**LEG. TROTТА:**

Oh.

**LEG. D'AMARO:**

You have to look at the specifics of the bill.

**LEG. TROTТА:**

No.

**LEG. D'AMARO:**

You're asking me would it prohibit, but I'm asking you, then, well, give me the description of what you're describing.

**LEG. TROTТА:**

So let's say it doesn't.

**LEG. D'AMARO:**

Is the tether being used less than 10 feet?

**LEG. TROTТА:**

No, it's more than 10.

**LEG. D'AMARO:**

Okay. So, so far, you haven't violated Section 1, 2, or 3, or 4.

**LEG. TROTТА:**

But it's over three, for four hours now.

**LEG. D'AMARO:**

That's a violation. Yeah, that's a violation.

**LEG. TROTТА:**

You've got to do half of like, you know -- being a cop, I could tell you that the cops are going to write tickets, because in areas where there's drug dealing, they use dogs out there all the time in front of their house, and they tether them out there for 24 hours.

**LEG. D'AMARO:**

Right.

**LEG. TROTTA:**

And the cops are going to write tickets, because they probably won't answer them and they'll get warrants. So once they know about it, they'll --

**LEG. D'AMARO:**

That's an idea.

**P.O. GREGORY:**

Oh, you guys are killing me.

**LEG. D'AMARO:**

Well, that may be an unintended consequence of the bill, but it's a positive consequence of the bill, and I appreciate that.

**P.O. GREGORY:**

Lou, we're getting somewhere. This is the guy who won't write tickets for speeding, but for tethering dogs. So I'm going to call you sometimes-no-ticket Legislator.

*(\*Laughter\*)*

All right. Cilmi, please, it's 9:30.

**LEG. CILMI:**

Legislator Trotta just doesn't want cameras on each house detecting whether or not the dogs are tethered.

To the point that was just discussed about the enforcement and cops will go write the tickets, would this qualify under -- and the drug dealers keeping their dogs outside. Would this qualify under the County's Crack House Law?

**LEG. D'AMARO:**

I don't understand the question.

**LEG. CILMI:**

In other words, if you -- if there's a prohibited -- I can't really quote the law, but here's my understanding of it. If there's a prohibited activity going on, a public nuisance going on --

**P.O. GREGORY:**

Public Nuisance Law.

**LEG. CILMI:**

-- okay, going on at a particular residence or address, and there are two arrests within -- or maybe not two arrests, but two convictions within three years, the County has the -- has the right to seize that property. And, you know, if drug dealers are using -- are tethering their dogs outside and, therefore, in violation of this law once it passes, and we can use that to essentially remove drug dealers from communities, that would be another positive unintended consequence.

**LEG. D'AMARO:**

Well, I don't know -- I would defer to Counsel on that. I don't know off the top of my head, but what I would tell you is the way it's envisioned to enforce this bill is that the officer would write a

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citation, a violation, which is punishable by a \$500 fine. Whether or not that rises to the level or could lead to enforcement and arrest, and then qualify in the provisions of the Nuisance or the Crack House Law, I don't know the answer to that question.

**LEG. CILMI:**

Counsel, through the Chair.

**MR. NOLAN:**

No. You would have --

**LEG. CILMI:**

You could just say yes or no.

**MR. NOLAN:**

You'd have to amend the Crack House Law to include this, but I think it would be disproportionate to --

**LEG. CILMI:**

Okay.

**MR. NOLAN:**

-- the idea that you could seize property.

**LEG. D'AMARO:**

Right. Because you're talking about a predicate violation, which could be one of the basis to trigger the law.

**MR. NOLAN:**

I don't think so.

**LEG. D'AMARO:**

And so you've heard the answer.

**LEG. CILMI:**

Okay. Thank you.

**P.O. GREGORY:**

There's specific -- it's like drugs and drug paraphernalia, you know, specific acts that you have to -- okay. We have a motion and a second. All in favor? Opposed? Abstentions?

**LEG. CALARCO:**

Cosponsor.

**D.P.O. SCHNEIDERMAN:**

Cosponsor, Tim.

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

Okay.

**LEG. D'AMARO:**

Thank you.

**P.O. GREGORY:**

***I.R. 1403 (Appropriating funds in connection with Countywide System Enhancements to the 800 MHz Radio Communications System (CP 3241) (Co. Exec.)*** has to be tabled.

