

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

TENTH DAY

July 29th, 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:

Alison Mahoney & Lucia Braaten - Court Stenographers

Minutes Transcribed By:

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

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*(*The following testimony was taken by
Alison Mahoney - Court Stenographer & transcribed by
Denise Weaver - Legislative Aide*)*

*(*The meeting was called to order at 9:31 A.M. *)*

P.O. GREGORY:

Okay. Good morning, Mr. Clerk. Can I get a roll call?

MR. LAUBE:

Good morning, Mr. Presiding Officer.

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

LEG. KRUPSKI:

Here.

LEG. BROWNING:

(Not Present).

LEG. MURATORE:

(Not Present).

LEG. HAHN:

(Not Present).

LEG. ANKER:

Here.

LEG. CALARCO:

Present.

P.O. LINDSAY:

Here.

LEG. MARTINEZ:

(Not Present).

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.

LEG. BROWNING:

Tim, I'm here.

MR. LAUBE:

Fourteen (Not Present: Legislators Muratore, Hahn, Martinez & Kennedy)

P.O. GREGORY:

Okay, good morning. We're going to have the salute to the flag led by Legislator McCaffrey.

(*Salutation*)

P.O. GREGORY:

Okay. Legislator McCaffrey will make an introduction.

LEG. McCAFFREY:

Thank you, Presiding Officer. We have a special guest with us here today. Her name is Aubrey Alvino, She's 13 years-old, an eighth grader at Babylon Junior-Senior High School. She's been singing and acting since she could talk. She's done numerous plays at school and various theater groups on Long Island. She has sang the National Anthem for the Long Island Ducks three times, the New York Mets at CitiField and the Patriot Tour for Marcus Luttrell, the lone survivor from Operation Red Wing. So we're proud to have with us today Aubrey Alvino to sing our National Anthem.

National Anthem sung by Aubrey Alvino

(*Applause*)

LEG. McCAFFREY:

Thank you so much. Great job, thank you.

To give our invocation today, my Pastor is here, Monsignor Joseph DeGrocco. He is a native of Carle Place. He's a priest in the Diocese of Rockville Center and is currently Pastor of Our Lady of Perpetual Help Church in Lindenhurst, New York. Formerly he was Professor of Liturgy and Director of Liturgical Formation at the Seminary of the Immaculate Conception in Huntington. He has taught as a summer visiting professor at Catholic University of America in Washington D.C.; he earned a Master of Arts & Theology from the University of Notre Dame, and a Doctorate Administrative Degree from the Seminary of the Immaculate Conception.

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Monsignor DeGrocco is the author of five books on the topic of Liturgical Theology and Pastoral Liturgy and writes regular columns for Pastoral Liturgy, a national journal. Monsignor DeGrocco can be seen weekly on television networks throughout the country as the host of the show *Insight* produced by Telecare, a TV station of the Diocese of Rockville Center.

But probably his more important qualifications and accomplishments has been those that happened over the last 21 months. Twenty-one months ago I was the Deputy Mayor in the Village of Lindenhurst and we were struck -- one of the towns that were hit the most by Superstorm Sandy. We woke up that next day and many people said that they had -- everything that they had worked for their whole lives, they woke up and said that they've lost all those things. But they didn't lose everything; they had their community and they had their church. And Monsignor DeGrocco, along with the other faith-based organizations, came through, supported that community, continue to support them. So thank you for everything you did, Monsignor, and it's my pleasure to bring you up here to do our invocation.

MONSIGNOR DeGROCCO:

With a firm reliance on the protection of divine providence, let us bow our heads and pray. All mighty God and Father, we thank you for showering your blessings upon this, our beloved nation. We ask you to keep under your protection all the people of our land. We ask your benediction on those waiting to be born, that they may be welcomed and protected. We ask you to strengthen our sick and our elders waiting to see your holy face at life's end, that they may be accompanied by true compassion and cherished with the dignity due to those who are infirm and fragile.

In particular, Lord, we ask your continued divine protection upon all our brothers and sisters who serve our country and serve the cause of freedom in our armed forces. Protect all those who serve in the military and help us who are served by them to always show proper gratitude and respect. God of power and might, wisdom and justice, we beseech in a special way, this day, your divine blessing and providence upon the Suffolk County Legislature. We pray for all the members of this Legislature and all who are involved in its works and all others who are entrusted to guard our political welfare and who lead us in the work of County and local government. May they be enabled by your powerful protection to discharge their duties with honesty, faithfulness and integrity. May all who work here and all who are served by them always observe your holy law. May we be preserved in the union of our common humanity and be given that piece, which only you can give. And after enjoying the blessings of this life, may we be admitted to those blessings which are eternal.

As we are indeed one nation under God, we ask you, dear God, to bless Suffolk County, bless Long Island, bless New York State and bless America. For you, God, live and reign forever and ever.

(*Amen said in Unison*)

P.O. GREGORY:

Thank you. If you all would please remain standing for a moment of silence. Let us also remember all those men and women who put themselves in harm's way every day to protect our country.

(*Moment of Silence Observed*)

P.O. GREGORY:

Okay. Next we have several proclamations. To start off with, we have Legislator Stern.

LEG. STERN:

Thank you, Mr. Presiding Officer. And to my colleagues and to everyone with us this morning, good morning.

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I'm here this morning to congratulate **Daniel Marquardt** on his outstanding work in the creation of his award-winning documentary, *This is My Long Island*. Dan's film, *This is My Long Island*, showcases the beauty, the history and the culture of Long Island, offering an equally entertaining and educational insight into all of our Long Island communities.

What's special about Dan isn't just his talent but his unwavering dedication to this project, to this work, particularly after a house fire destroyed and nearly jeopardized three years' worth of his work.

The film, *This is My Long Island*, went on to win Best Documentary Feature in the 2014 New York/Los Angeles International Film Festival. For those of you who have not yet had the opportunity to see *This is My Long Island*, you will be impressed not only with its beauty, not only with its entertainment value, but literally it is a very powerful story of us.

And so it's a great personal pleasure to welcome Dan to the Legislature this morning. Please join me in congratulating Daniel Marquardt and wishing him every success in the future.

(* Applause *)

MR. MARQUARDT:

Wow. I'd like to also introduce Doug King, I'm sure many of you know him; Doug is also one of our producers. Legislator Stern, I can't thank you enough.

Long Island, for those of you that are the politicians here, we know how important Long Island is. I think it deserves to be told the way it should be told, with gratitude, with beautification, and why I believe Long Island is an amazing place to be. One of the important issues I think in this film, I talk about is the environment. Here with us is Richard Amper from the Pine Barrens Society; Richard was a vital part of the film as well. Living here on Long Island, our quality of life is important; we know this as politicians, we know this as families and communities. Without our quality of life, Long Island wouldn't be, I think, the beautiful and amazing place that it is. So with advocates like Richard Amper and Adrienne Esposito helping the environment and standing strong on the clean water issues and preserving the land is absolutely a tremendous, tremendous undertaking and God bless you, Richard, for doing it. Thank you so very much for being part of this film. Doug, thank you for helping me with this film. Legislator Stern and other Legislators here today, I cannot thank you enough.

For those who have not seen the film, if you wish to, you can come see me, come see Legislator Stern, find a way to get in touch with me and I'll be more than honored to share this film with you, because we are going to continue this as a documentary series once this film is out of the film festivals.

So, again, thank you for this amazing honor and I hope to see all of you again in the future.

(* Applause *)

D.P.O. SCHNEIDERMAN:

Okay. Next I'd like to bring up **Presiding Officer Gregory** as well as **Legislator Kate Browning**. They are going to honor a young man named, **Kwasi Enin**. You may have heard of him in the news, he was accepted into all eight Ivy League colleges that he applied to, and he's here with us in the audience. So Kwasi, if you could come up as well.

(* Applause *)

P.O. GREGORY:

Good morning. It's a pleasure to be before my colleagues to recognize a special young man. As Deputy Presiding Officer Schneiderman alluded to, there was a lot of news in the past few months about Kwasi and his accomplishments of being accepted to all eight Ivy League schools, and so I certainly wanted to recognize him.

And it goes without note that Kwasi was born in Amityville, which is in my Legislative District. He moved to the Longwood School District in third grade, so I will proudly take credit that there must be something in the water or the atmosphere in Amityville that certainly led to his success.

*(*Laughter*)*

Certainly not discounting the efforts of his family and his parents and, you know, his good gene pool, but we certainly wanted to recognize Kwasi for everything. You know, it's not every -- it's not enough, I should say, that our young people get the recognition for their accomplishments, because they do so many wonderful things and every opportunity we get to do that is a good one. So I certainly couldn't pass up this opportunity. So Legislator Browning and myself wanted to give Kwasi a proclamation. I have one and she has one as well. Legislator Browning?

LEG. BROWNING:

Well, I'm sure many of you have heard of him. However, DuWayne, come on, he was a graduate of the William Floyd School District.

*(*Laughter*)*

We're going to be in competition here. And, you know, the one thing that I said, he was also recognized by the Shanti Fund this year, and the one thing that I always say is the many negative and horrible comments that you're hearing lately about immigrants, and Kwasi is a product of immigrant parents from Ghana. They are both teachers. And, Kwasi, through his parents, credits his parents for everything that he has accomplished; the hard work, dedication and the opportunities that have been afforded to him living here in the United States.

Kwasi did score a 2250 out of 2400 on his SAT's. Very involved in the community; involved in the school choir and the orchestra where he played the viola; involved in track and field; volunteers at local hospitals; and he's also completed eleven advanced placement courses. He graduated seventh in his class. He is going to attend Yale University and plans to study molecular biology with the goal of becoming a physician.

So, again, it just goes to show what immigrants do when they do come to this country. And I want to say congratulations also to his parents, Doreen and Ebenezer, because without their push and, you know, getting behind him, I don't think Kwasi would be standing here. But Kwasi, do you want to say something? Come on. And he was on the David Letterman show, so we know he can say a few things.

MR. ENIN:

I'd just like to thank everyone for letting me be here to receive these proclamations. And I hope my story is a reminder that Long Island has a very strong education public system and very diverse communities, and I hope that we continue to push kids to achieve all that they can, whether it be in school or any of their passions. And thank you for being here.

*(*Applause*)*

D.P.O. SCHNEIDERMAN:

Do you want to do a quick photo, DuWayne? Yeah, before the next --

MR. GRAVANO:

He's going to do the other proclamation first.

D.P.O. SCHNEIDERMAN:

So, next I'd like to call our Sheriff Vincent DeMarco to the podium. Presiding Officer Gregory would like to present a proclamation to you and some of the Sheriff's Office involved with the Youth Re-Entry Task Force.

P.O. GREGORY:

As you can see, we have a very extensive network of providers and collaborators with the Sheriff's Youth Re-Entry Task Force. I was introduced to the task force several years ago. The Sheriff had, in his brilliance, and I say that -- I don't say that lightly, because I think it's important to highlight someone who's a creative and innovative thinker, who doesn't just look at his position as locking people up so they could serve their sentence. He's looking at this program, he developed this program, to improve and better peoples' lives so when they get out of jail, that they have more of a likelihood of a success rate, of being productive citizens. I remember going there several years, Legislator Hahn was there, Legislator Anker was there, I know Legislator Lindsay was there recently and I know there were others who have visited this program and it's amazing what they're doing with the youth. It's incredible. There are youth offenders, they have -- there are certain criteria that they have to meet. They have to be good -- on good behavior, and they're very strict about that, and it's important that we have a program like this.

So I really laud the Sheriff for being creative and coming up with the program that's going to help reduce recidivism. And if I recall, the statistics are probably about, what, 70% reduced recidivism? I mean, it's a high --

SHERIFF DEMARCO:

Usually it's 70, it's 12%.

P.O. GREGORY:

Right, right, right. So it's -- you know, the recidivism rate is -- the reduction in recidivism, I should say, drops significantly, and that's important to recognize.

And I just wanted to take a quick moment to recognize all the partners in the Re-Entry Program. Obviously, Sheriff DeMarco, the County Corrections Officers, Council for Unity, Hope House Ministries, North Shore Youth Council, Eastern-Suffolk BOCES, Brighter Tomorrows, Timothy Hill Children's Ranch, Stony Brook University School of Social Welfare, Suffolk County Department of Social Services, Long Island Citizens for Community Values, Maryhaven Center of Hope, Begin Again New Life, Suffolk County Youth Bureau, Suffolk County Probation Department, Sunshine Prevention Center, Family Service League, Stony Brook University Hospital Division of Adolescent Medicine, LICADD, The United Way, EAC, Transitions to Freedom, Our Children, The New York State Office of Family and Children Services, numerous town youth bureaus and individual volunteers.

And just a quick story about an individual. When I went and I met with -- I think there was about a group of ten young individuals, several of them were from my district. There was one young man that I remember in particular. All of them were amazing in their own little way. I mean, we think of -- I use the word *criminals* loosely, offenders, I should say; someone who's committed an offense who's awaiting trial. We think of them in certain way, in a negative way. But generally, these -- what I learned from these young people is they have hopes and aspirations just like all our children, and some of them make bad decisions, they make bad choices. I remember there was one individual who had a scholarship to CW Post, an athletic scholarship, and he went out with his

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friends and that changed his life, obviously. And there was another individual who was a part of this program and who had substance abuse issues, committed some crimes in relation to that and he lauded this program. He said, *This is a wonderful program*. Obviously he wanted to improve his life, but he said to me, *Well, once I go through this program and once I finish my sentence I have nowhere to live. I have nowhere to go*. And that's amazing to me, that some of these people, they commit a crime and they make a mistake, they serve their time and then they're right back into a situation that's very tenuous, that could certainly put them in circumstances that got them in there again just trying to survive. So I think that's the importance of this program. Cause what they do is they make connections with individuals prior to them leaving so that there's a continuum of services that they are provided to these people so that they can continue to receive that care, and I'll say that, so they can help turn their lives around.

So I've said enough, but I certainly want to give an opportunity for the Sheriff to come forward and make some comments as well.

SHERIFF DEMARCO:

Thank you, Presiding Officer Gregory. And I want to thank all the Legislators because you've been incredibly supportive of this program, which we started in 2011. A lot of you have come out to visit with the kids in the program and who have come out to visit with me, some I've just met with you and talked to you and you haven't had a chance to come out yet, but your support means everything to me. This was an idea I had back in 2006 and it took to 2011 to put together this fine group of people here to make this a reality. And while this was, you know, an idea I had, if it was not for these people, this would not be a success.

Twelve -- recidivism in this country is about 70 to 80%. People that go through this program it drops to 12%; that's an incredible statistic. And also, with the work, our partnership with Judge Camacho with the Youth Felony part, we used to average seventy 18 to 16 year-olds every day; we're down to 25, which is incredible in itself.

So thank you again for all your support, and I want to publically thank Judge Camacho for all his work with the youth. And I'd like you to just to hear from one of the kids that have come through the program. Michael, you want to say a couple of words? Just very brief.

MR. JIJON:

I just want to thank everyone for giving me the opportunity to go through this program. It made a great impact on my life. I talked to you guys, like, a few months ago and I'm just really grateful for this opportunity. And, yeah, everything's a lot better, and without this it would have just been a revolving door going in and out of institutions and could have possibly led to death. So I'm just happy that I had this opportunity. Thank you.

(* Applause *)

P.O. GREGORY:

So we have a proclamation presented to the Task Force on behalf of all the Legislators, and they all signed it. Congratulations.

SHERIFF DEMARCO:

Thank you.

P.O. GREGORY:

Good job.

(* Applause *)

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(*Photograph Taken*)

D.P.O. SCHNEIDERMAN:

Okay. Next I'd like to invite up Legislator Trotta and Legislator Kennedy to present proclamations to three individuals who saved an elderly man from a burning vehicle. Marty Thompson, a retired Suffolk County Police Lieutenant and Chief of Village of Head of the Harbor Police Department; and his daughter Courtney Thompson, a Deputy Sheriff, both are in Legislator Trotta's district; and Michael Sialiano, a retired New York City fireman who lives in Legislator Kennedy's district.

LEG. TROTТА:

Okay. The Thompson's were returning from a family vacation in Ireland when they were driving down Southern State Parkway, and that day I happened to be driving in the other direction, and they saw a car into the woods, on fire at the corner of Southern State Parkway and Sunken Meadow Parkway. They got out of their car, went over, couldn't get in the car, took a rock or a brick or a sign, smashed the car open, and with the help of Fireman Sialiano, retired Fireman Sialiano, they pulled the man out of the car saving his life. If it wasn't for the two police, the Deputy Sheriff, the Police Officer and the fireman driving by that day, things probably would have been different. Unfortunately, the gentleman is still in the hospital recovering. And I just want to point out again that our law enforcement and fire people, whether they're working or not working, seem to be stopping and helping the public and I want to congratulate them and keep up the good work.

(*Applause*)

LEG. KENNEDY:

Let me just add, I guess, simply, there is no such thing as off-duty, huh? (*Laughter*). There's no such thing even as retirement. But thank you very much. It's reflective of the hundreds and the thousands of hours of training and the commitment that you've shown over a lifetime.

Marty, it's been a pleasure to work with you on so many different projects, and you must be so proud as a father. And you should be very proud, I guess, as a New York City Fireman. And Sheriff, it just goes to show the great work your personnel do. Thank you and congratulations again.

LEG. TROTТА:

Vinny?

(*Applause*)

SHERIFF DEMARCO:

I can remember seeing the Newsday online story about this and, you know, I was shocked to read about one of our Deputy Sheriff's returning from vacation with her father and, with the help of a retired fireman, saving a life. And I can't be prouder of our personnel and everything they do on and off-duty.

D.P.O. SCHNEIDERMAN:

Okay. Next I'd like to invite up Legislator Tom Cilmi to present a proclamation to Probation Officer Doug Manz.

LEG. CILMI:

Thank you, Mr. Deputy Presiding Officer. If I could ask Probation Officer Manz to join me? There he is, all right. How are you?

While we haven't the opportunity to do this in a while, and certainly the circumstances here provide

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us a great opportunity to do that, to congratulate and thank one of our great employees here in Suffolk County and specifically one of our great probation officers here in Suffolk County.

On May 1st of this year, Probation Officer Doug Manz, accompanied by Senior Probation Officer Bob Miller and Probation Officer Tom Sampson, who I don't think are here with us today. Are they here?

MR. MANZ:

No, Sir.

LEG. CILMI:

They're not here today. Executed a search order after it was determined that a probationer -- there was reasonable cause to believe that one of our probationers was involved in drug related activity.

It's important to note that on several occasions prior to this search order being executed, Probation Officer Manz had previously attempted to get into this probationer's residence based on suspicions of continued drug activity but couldn't gain entry. The probationer, the defendant here, had several pit bulls in his yard, in addition to video surveillance cameras set up outside the house and would never answer the door when the Probation Officers showed up to try and gain entry. And obviously, we believe that that was because he knew who was coming to the door.

After prearranging with the Suffolk County SPCA and with the Suffolk County Sheriff's K-9 unit, Probation Officer Manz set up a situation where the probationer came in for his regular meeting to the Edgewood office and was asked at that point to join Probation Officer Manz at his residence, which he did. Waiting there at the residence, of course, was the SPCA as well as the Sheriff's K-9 unit, and so our officer was able to gain entrance to the house at that point.

The SPCA kept the environment safe for the Probation Officers to make sure that the dogs were contained. And in fact, what ended up happening was there were eight dogs found at the residence and they were found to be kept in substandard conditions, as well as two snakes. They were all taken to shelters and the probationer was further charged with some animal cruelty charges. But in addition to that, they found a safe in the residence which ended up containing crack cocaine, powdered cocaine, as well as some Vicodin, and so our probationer was further charged with those crimes. In fact, Criminal Possession of a Controlled Substance III and Criminal Possession of a Controlled Substance IV. He was arrested by the 3rd -- by 3rd Precinct officers and remains in custody today.

So really this sort of exemplifies the coordination that happens many times as a result of the experience and thinking of our great probation officers here in Suffolk County. Here you had our Probation Department, the Police Department, the Suffolk County SPCA and the Sheriff's Department going into what could have been a violent situation. There were guns that were taken into custody as well which were, again, in violation of the probationer's agreement.

So these guys and ladies put themselves in harm's way every single day during the course of their jobs. And it is my absolute pleasure and privilege to present Probation Officer Doug Manz with this proclamation today in recognition of his truly heroic efforts. Thank you, Doug.

(* Applause *)

(* Photograph Taken *)

D.P.O. SCHNEIDERMAN:

Okay. Next I'd like to invite up to the podium Legislator Steve Stern, he'll be presenting proclamations to Russell and Christopher Schneider who saved their neighbors from a house fire in Commack.

LEG. STERN:

It is really an honor to extend our congratulations to Christopher and Russell Schneider. Christopher and Russell noticed heavy smoke and flames coming from their neighbor's home in Commack. And due to their quick thinking and their actions, they called 911, ran next door, began to extinguish the flames with a garden hose while firefighters raced to the scene. With this very quick act of bravery, they literally saved their neighbors, Marc and Doreen Kimmel and their two-year old son.

Christopher now, I think rightfully so, is known as the hero of Ulster Court for having saved his neighbors. The Kimmel family is here but for Marc's wife Doreen who is not here; she was eight-and-a-half months pregnant when fire broke out in their home and she is not with us because she is recovering due to the birth of her new baby. And so, again, it is a great honor and a privilege to have you both with us. Please join me in congratulating Christopher and Russell Schneider.

(Applause *)*

D.P.O. SCHNEIDERMAN:

Legislator Stern, if you want to do a quick photo and then I'm going to ask you back to the podium for a second proclamation.

MR. KIMMEL:

Hello, everybody. How are you doing today? I just want to say a few things about where we live today. I mean, seeing neighbors like Christopher and his father who selflessly just didn't think about anything, just the fact that he wanted to save our lives, was a huge thing for us. I mean, just to see my little boy's face and to know he's going to be living the rest of his life because of this little 10-year old boy who, again -- you know, as a 10-year-old boy, I mean, you think about playing with toys and cars and baseball, you don't think about being a hero. But that day somebody chose him to be a hero and I'm very proud to be a neighbor of his. I think we could all take -- take a little solace in knowing that we have a community that looks out for each other. So thank you very much for the time.

(Applause *)*

(Photograph Taken *)*

D.P.O. SCHNEIDERMAN:

Okay. Legislator Stern, if you'll step back to the podium. So Legislator Stern has proclamations for the following Dix Hills Fire Department officials: Chief William Stio, Assistant Chief Alan Berkowitz, and Paramedic Robert Cavalieri who rescued a resident that was in cardiac arrest at the Elwood Cinemas. The rapid response of the members of the Dix Hills Fire Department and their ability to provide timely and effective advanced life support resulted in saving a 67-year old gentleman.

LEG. STERN:

Which was all done at my favorite local movie theater where we all go, where we all spend time. Chief, Bill Stio, lead paramedic Bob Cavalieri and Assistant Chief Alan Berkowitz; it seems like we are thanking them and recognizing them so often for their outstanding heroism in our community. And we are congratulating heroes in all of our communities today, and it really is a great privilege to, once again, extend my thanks to outstanding representatives of the Dix Hills Fire Department who continue on a daily basis to make our entire community proud of all of the outstanding work that they do. In this case, a neighbor had collapsed with no pulse at a local movie theatre, and with very quick action -- using CPR, defibrillator, advanced therapeutic hypothermia -- these heroic first responders literally were able to save a life.

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So, again, once again, the Dix Hills Fire Department makes us all proud with the outstanding service that exemplifies all of the outstanding men and women that serve us on a daily basis. And to you guys, I cannot thank you enough. I know in the Stern family we sleep very well at night knowing that you guys are on the job looking out for all of us. Thank you.

(*Applause*)

(*Photograph Taken*)

D.P.O. SCHNEIDERMAN:

Okay. Next I'd like to invite up Legislator William Spencer to present a proclamation to Carolyn and Donald Bentley. The Bentleys have been Huntington residents for more than 25 years, during which time they have been pillars of the community and the Bethel AME Church.

LEG. SPENCER:

Good morning. It gives me great pleasure to recognize two outstanding individuals in our community, Carolyn and Donald Bentley. They're not just a couple, they're a team. And they're natives of Tuskegee, Alabama, and have been friends since childhood and married for 43 years. They're parents, they're grandparents. Carolyn has a -- she's an RN with a Masters' Degree and has worked here at the Northport VA Hospital, and Donald is an electrical engineer and has had a 40-year career with Sperry Rand Corporation. They moved around, but for the last 25 years they have settled right here in Suffolk County and they've made a mark on the community.

In addition to just being just great people that are -- that have their family and have just been -- just done a great job at their jobs, they have dedicated a lot of their personal time to our community, working through our church and my district, Bethel AME Church. Carolyn and Donald have taken an intense interest in helping our young people.

You saw the program earlier today with the Sheriff where children that become incarcerated that have no direction have up to an 80% recidivism rate, but children that have support in the community have only a 12% recidivism rate. And we now have formal programs that we are using to reach out to our young people, but Carolyn and Donald have done it for the last 25 years on their own. And what they've done is they've reached out to young people throughout the Huntington area and throughout Suffolk County to get them involved in the local church programs and the youth programs. They pick them up during holidays, they make sure that -- that they are involved, that they have gifts, they take them out caroling.

But what they do, which I think is noteworthy, is that they give them hope. Recently they -- they're retiring and they're moving to -- moving away to Virginia, but the church community had recognized them over the summer. And when I look back at just the hundreds of young peoples' lives that they have touched, but they do it without compensation. They do it from their heart. They do it because they care. And when I see someone doing this for a quarter-of-a-century that to me is something that I had to recognize.

So it gives me great honor, as Legislator of the 18th district, to pay a well-deserved tribute to Carolyn and Donald Bentley. Thank you.

(*Applause*)

MS. BENTLEY:

I would just like to say thank you to Legislator Spencer for recognizing us. And as he was saying, looking back on what we've done over the 25 years that we lived in Suffolk County, we don't realize -- we don't realize what we're doing until someone points it out. As we were being honored at one of our church functions, we were listening to some of the acknowledgements that we received and it

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was like -- I looked at my husband, I said, *We did that*, not doing it because we want any recognition, we're doing it because we do believe that the children are our future.

Donald and I, as he said, we're high school sweethearts and we've been married for 43 years, and it's sort of like automatically that we became a team and working with the youth and becoming mentors is our goal, is our reason for being here. We have been on Long Island for 25 years. However, as he said, we started off in a little town in Tuskegee, Alabama, and because of his job, he's a field engineer, we have travelled up and down the east coast and we lived in Spain, and in every one of those towns we have done exactly the same thing that we've done here because this is our life-calling. And at this point, we are -- we have retired from our jobs and next month we will be relocating to North Chesterfield, Virginia and the work will continue. However, living on Suffolk County for the last 25 years has been a pleasure. Our children finished their education here, you know, and went off to college and made their families and we have been honored and it was a privilege living on Suffolk County. Thank you very much.

(* Applause *)

LEG. SPENCER:

Thank you.

D.P.O. SCHNEIDERMAN:

Okay. Our last proclamation this morning will be presented by Legislator Sarah Anker and will be presented to troop leaders of the Boy Scout Troop 204 of Miller Place for their work with the community.

LEG. ANKER:

Well, again, I want to thank the troop leaders for being here. You know, I was -- I have a proclamation for your 204 Troop, but I have quite a few proclamations for your troop leaders. Approximately how many troop leaders?

MS. O'MARA:

Twenty-five.

LEG. ANKER:

Twenty-five. So I thought I'd get here this morning to sign a few -- you know, a few certificates, 25 certificates later this morning and I'm like, *That is amazing*.

And as we listen to all the stories here today and the recognition of wonderful people in our community, it seems like there's a theme, the theme is teaching our children to help other people, recognizing the children that are helping people; you know, the little boy that notified the people of the fire.

There are so many things you can learn in the Scouts, Boy Scouts and Girl Scouts. And it's an honor to have you here today, all of you, and all the work that you've done for so many. And what inspired me to really bring your troop here to the Legislature is when I went to an Eagle Scout ceremony. I believe you have one of the largest Eagle Scout graduate groups in Suffolk County. Can you give me a number?

MS. O'MARA:

Fifty-five I think right now.

LEG. ANKER:

Fifty-five? We'll say 55 Eagle Scout graduates. So congratulations, I'd like to give you a round of

applause for that. That's just amazing.

(* Applause *)

And again, there's a lot involved with Eagle Scouts. Some of the community projects that you've worked on, it's {phone spring}, clean up in Miller Place Pond, the Thanksgiving Food Drive, Christmas Adopt-a-Family, Cedar Beach Clean-Up, Sound Beach Memorial Day Service, Restoration of Cedar beach, Miller Place Academy Free Library Book Sale. I can go on and on, it's just amazing. And it's not really just Miller Place, it's Mt. Sinai, it's Sound Beach, it's Rocky Point. It's huge, you guys are everywhere. And it's great to see you and to, again, recognize you here today.

Diane O'Mara, you have been so vital in keeping this troop together, as all of you have, I have to give everybody credit. But would you like to come up here and just say just a few words? And I know I'm putting you on the spot, but this is your time to shine because you have been shining your light on everyone. And there's so many people, you know -- of course the Boy Scouts, but your troop leaders that surround you and the parents and the community in general really appreciate what you've done. And again, it's a privilege to have you. Come up here and tell me just a few things that you've been doing and why you feel that, you know, this is the place that you're meant to be. So just like a minute, minute-and-a-half. Go ahead.

MS. O'MARA:

Okay. Well, thank you, everyone, for having us here today. And thank you to all of my co-leaders. This is a journey that we take together.

My mother is an immigrant from Poland, and when she came to this country she came with next to nothing. So at a very early age, I learned that we were all put here to give back to our community to help one another. So I've been doing it since I'm probably five years-old. I've tried to instill it in my children. And I always say if, you know, I just make an impact in one person's life, I feel like I've done my job, and I think I've done a little bit more than that. But I really appreciate my fellow community members, my friends; we do this together. So, thank you all.

(* Applause *)

LEG. ANKER:

So, you know, with -- and honoring your troop, I have a proclamation and I have certificates for 25 members of your troop. And again, if anybody's out there listening, they want to get involved in Scouts, they are the perfect example of how to create an amazing community. So talk to people around you. If you're a mom or dad, get involved. Whether it's Scouts or other community civics or historical society, but it's just amazing how this particular troop, Troop 204, has affected so many people, so many organizations throughout my district and it's an honor to recognize you here today. So congratulations.

MS. O'MARA:

Thank you.

(* Applause *)

P.O. GREGORY:

Okay. Thank you, Legislator Anker, and congratulations to the troop.

Now we're going to move on to -- move on with our agenda. We don't have any statements or presentations from village, town elected officials; do I see any here? Not that I can see at the

moment. Okay.

All right, let's move on to the **Public Portion**. We have several speakers, and we're going to wait just a second until they finish the picture so I can see the audience.

(*Photograph Taken*)

Okay. The first speaker, Lance Reinheimer; and on deck we have Rabbi Steven Moss.

MR. REINHEIMER:

Thank you very much. I'm here to speak on behalf of IR 1378, which is a Capital Program appropriating resolution. It appropriates \$200,000 that is scheduled in the Capital Program this year for water proofing.

This is a critical resolution. I know I've said that before, but water intrusion, leaking roofs and water wicking through walls is the greatest danger to these 100-year old buildings. This is all the money we have scheduled in the 2014 Capital Program, it's only \$200,000. I say only relatively speaking, when you have 43-acres and ten -- nine, ten major buildings, it's a reasonable amount. But this is important for us to continue our program of waterproofing buildings. I work in concert with the Department of Public Works to prioritize which buildings should be done. I listen to them as to what should be done, what we need to do. So this isn't the Vanderbilt Museum alone just asking for money, this is working with the Department of Public Works to maintain, preserve these 100-year old buildings, And this is an important resolution for us. Thank you very much.

And just one more advertisement; I left a calendar of events in the lobby. We have a lot going on at the museum this summer. So if you get a chance in the public and Legislators, pick up one of our brochures. We still have a lot going on in August; we've got Alex Torres for the eighth year, we get 350 people there, he's here Friday, this Friday, August 1st. We have dances every Thursday night. We have car shows, we have the Arena players, Shakespeare in the Courtyard. So we have a lot going on to help us with our budget to generate admissions and to keep the museum running on the right track. Thank you very much.

P.O. GREGORY:

Great. Thank you, Lance. And I'm grateful for all the good work that you guys are doing for the Vanderbilt.

Okay, Rabbi? Rabbi Moss; and then on deck, Bob DeLuca.

RABBI MOSS:

Good morning, everyone. I am going to be speaking on behalf of a resolution that will be coming before you during the course of today which is IR 1620. I want to begin by expressing my most sincere thank you to the Human Rights Commission's Executive Director, Jennifer Blaske; the County Attorney, Dennis Brown; and the Office of the County Executive, Steve Bellone, for the hours of work that went into the research and ultimately the writing of this proposed legislation. And I also want to thank this Legislature for its consideration and I think, of course, positively always for the ultimate vote and the passage.

The English poet, John Donne, wrote these well-known words: *No man is an island entire of itself. Every man is a piece of the continent or part of the main and, therefore, never pretend to know for whom the bell tolls; it tolls for thee.* These words lay before us in understanding that all human beings are interconnected with one another. And with this understanding, we then can appreciate that there is a social responsibility that each of us has to ensure a society in which every human being can be assured of his or her rights to life, liberty and, as we all know, the pursuit of happiness.

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This can be assured when society takes on the responsibility to form and support, first of all, the formation of government which shall ensure that these rights are protected. As Thomas Hobbes wrote of the social contract, that it is the view *that persons moral and/or political obligations are dependent upon a contract or agreement among all the citizens of society in which they live.* However, it is not just enough for government through the arms of law enforcement to simply ensure and assure the rights of all, which, of course, in terms of human rights, we have done so now for 51 years here in Suffolk County with our Human Rights Commission. However, it is also government's responsibility to make sure it carries out to this responsibility as effectively, forcefully and judiciously, of course, as is possible.

And so before you there is proposed law 1620, to amend, update and reorganize Chapter 528 of the Suffolk County Code, as it affects the works of the Human Rights Commission. This law will bring Suffolk County Human Rights Law in line with the State of New York's Division of Human Rights. But also by doing so the passage of this bill, it will also make the Commission a much stronger law enforcement agency that deals with the protection of the basic human rights of all of our citizens. Just as it is essential that there be a strong police department that deals with criminal law, so, too, there needs to be a strong Human Rights Commission to deal with discrimination law and it is today this law will allow this to happen.

During my now 22 years on the Commission as Chair, I've seen many things come before the Commission and passages of various legislative proposals that really have affected, in a very positive and powerful way, the future of the Commission and thereby enabling it to continue to do its very good and vital work for all. And I certainly would have to say as a --

P.O. GREGORY:

Rabbi?

RABBI MOSS:

Yes, I'm sorry.

P.O. GREGORY:

Can you wrap up? Your time is up.

RABBI MOSS:

Okay, I'm ready. My last paragraph.

P.O. GREGORY:

Okay.

RABBI MOSS:

Simply to say, as Dr. Spencer said before, it's amazing to get a 100-page bill before this Legislature, that's how important it is. I, therefore, urge each of to you vote for the passage of this legislation. Its passage will send out a very clear message that Suffolk County does not tolerate intolerance and will allow every citizen to know that no one ever should feel helpless in the face of discrimination, bias, prejudice and hatred. Thank you.

P.O. GREGORY:

Thank you, Rabbi. Bob DeLuca; and on deck, Kevin O'Donnell. McDonald, I'm sorry.

MR. DeLUCA:

Good morning, Presiding Officer Gregory, Members of the Legislature. My name is Bob DeLuca and I

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serve as President of Group for the East End. I'm here today to express our strong support for IR 1574 and IR 1575, both regarding changes and reforms to the Drinking Water Protection Program.

These resolutions will assure that voter approval is required for any future changes to the Drinking Water Protection Program by Charter amendment. And most importantly, IR 1575 will let the voters decide if it's time to pay back the 29.4 million that was taken for general budget purposes without their permission. It will let the voters decide if restored funds should be directed through the land and water quality protection programs where they're desperately needed. It will let the voters decide if excess sewer rate funds should be dedicated to advanced waste water treatment and critical sewage treatment plant infrastructure upgrades.

IR 1575 also lets the voters decide if they support a limited period of general obligation borrowing with a statutorily defined payback period as the County works to restore structural balance to its budget.

Finally, IR 1575 allows voters to help us resolve the longstanding conflict over this program and refocus all of our collective energy on solving the region's many remaining water quality problems.

For all of these reasons, we urge you to pass these resolutions and let the voters have their say in resolving the fate of this vital fund. Thank you very much.

P.O. GREGORY:

Thank you, Bob. Okay, Kevin?

MR. McDONALD:

Good morning, Legislator Gregory, Chairman and Members of the Legislature. I'm Kevin McDonald and I'm here on behalf of The Nature Conservancy on Long Island.

The Nature Conservancy is an International Conservation Organization with a presence on Long Island because Long Island's environment is important. And the resolutions, 1574 and 1575, provide an opportunity to clarify, to correct and settle a series of issues that, if settled, give the public a cleaner and a clearer understanding of how the fund is to be used and allows for some flexibility in borrowing against the fund that enabled Clean Water projects across Long Island, and in Suffolk County in particular, to continue.

So we support the resolutions. We're ask you to support the resolutions and we will be working in support of the ballot measure should you vote yes this November. And thank you very much.

P.O. GREGORY:

Thank you, Kevin. Dick Amper; and on deck, Bill Toedter.

MR. AMPER:

Hi. My name is Richard Amper and I'm Executive Director of the Long Island Pine Barren Society. I think this Legislature has an outstanding opportunity to do a very good thing today. First, to end an unproductive conflict over the use of funds for drinking water protection. The County Executive and this Legislature have made a strong commitment to addressing Long Island's number one most significant challenge, economically and environmentally, and that's protecting water quality in the face of declining water quality. I think it will be important as well for the public to rejoin their leaders here in government so that we're all pulling together in the same direction for a cause as important as this.

It is particularly important that what you're doing in approving IR 1574 and 1575 is that you are restoring a partnership with the people. The folks in Suffolk County have put up more money over

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the past 25 years than the residents of 45 of the 50 states in this union for the purposes of protecting open space and the groundwater beneath it. They are partners with you, they're paying two-and-a-half times, we all are, two-and-a-half times of the average in their taxes, and yet on the six occasions they've gone to the poles and they've said, *Tax us some more. We're willing to give you an extra quarter penny in sales tax if you'll use it to protect drinking water and preserve open space.* That's something that they want to resume with you. They want to have a renewed confidence that they have and can shape the future of those programs that were created by referendum and which require a mandatory referendum in order to change.

All of the problems of the past with respect to this program can be ended by an affirmative vote, settlement of stipulation, resolving all of the past differences and joining together with the people and those who they have elected to public office to take on the challenge of protecting our water and moving into the future, safer and healthier and with a stronger economy. We hope we'll have your support.

P.O. GREGORY:

Thank you. Bill Toedter; and then on deck, Andrea Spilka. I hope I pronounced your name right.

MR. TOEDTER:

My name is Bill Toedter, I'm current President of the North Fork Environmental Council. You heard from me and others assembled here before on this issue last November and again earlier this summer in Riverhead.

As I stated in July, in the perfect world I believe that this proposed settlement and regulations don't go far enough; but, however, in the real world, it represents the best solution. It's an example that other groups can learn from where all parties come together, listen, talk and compromise for the good of the whole; and in this case, Suffolk County and its residents and businesses. So I'm here in support of IR 1574 and 1575.

What may have been lost in our last efforts to be heard on this matter is that while we've come to see the same faces here pleading our case, these tired voices, these tired faces collectively represent thousands of voters in Suffolk County, voters through our environmental organizations, our civic associations and other groups. Our members have told us over and over again to get this deal done and protect the Drinking Water Protection Fund.

But perhaps most importantly, we also represent thousands of other people who don't or can't vote; second home owners, aged parents, school-age children. Their needs, their desires and their voices are just as important. This isn't one -- there isn't one Legislator here who hasn't, at one time or another, said, *We have to do what's right for the voters, or, We have to do the right things so that we can leave this a better place for our children and grandchildren.* So listen to your own voice and conscience and please vote to approve these measures so that Suffolk County voters can show their support.

And if you're still not convinced for whatever reason, then we ask that you still vote to approve this measure and let voters and let their votes and their voices ring loud and clear, that repaying the program and future protection of the Drinking Water Protection Fund is important to them, their children and their grandchildren. Let's not speak hollow words. Vote to approve these regulations and let's again commit to leaving our children a better, healthier, more affordable and safer Suffolk County to live and work in. Thank you.

P.O. GREGORY:

Thank you, Sir. Okay, Andrea; and then on deck, Dan Gulizio.

MS. SPILKA:

Good morning. I'm Andrea Spilka, I'm President of the Southampton Town Civic Coalition and I'm

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one more voice representing the civics in Southampton, many of them in Brookhaven as well, and I'm asking you, too, to please support IR 1574 and 75.

As far as our civics are concerned, the environment has always been important to us, but never as coherently focused are we on water quality as we have been in the last year or so. And frankly, we're kind of tired of reading about closed beaches, impaired waterways; just another article yesterday, there's another one this morning. It's becoming a health hazard as well.

Water is now an endangered commodity. And I don't need to tell you that besides being an economic and environmental issue, it -- and especially in my area, it is becoming a health area issue and that's what they're starting to talk about. Frankly, others have said it better, but as you know, we need to work smart, we need to work fast and we need to work together, as so many have said.

I'm asking that you agree to the settlement and agree to please put this issue on the ballot. Our civics are working hard to make sure that it does pass. And frankly, we can't afford to wait, because it costs much more to fix the problem later than it does to do something about it beforehand. Thank you very much.

P.O. GREGORY:

Thank you, Andrea. Dan? And then on deck, Gary Ralph.

MR. GULIZIO:

Good morning. Thank you. Thank you for the opportunity to speak here this morning. I'm also here to speak in connection with IR 1574 and 1575. For the record again, my name is Dan Gulizio and I'm speaking on behalf of the Peconic Baykeeper Organization.

As Andrea said, water quality issues are the crisis of our generation, as I believe the County Executive has also indicated. And just a couple of brief facts. As you're all, I'm sure, aware, nitrogen has increased by 200% in our groundwaters. The clam and scallop populations have collapsed in Suffolk County; the scallop population is 1% of what it previously was, the clam population is also 1% of what it previously was. Volatile organic compounds have doubled in concentration in our drinking water supply and quadrupled in frequency. We now have between 10,000 and 30,000 acres of shellfish beds which are closed on an annual basis due to toxins, and this year, up to the current date, we've already had 75 beaches closed due to bacteria related problems stemming from our development practices. The time now -- if not now, then when are we going to take steps to take further action to protect our drinking water supply?

In conjunction with 1574 and 1575, I'd like to point out for the record that the Baykeeper fully supports the intent and applauds the Legislature for their interest in repaying the funds back into the program from the Sewer Rate Stabilization Program. And we also fully support the intent to clarify that future modifications to the program should require an additional referendum and public consideration back to the voters who established the program and have supported the program over the years.

I just have three quick questions that it would be great if we could get clarification on at some point, either after the meeting with someone from the County Attorney's Office or from someone from the Legislature. And that's first, is all the money that has been borrowed from the program being paid back into the program from which it was taken, or is it just a portion of that program that's being paid back? Question number one.

Question number two, how did the discussions result in the payback period being put out to 2029? What was the rationale for that being 15 years down the road from the current date?

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And then finally, if you could provide, I think it would be helpful, if those monies are required to be bonded in order to be paid back, what's the estimate of the cost to the voters, assuming that approximately \$90 million will be borrowed over the next three years?

If you could just clarify those three things, that would be great. And again, on behalf of the Peconic Baykeeper, we fully support the intent to restore the funding to the program, all the funding to the program. And we also fully support the intent to go back to the voters in the event there is a decision to alter the use of the funds from the current program. Thank you, once again, for your time.

P.O. GREGORY:

Perfect timing. Thank you. Okay, Gary Ralph; and then on deck, Robert Kessler.

MR. KESSLER:

Hi. My name's Robert Kessler, I'm going to take Gary Ralph's -- he wants me to speak first, if that's okay.

P.O. GREGORY:

Okay.

MR. KESSLER:

My name's Robert Kessler, I'm the President of the Yaphank Historical Society. I wanted to speak on Resolutions 1465 and 1465A.

On July 17th, 2012, Suffolk County Executive Bellone held a press conference at the Homan House. At that press conference, he announced that the Homan House was now number one on the County list for restoration, and also said that the project will not stall.

We had a good beginning where an architect was hired and the construction began. The house was razed up and it was stabilized, supported -- the support beams were placed all through the house to help support each floor and the roof structure. The chimney, which was in dire straits, was supported and saved. The Yaphank Historical Society came in and poured concrete footings, did all of the foundation work around the entire house. We also poured the footings and did the stonework for the summer kitchen which had to be totally rebuilt. We did all this work at no cost to the County with volunteers.

We also had to push the front foundation wall out a foot because it was bowed in. We then poured concrete walls on the outside of this to help support it and it was all poured below grade. We built the brick cellar way, and we installed a Bilco door, a historically-correct Bilco door on top of these walls. We rented machines and cleaned up the property. Again, this was all done by the Historical Society with no cost to the County whatsoever. This cost would -- it would have cost the County at least \$150,000 for these items.

Now we need your help for this next phase. This next phase we need to get all the beams that are inside the house into the walls and the building stabilized and all the framing has to be done. All the sills have to be fixed and replaced where necessary, and this we need to get done before the Historical Society can go back in and help, you know, finish -- and finish this project. We need the money that -- to hire -- we need the money to hire a contractor to get this work done. There is an architect on board. We do have the money for planning, so that's already in place, but we need to have the money, this 300,000, we need it for construction fees.

We will take care of a lot of the project, just like we did at the booth house, the Mary Louise Booth House in Yaphank. We did all the plastering, we fixed the windows, we spent \$30,000 on repairing

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the windows. We did all this at no cost to the County and all, and now this house is a museum open to the public.

So, we do need your help. And, again, I urge you to support these two resolutions. Thank you very much.

P.O. GREGORY:

Thank you, Mr. Kessler. Mr. Ralph, are you ready? And then on deck, Sid Bail.

MR. RALPH:

Good morning, Legislators. My name is Gary Ralph, I'm a lifelong resident of Yaphank. I come here today to ask you to support Mr. Kessler's proposal for the Yaphank Historical Society. They have done tremendous work in the houses that are presently jointly owned between the Historical Society and also the Suffolk County government. If the money can come forth, I believe that we could put this house back together for the Hamlet of Yaphank.

Once again, I just urge you Legislators to be supportive of this. Thank you very much.

P.O. GREGORY:

Thank you. Sid Bail and Jane Fasullo.

MR. BAIL:

Good morning, Presiding Officer Gregory, Members of the Legislature. My name is Sid Bail, I'm President of the Wading River Civic Association. I'm here speak about the Drinking Water Protection Program. I will keep this very, very short.

I urge you to vote for IR 1574 and IR 1575. Both of these -- passage of both of these resolutions will give the public an opportunity to vote for the return of the \$29.4 million and it'll protect water quality funds in the future. Thank you very much.

P.O. GREGORY:

Thank you. Jane Fasullo; and on deck, Kevin Williams.

MS. FASULLO:

Good morning. I'm here representing myself. I'm a County taxpayer. I've lived on Long Island my entire life and I have been involved in water and environmental issues because of my presence here. I've seen many changes, not all for the better.

I now see before me two proposals; 1574 and 1575, and I am very happy to see them. I think this is a step in the right direction to protect our waters. However, I have not fully read 1574, but there is one small concern I have. The original Drinking Water Protection Act included words to the effect that it could not be amended, altered, changed, deleted, etcetera, except by referendum. It did not specify that that referendum had to be mandatory. Accordingly, somehow those words were removed from that -- from the Charter. They were there, they're not there now. This proposal seems to be an attempt to reestablish the original intent of the law, and I thank you for taking this action, but I'm concerned that that word is probably still missing. If it's there, I'm very pleased; if not, I would like your full consideration of adding the word *mandatory* before referendum. The difference being mandatory requires the public to do the vote; a permissive referendum allows the Legislature to take a vote.

Okay. With that in mind, I'd would like to speak now to 1575. I'm happy to see the various means by which this money can be used. I'm a little disturbed, however, that it continues to allow

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borrowing for the General Fund for three more years. Allowing this borrowing will require past borrowed -- while requiring past borrowed money be paid back is not exactly fiscally sound. You will be strapping taxpayers with the cost of borrowing while using up even more money that should be paid back later. Continued borrowing -- I'm sorry, but it shifts those costs to our future. Playing fair with the taxpayers would disallow additional money to be taken from the Drinking Water Protection Act to be used in the General Fund. I would hope that your sense of fiscal responsibility and your ability to look to our future results in your reconsidering this permissive language in this proposition. Thank you.

P.O. GREGORY:

Thank you, Jane. Okay. Kevin Williams; and on deck, Adrienne Esposito.

MR. WILLIAMS:

Good morning. I'm Kevin Williams from AME, I am AME's 3rd Vice-President. I'm here on behalf of Dan Farrell speaking in favor of resolution 14 -- 1574 and 1575 which improve water quality for Suffolk County residents.

Our Executive Vice-President, Michael J. Finland, spoke before the EPA Committee in favor of these resolutions. The County's goal was to place a referendum on the November, 2014, ballot with the intent to improve water quality and provide Suffolk County with the flexibility to meet these budgetary obligations. From a union standpoint, that's a good thing for us because, you know, we want to make sure that the County has a balanced budget. So thank you very much and have a nice day.

P.O. GREGORY:

Thank you, Kevin. All right, Adrienne; and then on deck, Mark Mancini.

MS. ESPOSITO:

Good morning, Members of the Legislature. My name is Adrienne Esposito, I'm the Executive Director of Citizens Campaign for the Environment. I fear I may be one of those, quote, *tired old voices and tired old faces you keep seeing on these environmental issues*. I'm not sure who Bill was referring to, but if I'm in that category I feel I've earned it.

I'm here to strongly support the resolution before you, the settlement agreement of 1575, for a number of reasons. Number one -- and I can answer some of the questions that were asked earlier. It repays \$29.4 million that was taken; that is the total amount currently taken from the Drinking Water Protection Fund. It repays that amount; 20 million goes into land preservation, 4.7 million goes into water quality programs and 4.7 million goes into keeping our commitments on those sewer treatment facilities that we want to upgrade, including Riverhead, Bergen Point, Northport -- Doc's like, don't forget me -- and Patchogue.

What this also does, which is very important, is that it restores the credibility of the program. Some of you have suggested just creating new programs. We cannot create a new program unless we restore the credibility of the existing program; a very important thing for us to understand with the public.

Another thing that I think is very critical also is that this allows for some flexibility for the County to borrow at 0% interest for the sewer money that's in there. As Legislator Barraga likes to say, *it's free money*, we're not getting that deal anywhere else, and that's true. This is a settlement agreement. It's an agreement that all parties can live with. It's good for the taxpayer, good for the environment, good for restoring the credibility of the program. We urge you to vote on this.

And I just want to say, I know you won't be able to tell this last fact by reading Newsday, who doesn't seem to actually get this settlement agreement -- I know, you're all cringing right now -- but

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this does not cost money. This saves money. It saves us money in the long run by allowing that borrowing at the 0% interest, mandatory payback by 2029. However, it also requires some increments to be paid back along the way, to be worked into the budget. So additional monies that are borrowed are not required to be bonded, but in fact can and should be paid back as part as the budget -- as part of the budget allocation on a yearly basis. So it really does make dollars-and-cents. Thank you so much.

P.O. GREGORY:

Thank you, Adrienne. You're never tired, never old.

*(*Laughter*)*

MS. ESPOSITO:

Thank you.

P.O. GREGORY:

Just diligent. All right, Mark Mancini; and on deck, Wayne Bombardiere.

MR. MANCINI:

Legislators, my name is Mark Mancini, I'm President of the Chamber of Commerce in Smithtown. I'm also an architect.

I briefly want to just say that I was the architect on the Homan-Gerard House that Mr. Kessler was up here speaking about and I just want to let you know that saving that house is a good thing. If we did not put those beams in, we had a three foot snow form -- snow storm shortly after we stabilized that house; that house would have been gone if we actually didn't do the work that we did. Please continue with that house and get it rebuilt to the status that it used to be.

I'm here to speak about 1575 from a different point of view. I respect my environmental colleagues that are here today, but I'm concerned about the numbers my predecessor just spoke about, the \$4.7 million for sewers. I am President of the Smithtown Chamber of Commerce, Main Street, Smithtown, Kings Park, St. James. We have no sewers that work properly in those downtowns. We talk about downtowns all the time, about how great they are when they function. If they don't have an infrastructure, if the sewers are not provided, they don't work right. You go down downtown Smithtown, you'll see one-story buildings on the north side not developed. You go down to Patchogue, which is working terrific right now because it is has a sewer district, and you see Tri-Tec's new place that's being built. You go to Huntington, you see all the things that are going on there.

We talk about our young people leaving Long Island right now and you look, and you see -- where are they living when they stay? They live in Huntington in apartments above stores, or in areas that are created for them. They love downtowns. You look at Smithtown, we have a train station within walking distance of Main Street, but we don't have a sewer district, We don't have apartments and we don't have anything that we can build on. The infrastructure's not there.

When you talk about -- and I'm not going to say -- we should have a balance. When you have money allocated for buying land in Brookhaven, the Pine Barrens and things like that, it's important, and we get that. But trees aren't going to pay the taxes, developing our downtowns are. If I take that one-story building that's paying \$14,000 in taxes in Smithtown right now and make it a three-story that will pay \$150,000 in taxes, that makes a difference. It makes a difference in everything across the board. It keeps our young people here, it develops our downtowns like we want to and it's important. I see an unbalance in 1575. I see it going one direction, and it's not helping our economy. It's unfortunate, but fix it. Make it right and vote on it correctly. I thank you for your time.

P.O. GREGORY:

Thank you, Sir. Okay, Wayne? I'm sorry if I messed up your name. Bombardiere.

MR. BOMBARDIERE

Yeah, that's good.

P.O. GREGORY:

And then on deck, William Garth.

MR. BOMBARDIERE:

Good morning, Members. How are you? I'm here to address IR 1637, which is an amended form and principle we oppose. My name is Wayne Bonbadiere from the Gasoline and Automotive Service Dealers Association.

We oppose the original legislation which was withdrawn because of objection from the industry. The amended version is an effort to correct the perceived problem by narrowing the regulated community of businesses to a small number. This amendment, which only affects that small number of motor fuel stations, is for stations that charge more than 5% over the cash price for a credit card sale. Stations below the 5% have been deemed to be exempt in the reworked version of the law.

Aside from being an unAmerican behavior, the bill is still contrary to the Federal Judge Court decision from US District Court of the Southern District. Judge Rakoff, in the case of {expressions here} vs Attorney General Schneiderman called the attempt to regulate business and restrict the charging for credit an Alice in Wonderland type fantasy. Nowhere in the decision did the Judge address the amount that could be charged or the percentage of the sale that could be charged for the use of the credit card. This is a significant opinion which favors acceptance of credit cards for all businesses in New York State. Upon the review of the decision, you'll find that it would be insightful, thorough and well-written. In part, a business is permitted to charge a credit card fee and any legislation or laws which prohibit this right is unconstitutional.

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

MR. BOMBARDIERE:

The amended version of I.R. 1637 does just that in regards to the signage required at the facility. Let us state for the record that it's almost impossible to comply with this legislation and regulation to change the roadside signs to accommodate this legislation. Another result is the new details for the roadside signs and that the Discount for Cash Program could disappear.

A similar effort in New York City, which actually passed the New York City Council, has been withdrawn, because it had been determined it is impossible to comply with these regulations when it deals with roadside signs. In some cases, service station dealers withdrew the Discount for Cash Program, raising the price of all motor fuel at the facility to many customers. These programs work because the motorist has enjoyed the lower prices by paying cash. If you remove the initiative to use a Discount for Cash Program and a dealer has to go to a single price, while the credit card price would be reduced, the cash price could be increased. Motorists will be paying 10 to 15 cents more per gallon for a gas sale -- cash sale than they would under a Discount for Cash.

The Discount for Cash Program, initiated by the major oil companies, has been in existence since the 1980s. The motorists know what the discount for cash program is. If a consumer goes on to a service station and fails to read the required signs that are already present on top of the pumps or

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next to the side of the pump where the handle is located, it's not the fault of the operator, they have complied with the law.

Suffolk County residents -- oh, no, excuse me. Is it the Suffolk County Legislature's duty to initiate legislation to control --

P.O. GREGORY:

Sir.

MR. BOMBARDIERE:

-- just a small amount of the population?

P.O. GREGORY:

Can you wrap up? Your time is expired.

MR. BOMBARDIERE:

Yup. And this law is, in our opinion, arbitrary and unfair, and according to the Judge, it's unconstitutional, and, therefore, strongly we oppose it and we ask that it be withdrawn. Thank you.

P.O. GREGORY:

Thank you. Okay. It's past 11 o'clock, so I'm going to make a motion to extend the Public Portion.

LEG. BARRAGA:

Second.

P.O. GREGORY:

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

MR. LAUBE:

Sixteen. (Vote Amended to 17-1 not present/Legislator Kennedy)

P.O. GREGORY:

Okay. Mr. Garthe, you're up.

MR. GARTHE:

My name is William Garthe. I'm from the Saint James Chamber of Commerce. I live there, I own a business there, and I have a building there, and I'm here to speak about 1575.

My concern is how we're paying for it and what's going on with that. The money that was supposed to be used to buy property, seeing we spent that and that we're using whatever we're getting from that, we're paying the -- what we paid -- what we bought before. What I'd like to see is be a little more diligent on how we can develop sewers in Smithtown. I see it in Port Jefferson, I see it in Patchogue, I see it in Bay Shore, and I see the economics turning around there very well. I don't see that happening in my town. I would like to see the money spent much better.

I know we have a lot of people that say that we need better drinking water, and I'm sure we do, but we also have to look out for our economy, look out for our growth, and we're not doing it by just sending it up -- sending it forward. We're not getting it for nothing. I don't care what anybody says about the four-point-something for the sewer district. It might be zero money, but we're still paying it back and it's taking us 20 years to do it. Let's start using our fiscal sense and use the money correctly, and start developing the other Towns other than Brookhaven and Islip. Thank you.

P.O. GREGORY:

Okay. Thank you, sir. That is all the cards that I have. Is there anyone else that would like to

speaking that hasn't spoken? Please come -- Mr. Quinn.

MR. QUINN:

Good morning. Thank you for listening. I'm here today because we've all read and heard about the minimum wage, which Obama has attempted to pass, but without -- because without partisan support, the \$10.10 an hour wage has failed so far. And we -- at the same time, we see corporations with their extraordinary salaries, with their bonuses, with their pension arrangements, doing far better and, therefore, we have a huge gap between the rich and the poor.

And we note that in the City of Seattle, far in contrast to the 7.50 minimum wage for -- at the Federal law, we have noted that the City of Seattle has raised its minimum wage to \$15 an hour. And I've always thought of this Legislature, at least in the past, as having been a body that was creative, and innovative and progressive, and I thought, well, if Seattle can do what they did for the West Coast, then it's time for Suffolk County to get back into the game and start doing something for the residents on -- in Suffolk County by increasing the wage to \$15 an hour for Suffolk County. It takes some legislation, it takes a few Democrats probably to introduce that legislation, and I won't benefit as much. I've been retired for 23 years, so I'm not likely to get a big increase, any increase. Once we get people getting \$15 an hour, we're going to see sales tax revenue increase. We're going to be seeing consumers spending more money for that purpose.

So it's time for this body to take up that legislation. I'd like to see them do it so that it's effective by January 1st. But if you decided, well, we got to pause a little bit, then -- although next year you're running for re-election, it would behoove you to do it this year. And so if you do, I'd be more than happy to echo your sentiments here. Thank you very much.

P.O. GREGORY:

Okay. Sir, come forward. State your name for the record. And Mr. Quinn, did you fill out a card?

MR. ROSATO:

Good morning. My name is Michael Rosato. I'm from Kings Park. Presiding Officer and Members of the County Legislature, the Legislators in this chamber were elected to represent the best interests of their constituents and Suffolk County at large. Unfortunately, with County debt rising north of 1.5 billion, and the annual budget deficit projected to exceed 170 million, it's quite apparent that this chamber is not performing effectively. Overly generous police contracts, reduced sales tax revenue, excessive borrowing and the lack of courage to make the tough choices that would provide long-term fiscal stability is a recipe for economic disaster.

Now, instead of implementing sound long-term fiscal policies, you want voters to pass a referendum that will allow the County to inappropriately divert money from the Sewer District Tax Stabilization Fund. Although a new referendum is better than illegally taking the money from the fund, which the County has been doing to pay off debt and balance its budget, it's a flagrant misuse of the intended purpose of this money and a betrayal of our residents' trust.

As you know, the Sewer District Tax Stabilization Fund, the Land Acquisition Fund, and the General Fund Tax Stabilization Reserve were all created from a Drinking Water Protection Program referendum. Not only was the name of this referendum misleading, since only one-third of the money collected is actually being used to protect our drinking water, but now the funds continue to be used for purposes other than what the voters approved. This chamber should be ashamed of itself perpetuating a fraud on the residents of this County.

At this point in time, I would advise all of you to sit down together, Democrats and Republicans, and come up with a responsible plan to pay down our staggering debt, and that balances our annual budgets. Achieving these goals is not rocket science. The excessive borrowing has to stop. Employee contracts have to reflect the County's true fiscal status and revenue has to be increased.

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All funds collected from new and current policy -- from current publicly-approved referendums should only be used for its intended purposes, and if it's not, legal action should be considered to protect our residents' interest by enforcing good governance. Thank you.

P.O. GREGORY:

Thank you. Okay. That's all the -- that's all the speakers we have. I need a motion to close the Public Portion.

LEG. MURATORE:

Motion.

P.O. GREGORY:

Motion by Legislator Muratore. Second by -- I'll second. All in favor? Opposed? Abstentions? Okay. Public hearing is closed.

MR. NOLAN:

Eighteen.

P.O. GREGORY:

All right. Next on the agenda we have -- are there any reports or statements from the County Executive's Office, Commissioners, Department Heads, anybody? No. Okay.

Consent Calendar. I'll take a motion to accept the --

LEG. HAHN:

Motion.

P.O. GREGORY:

Motion -- who was that? Legislator Browning, second by Legislator Hahn. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

Okay. Now to the resolutions. We have a request. We're going to take I.R. 1575 out of order. It's on Page 7, Environment and Planning. I'll make the motion.

D.P.O. SCHNEIDERMAN:

Second.

P.O. GREGORY:

Second by Legislator Schneiderman, to take ***I.R. 1575*** out of order. It's a ***Charter Law amending the ¼% Suffolk County Drinking Water Protection Program (DWPP) for enhanced water quality protection, wastewater infrastructure and general fund property tax relief for Suffolk County (Sponsor: County Executive)***. We have a motion, we have a second, just to take it out of order. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

Okay. The motion is before us. Same motion, same second. Legislator Krupski. Motion to approve. Legislator Krupski.

LEG. KRUPSKI:

On the motion.

P.O. GREGORY:

On the motion.

LEG. KRUPSKI:

Thank you, Presiding Officer. This is something, and I think it should be made clear to everyone in the public, because I'm not sure if everyone understands, that this was something that was authored -- and I don't think any of the Legislators had any input into this. I could be wrong, because I know there was a lot of concerns around the horseshoe about this. And I think that's important that the public know that, because I'm not sure that that's clear.

When I first heard about this and read it, the one thing that disturbed me a lot, there was no -- there's no mention of farmland preservation. I had a conversation with the County Executive about that and he assured me that he's committed to preserving farmland on the East End, and his actions have spoken to that. So I'm -- you know, I have confidence in his -- in the conversation I have had with him. I also have confidence in my Legislators, that they've shown a willingness to preserve farmland on the East End. However, here's a structured arrangement here that doesn't mention farmland preservation. I have a feeling that there is -- there is an element here that would not be unhappy if the farmland on the East End were paved over, and that's disturbing. And I would like to see, you know, anything in the future, at least, at the very least mentioned farmland preservation. When you preserve land, you keep it in private hands.

The County has no responsibility to fence it, police it, clean it, restore it, guardrail it, sidewalk it, the whole thing. It's in private ownership. It still pays tax and it's part of the economic base. So I think we missed an opportunity here to include that. And having said that, I'd like to hear what the rest of my colleagues have to say. Thank you.

P.O. GREGORY:

Okay. Thank you, Legislator Krupski. Legislator Barraga.

LEG. BARRAGA:

I'll be supporting the referendum, because I've always supported referendums in the past, whether here or in Albany, because they fundamentally give the general public, the voters of Suffolk County in this particular case, the right to make a decision either yes or no on the referendum.

I'm glad Mr. Lipp is here, because I do have a few questions from the fiscal side of this. So I want to make sure I clearly understand what we're doing here. Are you ready, Bob?

MR. LIPP:

Yes.

LEG. BARRAGA:

The 29,400,000, if this referendum goes through, we will issue serial bonds. And in this case the serial bonds will have an interest rate, and the payback period, I believe, is over an 18-year period?

MR. LIPP:

That's an estimate. It remains to be seen exactly how it will be bonded. That's a typical payback period over the last 10 years for County serial bonds.

LEG. BARRAGA:

So we're looking at maybe a 14 or 15 million dollar debt associated with the interest, approximate, over 18 years?

MR. LIPP:

It should be somewhat over 40 million.

LEG. BARRAGA:

You have roughly 43 million dollars?

MR. LIPP:

Correct. And the County Executive's Fiscal Impact Statement had a lesser amount, a couple of million less, and we said in our memo that either number is plausible. We were a little more conservative. And since it will be a few years before the bond is actually issued or a couple of years, it remains to be seen exactly how it will pan out, but that's a good number.

LEG. BARRAGA:

Now the 32,800,000, which we already took for the Sewer Stabilization Fund, we are now paying that back?

MR. LIPP:

Okay. So the --

LEG. BARRAGA:

If this referendum goes through.

MR. LIPP:

Okay. So there's -- if the referendum goes through, then we would be paying it back starting in 2018.

LEG. BARRAGA:

Eighteen. Now, when we pay it back, there's no interest associated with that payback?

MR. LIPP:

Correct.

LEG. BARRAGA:

So after a period of 11 years, we will pay back roughly the 32,800,000. There's interest associated with that?

MR. LIPP:

Correct.

LEG. BARRAGA:

Okay. Now, if in the next three years we borrow money, and what I understand, we could borrow a total, including the 32 million, upwards of between 92 and 100 million dollars for pensions and stabilization of the budget, all of that money, including the 32 million, would be paid back over an 11-year period at no interest?

MR. LIPP:

Correct.

LEG. BARRAGA:

Okay. Very similar to someone going into a bank, for example, and requesting a mortgage, and then being told by the banker, "You're going to get your mortgage," and the person says, "Well, you know, what am I going to pay in interest," the banker says zero, and that you're not going to be

charged any interest on this loan. That's what we have here, the hundred, or the roughly 100 million. If we pursue the next three or four years of borrowing, there's no interest on that loan over a period of 11 years when it has to be paid back?

MR. LIPP:

Correct.

LEG. BARRAGA:

Okay. The other option, which concerns me a bit, and I put this out there so that people are aware of it, based on what I'm seeing, over an 11-year period, we'll be paying this money back. We have to pay back at least 5% of the outstanding balance. So it looks to me like we're paying back, you know, roughly four or five million dollars per year for the first 10 years, not the eleventh year, the first 10 years.

MR. LIPP:

Well, let me qualify that. So we did a memo and there are actually an infinite number of ways where we could pay it back. So what we did is we just gave you for illustrative purposes the option where we would pay the minimums, so, therefore, we'd balloon in the last year.

LEG. BARRAGA:

Let's say we pay the minimums.

MR. LIPP:

Okay.

LEG. BARRAGA:

What concerns me is that when you get to the eleventh year, you've got a balloon payment of roughly 56 million dollars. If you have 100 million out there and you're paying roughly 5% per year, by the time you get to that last year, that that payment balloon-wise could be between 50 and 55 million dollars.

MR. LIPP:

Yes.

LEG. BARRAGA:

So anybody sitting here in 2029 is going to have a bit of a challenge on their hands, because this payment is going to become due. Is there any restriction on the County at that point doing the bonding on the 54 million? Is there anything in the referendum that prohibits us from doing that?

MR. LIPP:

Well, I believe that there's nothing directly in the referendum, but I believe that unless --

LEG. BARRAGA:

On the fiscal agreement, is there anything in the fiscal agreement? I have not found anything that would prohibit the County in that eleventh year from going out --

MR. LIPP:

Yeah, I understand your question. I believe State Law would prohibit us.

LEG. BARRAGA:

So --

MR. LIPP:

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Because we would be paying -- we'd be borrowing for operating expenses. We would need, I believe -- but this is a legal question, so I'm a little bit out of my comfort zone, that unless there was some State-enabling legislation, we wouldn't be able to pay for that, because what it is, is the referendum or the resolution is basically saying that we are codifying into our future budgets a transfer of funds and expenditure from the General Fund to the Assessment Stabilization Reserve Fund to pay this back, so it's an Operating Budget expense. You're not allowed to pay for Operating out of Capital as a general rule.

LEG. BARRAGA:

So if it was 2029 and we don't bond, what's Plan B? We have to have that money available out of general revenues to pay the 54 million?

MR. LIPP:

Well, that's hard to say simply because we -- from a year-to-year basis, we think of different ways of avoiding having to pay certain things. So it would remain to be seen how creative we would be back then in 2029, if that was -- if that was the case.

LEG. BARRAGA:

Well, I think we need some clarification on that. You know, it does concern me about the 54 million in that eleventh year, if we went down the suggested route that you laid out in your review of this particular proposal.

It would seem reasonable to me that at least for the first 10 years, we could avoid any -- as far as the payback goes, we could avoid doing any bonding or any Plan B approach that involves additional interest being paid on this outstanding amount, because as I take a look at your numbers, we should be able to come up with, you know, roughly five million dollars per year out of revenues, from an economic perspective, to pay it without incurring any additional interest. Because on the face of this, it looks very, very good, because we're, you know, initially getting this money or not paying anything back, we have to have the revenue on hand year to year for those 11 years in order to avoid an additional expense or interest on the County.

MR. LIPP:

I'm sorry. Am I supposed to respond to that? I'm not sure.

LEG. BARRAGA:

Well, I mean, do you disagree? I mean, it seems to me that we should be able to, if it's only 4 or 5 million a year for the first 10 years, take it out of general revenues.

MR. LIPP:

Yeah, I have problems with that.

LEG. BARRAGA:

Why do you have problems with it?

MR. LIPP:

Because, as we noted in our memo, there's a significant structural budget deficit that we see. So since it's not clear how we're going to address that, if you add additional monies on for however laudable purpose it might be, it becomes a problem then.

LEG. BARRAGA:

But in your memo you say this assumption illustrates the case in which fiscal problems prevent the General Fund from spreading out the payments more evenly, resulting in a balloon payment in the final year. My sense, from reading that statement, is that that's why you were recommending

roughly, you know, 5% per year, because we're much better equipped economically and fiscally to deal with that.

MR. LIPP:

I apologize if it was taken as a recommendation. It was just to show what the most polar case would be, for lack of a better term, in terms of trying to avoid the expense given. You know, it will take years maybe to address our structural problems, so this is one scenario. I mean, in a perfect world, I'm sure we all want to pay it off as soon as possible and avoid any sort of balloon payment, which I'm sure will be everybody's objective, but it remains to be seen if we'll be able to be successful at that.

LEG. BARRAGA:

But in that particular case, I think, from a personal perspective, I think it's reasonable for a County with, you know, two-and-a-half billion dollar budget to be able to come up with 5 or 6 million out of general revenues to make those payments, at least for the first years, first 10 years. I think the problem we run into is that eleventh year and how we deal with it, you know, based on your breakdown.

MR. LIPP:

Clearly, that would be a much more significant problem.

LEG. BARRAGA:

Okay. All right. Thank you very much.

MR. LIPP:

Sure.

P.O. GREGORY:

All right. Thank you. Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. I've talked about some concerns that I've had as far as what the ratification of continuing to borrow against the Assessment Stabilization Reserve Fund over the next three years goes to.

My question is to our Counsel. George, there is an underlying lawsuit that was brought by a variety of the environmental groups. There was a decision at the trial court level, I believe it was Judge Farneti, that was subsequently appealed to the Appellate Division. I believe it was argued sometime in April.

MR. NOLAN:

It was months ago.

LEG. KENNEDY:

Okay.

MR. NOLAN:

Three or four months ago.

LEG. KENNEDY:

Do we have any, any decision yet from the Appellate Division on what the results of that -- those legal arguments were?

MR. NOLAN:

We are waiting for a decision.

LEG. KENNEDY:

Still nothing?

MR. NOLAN:

No decision.

LEG. KENNEDY:

What does this bill do to that legal proceeding?

MR. NOLAN:

I would defer to the County Attorney, because he's in the building and he can speak to that legal action.

LEG. KENNEDY:

Okay, great, good.

MR. BROWN:

Good morning.

LEG. KENNEDY:

Hi, Dennis. How are you today?

MR. BROWN:

Good, thank you.

LEG. KENNEDY:

Good.

MR. BROWN:

Because there has been no decision yet, if there was going to be any discussion, including about the ramifications of any decision on this bill, I think that that would be best to be done in Executive Session.

LEG. KENNEDY:

Now wait a minute. Whoa, whoa, whoa, whoa, whoa, whoa, wait a minute. Is there any representation by the parties associated with this resolution that impacts that matter one way or the other?

MR. BROWN:

No, there are no representations, but issues which are addressed in that litigation are also addressed in this -- in this bill.

LEG. KENNEDY:

I certainly have more questions. I mean, I'll have the conversation with you directly. But I think that the current status of where we're at with the litigation certainly is at least something that all of us should be aware of. Whether it affects the way we vote or not, at the very least, we should know, because we are the defendant at this point in this appeal, and we would still have a right to be able to appeal to the Court of Appeals if, in fact, the Appellate Division elected to reverse. The trial court, if I recall, upheld and ratified our original taking or transfer of the funds; is that correct?

MR. BROWN:

That's correct.

LEG. KENNEDY:

Okay. And so we wrestled with this notion about actions that the Legislature has taken where an initial revenue stream, or responsibility, or obligation might have come about by referendum, but there has been case law that has gone all the way to the Court of Appeals, I believe, that has now said bodies can take certain actions.

MR. BROWN:

Second Circuit Court of Appeals.

LEG. KENNEDY:

Okay, there we go. So this bill, in fact, would have the extraordinary action of negating or reducing some ability that this body has at this point to address economic issues and actions, but only in this realm regarding the ASRF?

MR. BROWN:

This bill does not negate or restrict the Legislators -- Legislature's body with respect to the ACRF or actions in general.

LEG. KENNEDY:

Well, now we're actually looking at parsing some language, because there are two bills, I guess, that are before us. This is the bill, 1575, that has the substantive modifications; 1574 is the referendum.

MR. BROWN:

Correct.

LEG. KENNEDY:

And so if, in fact, the electorate adopted the referendum, then that ability to go ahead and take certain actions on our part would, in fact -- we would voluntarily have abandoned that ability?

MR. BROWN:

You're correct in your description of 1574.

LEG. KENNEDY:

Okay. I can only speak for myself, but I will suggest to the Presiding Officer, I would like to hear a little bit more about the specifics as far as the litigation goes.

P.O. GREGORY:

I was just talking to Counsel. We can go in Executive Session. We do have one more speaker, if you want to wait until Trotta speaks, and then we'll go into Executive Session and discuss both bills together regarding the litigation.

LEG. KENNEDY:

That would be fine, yes. Thank you, Presiding Officer.

P.O. GREGORY:

All right. Legislator Trotta.

LEG. TROTТА:

I find myself in an odd situation, me, the Republican Conservative fighting for more money for sewers and drinking water. This sounds really good if you read this, a Charter Law amending the Quarter Cent Suffolk County Drinking Water Protection Program for enhanced quality protection, wastewater infrastructure and General Fund property tax relief for Suffolk County. It sounds great,

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but the reality is we're taking money that in 1987 the voters wanted to go into an Open Space Program, a Sewer Stabilization Program, and we're disregarding that referendum. We're saying we don't care what the people said. And under the guise of giving 20 million dollars, so they can buy open space, which I am all for, by the way, at the cost of Smithtown, Sayville, Kings Park expanding sewers, increasing our tax base, letting our young people stay here.

The Chamber of Commerce members were so eloquent. They want open space, they want clean drinking water. But taking 29 million dollars and giving it to them, and then taking 130 million and possibly, I think Dr. Lipp said, even more and paying it off over the next 30 years for my kids is ludicrous. This money should be spent, what it was made for, for downtown revitalization, for expanding sewers. And we bought a lot of open space. I mean, the benefit of buying open space at this point doesn't outweigh the fact that we could build sewers in our downtowns. We're taking the wastewater and treating it. If we buy 50 acres out in, you know, in Yaphank or something, that's great. But guess what, in this economy, nobody's building on that 50 acres anyway.

I mean, this is nothing more than another money grab, and this is kicking the can down the road with steel tip shoes. It's ridiculous. My kids will be paying for this, my grandkids will be paying for this. This is ludicrous. And I'm very disappointed in the environmentalists who are spinning this as this is a good thing, because it's not a good thing.

I mean, I hear terms like, "We cut a deal," "We fixed the problem." Our beaches are closed -- our beaches are closing because our cesspools are running into the water. Okay? Putting sewers in would end that. That's not -- getting four million dollars when we could have 40 million dollars to do this is not fixing the problem. This is what's fundamentally wrong with government. We should be revitalizing our downtowns, we should be spending our money there and cleaning up the wastewater that's going in our groundwater.

I mean, I want to buy open space, but at this point, the reality of it is we should be stimulating this economy, getting our carpenters working, getting our electricians working, and get our plumbers working. This is essentially a fraud on the taxpayers of this County and I will never support this. It's absolutely ludicrous and I am disappointed in the environmentalists who are standing up here supporting this. I mean, they have -- their obligation should be to the community and doing the right thing. And anybody who looks into this and looks into it carefully will see that this is wrong. Dr. Lipp said it eloquently when he said we won't have any money to do this any time to see, if at all. There's no plan to pay this money back. We're borrowing money now. It's ludicrous to continually borrow money. I'm not doing it for kids, I'm not doing it for my citizens' kids, and every kid in this County, I'm not doing it. We need to tighten our belt and do this right, because this is it, this is wrong.

P.O. GREGORY:

Okay. We'll give the --

LEG. TROTТА:

I have one more question for Dr. Lipp.

P.O. GREGORY:

Was there a question in there?

LEG. TROTТА:

Yes.

P.O. GREGORY:

Okay.

LEG. KENNEDY:

Don't you agree?

LEG. TROTТА:

Dr. Lipp, you give it one scenario where it's -- you know, in 2014, you can borrow 32 million, in 2015, 25 million. That's just estimates you picked out of a hat, or, you know, could it be more than that?

MR. LIPP:

Well, as I said to Legislator Barraga before, there could be an infinite number of results, because we're going out to 2029 for all the analysis. That being said, we tried to give two almost polar cases, but, yes, plausible cases. I would look at it not as a high probability scenario, but a plausible scenario. We want -- if possible, we'd like to borrow less, but given our finances, this is probably a pretty good scenario in terms of what will happen.

LEG. TROTТА:

And also, isn't it true that -- Legislator Barraga was bringing it up, that, you know, we may be able to pay this 5 million dollars. Isn't it true that we can pay the money there and borrow the money for something else, move the money over and pay that off and then not have to borrow for it? And isn't it true that we could be in a problem where we have to borrow way more money because of this?

MR. LIPP:

Well, there are all sorts of ways from year to year that we balance the budget, for lack of a better term, so it's hard to say exactly what we would do. I would say that Legislator Barraga was correct in the sense that you're looking at a 2.8 billion dollar overall budget, two billion dollar General Fund, and, you know, in a budget that size, five million can be -- can be dealt with.

LEG. TROTТА:

In addition to the Dennison Building and to everything else we've done over the years, it adds up.

MR. LIPP:

Correct.

LEG. TROTТА:

And it's certainly -- we have a structural imbalance. Every year they sit here and try to find this money. I'm putting an end to it. I will not support this, for the kids and for environment, because the money would be better spent rebuilding our downtowns and putting sewers in.

P.O. GREGORY:

Okay. I'm going to make a motion to go into Executive Session. We'll get you on the other side, John, all right? Second by Legislator Kennedy. All in favor? Opposed? Abstentions? Thank you. We're going to go into Executive Session. If we can have everyone clear the room.

(Executive Session: 11:34 a.m. - 12:30 p.m.)

P.O. GREGORY:

All right. We're going to recess for lunch. We'll be back at 2:30. Thank you.

(The Meeting was recessed at 12:30 p.m. and resumed at 2:31 p.m.)

P.O. GREGORY:

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

MR. LAUBE:

I can.

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

LEG. KRUPSKI:

Here.

LEG. BROWNING:

Here.

LEG. MURATORE:

(Not Present)

LEG. HAHN:

Present.

LEG. ANKER:

Here.

LEG. CALARCO:

Present.

LEG. LINDSAY:

Here.

LEG. MARTINEZ:

Here.

LEG. CILMI:

(Not Present)

LEG. BARRAGA:

(Not Present)

LEG. KENNEDY:

(Not Present)

LEG. TROTTA:

Here.

LEG. MC CAFFREY:

(Not Present)

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. SPENCER:

(Not Present)

D.P.O. SCHNEIDERMAN:

Here.

P.O. GREGORY:

Here.

MR. LAUBE:

Eleven. (Not Present: Legislators Muratore, Cilmi, Barraga, Kennedy, McCaffrey and Spencer.)

D.P.O. SCHNEIDERMAN:

We're going to begin our public hearings. Our first public hearing is ***I.R. 1236. It's a Local law to require the use of biodegradable products by chain restaurants (Sponsor: Hahn)***. Is there anyone who wishes to be heard on this? Okay. I see no cards on this issue. Is there anyone in the audience who wishes to be heard on this? Okay. I'll turn to the sponsor. Legislator Hahn, what's your pleasure?

LEG. HAHN:

Motion to recess.

LEG. CALARCO:

Second.

D.P.O. SCHNEIDERMAN:

Motion to recess by Legislator Hahn, second by Legislator Calarco. All in favor? Opposed? Abstentions?

MR. LAUBE:

Twelve. (Not Present: Legislators Muratore, Cilmi, Barraga, McCaffrey, Stern and Spencer.)

D.P.O. SCHNEIDERMAN:

Thank you, Mr. Clerk. ***1323, a Local Law to streamline procedures for filling Presiding Officer and Deputy Presiding Officer vacancies (Sponsor: P.O. Gregory)***. I have no cards on this. Is there anyone who wishes to be heard? Mr. Presiding Officer, this is your bill.

P.O. GREGORY:

Close.

D.P.O. SCHNEIDERMAN:

Okay. Motion to close by the Presiding Officer; I will second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eleven. That was 12, actually (Vote amended to 13/Not Present: Legislators Muratore, Cilmi, McCaffrey, Stern and Spencer.)

D.P.O. SCHNEIDERMAN:

Okay. 1323 is closed. ***1390 - A Local Law to amend the Administrative Code to expand the requirements for appointed officers of the Suffolk County Police Department (Sponsor: Trotta)***. I have one card, Tim Morris. Mr. Morris, if you could start by identifying yourself for our records, and then you have three minutes to make your comments known.

MR. MORRIS:

Thank you. I am Tim Morris, I'm president of the Suffolk SOA, representing all sworn members of the Suffolk County Police Department, from Sergeant to Chief. I'm here again today to speak in opposition to the amended I.R. 1390, introduced by Legislator Trotta.

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Mr. Trotta changed the bill to basically grandfather in all of my members who currently hold the positions that he is targeting for the education requirement. The provisions covered in A-13, 14B and C would still apply to all of my members who hold the rank of Deputy Inspector or higher on or after the effective date. The SOA's position remains the same as before this bill was amended. The provisions of I.R. 1390 changed the terms and conditions of our employment, and as such, they must be negotiated with the Suffolk SOA by the County Executive.

As stated -- as we have stated in the past, the SOA is fully supportive of higher education and we negotiated a provision in our most recent agreement with the County, which runs through 2018, that deals with education. But to change these requirements at this point requires that it be discussed with us and negotiated.

Much was made of the top secret clearance provision through the FBI by Mr. Trotta and some of the recent people who appeared before the Legislature in the Public Safety Committee. I have checked with the Police Department and currently there are three members of our department that hold this clearance, including two rank -- two Chiefs. The Commissioner and the Chiefs are fully capable of determining who and how many members of the Department should have clearance. Again, this bill would dictate to the Commissioner who should have received this clearance. I urge this committee to reject the resolution. Thank you.

D.P.O. SCHNEIDERMAN:

Thank you, sir. That's the only card I have. Is there anyone else who wanted to be heard on this matter? Okay. Do we have a motion, Mr. Sponsor?

LEG. TROTТА:

Motion to recess.

D.P.O. SCHNEIDERMAN:

Motion to recess by Legislator Trotta.

LEG. MURATORE:

Motion to close.

D.P.O. SCHNEIDERMAN:

A motion to close by Legislator Muratore.

LEG. CILMI:

Second to recess.

LEG. ANKER:

Second.

D.P.O. SCHNEIDERMAN:

Second on the motion to recess by Legislator Cilmi, and a second on the motion to close by Legislator Anker. Counsel, first is the motion to recess. Okay. So we'll vote first on the motion to recess. Let's see if we can do this without a roll call vote. So all in favor of recess? Just let me see hands.

(Opposed: Legislators Cilmi, Barraga, Trotta and McCaffrey.)

Opposed to recessing?

LEG. D'AMARO:

You need a count.

MR. LAUBE:

I just need the -- I had it.

LEG. BROWNING:

Do a roll call.

D.P.O. SCHNEIDERMAN:

Let's do a roll call. We had a request for a roll call, Mr. Clerk.

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

LEG. TROTTA:

Yes to recess.

LEG. CILMI:

Yes.

LEG. D'AMARO:

No.

LEG. STERN:

No to recess.

LEG. MC CAFFREY:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. MARTINEZ:

No.

LEG. LINDSAY:

No.

LEG. CALARCO:

No to recess.

LEG. ANKER:

No.

LEG. HAHN:

No.

LEG. MURATORE:

No.

LEG. BROWNING:

No.

LEG. KRUPSKI:

No.

D.P.O. SCHNEIDERMAN:

No.

P.O. GREGORY:

No to recess.

MR. LAUBE:

Twelve -- excuse me, five. (Not Present: Legislator Spencer)

D.P.O. SCHNEIDERMAN:

Okay. So the motion to recess fails. We have a motion to close and a second. We'll do a roll call on this as well.

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

LEG. MURATORE:

Yes.

LEG. ANKER:

Yes.

LEG. SPENCER:

(Not Present)

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MC CAFFREY:

No.

LEG. TROTTA:

No.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MARTINEZ:

Yes.

LEG. LINDSAY:

Yes.

LEG. CALARCO:

Yes.

LEG. HAHN:

Yes.

LEG. BROWNING:

Yes.

LEG. KRUPSKI:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

P.O. GREGORY:

Yes to close.

MR. LAUBE:

Thirteen. (Not Present: Legislator Spencer)

D.P.O. SCHNEIDERMAN:

1390 is closed. Moving on to **1394 - A Local Law to warn consumers of the dangers of liquid nicotine (Sponsor: Anker)**. Do we have any cards? We have no cards. Is there anyone from the audience who wanted to be heard on this issue? Our sponsor, Legislator Anker.

LEG. ANKER:

Motion to close.

D.P.O. SCHNEIDERMAN:

Motion to close by Legislator Anker. I will second. Any discussion? Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: Legislator Spencer).

D.P.O. SCHNEIDERMAN:

Okay. **1431 - A Charter Law to authorize reserve fund transfers (Sponsor: Gregory)**. Do I have any cards on this? I don't believe so. 1390 -- 1431, there are no cards. Anybody from the audience? Okay. Legislator Gregory?

P.O. GREGORY:

Motion to recess.

D.P.O. SCHNEIDERMAN:

Okay. Motion to recess, I will second. Any discussion? All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: Legislator Spencer)

D.P.O. SCHNEIDERMAN:

Okay. **1488 - A Local Law to modify County's hardship property redemption process (Spencer)**. There are no cards on this either. Anyone from the audience? Seeing none --

LEG. D'AMARO:

Motion to close.

LEG. STERN:

Second.

LEG. BROWNING:

Second.

D.P.O. SCHNEIDERMAN:

Motion to close by Legislator D'Amaro, second by Legislator Stern. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: Legislator Spencer)

D.P.O. SCHNEIDERMAN:

Closed. **1620 - A Local Law to amend, update and reorganize Chapter 528 of the Suffolk County Code to incorporate changes adopted by the State and to facilitate continuing advancements and modifications of the law in the future (Sponsor: County Executive)**.

I have cards on this. Our first speaker is Douglas King.

MR. KING:

Good afternoon, Ladies and Gentlemen. My name is Douglas King. I'm a member of the Suffolk County Disability Advisory Board. I'm also the Chairperson for the Legislative Committee for the Suffolk County Disability Advisory Board.

The reason why I'm here today is to speak to you about I.R. 1620. It's a very important bill for people with disabilities. It's finally recognizing what a person with a disability is, and to finally say that we're a part of Suffolk County, and that we're being known on what's going on.

I could tell you, as a person with a disability that's been disabled almost 42 years, and I'm very happy to see this bill come forth. The part that I don't understand is the Americans with Disabilities Act was signed July 26th of 1990, and now all of a sudden Suffolk County has come forward on a bill like this 24 years later, and that makes me very, very upset with Suffolk County.

That's all I'd like to say at this time. Thank you.

D.P.O. SCHNEIDERMAN:

Okay. Thank you for your comments, Mr. King. Our next speaker is Gina D'Andrea -- I'm not sure of the last name. Weatherup? Is that close?

MS. WEATHERUP:

Yeah, that's actually perfect, Gina D'Andrea Weatherup. Thank you. And I have a slightly longer copy here annotated with my remarks. Thank you for the opportunity to testify.

I'm the Community Affairs and Advocacy Manager at Planned Parenthood Hudson Peconic Action Fund. The Action Fund is the advocacy and political arm of Planned Parenthood Hudson Peconic, which serves about 16,000 Suffolk residents every year with reproductive health services, including

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birth control, screening, testing, treatment and prevention of STDs, general gynecological care, pregnancy testing and options counseling, and prenatal services. Nationally, one in five women in America have chosen a Planned Parenthood health center for her care at some point in her life.

Planned Parenthood Hudson Peconic is part of the Housing for All Coalition here in Suffolk County, and the entire Coalition supports I.R. 1620 in its entirety. The Coalition is handing in a separate letter of support today. And I'm here to focus my remarks on the provisions that will specifically help pregnant people and parents in the workplace.

Every day, women enter Planned Parenthood Hudson Peconic health centers dealing with a wide variety of issues. Beyond just health care, they often need assistance combating discrimination in housing and on the job. For that reason the Planned Parenthood Hudson Peconic Action Fund stands strong against all forms of discrimination and supports steps by local government to end discrimination.

No one should ever have to choose between a healthy pregnancy and a paycheck. Pregnant workers may need simple, low-cost job modifications to enable them to maintain a healthy pregnancy and continue to be productive on the job, earning necessary income as their family grows. Local employers should be clearly required to proactively accommodate their pregnant employees in reasonable ways, such as allowing an employee to keep a water bottle on them at all times, to have more frequent meals, snack, or bathroom breaks, or simply sit on a stool, rather than stand for hours on end.

The great majority of women do return to the workforce after giving birth, and most dads never leave, yet family status discrimination continues in most work places, and disproportionately affects mothers. From well-meaning supervisors who may mistakenly believe that parents of younger children or babies may want less challenging assignments, to more blatant situations where mothers are denied promotions simply for having children, family status discrimination is alive and well and it needs to end. Everyone should be able to make their own personal family decisions without fear of being forced to use leave, losing their job, or being denied a promotion or a raise.

I am proud to stand here today to call for an improved Human Rights Law here in Suffolk, one that protects pregnant and parenting workers, victims of domestic violence, veterans and active duty military personnel, lower income residents, and people of all gender identities. The provisions of I.R. 1620 are needed today, so I'm asking you to please vote today to close the public hearing and pass the bill in September. Thank you.

D.P.O. SCHNEIDERMAN:

Okay. Our next speak is Fedi Castillo, and Fedi will be followed by Martha Maffei.

MS. CASTILLO:

Hello. My name is Fedi Castillo and I'm with Brighter Tomorrows. We're a domestic violence agency, and I am the Senior Court Advocate. And I just wanted to present to you some of the limitations that we are, I guess, facing every day, one of which has to do with the undocumented immigrants that are unfortunately also victims of domestic violence. And because of the limited housing opportunities and options that there are out there for them, we are seeing that we are very limited with the help that we can provide them. And our job, as a domestic violence agency, is to empower, to help, to guide, to facilitate their own independence and their growth, and a lot of these women are coming to us with -- they're single mothers. And we're looking -- that we are very limited as to what -- the type of help that we can provide them with. So I come here hoping that maybe something or some provisions can be done to help. That's really all I wanted to say. Thank you.

D.P.O. SCHNEIDERMAN:

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Okay. Thank you for your comments. Our next speaker is Martha Maffei, followed by Marcia Estrada.

MS. MAFFEI:

Good afternoon. My name is Martha Maffei. I'm Executive Director --

D.P.O. SCHNEIDERMAN:

You need to speak directly into microphone so we can hear you.

MS. MAFFEI:

Hi. Good afternoon. Thank you for giving us the opportunity to testify and talk about important law for our community. My name is Martha Maffei. I'm the Executive Director of SEPA Mujer. SEPA Mujer is a Latina immigrant rights organization, and we represent survivors of domestic violence through immigration relief.

Today, I'm here to support I.R. 1620. I see every day in my work, working with survivors of domestic violence, when a victim of domestic violence decides to leave an abusive relationship, she often has nowhere to go. This is in particularly true for women with few resources. Lack of affordable housing and long waiting lists for assistance housing mean that many women and their children have to force to choose between abuse at home and live -- or live on the street.

Working with survivors of domestic violence, we can see the trouble the women have to move forward. Survivors of domestic violence often seek refugee shelters. Whatever the time allowed to stay at that shelter is very limited, between 30 to 60 days. Many of them have to choose to go to a homeless shelter, which is not the best option for them and their family.

So discrimination, looking for shelters is -- they leave comments in my office about when women want to rent a house the landlord don't like that they are single. They prefer adult rent to them, or if they have children, they don't want to rent their house if they have children. I see it often in the grocery store advertisement that say, "Renting apartment. Pets allowed, but children, no." So that really hurts.

And I think that I.R. 1620 for the Human Rights Law is a good provision and I support representation of the community that we work, and I think that Legislators today have the opportunity to close that public hearing and move forward. That's an important provision for our community. Thank you.

D.P.O. SCHNEIDERMAN:

Okay. Thank you for your comments. Next is Marcia Estrada, followed by Lauren LaMagna.

MS. ESTRADA:

(Ms. Estrada read her statement in Spanish.)

INTERPRETER:

Would it be okay if translate that word for word?

"Good afternoon. My name is Marcia Estrada and I am a member of SEPA Mujer, an organization that defends the rights of Latina immigrant women. I want to thank you for the opportunity of hearing our testimonies, because my story is the same as to that of many women and families in Suffolk County which have had to struggle with acts of discrimination.

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About a year ago my two children, who live in Honduras, and I were granted U visas. Reuniting with my children is something that I have waited for many years. I want to provide my children a comfortable and safe place where they can live. Since the month of April, I have been searching a place which I can rent and move in with my six-year-old daughter who lives with me, and my two children who are waiting for me to bring them into this country. I never thought that renting a place with children would be so difficult. Until this date, I have not been able to find a place to move, because every time that I call, the first thing they ask me is if I have children and if I have a husband, as if a single mother was unable to economically support herself. I have been told things such as, "I cannot rent to single mothers with children," "If you do not have a husband, how are you going to pay," etcetera, after several attempts and after receiving the same negative responses, I have spoken with my brother, and he told me that he could live with me and rent together. I called again Miss Maria, who I have had previously contacted about renting an apartment, but on this occasion she accepted and allowed us to see the apartments. She told me that she had two apartments and that the price was 2,000 a month. When I arrived to see the apartments, she asked me if my husband came with me. I told her no, that I was going to rent with my brother and my three children. She replied to me that she did not want tenants with children, that she preferred to rent to tenants with pets who pay an additional \$200, and that pets neither cry nor bother anyone. In addition, she told me that I was going to be unable to pay \$2,700 a month. She changed the price from the initial price.

The suffering and frustration of being unable to bring my children and reunite with them because I have no place to offer is devastating. I want to ask of you as Legislators that you protect our rights, not only women's rights, but the right of our children as well, and that today in your hands rest the ability to close the public hearing and that the law of human rights stays its course, so that women like myself, who are proudly striving to make better for our families, do not find this type of barriers. Thank you.

D.P.O. SCHNEIDERMAN:

Thank you. Okay. Lauren LaMagna is next, followed by John T. Martin.

MS. LA MAGNA:

Good afternoon. My name is Lauren LaMagna. I've been a resident of East Northport since I was eight, and I've been a lifelong Long Islander. I'm also a proud supporter and volunteer at Planned Parenthood Hudson Peconic. I'm here to give testimony and support of Bill, I.R. 1620, a bill to update, amend and reorganize the County's Human Rights Law. Ensuring equal treatment and protecting against discrimination in the workplace is an aspect of the law that should apply to everybody, and this includes pregnant workers.

Here, in 2014, women make up half of the workforce. With the growing cost of living, plus the increased number of medical examinations, tests, and other things necessary for a safe and successful pregnancy, women are deciding out of necessity to continue to work throughout their pregnancy, even into their third term, or trimester.

Pregnancy is physically and demanding -- physically demanding and tiresome, not only physically draining, the financial aspect of creating a family is emotionally and mentally exhausting and stressful, which we all know negatively affects our health. We need to help women with decreasing some of that stress by ensuring her safety, security and stability in her current source of income, as well as protecting her future job positions, providing safety, security and stability for her healthy family.

As Gina D'Andrea Weatherup said before, low cost accommodations, such as more frequent restroom breaks, being allowed to carry water bottles, or small amounts of food, or simply having the ability to get off their feet a few extra times a day are examples about how an employer can cost-effectively ease some stress of a pregnant worker's day. Being a waitress myself, I can

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sympathize with these basic needs. Alternatively, being assigned lighter duty assignments, like giving more clerical work rather than heavy lifting, can ensure pregnant workers good health. These are examples of steps that can be taken towards giving her -- giving her -- I'm sorry -- keeping her well as an individual and having a healthier pregnancy, but also keeping her an active, productive, energized worker. It is just as essential to ensure that pregnant workers are not penalized for using the services that are already provided for her.

No one should have to choose between her health, the health of her family, and her paycheck, and mandating that all businesses provide these types of services is a vital action in fighting the gender equality that still plagues our current workforce.

I'm a young professional and I hope to start a family one day. I want to be assured that I'll be able to take care of myself, my health, and the health and well-being of my future family. Being protected by the law, so that I will not face these types of discriminations at work, will allow me to be the best parent that I can be. And although I do have time to plan for that still, there are thousands of women that do not have that luxury. They need protection, they need safety, and they need it now. That's why I'm encouraging the Suffolk County Legislators to pass not only the amendments that affect pregnant workers, but all of the vital changes, and vote today to close this public hearing, so that I.R. 1620 will be able to be voted on in September and passed, so the protections can become law as quickly as possible.

And before I go, I just wanted to acknowledge that although I use pronouns "she" and use "woman" to describe a pregnant worker, I would also like to raise the point that pregnant workers can and do include people of all genders, and that pregnant workers' rights should be extended to all genders, and not just people who identify as women. Thank you.

D.P.O. SCHNEIDERMAN:

John Martin is next, followed by Olivia Blanton-Rich.

MR. MARTIN:

Hello. Sincerest greetings to all of you. My name is John Martin, a lifelong resident of East Northport, and a recent graduate and current Master's student at Stony Brook University. I am a volunteer here today with the Planned Parent Action Fund to offer testimony in support of I.R. 1620.

Of particular relevance and importance to my -- in my own life and work is the expansion of existing protections extended to gender. Currently, human rights law in Suffolk County define gender, and I quote, as both the biological and social characteristics of being male or female. Before I spend the remainder of my three minutes recreating the opening lecture of any introduction to Women and Gender Studies course, I will simply say that gender is much more complex than that. People's gender identity and expression come in as many complex varieties than any other human attribute: Feminine, masculine, beyond both, cisgender, that is a person that identifies with the gender sex they were assigned at birth, or transgender, or simply who identify as something other than the gender and sex they were assigned at birth, and the list goes on.

Myself, I identify as genderqueer or gender nonconforming. I wear eye shadow, dangly earrings, Timberland boots and flannel with all the same or similar frequency. My pronouns are either they, them, theirs or he, him, his. For those like myself who do not subscribe to established gender norms, for all folks under the trans umbrella who live and inhabit the world in some distance to their birth-assigned sex or gender, it is paramount that you extend human rights protections to include gender identify due to the incessant discrimination and violence we face in the workplace, in the housing and in the street.