There isn't a bonding resolution. So I make a motion to table.

**LEG. CALARCO:**

Second.

**P.O. GREGORY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

***I.R. 1408 - Accepting and appropriating Federal funding in the amount of \$20,000 from the United States Department of Agriculture, Office of Inspector General, for the Suffolk County Police Department's participation in the U.S. Department of Agriculture's Supplemental Nutrition Assistance Program (SNAP) Fraud Investigation with 79.33% Support (County Executive).*** Motion by Legislator Browning, second by Legislator --

**LEG. CALARCO:**

Second.

**P.O. GREGORY:**

Calarco. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

***I.R. 1448 - Authorizing the Vocational, Education and Extension Board of Suffolk County to participate in the County Self Insurance Program (County Executive).***

**D.P.O. SCHNEIDERMAN:**

Motion.

**P.O. GREGORY:**

Motion to approve by Legislator Schneiderman. Did I hear someone else?

**LEG. HAHN:**

Second.

**LEG. KENNEDY:**

(Raised hand).

**P.O. GREGORY:**

Legislator -- second by Legislator Kennedy. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**LEG. KRUPSKI:**

Cosponsor, Tim.

**P.O. GREGORY:**

***I.R. 1449.***

**D.P.O. SCHNEIDERMAN:**

Tim, cosponsor.

**P.O. GREGORY:**

***Amend the 2014 Operating Budget for the Suffolk County Department of Fire, Rescue and Emergency Services (FRES) (County Executive).***

**LEG. BROWNING:**

Motion.

**LEG. KENNEDY:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Browning, second by Legislator Krupski. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

All right. ***I.R. 1382 - Appropriating funds in connection with strengthening and improving County roads (CP 5014) (County Executive).*** Motion by Legislator Krupski.

**D.P.O. SCHNEIDERMAN:**

Second.

**P.O. GREGORY:**

Second by Legislator Schneiderman. All in favor? Opposed? Abstentions? I.R. 13 --

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

I'm sorry. ***I.R. 1382A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$6,000,000 in Bonds to finance the cost of the strengthening and improving County roads (CP 5014.355),*** the bonding resolution, same motion, same second. Roll call.

**MR. LAUBE:**

Who was the motion and second on 1382?

**P.O. GREGORY:**

Krupski/Schneiderman.

**MR. LAUBE:**

Thank you. And that was 18 on the last one. All right.

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

**LEG. KRUPSKI:**

Yes.

**D.P.O. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. CALARCO:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MARTINEZ:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. TROTTA:**

Yes.

**LEG. MC CAFFREY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. SPENCER:**

Yes.

**P.O. GREGORY:**

Yes.

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

Okay. *I.R. 1397 - Appropriating funds in connection with the purchase of Public Works Highway Maintenance Equipment (CP 5047) (Co. Exec.)*. Motion to approve by Legislator Krupski, second by Legislator Muratore. All in favor? Opposed? Abstentions?

**LEG. KENNEDY:**

Opposed.

**MR. LAUBE:**

Seventeen.

**P.O. GREGORY:**

*I.R. 1397A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$2,250,000 Bonds to finance the cost of acquisition of Public Works Highway Maintenance equipment (CP 5047.532)*, the bonding resolution, same motion, same second.  
Roll call.

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

**LEG. KRUPSKI:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. CALARCO:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MARTINEZ:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

No.

**LEG. TROTTA:**

No.

**LEG. MC CAFFREY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. SPENCER:**

Yes.

**D.P.O. SCHNEIDERMAN:**

Yes.

**P.O. GREGORY:**

Yes.

**MR. LAUBE:**

Sixteen.

**P.O. GREGORY:**

Okay. ***I.R. 1400 - Approving a contract and authorizing execution of same with Pinelawn Cemetery for the acquisition and disposition of properties for the realignment of CR 3, Wellwood Avenue at Long Island Avenue and Conklin Street, Town of Babylon (CP 5510) (County Executive).*** I make a motion to approve, second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

Okay. ***I.R. 1404 - Appropriating funds in connection with rehabilitation of various bridges and embankments (CP 5850) (County Executive).*** Motion by Legislator Krupski, second by Legislator Muratore. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

***I.R. 1404A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$2,500,000 in Bonds to finance the rehabilitation of various bridges and embankments (CP 5850.327), same motion, same second. Roll call.***

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

**LEG. KRUPSKI:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. CALARCO:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MARTINEZ:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. TROTTA:**

Yes.