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To offer some concise numbers, I turn to the groundbreaking national survey conducted by the National Gay and Lesbian Taskforce and the National Center for Transgender *Equality Injustice at Every Turn*, published in 2011. Fifty-five percent of respondents reported losing a job due to some discrimination. Ninety percent report on-the-job harassment and mistreatment. Nineteen percent report having refused housing -- having been refused housing. Sixty-one and 64% reported being victims of physical or sexual assault, respectively, and the stats go on and on, depicting a very grim picture for the reality of our lives, and this is no different in Suffolk County.

In my own experience working here, I've been on the subject end of many a cruel joke, or open harassment by coworkers, by employers. I have found quite a number -- a bit of fear in looking for work, and knowing when I'll be disrespected, or a turn-away, or a lack of phone call back is due more to the way I look than to my actual ability. But, please, listen to four out of five New Yorkers who support trans and nongender, nonconforming people's rights and join a number of municipalities, counties, cities and states voting on the side of progress and justice. Vote to end the public hearing on I.R. 1620 today and vote to pass it in September. Thank you for your time.

D.P.O. SCHNEIDERMAN:

Thank you for your comments. Olivia Blanton-Rich is next, followed by Michelle Santantonio.

MS. BLANTON-RICH:

Hello. My name is Olivia Blanton-Rich. I live in Westhampton, and I'm a proud volunteer with the Planned Parenthood Hudson Peconic Action Fund.

I believe it is essential that we pass I.R. 1620 in order to update our County laws to be in keeping with the times we live in. Our residents deserve modern laws that prohibit discrimination. While all of the provisions are critical to protecting residents from discrimination, one section is of personal importance to me. In 2014, it is time that we treat all of our residents equally under the law, no matter their gender identity, belief or expression. Luckily for us living in New York, it is already illegal to discriminate based off of sexual orientation. However, we need stronger protections for those individuals who identify as transgender or gender nonconforming.

I was president of my high school's Gay-Straight Alliance for two years, and during those years, I met transgender youth facing tremendous adversity. Research shows that trans youth are victims of violence and bullying at alarming rates, and are more likely to commit suicide and to become homeless. My personal experience with trans youth is not inconsistent with these statistics. I knew people who feared for their safety, were concerned their parents might kick them out of their homes, and who contemplated harming themselves. A common message given to LGBT or Lesbian, Gay, Bisexual and Transgender Youth, is that it gets better, and for many of us, this is true. It is often easier to be LGBT as an adult, with more legal protections and freedom than children have. But I know far too many young people who are acutely aware that their lives will continue to be difficult as they enter the workforce, because gender nonconformity is so incredibly stigmatized. They knew that they may have to face further discrimination, harassment and violence in their adult lives.

According to the Empire State Pride Agenda, one out of every three trans New Yorkers has been homeless, two out of three have experienced discrimination at work, and almost 30% have faced a serious physical or sexual assault. This is completely unacceptable. Our residents have a right to fair treatment and freedom from violence, regardless of how they choose to express their agenda, and I'm not alone in this belief. Most New Yorkers agree with me. Again, according the Empire State Pride Agenda, nearly four out of five New Yorkers are in favor of protecting transgender people from discrimination. Now is the perfect time to create these strong protections. I want our trans youth to be able to believe that it does, in fact, get better.

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I also enthusiastically support the other provisions of this bill, including protecting pregnant people and breast-feeding parents in the workplace, prohibiting source-of-income discrimination and housing, and protecting veterans and active duty soldiers. I believe that when I.R. 1620 becomes law, it will reduce discrimination and improve housing, access to housing for all residents.

I ask that you protect the rights of me and my neighbors by voting to close the public hearing today and voting to pass the bill in September. Thank you.

D.P.O. SCHNEIDERMAN:

Okay. Thank you, Olivia. Next is Michelle Santantonio, followed by Frank Sprouse-Guzman.

MS. SANTANTONIO:

Hi. I have a lot of information to share, copies of our Fair Housing Guide Book, that I'm going to be leaving with the Clerk, and copies of comments today.

Good afternoon. My name is Michelle Santantonio. I'm the Executive Director of Long Island Housing Services. Many of you may be familiar with us. I do appreciate the opportunity to speak to you today on behalf of our agency, in support of I.R. 1620, a bill to amend the Suffolk County Human Rights Law.

Our agency was established in 1969, a year after the passage of Title 8 of the Civil Rights Act of 1968, known as the Fair Housing Act. This is our 45th anniversary, providing unique services for Suffolk County residents. Our mission is the elimination of unlawful housing discrimination, and promotion of decent and affordable housing through advocacy and education. We are a HUD-approved housing counseling agency, and have maintained that credential since the 1970s. Currently, we're approved to provide pre-purchase counseling and education services, fair housing pre-purchase buyer education, rental housing counseling and mortgage delinquency/default counseling. We're also a HUD-qualified fair housing enforcement organization, the only private fair housing advocacy agency based on Long Island.

Our advocacy services include providing assistance related to rental issues, to help improve conditions related to habitability, as well as issues related to treatment and practices, and the landlord-tenant relationship. We've provided counseling and legal services for hundreds of residents facing foreclosure, which is really thousands. We've been doing this work since 1970, but much more so in the past four years. We've provided counseling and legal services for residents facing foreclosure, and this has resulted in stabilizing homeownership at truly affordable terms. We've campaigned against mortgage loan rescue/modification and predatory lending scams. I'll show you my T-shirt. We've tried to be very public about this, as lots of segregated areas in our County are targeted by predatory and discriminatory practices. We also investigate illegal housing discrimination in the context of rental, sales, insurance and lending, as well as advertising. We provide victim support, and act as a designated spokesperson, as well as identifying legal counsel to provide representation where evidence is sufficient. Many of our investigations have led to formal complaints with HUD, Department of Justice, the State Division of Human Rights, and in Federal Court. Claims involving local human rights law are also raised at the State and Federal levels to maximize impact and hold accountable those that violate fair housing laws, still all too common.

The proposed amendments to the Human Rights Law will ensure greater protections for residents of Suffolk County. Inclusion of provisions to defend our servicemen and women from discrimination and employment, housing, public accommodations and access to credit will ensure that a viable local response is available. These new provisions will bring Suffolk County law in line with similar provisions in New York State Human Rights Law.

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According to the United States Department of Labor, almost three-quarters of all mothers with children under the age of 18 were in the labor force; 57% of mothers with infants are currently in the labor market. The proposed changes in the Human Rights Law contain several provisions that will afford pregnant women and nursing mothers greater protections at work. Employers will be prohibited from requiring that pregnant women take a leave of absence at some specified point in their pregnancy, unless the woman cannot perform --

D.P.O. SCHNEIDERMAN:

Michelle, I'm sorry, you're over your time, if you could wrap up please.

MS. SANTANTONIO:

Certainly. I'm sorry about that. I do want to make the point that we particularly ask that you close the public hearing today. Support this law. It has some major provisions that will bring us current with the rest of the world. The Federal Government and State are looking to similarly amend their laws, but we really can't wait for that. There's so much discrimination in Suffolk County, particularly related to source of income, people with disabilities, and familial status, as well as race, color, national origin. Thank you.

D.P.O. SCHNEIDERMAN:

Thank you. Before I bring up the next speaker, just a quick announcement. Somebody has left a set of car keys out in the lobby. So if you're missing your car keys, they're being held out at the table outside.

Okay. So Frank Sprouse-Guzman, followed by Ryan Stanton.

MR. SPROUSE-GUZMAN:

Good afternoon, members of the Suffolk County Legislature. My name is Frank Sprouse-Guzman, and I am a member of Make the Road New York. My being present today here is in support of I.R. 1620, that include proposed amendment to the Human Rights Law. I would like to share with you all how the approval of this bill will not only help ensure equal opportunity for all, but it would also positively affect my job as a real estate agent in Suffolk County.

My job as a real estate agent is to connect a tenant who is ready, willing and able to rent with homeowners who need a tenant. By having a strong law that protects more individuals against discrimination, I will be able to serve more tenants and homeowners in my community, which would be good for business, and, in turn, good for our economy.

Thank you very much for your time, and I respectfully request that you all vote to close the public hearing today. Thank you.

D.P.O. SCHNEIDERMAN:

Thank you. Okay. Ryan Stanton is our next speaker, and Ryan will be followed by Miriam Elaraby. Elaraby.

MR. STANTON:

Good afternoon, everybody. Again, my name is Ryan Stanton. I'm here on behalf of the Long Island Federation of Labor and the 250,000 members that we represent across Long Island.

Human Rights Laws often directly impact the workplace and housing discrimination, both issues that are very important to the Long Island Federation of Labor. For these reasons, this testimony is to support this resolution. We support the inclusion, and implementation and procedures intended to eradicate discrimination against employees based on disabilities, pregnancy and gender identification. I.R. 1620's inclusion of military status as a protected category and coverage for domestic workers are both significant and match the protections of New York State Law.

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We urge the Suffolk County Legislature to move forward, close the public hearing and pass these important protections.

D.P.O. SCHNEIDERMAN:

Thank you. Next up is Miriam Elaraby, followed by Tanesse Brown.

MS. ELARABY:

Good afternoon, members of the Suffolk County Legislature. My name is Miriam Elaraby. I'm an active member of Make the Road New York. I am here in support of I.R. 1620. That includes two proposed amendments of the Human Rights Law.

As a mother and grandmother, I have experienced the consequences of a weak Human Rights Law that fails to protect active military members and veterans. My daughter, born and raised in New York, a William Floyd High School graduate, after serving two times in Iraq, came back home to reunite with her family when she was no longer able to serve as a Marine, only to find out that in Suffolk County it was difficult for her to pay for an apartment with her veterans pension. She was disabled, and once she came back to Suffolk County, she was forced to move back to North Carolina, where she was able to pay for an apartment, leaving myself without my daughter and my grandkids.

I ask for you to approve an amendment to Suffolk County Human Rights Law to be fair for everyone, whether they are soldiers, veterans, pregnant women, victims of domestic violence, or anybody. It is the right thing to do. Nobody should be discriminated against ever.

I thank you very much for listening, and I respectfully urge you all to vote to close this hearing today. Thank you so much.

D.P.O. SCHNEIDERMAN:

Thank you. Our next speaker, I think it may be Tanesse Brown, followed by Rabbi Steven Moss.

MS. BROWN:

Hi. I'm Tanesse Brown from the Suffolk County Coalition Against Domestic Violence, I'm the Advocacy Manager there.

The Suffolk County Coalition Against Domestic Violence is in full support of Resolution 1620, as it will enhance Suffolk County's culture of inclusiveness, and eliminate the risk of discrimination in the workplace or housing markets based on one's status as a domestic violence victim.

As we all are aware, economic independence and housing are two crucial components needed for victims of domestic violence to be able to free themselves from the abuse, and establish a safe living environment. While there are many other obstacles to overcome while embarking on the path to safety and self-sufficiency, the added possibility that one might be denied or terminated from employment, or denied housing based solely on their status as a victim of domestic violence further compounds their situation and leads to many victims of domestic violence feeling hopeless and without options. This results in -- this results in far too many victims remaining in abusive relationships that just aren't healthy for them. They will face further discrimination when seeking employment and housing.

In the past, we have encountered many myths and obstacles in assisting victims to obtain housing and employment. We have heard the argument by landlords and their employers that allowing a victim to work or live in their establishment puts others at risk. The Suffolk County Coalition Against Domestic Violence have made tremendous efforts to help educate the community toward a more realistic view of victims and safety concerns in order to increase safety and opportunities for victims, as well as the larger community involved. We are in full support of Resolution 1620, and welcome the opportunity to work with the Suffolk County government, landlords, employers and residents to

build an inclusive community. Thank you.

D.P.O. SCHNEIDERMAN:

Thank you, Tanesse. Okay. We have one last card on this subject, Rabbi Steve Moss.

RABBI MOSS:

I might look familiar to you, that's because I spoke before you this morning. I did want to come before you a second time. I thank you for allowing me. First of all, on behalf of the entire Commission, I give my support to all those who supported 1620 this afternoon. Thank you all. God bless you for coming out.

I do want to just add, a number of years ago, when I began this area of my life, and that is dealing with bias and prejudice, discrimination in our County 25 years ago, basically people have asked me why did I get involved in all of this. And leaving aside a whole discussion about my faith and my tradition, my Jewish life and who I am as a Rabbi and as a Jew, of course, is that it really stemmed from an incident that a friend of mine, a dear friend who was very well known in the County at that time, found himself, an African-American, found himself in my community, Holbrook, driving up and down the streets looking for a home where there was supposed to be some kind of a meeting. And he related to me how that evening he actually stopped his car and found himself sweating and shaking and overcome with fear that he, as a black man, in a neighborhood which is predominantly Caucasian, would either be pulled over by a police officer or by a community member questioning as to what is he doing just driving up and down the streets of this community. And at that time, when I heard his story, I pledged myself on that day to do everything that I could to ensure that no one need ever be filled with such kind of fear of discrimination in any place. And as I learned through my work with the Human Rights Commission in terms of all of our protected areas, and that, of course, in terms of accommodation, and housing, and the workplace, and getting a loan, etcetera, etcetera.

And so I ask that you continue to join with me, as you have done over all these years, in supporting the work of the Human Rights Commission and doing what needs to be done today in closing the session, and then voting, of course, for the bill, because, basically, it gives us the opportunity to do something very, very special, in other words, to protect the rights of all. Thank you very much.

D.P.O. SCHNEIDERMAN:

Thank you, Rabbi. If you'll stay at the podium for a second, Legislator Kennedy has a question.

LEG. KENNEDY:

Rabbi, thank you for being here. And I assume that the bill will probably be -- the public hearing will be closed, and we'll have an opportunity in committee to talk about some of the specifics. And everything that all the speakers have come to the podium about are issues of concern, and I think that we should be vigorously enforcing all of the statutes that are out there, including Federal military protection, and pregnancy protection, and DV, and the whole nine. But I -- you and I have had an ongoing and recurring dialogue about the resources that the Human Rights Commission has to bring to bear regarding the current bundle of responsibilities.

So I'd like you to just address two things. To what extent are we expanding the realm of grievances, issues, or matters that can be brought to us, and what is the likelihood that we'll actually have anybody who can address it?

RABBI MOSS:

Well, first, I do want to thank you for your concerns, both personally and on behalf of the entire Legislature. Let me say that I want to first certainly thank very much our current staff that does an incredible job every single day, it's absolutely amazing.

LEG. KENNEDY:

They do.

RABBI MOSS:

And, certainly, I would have to say that I don't believe there's any bureau or office in the County that certainly could not use more assistance and more workers. Added to all of that, there is no question that we could use more staff members, and certainly this bill will call upon us to really pull all of our resources together and, even more so, to be as effective as possible.

LEG. KENNEDY:

That's a pretty good answer. I'll tell you, you should be on this side of the horseshoe Rabbi, you're pretty good.

*(*Laughter*)*

Okay. So then let me just try one more --

RABBI MOSS:

That was good, right?

LEG. KENNEDY:

That was excellent. As a matter of fact, I'd give that an A+.

*(*Laughter*)*

Will this bill create areas that our local legislation in the Human Rights Commission does not now presently address? In other words, if somebody came to us --

RABBI MOSS:

Today.

LEG. KENNEDY:

The lady who spoke about her daughter who is a veteran, and who is -- get some experience, I guess, maybe some housing discrimination, or something like that, typically, that's a matter that goes before the EEOC, that's a Federal housing issue.

RABBI MOSS:

Right.

LEG. KENNEDY:

Or if we had a woman who was being discriminated against in the workplace, we have State Labor Law and we have Federal protections. So she might seek redress through the State Labor Department or, again, the EEOC. Are those going to be new areas that we will be taking in?

RABBI MOSS:

I'm not trying at all to avoid the question. I am certainly not an expert either in this law or in Human Rights Law in general, and that's why we have a wonderful professional in Jennifer Blaske, our Executive Director.

LEG. KENNEDY:

Okay.

RABBI MOSS:

I'll only say that I do believe that it will add certain areas which we are currently not -- we do not have access to in terms of enforcement, and that's the beauty of this law.

LEG. KENNEDY:

Okay. All right. Rabbi, thank you very much, as always. Thank you.

D.P.O. SCHNEIDERMAN:

Okay. Thank you, Rabbi. That's the last card. Was there anyone else who wanted to heard on this who did not fill out a card? Okay. Is there a motion to close?

LEG. MARTINEZ:

Motion.

LEG. SPENCER:

Motion.

D.P.O. SCHNEIDERMAN:

Motion to close by Legislator Martinez, second by Legislator Lindsay. Any other motions? Any discussion? Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Thirteen. (Not Present: Legislators Krupski, Browning, Trotta, D'Amaro and P.O. Gregory)

D.P.O. SCHNEIDERMAN:

Okay. 1620 is closed. Moving on to ***1636 - A Local Law to increase transparency and fairness of the County's property leasing process (Sponsor: Schneiderman)***. I have no cards on this. Is there anyone who wishes to be heard? Okay. As the sponsor, I'm going to make a motion to recess.

LEG. CILMI:

Second.

D.P.O. SCHNEIDERMAN:

Second by Legislator Cilmi. All in favor? Opposed? Abstentions? 1636 is recessed.

MR. LAUBE:

Seventeen. (Not Present: P.O. Gregory).

D.P.O. SCHNEIDERMAN:

Okay. 1637 - A Local Law to provide truthful advertising --

MR. LAUBE:

Seventeen.

D.P.O. SCHNEIDERMAN:

-- at gasoline stations (Sponsor: Schneiderman). I'm sorry, Mr. Clerk.

MR. LAUBE:

I was calling the vote.

D.P.O. SCHNEIDERMAN:

What was the total? How many.

MR. LAUBE:

I called 17.

D.P.O. SCHNEIDERMAN:

Seventeen. Okay, thank you. **1637 - A Local Law to provide truthful advertising at gasoline stations (Sponsor: Schneiderman)**. I have a number of cards on this issue. The first is Richard O'Kane, followed by Peter Sullivan. Just wait one moment, Peter. Okay, sir, you may begin.

MR. O'KANE:

My name is Richard O'Kane and I'm here in support of Bill 1637. I represent 59,000 people in the Nassau Suffolk Building Trades Construction Council. And, you know, the average wage in the paper there the other day for a family in Suffolk -- Nassau and Suffolk County, Long Island is \$52,000. A lot of the -- all my people don't have steady jobs, you know, due to the economy, or weather, or anything related to such things like that, and they're out of work, sometimes on unemployment. When they are looking for work, they're on unemployment and they need to get to the hiring halls to see if anything has come in to go to work, and they cannot afford to pay an extra dollar a gallon of gas to go and look for these jobs. If their tank is on empty and they're on unemployment insurance, and an average tank is about 15 gallons, you know, nobody can afford that.

It's -- I've been buying gasoline since it was 28 cents a gallon and I've never seen anything like this. So, on behalf of these 59,000 people, give them a break. Give them a chance to get to work. Give them a chance to get out of the hole by being able to get in the car and go and drive without having to spend an additional \$15 that they don't have. It's -- I can't believe. I saw this at a gasoline station when I pulled out. I saw it about a year ago and I started talking about it. And I commend this Legislature for putting this bill on the floor and having it reviewed, because middle class working families on Long Island cannot afford this.

So thank you very much for giving me the opportunity to speak on it. It's a no-brainer, it doesn't belong here. And the -- my membership, 59,000 strong, will thank you. Thank you very much.

D.P.O. SCHNEIDERMAN:

Richard, just don't go anywhere yet. Mr. O'Kane, we have a question from Legislator Cilmi.

LEG. CILMI:

Hi, Mr. O'Kane. How are you today?

MR. O'KANE:

Yes. How are you? I'm fine.

LEG. CILMI:

Thanks for your testimony. What if you -- what if you know that this would add money -- add money to -- you know, add to the cost of gasoline for people who are purchasing gasoline?

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

MR. O'KANE:

I've never, look, like I just got done saying, I've been buying gasoline since it was 28 cents a gallon and it was a couple of pennies more if you used a credit card, and a credit card was always acceptable, so I'm for the old system. I don't know and I haven't read anywhere where it says it will add the cost to a gallon of gasoline. How much does a sign cost?

LEG. CILMI:

Well, it could cost thousands of dollars.

MR. O'KANE:

Thousands? Well, some of the signs that I see, you know, they didn't cost five dollars, but at least it's out there. That would prevent, you know, an A-frame sign on the outside of a -- on the side of a highway or anything like that would do the trick, you know? But they're having these little tiny numbers and all of that. I saw a guy pull into a gas station and he saw that and he had to get out and he was traveling from Texas, all right. He had to get in the car. He looked like he was going to start crying.

LEG. CILMI:

What if gas stations actually lost the incentive to offer cash prices, which are typically lower than credit prices. They lost the incentive because now they couldn't advertise their cash prices publicly, so why even offer them at that point. Now the price of gasoline for everybody is going to be higher, the credit price.

MR. O'KANE:

I don't, you know, until that happens I don't believe in it and I don't think it should happen that way. I think that's ridiculous.

LEG. CILMI:

So you don't think that will happen.

MR. O'KANE:

I don't that -- no. I think there that we got to go to work. You know, this County has lost 1500 jobs this year -- last year, all right, because don't -- we can't go to work. And between all the people that we hire from out, you know, like Kansas and Oklahoma and everywhere else, we need a break. We can't -- you know, your County's broke right now, you know, and the reason why it's broke is we don't hire enough of our guys around here. We come in with licences and certificates and well trained, we go to school. It costs us 35 to \$50,000 for an apprentice training for three, four, five years. These people come in and do nothing for us. The same thing with the gasoline. They didn't do it before, they shouldn't have to do it now. Maybe, you know, maybe we ought to mirror what Jersey does and have certain laws that protect the consumer from outrageous prices. You don't think a dollar is, you know, because you pay by a debit card is too much money?

LEG. CILMI:

Listen, I'm very careful about the prices I pay for gasoline, and I agree with you completely on that point. I shop for the best price I can possibly find. I'm just suggesting to you that if -- your argument here, which I agree with, is that folks should have the most affordable gasoline possible, and certainly because of our economy and folks being out of work I couldn't agree more with you. My only question is if this resulted in higher gasoline prices, it would seem to me that it would then be counterproductive.

MR. O'KANE:

I don't see why it's going to result in higher gasoline prices.

LEG. CILMI:

That's fine. I'm just asking a question.

MR. O'KANE:

Once again, sir, I, you know, am not aware of that. I don't know. Listen, you know, you buy a brand new house and someday you have to paint it so you got to put a few bucks into it.

LEG. CILMI:

Right.

MR. O'KANE:

You know, they have businesses and they need to put a few dollars into your business, that's fine. But, you know, they're going to raise the price anyhow whether we do it or we don't. I'm just looking at the idea of a dollar. I was outraged by that.

LEG. CILMI:

I agree with you completely.

MR. O'KANE:

Just totally flabbergasted.

LEG. CILMI:

I agree completely.

MR. O'KANE:

Thank you very much.

D.P.O. SCHNEIDERMAN:

Richard, don't go anywhere. I'm going to ask the opposite question, because that to me is a crazy hypothetical that you were asked. I think a much more likely situation is that the credit card prices will come down so that maybe some of these stations will avoid having to post both prices, because the bill requires if it's more than 5% more for credit cards, then you've got to post either the higher price or both prices. So the question would be if the credit card prices, and I imagine a lot of your members pay by credit card, were to come down to just a reasonable differential between cash and credit card, how would that affect your members? Rather than charging a dollar maybe just charging a dime.

MR. O'KANE:

I'm glad you used the word reasonable. Reasonable isn't so reasonable around here these days. That would help them, but I'm just trying to say there that they're out there trying to go to work. They want to go to work every day, and to go back and forth -- you know, Long Island is a huge Island as you know. They don't have steady places of employment that they go to. They build a job, they finish it, they go to another venue. And we can go on Long Island, I cover Long Island, it could go from the border of Queens all the way out to Montauk Point. So if you get into a situation like that, which many people do, that's a hell of a ride and you are filling up your gas -- car several times a week, maybe three times. To me it's a bad break for, you know, the consumers on Long Island.

D.P.O. SCHNEIDERMAN:

So if the credit card prices come down substantially that would help your members.

MR. O'KANE:

There's no doubt about it. I don't know why they have the differentiate between debit, cash and, you know, I can understand getting a break for cash, but I can't see the different of a dollar between debit and a credit card.

D.P.O. SCHNEIDERMAN:

Thank you. Legislator Lindsay, did you have a question?

LEG. LINDSAY:

Thanks, Mr. O'Kane, for coming in. My question was quick. Let's just assume the argument is correct, that by passing this legislation it will increase the cost of cash. Does it make any sense, then, that credit card users are subsidizing the cost? Because in theory that's the inverse of this argument, that credit card payers are subsidizing the cost of gas for cash payers. If it's a 50-50

split then we have half the population paying to subsidize the price for the other half. Does that seem fair?

MR. O'KANE:

Anything that's lower than what it is now is fair. You know, I mean, once again, you know, it's a hard thing to be on unemployment and go put your hand in the pocket looking to go to work, raising a family, trying to educate your kids and having to take out 15 bucks. That 15 bucks might make a big difference in a family's life, whether you are single, married, married with children. It would, you know, any penny or dimes or dollars that people could save would be significant. It's -- I'm a little older now. I used to worry about things like that but, you know, the membership here and what they go through, you know, running here and running there when work gets light, recession, storms, this and that. They don't need to be putting in an extra -- when you pull up, like I said, I don't know if you heard me, the average gas tank is maybe 15 gallons. So if they're operating on fumes, like we often do, you pull in there and that's about 15 gallons. That's 15 extra dollars on top of a \$40 bill or \$50 bill for a fill up on regular. So \$15 to me for a working family raising kids is an outrage.

So if it brought it down a little bit -- well, it would have to be down for me to agree with you, it would have to bring it down quite a bit if it's the way it is now. You pay you get a break on the cash. It's 10, 15, 20 cents higher for a credit card, that's acceptable. That is totally acceptable and, you know, understandable, but not a dollar. That's my point. That number is -- I usually see it at 97, 98 cents. They don't want it to be a dollar. They don't want you to be able to say a dollar.

D.P.O. SCHNEIDERMAN:

Don't go anywhere. We still have two more Legislators that want to --

MR. O'KANE:

You know what I initially thought when I saw it? It was at a BP Station, and I thought that they were trying to make up for the oil spill by doing that.

*(*Laughter*)*

That's when I got interested in it. But I come to find out and I get calls all the time, you know, when I mention it to people, and they say, "Oh yeah, by me they do it all over the place". I thought it was one or two stations, but it's not. And, you know, it's not easy to run a gas station. It's a lot of work, a lot of hours. But the idea is a dollar -- because, you know, how you redo your transaction is a lot of money and, you know, they deserve to make a living, anybody operating a gas station, but it's got to be reasonable. I don't want to be partners with them.

D.P.O. SCHNEIDERMAN:

Stay there. That is what happens when you're the first speaker, everybody has questions. Legislator Anker.

LEG. ANKER:

Thank you, Dick, for coming up here today. I know it's important to hear from our union families. You know, what's interesting, we're looking at a visual right now of a BP Gas Station and you see regular \$3.89, \$3.90 really, for cash and then \$4.88 cents for credit. And, you know, it makes me wonder, you know, if they're incentivizing the consumer to pay cash for whatever reason. And again, you know, we are talking about our honest union family members. It just seems like it's a way of incentivizing cash when -- in a non-transparent way. You know, I know I'm sounding a little -- it just seems schemey. They want the cash, that's the bottom line. They want cash and whatever they're going to do with that cash we don't know.

MR. O'KANE:

I know.

LEG. ANKER:

But, you know, again, it's not fair. And when we don't see that cash we can't provide good government services because it's not, you know, it's very frustrating. And like you said, if it was 20 cents more or something, and there are gas stations that provide the 20 cents more for a credit card or five cents more. I was at a Sunoco and I was overcharged and I had to call the company, Sunoco. They didn't want to hear from me, they said call the bank card. I had to call the bank card because I was overcharged. So there's a lot of stuff that goes on with the gas stations and the credit cards.

D.P.O. SCHNEIDERMAN:

Legislator Anker, can you form a question?

LEG. ANKER:

Oh, okay. All right. I'm sorry. Sorry. So anyways, I just wanted to get your opinion very briefly about, you know, what a union family thinks as far as the cash and credit. I mean, they're willing to pay cash or credit.

MR. O'KANE:

They don't -- to answer your question, what they think of cash and credit, they don't have the cash. You know, if it was 30 or 40 cents difference I think maybe, you know, maybe they could borrow a couple of dollars in cash from family members or something. They do not have cash. I see people on a daily basis going into stores and charging four or five dollars for breakfast. That's what I see on credit cards or debit cards and, you know, so that's --

LEG. ANKER:

Right. And we can -- we know, it seems especially with the information that Legislator Schneiderman has found, is that it shouldn't cost them a dollar more a gallon for a credit card period, because the other gas stations are not charging that. So again, I think this is a good legislation. I want to thank the Legislator for presenting this and thank you for coming out today.

MR. O'KANE:

I thank you, too, because, you know, I called the County when I saw that, right from the day I saw it, and asked who can I call to get this rectified. I thought it was absurd then, it's absurd now and it's always going to be absurd to do that to people out here. It's just a game.

D.P.O. SCHNEIDERMAN:

I feel the same way as you. Legislator Cilmi.

LEG. CILMI:

I'm sorry, I have to ask you another question. So we're looking at a picture of what looks to be, based on the colors, a BP Gas Station on the screen there, and it's a dollar more. The pricing is a dollar more it looks like --

MR. O'KANE:

Ninety-eight.

LEG. CILMI:

-- across the board. Ninety-eight cents. Does anyone know, I'm not sure who put that photograph up there. Does anyone know what the address of that station is?

LEG. LINDSAY:

West Islip.

*(*Laughter*)*

LEG. CILMI:

Legislator Barraga's district? I can't imagine. Well, regardless of where that --

MR. O'KANE:

We'll have one next week.

LEG. CILMI:

Regardless of where that particular gas station is, my understanding, and hopefully you'll have an opportunity to sit and listen to some of the other folks who are here to testify today. But my understanding is that there's primarily one owner of stations throughout Suffolk County that charges these exorbitant rates for the credit card customers. The labor movement has a long, successful history of advocating for and protesting when there are unfair practices of some sort. You know, usually labor practices, but in this case maybe this is an unfair, you know, retail pricing practice. Have you considered possibly going to the stations that are charging these ridiculously high credit card prices and actually protesting at those stations? Because I'm sure -- let me just quick finish -- I'm sure some of the folks who are in the industry who are going to be impacted by this law, or potentially impacted by this law, that don't charge these exorbitant prices, would love for you to spend some time at those stations because they're, quite frankly, giving these other guys a bad name.

MR. O'KANE:

Yes, I absolutely did and I have the capacity to do a lot of advertising. But you know why I can't really think about it or consider it at this time? Because a lot of my members are out there on picket lines picketing jobs that don't utilize Nassau/Suffolk building trades and hire contractors from what I just said earlier, Oklahoma, Kansas, North Carolina, Georgia, Massachusetts, Pennsylvania coming in here. And it's no secret there that, you know, with the hurricane and all the damage that was done there with all the violations and everything else, and they're all crying for their money and they were getting paid \$10 an hour when they were supposed to get prevailing wage. That's where my members are right now, okay. They may be coming home, maybe there's a demonstration tonight or something like that after work that they're going to join their brothers and sisters to try to get some work here.

I don't know, charity begins at home. I don't understand why anybody in this County wants to give anybody a contract from Kansas or Arkansas. We got a job down the block there in Yaphank that they're coming from Holland, and you ought to look into that. That fishery we got going there, that's amazing. It's a gigantic job and, you know, nobody's on it. But I would definitely, I absolutely, to answer your question, was looking into advertising and who knows. When I get them full employment I'll take them on. Thank you.

D.P.O. SCHNEIDERMAN:

Legislator Muratore.

LEG. MURATORE:

Mr. Deputy P.O., I have a question. Is this your resolution, the one regarding notifying of the difference in price?

D.P.O. SCHNEIDERMAN:

Under this bill if a gas station is charging more than a 5% difference between cash and credit card, they can post either the higher price or they can post both prices, but they can't just post the lower

price.

LEG. MURATORE:

So it's about posting the price, not telling what we can charge. We can't tell them what we can charge.

D.P.O. SCHNEIDERMAN:

No, it doesn't tell them what they can charge, but it lets the motorist know before they pull into the gas station what the actual price is for a credit card user.

LEG. MURATORE:

I was a little confused. I thought the speaker was telling the gas stations they can't charge more than a certain price for --

D.P.O. SCHNEIDERMAN:

I think the speaker, I can't speak on behalf of the speaker, is hoping that this bill will cause some of those gas stations that are charging a large differential to lower that differential so that his members -- apparently a lot of them are credit card users because they don't have the cash, are being unfairly prejudiced against or discriminated by this practice and that this could address that.

LEG. MURATORE:

To the speaker. Then why do you think they're being prejudiced against? They have a choice, like you did. I believe I heard you say --

MR. O'KANE:

They don't see it.

LEG. MURATORE:

Excuse me?

MR. O'KANE:

They don't see the price. They put -- what they do is they put the price of gasoline down, the lowest price out on a little thing like this and it says same price cash or debit. Then you get up there and, you know, if they're not looking at the thing they think that's what the price is. If they're not looking at the thing, they're trying to get the gas in the car, they're not looking up there because they figure they have it in their head there from the cash or debit, you know, one price, and then they get up there and it's what you see there. So it's misleading. It's definitely misleading.

LEG. MURATORE:

It's right on top of the pump.

MR. O'KANE:

You don't get me. Sir, you don't get me. Thing thing -- the price of the gas is advertised -- we're not close enough here. The Shell Station over by my, you know, in Hauppauge there on Motor Parkway. He's got a sign, same price, cash or debit, but then when you get up to the thing there if you use a credit card it's there. You know, they already, you know, in their brain the price that they saw on the sign out on the street, that's what they think it is. You know, if you think you're that smart that you can see it up there, you know, or looking, that's not the point. The point is that they're getting misled by that sign. And anybody that has got to put a sign up there, get an A-frame and it's a piece of cake. Put plastic over it like they do.

LEG. MURATORE:

I think you're members are as smart as you are, and when you drove up to the pump you saw it and you left.

MR. O'KANE:

Okay. Well, I had a guy there that they got, you know, a lot of things on their mind. These are my agents, my members and everything else. They're worried about supporting their families and they're just going in there and they're putting the gas in the car and that's it. I'm just telling you they see the price out on the street and they're cute. That's the way it is. But, you know, you have a different point of view.

D.P.O. SCHNEIDERMAN:

All right. Legislator Krupski.

LEG. KRUPSKI:

Thank you. I have a question to the sponsor of the bill.

D.P.O. SCHNEIDERMAN:

Sure.

LEG. KRUPSKI:

So your legislation says that any -- the roadside sign should be located within 50 feet of any road, and then it's got to state -- it's got to state, the next part under prohibited acts, it's got to say that they're both cash and credit. Now, what about the debit price? Should that be included in that? And don't you think at some point, there's so many signs, and I agree with my colleague here, Legislator Muratore. If you pull in there you can see that there's two prices listed when you're standing there, because you're standing there and you have to put either a card in or you got to go pay the guy for what you pump. And then when you press the button, you have three options there to press the button, unless you go to diesel, then you have one option. And then it says, when you press it says what you're going to pay. I'm not sure what more signs -- we have so many signs. If you drive down the road today, there's so many signs. I don't know how you're supposed to drive when you're reading all the signs.

D.P.O. SCHNEIDERMAN:

Legislator Krupski, what is the question you're asking me?

LEG. KRUPSKI:

The question is how many signs do you think they should put out there because I don't see how people who are driving can read all these signs?

D.P.O. SCHNEIDERMAN:

Okay. So this doesn't add any more signs. If you read the bill, if you are charging less than 5% more for that credit card, debit card, whatever it might be, there's no difference than the signage you currently have. But if you are going to charge a higher differential, you can choose just to do the same sign but you have to post --

LEG. D'AMARO:

Can we get back to the public hearing here?

D.P.O. SCHNEIDERMAN:

I'm sorry. You have to post the higher price.

LEG. D'AMARO:

Jay, can we get back to the public hearing? Let's just finish the public hearing.

D.P.O. SCHNEIDERMAN:

I'm just answering a question.

LEG. D'AMARO:

I know, but we're debating and explaining.

D.P.O. SCHNEIDERMAN:

I have a Legislator who asked me to explain the bill.

LEG. D'AMARO:

Well, let's save it for when we debate the bill.

D.P.O. SCHNEIDERMAN:

That's very typical and I'm just simply answering the question.

LEG. D'AMARO:

I would appreciate if you didn't answer the question.

D.P.O. SCHNEIDERMAN:

Well, he asked. I'm sorry, but Legislator Krupski wants, believes in his read that it will lead to more signage and I'm clarifying that. So you can post just a higher, but you have the choice. You can post the higher and you can post the lower if you want to do that so people know what the lower price is as well.

LEG. KRUPSKI:

In deference to Legislator D'Amaro, thank you.

D.P.O. SCHNEIDERMAN:

Legislator Trotta.

LEG. TROTТА:

If you were to go in the store and buy aspirin and it was a dollar more than you were going to buy it for, would you leave the store and go somewhere else and buy it? After you drove up, got out of your car, walked into the store, saw a bottle of aspirin that you know was two dollars but in this store they're charging three dollars. Would you leave and go buy it for a dollar less somewhere else?

MR. O'KANE:

I wouldn't be buying 15 of them or anything like that where they're a dollar apiece. On that note I might because, you know, the price of gasoline probably would be counterproductive to do that. So that's what I would do. But what I'm talking about quantity. A gallon of gas times 15 is \$15. A bottle of aspirin, if I thought I could get it for four and it said five I would pick it up, because maybe the next store I'm going to consume a half a gallon of gas or something and spend two or three more dollars. So that's what I would do, all right?

D.P.O. SCHNEIDERMAN:

Thank you. Mr. O'Kane, we'll let you sit down and we'll move on to the next speaker here.

MR. O'KANE:

Thank you.

D.P.O. SCHNEIDERMAN:

Peter Sullivan, and Peter will be followed by Adam Wolf.

MR. SULLIVAN:

Good afternoon. Thank you, Legislators, for the opportunity to speak in support of this I think very reasonable proposal. I spent 18 years as a member of the New York State Assembly Standing

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Committee on Consumer Affairs, and I spent nine years on the Board of Consumers Union, and so I've been involved with consumer issues for a long time. What we're really talking about here, I mean, let's cut through the mud. This is disclosure and it doesn't apply to someone who is only going to charge less than 5%. You can do the arithmetic. That's, you know, you can charge up to 20 cents or more for a credit card transaction than for a cash transaction and not be subject to any posting requirements. And, you know, they say that bad cases make bad law, and it may be only one bad apple out there, but I don't know that anybody's done a survey of how many owners actually have engaged in this practice.

The difficulty is that in the helter skelter nature of a gas station on a busy day, someone in a rush to get to work, doesn't necessarily see those letters as -- those numbers as they're reaching for the pump handle to fill their car, but they may very well have been lured in by a sign that was highly visible that suggested a cash price which was, in fact, deceptive if they used a credit card. And I think that in that context then the opportunity to require someone who chooses to charge an exorbitant surcharge for the use of a credit card should be required to at least post that. Let the marketplace function. If somebody wants to charge a buck more and they make it highly visible, then let the gasoline consuming public have the opportunity to not even bother to pull into the station in the first place. I think it's very reasonable. I think you ought to do it, both as a consumer and a user of lots of gasoline in my Yukon and my Porsche. I will say that I don't want to spend an extra buck more, but I do regularly go to a station that charges me a little bit more than some of the others because I find it convenient to keep track of my transactions by credit card. But at least I do it knowingly. Help me by making it clear. Thanks very much.

D.P.O. SCHNEIDERMAN:

Peter, before you sit down, Legislator Browning, do you have a question? I know I inadvertently left you out last time.

LEG. BROWNING:

That's okay. You know, and Dick, you can listen to this one, too. You know, I can go back to the days when I was a school bus driver struggling paycheck to paycheck when my husband was unemployed. And, you know, when we talk about the workers and the tough times that they're having because of lack of work, and I can tell you even today and, you know, I always joke how tight my husband is with the dollars. You know, when I go past a gas station, and when we had those tough times and the unemployment check and not having enough money to fill a tank, and I'm sure that Mr. O'Kane could say the same, that many of his workers might not have enough money to put a full tank of gas in. Maybe he only has \$20 cash, you know. You see that a lot at the gas stations.

Don't you think that by having a higher price on a gas station might force some of those people to leave? Because now they don't know what the cash price is, whether it's a dollar less, 20 cents less. I mean, I can tell you there's a gas station by me that we use regularly. Right now he was 3.85 for cash and it's 3.99 for super cash. So he doesn't charge a dollar, and I hate to say it's BP, British Petroleum, so I don't shop there.

*(*Laughter*)*

But anyway, again, that's uncommon to see a dollar. There are certain gas stations, BP being one of them, where you will see the price is much higher. But the small mom and pop ones, generally the ones that I see, are never as much as that.

D.P.O. SCHNEIDERMAN:

What's the question?

LEG. BROWNING:

My question is more just don't you think that somebody who's only got \$20 cash that's only going to last for a few days is going to be looking for the lowest cash price and want to find that gas station with the lowest cash, but now you're forcing them to have to look at the credit card prices. I can tell you probably more people, especially working class, lower income families, are paying cash and looking for the lowest price. Don't you think it would deter them if they see the highest price?

MR. SULLIVAN:

I think that if you were going to charge more, I mean, you're describing a situation that exists right now, and if someone wants to shop because there means are scare and they want to use the most effectively, they need information. And this legislation, in my mind, would make it easier for them to knowledgeable shop in the marketplace by making the information available, that if they are lured in by what appears to be a low price on a roadside sign, as things exist now, they may think that's the price and not bother to look. I mean, it does -- let's face it, it does happen. And so by making this information available you will make it possible for those people to be more effective in shopping and using their resources.

LEG. BROWNING:

Yeah, I don't necessarily agree, because I think if I'm driving past a gas station and the highest price is posted, I'm less likely to go there because I don't know if that lowest price is going to be ten cents, 20 cents or a dollar. So they're not likely -- if I'm struggling and I only have 20 bucks cash in my pocket, I'm not using a credit card because I can't afford a credit card, so I want to find the place that's most affordable for me and now I'm being forced to use up my gas to drive around all the gas stations to find the cheapest one.

MR. SULLIVAN:

Well, presumably somebody's already done that. But in any event, a gas station operator can charge up to 5% more without having to place a large sign up there, but the fact is they can have that information on the pump, and they will be able to show that it's 20 cents. And anyone who -- anyone who is in business and has the opportunity to get 20 cents a gallon more without having to comply with the provisions of this, I would think that might be attractive to them. So I'm not sure I agree with you, respectfully, Legislator.

D.P.O. SCHNEIDERMAN:

All right. Stay there. Two more. Legislator Cilmi is next followed by Legislator Lindsay.

LEG. CILMI:

Hi, sir. How are you?

MR. SULLIVAN:

I'm good. Thank you.

LEG. CILMI:

Good. So would you shop at that gas station?

MR. SULLIVAN:

No.

LEG. CILMI:

Why?

MR. SULLIVAN:

Well, as a matter of fact I did.

LEG. CILMI:

Okay.

MR. SULLIVAN:

And my wife had gotten a coupon that gave a substantial discount for a BP Station, and I don't normally use a BP Station. So I went on to Google and I found the nearest location and I went there and I pulled in. The station was busy and I grabbed the pump and I started pumping and then I looked at the sign.

LEG. CILMI:

Okay, but -- forgive me.

MR. SULLIVAN:

I'm sorry, I just hadn't quite finished my answer. And so I ended up cutting off after about three gallons of gas, and I thought I'm not going to go to that station again and I thought dirty thoughts about the owner of the station.

LEG. CILMI:

Right, but looking at these signs on the screen there, you -- say you didn't get any coupons and there wasn't something else very enticing about this particular gas station. Having looked at those signs, would you buy gas at that gas station?

MR. SULLIVAN:

My point is they did have a roadside sign that advertised the lower price.

LEG. CILMI:

Okay.

MR. SULLIVAN:

And so relying on that, I pulled in and began to fill the car and fortunately cut it off when I looked up after I had the pump inserted in the tank nozzle.

LEG. CILMI:

Okay. My simple point is you're probably 40 feet or so from that screen, and we can all see very plainly that the credit prices are 98 cents higher than the cash price.

MR. SULLIVAN:

It's an enlargement, Legislator.

LEG. CILMI:

What's that?

MR. SULLIVAN:

It's an enlargement.

LEG. CILMI:

I don't think it is. I think the numbers on -- that are displayed on that screen are smaller than the numbers that would appear in front of you, two or three feet away from you, when you pull up to the pump. Now, listen. You pass by a supermarket and they have the lowest prices of, you know, milk let's say, displayed on the thing -- on the window. And it says milk a dollar a gallon. Everybody goes in. Nobody can buy milk at a dollar a gallon, but this store had milk at a dollar a gallon. Except when you get up to the refrigerator you find that it's, you know, Acme milk. You know, some company of milk that you would never, ever buy milk from, right? It's Sunoco milk.

(*Laughter*)

D.P.O. SCHNEIDERMAN:

You have a problem with Sunoco?

LEG. CILMI:

No. So you are forced then to buy the, you know, Dairy Queen milk that's three dollars a gallon or four dollars a gallon. My point is that the nature of advertising is such that of course you are going to advertise your lower price, and you're going to get people to pull into a station or to go into a supermarket, as I have done, and look at the prices on the shelf and make a conscious decision whether or not you want to purchase that product.

Where -- at what point do we hold people responsible from actually -- I mean, the numbers are right there in front of you. And in fact, they're not only right there in front of you, but when you hit the button to select, you know, your 87 grade or 89 grade or 93 grade or diesel, whatever it is, the screen on the pump tells you what you're going to pay. So you would really have to be not paying attention to make the mistake.

MR. SULLIVAN:

I'm sure that has never happened to you, Legislator, but it has happened to me.

LEG. CILMI:

Oh, listen, maybe it has happened. I'm not saying it hasn't happened. Certainly I may not be at times the most attentive person, but then it's sort of shame on me, isn't it?

MR. SULLIVAN:

Yes, unless you've been lured in by a deceptive price by the roadside.

LEG. CILMI:

But it's not really deceptive.

D.P.O. SCHNEIDERMAN:

Ask your question.

MR. SULLIVAN:

I mean, look, I think we're going around here a little bit.

LEG. CILMI:

Maybe we are. Thank you for your answer.

MR. SULLIVAN:

I'm quite prepared to do that as long as you want, but I just wanted to say this whole issue --

LEG. CILMI:

I'd be prepared but my colleagues aren't, so why don't we leave it at that.

MR. SULLIVAN:

This issue arose last year. It arose because the practice of the credit card companies to bar surcharges or discounts was subject of a class action, as you probably are aware. And beyond that, there was an action started specifically against 518 of the New York State General Business Law, which was subjected to a preliminary injunction in New York Federal District Court on the basis of First Amendment speech issues as well as unconstitutional vagueness. So the whole issue was thrown into your lap and it's an opportunity, in my mind as I said before, to provide a little bit of clarity on the issue for consumers who are shopping for gasoline.

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I would like to thank Legislators Schneiderman and Lindsay and Hahn for sponsoring this resolution, and I would like to say that it is my impression that the concerns about this amongst the Legislators rests to some degree a little bit more with the Republican members. I would like to point out that I was a Republican member of the New York State Assembly and was happy to serve with your colleague, Tom Barraga, when he was a member of the Assembly as well. So thank you very much for the opportunity to be heard.

D.P.O. SCHNEIDERMAN:

Peter, just the last Legislator is Legislator Lindsay and then we'll let you sit down as well.

LEG. LINDSAY:

Mr. Sullivan, thank you. I appreciate you coming in. I have a real brief question. You have the unique experience that you've worked both in the private sector and in the public sector. In your experience, did you ever see where increased transparency created more of a problem or created a bigger issue than what the original issue was?

MR. SULLIVAN:

I can't think of any examples offhand, Legislator Lindsay. Generally speaking, you know, the sunshine is a good clarifier and providing information and transparency can be very helpful.

D.P.O. SCHNEIDERMAN:

Okay. Thank you, sir. You may sit down quick before you get another question.

*(*Laughter*)*

MR. SULLIVAN:

Thank you, Legislators.

D.P.O. SCHNEIDERMAN:

All right. Adam Wolf is next followed by Michael Watt.

MR. WOLF:

Good afternoon. My name is Adam Wolf. I am the COO or Chief Operating Officer of Jericho Wholesale, a Shell distributor in New York and New Jersey. Last week I listened to these operators plead their case against this bill. You have stated that no one else charges more for credit cards, but Suffolk County does, the City of New York does, PayPal does, and so do all of those retailers that require you to spend 10 or \$15 before you use a credit card.

Furthermore, it has been decided by the U.S. Supreme Court in *Expression Hair Designs v. Schneiderman*, that Section 518, preventing the use of cash/credit pricing, is a violation of the Constitution. Therefore, these entrepreneurs are breaking no laws -- I'm sorry -- no laws by charging different amounts for cash and credit.

In addition, the Supreme Court decided in *Central Hudson Gas and Electric Corp v. Public Service Commission of New York*, that commercial speech or advertising that is neither misleading nor related to unlawful activity is protected by the Constitution, and to restrict commercial speech there must be a substantial interest asserted and the restriction must directly advance that interest. If the restriction only provides remote support for the government interest, it cannot stand. The Supreme Court of the United States stated in this case that when it comes to advertising, even when advertising communicates only an incomplete version of the relevant facts, the First Amendment presumes the seen accurate information is better than no information at all.

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The proposed bill states that this Legislature determines that the majority of gasoline road price advertising only displays the discount cash price, and that this deceptive practice inconveniences motorists who are lured in by the discounted price for one method of payment. Surely, inconvenience to motorists that having to enter the establishment to be fully informed of the prices for the produce sold herein is not a substantial government interest such that a restriction on free commercial speech needs to be enacted to prevent it. And advertising only the cash price for gasoline is not misleading, unlawful or deceptive practice. Where the cash price is advertised, the roadside signage indicates the price displayed in the cash price. In accordance with applicable law, both the cash and credit price for the gasoline are prominently displayed at the pump so that the consumer may make an informed decision whether to purchase the gasoline prior to doing so. There are no misleading or deceptive practices taking place. All the advertisements are honest and accurate and to the price of gasoline sold.

Even if you would say that the inconvenience to motorists was a substantial government interest, the requirements of the proposed law that both prices must be equally prominently displayed are much too broad. As long as the roadside signage indicates that the price displaced is the cash price, consumers are put on notice that a different price may be charged for a different payment method, which price is displayed at the pump so that an informed decision can be made prior to purchasing. Like the Supreme Court stated, an incomplete version of the facts is acceptable as long as the facts conveyed are facts.

I would argue that service station advertising its prices are some of the most visible in retail. Before you enter a service station the price is posted on the street. When you pull on to the pump, the price is again located on top of --

D.P.O. SCHNEIDERMAN:

Mr. Wolf, you'll have to wrap up, sorry. You can finish, go ahead, just wrap it up.

MR. WOLF:

On the pump indicating both the cash and credit price where applicable. Finally, on the dispensing equipment the price is posted at the product select key. In addition, when you are pumping fuel we give you a running total of your total purchase at eye level, including all taxes paid. There are plenty of other industries that are not as forthcoming as we are and are not being vilified today.

For example, the coupons you receive in the mail offering 20% off at more items in a store, but located in the fine print at the bottom are dozens of brands that are not included. Or hotels where advertised price does not include extra charges, taxes and surcharges. In those same hotels the cost of soda in the mini bar, it's not an inconvenience to the patron that the hotel -- that they need to go out and buy a soft drink or pay three times the price for the same soda. Of the 100 --

D.P.O. SCHNEIDERMAN:

Sir, you have to wrap up. So one sentence, two sentences more.

MR. WOLF:

Fine. Of the 100 stations in this room, they represent almost \$15 million a year in sales tax revenue for the County and they hire a few hundred people. Just last week sales tax -- Suffolk County declared that they were an estimated \$170 million in deficit. What should be discussed today is how it preserves jobs in Suffolk County. Thank you.

D.P.O. SCHNEIDERMAN:

Okay. Next is Michael Watt. Michael will be followed by Kevin Beyer.

MR. WATT:

Good afternoon. My name is Michael Watt. I'm here to address IR 1637 on behalf of the 500 plus members of the Long Island Gasoline Retailers Association, most of whom conduct their business in Suffolk County. Gas stations are not legally required to post their product price on signs that can be seen from the road. Because most stations compete for business based on price, however, they advertise their best price on their biggest sign with the hopes of convincing consumers to buy their gas as opposed to the gas being sold by the competitor across the street or down the block. This advertisement is not meant to be an all-inclusive nor can anyone rightly conclude that the price on the sign applies to all products and services. Even though the road signs are voluntary, LIGRA members take pride in adhering to the regulations clearly delineated by Suffolk County's Department of Labor, Licensing and Consumer Affairs in its notice entitled Two Tiered Pricing in Motor Fuels. Repeat business is key to the long-term success of most retail operations, so any practices that make the customer feel he or she is being cheated would be counterproductive, which brings us back to the road sign. It is an advertisement for the best deal being offered in the station, nothing more, nothing less.

With that in mind, I would like to expand on Mr. Wolf's comments about the legalities of this law. I would like to read from Lawpublish.com, which is a website where you can find advertising law information based on articles and news briefs pertaining to advertising compliance. Quote. Advertising is indeed protected by the First Amendment to the U.S. Constitution. Advertising or commercial speech enjoys somewhat less First Amendment protection from governmental encroachment than other types of speech. The Federal Trade Commission, for example, may regulate that speech that is found to be deceptive. Under the landmark U.S. Supreme Court decision, Central Hudson Gas and Electric Corp vs. Public Service Commission, New York, a state must justify restrictions on truthful, non-misleading commercial speech by demonstrating that its actions directly advance a substantial state interest and are no more extensive than necessarily to service that interest. This is called a Central Hudson test. Commercial speech now clearly has a prominent place and rights protected by the First Amendment. A 1993, Supreme Court opinion summarizes the general principals underlying the protection of commercial speech. And I am quoting. The commercial marketplace like other spheres of our social and cultural life provides a forum where the ideas and information flourish. Some of the ideas and information are vital, some are of slight worth, but the general rule is that the speaker and the audience, not the government, assess the value of the information presented. Thus, even in communication that does no more than propose a commercial transaction is entitled to the coverage of the First Amendment.

The roadside sign serves as an advertisement, doing nothing more than propose a commercial transaction. Since the credit card price is clearly indicated on top of the gas pump, for Suffolk County to dictate what product and service a service station owner can advertise on his or her road sign advertisement violates that station's First Amendment rights.

And I would also like to address a comment that was made about cash paying customers and our service station owners. We work very hard on behalf of Suffolk County. We have been working with a number of Legislators to come up with a plan that would generate more sales tax for Suffolk County. So an implication to imply that our service station owners do not abide by the law in terms of cash purchases we find highly offensive.

D.P.O. SCHNEIDERMAN:

We have one question for you, Michael.

MR. WATT:

Sure.

D.P.O. SCHNEIDERMAN:

Legislator Lindsay.

LEG. LINDSAY:

Mr. Watt, thanks for coming in today and testifying again. We have -- in speaking with our Consumer Affairs Department, they have received over 50 calls complaining about what you guys -- one has this 25 to 30% surcharge that he puts on the gasoline. We have over 21 registered complaints. Each one of us has received complaints into each one of our respective district offices. Well, you know what? I don't want to speak for my other Legislators. I will speak for myself. I have received a number of calls and e-mails complaining within my office. How would you recommend we address those people filing those complaints?

MR. WATT:

I would address them the same way I address them when I get -- I get those very same phone calls. And I have to share with you, this situation is very frustrating to us because the vast majority of our members respect the consumer and stick to fair consumer pricing and compete with each other on a daily basis. This is driving us nuts, okay, but you can't punish an entire industry based on the actions of one or two station owners. And you have, you know, over a million people live in Suffolk County. They call up, they complain, you suggest to them look, you can go and protest to the owner but we strongly recommend that you bring your business somewhere back, and don't go back there and tell your friends not to go back there. Enough people do that, he goes out of business, problem solved without inflicting cost and undue consternation on to an entire industry that's struggling mightily to stay afloat I might add.

LEG. LINDSAY:

How are we inflicting additional cost if you are already in compliance with the law?

MR. WATT:

Already in compliance with?

LEG. LINDSAY:

If are not charging greater --

MR. WATT:

If this law is enacted and you have to redo all the signage on your properties, you are talking tens of thousands of dollars in new signs.

LEG. LINDSAY:

But if you are only charging -- if you're charging 5%, if you are charging under the 5% cap, how are you not in compliance with it already?

MR. WATT:

Well, now you have the government dictating how much you can charge.

LEG. LINDSAY:

We're not dictating how much you can charge. We're just dictating how you -- how you'd be transparent and tell them how much you're going to charge before they pull into your place of business.

MR. WATT:

I don't understand the difference. You're saying you can't -- if you go more than 5% you're going to have to put up new signage.

LEG. LINDSAY:

Not that you're going to have to put up new signage, you're just going to have to post the highest price on your current signage.

MR. WATT:

You're still -- you're entering a slippery slope where the government is getting involved in the pricing policies of a private sector industry.

LEG. LINDSAY:

Nowhere in this legislation are we telling anybody how much they can charge. We are just telling you to be open and honest and tell them. Do you find -- personally do you find this practice where you are charging a 25% surcharge, do you find it to be dishonest and deceptive?

MR. WATT:

I don't think it's in the best interest of the station owner to go forward with that practice, no. It's not something I would recommend to somebody who is going into the gasoline business. I don't think it's -- I shared with this Legislative body before, I was also -- I went in there, I used a branded card, it was supposed to be the same price as cash. I start using it, I'm pretty savvy when it comes to gasoline purchase. I was two or three dollars into the process when I realized they were charging me the credit card price and it was exorbitant. I immediately stopped and I made a point of never going back there.

LEG. LINDSAY:

And I appreciate that. I've had it happen to myself. Some of my colleagues have admitted that the same thing has occurred to them. One of the unique aspects of purchasing gasoline aside, and we use all these examples from other retail purchases, you don't have the ability to return the product after you buy it. In any other retail purchase you can return the product after you buy it if you find out that the price is too high.

MR. WATT:

Not if you buy soda in the mini bar in the hotel room.

LEG. LINDSAY:

If you open it you can. But aside from that, let's, you know, keeping it to general retail purchases, you can't return a tank of gas, can you, after you purchase it.

MR. WATT:

Well, hopefully you realized your mistake before you filled up your car. But, listen, if you did, there was a lesson learned for whatever the extra 10, \$15 was.

LEG. LINDSAY:

I agree with you, and as we heard testimony earlier, 10 or \$15 to some people who are living paycheck to paycheck, that could make a difference between what they do that week.

MR. WATT:

Well, I would respectfully contend that people living paycheck to paycheck are much more careful when it comes to making gasoline purchases because every dollar counts. And I have been in that spot and I have had \$20 that I hoped was going to get me through the week, and you can be damn sure I checked the prices before I started pumping the gas.

LEG. LINDSAY:

So using that same line of logic, then, do you think it's right that that same person who's got the \$20 in cash in their pocket have to pull in and out of gas stations looking to see what the real price is before they use their chargecard?

MR. WATT:

I think it's a pretty safe bet that that person who has got that \$20 to get them through the week already knows where he or she is going for gas and knows a station like that that they can trust.

LEG. LINDSAY:

I beg to differ, though, Mr. Watt. As we had Mr. O'Kane from Long Island Building Trades, you know, the construction workers go where the work is. They can be anywhere on Long Island. They could be in New York City, they could be out of state. They don't control where they're getting gas every day. They're not driving the same route each day, so they're traveling all over this County.

The other assumption that everyone seems to take is that there's another gasoline station across the street. A lot of times that's not the case. If you look at these complaints which we have here and you follow the geography of where they fall under the stations, they're all in a line so they've almost mapped out, redlined a certain area where people almost have no choice where else to go. They're all off the Service Road of the Expressway, the Service Road of Sunrise Highway.

The other aspect of it that is troubling to me is a number of them are from people who don't live in this area. Some of them are from out of state, some of them are from Upstate, some of them are from different parts of the country. What does that say about us as a community that here are people that are coming into our community as tourists or on business and here we are hitting them with a dollar surcharge or a 30% surcharge on their gasoline purchase when that might not be the practice where they come from.

MR. WATT:

Understood, but again, our members, the vast majority of them, comply with standard operating procedures, stick to the pricing policy, and to punish them because of the actions of one or two individuals we think is an overreach on behalf of the County.

LEG. LINDSAY:

I respect your opinion and I respectfully disagree. I don't think we're punishing them. But thank you again for your testimony.

MR. WATT:

Thank you.

D.P.O. SCHNEIDERMAN:

Don't go anywhere yet. Legislator D'Amaro followed by Legislator Krupski.

LEG. D'AMARO:

Thank you, Legislator Schneiderman. Hi, Mike. A question. So this bill is not about controlling the price of gasoline, because obviously we don't have the authority to do that. This bill is more about imposing a penalty on gasoline retailers who choose to have a price differential between cash and credit of let's say five and a half percent. So I want to ask you a question. If that gas station posts the 4.19 more prominent on the roadside, do you think -- without posting the other price, the five, or whatever it is, 5.07 and 4.09. Do you think that the owner of the station is engaging in a deceptive practice if you only post the 4.09 roadside?

MR. WATT:

If the 4.09 adheres to all the laws, if it says 4.09 for cash --

LEG. D'AMARO:

Let's assume all the law is adhered to with respect to posting and the owner of the gasoline station is simply posting 4.09, you know, gas 4.09. Maybe it doesn't even say cash price, it just says 4.09. I don't know if you are required to put cash price.

MR. WATT:

You are.

LEG. D'AMARO:

You are.

MR. WATT:

Yeah.

LEG. D'AMARO:

Okay. So you put a sign out front of your -- you have that pump set up just like that but you have 4.09 posted curbside or roadside. Do you believe with respect to the consuming public that that is a deceptive practice?

MR. WATT:

If he's accurately conveying the cost of that regular price of gas paid for in cash, that's not a deceptive price. That's leading with your best price for your product. It's no different than a hotel saying we have rooms for \$99 and you get there and you find out the room for \$99 is taken and the only rooms they have left are the suites for \$150.

LEG. D'AMARO:

So in your point of view, posting a legal sign leading with your best price is not deceptive to the public.

MR. WATT:

How is that deceptive? I don't understand.

LEG. D'AMARO:

I'm asking you.

MR. WATT:

If it's a legitimate representation of the price of that gallon of gas paid for by cash then it's not deceptive.

LEG. D'AMARO:

All right. I don't necessarily disagree with you. I just want your opinion.

MR. WATT:

Okay.

LEG. D'AMARO:

So now I see the 4.09 sign curbside and I say wow, that's a great price considering I'm 50 miles from another gas station, you know, or my tank is running on fumes and I need to get some gas in my car. And I pull up to that pump and I see the 5.07 price is posted as it is. Have I engaged as an owner in a deceptive practice at that point?

MR. WATT:

Again, I don't think so.

LEG. D'AMARO:

Because I'm charging 98 cents more.

MR. WATT:

You advertised your best price on the sign. You have other products for other services and those are clearly labeled on top of the pump. I don't see where the deception is, no.

LEG. D'AMARO:

All right. So usually when government seeks to regulate and protect the public from something it's a deceptive practice.

MR. WATT:

Correct.

LEG. D'AMARO:

Not simply a method of doing business in a competitive business environment.

MR. WATT:

Correct.

LEG. D'AMARO:

Okay. So I pull up to that pump and I said, wow, you know, curbside it said 4.09 and I pull up and I said -- you expect the credit price to be somewhat higher, I think that's a norm now, a normal expectation, but this is way higher. What are my options at that point?

MR. WATT:

Depending on your fuel situation, again, in my case I needed to put some gas in so I literally put about three dollars' worth of gas in.

LEG. D'AMARO:

Okay. You drive away.

MR. WATT:

And Long Island being Long Island, God bless us, there were three gas stations within a half a mile of where I was.

LEG. D'AMARO:

Right. And then you would choose perhaps never to go back there again.

MR. WATT:

That's exactly what happened, yeah.

LEG. D'AMARO:

Right. Okay. Thank you.

D.P.O. SCHNEIDERMAN:

Legislator Krupski.

LEG. KRUPSKI:

Mr. Watt.

MR. WATT:

Yes, sir.

LEG. KRUPSKI:

It states here, I've got the handout here from the Long Island Gasoline Retailers Association. It says here there's 500 plus members in your association.

MR. WATT:

Correct.

LEG. KRUPSKI:

So how many people would you say that are employed by those 500 members?

MR. WATT:

I'd say the number is at least over two, maybe 3,000 people.

LEG. KRUPSKI:

So we're in a County that's trying to keep business here and trying to keep people working. As a business owner, you know, I can understand what your concerns are, that you have government -- you are trying to regulate. Do you think this would put, you know, more regulation is good for your business or do you think that would hurt business in general?

MR. WATT:

A regulation that's necessary we certainly have no issue with, but regulations for stuff that's already covered by State and County and town, we also have to consider town regulations with the signage. You're really putting a band-aid on a cut that's already healed. There is no, you know, the name of the bill is Truthful Advertising. You know, the signs clearly state regular gas -- regular cash -- regular gas for cash. That's the price so there's nothing deceitful about what's on that sign.

LEG. KRUPSKI:

In the picture here next to the digital display there's a blue sticker and it says credit cards charged at credit price. When did that become mandatory?

MR. WATT:

I'm not --

LEG. KRUPSKI:

Is that mandatory that that sticker is there that explains that again to the consumer or is that --

MR. WATT:

Well, I can't speak to the specific situation because I don't know the station, but the reality is the banks charge so much and the profit margins on a gallon of gas is so narrow, that whereas traditionally the industry was able to absorb the difference, they can no longer absorb those fees from the banks that go upwards of 10, 11 cents a gallon, even though the bank is taking no nothing risk and putting nothing up that the station owner does. So as a result, what you have to do is either encourage them to pay cash, or at a minimum cover the cost of the extra fees that are involved in the credit card process.

LEG. KRUPSKI:

One final question. During -- you know, I grew up in Cutchogue. There were a lot of gas stations and there's a lot fewer now, and I don't know if that's the same for the rest of Long Island or not. How difficult is it to stay in business, and how -- you look at during Hurricane Sandy when people couldn't get gas, and a lot of us thought if there were the same amount of gas stations as there were 30, 40 years ago it would have been a lot of easier, because you'd have less people lining up at the fewer gas stations. How much more difficult is this going to be to make -- to have people stay in business, and then at what point do the number of gas stations start to really negatively impact the whole economy if you have so many more cars on the road and if there is another disaster where there is a scarcity of supply.

MR. WATT:

Well, the bigger concern is, it's a legitimate concern, Legislator, and the consolidation of the industry, you're right. Twenty years ago there was five, 6,000 stations across Nassau and Suffolk County, now there's less than 1,500. And the consolidation of the industry, every time a new regulation comes up that costs more money and more regulation for the mom and pop gasoline

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station business, they either switch over to auto repairs and drop the tanks or they just get out of the business completely. On the trend that we're going now, the next 5, 10, 15 years there's going to be three or four people owning all the gas stations in Suffolk County, and boy if you think the prices are high now, wait til you see what happens when these people have a monopoly on the industry and you don't have these men and women who have -- there's no greater price control than a guy across the street looking to put you out of business.

And every time we add one of these seemingly innocuous regulations that can lead to fines, because the station owner is not there 24/7 and you're not always as diligent as you would like to be, and you have inspectors coming in. In the old days they said listen, there's a problem here. I'm going to be back in two weeks, fix it. They'd come back in two weeks and it's fixed and everything is fine. Now they come in, there's a problem here, bang, \$500. Bang, \$5,000. One of my members got a fine because the paint on the cap of the tank had faded. Well, guess what? Tanks are outdoors. They fade over time. Five-thousand dollars he got fined. That's a lot of money. It's nothing, that's the money you find under the cushions at Hess. But one of these guys, five grand was a pretty substantial hit. I hear more and more of those war stories, guys calling me, they can't believe how different it is. It used to be if you had a problem, you fixed it, great. Now they come in, they are banging you left and right, they want to see your records. They come in at 10:00 at night on Saturday. They want to see your oil records, your gas records. It's becoming a tremendous hassle and we're very frustrated about it.

LEG. KRUPSKI:

Thank you.

D.P.O. SCHNEIDERMAN:

Legislator Stern.

LEG. STERN:

Yes, thank you. Myself and many of my colleagues, we live and do business in Western Suffolk County close to the Nassau border. If you have Suffolk County gas stations that have this requirement and they are in competition with gas stations that are just on the other side of the street, literally, in Nassau County, do any of your members have a concern that they might be at a competitive disadvantage if they are required to show a dramatically different price when in essence in the parking lots that might not necessarily be the case.

MR. WATT:

Any time you are in one jurisdiction and another jurisdiction has a different set of rules you are competing with them. I mean, who among us has gone on a trip, gone through New Jersey and made sure you gassed up when you were in New Jersey because it's, you know, 17 cents a gallon cheaper state tax wise, you know. So when you are competing with another jurisdiction or when you're on the border of one, like let's say you are in the Town of Huntington and you have to have full service. There's a cost involved in that. If you are across the street from the Town of Babylon you are getting your butt kicked by the guy from the Town of Babylon because he's going to be a lot cheaper than you are, or you're going to have to take less money because you have to pay for somebody to pump that gas.

LEG. STERN:

Well, in this case product A might not be any cheaper than product B, but as a consumer, and I'm driving down the street and I see price A on one side of the street, which by definition might have to be a much higher price as opposed to the price that's being advertised by station B, when in actuality both are charging perhaps the same thing, but one is allowed to advertise a dramatically lower price than their competitor across the street. Does that put one at a competitive disadvantage?

MR. WATT:

It does. People do, I mean, the industry is predicated on pricing and that's what keeps everybody honest, to be honest with you, is knowing that the guy across the street, if he's a couple of pennies cheaper than you or a nickel, you know, you are going to lose the customer there. Unless you're a regular and you understand or you like the guy behind the stick. For the most part people shop according to price, so if the guy across the street doesn't have to deal with as many regulations and his price is lower or, you know, he can offer a substantial cash discount or -- if he's seen as being less expensive you are going to lose business to that guy.

LEG. STERN:

He could be seen as being less expensive when in actually his product might actually wind up being more expensive, but because of what is allowed to be advertised that motorist was pulled in in a way that puts the guy across the street, again, at a competitive disadvantage. That's one of the issues that I see. Let me ask you this. Does Nassau County have this type of a requirement in place?

MR. WATT:

Not that I'm aware of, no.

LEG. STERN:

Are you aware of any conversations among lawmakers, policymakers in Nassau County that they would be considering this as a policy?

MR. WATT:

We are not aware of that at this time, no.

LEG. STERN:

Thank you.

D.P.O. SCHNEIDERMAN:

Legislator Muratore.

LEG. MURATORE:

Mr. Watt, if you can just answer a couple of questions or straighten me up on something. As far as the purchasing of gas, is it more by credit or more by cash?

MR. WATT:

It actually differs from station to station. Some of our members will tell you that their credit card price -- people who charge by credit card is higher, some will tell you that more and more people are paying by cash. There really is no rule of thumb for the industry. Nationally it's trending more and more people are paying by credit card.

LEG. MURATORE:

By credit card. The individual owner sets the differential between cash and credit price?

MR. WATT:

Yes, the owner of the station would.

LEG. MURATORE:

Okay. So now to Jay, I have a question for you. If you and I each have a gas station and with your new rule if I'm charging \$4 for credit and you're charging 4.05 for credit, and you're charging 3.90 for cash and I'm charging 3.85 for cash, what do you think is going to happen there? Aren't people going to go to where the \$4 guy is? If they're buying credit?

D.P.O. SCHNEIDERMAN:

So for your little math puzzle, which I didn't write down -- so again, so your station, your cash price is less than my cash price?

LEG. MURATORE:

One guy is charging 4.05 for credit. Another guy is charging --

D.P.O. SCHNEIDERMAN:

Is that you or me?

LEG. MURATORE:

And he's charging 3.90 for cash.

D.P.O. SCHNEIDERMAN:

Four-oh-five and 3.90. Okay. Fifteen cents.

LEG. MURATORE:

Fifteen cents. Across the street I'm charging \$4 for credit and 3.85 for cash. We both have to put up the credit price, correct?

D.P.O. SCHNEIDERMAN:

You have to look -- under the law you have to look at what the spread is. So are you charging more than 5% additional? It doesn't sound like it. Fifteen cents would be under that so you wouldn't have to do anything different in your example. If you go over about 20 cents, though, Tom, you would then be in the realm where this law would kick in and you would have to either post just the higher price or both prices, if you're more than 20 cents a gallon more.

LEG. MURATORE:

What I'm trying to bring out is the person -- we're hurting the person who wants to buy cash because they don't know that they can buy it at my gas station for 3.85 and buy it at your station for 3.90. We still have the same 15 cents spread on our gas.

D.P.O. SCHNEIDERMAN:

In your example we could both just post the cash price, right?

LEG. MURATORE:

I thought we had to post the highest price.

D.P.O. SCHNEIDERMAN:

Only if it's more than a 5% difference. You didn't hit that 5% in your example. So that 5% is around 20 cents. Some of these stations, like the one you're seeing, it's charging about a 25% surcharge or differential between the cash and credit card. And, you know, I have no issue with somebody passing along the cost -- typically the fee is around 2% to 3%, so that 5% gives them some latitude, but 25% is clearly a lot more than what they're paying to process those credit card fees.

MR. WATT:

You know, we had a member who was competing with somebody across the street from him who was undergoing unscrupulous practices and was lowballing him on the cash price, so the member had to keep the cash price painfully low, like at a loss, just so he could compete. Meanwhile, his credit card price was way above the 5% because the credit -- the cash price was so artificially low. So here's an instance where this law would punish this guy because he's handcuffed in terms of what he can charge for the credit card prices. I just wanted to share with you an example of where when you are dealing with a competitive atmosphere sometimes when you have a percentage, like

5%, you get handcuffed in your pricing policies.

D.P.O. SCHNEIDERMAN:

Legislator Muratore, is that your only question?

LEG. MURATORE:

(Nodded head yes).

D.P.O. SCHNEIDERMAN:

In which case I'll go to Legislator Spencer. Legislator Spencer?

LEG. SPENCER:

Hi. Thank you. I would -- when I heard you talking about the concerns with this earlier, one of the issues that you describe was outliers being kind of the issue. Now, I just wonder, when you think about the Gasoline Retailers Association and 500 members, if you want to kind of keep government out of your business, at least with other professional organizations, and I consider you guys professionals, business owners. Is there any sort of internal regulation or you let everyone do their own business, but for instance, whether or not -- the only thing I can identify with is as a physician. You know, we have to follow the laws of the New York State Medical, the Department of Education, but within our societies when we see people that are outliers, whether or not we're serving as a society or an association, that we don't want government kind of coming in and over-regulating us, so we really clamp down on these guys.

So I see your example which makes it hard where you talk about 5%, where someone has to artificially deflate their price, and I have some concerns and I think that we've spoken privately about this. But I definitely can see, you know, I agree that leading with your lower price and really getting people in and free speech, and I agree with all that. But I think the concern comes in, you know, if you see someone going from 3.50 to \$4 or something like that, but when you start to see 25% difference, in a group of 500 people what prevents the leadership or other gas stations like hey, you're messing it up for all of us. You know, these guys are paying attention. Do you guys ever kind of go in and rough these guys up a little bit and say, you know, you're hurting us here.

MR. WATT:

Well, I'm a lover not a fighter, Dr. Spencer.

*(*Laughter*)*

You know, the odd thing is that businesses that tend to belong to associations are businessmen and women who play by the rules, otherwise they wouldn't belong to an association. I can't even begin to describe the frustration and the consternation that this issue has brought to us as an industry, and especially when it is one, maybe two, people who do this. And, you know, what we're counting on, and trust me, our members have reached out to him. I can't say that I have reached out to him specifically, it's not my place to. It's a peer to peer thing. We have shared with him, one of our wholesalers was in here last week explaining that the oil companies have reached out to this gentleman. So we're not happy about this situation. We have a code of ethics that we ask our members to adhere to, and if the person is a member we can address that internally, but for the most part you have a rogue industry member here who's making life miserable for a lot of people. We're not happy about it, but we know that the marketplace being what it is, his strategy is not a real good long-term strategy and we think it's going to go away. The market is going to dictate that.

LEG. SPENCER:

Thank you.

LEG. D'AMARO:

Can I ask one more?

D.P.O. SCHNEIDERMAN:

All right. We have Legislator Anker and then Legislator D'Amaro.

LEG. ANKER:

Hi, Michael. Thank you again for coming out today. Just a few questions. You mentioned just a couple of guys. I mean, we have information, there's 14 different gas stations located. So, you know again, this concern with the Legislature, it's more than just a few people. With your organization, is BP part of your organization, some of the large gas stations?

MR. WATT:

No. The major oil companies are not part of our organization. We are primarily mom and pop service stations, gas stations and auto repair shops. There are a couple of fellows, they happen to own multiple stations, dozens of stations. The concern is you put the mom and pops out of business, the fellows who own dozens of stations gobble them up and the next thing you know, you have two or three people owning all the stations in Suffolk County. But no, the major oil companies are not a part of the Long Island Gasoline Retailers Association. If anything, the major oil companies have distanced themselves from the retail process hiring wholesalers. They sell it to the wholesaler, they're done. The wholesaler then sells it to the retailer. Some of the wholesalers are in the retail business, which is really exacerbating when you're buying gas from a guy who owns the gas station across the street from you and he's beating your brains in while he's selling you product.

LEG. ANKER:

Okay. So again, and the biggest -- the main concern is the cost of the sign. Is that the largest expense of this type of legislation that we're looking into?

MR. WATT:

It's one of the many factors, yeah. A lot of our station owners have just invested in very expensive LED signs and these things take a beating. So you like to, once you make that investment, you like to have that sign up there for a while.

LEG. ANKER:

Right. And again, you know, we're talking about, you know, trying to create an obvious sign that shows the consumer how much they're going to spend, you know. And again, the issue was what is out there now is somewhat misleading and there needs to be more transparency. This is the idea why I feel that there needs to be a little bit more, again, transparency in what they're going to pay.

MR. WATT:

I don't understand. What's misleading?

LEG. D'AMARO:

Nothing.

LEG. ANKER:

When you drive up to a gas station and in large bold print you see amount for gas per gallon and cash very small. I have been in the advertising and marketing, you know, career for 25, 30, 35 years and, you know, you use certain colors, you make things bold. Look at this right here, BP. How much can you read going on with this sign? You get lost in it. And again --

MR. WATT:

I'm sorry, Legislator. You are talking about two different things. You are talking about the road sign. There are very specific regulations as to the size of the word cash, and for the most part our

members adhere to those regulations because they don't want to deal with the hassle. One, they want to serve the consumer, and two, they don't want to deal with the hassle of being out of compliance with the County or the town.

LEG. ANKER:

Okay. So the question that I was asking is why are they charging more? Why are they charging so much more? In your mind, why isn't just the 5% -- why are they charging 25% more?

MR. WATT:

I can't speak for the people who have created this problem. I can speak, though, for our members, and I've already alluded to this. The fees that the banks charge per gallon of gas, 9, 10, 11, 12 cents a gallon, just for using a credit card when the profit margin is maybe eight, nine cents a gallon of gas. That's obscene. I don't see anybody going after the banks, but.

LEG. ANKER:

And again, it's that, you know, me personally I don't want to make your, you know, the small businesses have issues, you know, as far as, you know, paying more and we want small business to stay in business. But it's like this right here. The BP, the Sunoco. You know, I was overcharged. I was charged for credit and I should have been charged for cash and it was such a hassle just dealing with that. I caught it, I stepped up to the plate and I dealt with it. But again, we are here to protect the consumer and business.

And, you know, again, I apologize if you are offended or if you are concerned about this legislation, but if you can think of something that we can do to create the awareness to create -- to help this issue. Because what's embarrassing is that when you have people over from other states and, you know, they're coming to visit Long Island. Long Island, Suffolk County, you know, we get a lot of money from tourists, and they're shaking their heads and they're saying how in the world can this happen. What do you -- you know, it's embarrassing. It's a concern.

So again, this legislation is trying to create a better situation when people are getting gas and they know what they're paying for. And again, it's something that -- and if you have ideas specifically for the small businesses that will not infringe, you know, on the financial resources that they have, we would definitely be open to it. But again, it's not just the mom and pop.

LEG. D'AMARO:

Question.

LEG. ANKER:

It's these big companies that are taking advantage of our consumers and we're just trying to protect them. So thank you.

MR. WATT:

One of the things we did as an organization, our President, Kevin Beyer, can speak more directly to it, we have spearheaded a drive to have the State -- the sales tax per gallon of gas collected upfront at the point of distribution so that you can get rid of stations that are not paying their fair share in sales tax. Right now about two-thirds gets collected upfront and the other third gets paid at the end of the month. The County and the State end up losing millions of dollars in sales tax revenues. What we're proposing is those sales tax revenues on a cents per gallon basis get collected upfront so that the rogue gasoline operators can't skirt the sales tax issues. We have had a lot of cooperation from the Suffolk County Legislature. We're very grateful. We've tried to get it done Upstate. Once we get that done you're talking millions of dollars into the Suffolk County tax revenues without having to increase --

D.P.O. SCHNEIDERMAN:

Michael, just to move it along because, yeah, that's a separate issue and I appreciate your position there and we've supported that. Legislator D'Amaro you are next and then Legislator Trotta. I'm hoping that's the end of the list because some of us are running out of gas.

MR. WATT:

Well, I'm out of spit, so, yes.

D.P.O. SCHNEIDERMAN:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you again. I'll be very brief. Mike, I want to ask you, do you think it's appropriate for local government, say like a County Legislature, to pass a law that's designed to target a particular station owner who's in full compliance with the law?

MR. WATT:

No.

LEG. D'AMARO:

Okay. Thank you.

D.P.O. SCHNEIDERMAN:

Legislator Trotta.

LEG. TROTТА:

How many gas stations are there in Suffolk County?

MR. WATT:

About between 500 and a thousand.

LEG. TROTТА:

And there's 14 that we know of that are doing this, approximately.

MR. WATT:

I couldn't attest to that, but yeah. It's a small fraction.

LEG. TROTТА:

One thing you touched on, and I was going to ask the question, is a price war. That's my concern. If there's a price war and someone has a new gas station opening up, it's a BP or some big conglomerate and they're going to lower their cash price, and now the guy who has a privately owned gas station has to lower his price in order to compete with that, now we've gone more than 20%. Now this guy has to do this.

MR. WATT:

Correct.

LEG. TROTТА:

Or he'll go out of business.

MR. WATT:

Correct.

LEG. TROTТА:

Or he'll lose. That's why I'm not supporting it.

MR. WATT:

Thank you.

LEG. TROTТА:

Because in that situation that's not good.

P.O. GREGORY:

I'm sorry. Legislator -- oh, that's it. Okay. All right.

MR. WATT:

Thank you.

P.O. GREGORY:

Thank you. Okay. Is that it?

MR. ZWIRN:

Kevin Beyer is next.

P.O. GREGORY:

Ben Zwirn? Okay. Kevin Beyer.

MR. BEYER:

Good afternoon. Before I speak I just want to point out a couple of things on this sign that you guys are missing altogether on the pumps, especially when we are talking about deceptive practice and everything else. You have two separate prices right above the pump telling you cash or credit.

D.P.O. SCHNEIDERMAN:

He has to use the microphone. He won't be recorded.

P.O. GREGORY:

You have to use the microphone for the stenographer.

MR. BEYER:

You have two sets of prices right above saying the cash or credit. Right there in black and white, they're big letters, they're bold. Also, what Suffolk County had passed, above where it says 87, 89 and 93, when the pump is hung up right now, the way it is now, the highest price has to be displayed, not the lowest price. There is nothing deceptive about it, and that was done here in Suffolk County because that was another law that was imposed. Now, once you lift up that handle and choose using a credit card it's going to be displayed in the middle. So you got three places right there at the pumps that you know what your price is and what you're paying. So what you really have to do is pay attention. And the public really needs, you know, we talk about, you were asking before, you were saying what can we do to help the public. Well, if you want, why don't you list these sites on the Suffolk County website as to some of the sites that this is pertaining to. And it really is one individual that does own all these locations.

And before I get started reading what I was going to read, one other thing I wanted to say, as far as you're wondering why we do cash versus the credit, because it's a lot cheaper for us to start handling the cash versus the credit. We're not doing anything deceitful. We're not trying to hide the cash or anything in that effect. So I would just like to make that clear and then, you know, I'll walk back over to the podium.

June 29, 2014 - General Meeting

Most of you know me. Good afternoon. My name is Kevin Beyer. I'm the President of Long Island Gasoline Retailers Association. I'm also the owner of Performance Fuels, a gas station in Smithtown. So I'm your first owner that's up here. I want to begin by stating that we are industry that have had enough of the attacks on us by some Suffolk County Legislators. You seem to think it's okay to continue to go after the hardworking, small business owners in my industry. Let me remind you that we not only conduct our businesses here, we live here, we raise our families here, we volunteer here, we pay taxes here and we vote here.

Once again you are trying to push legislation that tries to dictate how we do business. You're essentially telling us what we can charge without penalties. You forget that this is a free marketplace and businesses can choose their own strategies at doing business. With that, the consumer gets to choose whom they will do business with. We are no different than a food store, drug store or any other business that advertise to attract customers. They send out fliers with their deals of the week. They're not required to list every item that they sell. If they're advertising a 12 ounce can of corn on sale they are not required to advertise the higher price for all the different brands or sizes that are not on sale.

You are trying to put a figure on gasoline, whether you say you are or not, where you feel it is fair to tell us how much we can charge before having to go and try to conform to your legislation. You have no right dictating price to us. We are an independent businesspeople with different costs associated with doing business. Our costs rise each year, yet you are trying to impose what you deem is fair. My costs for credit cards rise all the time. We have to deal with the cost of the special paper that is used, the cost of the equipment and the installation in the pumps to handle the credit cards. The cost of the repairs to the equipment. The cost of the Internet, and finally, the cost of the processing the credit card, debit cards with the banks, which in my case was over \$70,000 last year.

Let's get to the true reason for your bill. You are appalled by the business practice of one individual who owns many locations. Neither I nor do any other dealers agree with this person's business practice. That being said, the consumer who purchases gas has been made aware of this practice because of broad media attention over the past few years. There are laws in place that are more than adequate to protect the consumer. All prices of gasoline are displayed above the pumps, then in the digital display on the pump, and the price and the product chosen are displayed.

Another rule that was imposed in Suffolk County is when the consumer pulls up to the pump the higher price is displayed in the nozzle before turning it on. Your press release --

P.O. GREGORY:

I'm going to have to ask you to wrap up.

MR. BEYER:

I will. Your press release tries to make out the industry as deceitful businesses because of an advertised street price. Your press release was deceitful and appalling to us. There isn't anything deceptive about advertising my lowest cash price when the sign specifically spells out what is being offered. If I am offering 3.79 regular cash, you can drive in and expect that you will pay 3.79 for regular cash. Our signs are very restrictive by town ordinances. We have limited space to advertise on them. It would be impossible to fit all the required numbers on the amount of space available. An example would be five products, cash, credit, full and self-serve. It would be a total of 20 different prices. Where do I put the name of my location or the placement of the wording for my Subway store located inside the building. This would make this unfeasible and confusing. This is unnecessary law that is attacking our industry. At the committee meeting last --

P.O. GREGORY:

Kevin, you have to wrap up.

MR. BEYER:

One more thing because I wanted to speak about what you were saying --

P.O. GREGORY:

No, you've already exceeded your time by almost a minute, so please.

MR. BEYER:

Okay. I'll wrap it up.

P.O. GREGORY:

Thank you. You can submit your comments.

LEG. KENNEDY:

Can I ask him a question?

D.P.O. SCHNEIDERMAN:

There'll be some questions. You'll get to speak.

MR. BEYER:

No, I understand, but what I wanted to address was one of the things we've been discussing here, and it came up in the committee meeting over and over again, was does this affect you, does this affect, does it affect you? It might not affect me right now, but you know what? In the past this would have affected me. I was the dealer that had the unscrupulous person across the street from me. It took me three years to get him out. It cost me over \$100,000 that I lost in business and I had to curtail my business because of what this individual was doing over and over. And he was deceitful, he was the one hurting consumers when he was putting regular gas in the super tanks and doing all kinds of things.

Well, one of his practices one time was not by not paying sales tax, was he was out there putting the regular price so under cost of what it cost us that I had to fight this, and to fight it I did keep my credit card price high because I had no choice. To keep my credit card unleaded regular price high I was way past that 20% -- probably about more than 20%, because I was selling my regular below cost.

P.O. GREGORY:

Okay. We've heard you. Kevin, we heard you. We heard you. There are some Legislators that have questions for you. Legislator Kennedy or is it D'Amaro. I'm sorry, D'Amaro.

LEG. D'AMARO:

Kevin, thanks for coming down.

MR. BEYER:

No problem.

LEG. D'AMARO:

That's an interesting story that you're telling. So in other words, that was a situation, if I'm understanding you, where you needed to have a larger differential between cash and credit, not anything about fooling consumers, but it was the only way you could compete with someone across the street.

MR. BEYER:

I had no other choice at that time and the difference was beyond that 20% at that time.

LEG. D'AMARO:

Well, I guess on the other side the argument would be this would only have -- would have required that you post a sign curbside, but I don't want to get too far into that. I just -- you went over there before and you pointed out on that particular gas pump that we have a picture of the sign, you know, it's posted on top of the pump and then it's posted when you are filling up and I think on another display on there somewhere. But I think the argument that's being made here, and I want your reaction to this, is that no one's regulating price. We're just saying that if you're going to have a larger differential between cash and credit, we want it to be curbside, right? So that's basically -- it has to be posted that way, as prominently as you're posting your cash price, so that the consumer, when they're driving by before they get out of their car, knows the price difference. Because, you know, after all, when you go to any other store, before you get out of the car you know all the prices, don't you?

*(*Laughter*)*

MR. BEYER:

You wish you did, right?

LEG. D'AMARO:

Right. So, you know, do you see the sign -- is there a requirement that signs be posted curbside?

MR. BEYER:

There are absolutely no requirements. The only requirement is the sign that's over the pump. That is required by State Law.

LEG. D'AMARO:

Okay. So if you decide as a gas station owner to post a sign curbside or roadside, you know, you're doing that voluntarily. It's not a requirement or mandated by law.

MR. BEYER:

That's correct.

LEG. D'AMARO:

Okay. So when you post that sign, do you think that by just posting the cash price is deceptive?

MR. BEYER:

Not at all, especially when it says cash. I want my customers to come in. I want them to see the lowest price.

LEG. D'AMARO:

All right. So that's not deceptive.

MR. BEYER:

No.

LEG. D'AMARO:

And do you feel if I pull in based on that cash price and then I go to the pump and I see there is other signage posted where it's 98 cents more, have I engaged in anything deceptive at that point?

MR. BEYER:

No, because the price is clearly displayed.

LEG. D'AMARO:

Okay. Do you think that a consumer has a reasonable expectation that they will know the price of a commodity or goods that they want to buy before they get out of their vehicle?

MR. BEYER:

Well, if the sign is there I would assume that they're going to know what the price is.

LEG. D'AMARO:

No, but what I'm saying is when we get in the car and go to the store, right, and I'm going to the store to buy vitamins. Like do I know the price before I get there?

MR. BEYER:

Probably not.

LEG. D'AMARO:

Right. So, you know, this talk about an expectation, that I'm a consumer driving by a gas station and here's a gasoline retailer putting a sign out front just trying to do a little advertising and get you in, right, which is done globally to consumers, every day, every waking moment of our lives from television to radio to signs, you name it. You know, is there some expectation that the consumer has that it's required or I should know the price of gasoline before I get out of my vehicle?

MR. BEYER:

No. I think the consumer what they expect, though, is to see a price, and if they see the price they can make their decisions on that price.

LEG. D'AMARO:

Now, does the law require that roadside sign to have cash, you know, if it's cash price it must say cash.

MR. BEYER:

Correct. If you have a difference between cash and credit, yes.

LEG. D'AMARO:

Is the size of that wording cash dictated by State Law?

MR. BEYER:

It's actually -- Suffolk County actually has it in their --

LEG. D'AMARO:

By County law.

MR. BEYER:

The County.

LEG. D'AMARO:

Okay. So I'm just trying to get a feel for -- you have all these members in your organization, most of which or maybe all of which don't have a much higher price for credit. And by the way, that station owner that's doing that, it's obvious they're just trying to incentivize paying cash I would assume. I don't know that that's a deceptive practice to post the real price. I don't know how that's deceptive. But what I want to know is your members, what's the objection? Let's say we pass this bill, okay, and there are some of your members that have 5.1% difference between cash and credit, for whatever reason, whatever reason. Maybe it's just the way they want to run their business, okay. Not trying to deceive anybody, but maybe I just want to charge 6% more because I want to discourage credit cards, which it's within my right to do as a station owner. What's the objection to

posting the other price curbside?

MR. BEYER:

Well, we'll start with that, with the posting of the other price, just what we were talking about before, being in that price war. Now I'm forced to put that highest price on the street. So now he's there charging a ridiculously low cash price that I can't even combat because -- and the consumer won't know. The cash paying customer is not going to know that I'm in a war with him and I'm able to beat his price or charge the same because I'm here displaying the largest price.

LEG. D'AMARO:

Right. So do you see this bill as a regulation without a problem? Like how do you view this bill?

MR. BEYER:

I view this bill once again coming after our industry for a rogue person. I seem to be coming into Suffolk County plenty of times defending my industry. I don't see -- I don't go into Nassau for the same -- for any amount that I come here. You know, we have the same -- we have dealers here in Suffolk, we have dealers in Nassau, we have dealers in Queens. I'm not dealing with this, you know, this type of -- to me it's almost like harassment. I'm coming in here once every couple of months lately.

LEG. D'AMARO:

So this guy posted 98 cents more for credit and here you are defending 500 gasoline retailers for an added expense and more regulation in your industry and all of that.

MR. BEYER:

And it is quite expensive. It's not only the sign, it's the cost of the sign. It's the regulation town by town by the amount of square footage that you have and what you can put on that sign. Imagine putting 20 numbers on that sign.

LEG. D'AMARO:

Right. All right. Thank you.

D.P.O. SCHNEIDERMAN:

Legislator Kennedy is next.

LEG. KENNEDY:

No.

D.P.O. SCHNEIDERMAN:

Okay. Legislator Hahn, I have you on the list. You can pass if you want.

LEG. HAHN:

I mean, in my mind there's one -- there's only one sign that matters here, and it's the foot tall number. I just don't understand how that can't be true. I'm not quite following you how this is bad for you if the guy who's charging, you know, a significantly different price for the credit card now has to display that price and that's what you guys are going to be waring over, is the war of the signs? Is what's on the big sign, it's actually good for you and -- well, let's talk about that separately somewhere else because I really don't see how if you can't compete with him at a cash price how it's bad that he now has to post his credit price.

MR. BEYER:

Because if he doesn't sell his gas with credit cards, which he didn't at that time because he couldn't have a processor because of some of the unscrupulous things he was doing, he was only charging cash. He was having the customers come in and just pay cash. So now how would I compete with

that?

LEG. HAHN:

So many people use credit now, though. You're picking up everybody from him who can't pay cash.

MR. BEYER:

But that doesn't hold any water.

LEG. HAHN:

Really. Okay. So I pull in, I never have a hundred dollars of cash in my wallet, almost never. I pull into a station that's cash only and you're across the street when I don't have cash and I'm not going to you? Really, that doesn't hold water?

MR. BEYER:

That leaves you no choice, but I do most of my -- I do about 50% in cash. So what you're saying is you're stuck because you only have a credit card, but people that have a choice, that have the cash and credit and they would like to save on the cash, they're not going to know I can offer that same price or lower across the street because now because of this legislation I'm forced to put the higher price.

LEG. HAHN:

So you think most people are going to -- so then you think all of these different businesses are going to wind up switching to cash only. I don't think so when 60% of the market is credit cards they are not switching to cash only.

MR. BEYER:

That's not what I was saying. I was dealing with an unscrupulous person at that location.

LEG. HAHN:

Right, but in the business practice people aren't switching to cash only, so they're going to be posting their -- you're giving me a single example of an unscrupulous individual. What's going to happen is they're going to have to post their credit price.

MR. BEYER:

If they don't accept credit they're not going to post a credit price. They only accept cash, they're only accepting cash price.

LEG. HAHN:

But how can -- then they lose 60% of the market.

MR. BEYER:

They're not going to lose -- they're going to be bringing in people for the cash because they're going to see that, that it's a ridiculously low cash price. People will go -- at that point when that was happening, during that war, I'm usually a 50-50 split. At that point I was about an 80-20 split.

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

LEG. HAHN:

I'm just not following. We'll have to talk offline, because this has gone on for a long time.

D.P.O. SCHNEIDERMAN:

Legislator McCaffrey.

LEG. MC CAFFREY:

Kevin, you said before that it appears to be only one owner that's charging looks like about 30% difference in here; is that correct?

MR. BEYER:

Correct.

LEG. MC CAFFREY:

If we enacted this legislation, would this change in any way the difference between what he's paying -- charging for cash or for credit?

MR. BEYER:

So many people have tried to reach out to this individual. He's like rogue. We don't -- you know, the oil companies themselves have reached out. Gulf has, because he's got Gulf and BP. His business practice has been hurting him because of what he's been doing, so I really think this is going to self-correct in the near future. But do I think he's going to change his practice? I think he'll find something else to do. I mean, he's got a bunch of his locations up for sale right now.

LEG. MC CAFFREY:

Right, but 30%, it's exorbitant. And it looks like his -- I don't know when that was taken, but that looks like even high cash prices that he's charging.

MR. BEYER:

Yes. That's got to be -- that definitely is an old picture.

LEG. MC CAFFREY:

Yeah. But even so, it looks like he's not giving away the cash price either, so I don't think he's going to be advertising his cash price. But it would not change if someone pulls up there and fills up their car and pays almost a dollar more a gallon for gas whether we have this legislation or not.

MR. BEYER:

I don't think he's going to change his business practices; we can't get him to.

D.P.O. SCHNEIDERMAN:

Okay. Almost there. Legislator Barraga.

LEG. BARRAGA:

Kevin, you know, certainly from my perspective, giving the philosophical argument, which is not probably appropriate here in terms of the role of government as it applies to the private sector, what we should be doing or not doing. All right? So, from a political perspective, a Republican perspective, normally we don't like to interfere in the private sector. Having said that, let me ask you a question. I've been listening to the debate for quite some time and your explanation. When I left West Islip this morning, I passed a gas station where the price, the cash price was \$3.85, cash price. There was only one sign. I'm not sure I understand what is the problem. And now my assumption, when I see that price of 3.85, is that this is unleaded regular, like number 87 when you go in, this is the price you're going to pay per gallon.

MR. BEYER:

Usually, yes.

LEG. BARRAGA:

Now, it's just one sign, not 19, not 20 signs. What is the problem putting a sign right next to it in terms of what the credit card price per gallon will be for unleaded regular 87? Is there a cost factor here that's so prohibitive that you'd be against that?

MR. BEYER:

There's a cost factor, and each town has their own zoning and ordinances of what we're allowed to do. They're very, very restrictive on the signing. And each thing that you expand upon makes you lose signage somewhere else. So I'll lose signage over my building, or I'll lose signage in a wrap. They're very -- all the towns have specific zoning and it's all different by town. So to try to even make this work, you know, it's not going to happen by these towns.

LEG. BARRAGA:

So your gas station is where, in Brookhaven?

MR. BEYER:

No. I'm right here in Smithtown, I'm up the road.

LEG. BARRAGA:

In Smithtown. Now, would you have a problem with the Town of Smithtown if you went to a second sign based on your square footage.

MR. BEYER:

Absolutely. I already had -- I'm actually at my max for all my -- you know, for my signage. I'm at the max of all of it. And so that means on my sign, it says the name of my business, which is Performance Fuels, the amount of the gas, and it does say the word "cash" in the correct size, and it also says "Subway".

LEG. BARRAGA:

How involved is that process with the Town of Smithtown? Is it as costly, or is it just time-consuming to get permission for a second sign?

MR. BEYER:

It's very costly, because you're going before the ZBA. You've got to for, you know, zoning, you got to go for variances, you got to hire the architect. And these signs are not cheap. You know, you drive around, you see these illuminated signs with the LED displays, they're very, very costly. You're talking 15, \$20,000 for these signs.

LEG. BARRAGA:

If we pass this bill just calling for a second sign, we're a higher level of government than Town government, wouldn't they have to conform almost as a Town to the County law?

MR. BEYER:

I don't think so. I think the Town's variances are very strict, and I think they supersede that. The only thing that they can't do is over the pumps and that -- because that's statewide.

LEG. BARRAGA:

Thank you.

D.P.O. SCHNEIDERMAN:

The last Legislator I have down on the list is Legislator Krupski.

LEG. KRUPSKI:

Don't you think that given the fiscal condition of the County, that if we spent this much time debating the budget issues, we'd have a much better fiscal environment in the County?

D.P.O. SCHNEIDERMAN:

A rhetorical question?

LEG. KRUPSKI:

Yes.

D.P.O. SCHNEIDERMAN:

Is that your question?

LEG. KRUPSKI:

That's it.

D.P.O. SCHNEIDERMAN:

All right, great. All right. Thank you, Kevin.

MR. BEYER:

Thank you.

D.P.O. SCHNEIDERMAN:

All right. Next up, Ben Zwirn.