**LEG. MC CAFFREY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. SPENCER:**

Yes.

**D.P.O. SCHNEIDERMAN:**

Yes.

**P.O. GREGORY:**

Yes.

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

***J.R. 1405 - Appropriating funds in connection with improvements to CR 21, Yaphank Avenue/Middle Island-Yaphank Road from NYS Route 25 to the Long Island Expressway North Service Road, Town of Brookhaven (CP 5138) (County Executive).***

**LEG. BROWNING:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Browning, second by Legislator Calarco. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

***J.R. 1405A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$250,000 Bonds to finance the cost of planning improvements to CR 21, Yaphank Avenue/Middle Island-Yaphank Road from NYS Route 25 to the Long Island Expressway North Service Road in the Town of Brookhaven (CP 5138.110), same motion, same second.***

Roll call.

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

**LEG. BROWNING:**

Yes.

**LEG. CALARCO:**

Yes.

**LEG. KRUPSKI:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MARTINEZ:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. TROTTA:**

No.

**LEG. MC CAFFREY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. SPENCER:**

Yes.

**D.P.O. SCHNEIDERMAN:**

Yes.

**P.O. GREGORY:**

Yes.

**MR. LAUBE:**

Seventeen.

**P.O. GREGORY:**

Okay. ***I.R. 1406 - Appropriating funds in connection with painting of County Bridges (CP 5815) (County Executive).*** Motion by Legislator Krupski, second by Legislator Muratore -- oh, Legislator Hahn. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

***I.R. 1406A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$875,000 Bonds to finance the cost of painting of County bridges (CP 5815.420), same motion, same second. Roll call.***

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

**LEG. KRUPSKI:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. CALARCO:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MARTINEZ:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. TROTTA:**

No.

**LEG. MC CAFFREY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. SPENCER:**

Yes.

**D.P.O. SCHNEIDERMAN:**

Yes.

**P.O. GREGORY:**

Yes.

**MR. LAUBE:**

Seventeen.

**P.O. GREGORY:**

***I.R. 1414 - Authorizing the County Executive to enter into a Memorandum of Understanding with the New York State Department of Transportation for the Rehabilitation of CR 19, Patchogue-Holbrook Road Bridge over Long Island Expressway (I-495) (County Executive).***

**LEG. CALARCO:**

Motion.

**P.O. GREGORY:**

Motion to approve by Legislator Calarco. Second by -- who was that, Legislator Browning?

**LEG. BROWNING:**

(Nodded yes).

**P.O. GREGORY:**

All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

***I.R. 1415 (Amending the 2014 Capital Budget and Program and appropriating funds in connection with the installation of a Closed Loop Signal System on various County Roads (CP 3309), has to be tabled for -- no bonding resolution. I make a motion to table, second by Legislator Schneiderman. All in favor? Opposed? Abstentions?***

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

***I.R. 1416 - Authorizing an Intermunicipal Agreement with the Board of Trustees of the Freeholders and Commonalty of the Town of Southampton and the Town Board of the Town of Southampton, and accepting funds associated with overtime costs for dredging of County waters within the Town of Southampton (County Executive).*** Motion by Legislator Schneiderman.

**LEG. KRUPSKI:**

Second.

**P.O. GREGORY:**

Second by Legislator Krupski.

**LEG. KRUPSKI:**

On the motion.

**P.O. GREGORY:**

On the motion.

**LEG. KRUPSKI:**

This is a necessary dredging project outside of the normal dredge window. And I did speak to the Board of Trustees in Southampton about this and they are -- you know, they really do request the dredging. However, the charge for overtime costs by the County to the Towns is something that was supposed to be a one-time deal two years ago and it's turned into almost normal. And it's really -- no other Town is charged for overtime costs for any other service provided to it by the County, and this is something that I would really like to see discontinued.

The reason it was done the first year, because Federal Fish and Wildlife shortened the windows, the dredge windows, and the dredging had to get done in a much shorter period of time. After that, you know, the County kind of made some adjustments last year, but the Towns were still charged, and it's an unfair practice that should be discontinued.

**P.O. GREGORY:**

Okay. Legislator Schneiderman.