MR. ZWIRN:

It's good to see everybody. I'm here on behalf of Dr. McKay of Suffolk Community College. And you wonder, why would the Community College President weigh in on this issue. It's because they have over 26,000 commuting students that come to the three campuses out here in Suffolk and he is concerned.

You know, we see this bill differently. We don't see it really as trying to punish the retailers. It's just -- it's a notification, it doesn't affect prices. When you come in, when you're driving along the road, you see the sign that's on the street. Now that may be the sign that's not legally required, but that's the sign that brings you in. There are a number of gas stations that have one price for cash or there's only -- cash or credit is one price. So if you see a sign, and you're a student, and you're busy trying to get to class, and you're trying to save money because you're going to the Community College for the first two years of your educational experience to try to save some money and you see a sign, that sign is what brings you into the station. Now, I think Legislator Barraga made a good point. If you had all the -- if you had the prices of the cash and the credit on the road, people would have a real choice. I think that's what this bill is trying to do, just be notification, because you've got a 20 cent -- at current market prices, it's about 20 cents to 22 cents, we wouldn't have to change anything. You could charge 22 cents a gallon more for gasoline, regular gasoline, and not have to change your sign.

Now, I live out on the eastern part of Long Island, as does Legislator Schneiderman. When you see 3.85 -- the prices on the bottom of that are what we're paying for cash out on the East End, or pretty darn close. I mean, so there is significant, significant impact here, especially to the young people who are driving to the College, and that's why I think Dr. McKay wanted to weigh in. He doesn't see it as punishment for the retailers. He understands that everybody's trying to make a dollar, but we think this is a -- it's just a sense of fairness, so that people have notification going in, they know what they're going to pay, they don't have to look again at the pumps, they see the sign, that's the -- it's very hard, especially, somebody at my age. I sometimes have to drive into a station because I can't see from the road what the difference is between the cash and credit price. And I can tell you, I've been to one of those stations where I was on fumes, I went in, I didn't have the cash, I went inside to try to use an ATM machine to get the cash, and, conveniently, that was out of order, and there weren't a lot of options.

So I think this is just really notification. It doesn't have impact on price. Prices can be set in the marketplace, as the retailers have said, but we think this would be a fair bill. Thank you.

D.P.O. SCHNEIDERMAN:

Questions? All right. Next speaker is Kevin O'Brien. Going once, twice. All right. Rudy Massa.

MR. MASSA:

Good afternoon. Sorry, my voice is giving way this afternoon. Sorry. I was here last week, speaking to you Ladies and Gentlemen, and I'm hearing stories out here. I'm hearing some of the most bizarre stories that I've ever heard and I'm in business 40 years in Commack on Jericho Turnpike.

The first gentleman that got up and spoke about -- the Labor gentleman, I fully respect what he was saying about his workers, but, I mean, we can't keep making excuses. Every time somebody makes a mistake at that pump, they're not taking responsibility for their own mistake, it's always somebody else's problem; the ATM didn't work, and I didn't notice the price. I mean, that gentleman gave us a beating earlier in this conversation and there's no reason for it.

We must get this point across to you folks. This is one guy. I know this guy. If he walked in this room right now, you'd think he's one of the loveliest people you ever met, except when he gets to that gas station, he goes berserk.

*(*Laughter*)*

And that's the truth, he just gets himself crazy, and he changes every day. I've been at meetings with him, I've been at Gulf dinners with him, I've been at Christmas parties with him. I don't know what is his problem, but we wasted five hours of everybody's afternoon for one guy.

The young lady, one of the Legislators said it's multiple stations. Well, he has 40 gas stations. You're bound to run into him somewhere. And I don't know what -- none of us can figure out what his problem is.

Again, the issue for the credit cards, again, what Kevin said is a very important point. If somebody gives -- starts a price war with you, I've never been in violation, never maxed out my price on 1973 gas shortage, 1979 gas shortage. Sandy, never raised the price a penny. So I'm not one of those guys, and I take offense to all of this nonsense that we're all thieves. I am not a thief and I don't want to hear any more about this stuff. But some of these people out here have this -- have the impression that, you know, we're just above the garbage man, the gas station guys. That's not true. We service you folks every day, winter, summer, whenever you needed us, we were there, and we will be there. So a little more respect would be good.

But I could float in and out of this program that you have, depending on -- if somebody comes, like I have a Hess opening up 500 feet away from me in Commack, one of the most controversial gas stations to open up in Suffolk County in years. We had 500 people out to a Town Board meeting, and I don't even want to tell you why, but that some of the Town Board members pushed this thing through, 500 feet from me. If they open up next week 10 cents below me, I will match that price and I will be in violation of your law. I've never been in violation of any law.

And one other point. The credit card companies are so powerful that my customers come in, and we insert the credit card into the pump, they fill up, it stops at \$75 by their rules and their regulations. And all my regular customers, and I have thousands and thousands of regular customers, say "I got to give you the credit card a second time, I'm not full at \$75." So you know what I did, I called in the tech and I said, "Change the pump to 100." It took three days, Ladies and Gentlemen, three days, and they sent me a note, "If you don't change those pumps back to a \$75 limit, anybody that questions a sale, you'll eat the entire sale."

D.P.O. SCHNEIDERMAN:

Rudy, you're going to have to wrap up.

MR. MASSA:

Okay.

D.P.O. SCHNEIDERMAN:

Your three minutes are up.

MR. MASSA:

But that's the point. So the point is that if you could just -- you might have to -- want to modify that 5%, because it may not always work. Thank you.

LEG. BARRAGA:

Rudy, just remember, it's gas station operators, garbage guys, politicians.

*(*Laughter*)*

LEG. MC CAFFREY:

Which order?

D.P.O. SCHNEIDERMAN:

All right. Mark Aglietti. Is Mark in the audience? All right. How about Sergio Celikoyar? Sorry if I'm messing up your last name.

MR. CELIKOYAR:

Good afternoon. My name is Sergio Celikoyar. I am from Town of Southampton. And my allowance for the sign was like this, 24 square feet. I hope we can change that. But the Town inspector, the sign inspector told me that there is no way for me to put LED sign in that Town in my lifetime, and there's no way for me to change also additional sign.

I'm running another station in Town of Islip. The Fire Marshal showed up today and he told me that I'm not allowed to put breast cancer awareness promotion that Gulf has, so I have to take that down, too. And I believe this 5% is not going to work for me. Thank you.

D.P.O. SCHNEIDERMAN:

Thank you, sir. Okay. Next is Ryan Stanton.

MR. STANTON:

Thanks for hearing me today. Again, I'll try to keep it under the three minutes. I know I didn't expect this to go this long.

But, again, I represent the Long Island Federation of Labor. We have a membership of 250,000 people. And to be clear, we're not here to vilify the industry. And so I apologize to the industry if they feel as though Labor is out to attack them. I'm here to represent the members that belong to my organization, and all we're asking is for you to support this legislation, because it's increased transparency, it's consumer protection, and that's what consumer protection laws are. They're there to protect their family members, my family members, and the membership of our organization. All it does is increase awareness and increase their ability to make an educated decision.

So that's my comments, that's why I'm here. And if there are no questions, I'll have a seat. If there are, I'm happy to hang out.

LEG. D'AMARO:

I have a question.

D.P.O. SCHNEIDERMAN:

We have one question from Legislator D'Amaro.

LEG. D'AMARO:

Thank you. Thanks for coming down, I appreciate it. When you say consumer protection, what are we protecting against?

MR. STANTON:

I think, based on your line of questioning earlier today, and this is an assumption, so correct me if I'm wrong, that you believe the one cash price out there is not a deceitful practice, but I would argue that it is for the lone reason that we've had a number of speakers say that, you know, there are a number of different retailers across industries that are allowed to put their best lowest price out there. But I would argue that this isn't just putting your best lowest price out there for one product and then having a different price for that same product. I would argue that when you get to the pump, that you're still getting the same product at a very clear much higher price. And this law doesn't regulate the ability to offer different prices, it regulates the consumer's ability to know what those prices are.

LEG. D'AMARO:

All right. So you're saying that -- I'm not sure what you're saying, but --

MR. STANTON:

Let me be clear.

LEG. D'AMARO:

Yeah. What's -- what are we protecting --

MR. STANTON:

I know an example was brought up earlier.

LEG. D'AMARO:

What are we protecting the consumer against?

MR. STANTON:

Again, what I believe is a deceptive practice.

LEG. D'AMARO:

What's the deceptive practice, putting the cash price --

MR. STANTON:

Saying that you're offering a product at one price, and then getting to the pump and realizing that it's a different price. An example that was given earlier was that corn might be marketed at a different price, and a coupon --

LEG. D'AMARO:

Well, let's -- the price --

MR. STANTON:

And then you get it at the market and there are different brands.

LEG. D'AMARO:

Yeah, but let me --

MR. STANTON:

There's a different brand --

D.P.O. SCHNEIDERMAN:

Legislator D'Amaro.

MR. STANTON:

I'm trying to answer the question.

LEG. D'AMARO:

No, but you're not answering.

D.P.O. SCHNEIDERMAN:

Legislator D'Amaro, we can't have everybody talking at the same time. There's no way the stenographer can get that.

LEG. D'AMARO:

He's not answering the question.

D.P.O. SCHNEIDERMAN:

So if we could allow the speaker to answer the question before the next --

LEG. D'AMARO:

How is it deceptive if I have -- when I have a sign out on the roadside advertising the cash price and it says "cash," and I pull up to the pump and that's exactly the price I pay for cash?

MR. STANTON:

You asked my opinion, it was a deceptive practice.

LEG. D'AMARO:

Well, I'm trying to understand, how is it deceptive?

MR. STANTON:

I'm telling you that I believe it's a deceptive practice, and I was trying to provide the example that was given earlier that corn is advertised at this price, and a coupon, and that's what brings you to the store. It doesn't advertise every price of every brand of corn. This isn't a different brand of gas, this is the exact same brand offered at a different price, so to me it's a deceptive practice.

LEG. D'AMARO:

It's not offered at a different price, it's offered right at the cash price that's advertised roadside.

MR. STANTON:

We've all agreed that there's a 98 --

LEG. D'AMARO:

All right. Forget it. Never mind.

MR. STANTON:

-- 98 cent difference.

D.P.O. SCHNEIDERMAN:

We have another question. Legislator Browning.

LEG. BROWNING:

Hi. How are you?

MR. STANTON:

Hi.

LEG. BROWNING:

And I think I've said it before, but asking you the same thing with your members. I mean, I know that using a credit card, and Kara and I kind of had that conversation, as, you know, people who are struggling, and paycheck to paycheck, generally do not use credit cards for gas. Now they may use the credit card, and we've had that conversation, like Rob and I, is you might use that credit card if your car breaks down. So you treat that credit card like it's gold. Now, let me give you an example. If you -- and I want to know where do we stop, because I went to my local grocery store and they advertised a gallon of milk. And I saw the price and I'm picking up the gallon, and then I happen to notice two different prices. So it was the store brand, the milk with the store brand label on it was the lower price than the other brand. So, of course, I paid attention to the prices. Now, it's really tiny, much smaller than that, but I paid attention and I took the store brand. It's milk, it's all the same. So you know, where do we stop? Should we now say that the grocery store's okay? Now you have to, when you advertise your milk prices, you have to advertise the most expensive?

MR. STANTON:

I don't write policy, so I'll leave that up to the people sitting around the horseshoe.

LEG. BROWNING:

Right.

MR. STANTON:

I'm just saying that I support this particular legislation.

LEG. BROWNING:

Well, that's the thing, you're here to support that we should advertise the highest gas price. So, if we were to say we're going to put in a bill that you have to advertise the highest milk prices, will you come and support that?

MR. STANTON:

Again, I'll leave it up to the Legislature to decide if and when that policy is something you're going to consider.

LEG. BROWNING:

Okay. Thank you, Ryan. But just as a note to let you know, it's not just gas.

D.P.O. SCHNEIDERMAN:

Thank you. All right. I have one last speaker card, and I probably will mispronounce it, Shlidh Parkash Singh. I guess he's not here to tell me that I mispronounced his name, so okay. Is there anyone who has not spoken who wishes to speak on this issue? All right. Come on up, Al.

MR. STRAUSS:

Alex Strauss, 184 Radio Avenue in Miller Place, New York. It's a little confusing when you listen to these people. The gasoline retailers say there is no -- there's no standard for the roadside sign. It's amazing how the roadside sign, the price of the gas is that big, and the piece that says "cash only" is that big (indicating). Isn't that deceptive? I think it's very deceptive. But then they said that

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there's no -- there's no qualifications, there's nothing that says that they even have to put a sign out there. And then they say, yeah, we have to put the -- we have certain size limits, and that, but what is it? Is it covered or is it not covered?

And you know what, I use a credit card all the time, and 25A and William Floyd Parkway there's two, there's two gas stations right across the street from each other, one's a Sunoco, one's a BP. They both charge the same price for gas, regular or you pay with a credit card, same price. Go into Smithtown, the gentleman has a place in Smithtown. There's a Sunoco gas station in Smithtown, same price, cash or credit. There's a BP, same price, cash or credit. There's a BP on 25A -- 25 and Rocky Point Road, same price, cash or credit. It's amazing. How do they do this? How do they stay in business? You know, all the Hess stations, same price, cash or credit. How do they stay in business? I can't understand it. It's probably -- it's probably the same thing when we raised the smoking age to 21. All the 7-Elevens closed. Did you notice that? No. Gees, it's amazing. And the big backup on Sunrise Highway going to the Indian Reservation, no, that's not there. And all of them going into Nassau County. Did you see all the places in Nassau County, they're getting rich. It's all baloney. It's a good law, it's -- it makes it so you can know what the heck you're paying for something when a person gets greedy, and that's all it is, is greed. Why do they charge that price? Because they can, and that's the only reason. It's not costing them anymore. Credit cards charge two to two-and-a-half percent on a transaction, that's it. It's amazing how all these other stations can absorb that price, but these big -- this whatever he's talking about, they can't do it, they're going to go bankrupt. Like I said, all the 7-Elevens, they all closed, raised their price for cigarettes, I'm telling you. Thank you.

D.P.O. SCHNEIDERMAN:

All right. Thank you, Al. Anyone else? Great. All right. So I will --

MR. VISCONTI:

I'd like to speak, please.

D.P.O. SCHNEIDERMAN:

Okay, sir. You haven't spoken yet or --

MR. VISCONTI:

I haven't spoken yet today, sir. Good morning -- I'm sorry. Good afternoon. My name is Bob Visconti. I'm a lifetime Suffolk County resident, having grown up in Smithtown, and currently reside in Commack. I've been a small business owner for about 16 years. I'd like to thank you for giving me the opportunity to speak today. This is an important issue to me, and that is why I took time away from my business to be here today.

There are many different ways of looking at this cash/credit subject. Last week I mentioned the loss leader business strategy. If I choose to heavily discount my cash price to draw customers in to either sell other gasoline products, or tires, or a brake job, or any other service or product, that's my right to do so. There isn't a law that requires us to take credit cards. That's an additional service that we provide to our customers. We should be entitled to charge for that service without the government telling us how much or how little we can charge. I don't see any other business in Suffolk County where they're being dictated as to what they can charge for their products and services.

I thank you for your time, and hope that you'll vote on the side of the small business, which is the backbone of our community.

D.P.O. SCHNEIDERMAN:

Okay. Thank you. Anyone else? All right. Seeing none, I will make a motion to close the public hearing.

LEG. LINDSAY:

Second.

D.P.O. SCHNEIDERMAN:

And a second by Legislator Lindsay. Any other motions? Okay. Seeing none, I'll call the vote. All in favor? Opposed? Abstentions? Okay.

MR. LAUBE:

Seventeen.

D.P.O. SCHNEIDERMAN:

1637 is closed. Okay. (Not Present: Legislator McCaffrey)

P.O. GREGORY:

Okay. All right. Setting the date for the following public hearings, September 9th, 2014, 6:30 p.m., at the Rose Caracappa Auditorium, Hauppauge, New York:

I.R. 1658 - A Local Law to strengthen and streamline lobbyist registration and reporting requirement (Lindsay).

I.R. 1659 - A Local Law to strengthen Public Nuisance Law (Cilmi).

I.R. 1726 - A Charter Law to update the County's Ethics Statute (Gregory).

I.R. 1727 - A Local Law to prohibit the sale of powdered caffeine to minors in Suffolk County.

I make a motion. Do I have a second?

LEG. CILMI:

Second.

P.O. GREGORY:

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

MR. LAUBE:

Seventeen. (Not Present: Legislator McCaffrey)

P.O. GREGORY:

Okay. We did the Consent Calendar. We're going -- okay.

I.R. 1575 (A Charter Law amending the ¼% Suffolk County Drinking Water Protection Program (DWPP) for enhanced water quality protection, wastewater infrastructure and general fund property tax relief for Suffolk County (Sponsor: County Executive) is before us. Mr. Clerk, we have a motion and a second?

MR. LAUBE:

Yes, you do.

P.O. GREGORY:

Okay. The motion is before us. This is the referendum. Anybody on the motion?

LEG. KENNEDY:

Is this a motion to approve?

P.O. GREGORY:

Motion to approve, yup. We're going to vote. Anybody --

LEG. HAHN:

Second.

P.O. GREGORY:

We had a motion, we have a second. I'll call the vote. All right. All in favor? Opposed? Abstentions?

(Opposed said in unison by Legislators Cilmi, Kennedy, Trotta and McCaffrey)

MR. LAUBE:

Fourteen.

TABLED RESOLUTIONS

P.O. GREGORY:

Okay. Tabled Resolutions: ***I.R. 1096 - A Local Law to establish healthy food standards in Suffolk County facilities (Sponsor: Hahn).***

LEG. HAHN:

Motion.

P.O. GREGORY:

Motion to approve by Legislator Hahn. Do we have a second?

LEG. CALARCO:

Second.

P.O. GREGORY:

Second by Legislator Calarco. All in favor? Opposed?

LEG. D'AMARO:

I'm sorry, I don't know what bill we're on.

P.O. GREGORY:

We're on tabled resolutions.

LEG. D'AMARO:

1096?

P.O. GREGORY:

I.R. 1096, a motion to approve. We have a motion and a second.

LEG. MC CAFFREY:

What is this?

P.O. GREGORY:

Page 6, Tabled Resolutions, first resolution.

LEG. CILMI:

On the motion.

P.O. GREGORY:

On the motion, Legislator Cilmi.

LEG. CILMI:

So this is another one of those bills that has gone through a handful of changes. I was hoping the sponsor or Counsel could outline or summarize what the changes have been most recently.

P.O. GREGORY:

You have to advertise the highest price for M&M's.

*(*Laughter*)*

LEG. HAHN:

Yeah, if -- I think -- I believe, since the last time we discussed this, because it did have to go through public hearing, the change was over the M&M exemption. The change I made, because there was an error, that in the snack requirements, so section 2(b) -- 2(b)(2), Section 2(b)(2). Where's the sugar? The one about sugar, F. We added the 66% shall not contain more than 10 grams of sugar, because it had said no item containing more than 10 grams of sugar could be sold, and I didn't mean to do that, I wanted to give the option, you know, so I fixed that.

LEG. CILMI:

Okay. So this is the -- this is the bill that basically requires that a number of -- well, that prohibits a number of -- or confines vendors to a number of prohibitions or considerations when they're offering whatever products that they're offering in their establishments, vendors -- you know, contractors with the County, as well as vending machines?

LEG. HAHN:

Right. So there's concession stand, Section A, and there's a vending machine, Section B.

LEG. CILMI:

Okay. So --

LEG. HAHN:

So -- and this is, again, requiring options of -- healthy food options in either category.

LEG. CILMI:

Right.

LEG. HAHN:

If we have a concession stand at our beach -- my whole thing on this, as I think I've said in the past, is that as a mom, you know, living in Suffolk County, if I go to our Suffolk County beaches and parks that have concession stands, it's -- it would be a good thing for there to be healthy options. You know, the leading cause of death is heart disease; 59.6% of adults are overweight or obese.

LEG. CILMI:

But couldn't we just require that we just offer healthy options and just call it a day? I mean --

LEG. HAHN:

Well, but then how do you define if they -- you know, then what do you -- that's what we're doing in a sense.

LEG. CILMI:

And let's say we work --

LEG. HAHN:

But then we're defining what a healthy option is, yes.

LEG. CILMI:

Well, let's say that --

LEG. HAHN:

You have to define what a healthy option is. I think we do, because it would be too vague to say they must require healthy options, and then they sell a banana and we're good.

LEG. CILMI:

Couldn't we leave it to the department that's actually contracting with the vendor to work with them in terms of making sure that they are, in fact, offering healthy options, as opposed to quantifying how many different types of fresh fruits are available, and what percentage of -- you know, 33% of deserts offered shall have no more than 200 calories per serving?

LEG. HAHN:

So I thought it -- I thought it would make more sense to work with the scientific dieticians, then, on this on determining the standards, than -- if I did as you said, I would leave it to the Parks Department, who don't have the knowledge on the healthy standards. Instead, I worked with dieticians at Stony Brook University, and used science and facts to base this. So I just don't think that's something we should leave up to the Commissioner or the Deputy Commissioner in the Parks Department, who are the ones that do the contracts for these vending --

LEG. CILMI:

So when we say that 33% of breakfast breads offered by a concessionaire shall have no more than 300 calories per serving as an example, what happens if those breakfast breads that have no more than 300 calories per serving are not being sold by the concessionaire, then what, they still have to offer them?

LEG. HAHN:

Well, I'm sure that a lot of in -- regular breads, I'm sure that some of those don't get sold as well and they -- you know they have to -- it's part of waste. But this is -- we are going -- it's a small percentage, it's a third. We're talking about only a third.

LEG. CILMI:

But if the regular breads don't get sold, then they change their menu and they offer something that does get sold. That's the --

LEG. HAHN:

Oh, oh, oh. I have -- in the handout that I gave you, there is a slide that talks about consumer demand for healthy food being on the rise. As you can see, between two -- about how the demand for natural and organic food is rising. The demand for healthy snacks, 53% of consumers, the next slide, eat foods to prevent or manage health conditions. Forty-five percent of consumers seek snacks that offer benefits beyond basic nutrition. And according to Snack World Magazine, consumer demand for healthy snacks in the U.S. was at its highest at a 6.4% annual sales growth, and then that's ahead of value and indulgence. People -- these are the trend -- food trends on Twitter, vegetarian, gluten-free, real food.

LEG. CILMI:

That's all great. So --

LEG. HAHN:

This is -- there is a real trend toward this. We are going to be modeling good behavior in our parks. We wind up paying the cost when folks in our County are not healthy, and we should be -- in our facilities that we are funding, we should be offering healthy options.

LEG. CILMI:

And it would be in our vendors' best interest to offer healthy options, if, in fact, the trends are as you describe, and I hope they are as you describe. I am trying to eat healthier lately, trying not to have that slice of pizza at 7 or 8 o'clock at night.

LEG. HAHN:

And I tempt you at every General Meeting?

LEG. CILMI:

Despite your temptations. But --

LEG. HAHN:

But I don't get --

LEG. CILMI:

So my suggestion is that the market will dictate what our vendors will sell and what they'll be successful at selling, and the market should dictate what our vending machines offer, and what position in the machine the vending machine should offer, whatever it is they're offering, rather than have a list of, I don't know, 20, or 30, or more different requirements that our vendors have to keep up with to make sure that they're complying with our law. That's all. Just my opinion.

P.O. GREGORY:

Okay. Legislator D'Amaro.

LEG. D'AMARO:

Thank you. Through the Chair to the sponsor. Kara, this applies only to County facilities, County vending machines?

LEG. HAHN:

That's correct.

LEG. D'AMARO:

Trying to set an example of --

LEG. HAHN:

That's correct.

LEG. D'AMARO:

You know, lead with your best foot forward, so to speak?

LEG. HAHN:

(Nodded.)

LEG. D'AMARO:

Does it apply to the Legislative breakfast, by the way?

(*Laughter*)

Because I know there's two trays of cakes and bagels in the --

LEG. HAHN:

I could add a Section C, if you'd like me to.

LEG. D'AMARO:

So let me ask you, this bill is trying to get the message out that, you know, heart disease is a problem. I know I went through this, highlighting the health problems that we're suffering here in the County and nationwide with respect to heart disease and diabetes, obesity, and it's tragic what's happening out there, and a large part of that is due to the fact that what consumers and what Americans are eating is not good for them, it's just -- but it's also a lot cheaper to eat unhealthy than it is to eat healthy.

So I understand the message that you want to get out, and I agree with that message wholeheartedly. My bill a few years back banned the trans fats in all County restaurants. I thought that was a good thing. And it also required the disclosure of calories on menu boards, which I thought gave consumers at least more information before they went ahead and bought the unhealthy food. But by regulating the type of foods that are offered and the content of those foods through our County vending machines and our County concessions, is the goal here to try and change eating habits?

LEG. HAHN:

No, no. The goal is that when folks attend our parks, they have the option to choose healthy, if they want to.

LEG. D'AMARO:

Okay. Now let me ask -- and that's -- I think that's also a great goal. So I'll just pick one of these requirements here, and I want to ask you a general question. For example, at least 50% of soups offered by a concessionaire shall contain no more than 400 milligrams of sodium per eight-ounce serving. How does our concessionaire know if they're in compliance?

LEG. HAHN:

How does our concessionaire know if they're in compliance --

LEG. D'AMARO:

Yeah, with that particular standard.

LEG. HAHN:

-- of the soup?

LEG. D'AMARO:

Yeah.

LEG. HAHN:

Well --

LEG. D'AMARO:

And my second question is what if the public that visits that concession wants 100% of their soup to have more milligrams of sodium? You know, how does the concessionaire continue to do business and profit if the supply of the food offered is not matching the demand?

LEG. CILMI:

What happens if the consumer complains that there's more than that amount of sodium, how do we check?

LEG. HAHN:

Clearly, enforcement will be difficult in some instances.

LEG. D'AMARO:

Okay.

LEG. HAHN:

It's never been a problem before. The point of this is to provide healthy options at our vending machines and at our concession stands, and to define very specifically what healthy options are in a very scientific-based nutritionist/dietician-tested based way to define what healthy options at our concessions are.

LEG. D'AMARO:

But, you see, my point is that you're deciding for the consumer what's good for them, whereas I --

LEG. HAHN:

No.

LEG. D'AMARO:

Wait, let me just finish. I believe the consumers should be deciding for themselves what's good for them.

LEG. HAHN:

And the consumer can choose -- the consumer can choose the option that is not the healthy option. They're going to be able to buy French fries, I believe.

LEG. D'AMARO:

Well, not if it's not available, though, because you're mandating how much product the concession has to stock. Let me ask you this: The organic option, Number 7, "Concessionaire shall offer a minimum of one organic option and shall seek to source produce locally when possible." So what's the increased cost to purchasing, storing and selling organic to the concession.

LEG. HAHN:

I don't know. I do not know that, but I'm sure the concessionaire will factor that in when bidding on our contract, I am sure they will.

LEG. D'AMARO:

All right. One more question. This one caught my eye. So you go to a County concession and you want to purchase a sandwich, and it says that it should have no more than 700 calories. Like how do I know that if I'm running that concession?

LEG. HAHN:

They'll know what -- like they'll buy probably in bulk and they'll know per serving size, whether it's a teaspoon or a cup, and they'll know if they're making it from scratch. If they're buying it as a pre-packaged product, they will know that information.

LEG. D'AMARO:

All right. And what happens if the sandwiches that sell are 1,000 calories and people don't want the 700-calorie sandwich? What does the concessionaire do if they have to keep a minimum. My only point is that --

LEG. HAHN:

I'm not following you.

LEG. D'AMARO:

My point is that I so agree with your concept of what you're trying to do, because it is such a bad problem in the County with these ills, and the health problems that we have associated with poor dietary habits. And I agree with what you're trying to do, but I don't think that this --

LEG. HAHN:

So what if the person buying wanted to buy only foods that contained trans fats in Suffolk County, right?

LEG. D'AMARO:

Right.

LEG. HAHN:

We can't do that because of a law that we passed, and they can't get what they wanted because of a law that we passed. This is not telling every restaurant in Suffolk County what they have to do, this is telling the restaurants at our government facilities that they have to offer healthy options. And we've defined healthy options, yes, to make it crystal clear that we will have healthy options. And I really think that this is an important step, and hopefully we'll be showing the same kinds of statistics that I have here from other parks programs. That should be here somewhere, maybe it's on another, about how successful this has been in other places around the country.

Chicago Parks difference: Implemented 100% healthier products in all park vending machines. Overall, the sales increased, increased exceeding sales forecasts.

The CDC and the USDA studied 17 schools and districts that implemented nutrition standard for vending maintenance. Revenue increased 71%. So, you know, I mean, hopefully we'll be modeling good behavior and we'll be showing success, and then maybe other like large businesses will follow. And I've had agreement from the Community College to be talking with them, the Vanderbilt, the Ducks, I'll be reaching out, and we'll be working with all these other facilities that we have a hand in trying to encourage them as well to offer healthy options. And I'm just kind of at a loss as to how this isn't a good thing.

LEG. D'AMARO:

All right. So if I could pick up my questioning, or just my thoughts. This bill is not going to make a dent in any of the health effects that we're trying to address. It's not going to make a dent in obesity, heart disease, or anything like that, because there's options available. You asked about trans fats before. And the purpose of that bill was to do it on a universal level, okay, because what's the point of passing a bill and telling our County concessions you have to stock your shelves a certain way when you can get these products anywhere and any time and any place other than a County concessionaire? Okay? So I don't believe supporting this bill and even implementing these standards is going to help those health problems in any way, whereas if you ban trans fats and you do it across the Board, yeah, I think you are going to have an impact.

So it's wonderful. I think what you're doing is you're regulating these County concessionaires in order to educate people that they should have healthy choices, but, you know, we can do that without imposing these micromanaging requirements that can't be measured, can't be policed, can't be enforced. A concessionaire is not going to know whether or not his sandwich has 700 or 600 calories in it. How are they going to know? How are they going to know about the sodium content in their soup? You know, maybe it's on a label, or maybe they make the soup in the morning when they come in from, you know, fresh ingredients, I don't know.

My only point that I want to make to you is that I'm not going to support this bill. But with that said, the reason I'm not supporting this bill is, number one, I think it is good as a method of getting the word out about people need to eat more healthy, but I don't think this is in any way going to

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help cure the health problems that we have that you're addressing. And, second of all, I think it's an extreme micromanaged regulation of, especially foods that have to -- that are produced fresh daily. I mean, if you don't meet the exact demand, you're putting these concessions at a tremendous competitive disadvantage.

So I think -- I think your goal is the right goal, but I don't think that this is going to get you even close to where you want to be. I think an educational program about encouraging people to eat more healthy would be very effective, and, hopefully, this bill helps to get that word out. But to impose these regulations and requirements, which can't be enforced, and which cannot be regulated, and cannot be measured, especially by these smaller businesses, I think is unrealistic. Thank you.

P.O. GREGORY:

Thank you. Legislator Calarco.

LEG. CALARCO:

Thank you. I'm going to be supporting this bill, because I think it is important to be able to provide consumers options, give them choices. And we have seen quite a movement towards the healthy kick and people wanting to be able to buy organic, and be able to buy healthy products. I know my wife insists on only feeding our baby organic products, so we pay a little bit more for milk, to have organic milk, and to pay a little bit more for the oatmeal, so she has organic oatmeal. And, certainly, the milk has the same shelf life as milk that is not organic, and the oatmeal has the same shelf life as the oatmeal that's not organic, they have the same shelf life. But we pay a little bit more for those because we want to give that option, we want to make sure our child is getting the best food she can.

We want people to get healthier. We have an obesity problem in this country, and that certainly translates to the County. And if we want to say, "Sure you could come to our parks, come enjoy the beach, but we're not going to make sure our concessionaire gives you an option to buy a healthy salad, or healthy food, as opposed to just getting that burger with fries," we're not really giving them the ability to be healthier.

And there's no competition. The concessionaire in our parks, the concessionaire who runs our vending machines is the concessionaire in our parks and vending machines. There's not two, there's not three, it's one entity that gets to operate those. In fact, the concessionaire in all of our beaches is the same person, it's the same entity, so he has no competition. He's not competing against somebody else to be able to provide the product. And all we're saying is you have to make it available.

You know, I used to work in a pizza place to go through college. We had scungilli on the menu. I'll tell you what, we had maybe one person that would come in a month and order that scungilli. But we had it on the menu, we had the option there. We didn't stock an awful lot of it, but it was there and available. We sold a whole lot more pizza and a whole lot more chicken cutlets, but we had scungilli on the menu. And that's all we're saying, put these things on the menu, give the people an option to buy it. If you don't find that you're selling a lot, you don't stock a lot. You stock more French fries, if that's your biggest seller. But at least this way you're giving people the option to buy a healthy alternative food. And they're in our parks, so we have every right to dictate to them what kind of products they're making available to the people coming to our parks.

P.O. GREGORY:

Okay. Thank you. Legislator Spencer.

LEG. SPENCER:

One of the things that is important, that despite all of our technology, this is the first time where we've seen the mortality rates actually stabilize and not continue to decrease. As we've gained

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more and more knowledge, one of the things that is important, there is a big push to say that fats were bad for you. And we've discovered over the years that in order to achieve a healthy lifestyle, it's really about moderation and having a balance, and that sugars are actually considered to be as damaging as fats.

As a physician, one of the things that I've discovered, and personally suffering with having probably 80% diabetes in my family, and seeing fluctuations with regards to my own personal weight, it is important. And the reason it's important that we do things like this, especially in our County properties, is because we are setting a standard. And you're right, there is competition, and that they do have other choices, but I think education begins at home. And when we talk about -- I could understand. You know, I disagree, I thought that maybe it was going too far in the City where you were going to regulate the size of sugary beverages. I don't think that's the right approach. But I do think that the approach of giving options is important, and it's been proven that you can provide these healthy options with -- without placing an undue economic burden on concessionaires to be able to do that. There are choices, which are listed throughout this brochure.

And I think that one of the things that's important, especially when you're at a beach, or when you're at a situation where you're -- whether or not you're at -- in a County building, a lot of times the only thing that you have is that concessionaire or that vending machine. And when you see that there's absolutely nothing on the menu that gives you a healthy option, establishing minimal standards, are we crossing that line of government overreach? And I argue this. I'm the smoking guy, the energy drinks guy, and I crossed -- I think the line is when we talk about exercising our protective function or our educational function. And as far as vendors not knowing how many calories that are in their foods, I don't think that that's, with the technology that we have today and the web access, doing Weight Watchers, you can predict that -- you can tell how much calories are in almost anything that you prepare. You can put those items in and get that information fairly easily. So I wholeheartedly support this. I support it as a physician. I support it as someone that's looking to protect our society. I don't think that by giving the options, you still have the options of having the M&M's and other things, but giving people choices. And I think education, again, begins at home. So I would encourage my colleagues to support this, and I congratulate Legislator Hahn on having the courage to bring this forward.

P.O. GREGORY:

Okay. Thank you. Legislator Anker.

LEG. ANKER:

And again, that's coming from a doctor, so that's always good to hear, you know. And I've been working with advocacy groups for probably, again, 20 years, and, you know, we talk about children's health. You know, we're seeing a difference, as Legislator Hahn has mentioned. We see the issue -- well, it's been bad, but it's getting better, because we're making changes. And we talk about government, and what does government do? Government leads. Government leads in a way to make good changes. And I think you've taken, you know, a beating on this, because you've tweaked this to accommodate a lot of concerns. And from what I understand, as far as the vendors, and it's just focusing on the vendors. And I'll just ask you, are they okay with this? What was the discussion with the vendors?

LEG. HAHN:

Well, I met with Beach Hut and I tweaked it, you know, after meeting with them initially, and so they were on board, you know, with me as a vendor, thinking that it's something they can do. They said they've already gotten, you know, requests for healthier items. They like -- he's a chef. You know, he likes to really try and find a way to make -- to make options for individuals that -- and he's excited by the challenge. So, you know, I -- they were on board when they met with me.

LEG. ANKER:

So, again, I don't see any major issues pertaining to this resolution, and I'm very supportive of this. And I thank the Legislator for putting it forward.

P.O. GREGORY:

Okay. I don't have any more questions. We have a motion and a second to approve, right? Okay. All in favor? Opposed? Abstentions?

(*Opposed Said in Unison by Legislators Cilmi, Barraga, Kennedy, Trotta, Mc Caffrey, Stern and D'Amaro*)

MR. LAUBE:

Eleven.

P.O. GREGORY:

Okay. All right.

LEG. ANKER:

Cosponsor.

LEG. D'AMARO:

Mr. Presiding Officer, just what was the final call on that vote?

P.O. GREGORY:

Eleven.

MR. LAUBE:

Eleven.

LEG. D'AMARO:

Eleven? Okay, thank you.

P.O. GREGORY:

I.R. 1314 - A Local Law to require -- oh, I'm sorry, I'm sorry, I'm sorry.

No. I got a request to take I.R. 1696 out of order. It's in the Manila folders. It's a grant. Second by Legislator Calarco -- or motion by Legislator Calarco, second by Legislator Anker to take 1696 out of order. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

Okay. ***I.R. 1696 (Accepting and appropriating a grant award from the New York State Environmental Facilities Corporation for a Green Innovation Grant Program (GIGP) entitled, "Campus Stormwater Initiative", 90% reimbursed by State funds at Suffolk County Community College (Sponsor: County Executive).*** Same motion, same second. I.R. 1696 is before us. Legislator Hahn.

LEG. HAHN:

On the motion.

P.O. GREGORY:

On the motion.

LEG. HAHN:

I see that -- is this the bill about the Community College.

MR. ZWIRN:

Yes.

LEG. HAHN:

Ben Zwirn is here. Ben, is this the one, I think a grant, that maybe our committee wrote a letter in support of?

MR. ZWIRN:

Yes, this is --

LEG. CILMI:

I thought Ben Zwirn was here for the other gasoline pricing bill.

MR. ZWIRN:

Dr. McKay asked me to speak on that, so I did. This is an almost \$400,000 grant from the Environmental Facilities Corporation for a -- taking rainwater and turning it into -- instead of just discharging it back into the ground, using it for irrigation. It is a project that New York State was very high on. We got this grant -- we have applied for this grant in the past and not gotten it, but this year we got support from the Legislature, letters from Chairman Hahn from the Environment Committee and from the Suffolk County Water Authority. We were successful in getting this grant, which would -- which would start working -- it's for the next year, so we'd like to get started over the summer getting it planned and getting it into place. So it will be on the Selden and Grant Campuses. It will take rainwater from the roofs and also from -- there'll be a rain garden, so it will be -- the water will be steered and then reused, put into cisterns and then used again for irrigation.

P.O. GREGORY:

Okay. All right.

D.P.O. SCHNEIDERMAN:

The local match, Ben, is the College is paying the local match.

MR. ZWIRN:

It's a 10% local match, but there's money in the budget for it, and most of it will be in-kind --

D.P.O. SCHNEIDERMAN:

Oh, okay.

MR. ZWIRN:

-- contribution.

D.P.O. SCHNEIDERMAN:

Okay.

P.O. GREGORY:

Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

LEG. HAHN:

Tim, cosponsor.

MR. LAUBE:

Eighteen. Got it.

P.O. GREGORY:

Okay. All right. Motion passes. All right. Back to *Tabled Resolutions*.

I.R. 1314 - A Local Law to require consumer notification for disparate gasoline pricing (Sponsor: Jay Schneiderman)

LEG. CILMI:

Motion to table.

P.O. GREGORY:

Motion to table by Legislator Cilmi.

LEG. MC CAFFREY:

Second.

P.O. GREGORY:

Second by -- who's that? Legislator McCaffrey. Okay. All in favor? Opposed? Abstentions?

D.P.O. SCHNEIDERMAN:

Opposed.

MR. LAUBE:

Seventeen.

P.O. GREGORY:

Okay. Motion is tabled. ***I.R. 1323 - A Local Law to streamline procedures for filling Presiding Officer and Deputy Presiding Officer vacancies (Sponsor: Presiding Officer Gregory)***. I make a motion to approve.

D.P.O. SCHNEIDERMAN:

Second.

P.O. GREGORY:

Second by Legislator Schneiderman. On the bill, we made changes. The -- if there's a vacancy that occurs in the -- in the Presiding Officer position for 60 days, the D.P.O., the Deputy Presiding Officer, will fill that vacancy, and after 60 days, it would give the Legislature 60 days to -- why don't you explain.

MR. NOLAN:

If there's a vacancy in the P.O. position, the Legislature has 60 days to fill that position. During that time, the Deputy Presiding Officer has all the powers of the Presiding Officer, but he's not the Presiding Officer. If after 60 days the Legislature is unable to fill the position, then the D.P.O. will become the Presiding Officer. And it will be the same process for the Deputy Presiding Officer position. If it's vacant, the Legislature has 60 days to fill it. And if it doesn't happen, then the Presiding Officer will appoint somebody to serve the rest of the year in that position.

So the Legislature can -- after the last session, objections were raised, so we went back to give the Legislature the time, the 60 days to fill those positions. And then if it just is a stalemate, then the D.P.O. goes up, and if we have the D.P.O. vacancy and we can't fill that, there's a stalemate and nobody can get 10 votes, then the Presiding Officer would appoint somebody to serve out the term.

LEG. D'AMARO:

DuWayne.

P.O. GREGORY:

Legislator Hahn, and then --

LEG. HAHN:

I just have a procedural question. So this we just closed today?

MR. NOLAN:

Right. It had been discharged from committee.

LEG. HAHN:

No, I know, but this is similar to like my healthy food bill that had been discharged from committee, it was on the floor; I made a change, it had to go back to -- had to go -- we had to reopen the public hearing, and we did that last meeting, and then we closed the public hearing and we didn't get to vote on it the same day. Now it's here; this is the meeting after. So why didn't we vote on my healthy food bill when we closed --

MR. NOLAN:

I don't remember the sequence. Maybe what happened is we got to your bill before the public hearings were held that day, but I don't remember. But this situation has come up before --

LEG. HAHN:

Okay.

MR. NOLAN:

-- and it's perfectly legitimate to vote on this today.

P.O. GREGORY:

Legislator Cilmi.

LEG. CILMI:

So thank you for the description of where the bill has gone. How does it contrast with what we do presently? The Clerk has the -- the County Clerk has the responsibility of filling, or how -- George, please explain.

MR. NOLAN:

No. This is a mid-year vacancy. At the beginning of the year, if we go through an organizational meeting and there's a deadlock at a certain point, then the Clerk of the County picks somebody. Under our current rules, you know, it states the Legislature has 60 days to fill these vacancies, but there's no other -- that's where it stops. So like last year, we had a D.P.O. vacancy. Our rules said it had to be filled within 60 days, we never filled it. So if that situation arose again and the Legislature didn't fill it, the Presiding Officer would have the right to appoint somebody to fill it for the remainder of the year.

LEG. CILMI:

Okay. Wait. So if -- sorry. If there's a vacancy presently, the law says that the Legislature shall fill this vacancy within 60 days, but then it doesn't go into what happens if we don't fill the --

MR. NOLAN:

Correct.

LEG. CILMI:

-- vacancy in 60 days. So what this bill does is it tells us what we do if the vacancy isn't filled in 60 days, right?

MR. NOLAN:

Right.

LEG. CILMI:

And what we do is the Deputy Presiding Officer automatically takes that spot if it's the Presiding Officer?

MR. NOLAN:

If it's the Presiding Officer vacancy and 60 days go by and the Legislature does not name a replacement, yes, the D.P.O. would then ascend.

LEG. CILMI:

And what happens with the D.P.O. spot?

MR. NOLAN:

At that point?

LEG. CILMI:

Yup.

MR. NOLAN:

Then you'd have 60 days to fill that. The Legislature would have 60 days to fill that new vacancy.

LEG. CILMI:

And?

MR. NOLAN:

If they fail to do so, then the Presiding Officer would pick somebody.

LEG. CILMI:

Okay.

MR. NOLAN:

To fill that vacancy.

LEG. CILMI:

Okay. And in contrast, if there's a vacancy in the Presiding Officer -- in the Deputy Presiding Officer's slot, now 60 days go by, the Legislature fails to act, there's no -- the law doesn't speak to it. With this proposal, we have 60 days to do it, and if we don't do it in 60 days, the Presiding Officer appoints?

MR. NOLAN:

Correct.

LEG. CILMI:

Okay. Thank you.

P.O. GREGORY:

Okay. Legislator D'Amaro.

LEG. D'AMARO:

So, to Counsel, George, the procedure now at the organizational meeting is that if the -- the Legislature has a certain amount of time or at the organizational meeting to choose a Presiding Officer. Let's just talk about Presiding Officer first. And what happens if that is not successful, a

deadlock, or no one gets 10 votes, what happens?

MR. NOLAN:

We're talking about the situation at the beginning of the year?

LEG. D'AMARO:

Yeah, the organizational meeting, yes.

MR. NOLAN:

I think it would go for -- I'd have to look -- either 15 or 30 days. But at a certain point, according to the Charter, if nobody gets 10 votes, then the Clerk, the Suffolk County Clerk picks the Presiding Officer, and that I believe has happened at least once.

LEG. D'AMARO:

All right. So, to the sponsor, I guess to the Presiding Officer, why did you choose not to put the same procedure in place for a mid-year vacancy as there is for choosing the Presiding Officer at the organizational meeting?

P.O. GREGORY:

Well, one, I don't agree with it. You know, I think that, you know, decisions should be held within the body itself, not go outside the body, and I don't understand the reasoning as to why that mechanism was put in place, that it goes to the Clerk. So, after listening to the conversation, I guess, a couple of months ago, I think you all got scared that Jay -- that I may have a heart attack and Jay would inevitably be the Presiding Officer.

*(*Laughter*)*

D.P.O. SCHNEIDERMAN:

Hey.

P.O. GREGORY:

We put in a 60-day -- (laughter).

D.P.O. SCHNEIDERMAN:

God forbid an East End Presiding Officer.

P.O. GREGORY:

That's really -- there was no other reasoning, for my part anyway, on excluding --

LEG. D'AMARO:

I don't disagree with that. I don't understand the reasoning to going to County Clerk, which is a political office as well. You know, I don't understand that reasoning. But, if there's a vacancy in the Presiding Officer's spot, is there a requirement that the Legislature hold a vote under your bill? Or if George wants to answer.

MR. NOLAN:

It says the Legislature will fill it within 60 days. So, you know, I think there's an imperative to try and fill the position. But if they choose not to or fail to do so, then, you know, the idea is you should have a Presiding Officer and you should have a Deputy Presiding Officer and --

LEG. D'AMARO:

Okay. So your interpretation would be that there's a vacancy and there has to be some form of a meeting where it's -- at least the issue is addressed with respect to filling the vacancy?

MR. NOLAN:

I don't think there would be any doubt that the Legislature would try to fill the vacancy. It's just the collective body thinks --

LEG. D'AMARO:

Now my next question --

MR. NOLAN:

I'm sure you would agree, needs a Presiding Officer.

LEG. D'AMARO:

Sure.

MR. NOLAN:

But sometimes you just can't get 10.

LEG. D'AMARO:

Right. Well, my -- the reason why I asked the question is that if there's no requirement that the Legislature act, I mean, we could just sit back and have no bill introduced to appoint a new Presiding Officer and wait the 60 days. Is that an option?

MR. NOLAN:

I think it's very unlikely, but it's an option.

LEG. D'AMARO:

Okay. So my next question is let's say there's a vacancy and we meet 10 days later, and on that particular day we're unable to get -- any one candidate's unable to get 10 votes. Do we have another 50 days to try?

MR. NOLAN:

You'd have the full 60, yeah.

LEG. BARRAGA:

Full 60.

LEG. D'AMARO:

So even though you may have two or three meetings, or a special meeting in between all of that, there are -- the 60 -- it's not 60 days or -- it's not cut off at the first meeting?

MR. NOLAN:

No, it's not. But, you know, just so everybody's clear, like our current rules say this, and this law says it, you know, it has to be done at a regular meeting. So what I think would happen, most likely, is if there was a deadlock, we'd probably adjourn that particular meeting to another date and take up that issue again.

LEG. D'AMARO:

Okay. So at least there's a mechanism there where we can get the full 60 days, if needed --

MR. NOLAN:

Absolutely.

LEG. D'AMARO:

-- to fill that vacancy. And then, if there's a failure to fill that vacancy within 60 days, then the current Deputy Presiding Officer will become the Presiding Officer for the remainder of the term, or

just until the end of the year?

MR. NOLAN:

Well, I guess it's the same thing.

LEG. D'AMARO:

It's the same thing, yeah. Okay, that's the same thing. Okay. So this -- in the past, the law was unclear, there was no procedure for doing any of this.

MR. NOLAN:

Well, it's not really set forth in our -- anywhere in the Charter or the Code. It's always been under our rules, and our rules simply say the vacancies will be filled within 60 days by the Legislature.

LEG. D'AMARO:

Right, but it was unclear what happened if we failed to do that.

MR. NOLAN:

Yeah, there's really no --

LEG. D'AMARO:

No.

MR. NOLAN:

No mechanism to fill them if the Legislature didn't act.

LEG. D'AMARO:

Okay. My last question goes to the Deputy spot. If there's a vacancy there, again, it's 60 days to fill that position?

MR. NOLAN:

Correct.

LEG. D'AMARO:

And if it's not filled by the Legislature, then the serving -- the current Presiding Officer chooses the Deputy?

MR. NOLAN:

Correct.

LEG. D'AMARO:

Yeah, okay. Okay. Thanks. That's it. Thank you.

P.O. GREGORY:

Okay. Legislator Hahn.

LEG. HAHN:

How does the procedure work? Does someone submit a resolution to vote or -- because let's say something happens -- should happen to DuWayne, does the Deputy Presiding Officer have to call the vote to vote on the issue, and he could just not call the vote?

MR. NOLAN:

No. What would happen is the next regular meeting, that would be kind of the way we deal with it at the organizational meeting, I think, is that somebody would nominate somebody to fill in, there would be a second, and then there would be a vote. If they have 10 votes, they're Presiding Officer.

So I think it kind --

LEG. HAHN:

No, no. Remember -- okay. So when we had the opening before, nobody --

MR. NOLAN:

D.P.O.

LEG. HAHN:

-- did anything for P.O., so we didn't -- we just chose not to do anything. So by -- I just wonder, do we spell out the procedure requiring there -- we hold the vote, or do we have to submit a -- like I just -- it's not clear to me.

MR. NOLAN:

We had the situation where we had a vacancy in the Presiding Officer, you know, a year or so ago and we elected Wayne Horsley, the way we elected a Presiding Officer at the beginning of the year. He was nominated --

LEG. HAHN:

It was the D.P.O. that was open. I'm sorry.

MR. NOLAN:

And it was --

LEG. HAHN:

That was immediate, that was the very next meeting?

MR. NOLAN:

It was at the next meeting, yes. And it's a motion.

LEG. HAHN:

It's a motion, so for both of them. But we chose not to elect the D.P.O. So, for this instance -- so let's say we elect -- DuWayne leaves, or whatever, and we elect someone --

P.O. GREGORY:

I'm very uncomfortable with this, I'll just let you know.

LEG. HAHN:

I know, I know.

P.O. GREGORY:

I'm not going anywhere. I stopped eating trans fats -- well.

*(*Laughter*)*

LEG. HAHN:

We elect a P.O., because we brought up the vote, and then we automatically also bring up a vote for D.P.O., it's hand-in-hand?

MR. NOLAN:

If it's a -- I'm not sure what you're asking at this point.

LEG. HAHN:

It doesn't have to be hand-in-hand?

MR. NOLAN:

No, you have 60 days. When a vacancy -- from the date the vacancy is created, the Legislature has 60 days.

LEG. HAHN:

And then automatically the P.O. would choose. So in that case, Wayne would have selected the D.P.O. if we didn't make the motion, or whatever it is, that would come to 10.

MR. NOLAN:

Right, nobody ever made an effort to nominate anybody to fill that vacancy. So if this law was in effect then, after 60 days, Wayne Horsley would have picked somebody to fill the vacancy for the balance of the year.

LEG. HAHN:

Right. Okay.

P.O. GREGORY:

Okay. Anyone else?

LEG. HAHN:

But anyone could make that motion?

P.O. GREGORY:

Anyone on the floor.

LEG. HAHN:

Doesn't have to be the Presiding Officer that makes the motion to --

P.O. GREGORY:

No.

LEG. HAHN:

And it can happen at the beginning of the meeting, or whatever? Because, like in your scenario, where at the very first meeting after somebody leaves the post, the P.O. could be elected, and then we could wait -- anyone could say, you know, "I think we need to vote on this now, let's take nominations for D.P.O."?

MR. NOLAN:

I think particularly for Presiding Officer, it's probably something you want to do as soon as possible, at the earliest opportunity in the meeting.

LEG. HAHN:

I know, but we didn't.

MR. NOLAN:

Well, for P.O. we did, D.P.O. we didn't, because you had a -- you know, with a Presiding Officer, you have somebody who can preside at the meetings, can sign the contracts and do the business. But, you know, there's an assumption here that these are important offices and they should be filled with somebody.

LEG. HAHN:

Yeah. Okay.

P.O. GREGORY:

Okay. Anybody else? Okay. We have a motion.

MR. LAUBE:

Can I get a check on who the second was?

P.O. GREGORY:

I think it was Jay, Legislator Schneiderman.

MR. LAUBE:

Thank you.

P.O. GREGORY:

Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: Legislator Anker)

P.O. GREGORY:

Okay. All right. ***I.R. 1464 - Appropriating funds in connection with Improvements to North Fork Preserve (CP 7189) (Sponsor: County Executive)***. Legislator --

LEG. KRUPSKI:

Motion to table.

LEG. CALARCO:

Second.

P.O. GREGORY:

Motion to table by Legislator Krupski, second -- who was that? Second by Legislator Calarco.

LEG. KRUPSKI:

On the motion.

P.O. GREGORY:

On the motion.

LEG. KRUPSKI:

Further on in the agenda, 1642, there's a resolution to create a Citizens Committee for the North Fork Preserve. It's a nine-member Citizens Advisory Committee, because it's such a big preserve, because there's many ambitious plans for it. Part of it's passive use, part of it's an active DPW drainage project, which has implications for the neighborhood to the north, all historic things that the County wasn't involved in until we purchased it. And, you know, there are a lot of -- you know, a lot of questions and a lot of concerns. So this would form a committee. The committee is like -- what is it? 1642 is the resolution. No, the -- I think 1642 is the resolution to form the committee.

So this would -- the reason I'm making a motion to table is to get this committee formed, and to have the committee have some input into how, you know, the parks develop. And the committee will have people from a horsemen's association, a camping group, agriculture, people from the community who live adjacent to it, who are dealing with the drainage work that the County's doing, as well as people from the environmental community who want to make sure that the natural resources are properly inventoried. So that's why I'd like to just table this for a cycle, and, you know, just do one thing first and then move on with the planning of it after that.

P.O. GREGORY:

Okay. All right. So we have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

Okay. I.R. 1464 is tabled. ***I.R. 1465 - Appropriating funds in connection with the Historic Restoration and Preservation Fund (CP 7510) (Sponsor: County Executive).***

LEG. BROWNING:

Motion to approve.

P.O. GREGORY:

Motion to approve by Legislator Browning.

LEG. CALARCO:

Second.

P.O. GREGORY:

Second by Legislator Calarco. On the resolution, Legislator Krupski.

LEG. KRUPSKI:

Motion to table.

P.O. GREGORY:

Motion to table by Legislator Krupski.

LEG. D'AMARO:

Second.

P.O. GREGORY:

Second by Legislator D'Amaro. On the motion, anyone?

LEG. BROWNING:

I see the Parks Commissioner is here, also. And if you noticed, Mr. Kessler did come this time. He talked about the commitment on the County's part. This was a number one priority of the County to restore this home. The Historic Society, they were able to give us a number of about -- they figured the work that they did totals up to about \$170,000 worth of work. They want to see this complete.

I know that the architect, who was here, I know he didn't come just to speak on this issue, which it was nice that he actually did come, and spoke about the reinforcement of the building and what would have happened to it if they didn't reinforce it when they did.

So, again, the County made a commitment. I know the County Executive made that commitment, that this was a number one priority and that they wanted to move forward with this. And again, I've told you before, the amount of money, and time, and work that the volunteers have put into this. And like I said, that's not the only home that they put so much money. But I'm glad that Mr. Kessler was able to come and let you see how much money we saved by letting them do a lot of the work. And I have to say, Mr. Kessler, because of the business that he's in, is why we were able to save so much.

We also use the prisoners to do a lot of the work here. So, again, I can't stress enough importance to make sure that this is done. I know we have a lot of County buildings that need to be rehabbed. You know, we bought a lot of properties many years ago. We have a responsibility not just to preserve our heritage, who we are here on Long Island, and -- but also to take care of the buildings that we purchased. So I'll ask you for your support.

P.O. GREGORY:

Okay. Legislator Krupski.

LEG. KRUPSKI:

I heard the testimony of Mr. Kessler this morning, and I have no doubt that the Yaphank Historical Society has done very good work there. And I really do -- I mean, I come from an area with a lot of historic buildings and I do value them a great deal, there is a lot of value there. However, we're going to be forced in the budget season coming up very shortly to make a lot of difficult choices, because we're not headed in the right direction still. And it's really difficult to say, "Well, let's bond \$300,000." It's just -- I think we should just start making the difficult choices today and go forward. We're never going to get out of this hole if we don't start doing that right now. And in saying that, that I do value what the Historical Society has said. I don't -- I'm not downplaying -- I've been to the house a number of times to take a look at it. And I think, you know, it is good to save those things. But this is -- I've got a building in Riverhead that DPW uses right behind the Griffing Avenue office that's falling apart, and it's used to store County equipment, and the County employees are in and out of there all the time. You know, we should be taking care of minimally the facilities the County employees are using, and everything else, you know, you really have to take a hard look at.

P.O. GREGORY:

Okay. Legislator Calarco.

LEG. CALARCO:

Thank you. I'm supporting this resolution. And, you know, we have this capital project as a recurring capital project for our Parks Department to take care of our historic structures. It just so happens that in this particular instance, the Parks Department has identified this specific property, this specific house as the one that they deemed the most in need of the resources given at this current time.

I understand that we need to be prudent in spending our money and being wise about that. As we went through the Capital Budget process, we actually increased the amount of money going into this fund, because the reality is, is if we just keep kicking the can down the road, eventually it's going to get too big to keep kicking. And if we don't make some minor investments, and I know 300,000 sounds like a lot of money, but in the grand scheme of things, it's not necessarily it, so it's just going to keep adding up. So what do we do? We say we don't want to spend the money this year because we don't have, so we'll wait until next year. And then we won't bond the money next year to take care of any historic properties, because it's just too much money and we'll kick it down the next year. And then every year, if we keep putting this off and putting this off and not making a little investment in each property each year, one particular property at a time, the next thing we know, we're going to have 30 historic properties all falling down. We'll be on the front page of Newsday with our houses -- properties that we've acquired, spent money on to preserve our historical sites, and just allowed them all to collapse, because we didn't want to make the small year-to-year investments into taking care of those properties, and that's what we're looking at here.

This is a single property in our entire park system that the Parks Department has identified as the most critical and the most appropriate to move forward at this given time, and that's where we are. So we have to do these things. It's unfortunate. We could look at finding private people to put in, but we've actually done this on this particular property. The Yaphank Historical Society has done a tremendous amount of work. They're waiting for us to put the structures in place and the walls, so

the building is secure, because right now you literally have just beams in the middle of rooms holding this building up so that they can continue on the renovation process. We have two other properties right next door that they've already renovated and have opened as museums, and available to the public to utilize. And they're waiting for us to make this one investment in this property so they can do that here.

So, you know, this is part of what we do. You know, we have to make these ongoing commitments to taking care of the properties that we have in our system. Otherwise, we should get them out of our system.

P.O. GREGORY:

Okay. Legislator Stern.

LEG. STERN:

Thank you, Mr. Presiding Officer. I mean, I agree with everything that Legislator Krupski had said, and share that commitment. Here, you know, we heard about the monies that had been expended in the past, and the fact that there's the Historical Association that's an important part of the community, has made a commitment, and they've put their money where their mouth is admirable. But for me, it's not necessarily the money and the effort that's been spent, but how much more do we have to go.

And I recall several conversations about this particular property in the past where, whether it was Parks or DPW, what was the plan for the property, and can you give us an idea as to what the ultimate cost was going to be? So, to me, that's the big question, not what we spent in the past, but how much more do we have to go.

I mean, I recall at one point in the conversation that this was a million dollar project. So we're not talking about \$300,000, we're not talking about a Civic Association, Historical Society that's kicking in a hundred some-odd thousand dollars, we're being asked to make a commitment for, total, a million dollars-plus. So there was a big question mark then, there's a big question mark now.

And I understand, Legislator Calarco, that it's important to do all we can to upkeep and maintenance, and maybe a little bit, and a little bit, and a little bit. But for this particular property, we were told that it was going to be a big number with no plan as to what the ultimate use and administration of the property was going to be. We've been given no idea on what the final cost is going to be. And so a little after a little after a little all of a sudden becomes a lot, and I don't think that we've ever really been told ultimately what our final commitment is going to look like. And for me, as I said back then, I've been consistent on this. To allocate -- to appropriate these monies would be premature.

P.O. GREGORY:

Okay. Legislator D'Amaro.

LEG. D'AMARO:

Thank you. My question is with respect to this bill, like what area of spending is going to give? I mean, we went through the Capital Budget, we added, I think, 16 million dollars more. Dr. Lipp, I don't recall the number.

LEG. BARRAGA:

Twenty-two million.

LEG. D'AMARO:

Twenty-two million more in authorization. Then we had a debate that day about pipeline debt. And at the Presiding Officer's suggestion, and it was very good one, we formed a committee, which I

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assume is working now, to take a look at that pipeline debt, because we're concerned. So it was 22 million, and then concern about pipeline debt, and then this morning we added another 29 million dollars to our bonding, serial bonds that we must vote for, because we're now bound by law to do so.

So my question is, I don't want to necessarily pick out or target historic preservation or historic properties in Suffolk County, but I just would like to know where are we going to prioritize? What's going to go to the bottom of the prioritization list and is not going to get funding? Because I know we're concerned about what we put in the Capital Budget. I know we added another almost 30 million dollars today already. And we just keep making the same argument, that we have to do this and we have to do that, and it's all important, and, you know, where maybe it's not a lot of money. I mean, we just keep making the same arguments over and over and over again, and what happens is the pipeline debt increases, the bonding authorization increases, the strain on the Operating Budget increases as debt service increases. I mean, we have to draw a line.

So I am going to vote to table this bill, not because I'm against historic preservation or properties, but simply because we have to have a little self-restraint. We have to pick areas that are less or lower on the priority list than other areas. What we did this morning in a large measure was to preserve our groundwater. That's very important to me, and I dare to say it's more important than preserving this particular site. You know, if I have to make a choice between the two, I pick the groundwater over the Homan House.

So I'm not going to support this bill. I urge my colleagues to think about that what we're doing piecemeal is something we would never do cumulatively, and that is continuously pass every single piece of bonding authorization that comes before this body, making the same argument, that it's either not a lot of money, or we've already spent money on this in the past, or we really have to do this one. You know, you really have to start to think about making distinctions between these projects and addressing the pipeline debt and addressing the debt service. Thanks.

P.O. GREGORY:

Legislator Spencer.

LEG. SPENCER:

I'll be brief. Our Parks Commissioner is here, if he could come forward briefly.

I think that we can see what the money's being utilized for, but I think getting a bigger picture, you may have a greater sense of that, because in your mind you must kind of have these projects prioritized. But, also, when we spend money such as this, we heard that there's potentially a bigger number.

My question to you is that this -- how important is this for you as a Commissioner in terms of looking at our County resources. And then if we spend this money today, does it give us a major step of preventive maintenance that will save us substantial money in the future, or is this just the beginning? What's your personal opinion?

COMMISSIONER DAWSON:

I think our goal is to get that facility open to the public. We have two other facilities on the property. We have a very good relationship, as the Legislator alluded to before, with the Yaphank Historical Society. The commitment that -- any money that we spend in there, it certainly comes back to us in kind, work from that group.

And I know this body has asked on a number of occasions for a long-term report, and exactly how much this facility is going to cost us to finish. You know, I'm happy to say that DPW put out the RFP for an architectural firm. The contract, it's been awarded. They're working with the architect to get

the contract signed, and, hopefully, in the very near future, we'll have a number that we can come back to you and say it's going to cost 800,000, whatever it's going to be, with a list of priorities of how we're going to get that done. And then I'll be back here certainly advocating to get that money appropriated.

Is there a question?

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

LEG. SPENCER:

I think that -- because later on, you know, we have other legislation coming forward, and we do struggle with this. I think that having a policy where we're trying to prioritize and look at a long-term vision and look at doing repairs that will last us a long time and save us money in the future, and that goes for the Vanderbilt which is something that I have an intense personal interest in. And so, you know, I want to be selective in how I make this type of decision. But I'm getting the sense from you -- if we were to table this to get a better sense of that, would that create difficulty for you personally? What's -- how urgent is this this cycle?

COMMISSIONER DAWSON:

Well, I mean, the clock's certainly ticking. We're into almost -- it's almost August already. I mean, we need to appropriate the money before the end of the year, hopefully we'll have a report long before that. And I will come back asking for that \$300,000 to make the repairs inside the facility so that the Yaphank Historical Society can get in there and do the plaster work that they need to do and the painting work that they need to do.

LEG. SPENCER:

So this is leveraged money; by spending these dollars here, we're getting dollars from outside organizations that were also helping to preserve this structure, is the sense I'm getting. So if we don't come to the table, we lose some of that opportunity to get --

COMMISSIONER DAWSON:

We will; if we don't appropriate the money, we'll certainly lose it by the end of the year. But, I mean, the Yaphank Historical Society is a proven partner with the County and with the Parks Department. They've done a tremendous amount of work in the other two buildings on the site. So we enter into these agreements with these organizations with the intent that, you know, we're going to do some work and they're going to do some work.

LEG. SPENCER:

We currently have an agreement with this organization?

COMMISSIONER DAWSON:

Yes, we do.

LEG. SPENCER:

In that agreement, have we made a commitment to them to come to the table? By us not approving this, are we going back on our agreement, or the agreement is just contingent on us evaluating this? Are we not keeping our obligation if we decide that we don't want to do this?

COMMISSIONER DAWSON:

It's a custodial agreement with the facility. I think it's implied that we're going to make improvements to the facility so that they can open it up for programming.

LEG. SPENCER:

Thank you very much. That's all I have. Thank you.

P.O. GREGORY:

Okay. Legislator Browning?

LEG. BROWNING:

Well, I have to say, I know we have the Vanderbilt Museum. And while it does not have the name *Vanderbilt* attached to it, how many times and how much money have we poured into that building? And is the Homan House and the Yaphank Historic Community any less important than the Vanderbilt? I think not.

I think the history in the Yaphank community and the properties that they're trying to preserve there I think are equally as important as the Vanderbilt. So, you know, I ask you again -- and again, I think the Commissioner said -- we're already now into August, to continue to do the work that needs to be done, it needs to get done, because come the winter time a lot less is going to get done.

And I can't say enough, I mean, about the work that this Historical Society has put in under the leadership of Mr. Kessler, it's just tremendous. And I can guarantee you that not only will he put 170 -- you know, he's already done \$170,000 worth of work, I guarantee you he'll put in a heck of a lot more. And he's proven it already with some of the other homes and saved us a chunk of money.

And again, yes, the County has made a commitment that this is a priority for Suffolk County parks to take care of this property and to restore it. So yes, if we do not approve this, we are renegeing on our commitment that was made to them. And I probably shouldn't say everyone here, but there was a commitment made that this was number one priority. And again, if you vote for the Vanderbilt and you keep voting to put money in the budget for that, then I'm asking you to vote for this one.

P.O. GREGORY:

Legislator Krupski.

LEG. KRUPSKI:

So here stands before us the Commissioner, Commissioner Dawson, and he's doing his job. Because as the Commissioner, he's supposed to be doing this and advocating for more money and for more people to fix everything up, to fix our resources, so I appreciate that. But the Operating Budget Working Group is going to sit in that cellar for meeting after meeting and we're going to be scratching our heads and wringing our hands or beating something against the floor, I'm not sure what we're going to do, wondering where the money is going to come from. And then we're all going to have to vote in November on the budget; we're all going to have to take that responsibility. And if we don't -- nobody wants to say no because it's a nice historic structure and has a great Historical Society that's been a good partner, but if we don't start saying no at some point, we just -- we have to change direction here. So that's my motion to table.

P.O. GREGORY:

Thank you, Legislator Krupski. Legislator Barraga.

LEG. BARRAGA:

You know, I think Legislator Browning sort of made my point. You know, many, many years ago we made this commitment on the Vanderbilt Museum, and once you start going down that road you have to go all the way. So there really isn't a ceiling like of 800,000 or a million or whatever it may be, this is an historic structure. And being 150, 200 years old, 250 years old, something is going to go wrong with that structure continuously because it's so old.

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I want to know what sort of commitment you made to the Yaphank Historical Society. You're looking for \$300,000. Is that the end of our commitment, or are we in for more bucks as these issues arise down the road?

COMMISSIONER DAWSON:

To be honest with you, you're looking at a more significant investment. We don't know what that's going to be. I mean, we have some --

LEG. BARRAGA:

Even if you came back, Greg, and said 800,000 --

COMMISSIONER DAWSON:

Right.

LEG. BARRAGA:

-- or a million, I'm going to sit here and I know it's not, because as the years go by it's going to continually need assistance. You know, for example, I've had situations years ago with the Sagtikos Manor, which the County wound up buying, and the deal there at some point, the group involved was supposed to be able to raise enough money to take care of repairs on that facility. Well, it never really happened. Most of those people are even gone. I'm just very leery about, you know, the 300,000, that's a tough call to begin with, but I know this is open-ended. You know, we're going to go for probably several millions by the time this is finished, over a period of maybe 15, 20 years.

COMMISSIONER DAWSON:

Well, I think we made the commitment when we purchased the facility. I mean, we purchased it, we kind of have a responsibility to maintain it and operate it and get it open to the public rather than just have it kind of sit up on Route 25.

LEG. BARRAGA:

But even the open-to-the-public scenario, we don't know, you know, what the drawer will be, what sort of revenues are going to come in. All we know on the expense side, this is going to be considerable.

COMMISSIONER DAWSON:

Uh-huh. Well, I mean, we can say that with all of our recreational facilities. We provide recreational opportunities, we provide historic opportunities for people.

LEG. BARRAGA:

Is there any financial commitment coming from the Yaphank Historical Society?

COMMISSIONER DAWSON:

Yes, they raised a significant amount of funds. I don't know what they are off the top of my head, but --

LEG. BARRAGA:

What is significant? I mean, do they --

COMMISSIONER DAWSON:

It's not specified in the contract that they need to provide X, but they have -- I don't have the number with me today.

LEG. BARRAGA:

Are they committed, with the money that they raised, that that money is to be used for the maintenance of the facility?

COMMISSIONER DAWSON:

Absolutely. Any money that's raised on that property. I mean, that is in the contract. Any money that's raised from that facility at any fundraisers in that facility --

LEG. BARRAGA:

But I doubt very much there'll be enough raised to offset, you know, our commitment that, you know, we, at this point, are very leery of making. You're going to have to need the County to come in with additional funding.

COMMISSIONER DAWSON:

Well, I think they offset the operating expenses. Once the building is up and running, then they maintain it, but we can't expect a group to come up with a million dollars to --

LEG. BARRAGA:

I'm just very leery about, you know, going down this road where initially it's 300,000 and you're back and maybe you say it's 800,000 or a million, but it's just continuous, it's just continuous. And once you appropriate the 300,000 you're committed, as far as I'm concerned. You have to go down that road. What are you going to do, pull out? When you've got 400,000 and they want 200,000 more or 300,000 more; are you going to give it to them?

COMMISSIONER DAWSON:

But again, I'm here to advocate on behalf of the department and on behalf of my historic structures.

LEG. BARRAGA:

I understand.

COMMISSIONER DAWSON:

And we have probably 200 facilities and we're asking for money to get the next one up and running.

LEG. BARRAGA:

All right. Thank you.

LEG. BROWNING:

DuWayne?

P.O. GREGORY:

Legislator D'Amaro?

LEG. BROWNING:

Can I answer Tom's question?

P.O. GREGORY:

Sure, then we'll go to Legislator D'Amaro.

LEG. BROWNING:

When you're asking about the money, I think Mr. Kessler is amazing.

He owns his own business, he's brought some of his own employees, provided materials. So when he talked about the reinforcement and the cement work and everything that he's done, the stone work, the chimney, Mr. Kessler has, out of his own pocket, done a lot of that work and provided through his company free labor, free everything. So like I said, he's very committed. You know, he wants to get it done. And obviously when we talk about how much money it's going to cost, we've already moved in quite a bit of money and time into this project, and to turn around and say *We're not going to do anymore* -- and it's the same with the Vanderbilt, then next year when we're doing the budget, let's not put any money in the budget for the Vanderbilt anymore and say, *You know*

what? Raise your own money, do your own thing, we're cutting you off. I think that's what we should do.

P.O. GREGORY:

Okay. Legislator D'Amaro, you had a question?

LEG. D'AMARO:

Yeah. Legislator Browning, I'm encouraged that you think that's what we should do. It's nice to hear because I agree with you.

LEG. BROWNING:

No, not really. I'm just saying, if that's how you feel on this, that's how we should be in general.

LEG. D'AMARO:

Oh, I was taking you at your -- *(laughter)*.

LEG. BROWNING:

Now that's the way we should be with all of them.

LEG. D'AMARO:

You know, the fact is we have cut back on the Vanderbilt, but I'm not here to debate the Vanderbilt right now.

Commissioner, I just want to, you know, emphasize to you that, yeah, it's your job to advocate here, but it's to advocate within an economic reality, you know. It would be more refreshing to me if you came here and said to the Legislature, *Give me this 300, but here's the ten other projects that I'm not going forward with because we can't afford to do this, or Here's the adjustments I'm trying to make or the workout agreements I'm trying to make.* I mean, you're dealing with a County that has more expense than revenue. You know, some would define that as bankruptcy, okay? So I don't think your job is just limited to advocate for every single project in the budget. I think it's to take a -- you're charged with the responsibility to also look at the economic realities and determine what should be prioritized. And I keep talking about setting priorities, but I don't hear any discussion from that, from you or anyone else.

In the last three months we've added \$60 million to our Capital Budget, between the increase in the budget and what we did today. And we talk about commitment to this Historical Society. What about commitment to taxpayers to put away the credit card? It's mind boggling to me that we are sitting here debating, and my colleagues are using all the best arguments and they're all not -- you're right on the money; we've already invested money, eventually when it opens it's going to be a revenue. So we can keep justifying piecemeal every single project that we're going to do, but we're not setting the priorities that we have to.

We have to at some point understand that all the arguments that are being made here today are valid and they're convincing, but the political and the economic reality is we just can't afford to continue down this path. We need to put the credit card away. We need to pull back on borrowing, we need to have more restraint. We need to stop with servicing our debt out of our operating budget which is already, according to Budget Review Office reported at the last Budget meeting, looking at \$170 million deficit.

And I read a report today that concludes that we have no plan; we have no plan to correct our structural problems here in the County. But we're just going to keep piling on this debt and the debt service has to go into that operating budget. We're going to keep the credit card on fire, we're just going to keep spending and we're going to justify every project as we go along and say, *Yeah, this is one we just have to do, this is one we have to do,* and we don't pull back anywhere. And I think it's

the obligation on our part to make those priorities, but I also think it's the Commissioner's obligation to set those priorities as well. And I would prefer, when you bring a particular authorizing legislation to this committee or to this Legislature, that you explain to me where this particular -- where this particular project falls on that prioritization list and why, similar to what we did with open space. We had a limited pool of funds. We revamped the entire system to try and accommodate and recognize that we have a limited pot of money to spend and we want to get the best bang for our buck, and we have to do the same thing when it comes to spending out of this Capital Program.

Three months, \$60 million more already in this Capital Program. I think this is the time to start and to pull back on this borrowing authorization that we just continually do. And we make very good arguments to do it, but you have to transcend those arguments and you have to, I believe, live up to your responsibility to the taxpayers at some point and stop borrowing and stop paying debt service. And it's going to be tough decisions and tough priorities, and if it means that some historic preservation is not going to go forward, you know, I'd rather do that than not fund, you know, a bridge that needs to be repaired that might fall down and kill somebody. So, you know, these are the types of things I think we have to think about. And I'm not opposed to historic preservation, but I'm not going to support this bill at this time because I think it falls too low on the prioritization list.

P.O. GREGORY:

Okay. Legislator Schneiderman.

D.P.O. SCHNEIDERMAN:

I'll be brief. I mean, certainly the County has taken on an enormous task by taking so many historic buildings into its inventory. And there comes a time with some of these buildings where they become unsustainable, where the materials, the wood has disintegrated to such a point where they just cannot be continued to be maintained without bankrupting the County. I don't know that this is the situation here; this is not to that point. But I can tell you from past municipal experience, there have been times when professional photographers have been brought in to take archival pictures and buildings have actually been photographed and then torn down and elements preserved, be it a doorway, a window, somebody's desk that was in there, and those things put into historical centers and museums and things like that. I don't think that's the case here. I think this building is salvageable, we're not at that point.

We do have an obligation as a County when we take these things on to do our best, to do our best, but we also depend on professional advice like structural engineers from DPW to go out there, their historic people, and to say when it is beyond the point. You know, it's just like in a person who can -- you know, we want them to live forever, but at some point it becomes impossible to keep them alive.

I've never heard from DPW or from Parks at any point when they've come to us and said, *This is no longer sustainable. This building is just simply beyond* -- you know, they weren't built to last 300 years, these buildings, so beyond the point of being salvaged; it's possible. So I'm going to support this because I believe that that's not the case with this building, that it is salvageable and we should maintain it. But I think as we move forward, we're going to have to make some hard decisions like that. There may be times when we just need to archive it and unfortunately stop trying to, you know, prop up what can't be propped up.

COMMISSIONER DAWSON:

It is. And we were asked about the priorities, this is our number one priority, and it doesn't make sense to sit here and talk about number two, three and four when it's difficult to get the number one kind funded. And it's number one priority because we do have a viable group, it is a top priority because it is a viable building, we can get it open to the public, and because we have invested some funds into it. So, I mean, we do have a list, I can certainly share that.

P.O. GREGORY:
Legislator Calarco.

LEG. CALARCO:

While I appreciate the Commissioner's comments, because I think that was what I was going to ask was how did this particular property get up there on the list. Because this is not a specific fund for this particular property, this is the budget we've given you to work with, the Capital Budget we've given you to work with for your historic preservation. So it was the Park's Department's determination that this was the number one priority because we have a partner who is willing to put up funds to assist in the renovation process and has already put up funds to assist the renovation project, that we found that this building is something that we can salvage; correct?

COMMISSIONER DAWSON:
That's correct.

LEG. CALARCO:

That it's one that's worth the investment to make --

COMMISSIONER DAWSON:
That's a fair statement.

LEG. CALARCO:

That it's contiguous to two other buildings that we have open to the public already, so it makes sense to renovate a building that is next to two other open and active buildings that are actually furnished by the Historical Society and such. So there was a lot of thought going into this and it wasn't just, you know, you're willy nilly running something up the flag pole.

COMMISSIONER DAWSON:
That's a fair statement. Thank you.

LEG. CALARCO:

Okay. How many historic properties do we have? Just give us an idea of what we're looking at, how many properties you're comparing this one to. How many properties are you tasked with taking care of? Because at the end of the day, that's what your job is.

COMMISSIONER DAWSON:
Just over 200 at 23 sites.

LEG. CALARCO:

I missed that; excuse me?

COMMISSIONER DAWSON:
Just over 200 on 23 different sites.

LEG. CALARCO:

Two hundred different buildings on 23 different properties. So out of 200 buildings, this is the one that became your top priority for this year.

COMMISSIONER DAWSON:
Correct.

LEG. CALARCO:

And if this wasn't your top priority, I'm sure you probably have two and three and four that also could very easily be made a case that are worthwhile this investment.

COMMISSIONER DAWSON:

Yes.

LEG. CALARCO:

Yeah, and that's what I thought. And we have to -- as I said before, we have to make a commitment to the buildings that we have. I don't know how we came about getting this property into our Parks Department but we did. We have a responsibility to it, no different than the Vanderbilt, and I've always supported the Vanderbilt and will continue to support the Vanderbilt because it's our building, it's something we have to take care of, it's a commitment we've made, just as we've made that commitment to the Homan House.

P.O. GREGORY:

Okay, Legislator Cilmi.

LEG. CILMI:

Thank you. Commissioner, do we have -- so we have 200 buildings, or more than 20 buildings on 23 sites, and the reason that we're prioritizing this is because we have a commitment from the Yaphank Historical Society to --

COMMISSIONER DAWSON:

Well, that was one of three reasons that I gave.

LEG. CILMI:

Okay, what are the other two reasons? I'm sorry.

COMMISSIONER DAWSON:

Well, first that we have a commitment to Yaphank. The second is that they're investing their own funds into the facility.

LEG. CILMI:

Right.

COMMISSIONER DAWSON:

The third is that we've invested money into it already.

LEG. CILMI:

Okay. So what I didn't hear in those priorities, and this is what I'd like you to speak to specifically with regard to this property, but as well with regard to the other 200 buildings that we have. Do we or can we prioritize these properties based on their historic significance?

COMMISSIONER DAWSON:

That's one of the -- that is one of the -- that's how they actually get on the list.

LEG. CILMI:

How big of a -- in getting them on to that list, how important is that historical significance piece? And what's the historical significance of this particular piece of property?

LEG. CALARCO:

This particular house, to help the Commissioner out --

COMMISSIONER DAWSON:

Thank you.

LEG. CALARCO:

-- because I went and toured it, the Historical Society sent out an invite to give a tour. This particular property is a -- it used to be the Millers House; you know, Mr. Homan was a Miller, he owned the lumber yard, and the property is what they consider a high-style home, which means it's a -- it was basically the mansion of the time. It's a 1700's building, so it's well over 300 years old, and it was built at the -- it was the finest building of its day, let's put it that way. And so there's as much significance to preserving that type of a structure as opposed to just, I guess, any house that may still be standing. While they have next door to it the Booth House, which I think is a similar era home of lesser quality in terms of the type of structure that was built at the time, and across the street from it happens to be the Hawkins House which is an 1800s vintage property, but it also happens to be one of those high-style homes that's rather a stately house.

So part of the significance is the fact that it's in what we would consider an historic district, there's other historic properties there, so you actually get a synergy. As opposed to just rehabbing a building that happens to be in a park someplace, you're rehabbing a building next to other buildings and now you can create a situation where you can encourage visitors to not just come and see the Homan House, but they can come to see the Homan House, the Hawkins House, the Booth House. So there is some synergy there, not to mention the entire downtown Yaphank community which is right there is in itself a historic district where you have many privately-owned properties that are still maintained in their historical attributes.

LEG. CILMI:

Right. So -- thank you for that, Legislator Calarco. So do we have -- among this list of 200 buildings that we own, do we have historical significances sort of applied to each of those buildings in terms of how significant they are historically to Suffolk County, why they're so significant?

COMMISSIONER DAWSON:

Yes. There's an entire report that I can share with you, it's about the width of an encyclopedia, it lists every historic structure that we have.

LEG. CILMI:

And that just describes, though, the historic significance. But is there any grading system to see -- so that we could say, for example, okay, you know, the top 10% of the historic buildings are -- you know, are this list of 20 and here's why.

COMMISSIONER DAWSON:

Well, it lists them down -- these are on the list of -- these are on a National Register, these are listed under our historic, so it does have that, and it's also structural analysis of each of the facilities. Again, it was done back in 2007, it's a little bit outdated, but I can certainly share that with you.

LEG. CILMI:

And so does it rank the structures in terms of historical significance? I guess that's really my question.

COMMISSIONER DAWSON:

No, I don't think there's a ranking from one to ten.

LEG. CILMI:

Is it realistic or unrealistic to propose that we rank the historical significance of each of the buildings that we own.

COMMISSIONER DAWSON:

I think that's kind of subjective.

LEG. CILMI:

Okay.

COMMISSIONER DAWSON:

On who stay there, what --

LEG. CILMI:

Because without that, how would we know, you know, whether to invest money in this versus something else? I mean, if we all agree that it's important to preserve history in Suffolk County, but we also agree that we have limited financial resources to do so, then it seems to me that we would want to commit those financial resources to those properties that we deem most important or most -- you know, most important and most easily preserved, because we just can't do everything.

COMMISSIONER DAWSON:

I think you would rely on the department to do that. I could certainly have Richard Martin, who knows these facilities inside and out, sit down or come and address this body. But if what you're asking for is a list of --

LEG. CILMI:

I'm sorry, Commissioner, I can't hear you.

COMMISSIONER DAWSON:

Okay.

LEG. CILMI:

If you could just speak up a little bit.

COMMISSIONER DAWSON:

Okay. If you're looking for a list of all of our facilities and how they rank from one to 200, I mean, we don't have that now, but I can certainly get that for you; and again, it changes.

LEG. CILMI:

Yeah, if you could do that.

COMMISSIONER DAWSON:

On what we want to repair changes --

LEG. CILMI:

Right.

COMMISSIONER DAWSON:

-- depending on what --

LEG. CILMI:

Right, right. So I think that would be helpful to the body in general if you could do that.

As far as this particular resolution goes, I'm a little confused because I thought you said before that you're working on a report now to determine -- or you've let a contract for an architectural firm to determine exactly what's got to happen with this particular structure. So why not wait to spend this -- or to appropriate this \$300,000 until we get that full report?

COMMISSIONER DAWSON:

Well, that's certainly your prerogative to do that. I mean, you had asked for that report and we let out -- the Department of Public Works let out the contract, they're in the process of signing the

contract and hope to have a report relatively shortly.

LEG. CILMI:

Okay. Thank you.

P.O. GREGORY:

Okay, just a quick question. So are there any requirements for properties that are designated as historic properties of us? I mean, are we required to maintain them? Are we required to have them suitable for, you know, public accomodation? I mean, what requirements are there?

COMMISSIONER DAWSON:

I think that's all vetted when we acquire the property originally. It goes through the Historic Trust and it does get -- I think there's an understanding that we're going to take these facilities on, we're going to improve them and we're going to get them open to the public. I think it's part of the acquisition process.

P.O. GREGORY:

Right, that we're going to make them open to the public.

COMMISSIONER DAWSON:

That's correct.

P.O. GREGORY:

So that doesn't necessarily mean that we have to staff --

COMMISSIONER DAWSON:

No. Generally we try to enter into these partnerships, as we have done with the Yaphank Historical Society, with the folks out at Sagtikos, with the folks out in Meadowcroft, and we have a number of these agreements in place for, you know, a good number of our historic sites.

P.O. GREGORY:

Right. So it's not just, okay, our requirement is any Suffolk County resident or anyone can go to the Homan House and just view it from the outside; we actually have a requirement where it should be suitable for them to go inside and view the structure from the inside, interior and exterior.

COMMISSIONER DAWSON:

It is our mission to educate the public on the historic significance of the facility.

P.O. GREGORY:

Right. So we are falling short in that regard. And not just in this case, but --

COMMISSIONER DAWSON:

Yes.

P.O. GREGORY:

-- I would say in all of our historic structures. Well, not all of them, but certainly more than one.

COMMISSIONER DAWSON:

That's a fair statement, yes.

P.O. GREGORY:

Okay. Do we have a plan to address our historic structures?

COMMISSIONER DAWSON:

We have -- I mean, I think I shared it with you six months ago.

P.O. GREGORY:

I've seen those two -- I mean that was like a survey, but that wasn't really a plan. A plan to me is we've done the survey, we see the conditions, and that was eight years ago, right? We have a plan to do certain ones in certain orders or whatever -- you know, whatever criteria we set.

COMMISSIONER DAWSON:

I think we shared that with you when you had asked. I think we took the 200 structure and we had listed them from one to ten with this facility --

P.O. GREGORY:

Oh, right.

COMMISSIONER DAWSON:

-- coming up number one on the list.

P.O. GREGORY:

Yes, yes.

COMMISSIONER DAWSON:

I mean, it's difficult to come up with a plan when you don't have the counter funds to do it.

P.O. GREGORY:

Right, right. Okay.

All right, so we have a tabling motion and approving -- motion to approve. Tabling motion goes first. Thank you, Commissioner. We'll do a roll call on the tabling motion.

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

LEG. KRUPSKI:

Yes.

LEG. D'AMARO:

This is to table? Yes to table.

LEG. BROWNING:

No.

LEG. MURATORE:

No.

LEG. HAHN:

This is tabling the funding for the Homan House? No to table.

LEG. ANKER:

No.

LEG. CALARCO:

No.

LEG. LINDSAY:

Yes to table.

LEG. MARTINEZ:

No.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

No.

LEG. TROTTA:

Yes.

LEG. McCAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. SPENCER:

No to table.

D.P.O. SCHNEIDERMAN:

No to table.

P.O. GREGORY:

No to table.

MR. LAUBE:

Eight.

P.O. GREGORY:

All right. Motion to approve.

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

LEG. BROWNING:

Yes.

LEG. CALARCO:

Yes.

LEG. KRUPSKI:

No.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. LINDSAY:

No.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

No.

LEG. McCAFFREY:

No.

LEG. STERN:

No.

LEG. D'AMARO:

No.

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

P.O. GREGORY:

Yes.

MR. LAUBE:

Ten.

P.O. GREGORY:

Okay. Same motion, same second on **1465A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$300,000 bonds to finance the cost of partial reconstruction of historic structures at County parks (CP 7510.342)).** Roll call.

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

LEG. BROWNING:

Yes.

LEG. CALARCO:

Yes.

LEG. KRUPSKI:

No.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. LINDSAY:

No.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

No.

LEG. McCAFFREY:

No.

LEG. STERN:

No.

LEG. D'AMARO:

No.

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

P.O. GREGORY:

Yes.

MR. LAUBE:

Ten.

D.P.O. SCHNEIDERMAN:

It fails.

P.O. GREGORY:

Okay.

IR 1502-14 - Accepting State funds and amending the 2014 Capital Budget and Program and appropriating funds in connection with the reconstruction of the Fire Island Barrier Beach and Dune Network from the Fire Island Inlet to Moriches Inlet (FIMI) (CP 5382)(County Executive). Do I have a motion?

LEG. BARRAGA:

Motion.

P.O. GREGORY:

Motion to approve by Legislator Barraga.

LEG. CALARCO:

Second.

P.O. GREGORY:

Second by Legislator -- was that Calarco?

LEG. CALARCO:

(Nodded head yes).

P.O. GREGORY:

Calarco.

LEG. KRUPSKI:

On the motion.

P.O. GREGORY:

On the motion, Legislator Krupski.

LEG. KRUPSKI:

I would just like to say that we're spending an awful lot of -- we might be spending County money, we might not, and we're spending a lot of Federal money. And I'd just like to say that when the north shore needs to pump sand because of beach erosion, the Federal government seems to be absent. And this is -- I think you have to look at both sides of the Island fairly here, because both sides -- we're on an Island made of sand and both sides suffer from erosion. So I'm sure this will be coming up in the future. I don't disagree that this is a project that's important, but I would just like to see equal beach stabilization on the whole of Long Island.

P.O. GREGORY:

Okay. Anyone else? We have a motion, we have a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

LEG. KRUPSKI:

DuWayne, could I make a motion to take 1628 out of order? It's a companion to this.

P.O. GREGORY:

Yes, we spoke about it. Go ahead. What page is it?

LEG. KRUPSKI:

I'll make a motion to take it out of order, 1628; page ten.

P.O. GREGORY:

We have a motion and a second. Do we have a second?

MR. LAUBE:

No.

P.O. GREGORY:

To take IR 1628 out of order.

LEG. KRUPSKI:

I made the motion.

P.O. GREGORY:

I'll second the motion. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

Okay, IR 1628 is before us.

IR 1628-14 - Authorizing execution of a Local Project Partnership Agreement with the State of New York in connection with the reconstruction of the Fire Island Barrier Beach and Dune Network from the Fire Island Inlet to Moriches Inlet (FIMI) (County Executive).

LEG. BROWNING:

Motion.

P.O. GREGORY:

Motion by Legislator Krupski, right? Oh, Legislator Browning.

LEG. CALARCO:

Second.

P.O. GREGORY:

Second by Legislator Calarco.

LEG. KRUPSKI:

On the motion?

P.O. GREGORY:

On the motion.

LEG. KRUPSKI:

Having some of the people who live and work on Fire Island come before us, I did ask them and it's really important that the towns and villages and municipalities there that are involved really get a little more engaged in land use and planning. Because people are building on the beach and they're surprised when a storm comes and washes their homes away, and then they're basically being

bailed out with Federal tax dollars. And if you had a little bit better land use and planning, you could avoid a lot of this. And I'm glad to see they're getting engaged in the reality of living on the shoreline.

P.O. GREGORY:

Okay. Legislator Schneiderman?

D.P.O. SCHNEIDERMAN:

A question, I guess, for Robert. On these local project partnership agreements, I think -- and these projects, in the first instance there is no partnership, right, it's all Federal, but then we're on the hook for a percentage of maintaining what they build? Are you aware of what our cost share is or what it's anticipated as?

MR. LIPP:

It's totally unclear to me how this would impact us. It depends on the future, I couldn't really say. Perhaps the Law --

P.O. GREGORY:

Gail?

MS. LOLIS:

Yeah, this is actually a little bit different than what you're used to with these Federal projects. This is an interim or an emergency stabilization project, it's a one-time placement of sand. It's Federal money, they're doing the construction, the County is responsible to do the leg work as far as the real estate acquisition, although the State is going to advance the money to the County. Normally we would have to pay it and then get reimbursed; the State is going to advance the money to the County in order -- so we don't have to spend our own funds and then they will get reimbursement from the Federal government when the project is complete.

As far as maintenance, there is a ten-year -- it's a ten-year life on this project. There will be County responsibility for maintenance, but the maintenance is basically monitoring the beach, making sure that the dunes, which will be the subject of an easement, there will be no construction, there can be no encroachments. We'll need to do measurements like we do now on our County parks, before and after major storm events. Because if there is a hurricane, the core will come back in and rebuild what this project is within that ten-year period to where it was pre-storm. So we have to maintain those measurements, diagrams, things like that, and there are annual inspections. But that's primarily what the maintenance will consider; make sure the public access wastes are maintained and we intend to work out agreements with the towns and the villages involved for more of the day-to-day maintenance like the garbage clean-up and things like that.

D.P.O. SCHNEIDERMAN:

But there's no monetary commitment, percentage commitment to repairing it if it's -- if this gets washed away and, you know, general erosion over the next ten years?

MS. LOLIS:

No. Again, because this is -- because of the type of Federal project it is, the core, as long as we do what we're required to do, the core comes in if there is a Superstorm Sandy, Hurricane Irene, and the come in and restore it back to where it was.

D.P.O. SCHNEIDERMAN:

What if there's just gradual erosion over time, we don't have to replenish the sand?

MS. LOLIS:

Not that I -- I've spoken to the State today, they don't say --

D.P.O. SCHNEIDERMAN:

No, because I know --

MS. LOLIS:

They haven't seen that happen.

D.P.O. SCHNEIDERMAN:

This is a different arrangement than the Fire Island to Montauk reformulation study, right?

MS. LOLIS:

Right. This is -- think of this as an interim emergency project to kind of hold us over until FIMP, the Fire Island to Montauk Point Project, until that can get finalized in the future.

D.P.O. SCHNEIDERMAN:

Okay.

P.O. GREGORY:

Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator D'Amaro).

P.O. GREGORY:

Okay, **Budget & Finance:**

IR 1507-14 - Adopting Local Law No. -2014, A Charter Law to improve budget and fiscal communication in County Government (Krupski). Legislator Krupski?

LEG. KRUPSKI:

Motion to table.

P.O. GREGORY:

Motion to table; I'll second.

LEG. KRUPSKI:

On the motion?

P.O. GREGORY:

On the motion.

LEG. KRUPSKI:

I would just like to say that this -- I would just like to table for one cycle. I'm just working out another detail. However, I think this is going to -- in light of our fiscal problems, I think this is going to give us a little more accountability from the people who are involved with making our budgets and keeping track of the money in the County.

And more importantly, this is going to provide the Legislature with more reporting, four times a year, from the people who are in charge of our finances. And I think we need that kind of accounting four times a year to give us a better backdrop to make better decisions.

P.O. GREGORY:

Okay, thank you. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

Okay. ***IR 1589-14 - Tax Anticipation Note Resolution No. -2014, Resolution delegating to the County Comptroller the powers to authorize the issuance of not to exceed \$105,000,000 Tax Anticipation Notes of the County of Suffolk, New York, in anticipation of the collection of taxes levied for County purposes or returned to the County for collection for the fiscal years commencing January 1, 2011, 2012, 2013 and 2014, and to prescribe the terms, form and contents, and provide for the sale and credit enhancement of such notes (County Executive).***

LEG. D'AMARO:

Motion.

P.O. GREGORY:

Motion by Legislator D'Amaro. I will second. Anybody have any questions? Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

IR 1604-14 - Amending the 2014 Operating Budget and appropriating funds in connection with bonding for a settlement for a liability case against the County (County Executive).

LEG. D'AMARO:

Motion.

P.O. GREGORY:

Motion by Legislator D'Amaro. I'll second. Any questions? Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

Corresponding Bond Resolution ***1604A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of 2,250,000 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. D'AMARO:

Yes.

P.O. GREGORY:

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. McCAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

MR. LAUBE:

Eighteen.

P.O. GREGORY:

IR 1605-14 - Bond Resolution of the County of Suffolk, New York, authorizing the issuance of 2,250,000 bonds to finance the settlement of a general liability case against the County (County Executive).

LEG. D'AMARO:

Motion.

P.O. GREGORY:

Motion to approve by Legislator D'Amaro. I'll second. Any questions?

LEG. CILMI:

On the motion.

P.O. GREGORY:

On the motion, Legislator Cilmi.

LEG. CILMI:

I'm sorry. Could I ask, I guess maybe the Chair of the committee. On this resolution and the one prior, are we allowed to know what exactly the case was, a summary of what the case was, or no?

LEG. D'AMARO:

I would defer to the County Attorney's Office to answer your questions.

LEG. CILMI:

Because I'm realizing that the one we just approved was quite substantial in terms of dollars; it was more than \$2 million.

LEG. D'AMARO:

You know, again, I would defer to the County Attorney who is here and also to determine whether or not we would need Executive Session to go into detail.

MR. BROWN:

We would need to go into Executive Session.

LEG. CILMI:

I'll speak with the Chairperson after. Thank you.

P.O. GREGORY:

Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

LEG. SPENCER:

Opposed.

MR. LAUBE:

Seventeen (Opposed: Legislator Spencer).

P.O. GREGORY:

Okay. Corresponding Bond Resolution ***1605A (Bond Resolution of the County of Suffolk, New York authorizing the issuance of \$125,000 Bonds to finance the settlement of a medical malpractice case against the County)***, same motion, same second. Roll call.

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

LEG. D'AMARO:

Yes.

P.O. GREGORY:

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:

(Not Present).

LEG. KENNEDY:

Yes.

LEG. TROTTA:

No.

LEG. McCAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. SPENCER:

No.

D.P.O. SCHNEIDERMAN:

Yes.

MR. LAUBE:

Sixteen (Opposed: Legislators Trotta & Spencer).

P.O. GREGORY:

Okay. **(Education & Information Technology):**

IR 1585-14 - Appropriating funds in connection with the acquisition and implementation of a County Attorney Case Management System (CP 1811) (County Executive).

LEG. ANKER:

Motion.

P.O. GREGORY:

Motion by Legislator Anker.

LEG. D'AMARO:

I'll second.

P.O. GREGORY:

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

MR. LAUBE:

Eighteen.

P.O. GREGORY:

IR 1585A (Bond Resolution of the County of Suffolk, New York authorizing the issuance of \$175,000 bonds to finance the cost of acquisition and implementation of a County Attorney Case Management System (CP 1811.111 and .511), same motion, same second.

Roll call.

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

LEG. ANKER:

Yes.

LEG. D'AMARO:

Yes.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

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. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

P.O. GREGORY:

Yes.

MR. LAUBE:

Seventeen (Opposed: Legislator Trotta).

P.O. GREGORY:

Okay. ***IR 1586-14 - Appropriating funds in connection with Globally Managed Network Protection and Security (CP 1807)(County Executive).***

LEG. ANKER:

Motion.

P.O. GREGORY:

Motion by Legislator Anker.

LEG. KENNEDY:

Second.

P.O. GREGORY:

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

MR. LAUBE:

Eighteen.

P.O. GREGORY:

Corresponding Bond Resolution ***1586A (Bond Resolution of the County of Suffolk, New York authorizing the issuance of \$500,000 Bonds to finance Globally Managed Network Protection and Security (1807.110 and .510), same motion, same second. Roll call.***

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

LEG. ANKER:

Yes.

LEG. KENNEDY:

Yes.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. CALARCO:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

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:

Seventeen (Opposed: Legislator Trotta).

P.O. GREGORY:

Okay, 1575 we've done.

(Environment, Planning & Agriculture):

IR 1588-14 - Appropriating funds in connection with the Peconic Bay Estuary Program (CP 8235) (County Executive).

LEG. KRUPSKI:

Motion.

P.O. GREGORY:

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

LEG. D'AMARO:

Wait, hold on. Hold on.

P.O. GREGORY:

Oh, I'm sorry.

LEG. D'AMARO:

Hold on.

P.O. GREGORY:

Legislator D'Amaro?

LEG. D'AMARO:

Yes. We're on 1588?