**D.P.O. SCHNEIDERMAN:**

Yeah. No. I would agree with my colleague from the North Fork. And, really, the information, I know you're listening, you know, I know the County Executive has not wanted to approve overtime costs, but that has meant that the dredge only gets to work half as much, and we can't afford that. We only have one County dredge and a very short window of time to get all the dredging done, and so overtime is going to be a necessity. And I think that rule has to be waived for dredging. It's embarrassing to go to the Towns and ask them for 10,000 or 15,000 and to help us pay for overtime on a -- what might be a half-a-million dollar dredging project. It's silly, so please send that message. Thank you.

**P.O. GREGORY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

Okay. *I.R. 1451 - Authorizing the County Executive to enter into a Memorandum of Understanding with the Town of Brookhaven establishing a procedure for the removal of advertising on County right-of-ways located within the Town (County Executive).*

**LEG. MURATORE:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Muratore.

**LEG. KENNEDY:**

Second.

**P.O. GREGORY:**

Second by Legislator Kennedy.

**LEG. KRUPSKI:**

On the motion.

**P.O. GREGORY:**

On the motion, Legislator Krupski.

**LEG. KRUPSKI:**

We talked about this in committee. It was my understanding that this would not cost the County anything, but that, rather, it would give the Town the ability to remove advertising on County-owned right-of-ways.

I did reach out to the other East End Towns with this to see if they were interested in the same sort of agreement. They -- you know, I'm sure they have laws that apply the same way for placement of signs on municipal right-of-ways. So they -- I would assume we would be having other agreements with the other East End Towns on this.

**P.O. GREGORY:**

Legislator Hahn.

**LEG. HAHN:**

Does this allow for us to revoke this, if need be? If we think -- revoke this?

**COMMISSIONER ANDERSON:**

The agreement would require that the Town reach out to myself or the Department for approval prior to going on to our right-of-way. So we would have the right of refusal before they were ever able to come onto our property. And, in fact, I would expect that we would take it down once we were notified.

**P.O. GREGORY:**

Commissioner, so are we responsible for taking the signs down, or is the Town going to do it?

**COMMISSIONER ANDERSON:**

All right. We are responsible. There are no political signs permitted on County right-of-ways, but they get there. And we are very -- it's a policy decision that we do not permit them and we remove them on a regular basis during that time of year, you know. And then, generally, we bring them back to our Highway yards to await recollection by whoever puts them out there, if they do come. Otherwise, they go into the trash.

The only thing I would envision this actually becoming useful is when you have a situation -- a lot of times the bumper stickers get put in places that is we can't -- they get put high up on a pole, things like that. If the Town has a bucket truck that can certainly take it down, I'm all for getting them to do it and helping us.

**LEG. KRUPSKI:**

This includes not only political signs, but also, you know, clean your gutter, paint your driveway, all those signs.

**COMMISSIONER ANDERSON:**

Absolutely, signs and things like that.

**LEG. KRUPSKI:**

Right.

**COMMISSIONER ANDERSON:**

You aren't supposed to place any signs on a County road without a permit.

**P.O. GREGORY:**

Okay. So my understanding was I thought that the Town was going to do it, but you're not saying that's the case.

**COMMISSIONER ANDERSON:**

They would notify us of a particular sign or signs, and then we would advise them, give them permission to go onto our right-of-way if we so choose, or we might choose to take it down ourselves. It really depends on, you know --

**P.O. GREGORY:**

We -- I think a question came up as far as enforcement of this. You know, if there's certain -- you know, if certain signs of a certain party were being taken down and others were being left up, how do we account for that?

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

**COMMISSIONER ANDERSON:**

That's, frankly, one of the concerns that I had. And that's why we put in, or we are putting in to the Inter-municipal agreement that we want that first right-of-refusal. So we -- as I've said, we normally, during any political season, go through and -- at least once a week we'll go through and clean out an entire right-of-way, roadway. So, you know, I would anticipate the benefit of this being very minimal, and I am concerned because of shenanigans that sometimes take place. And again, that's why we have always -- in my tenure, have always mandated that no political signs of either party are permitted within the right-of-way.

**P.O. GREGORY:**

Okay. All right, thank you. All right? We have a motion, we have a second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

All right. ***IR 1381-14 - Declaring August 7th as "Purple Heart Day" in Suffolk County (Muratore)***. Motion to approve by Legislator Muratore. Second by Legislator Krupski. All in favor? Opposed? Abstentions? And I'm sure we have 18 cosponsors.

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

Cosponsor.

**D.P.O. SCHNEIDERMAN:**

Or raise your hand if you're not cosponsoring.

**P.O. GREGORY:**

Yes, Commissioner?

**COMMISSIONER ANDERSON:**

If I may, I just would like to advise you that the Rangers just won game seven.

**P.O. GREGORY:**  
All right!

***Applause***

**COMMISSIONER ANDERSON:**  
Good night, everybody.

**P.O. GREGORY:**  
Good night.

**Ways & Means**

All right, Ways & Means, ***IR 1333-14 - Approving payment to General Code Publishers for Administrative Code Pages (Presiding Officer Gregory)***. I make a motion to approve. Second by Legislator Calarco. All in favor? Opposed? Abstentions?

**MR. LAUBE:**  
*Eighteen.*

**P.O. GREGORY:**  
***IR 1344-13 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 V & C Holding Corp. (SCTM No. 0200-684.00-01.00-013.000) (County Executive)***.

**LEG. CALARCO:**  
Motion.

**P.O. GREGORY:**  
Motion by Legislator Calarco. Second by Legislator Stern. All in favor? Opposed? Abstentions?

**MR. LAUBE:**  
*Eighteen.*

**P.O. GREGORY:**  
***IR 1345-14 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 V & C Holding Corp. (SCTM No. 0200-684.00-01.00-017.000) (County Executive)***. Same motion, same second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**  
*Eighteen.*

**P.O. GREGORY:**  
***IR 1368-14 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 John Padilla and Nancy Padilla, his wife (SCTM No. 0500-102.00-01.00-110.000) (County Executive)***. Same motion, same second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**  
*Eighteen.*

**P.O. GREGORY:**  
***IR 1413-14 - Authorizing the transfer of certain properties to Suffolk County Department of Public Works (SCTM Nos. 0100-058.00-01.00-060.000 and 0100-058.00-01.00-061.000) (County Executive)***.

**LEG. HAHN:**

Explanation.

**P.O. GREGORY:**

I'm sorry?

**LEG. HAHN:**

Explanation.

**P.O. GREGORY:**

Same motion, same second. Explanation, Counsel?

**MR. NOLAN:**

I guess these are parcels that the Department of Public Works has requested for sewage pump station purposes. So Real Estate's going to transfer the parcels to their jurisdiction of management.

**LEG. HAHN:**

So we own the property --

**MR. NOLAN:**

Yep.

**LEG. HAHN:**

In what department? Like what department owns the parcels?

**LEG. CALARCO:**

I believe these are tax defaults.

**MR. NOLAN:**

The resolution doesn't really say, but it directs the Director of Real Estate to make the transfer.

**LEG. HAHN:**

Okay, thank you. And they're in Babylon Town; correct? I just want to make sure that it's the one I remember. Okay.

**MR. NOLAN:**

Yep.

**LEG. HAHN:**

Thank you.

**P.O. GREGORY:**

Okay. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

***IR 1417-14 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 MHC Greenwood Village, LLC (SCTM No. 0200-677.10-01.00-083.000) (County Executive).***

Same motion, same second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**LEG. KRUPSKI:**

Abstain, Tim.

**MR. LAUBE:**

Seventeen.

**LEG. BROWNING:**

No, no, I'll join him.

**P.O. GREGORY:**

Oh, two. Okay.

**MR. LAUBE:**

Anyone else? Sixteen.

**LEG. HAHN:**

Abstain.

**MR. LAUBE:**

*Fifteen (Abstentions: Legislators Krupski, Browning & Hahn).*

**P.O. GREGORY:**

Okay. ***IR 1418-14 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 MHC Greenwood Village, LLC (SCTM No. 0200-677.10-01.00-040.000) (County Executive).***  
Same motion, same second. All in favor? Opposed? Abstentions?

**LEG. KRUPSKI:**

Abstain.

**LEG. BROWNING:**

Abstain.

**LEG. HAHN:**

Abstain.

**MR. LAUBE:**

*Fifteen (Abstentions: Legislators Krupski, Browning & Hahn).*

**P.O. GREGORY:**

Okay. ***IR 1419-14 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 MHC Greenwood Village, LLC (SCTM No. 0200-677.10-01.00-031.000) (County Executive).***  
Same motion, same second. All in favor? Opposed? Abstentions?