P.O. GREGORY:

Yes.

LEG. D'AMARO:

I just wanted to review what the purpose of this is for? Is there anyone here that can talk about this bill?

MR. DAWYDIAK:

Good evening, Legislator D'Amaro.

LEG. D'AMARO:

Hi. Thanks for coming up.

MR. DAWYDIAK:

I could give you a short overview. This is a Capital Project which is used as a match for the National Estuary Program. This year's appropriation request is \$225,000. It is entirely targeted at upgrading equipment in our longstanding Marine Monitoring Program.

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We have a 34-foot Weber's Cover Marine Monitoring Vessel which dates back to 1986; it is 28-years old, it's far exceeded its useful design life of 20 years. It's in need of significant repairs and is past due for replacement. So \$165,000 of this money is targeted for a 28-foot Parker, it's a downsizing of a vessel but it's adequate to meet our needs.

With this vessel, our entire marine monitoring network of four boats would be intact and modern, up-to-code and ready to go for many more years without any significant upgrades.

We also have \$20,000 for a replacement engine and \$40,000 for marine monitoring network -- marine monitoring sondes, these are continuous water quality monitoring devices, they're in excess of 10-years old and in need of replacement. So that's the \$225,000.

LEG. D'AMARO:

All right, thank you for that explanation. So this is marine monitoring of the Peconic Estuary, right? And how long have we been monitoring the Peconic Estuary?

MR. DAWYDIAK:

The Peconic Estuary, in a nutshell, has been monitored since the mid-1970s. In the Long Island 2'08 Study, we ramped up our monitoring in the mid-1980s with the Brown Tide Study and the Health Department has the only continuous monitoring presence in the Peconic Estuary and elsewhere.

I also wanted to clarify that this equipment is used not only for the Peconic Estuary Program, but also for the South Shore Estuary Reserve and the Long Island Sound Study. This particular boat would be dedicated to doing the western Peconics and the Eastern South Shore Estuary Reserve.

LEG. D'AMARO:

All right. So we've been monitoring the Peconic Estuary for quite some time using this equipment and the County making an investment in the equipment to do so. And has the ecosystem of the Peconic Estuary become more stable or more healthy, or has it deteriorated? From an ecological standpoint.

MR. DAWYDIAK:

It's a very complicated question. The brown tides that were in the Peconics have gone away, which is a good thing. They've been replaced by a rust tide which is a bad thing, and researchers are looking into the cause of the rust tide.

In a nutshell, the degradation of nitrogen in the Peconic Estuary seems to have stabilized and that's partly due most likely to the stopping of the duck farms in the 1970s and 80s, the upgrading and the point sources, the conversion of some of the agricultural industry from row crops to wineries. A lot of the major nitrogen sources have gone down, but there has been some new development which has offset that. So our recent water quality report showed that nitrogen and dissolved oxygen were relatively stable, which is a good sign. The scallops are bouncing back which is a great sign, that's one of the great success stories of the Peconic Estuary Program is the resurgence of the scallop population. It's not at historic levels yet, but it's at commercially viable and sustainable levels for multiple years in a row and it's heading in the right direction. So these are all some of the good news stories of the Peconic Estuary Program.

LEG. D'AMARO:

All right. And how important is the marine monitoring to the program?

MR. DAWYDIAK:

This is absolutely critical, not just for the Peconic Estuary Program but for the County Executive's Water Quality Initiative which focuses us on nitrogen and septic, it helps us determine things like not only dissolved oxygen, but water quality related to harmful algal blooms and factors related to eel grass and wetlands, it helps us set implementation priorities, it helps us document the effectiveness of those measures.

Just in a nutshell, this monitoring program was responsible for all of the point source wastewater treatment upgrade priorities in the Peconic Estuary Program. Every one of the sewer treatment plants has been upgraded and far exceed standards. This is generally true of Suffolk County, we've done a great job with the point sources and the sewage treatment plants. The next and harder issue is the non-point sources and the septic.

LEG. D'AMARO:

Excellent. I appreciate you answering. How come we can't continue? Why does the 34-foot Weber Cove vessel need to be replaced?

MR. DAWYDIAK:

In short, it's very old and falling apart.

LEG. D'AMARO:

Like what do you mean; can it go -- is it sea-worthy?

MR. DAWYDIAK:

It's sea-worthy --

LEG. D'AMARO:

When's the last time it was used?

MR. DAWYDIAK:

Probably in the past month. Its rudder post is in need of repair, it is undergoing continuing delamination, for example. It's not at a point where it's going to sink this year, but it's not going to make it another year without some major fiber glass repairs. The electrical system is exposed and major components are decaying in front of us. It's just not a safe sea-worthy condition which is sustainable. Again, it's 28-years old, exceeding the 20-year old life.

LEG. D'AMARO:

Right. Was there consideration given to refurbishing that vessel? Especially that it's larger.

MR. DAWYDIAK:

Yes, and that's been done several times. As an example, recently the motor mounts were replaced, that was a motor structural job because we had to jerry-rig other motor mounts. Seats were no longer commercially available for the old vehicle, so that kept it going another couple of years, and these minor repairs that are critical do happen but they're costly and you're basically putting money into a very old vessel which is not going to last that much longer.

LEG. D'AMARO:

Okay. And the cost of that vessel is 165,000?

MR. DAWYDIAK:

The cost of the replacement vessel is significantly less than a 34-foot would be. We started out with a slightly larger vessel, this has been kicking and out of Capital for about five or six years. And we've downsized to what we believe to be the minimum for the safe conditions that the water is going to be encountering.

LEG. D'AMARO:

Okay, I want to thank you for answering all my questions. I appreciate it.

MR. DAWYDIAK:

Thank you, Legislator D'Amaro.

LEG. D'AMARO:

Thank you, Mr. Presiding Officer.

P.O. GREGORY:

Thank you. Legislator Trotta.

LEG. TROTТА:

You know, I'm a little familiar with boats. That seems like a lot of money for that boat.

MR. DAWYDIAK:

This was speeded out and bid by Purchasing. As per County procurement, we got the best boat for the least dollars with what the process is.

LEG. TROTТА:

Did you ever look into like buying a used boat? Because boats notoriously lose half their value, or a third of their value in an hour after they're purchased.

MR. DAWYDIAK:

Boats do depreciate. I don't believe that purchasing used boats has been a standard protocol for our department or our Purchasing Unit. It's something I can look into and get back to you on.

LEG. TROTТА:

Because I'm looking at one right now, a 2013 for a hundred thousand with no miles, 28-foot Parker, sport cabin, twin Yamaha 250s.

MR. DAWYDIAK:

Again, this is a question I would defer to Purchasing as to how they procure goods and services through County protocols.

LEG. TROTТА:

That's \$65,000 less, \$68,000 less.

P.O. GREGORY:

Okay. Legislator Krupski?

LEG. KRUPSKI:

So in light of the DEC struggling to sample on the East End, and because they cannot sample and test water quality, the results are closures for shellfishing. How do you share your data with the DEC?

MR. DAWYDIAK:

For a very long time we have been doing manual data dumps in Excel or Access spreadsheets to various agencies and stakeholders. Recently we created a live web link which is on-line right now. Any agency, student, interested citizen or civic organization can go on-line and access all of our data for all of our stations.

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Our goal, as we finish the Comprehensive Water Resources Management Plan, is to make that information a little more user friendly so that there's some basic interpretation of what the status and trends are so folks don't have to go through spreadsheets on their own to understand it.

LEG. KRUPSKI:

Thank you. I know that's very important to try to get more shellfish lands open. And the second question is our boat sanitation. If you're sampling in an area that has brown tide, do you have a protocol to basically decontaminate the boat before it's transported to an area that's clean?

MR. DAWYDIAK:

My understanding is that boats routinely travel through the Shinnecock Canal without the decontamination. Typically the brown tide has been a south shore phenomenon and not a Peconic phenomenon. I'm not aware that anyone has developed a sanitation method to prevent the migration of that harmful algal bloom. I don't think that's been a rate determining step, but I can look further into that and get back to you, Legislator Krupski.

LEG. KRUPSKI:

Thank you. Because you'd hate to see the spread of it. And I know, of course, yours wouldn't be the only boat on the bay but, I mean, it's something to think about how it's spread.

P.O. GREGORY:

Okay. Legislator Martinez.

LEG. MARTINEZ:

Hi. I'm sorry, I just have a couple of questions, and I'm sorry if I missed if you did say it. But aside from the \$165,000 for the replacement, where was the rest of the monies going?

MR. DAWYDIAK:

The boat itself is estimated to be \$165,000, and that's a preliminary purchasing estimate that we're budgeting for. It may eventually be lower after all the final specs and purchasing is done. The \$20,000 is going to be used for an outboard engine for a smaller vessel, a 23-foot Parker, that engine is about six or seven years old. It's got very, very high hours and it's starting to have lower unit problems. It's to the point where the cost of repairs are going to become prohibitive in relation to the payback on life of the unit. And \$40,000 are going to be used for six continuous monitoring devices. Yellow Spring Instruments, or YSI is a company that produces these, they're called sondes. They can be deploying continuous data on critical oceanographic parameters that can be used for a variety of purposes like nutrient management, harmful algal blooms and other investigation and management purposes.

LEG. MARTINEZ:

And aside from the monitoring of the brown tide, the rust tide and the nitrogen, is there any other monitoring that you do and how often is it done?

MR. DAWYDIAK:

We do more monitoring than we have time. In terms of marine monitoring, we do a whole suite of parameters, including physical, temperature, salinity, dissolved oxygen. Biological parameters would include brown tide and general bacteriological contamination typically enterococcus or coliform and a chemical would mostly be dissolved and particulate organic in an organic nutrients; nitrogen, phosphorous, various constituents. We also do a lot of point source monitoring into the estuary with chemicals like pesticides, volatile organics and metals, so we do a whole suite of parameters.

In the estuary itself, we typically monitor once every two weeks at about 50 or so stations.

LEG. MARTINEZ:

Okay, thank you.

MR. DAWYDIAK:

Thank you.

P.O. GREGORY:

Okay. Legislator McCaffrey.

LEG. McCAFFREY:

Are there any other governmental agencies doing similar testing to what you're doing?

MR. DAWYDIAK:

To my knowledge, not nearly to the extent that we do. The State DEC does some harmful algal bloom monitoring under a mandate, so things like the red tide closures that happen in Huntington, Northport and other areas that DEC is doing some monitoring for. They also do bacteriological monitoring, as Legislator Krupski mentioned, for shellfish closures. They do not have the capability or the resources or the institutional background to do all this type of monitoring in all these places at this time.

Stony Brook University, Dr. Kobler is doing a lot of critical monitoring for things like harmful algal blooms and nutrients. It's an expanding program, but it's been relatively short in historical duration and it's limited in scope, timeframe in area in relation to ours. So it's something that we leverage and work with Stony Brook on, but it's not a substitute for the work that we do.

LEG. McCAFFREY:

Is everybody sharing their data as to what they're getting, or they're --

MR. DAWYDIAK:

Yes. As per Legislator Krupski, the idea is to get the information transparent and on-line and share so that we're all looking to the best of our abilities at the right places and the right times, leveraging rather than duplicating.

LEG. McCAFFREY:

Thank you.

MR. DAWYDIAK:

Thank you.

P.O. GREGORY:

Okay. That's all I have on my list. Okay, we have a motion and a second. All in favor? Opposed? Abstentions?

D.P.O. SCHNEIDERMAN:

Tim, list me as a cosponsor.

MR. LAUBE:

Eighteen.

P.O. GREGORY:

All right. The corresponding Bond Resolution, ***1588A (Bond Resolution of the County of Suffolk, New York authorizing the issuance of \$225,000 bonds to finance the cost of equipment used for marine monitoring of the Peconic Bay Estuary Program (CP***

8235.519), same motion, same second. Roll call.

*(*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:

No.

LEG. McCAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

P.O. GREGORY:

Yes.

MR. LAUBE:

Seventeen (Opposed: Legislator Trotta).

P.O. GREGORY:

IR 1621-14 - Reappointing member to the Council on Environmental Quality (James F. Bagg, Jr.) (Hahn). Motion by Legislator Hahn. Second by Legislator Krupski. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

I'm sorry, James Bagg, Jr.

IR 1624-14 - Reappointing member of the Council on Environmental Quality (Michael Kaufman) (Hahn). Motion by Legislator Hahn. Second by Legislator Krupski. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

Please list me as a cosponsor.

IR 1627-14 - Making a SEORA determination in connection with the proposed safety and capacity improvements to County Road 13, Crooked Hill Road, Towns of Islip and Smithtown (Gregory). I'll make a motion to approve.

LEG. KRUPSKI:

Second.

P.O. GREGORY:

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

LEG. KENNEDY:

Opposed.

MR. LAUBE:

Seventeen (Opposed: Legislator Kennedy).

P.O. GREGORY:

(Health):

IR 1631-14 - To further extend deadline for Tick and Vector-Borne Diseases Task Force (Schneiderman).

D.P.O. SCHNEIDERMAN:

Motion.

P.O. GREGORY:

Motion by Legislator Schneiderman.

LEG. KRUPSKI:

Second.

P.O. GREGORY:

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

MR. LAUBE:

Eighteen.

P.O. GREGORY:

(Human Services):

IR 1610-14 - To appoint member of Suffolk County Youth Board Coordinating Council Representing Legislative District No. 1 (Gwynn Schroeder)(County Executive).

Motion by Legislator Krupski. Second by -- I'll second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

IR 1611-14 - To appoint member of Suffolk County Youth Board Coordinating Council Representing Legislative District No. 2 (Jason Hann)(County Executive). Motion by

Legislator Schneiderman. I'll sec -- second by Legislator Martinez. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

IR 1612-14 - To appoint member of Suffolk County Youth Board Coordinating Council Representing Legislative District No. 4 (Phyllis Hill)(County Executive).

LEG. MURATORE:

Motion.

P.O. GREGORY:

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

MR. LAUBE:

Eighteen.

P.O. GREGORY:

IR 1613-14 - To appoint member of Suffolk County Youth Board Coordinating Council Representing Legislative District No. 8 (Bryan K. Gill)(County Executive).

LEG. LINDSAY:

Motion.

P.O. GREGORY:

Motion by Legislator Lindsay.

LEG. CALARCO:

Second.

P.O. GREGORY:

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

MR. LAUBE:

Eighteen.

P.O. GREGORY:

IR 1614-14 - To appoint member of Suffolk County Youth Board Coordinating Council Representing Legislative District No. 9 (Stephany Contreras)(County Executive).

LEG. MARTINEZ:

Motion.

P.O. GREGORY:

Motion by Legislator Martinez. I'll second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

IR 1615-14 - To appoint member of Suffolk County Youth Board Coordinating Council Representing Legislative District No. 11 (Annmarie Larosa)(County Executive).

LEG. MARTINEZ:

Motion.

LEG. BARRAGA:

Motion.

P.O. GREGORY:

Motion by Legislator Barraga. Second by Legislator Martinez. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

IR 1616-14 - To appoint member of Suffolk County Youth Board Coordinating Council Representing Legislative District No. 5 (Alyssa Turano)(County Executive). Motion by Legislator Hahn.

LEG. CALARCO:

Second.

P.O. GREGORY:

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

MR. LAUBE:

Eighteen.

P.O. GREGORY:

IR 1617-14 - To appoint member of Suffolk County Youth Board Coordinating Council Representing Legislative District No. 12 (Brittany Bienemann)(County Executive).

LEG. KENNEDY:

Motion.

P.O. GREGORY:

Motion by Legislator Kennedy.

LEG. MARTINEZ:

Second.

P.O. GREGORY:

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

MR. LAUBE:

Eighteen.

P.O. GREGORY:

IR 1618-14 - To appoint member of Suffolk County Youth Board Coordinating Council Representing Legislative District No. 13 (Deborah Danley)(County Executive). Motion by Legislator Trotta. I'll second.

LEG. KENNEDY:

Second.

P.O. GREGORY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

IR 1619-14 - To appoint member of Suffolk County Youth Board Coordinating Council Representing Legislative District No. 18 (Reverend Dr. Larry Washington)(County Executive).

LEG. SPENCER:

Motion.

P.O. GREGORY:

Motion by Legislator Spencer. I'll second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

IR 1622-14 - To appoint member of Suffolk County Youth Board Coordinating Council representing Legislative District No. 6 (Janene Gentile)(County Executive).

LEG. ANKER:

Motion.

P.O. GREGORY:

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

MR. LAUBE:

Eighteen.

P.O. GREGORY:

IR 1378-14 - Appropriating funds in connection with waterproofing, roof and drainage at the Suffolk County Vanderbilt Museum (CP 7439) (Spencer).

LEG. SPENCER:

Motion.

P.O. GREGORY:

Motion by Legislator Spencer.

LEG. CALARCO:

Second.

P.O. GREGORY:

Second by Legislator Browning -- no, I'm only kidding. Legislator Calarco.

(*Laughter*)

LEG. BROWNING:

I'll second it.

P.O. GREGORY:

No, I'm only kidding.

(*Laughter*)

LEG. CALARCO:

Because I support history.

LEG. BROWNING:

Absolutely, I support history.

P.O. GREGORY:

On the motion, Legislator D'Amaro.

LEG. D'AMARO:

How did you know?

(*Laughter*)

P.O. GREGORY:

No, I see you edging up there, edging up there. I thought you had something to say. No? Okay.

LEG. D'AMARO:

Well, about those priorities. This actually falls a little higher on the priority list, but --

LEG. KENNEDY:

Because it's a roof.

LEG. D'AMARO:

Well, I'm sitting next to this guy and he's a lot bigger than me, you know.

(*Laughter*)

But in any event, all kidding aside, I wanted to just ask what specifically this is funding and how much it's for, if anyone is here speak on this.

LEG. SPENCER:

Well, I --

LEG. D'AMARO:

Through the Chair, to the sponsor.

LEG. SPENCER:

Certainly. This is for a repair of Normandy Manor, which is the property that's on the Vanderbilt, that right now they're utilizing it as a rental residence and they're getting \$60,000 a year in rent.

Now, this has been in committee for a long time, and I know we had a discussion in terms of setting priorities, and I've -- what I feel is important -- my feeling about the Vanderbilt is that my position should not be geographically related to the Vanderbilt. I should vote for the Vanderbilt as I would vote for any other priority, or just being familiar having my Legislative Office physically on the property at one point. If we talk about historical significance, entertainment, we look at not placing one property over the other.

I think what's different, and I appreciate Legislator Lindsay going and taking a tour, is that the Vanderbilt, we have a lot of historical properties. It's our curated museum property within Suffolk County that is all of ours. We've had a long history with the Hotel/Motel Tax where different pieces of legislation keep coming before this body. But one of the reasons that that has happened is because the Vanderbilt, when it receives Capital funds, if it doesn't expend them, it puts -- it takes what it needs.

The Vanderbilt has an endowment of approximately, I think, 15 to 16 million that they've built up over time and they're looking -- and they have. Every metric that we've set forth for the Vanderbilt they've met. They have the planetarium, world class planetarium that is open and generating far more money than they ever expected. A lot of the Capital Projects they've done with private funds. They're building their endowment through the community with the goal of making the Vanderbilt self-sufficient. I've spoken with Legislator Schneiderman and just different Legislators with regards to their concern, and I think that there are concerns. We're making difficult choices, there needs to be a long term map as to where are we going. If they're going to be self-sufficient, if we're saying by 2016, by 2017 we would like them to be able to assume all of their operating expenses, I think that they have a goal to be able to do that.

I defend the Vanderbilt in its geography, but it is our -- and we can argue this point, it is typically our only curated museum property that we have. It serves the entire County, it is award-winning, it's been referenced throughout the entire east coast. They do have an endowment, they are becoming self-sufficient. It's a money pit characterized by some of my colleagues, but it is working to an end and I would like to -- I think that we have gone beyond the point of return. I do think that the boathouse, the airplane hangar, there are certain things that we do have to say enough is enough, and I'm all for that. I'm all for having the Vanderbilt Board to this body and refresh us on the long-term plan, I'm all for giving them funding parameters to meet and goals and objectives so that we can have an end point to where we are. But make no mistake, we own this property. This is ours, like we own the 220 other properties. But it is unique in the fact that it has a funding mechanism that it's historical, it's an entertainment venue, it's a scientific venue. It's large, it's very significant to the western end and we're kind of -- you know, and they are leveraging other funding sources. So I think we have to finish our mission.

LEG. D'AMARO:

Can I go?

P.O. GREGORY:

Yeah, you still have the floor.

LEG. D'AMARO:

Thank you. Thanks, Doc. You know, since I've been here I've supported most, if not all, of the Capital Projects with respect to the Vanderbilt, and it's a nice facility. It's an expensive facility to maintain through our Capital Program and I think Lance has done a wonderful job in running the facility and advocating for this facility and making tough choices, and really he doesn't come here unless he believes that it's an expense we really need to undertake to help preserve and enhance that facility. I don't think Lance, especially given his background with the Budget Office, I think he does understand the need to be a little prudent when asking for funding from the Vanderbilt -- for the Vanderbilt.

But with that said, that doesn't change the fact that in the last three months we've added nearly \$60 million in bonding authorization. I spoke out against the prior bill with respect to historic preservation. This goes a little bit beyond historic preservation because this also has a lot more to do with an ongoing operating entity, open to the public; it's a little bit different than what we talked about with the Homan House. But nonetheless, I am certainly going to set the example today and establish that I truly believe that we need a radical rethinking and restructuring of what the County has the ability to spend money on and to bond and to service that debt out of our operating budget which we are going to be putting together in the Fall.

The Vanderbilt may have a need for this project right now, but I think the County has more of a need to stop with the credit card, stop with the bonding and put that bonding resource where we can best use it as a priority. So I'm not going to support this today, and I'm hoping that some of my colleagues would just think about that I do that with a lot of trepidation and it's not an easy thing for me to do, it's very difficult.

*(*Laughter*)*

But the fact of the matter is -- but the fact of the matter is that the big picture here is that we cannot afford to take every Capital Project. And the sponsor, whether it's me or anyone else, will always have a valid justification for doing it, because they're all good projects. And in an environment -- in an economic environment flushed with cash, yeah, we would like to do all these things, but we have to stop spending and going further into debt. We put money towards water quality, I understand that, I supported that, but when it comes to these structures, we have to pull back and we have to stop funding things that we can no longer afford to do. And I think as difficult as it is, I think this is also something that we should give pause to. So I'm not going to support this.

P.O. GREGORY:

Okay. Legislator Lindsay.

LEG. LINDSAY:

Thank you, Mr. Presiding Officer. In deference to my colleague, Legislator D'Amaro, you know, who I agreed with on the last property, this I think is the exception to the rule and has the distinction that this property itself derives income on an annual basis. Doc, I think it's actually closer to \$70,000 a year, there's rental income that comes in as they have a family of Russian Nationals who rent the property, very rarely are even there, but yet they pay the rent, they pay it not on time but they pay it early. So to lose that rental income by not doing these repairs, which will certainly happen -- it's to the point when I did a tour of the property, you walk in to the living room, there's an umbrella over the flat screen TV to keep it from getting water damage. So you can tell by just

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the condition of the building itself and that mere fact alone that these repairs probably should have been done years ago.

Also, in touring the property you look at two other structures on there. The boathouse, which had the potential to be a beautiful, commercial operation that could have had an unlimited amount of opportunities to turn into a restaurant, a cafe, beautiful views of the sound -- of the bay overlooking the harbor, and that is in such disrepair now that I don't even think you could ever repair it. And to allow this other structure to go the same route and lose the income potential that it has in future years, I think it would be a mistake.

I know these are difficult decisions and I agree with a lot of the points that Legislator D'Amaro has made, but I think this, again, is the exception to the rule in that the income element, revenue element of it that this property derives I think is reason to make an exception.

P.O. GREGORY:

Okay. Legislator Krupski.

LEG. KRUPSKI:

Thank you. You know, I really appreciate everyone's comments on this. Although Legislator Lindsay, when you said they had an umbrella, I realized that they don't have to fix the roof because they're all set there.

*(*Laughter*)*

The question is this is a place that there was talk I know a couple of months ago that the County could sell this and put it into private hands, put it back on the tax rolls and let someone else enjoy it. Is there -- what is the -- I guess I'll ask our Counsel; what is the -- what are our options here?

MR. NOLAN:

I think this is an historic building as well, you know, and it is part of the Parks -- it is a park as well. So this is not something that you're just going to unload, that's not going to happen.

LEG. KRUPSKI:

So it's actually in the park system and it would have to be alienated --

MR. NOLAN:

Yes.

LEG. KRUPSKI:

-- by public referendum.

MR. NOLAN:

Well, not by -- if you're looking for the State Legislature, the State Legislature would have to approve it, but I'm assuming it's probably also in the Historic Trust because it's an historic building and there are further prohibitions on getting rid of those type of properties.

LEG. KRUPSKI:

Well, okay. No, you answered the question, thank you. But there are a lot --

LEG. LINDSAY:

If I can jump in for a second?

LEG. KRUPSKI:

There are a lot of historic buildings that are in private ownership.

LEG. LINDSAY:

But George, to add to that question, we can't sell the building itself, but what about the land, some of the adjacent land that's to it, that's part of that property; are we able to sell that off?

MR. NOLAN:

Well, I'd have to check exactly what the status of the building and the property is. But it seems to me, it's certainly all parkland, I'd have to assume that. And that once it's parkland, then you have a problem.

LEG. LINDSAY:

Greg, it is, even though there's public access to that land? I know it's in a gray area, so that's why I just want some clarification.

COMMISSIONER DAWSON:

Yeah, I made a number of visits up to the Vanderbilt itself. I haven't really been across the street, but I do believe it has public access on the grounds itself. And to answer your question, I think the building itself is not only parkland, but it's listed on a historic register.

LEG. LINDSAY:

The day I was there, and it was the day that the museum was open, it was during the hours of operation, the gate was closed, it was blocked off, so it didn't seem like it was accessible to the public.

COMMISSIONER DAWSON:

Yeah. I mean, that's more of a question for Lance. Again, the couple of times I've been up there, while there's parkland, it's really managed and maintained by the board and by Lance and the crew up there. So I really can't speak intelligently on the Normandy itself, so that's more of a Lance question.

LEG. LINDSAY:

Okay. This might be an option that maybe we meet halfway in the negotiation, for one of the few times, make everybody happy and possibly look at that as terms of selling off part of the property; the land itself, not the building but the land itself, which is about three acres there in that lot?

COMMISSIONER DAWSON:

Yeah. But as I understand it, even parkland, whether it's grass or the building, parkland is parkland and alienation is a real tough sell with the stake. And I think it would be even a tougher sell, the fact that the entire property is listed on a historic -- on a historic register.

LEG. LINDSAY:

Thank you.

LEG. KRUPSKI:

A follow up question for the Commissioner. So this one party leases the house. Is it on a year-to-year lease basis?

COMMISSIONER DAWSON:

Legislator, I really can't answer that question. Again, it's all run through the Vanderbilt Board, so those are really questions for Lance.

LEG. KRUPSKI:

And that money that comes in comes to the -- where does that money -- does the County get the money or does Parks?

COMMISSIONER DAWSON:

The way I understand it -- and I'm only picking this up from the testimony from a couple of Parks Committees -- the money that's generated from the rental goes directly back into the Vanderbilt, for their operation.

LEG. KRUPSKI:

So if the Vanderbilt's collecting the money, shouldn't they be the ones -- so it really doesn't help the County. Shouldn't they be the ones doing the repairs to the roof? I mean, they're the ones who -- I thought the County was getting the money and then, okay, you'd say, *Well, we've got to do the improvements.*

COMMISSIONER DAWSON:

Yeah, that's generally not the way those -- again, I don't want to speak on their behalf. I know in Parks, I'll take the Long Island Maritime Museum, they have a rental property on that lot, the money that's generated from the rent goes into their operational expenses. So again, you really have to speak to Lance on how -- on what that agreement is.

LEG. KRUPSKI:

Thank you.

P.O. GREGORY:

Okay. Legislator Schneiderman.

D.P.O. SCHNEIDERMAN:

Well, you know, I've struggled with this one. I did not support it leaving committee yet, I had some real questions about this building. This building was only added to the Vanderbilt Museum, what, about a decade ago, Doc?

LEG. SPENCER:

Yeah.

D.P.O. SCHNEIDERMAN:

Roughly a decade ago. I guess you can say it's part of the park, but it's not public. You can walk the lawns, but you're walking across somebody else's lawn. I mean, this is rented out to a family for around 5,000 a month, maybe \$60,000 a year. The debt service on this building just from the acquisition of it far exceeds that. This Capital Project is for roof repair, but it's joining a preauthorization of money. I don't know, Robert, if you have the total amount, but it's somewhere in the neighborhood of like \$500,000 in roof repairs total.

Now we do own it. And maybe it was a mistake to buy it, but we do own it and we are maintaining it. My biggest issue at this point is that it's not public, that we don't really seem to have a plan. To spend whatever it is in debt service that we're spending, which is probably in the neighborhood of 200,000 or more per year so we can net out 60,000 for the Vanderbilt Museum, they still are picking up the garbage at the property, they're still mowing that lawn. It's just bad economic planning. It's an awful lot of spending. And right now we don't seem to have a plan to move away from it, we may not be able to alienate it. It might -- I guess for me, I'd feel more comfortable if it was just public, rather than getting such a little, small amount of rent. If you've seen this property, it's beautiful. It's a mansion right there, I guess it's in Centerport, right across the street from the Vanderbilt. It's a beautiful property. But I don't know why we're losing so much money just so -- it's a Russian National who's renting it? Just so that they can have an estate in Centerport. It doesn't -- to me, it's not -- it doesn't make a lot of sense.

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Now, Doc, I appreciate it; we own it, we have to maintain it. But we have to develop a viable plan to either get it open to the public or charge a rent that allows at least that section to sustain itself. Now, I don't think the Vanderbilt has to be self-sustaining; if I gave that impression, that is not what I meant. I understand that parks cost money, historic buildings cost money. I just want to make that subsidy maybe a little bit smaller. The Vanderbilt is getting roughly a million dollars in hotel tax, that's as much as we give to all the other venues through Hotel Tax combined, it's a big allocation. We've done major Capital Projects like the planetarium, which was about \$4 million. All of the revenue from that planetarium will go directly to operating Vanderbilt, but yet we're carrying the debt service.

I'm not saying we shouldn't support the Vanderbilt, you know, or contribute with the County General Fund toward the Vanderbilt. I just would like to see a smaller allocation. And this to me just doesn't seem wise to go out and spend this much money to get the Vanderbilt \$60,000, we're spending hundreds of thousands of dollars to achieve that. So, you know, I'll let you respond to it, but I'm just not seeing the public purpose here.

LEG. SPENCER:

Well, when my Legislative Office was there, as they've been making the repairs, they've been utilizing the buildings to get as much income as possible. This is not a permanent arrangement. And we pushed them to do this. They wanted to put a cell phone tower there, they're trying to do catering there. So at the point whether fixing up the historic museum itself, the Vanderbilt mansion, they sold the car there, they fixed up the roving classroom, and we've asked them to try to make money. So now you've got -- you know, these guys are very rarely in town. Instead of this building sitting there, because it's not fit for public consumption, there's an umbrella over the color TV set inside. So we've got -- we're getting some revenue, we're being smart, we're squeezing out every penny that we can, but we literally have a building where when you talk about water coming into the main living space, you don't have much time, or you just might as well take a bulldozer and raze it, which is fine if that's what we choose to do.

D.P.O. SCHNEIDERMAN:

Let me clarify, Doc, and it is getting late.

LEG. SPENCER:

But we've asked them --

D.P.O. SCHNEIDERMAN:

I'd feel more comfortable foregoing the \$60,000 in rent and having it be a public building. It is not a public building while they're in there and it's costing us hundreds of thousands of dollars to maintain it. It doesn't make sense to me.

LEG. SPENCER:

It's not -- no, the debt -- it's not costing us hundreds of thousands to maintain it. We're making repairs. We're making capital improvements that are hundreds of thousands of dollars, but once we make those improvements, we're paying off, I guess, whatever debt service is on those improvements. But the running day-to-day maintenance costs --

(The following was taken by Lucia Braaten - Court Stenographer and transcribed by Kim Castiglione - Legislative Secretary)

D.P.O. SCHNEIDERMAN:

We're paying the debt service on these improvements plus the acquisition of it. And if Robert ran the numbers, it's going to be in the hundreds of thousands of dollars so that we can net 60 back for the Vanderbilt.

LEG. SPENCER:

We can have it sit there empty and not get any money until we get it ready and then we'll open it to the public, but it will be open to the public. This isn't a permanent arrangement. We're getting something for it.

D.P.O. SCHNEIDERMAN:

When does it end, this lease?

LEG. SPENCER:

And again, I don't have any great love for the Vanderbilt. I just happen to be, you know, any of us that would go and see it. It's not that I've adopted it. This isn't pork for my Legislative District. This does nothing for me. It's just I'm just attune to the reality of some of the historic, precious things that we have and this happens to be one of them. But if --

D.P.O. SCHNEIDERMAN:

I actually share your commitment to the Vanderbilt. It's our flagship museum and we ought to maintain it. We've added this building, we ought to maintain it, too. I just personally don't like that it's not public, this building.

LEG. SPENCER:

That's a temporary --

D.P.O. SCHNEIDERMAN:

And if that's temporary I appreciate it.

LEG. SPENCER:

That's a temporary situation that we're getting -- instead of it just sitting there empty, we're getting some income.

P.O. GREGORY:

All right. Legislator Barraga.

LEG. BARRAGA:

Bob Lipp, I have a few questions for you, okay? Back in 2007 and eight we spent a great deal of time on some of the trials and tribulations of the Vanderbilt Museum. Economically they were in very, very tough shape. A lot of it had to do with the recession hitting. Their attendance was way off. And if I recall correctly, they had a very acute problem with the amount of money in their endowment, and we wound up doing the Hotel/Motel Tax and giving a portion of that. But refresh my memory. I seem to recall there was a minimum figure, a dollar figure they had to keep in the endowment. I seem to remember eight million, nine million, in that area. Do you recall that?

MR. LIPP:

Yes, 8.2 million.

LEG. BARRAGA:

Okay. Now we have \$15 million in the endowment. Why can't a portion of that be used to repair the roof?

MR. LIPP:

That's part of the -- well, it's not -- it's our decision to make I guess, ours meaning the Legislature's. It's not part of the investment strategy or goals right now. So -- and as a matter of fact, we are in the process of doing an RFEI for a new investment advisor so --

LEG. BARRAGA:

We're trying to avoid additional indebtedness, and there's another source of funding. In this particular case, taking \$200,000 from the endowment. Now they'll have 14,800,000, when the minimum is eight million. So they have a lot of flexibility. Somewhere there is revenue coming in. Maybe from the hotel/motel, maybe attendance is up. Lance is doing maybe a great job. We've always had a lot of confidence in him. But why do we have to bond it when the money is there someplace else in another account?

MR. LIPP:

All right, so this is not a complete answer, but what the protocol has always been is they've dipped into the trust fund for some operating expenses. The County has always paid for their capital.

LEG. BARRAGA:

This is a capital expense.

MR. LIPP:

Yes. The County has always paid in the past, whether or not we can do that is another question.

LEG. BARRAGA:

You know, what we're running into here, and we see it today, we have to make tough decisions from an economic debt perspective because we have an overall deficit of 170 million, but every bill that comes before us is the exception to the rule. We can't continue to go that route. In this particular case, the 200,000 is, to my way of looking at it, is there but just in another account, and maybe we should move in that direction as opposed to doing serial bonds for another 200 grand and increasing the debt service of the County.

MR. LIPP:

That's certainly an alternative.

LEG. BARRAGA:

All right. Thank you.

P.O. GREGORY:

Yes. Lisa.

MS. SANTERAMO:

We understand that there's been a lot of debate about the Vanderbilt, and what we asked was DPW to put together the overall plan for the Vanderbilt, what needs to be done, what they're looking at. They're going to present that in a Parks Committee at this next Parks Committee meeting to try to make sure that we give you as much information as possible so that you can have more information when you are trying to make these decisions. So we hope that will be helpful towards these Vanderbilt discussions.

LEG. SPENCER:

You know what I'll do to help move our evening along a little bit, since we have that option and we do have Lance that's very much engaged, and a lot of people that understand what's going on, I do think we need to find some common ground and we can continue this discussion. But I think in the interest of just addressing all of those considerations I'll make a motion to table.

LEG. TROTТА:

Second.

LEG. SPENCER:

We'll have it presented at Parks and then, you know, I look forward to really for us working together

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to, you know, when we have these precious sites all across Suffolk County, not just the Vanderbilt, for us to come up with a long-term plan. So motion to table.

LEG. MURATORE:

Second.

P.O. GREGORY:

All right. So Doc withdraws his motion to approve and makes a motion to table. A second by Legislator Muratore.

LEG. KENNEDY:

Just on the motion, Mr. Chair. And thank you, Doctor. But what I'm going to ask with that presentation, when it got around to me, I was just going to try to see if Phil from DPW or somebody could speak to why it's going to cost a half million dollars to do a roof on a three bedroom single story residence. That we'll know -- 200,000 we have before us, but what I heard in the dialogue was that's being aggregated to some previously authorized expenditure as well?

LEG. SPENCER:

Yes.

LEG. KENNEDY:

Okay. So I need to see something, not right now, no. We're tabling it in the next cycle, why we're looking at a half million that's being spoken about in terms of roof. Okay? Thank you.

P.O. GREGORY:

Legislator Stern.

LEG. STERN:

Thank you, Mr. Presiding Officer. I mean, I'm very reluctant to have supported this appropriation for this purpose in the first place. I agree with many of my colleagues, the absence of a plan for this particular property is troubling, and there's a lot to be discussed, particularly what, if anything, we're able to do with it since it is my understanding part of the Historic Land Trust. So I think that needs to be developed further.

Here, for me, whether you support the Vanderbilt or not, whether you agree with the future plans at the Vanderbilt or not, the fact is that there is a tenant there and we are a landlord. So I'm going to oppose the tabling motion because I think at the end of the day, regardless of the name Vanderbilt, we have a responsibility as a landlord to our tenant. And so I appreciate, Doc, you tabling this and going forward, but I think it's important to put that on the record. I'll be opposing the tabling motion for that reason.

P.O. GREGORY:

Legislator McCaffrey.

LEG. McCAFFREY:

Yeah, very quickly. If the tabling motion does go forward I would like to ascertain whether or not this is really in the Historic Land Trust or not. I've heard a couple of different things.

LEG. SPENCER:

It definitely is. I'm 100% sure.

LEG. MC CAFFREY:

Okay.

LEG. SPENCER:

Definitely.

P.O. GREGORY:

Okay. Legislator Cilmi.

LEG. CILMI:

Yeah, so I have to admit I was mistakenly under the impression that when I supported this and actually argued for passage of it in committee, that the \$60,000 a year was coming to the County. In light of the -- and I'm not sure that that's not -- I know the Commissioner is sort of shaking his head as not quite sure, but I would say I would make a motion to recommit this since we're going to get a presentation at committee, and then let's let it, you know, let's vote it yes or no at that point.

LEG. SPENCER:

I tabled it, Tom.

LEG. CILMI:

I mean, if we're going to have the presentation in committee, then it seems to me the committee would be responsible at that point for making a decision as to whether or not this makes sense in the framework of the whole -- of the whole picture there. So the committee should probably have another bite at the apple in terms of how to vote on this thing, especially in light of the information that we may not -- the County may or may not be the benefactor of that rent.

P.O. GREGORY:

All right. So we have a motion to recommit. Do we have a second?

LEG. CILMI:

Is there a second?

LEG. KENNEDY:

I'll second.

P.O. GREGORY:

Second, Legislator Kennedy. So we have -- now we have two motions. We have a tabling motion and a motion to recommit. Motion to recommit takes precedence.

LEG. HAHN:

Motion to approve.

P.O. GREGORY:

Seriously or are you joking?

LEG. HAHN:

Seriously.

P.O. GREGORY:

We have a motion to approve by Legislator Hahn.

LEG. CALARCO:

Second.

P.O. GREGORY:

Second by Legislator Calarco. Okay. We got the trifecta going.

LEG. KENNEDY:

Outstanding. There we go.

P.O. GREGORY:

Motion to recommit, roll call.

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

LEG. CILMI:

Yes.

LEG. KENNEDY:

Yeah.

LEG. KRUPSKI:

No.

LEG. BROWNING:

No.

LEG. MURATORE:

No.

LEG. HAHN:

No.

LEG. ANKER:

No.

LEG. CALARCO:

No.

LEG. LINDSAY:

No.

LEG. MARTINEZ:

No.

LEG. BARRAGA:

Yes.

LEG. TROTTA:

No.

LEG. MC CAFFREY:

Yes.

LEG. STERN:

No.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

No.

D.P.O. SCHNEIDERMAN:

No.

P.O. GREGORY:

No.

MR. LAUBE:

Five.

P.O. GREGORY:

Okay. Motion to table. Roll call. Come on now, it's getting late. Let's go. Motion to table. I have a Legislator who has to get a ferry, someone has to get a plane. Come on, let's go.

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

LEG. SPENCER:

All right. Okay. My motion, yes.

LEG. MURATORE:

Yes.

LEG. KRUPSKI:

This is the motion to table.

MR. LAUBE:

Correct.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

No.

LEG. HAHN:

No.

LEG. ANKER:

Yes.

LEG. CALARCO:

No.

LEG. LINDSAY:

No to table.

LEG. MARTINEZ:

No.

LEG. CILMI:

Yes to table.

LEG. BARRAGA:

Yes to table.

LEG. KENNEDY:

Yes to table.

LEG. TROTTA:

Yes.

LEG. MC CAFFREY:

Yes.

LEG. STERN:

No.

LEG. D'AMARO:

No.

D.P.O. SCHNEIDERMAN:

Yes to table.

P.O. GREGORY:

Yes.

MR. LAUBE:

Eleven.

P.O. GREGORY:

All right. Motion is tabled, I think. ***I.R. 1562 - Establishing the North Fork Preserve County Park Advisory Committee (Krupski)***. Motion by Legislator Krupski.

LEG. KRUPSKI:

Motion.

LEG. HAHN:

Second.

P.O. GREGORY:

Second by Legislator Hahn.

LEG. KRUPSKI:

On the motion. This is just a citizens advisory committee that would meet and give some recommendations about the park. Already, you know, over a year ago there was a proposal to spend over a million dollars in drainage. Working with DPW that was reduced to I think 800,000 we appropriated to fix that drainage liability. That was a liability we inherited when we bought the parcel. Hopefully that will remediate that problem. So this is just a committee that's going to meet and discuss all the things that are -- thank you.

P.O. GREGORY:

Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

J.R. 1594 - Authorizing use of the Long Island Maritime Museum by the Rotary Club of Sayville for Annual Beefsteak Fundraiser (Co. Exec.).

LEG. HAHN:

Motion.

P.O. GREGORY:

Motion by Legislator Lindsay, second by Legislator Hahn. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

J.R. 1597 - Requesting legislative approval of a contract award for renovation, operation, maintenance and management of a restaurant, bar and catering concession at Timber Point County Park, Great River (Co. Exec.).

D.P.O. SCHNEIDERMAN:

Motion.

P.O. GREGORY:

Motion by Legislator Schneiderman. I'll second. Any questions? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

J.R. 1598 - Requesting legislative approval of a contract award for renovation, operation, maintenance and management of a restaurant, bar and catering concession at Charles R. Dominy County Park, West Sayville (Co. Exec.). Same motion, same second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

J.R. 1633 - Repealing Resolution No. 362-2014, authorizing an agreement with Long Island Abate for the use and maintenance of the former Long Island Beagle Club property (Krupski). Motion by Legislator Krupski.

LEG. HAHN:

Second.

P.O. GREGORY:

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

MR. LAUBE:

Eighteen.

P.O. GREGORY:

J.R. 1325 - Adopting Local Law No. -2014, A Local Law to ensure access to emergency services via telephone (Trotta). Motion by Legislator Trotta.

LEG. HAHN:

Second.

P.O. GREGORY:

Second by Legislator Hahn or Kennedy.

LEG. KENNEDY:

No, give it to her.

P.O. GREGORY:

Legislator Hahn. Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

Okay, motion passes. ***I.R. 1603 - Accepting the donation of a Road Warrior Speed/LPR trailer from NDI Recognition Systems for use by the Suffolk County Police Department (Co. Exec.).***

LEG. BROWNING:

Motion.

P.O. GREGORY:

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

LEG. HAHN:

Cosponsor.

MR. LAUBE:

Who was the motion and second on that?

P.O. GREGORY:

Browning and Muratore.

MR. LAUBE:

Thank you. Eighteen.

P.O. GREGORY:

I.R. 1573 - Adopting Local Law No. -2014, A Charter Law to clarify the County's Procedure for disposing or transferring surplus personal property (Browning).

LEG. BROWNING:

Motion.

P.O. GREGORY:

Motion by Legislator Browning.

LEG. MURATORE:

Second.

P.O. GREGORY:

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

MR. LAUBE:

Eighteen.

P.O. GREGORY:

I.R. 1576 - Amending the 2014 Capital Budget and Program and appropriating funds in connection with reconstruction of CR 97, Nicolls Road (including connect Long Island component) (CP 5597) (Co. Exec.).

LEG. MURATORE:

Motion.

P.O. GREGORY:

Motion by Legislator Muratore. I'll second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

Corresponding Bond Resolution ***1576A, (Bond Resolution of the County of Suffolk, New York authorizing the issuance of \$3,750,000 bonds to finance the reconstruction of CR 97, Nicolls Road (including connect Long Island component) (CP 5597.110).*** Same motion, same second. Roll call.

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

LEG. MURATORE:

Yes.

P.O. GREGORY:

Yes.

LEG. KRUPSKI:

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. TROTТА:

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. 1591 - Appropriating funds in connection with Construction of Sidewalks on Various County Roads (CP 5497)(Co. Exec.).*

LEG. HAHN:

Motion.

P.O. GREGORY:

Who made the motion? Legislator Hahn.

LEG. BROWNING:

Second.

P.O. GREGORY:

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

LEG. HAHN:

Cosponsor.

MR. LAUBE:

Eighteen.

P.O. GREGORY:

I.R. 1591A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$500,000 bonds to finance the construction of sidewalks on various roads (CP 5497.335). Same motion, same second. Roll call.

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

LEG. HAHN:

Yes.

LEG. BROWNING:

Yes.

LEG. KRUPSKI:

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.

P.O. GREGORY:

Yes.

MR. LAUBE:

Eighteen.

P.O. GREGORY:

J.R. 1592 - Appropriating funds in connection with Dredging of County Waters at Various Locations (CP 5200)(Co. Exec.).

LEG. HAHN:

Motion.

P.O. GREGORY:

Motion by Legislator Hahn.

LEG. MURATORE:

(Raised hand).

P.O. GREGORY:

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

MR. LAUBE:

Eighteen.

P.O. GREGORY:

J.R. 1592A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$1,451,500 to finance the dredging of County waters at various locations (CP 5200.121, .451 and .513). Same motion, same second. Roll call.

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

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

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. 1593 - Appropriating funds in connection with Installation of Guide Rail and Safety Upgrades at Various Locations (CP 5180)(Co. Exec.).

LEG. HAHN:

Motion.

LEG. MURATORE:

Motion.

P.O. GREGORY:

Motion by Legislator Hahn, second by Legislator Muratore.

LEG. HAHN:

Cosponsor.

P.O. GREGORY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

I.R. 1593A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$250,000 bonds to finance the cost of installation of guide rail and safety upgrades at various locations (CP 5180.350). Same motion, same second. Roll call.

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

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

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:

IR 1596 - Amending the 2014 Capital Budget and Program and appropriating funds in connection with the reconstruction of CR 3, Pinelawn Road, Towns of Huntington and Babylon (CP 5510)(Co. Exec). I'll make the motion, second by Legislator D'Amaro. All in favor? Opposed? You got a question? Phil?

LEG. HAHN:

Oh, so, no I was just asking because it's amending. So what are we taking the money from, the project?

MR. BERDOLT:

It's for Horseblock Road.

LEG. HAHN:

So -- but do they need it in there at that bridge?

MR. BERDOLT:

We'll be utilizing the funds from CP 5855 for replacement of -- it's bridge work over CR 16, Horseblock Road.

LEG. HAHN:

Right. But doesn't that bridge need that money?

MR. BERDOLT:

Yeah. I'm assuming it's extra funds. I don't think we're completely --

LEG. HAHN:

You're assuming it's extra funds?

MR. BERDOLT:

Yeah -- depleting it.

LEG. HAHN:

Okay. I'll take your word for that. Thank you.

P.O. GREGORY:

Okay. Anymore questions? Anyone else? All right. We have a motion and we have a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

All right. *I.R. 1596A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$250,000 bonds to finance engineering and planning costs associated with the reconstruction of CR 3, Pinelawn Road, Towns of Huntington and Babylon (5510.113).*

Same motion, same second. Roll call.

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

P.O. GREGORY:

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. STERN:

Yes.

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

MR. LAUBE:

Eighteen.

P.O. GREGORY:

J.R. 1599 - Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 3 Southwest and Westbrook Village (IS-1432.1)(Co. Exec.).

LEG. D'AMARO:

Motion.

P.O. GREGORY:

Motion by Legislator Spencer, second by Legislator D'Amaro. Right, was that you? On the motion, Legislator Cilmi.

LEG. CILMI:

Yes. Where did Phil go?

MR. BERDOLT:

Yeah, right here.

LEG. CILMI:

I think I had e-mailed the Commissioner about this some time ago to ask whether or not there was a possibility that we could explore sewers in the Islip Terrace and Great River communities that are in such close proximity to this connection that it would be silly probably not to explore that opportunity. Any thoughts?

MR. BERDOLT:

I'm not aware of the e-mail.

LEG. CILMI:

Okay.

MR. BERDOLT:

But I'm assuming that Commissioner Anderson did take it into consideration. I can look into it and get back to you on it.

LEG. CILMI:

If you could, because this really splits those two communities, the Islip Terrace community and the Great River community, both of which would benefit very significantly from sewer connections. And it's so close to them that it seems practical to do it. I'd appreciate it if you'd get back to me.

MR. BERDOLT:

Yes.

LEG. CILMI:

Thanks very much.

P.O. GREGORY:

Okay. Legislator Calarco.

LEG. CALARCO:

Phil, to that point. One of the things that we've done in Patchogue Village that's been very successful is whenever the Mayor has somebody connecting from a point distance to the plant that doesn't already have an existing line, he makes sure that that line is sized at least to the capacity so that it can absorb the surrounding properties should they ever get to that point that they can do that project. While I'll sure doing a sewer project off of this line in and of itself is probably not something that's going to happen in the near future, if you can try to make sure that lined is sized properly it avoids having to duplicate that work.

MR. BERDOLT:

Okay. Yup, this is already an existing system so, you know.

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. 1600 - Authorizing execution of an agreement by the Administrative Head of SCSD No. 3 – Southwest with 1471 Straight Path (1477.1-007)(Co. Exec.)***. I make a motion to approve.