**LEG. KRUPSKI:**

Abstain.

**MR. LAUBE:**

*Fourteen (Abstentions: Legislators Krupski, Browning, Muratore & Hahn).*

**P.O. GREGORY:**

***IR 1430-14 - Authorizing the re-conveyance of County-owned real estate pursuant to Section 215, New York State County Law to Andra Matera and Joseph Matera (SCTM No. 0102-015.00-02.00-037.000) (McCaffrey).***

**LEG. McCAFFREY:**

Motion.

**P.O. GREGORY:**

Motion by Legislator McCaffrey. Second by Legislator Muratore.  
Any questions? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

Okay. If you go to the manilla folder, ***Procedural Resolution No. 12-2014 - To set a public hearing regarding the Alteration of rates for North Ferry Co., Inc. (Presiding Officer Gregory).*** I make a motion to approve. Second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

***Procedural Motion No. 13-2014 - Apportioning Mortgage Tax by: County Treasurer (Presiding Officer Gregory).*** Same motion, same second.  
All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

***Procedural No. 14-2014 - To set a public hearing for the inclusion of a new parcel into existing Agricultural District (SCTM No. 0300-166.00-04.00-001.004 – Darryl Glennon) (Presiding Officer Gregory).***

I make a motion. Second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

***Procedural Motion No. 15-2014 - To set a public hearing for the inclusion of new parcels into an existing Agricultural District (SCTM Nos. 0400-203.00-02.00-051.001 – Guido F. Foglia Trust & Dinah L. Foglia Trust and 0400-203.00-02.00-051.003 – Lawrence P. Foglia & Heather Forest) (Presiding Officer Gregory).*** Same motion, same second. All in favor?

Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

***Procedural Motion No. 16-2014 - To set a public hearing for the inclusion of new parcels into an existing Agricultural District.***

**(SCTM No. 0504-004.00-01.00-016.000 – Pal-O-Mine Equestrian, Inc.)**

Same motion, same second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

***Procedural Motion number 17 - To set a public hearing for the inclusion of new parcels into an existing Agricultural District (SCTM No. 0600-098.00-01.00-016.005 – Edward Partridge)(Presiding Officer Gregory).*** Same motion, same second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

***Procedural Motion No. 18-2014 - To set a public hearing for the inclusion of new parcels into an existing Agricultural District (SCTM No. 0900-051.00-02.00-005.010) – Channing Daughters Winery LLC) (Presiding Officer Gregory).*** Same motion, same second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

***Procedural Motion No. 19-2014 - To set a public hearing for the inclusion of a new parcel (SCTM No. 0600-058.00-02.00-014.003 – Redwood Farm and Stable, LLC) and the disapproval of another parcel (SCTM No. 0600-076.00-02.00-012.001) – Kenneth Kaufold - into an existing Agricultural District (Presiding Officer Gregory).*** Same motion, same second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

***Procedural Motion No. 20-2014 -To set a public hearing for the proposed inclusion of a parcel (SCTM No. 0600-021.00-01.00-003.000) - MF & LK Holdings LLC - in an existing Agricultural District (Presiding Officer Gregory).*** Same motion, same second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

Okay, go to the **Late Starter** folder. I make a motion to waive the rules and lay on the table the following resolutions, seconded by Legislator Schneiderman:

*IR 1487 to Government Ops, Public Hearing on June 3rd, 2:30 PM in Hauppauge; IR 1488 to Ways & Means, Public Hearing on June 3rd, 2:30 PM in Hauppauge; IR 1489 to EPA; IR 1490 to EPA; IR 1491 to EPA; IR 1492 to Human Services; IR 1493 to EPA; IR 1494 to EPA; IR 1495 to EPA; IR 1496 to EPA; IR 1497 to EPA; IR 1498 to EPA; IR 1491, Budget & Finance; IR 1500, EPA; IR 1501, Public Works, set Public Hearing June 3rd, 2:30 PM in Hauppauge; IR 1502 to Public Works; IR 1503A to Parks & Recreation.*

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Do I have a second?

**MR. NOLAN:**

You had a second.

**P.O. GREGORY:**

Oh, did I have a second? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

Okay, we stand adjourned. Thank you. Good night.

*(\*The meeting was adjourned at 9:52 PM\*)*

*{ } - Denotes Spelled Phonetically*