LEG. D'AMARO:

Second.

P.O. GREGORY:

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

MR. LAUBE:

Eighteen.

P.O. GREGORY:

I.R. 1625 - Appropriating funds in connection with the purchase of replacement public safety vehicles (CP 3512)(Co. Exec.).

LEG. BROWNING:

Motion.

LEG. HAHN:

Motion.

P.O. GREGORY:

Motion by Legislator Browning. Second by Legislator Hahn.

LEG. KENNEDY:

On the motion.

P.O. GREGORY:

On the motion, Legislator Kennedy.

LEG. KENNEDY:

This one we've talked about at length and I believe that there was a representation by the Administration that the bonding associated with this acquisition would, in fact, be a five year bond. Is that correct, Tom?

MR. VAUGHN:

Yes, Legislator Kennedy. It actually says it. It actually says in the third Resolved that the bond will be financed using the PPU. So whatever the PPU on the vehicles is will be the length of the bond.

LEG. KENNEDY:

Typically, Robert -- through the Chair. Robert, what would that be? That would be five years, six years on a vehicle?

MR. LIPP:

It would be five years. Just for your information, there was a million dollars in the last serial bond in June that they included -- they included for three years for public safety vehicles.

LEG. KENNEDY:

Okay. Great. Thank you very much. We appreciate that.

P.O. GREGORY:

Okay. Legislator Hahn.

LEG. HAHN:

Where does this get us?

MR. BERDOLT:

I'm sorry, what was the question?

MR. VAUGHN:

Pardon me, Legislator?

LEG. HAHN:

How many police cars does this get us? How long will it take us to get them on the street? How many will we still be short?

MR. VAUGHN:

This is for purchase of 156 public safety vehicles, Legislator. There are 39 either unmarked sedans or undercover vehicles, 90 police cruisers, two for Probation and 12 for the Sheriff's Department. I don't have an update on the other last part of that question.

LEG. HAHN:

Okay. And so how long does it take us now to get these cars? You know, this will let us order them? So once we approve this you can order them?

MR. BERDOLT:

Yes. Once the funding is in place we can put in the purchase orders.

LEG. HAHN:

And how long do you expect the purchase order to take, your preparation time.

MR. BERDOLT:

If everything is approved, we anticipate the majority of these vehicles being on the road by November.

LEG. HAHN:

Okay. And then do you know where we'll be at in terms of what we'll need?

MR. BERDOLT:

I don't have that information.

LEG. HAHN:

Thank you. Hopefully at Public Safety, Legislator Browning, when we have the Chief of Department present at Public Safety, if we can just check in on the vehicle -- where we're at with vehicles then. That would be helpful.

LEG. BROWNING:

Sure. We can do that. I guess that would be more of a DPW question, too, right?

MR. BERDOLT:

Yeah. We could -- I mean we know -- I just don't have that information with me right now.

LEG. BROWNING:

Yeah. If you can get that for us. Appreciate it.

P.O. GREGORY:

Legislator Anker.

LEG. ANKER:

Okay. Real quick. The cars -- the new cars that we've ordered, there had been an issue possibly of them being too small for the officers with the computer components being put in the middle. And then I heard that well, they kind of fixed that because they moved the computer components to the trunk. But -- so that's one question. So the question is are they adequately sized for the personnel that will be using it?

MR. BERDOLT:

The new vehicles, yes, moving forward. And I would say I think it was about 23 of the last batch were reconfigured with the new console.

LEG. ANKER:

Okay. And again, you know, from what I understand, the Police Officers, when they arrest someone, that person goes in the front seat. I mean, that's something I guess P.D. works out with you guys.

MR. BERDOLT:

I can't comment on that one.

LEG. ANKER:

You can't comment on that. And again, you know, I just want to make sure officers are safe. And last question. Energy efficiency. Are you guys ordering or looking into any type of energy efficiency type of vehicle for public safety?

MR. BERDOLT:

No, we are not.

LEG. ANKER:

Hybrids or any type of -- what is it, the other --

LEG. KRUPSKI:

That's actually what the department did. When you buy the vehicles you look at cost of operation and cost of maintenance as, you know, not just fuel economy, but it's cost of operation overall. Oil changes, any kind of other maintenance is considered, and that's why they selected these vehicles.

LEG. ANKER:

Okay. Thank you.

P.O. GREGORY:

Okay. All right. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

Okay. *I.R. 1625A (Bond Resolution of the County of Suffolk, New York authorizing the issuance of \$5,000,000 to finance the purchase of replacement public safety vehicles (CP 3512.516 and 517)).* Same motion, same second. Roll call.

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

LEG. BROWNING:

Yes.

LEG. HAHN:

Yes. Sorry.

LEG. KRUPSKI:

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.

P.O. GREGORY:

Yes.

MR. LAUBE:

Eighteen.

P.O. GREGORY:

Okay. I.R. 1628 we did earlier. ***I.R. 1629 - : A Resolution making certain Findings And Determinations in relation to modifying the plan of service for Suffolk County Sewer District No.4 - Smithtown Galleria (Co. Exec.).***

LEG. KENNEDY:

Motion.

P.O. GREGORY:

Motion by Legislator Kennedy.

LEG. MURATORE:

Second.

P.O. GREGORY:

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

MR. LAUBE:

Eighteen.

P.O. GREGORY:

I.R. 1635 - Authorizing execution of easement agreements with the NYSDOT in connection with road improvements on NYS Rte. 112 at Overton Preserve (SCTM No. 0200-524.00-01.00-047.001) (Co. Exec.). Do I have a motion? Okay. I'll make a motion. Do we have a second?

LEG. KENNEDY:

Second.

P.O. GREGORY:

Second by Legislator Kennedy. Any questions?

LEG. HAHN:

Yeah.

P.O. GREGORY:

On the motion, Legislator Calarco.

LEG. CALARCO:

Yeah, can we get an explanation, Phil? What exactly is this doing? Because Overton Preserve happens to be I guess between my and Legislator Hahn's district and it is parkland, so how is this happening? What's going on here?

MR. BERDOLT:

Yes. Well, for the widening of the street the State is taking the property. They're taking approximately a half an acre, but it's only a 15 foot wide strip. And in return, they're going to be grading down the slope a natural grade with new plantings. And also, in exchange for this they're going to be putting a traffic signal, installing a traffic signal at the intersection of the new entrance of the park, and also opposite of the park they'll be installing a gravel parking lot.

LEG. CALARCO:

So they're going to temporary use our parkland for the road project, I guess for staging?

MR. BERDOLT:

Yes, correct.

LEG. CALARCO:

And then they're going to in return for that usage of that property they're going to then regrade it, create some parking for the park and a signalized entrance to the park.

MR. BERDOLT:

Correct.

LEG. CALARCO:

Okay.

P.O. GREGORY:

Legislator Hahn.

LEG. HAHN:

Are they going to revegetate it?

MR. BERDOLT:

Yes, they are.

LEG. HAHN:

And they're going to make sure that invasive species don't come in? Like if they -- because once you go in and disturb, are they going to be responsible if invasive species pop up once they, you know, disturb --

MR. BERDOLT:

I wouldn't imagine so, that once they leave whatever grows, grows.

LEG. HAHN:

Hopefully we could just be on top of them when they're planting to make sure that they're putting in what is approvable in our area.

MR. BERDOLT:

Yeah. I'm sure they are going by DEC regulations on what should be there and they have their --

LEG. HAHN:

But an adequate amount to prevent the invasives from, you know, taking over an adequate size. If you can just make sure.

MR. BERDOLT:

We'll look into that, yes.

LEG. HAHN:

Thank you.

P.O. GREGORY:

Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen. Can I get a check on the motion and second on that?

P.O. GREGORY:

I think I approved it -- I was the motion, Legislator Kennedy was the second.

MR. LAUBE:

Thank you.

P.O. GREGORY:

Okay. *I.R. 1574 - Adopting Local Law No. -2014, A Charter Law amending Article I of the Suffolk County Charter to require a referendum to amend or repeal the Suffolk County Drinking Water Protection Program (Co. Exec.).* Motion to table by Legislator Calarco.

LEG. SPENCER:

Second.

P.O. GREGORY:

I will second. Motion to approve by Legislator Anker.

MR. BERDOLT:

Sorry about that.

P.O. GREGORY:

Okay. Any questions?

LEG. CILMI:

Do we have seconds on either of those motions?

P.O. GREGORY:

We have a second on the tabling.

LEG. HAHN:

Looks like Mr. Vaughn is interested in talking.

P.O. GREGORY:

Mr. Vaughn, you have something to say?

MR. VAUGHN:

No, we would just like to make clear that we support this. We would like to see this adopted. We think that this is the best direction to go with this.

P.O. GREGORY:

Wait a minute, wait a minute. Where's Dennis?

LEG. TROTТА:

To table or approve?

MR. VAUGHN:

The Administration supports the adoption of this.

LEG. ANKER:

Really?

MR. BROWN:

I can't speak on behalf of the Executive's Office, it's the role of Mr. Vaughn and the Administrative staff to make known what the position is of the County Executive's Office is. So as far as -- but as far as the County Executive's Office is concerned, is the bill represents an important part of reaching an overall agreement with the -- in connection with the lawsuit and with connection with how the Drinking Water Protection Program could be -- should be handled in the future. That's the position of the County Executive's Office going forward. We had earlier discussion today and ultimately the decision that you make whether to table tonight is a policy decision.

P.O. GREGORY:

This is frustrating, because we had an understanding and now it seems like you're going back on the understanding.

MR. BROWN:

The discussion that we had in Executive Session, it's not altered.

P.O. GREGORY:

It certainly is altered. And the conversation that you, I, Jon Schneider and Dick Amper had is altered. Or am I losing my mind.

MR. BROWN:

Mr. Vaughn is really just expressing what the policy is of the Administration in the long run with respect to the adoption of this bill and the adoption of the bill that was made earlier this afternoon.

LEG. HAHN:

You want to take a break? Can we take a five minute break?

P.O. GREGORY:

All right. Legislator Kennedy and then Legislator D'Amaro.

LEG. KENNEDY:

Okay. Dennis, you're right. You referenced we had a wide ranging conversation for about an hour

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in Executive Session that dealt specifically with legal issues. Notwithstanding the County Executive's position regarding policy, you are Counsel to 19 of us, and we had a very specific conversation about your legal advice to me and to the other 17 Legislators here. Correct?

MR. BROWN:
That's correct.

LEG. KENNEDY:
Okay. And you did advise us something as far as the prudence of acting on this resolution now or waiting pending some other actions that were going to occur.

MR. BROWN:
That's correct.

LEG. KENNEDY:
Okay. And so we kind of came to a -- I took from that an understanding that actually it would probably be more beneficial right now, because of a lot of other external circumstances going on, that this resolution be tabled.

MR. BROWN:
That's correct.

LEG. KENNEDY:
Excellent, good. So then that's what I'm prepared to do now. I'm going to make a motion to table. I think we have a motion to table, because I'm going to rely on your legal advice. How is that?

MR. BROWN:
That's good.

LEG. KENNEDY:
Okay. Thank you.

*(*Laughter*)*

P.O. GREGORY:
Okay. Legislator D'Amaro.

LEG. D'AMARO:
This legislation would require, Dennis, a referendum any time the County chooses to alter or repeal or change or amend the Quarter Cent Drinking Water Protection Program?

MR. BROWN:
That's correct.

LEG. D'AMARO:
And is there -- that issue pending in litigation right now?

MR. BROWN:
That's correct.

LEG. D'AMARO:
All right. And that issue has been addressed in the litigation? We're waiting for a decision or is it something that needs to still be raised? You know, what point are we at.

MR. BROWN:

It's pending.

LEG. D'AMARO:

It's pending?

MR. BROWN:

A decision from the Appellate Division.

LEG. D'AMARO:

From the Appellate Division. Now, we earlier today passed a resolution that also addressed the Drinking Water Protection Program where we authorized some bonding --

MR. BROWN:

Yes, correct.

LEG. D'AMARO:

-- in the future for that program and did a few other things also. Does that -- does passing of that bill have anything to do with this bill?

MR. BROWN:

No, it does not.

LEG. D'AMARO:

All right. So this is just an independent decision on whether or not we believe the County should be put in the position of having to go to a mandatory referendum if we want to change the Drinking Water Protection Program?

MR. BROWN:

That's correct.

LEG. D'AMARO:

Completely separate from what we did this morning.

MR. BROWN:

That's correct.

LEG. D'AMARO:

Okay. And how soon do you expect the decision with respect to the lawsuit that's pending on this issue?

MR. BROWN:

I can't predict, but relatively shortly.

LEG. D'AMARO:

Okay. Thank you.

P.O. GREGORY:

Okay. Do you have something to add, Mr. Vaughn? I'm going to say I feel like I've been left at the alter. There was an agreement.

MR. VAUGHN:

Mr. Presiding Officer, the reason that you feel that way is completely my fault and I apologize for that. There was a piece of information that I did not have prior to this. I would never want to

countermand what the County Attorney had told you earlier. This is completely my fault. I apologize for that and we support the tabling motion at this time.

P.O. GREGORY:

Okay. Still at the alter and then pawned my engagement ring.

*(*Laughter*)*

All right. So we have a motion and a second to table.

MR. LAUBE:

Who is the second?

P.O. GREGORY:

John, Legislator Kennedy.

MR. LAUBE:

Thank you.

P.O. GREGORY:

All right. All in favor? Opposed? Abstentions?

LEG. D'AMARO:

I oppose.

P.O. GREGORY:

Two oppositions. Three?

MR. LAUBE:

Hand up hand up all the way. Okay. Fifteen. It's 16. (Opposed: Legislators D'Amaro and Anker)

P.O. GREGORY:

All right. ***I.R. 1601 - Approval of auction rules for the disposition of surplus property acquired under the Suffolk County Tax Act (Co. Exec.).*** Motion to approve by Legislator Stern. I'll second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

I.R. 1630 - Directing the County Attorney to examine the feasibility of commencing a legal action to correct inequitable fishing quotas (Schneiderman).

Motion by Legislator Schneiderman.

LEG. TROTТА:

I'll second.

P.O. GREGORY:

Second by Legislator Trotta. Questions? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

J.R. 1632 - Authorizing execution of an Assignment Agreement with the MTA and the Village of Greenport of lease and sublease for the Greenport Commercial Dock (Krupski).
Motion by Legislator Krupski.

LEG. KRUPSKI:

So moved.

LEG. HAHN:

Second.

P.O. GREGORY:

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

MR. LAUBE:

Eighteen.

P.O. GREGORY:

J.R. 1634 - Authorizing the reconveyance of County-owned real estate pursuant to Section 215, New York State County Law to Michael Schlachter (Krupski).

LEG. KRUPSKI:

So moved.

P.O. GREGORY:

Motion by Legislator Krupski. I'll second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

Okay. Go to your manila folder. Go to ***Procedural Motion No. 23, Authorizing video streaming of County Legislature meetings (Pres. Off)***. I'll make a motion to approve, second by Legislator Anker. Any questions?

LEG. BARRAGA:

I've got a few questions.

LEG. D'AMARO:

On the motion also.

LEG. BARRAGA:

Can you give me the cost factor associated with doing this?

P.O. GREGORY:

I'm sorry. Yes, go ahead, Cary.

MR. FLACK:

All right. The cost to install the cameras and a new sound panel would be \$28,121.

LEG. BARRAGA:

Is there some sort of monthly fee associated with this?

MR. FLACK:

The monthly fee would be for the streaming content and a web portal so that the County does not have to use its bandwidth and server resources and storage resources. There would be a \$990 a month fee.

LEG. BARRAGA:

What happens out in Riverhead? Do you have to install equipment out there?

MR. FLACK:

This Procedural Motion only covers Hauppauge, General Meetings in Hauppauge only.

LEG. BARRAGA:

But the eventuality is that you probably would have to go through a similar expense in Riverhead. How could you have it here and not there?

MR. FLACK:

That would be, you know, up to -- at a later date for you guys to decide.

LEG. BARRAGA:

Who's running the system -- I mean the cameras?

MR. FLACK:

Actually a person on my staff will be the operator. The camera would be right in the back, one camera back there, which will have the ability to pan -- a pan, tilt and zoom. And there will be an operator standing right over here with a joystick and a monitor to --

LEG. BARRAGA:

So there's a cost factor in terms of employee salary.

MR. FLACK:

No, it will be a member of my staff who is already on salary.

LEG. BARRAGA:

Already on salary. So he's doing this because he isn't able to do something else, because now this will take up his time when we're in session.

MR. FLACK:

Right, and this would only be for General Meetings only.

LEG. BARRAGA:

All right. Thank you. On the resolution. This is a good example of something we should really nix. I mean, is there a real need for this? I mean, is there a real demand for this under the guise of transparency when we have a \$170 million deficit and we're still playing with this game of spending 50, 75, \$100,000 on equipment and staff at two different locations?

MR. LIPP:

That's a policy issue. It's not for us to say.

LEG. BARRAGA:

I'm not talking to you anymore, with all due respect. I'm just looking at it you. I'm not talking to you.

(**Laughter**)

But here's a very good example of what, you know, some of the problems we have in Nassau and Suffolk, when we take a look at all the different municipalities and localities and their budget problems, you know, once you put something in place, it's extremely difficult to get rid of it. This is something new, but it's not affordable. There's no real need for this. I mean, you think there's a real throng of people out there waiting to see us on television? I don't think so. If they really want to listen, they can listen to the audio and that's tough enough to listen to. But certainly I think this is one resolution where we can sit back and say, look, we don't need to do this. I mean, transparency is fine, but why go so far as to put, you know, yourselves on television and incur a brand new expense. I mean, we've had debates today on several issues with reference to serial bonds and indebtedness and here this is brand new. Additional money we're spending when basically we're broke. I'm going to take a pass on this one. We don't need to do this. There's no real need for this.

P.O. GREGORY:

Okay. I would like to respond, since I've been pushing this. As one of the largest counties in all of the State of New York and actually the thirteenth, one of the thirteenth largest counties in the country, we are the remaining sole largest county that does not provide this level of openness and transparency. There was studies a few years back, or I guess maybe five years ago now, the cost was significantly more. We put in this year's budget, you know, we're testing this as a pilot program. If the Legislature so sees fit, we could have the ability to expand to more cameras, not only here, but in the Riverhead location. So there isn't any obligation, as far as I'm concerned, to go to Riverhead at this point. But I think it's important that we have transparency so that when we do have these discussions, you know, our, you know, our constituents are able to have access to us.

Any time I've spoken about it, and I've been to various schools throughout the County now talking about this, and particularly, you know, high school civics classes. They are very excited about the opportunity to have a class go on the computer and view a Legislative session as we discuss the important issues of the County. We're reaching out to all the civics in various communities. I think it's -- you know, we're behind the times, and it's not a significant amount. I hear your argument, but it's not a significant amount when compared to the benefits of having transparency for our constituents.

LEG. BARRAGA:

Mr. Presiding Officer, what I'm talking about is a fundamental question of affordability in the context of how we're operating as a County. You talk about kids in the class. They can't listen to the audio? Do you have to see you to get something out of it? I don't think so. The audio is sufficient. All I'm saying is that why move into another area where, you know, we really can't afford to do this? Once this project is in place, DuWayne, it's in place. You may say well, we'll take a look at this as a pilot project. We're going to go from Hauppauge to Riverhead and it's going to be there and it's not going to get any cheaper. I mean, we've done enough today. I mean, we've had debates on exceptions for every rule in terms of Homan and a couple of other issues, the serial bonds for the Vanderbilt, whatever it may be. We don't have to open up a brand new expense. It's really not necessary. You have to draw the line somewhere.

P.O. GREGORY:

Okay. All right. Legislator D'Amaro.

LEG. D'AMARO:

Yes, thank you. Legislator Barraga, I tend to agree with you. We have audio streaming, it works fine. I know my kids text me and tell me they're listening and that's where I'm getting all my ideas and they're telling me what to say when I'm here at the horseshoe.

*(*Laughter*)*

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You know, beyond the expense issue, and I want to talk to the Presiding Officer about this also, and to my colleagues. You know, the court system has rejected televising and there are reasons underlying that. And it has to do, I guess, there are different issues with the courts as opposed to a Legislative branch, but does it change the dynamic in any way of what happens here in the Legislature, number one. And more specifically, who controls the video, who controls where the camera goes, who it's pointing at? You know, how is this actually as a practical matter going to work?

I know that I see -- I think it's the Town of Huntington televises or records and then televises their Town Board, and I believe there it's simply a fixed camera on the board at all times. I'm not sure. I think that's what it is. But this is a larger auditorium, so are we -- I really need to understand exactly what's being televised or being recorded and then streaming. I guess it's live realtime, streaming in realtime? So there's one camera at the back of this room that's going to be focused on the entire horseshoe at all times? I mean, Cary, can you answer these questions?

MR. FLACK:

Yes, I can.

LEG. D'AMARO:

Go ahead.

MR. FLACK:

There will be one camera in the back of the room. Another aspect of this is the upgrading of the sound panel.

LEG. D'AMARO:

Wait, wait. I don't want to get into that yet. Hold on. So there's one camera at the back of the room.

MR. FLACK:

Yes.

LEG. D'AMARO:

Now, is that camera going to be fixed on the entire horseshoe at all times, all Legislators?

MR. FLACK:

It will have the ability to zoom in to whoever is talking and to pan to various parts of the horseshoe itself.

LEG. D'AMARO:

Who decides that?

MR. FLACK:

The operator will at the time that it's going on during the meeting. For example, if you're talking right now, you would probably focus, maybe not exactly on you, but in that general area over there. Once that's done, we can back out and view the whole horseshoe.

LEG. D'AMARO:

So are there any written rules as to how the camera is controlled?

MR. FLACK:

No, it's just aesthetics.

LEG. D'AMARO:

Well, if I'm speaking to you now --

MR. FLACK:

Yes.

LEG. D'AMARO:

Okay, and the camera's back there, could that camera focus on Legislator Krupski? Is there anything that would prevent that?

MR. FLACK:

Nothing will prevent that, no. The operator can either pan across or pull back and then zoom in.

LEG. KRUPSKI:

I do have a new suit. Thank you.

LEG. D'AMARO:

I mean, it's one thing to want to -- what's that?

LEG. KRUPSKI:

I do have a new suit, thank you.

*(*Laughter*)*

LEG. D'AMARO:

It's one thing to want to stream it and televise it and make it accessible. It's another thing to, you know, get into the nuts and bolts of exactly what is being presented. And I think anyone who's ever worked a camera or anyone who's ever directed something would tell you that, you know, presentation means an awful lot. And you can present a lot of false image of the real work that's going on here if that camera is not controlled the way it should be controlled to present an accurate depiction of what's going on in the debate. I don't have any real comfort with that. This is really the first -- I know the Presiding Officer had sent out an e-mail about this a few days ago and I started to think about it.

I would be more comfortable with a set of standards and rules as to exactly what and when and who is controlling that camera, what's it focusing on, when is it going to do so, who's making those decisions. You know, is the purpose to show individual Legislators? Is the purpose to show how the body's interacting? There's just so many questions here for me. And again, in the Town of Huntington it's done. It's a little simple because it's a smaller board so they have the one camera focused on the full board at all times and it's fixed. There's no decisions being made.

So those are some of the concerns that I have for this. And even if we arrive at a set of rules on how to televise or stream or record these proceedings, even if it's acceptable to all of us, I just wonder on a more theoretical level if that doesn't somehow change the dynamic of what's happening here. And that's something we have to think about. You can go on C-SPAN and you can watch committee meetings, you can watch the Congress, the House of Representatives and, you know, it's done all the time, but I would -- I don't know who controls those cameras or what they're permitted to focus on or not focus on, or if there are any rules. I don't know.

LEG. BARRAGA:

There are rules.

LEG. D'AMARO:

There are rules.

LEG. BARRAGA:

There are rules.

LEG. D'AMARO:

Yeah, I would think there would be. So I think before we go ahead and do this, I think we need to come up with a set of standards and rules and practices with respect to televising, and I think you have to give some real careful thought to that so that it presents a fair and accurate image to the public of what you're trying to do. I'm not saying I even support doing this in the first instance because I'm not sure that we can afford to do it and I think the audio works out pretty well. But at a minimum I'd like to see some rules in place so we're going in with our eyes open and make sure that we're presenting the right image, the accurate image of how we legislate and what we do here. And I have a lot more thoughts about this, but in the interest of time I'll just hold off.

P.O. GREGORY:

Okay. Legislator Anker.

LEG. ANKER:

I support this. You know, I was over at the Town of the Brookhaven. I worked next to IT. And Brookhaven Town's taping of their Town Council meetings are one of the most popular shows in Brookhaven. You hear people constantly talking about, you know, they have insomnia, these things are on late at night. They're shown over and over again. It's a form of transparency. And, you know, I mean, if you think about it, you know, the latest thing is reality TV. This is the ultimate in reality TV. Can we create sponsorships? Can we make some revenue? Maybe. But I think this pilot program should go forward and we should see what happens. It is a little bit of an investment but, I mean, if we're the only county in the State that's not, you know, videotaping our meetings, it's kind of an embarrassment. You know, we're in the 21st century. You know, we don't need to be the dinosaurs. And we're one of the most progressive County Legislatures in the country and, again, I think this is important that we do this so I support this resolution.

P.O. GREGORY:

Okay. Legislator Krupski.

LEG. KRUPSKI:

You know, I came from town government where the meetings were televised, Town Board meetings, and you had Cablevision do it. It was a service that Cablevision offered to the towns, and everybody here isn't really camera ready, believe me.

*(*Laughter*)*

LEG. KRUPSKI:

You got to sit up straight, put your jackets on, guys, you know. So there's that. When this was originally floated I thought it was a good idea as far as bringing the public in, getting the public a little more engaged. Legislator Barraga is right, though.

LEG. HAHN:

Check, check.

LEG. KRUPSKI:

This is just a bad time. And once you start a new program you can't go back. And, you know, we need to wait I think until we get our financial act together and then we should open it up, because the more you engage the public, the better, absolutely. And it's good that the press is here, because you need people to take, you know, to kind of take ownership of the government and pay attention so they know what's going on, they know who their Legislators are and they know what we're doing. But financially I just think it's -- unfortunately it's the wrong time.

P.O. GREGORY:

Okay. Legislator Cilmi.

LEG. CILMI:

Thank you. Cary, I have some questions for you.

MR. FLACK:

Sure.

LEG. CILMI:

I had asked a couple of years ago about this and was told that it was prohibitively expensive to do it, and I think based on what I recall seeing at the time that the numbers have come down. But, they are -- it is still quite expensive. Is there a less expensive alternative to what we're proposing here?

MR. FLACK:

Well, the actual camera and the streaming is -- the camera installation is only about \$7,000. The upgrade to our sound panel is a good portion of this, and this is above and beyond just the video streaming. As you know, our sound panel is 15 years old, and we have tapped into. It's an old analog system and we have four zones on there right now, two in this room, one outside, and one in the offices in the back. And during this 15 year -- 15 years that this sound panel's been back there, we've tapped into it for the audio stream, we've tapped into it for the stenographers, we've tapped into it for various other things that it just has degraded the sound as you've probably heard, static going through the system. We tapped into it for the TV and projectors, so it has degraded, and I'm sure you've heard over the last six months or so, the feedback coming through our microphone systems.

LEG. CILMI:

So you said you have about \$7,000 for a camera, a significant portion for the sound panel. So how much money is the sound panel, roughly, to upgrade that.

MR. FLACK:

The sound panel and the installation and the cabling and all that sort of stuff is --

LEG. CILMI:

The balance?

MR. FLACK:

Roughly about the balance of it yes, 20,000.

LEG. CILMI:

Okay. And the sound panel that we would get would be what, like a digital?

MR. FLACK:

It's digital, yes.

LEG. CILMI:

Digital panel.

MR. FLACK:

It's digital, small. It's going to have all zones. The zone for the stenographer, a zone -- a separate zone for the TV, a separate zone for the hearing impaired.

LEG. CILMI:

Would the -- would the -- how does it work exactly? Would the microphones then be sort of directly fed to -- through this panel and then therefore into the -- into the video stream?

MR. FLACK:

Yes. Yeah. Part of that -- another zone will be for the stream itself, which will then go downstairs to an encoder, which the company that we're using to stream out to and have -- and host our broadcast will be providing what's called an encoder. So the audio and the video will go downstairs to our server room where it will be captured in one stream, and then pushed out through the Internet to their servers out there.

LEG. CILMI:

And that's what we're paying the \$980 a month?

MR. FLACK:

Nine-ninety, yes.

LEG. CILMI:

Nine-ninety a month.

MR. FLACK:

Yes, as well as archiving on there. They do have the ability to time stamp so we don't have to view a whole meeting. The public will be able to click on, depending on how we time stamp it, we can time stamp it to various I.R.'s, we can time stamp it to various committees, you know, so that the public can zoom in and zero in on a specific topic.

LEG. CILMI:

And the meetings will be recorded and --

MR. FLACK:

Yes.

LEG. CILMI:

They will be saved?

MR. FLACK:

Yes. They will be broadcast live and the company will also host the archive.

LEG. CILMI:

Have we explored any sort of the partnerships with networks or Cablevision?

MR. FLACK:

We did back in 2007, but not for this project we have not. Nothing as far as TV. This was all Internet. And also I might add that right now our audio -- our audio is just in a RealPlayer format. This will have the ability to be broadcast in multiple formats on multiple devices, mobile. That's what we're getting through this company that's going to be hosting it.

LEG. CILMI:

Okay. But my question is, if one of the -- if one of the cable networks was willing to partner with us, maybe we could save some, if not all, of the expense.

MR. FLACK:

Yeah, but negotiations would have to go through either Cablevision or one of your other companies.

LEG. CILMI:

That's something that we did back in 2007 or eight but we haven't done yet -- recently.

MR. FLACK:

Yes, we looked into that. There was an issue where Cablevision will not give the County time on a channel. They're actually required to give, from what I remember the last time, they're required to give local access, a local channel, and in the County of Suffolk it's actually town and village level, not County level. So we would have to share -- we would be at the bequest of the towns to give us that time.

LEG. CILMI:

Well, my understanding is that some of the towns are actually -- they go out and look for stuff to put on their -- on their time allocation. So maybe the towns would be willing to share that time with us.

MR. FLACK:

Again, that was in 2007, and at that time --

LEG. CILMI:

But it's probably worth exploring now, no?

MR. FLACK:

Yes, absolutely. There were times when some of the towns filled up their allotted channel times and there were others that did not. So it would be on the town by town basis.

LEG. CILMI:

I have one last question. The -- it seems to me that it would be more of a priority, and I don't know if would be less expensive or not, I'd appreciate if you'd -- if you've looked into this. We have the audio on our system now. Is there a way to turn that audio into closed captioning for hearing impaired folks so that if you're on a computer but you can't for -- but you can't hear, you could see what's going on and who's speaking without having the benefit of a full video.

MR. FLACK:

With our current system the way we operate?

LEG. CILMI:

Yeah. Maybe there's a service that's provided that could somehow accomplish that.

MR. FLACK:

That I don't know. I have not looked into that. That would probably incur another cost for another capture device of some sort.

LEG. CILMI:

Does the system that we're looking at incorporate that functionality?

MR. FLACK:

That I don't know. But again, it's going to be video so you will be able to see it. I would have to talk to the host company to see --

LEG. CILMI:

But you won't necessarily -- while you'll be able to see us, when I'm talking, that's important to me, you wouldn't necessarily, unless the guy, unless the operator focuses in on me specifically, somebody who's watching at home, and there will be tens of thousands I'm sure, wouldn't necessarily know that it was me that was doing the talking. If the camera's that far away and you're not zooming in, it's hard sometimes for speakers who are at the podium to know who's --

MR. FLACK:

That's correct, yes.

LEG. CILMI:

-- asking questions. All right. Thank you.

P.O. GREGORY:

Okay. Legislator Schneiderman.

D.P.O. SCHNEIDERMAN:

Thank you, Mr. Presiding Officer. Like Legislator Krupski, I too came from town government before arriving here at the Legislature. That was some 11 years ago. Small town government in East Hampton we had roughly 20,000 people and a budget of around \$50 million, yet we televised every Town Board meeting, every work session, even Planning Board, Zoning Board, all of that.

LEG. D'AMARO:

Were they 12 hours?

D.P.O. SCHNEIDERMAN:

And it was all heavily watched on local television as well as on the Internet where you could stream it. So I was actually surprised when I got here that we didn't televise anything. There was no video recordings, no cameras. You know, it's been an interesting 11 years for me here. We've had some pretty incredible debates. We've been through some difficult times financially. We've had a lot of critical issues that we've discussed. I believe the public has a right to see their representatives in action, to witness some of those debates, to hear some of the speakers who step up to the podium, to see the proclamations in the mornings when we honor various people.

You know, Hauppauge is a long way from East Hampton in a lot of ways. And it's hard for the people of, you know, East Hampton, Southampton, the North Fork as well, to come out here for the meetings. And this would potentially provide them a way to watch those meetings, not only in realtime, but really at their convenience.

You know, I would actually like to see more cameras because there's no way -- you're going to be looking at the back of the speaker, I don't think that's great, but I guess because of budget constraints that some of you have brought up this is probably the best we can do to get started. To me, you know, I mean at some point, and maybe Cary can answer this question, it would be nice to know how many people are watching so we could revisit this if it turns out that we're spending \$10,000 a year roughly, \$12,000 a year on the service, and nobody's watching it, I think it would be prudent maybe to end it. But is there a way -- do we have that data to know?

MR. FLACK:

I have actually looked at our audio streaming from time to time to see how many people are on it, and it is across all of Suffolk, and some even in Nassau. And again, this will be archived. So what's happening live does not necessarily mean that it's only going to be that --

D.P.O. SCHNEIDERMAN:

But we can determine how many people are watching.

MR. FLACK:

Yes.

D.P.O. SCHNEIDERMAN:

So just again, so a town with 20,000 people and \$50 million budget had it. A County with a million-and-a-half people and a \$2.8 billion budget doesn't. It's time, guys. I think we ought to, you know, enter the 21st century and televise our meetings.

P.O. GREGORY:

Okay. Legislator Martinez.

LEG. MARTINEZ:

It's going to be quick. My questions were answered by Legislator Cilmi. But I do agree in terms of it is expensive, but I also agree it's needed. And earlier today we discussed human rights bill, okay, and the importance for our people with disability to have an opportunity to have certain resources as well. And I think aside from being transparent we need to be mindful of those individuals who cannot come to the Legislature. But I'm also weary that we're not sure that there are no CC captions. So that's something that I would like to make sure that we do have just for those who are home and can't make it to the Leg. Thank you.

P.O. GREGORY:

Okay. Legislator Spencer.

LEG. SPENCER:

I appreciate the Presiding Officer's legislation here to try to make things more transparent. My concerns would center the economics, but also, again, having rules, as has already been stated. But another point that I think we should consider, the difference between what we do here versus a Town Board meeting, I know the Town Board meetings can go a long time, but typically they're in the evening. They're maybe three or four hours long, at least in the Town of Huntington. And we've been here since 9:30 this morning with a two hour break. It's a big difference where we are -- there's a lot of work product that's going on. When you are talking about a Town Board of like five or six people, but we are in and out, we're discussing things, we're meeting behind the scenes, and we're doing the people's work. And sometimes that's not actually, you know, someone can take an image on a camera and do all sorts of things to really, you know, taking a picture of your empty chair when you're maybe discussing a particular topic with someone else, and I don't know why we would open ourselves up when we're here for such an extended period of time where we do let our defenses down, where, you know, our collars are open, our ties are down, our jackets are on the back of our chair, and someone can take away the sound and do a lot of different things with that.

And the cost was -- was this an RFP that was sent out? But, I mean, now you have to maintain, again, a lot of video and the cost of just having a recurrent cost of \$900 a month just for the courtesy of the streaming for, you know, we typically have one, one-and-a-half, I guess cycles on average per month. To be able to maintain that, to have the recurrent cost of 900 a month seems a little high.

Although I support the concept, I think we need to think it through and have it and hash out how we want to use it, when we want to engage it. But just to have a camera on continuously that could capture us at our worst moments when we're actually doing the people's work, I don't -- I don't -- I think we need to think that through a little bit more.

P.O. GREGORY:

Okay. Legislator Muratore.

LEG. MURATORE:

No, skip me. Mr. P.O., I'm done.

P.O. GREGORY:

Okay. Legislator Barraga.

LEG. BARRAGA:

Yeah. My main concern is the affordability associated with this based on the economic circumstances that we have in Suffolk County. People have mentioned other towns and having this

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televised system in place, but, you know, right now I'm sitting here with \$170 million deficit. A couple of years ago it was projected to be 530 million. We're moving in the right direction but we are not there yet, and we're not going to be there for several years. I just have -- I'm really adverse to opening up any new spending programs, especially this kind of a program where, you know, there's already a methodology in place, an audio. Why do we have to have television? I don't think that the need really exists here. I don't think the demand is there. In deference to Legislator Anker, in terms of the insomniacs, I think this may be the cure for insomniacs if you put this in place.

Where you have -- the one municipality where we did have it in the State Legislature, and it was all sorts of problems associated with it, because in the end, you have to have very specific criteria for how that camera is used. In the State Legislature, for example, if Mr. D'Amaro is speaking, the camera is only on Mr. D'Amaro. It doesn't go anywhere else. It only goes directly to whoever is speaking. And when no one is speaking, it goes back in the State Legislature to where the Speaker is sitting. In essence, you go back to where the Presiding Officer is sitting.

Mr. Spencer's comments are very appropriate, because initially when they put that system in place, they were roaming all over the place and people were not in their seats, they were out. For example, the Public Portion that we have here. If that camera was left to roam, there are people speaking here during the Public Portion. The viewers would see them not even paying attention. So you have to have very specific criteria in place and it's very limiting. So if Mr. Cilmi is speaking you should have a camera that is right in on him, not a distance shot. He's the one doing the speaking. That's the way it's supposed to be. As soon as he finishes, it goes back to whoever -- in this case the Presiding Officer. It doesn't roam. The only time that camera should roam is when we are in recess.

So you have to think about what you're going to do with this thing if it goes through. I mean, I'm not going to support it. I don't think it's appropriate from a fiscal perspective. But you just can't throw a couple of cameras in here and let them float all over the place. It's just not going to work. It's not fair to the members and it doesn't send the right message to the viewer. That was to you.

MR. FLACK:

Okay. Yes, I'll take that under consideration and that's the policy -- that would be a policy decision among the members.

P.O. GREGORY:

All right. Legislator Cilmi.

LEG. CILMI:

Just one quick follow-up on the cost factor. New York State sometimes offers -- I see, come across e-mail grants as opposed -- you know, for government transparency programs. I'm wondering if we've explored the possibility of being reimbursed by New York State for opening these meetings up with this.

MR. FLACK:

No, I haven't, but this is off a State contract, all this gear, all the installation, and the two companies are taking this off of State contract.

LEG. CILMI:

All right.

MR. FLACK:

And they did an RFP.

LEG. CILMI:

I remain, I mean, conceptually I agree with it. I remain uncomfortable with this at this point given our financial situation, given the expense associated and given the couple of questions that seem to be unanswered. But if it does pass, I would encourage you to reach out to New York State and see if there's any funding available through grants to help us with this.

MR. FLACK:

Okay.

LEG. D'AMARO:

DuWayne.

P.O. GREGORY:

Okay. Yeah, Legislator D'Amaro.

LEG. D'AMARO:

You know, ultimately people, when you talk about transparency, they're concerned with the decisions that we make, not necessarily concerned -- as concerned with what are we doing for the 12 hours that we've been here today. You know, the goal here is to function as effectively as possible, and this is not a two hour Town Board meeting. This all day and all night. We've been here almost 12 hours with a break for lunch.

And I just want to reemphasize, like Legislator Barraga and I said, that you really need to have rules in place on how you're going to control these cameras, because you're going to create so many false impressions if you simply give the authority to the person operating the camera to focus on what they want and when they want. And I don't think that's appropriate.

And I think that, you know, to my colleagues, I think we have a great Legislature here and I think we're very effective and I think we've done a good job as we do year to year, but you're going to completely change the dynamic of how this chamber operates when we're in session. One-hundred percent it's going to change. Now, if you believe that's a change for the good, that's fine. But, you know, I can tell you they televised the House of Representatives and the U.S. Congress and it's the most divisive, vilified body probably around the globe just about, if I had to guess. You know, a certain amount of publicity like that forces people to play to a camera, right, as opposed to focusing on what's really important and that's doing the best job you can. And I'm not saying anyone here would do that, but it's something that you certainly need to consider.

And I think what people want more than transparency is an effective government and I think they want us making the right decisions, and I think the way this body is set up right now, I think we accomplish that. You put a camera in the room and you don't know what that camera's doing and you don't know after seven hours whether or not it's on you or not on you, does it see you, does it not see you, what is it looking at, what is the viewer's impression, how will they interpret what they see? These are the issues that will enter your mind as opposed to maybe getting up out of your chair and having that conversation to come to consensus and get something done.

So I'm not saying any one of these things will happen, but I think these are really major issues we have to consider, and at a minimum those issues would require that we have specific rules in place on how we're going to televise. You know, remember, when they show the Congress on C-SPAN it also tells you, you know, the House is considering, you know, resolution number whatever with respect to fair housing or something like that. You have some sense of what's going on. Now, if you just have this camera rolling after hour number six, and someone turns it on and it's in the middle of a debate and four of the Legislators over there are out of their chairs, but maybe for a good reason, you know, you don't have a director here. What's the interpretation of what's going on? I just -- I think you're -- you want to be able to present an accurate depiction of the work being done here,

and I think you need rules to do that.

P.O. GREGORY:

Okay. Legislator Cilmi.

LEG. CILMI:

One more quick thing, and it's really just a suggestion. When -- the times that I listen online, I do it oftentimes with committee meetings that I can't make here, never obviously had to sit through a whole meeting listening on the computer of a General Meeting. But what I don't hear, what I would like to hear oftentimes is what the votes were; who voted yes, who voted no. You know, I'm not sure if that's something that could be accomplished now without this or that this would help accomplish, but that's something that seems to me to be missing now. Because you listen, you don't even hear sometimes the vote. During committees especially you'll hear, "All in favor? Opposed? Abstentions?" And I don't even recall if the Clerk actually calls out the actual vote at that point. But that's something that just to share that it's what I've found. In terms of transparency, I think that would be effective, more transparent.

MR. FLACK:

Okay. Actually the vote is entered on the computer the next day and you can get the vote for that specific I.R. or whatever through the Internet.

LEG. CILMI:

Right, but as you're listening to it, it would be nice to know, you know, if we voted on the referendum bill, for example today, it would be nice to know as the vote was taking place as people were listening, who was voting yes, who was voting no. Because otherwise what are they really getting out of it, other than the final result.

MR. FLACK:

Okay.

P.O. GREGORY:

Okay. Before we lose several people, you know, again, you know, to me this is important that we have openness and transparency in our government.

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

P.O. GREGORY:

Okay. Before we lose several people. You know, again, to me, this is important that we have openness and transparency in our government. This system is exactly what Nassau County has. I can watch, you know, my Town Board meetings, I can watch State Government. I'm notoriously -- I go to sleep one or two o'clock in the morning. Last week I was watching a hearing on the poor kids fleeing from Honduras and other places; there was a subcommittee meeting on that that I was watching. I had notoriously late at night -- and Bob Sweeney, God bless him, who's retiring, I would call him with a whole bunch of questions, because I'd watch the New York State Assembly, New York State Senate hearings all the time, their Legislative procedures, processes.

I do need a life. But I can't -- you know, with a \$2.6 billion budget, I can't see what's going on other than hearing what's going on, you know, my County Legislature. It's kind of ironic. I think, in fact, there's a lot of talk about the fiscal aspect of it; I think we may even be more conscious because people are actually watching the deliberations that we make that we may spend less. So I've said my peace. There's a lot that's been said, so I'm just going to call the vote before we lose people. Roll call.

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

P.O. GREGORY:

Yes.

LEG. ANKER:

Yes.

LEG. KRUPSKI:

No.

LEG. BROWNING:

Yes.

LEG. MURATORE:

No.

LEG. HAHN:

Yes.

LEG. CALARCO:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

I know this is unusual. Before we call the vote, can I make a motion to table?

LEG. CALARCO:

Sure.

LEG. HAHN:

Yes.

LEG. CILMI:

I'd like to make a motion to table, then, at this point.

LEG. MURATORE:

Second to table.

P.O. GREGORY:

Okay. You can call a motion to table in the middle of a vote?

MR. NOLAN:

Yes.

P.O. GREGORY:

Okay. All right.

LEG. CALARCO:

You can do that.

LEG. HAHN:

Of course you can.

D.P.O. SCHNEIDERMAN:

Now we go right to the vote to table.

P.O. GREGORY:

Do we have a second?

LEG. MURATORE:

(Raised hand).

P.O. GREGORY:

Okay. All right. Motion to table goes first, I guess.

MR. LAUBE:

Tabling motion.

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

LEG. CILMI:

Yes.

LEG. MURATORE:

Yes.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

No.

LEG. HAHN:

Yes.

LEG. ANKER:

No.

LEG. CALARCO:

No to table.

LEG. LINDSAY:

No.

LEG. MARTINEZ:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

No.

LEG. McCAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

No.

D.P.O. SCHNEIDERMAN:

No to table.

P.O. GREGORY:

No.

LEG. D'AMARO:

Change me to a no, Tim.

MR. LAUBE:

Nine.

P.O. GREGORY:

All right. Motion to approve. Roll call.

LEG. CALARCO:

Continue the approval roll?

P.O. GREGORY:

I would say start over.

MR. LAUBE:

Start over?

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

P.O. GREGORY:

Yes.

LEG. ANKER:

Yes.

LEG. KRUPSKI:

No.

LEG. BROWNING:

Yes.

LEG. MURATORE:

No.

LEG. HAHN:

Yes.

LEG. CALARCO:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

Yes.

LEG. McCAFFREY:

No.

LEG. STERN:

No.

LEG. D'AMARO:

No.

LEG. SPENCER:

No.

D.P.O. SCHNEIDERMAN:

Yes.

MR. LAUBE:

Ten.

LEG. CALARCO:

There you go, DuWayne.

P.O. GREGORY:

All right. Thank you for your support. I promise we won't have to hire a makeup artist for anyone.

All right, where are we?

1696 we did earlier.

IR 1691-14 - Accepting and appropriating grant funding from the New York State Council on the Arts for the Wyandanch Rising STEaM Center (County Executive). I make a motion to approve.

LEG. CALARCO:

Second.

P.O. GREGORY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Kennedy).

P.O. GREGORY:

IR 1694-13 - Accepting and appropriating grant funds in the amount of \$311,654 from the United States Department of Transportation, Federal Motor Carrier Safety Administration, for a Dedicated Commercial Motor Vehicle Safety Enforcement Project with 80% Support (County Executive). Motion by Legislator Calarco. I'll second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator Kennedy).

P.O. GREGORY:

IR 1704-14 - Accepting and appropriating additional funds for a 100% State funded Summer Youth Employment Program (County Executive).

LEG. BROWNING:

Motion.

P.O. GREGORY:

Motion to approve by Legislator Browning. I'll second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator Kennedy).

P.O. GREGORY:

IR 1731-14 - Accepting and appropriating 100% reimbursable grant funds from the New York State Office for Aging (County Executive).

LEG. CALARCO:

Motion.

P.O. GREGORY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Kennedy).

P.O. GREGORY:

IR 1732-14 - Accepting and appropriating 100% reimbursable grant funds from the New York State Office for Aging (County Executive). Same motion, same second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator Kennedy).

P.O. GREGORY:

All right, to the red folder. We have several CNs.

IR 1690-14 - Accepting the donation of a 2000 Lexus LX470, Vehicle Identification Number JT6HT00WXY0078321, from the National Insurance Crime Bureau for use by the Suffolk County District Attorney's Office. (County Executive).

LEG. BROWNING:

Motion.

LEG. CALARCO:

Second.

P.O. GREGORY:

Motion to approve by Legislator Browning. Second by Legislator Muratore.

LEG. KRUPSKI:

On the motion?

P.O. GREGORY:

On the motion, Legislator Krupski.

LEG. KRUPSKI:

This is a 2000 vehicle? This is a 14-year old vehicle? What are -- we're struggling with the cost of operation and maintenance of a lot of the fleet, County fleet. Why are we taking a 2000 vehicle, though it's free?

LEG. CALARCO:

Undercover work.

LEG. KRUPSKI:

Really? We don't have enough old vehicles for undercover work?

LEG. CALARCO:

They like to have them circulating through. Can't use the same car every day for undercover work, eventually it gets made.

LEG. HAHN:

Should we really be having the ID number, VIN number? I don't know.

P.O. GREGORY:

Okay. Any other questions?

LEG. BROWNING:

Second.

P.O. GREGORY:

We had a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator Kennedy).

P.O. GREGORY:

IR 1714-14 - Authorizing the County Executive to execute documents relating to the Air National Guard's use of property and equipment at Francis S. Gabreski Airport (County Executive).

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion -- who was that, Legislator Hahn or Browning?

MR. NOLAN:

Browning.

P.O. GREGORY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Kennedy).

D.P.O. SCHNEIDERMAN:

Cosponsor, Tim.

P.O. GREGORY:

IR 1715-14 - Accepting donation of a laser gun to the Suffolk County Police Department, 4th Precinct (Kennedy).

LEG. CALARCO:

Motion.

P.O. GREGORY:

Motion by Legislator Calarco. I'll second.

LEG. D'AMARO:

On the motion.

P.O. GREGORY:

On the motion, Legislator D'Amaro.

LEG. D'AMARO:

Yes. This is on resolution -- Mr. Presiding Officer, which one, 16 --

P.O. GREGORY:

1715.

LEG. D'AMARO:

Just bear with me one moment, please. Thank you. Mr. Presiding Officer, I was given this as a Certificate of Necessity just about an hour ago, and I haven't had an opportunity to review it. So is

there someone present in the audience who could fully explain this bill to me, please?

P.O. GREGORY:

Yes. Lisa?

MS. SANTERAMO:

Are you talking about the laser gun?

P.O. GREGORY:

Yes.

MS. SANTERAMO:

This was a request made to our office by Legislator Kennedy and we were --

LEG. BROWNING:

Oh, yes.

MS. SANTERAMO:

We complied with it. So if you want to -- I mean, it's up to you.

P.O. GREGORY:

This is -- if I recall, in committee or there was conversation.
Is this the one that was won in a raffle or something like that?

LEG. CALARCO:

No, that was the --

LEG. BROWNING:

Yes.

LEG. CALARCO:

This is the village of Lake Grove obtained this laser gun, it's used for speed enforcement.
They obviously can't use it so they're giving it to us for use within their parameters.

LEG. D'AMARO:

Okay.

LEG. CALARCO:

Village of Lake Grove.

LEG. D'AMARO:

Right, and this was brought as a Certificate of Necessity. Just explain the urgency to pass this resolution at this time.

MS. SANTERAMO:

The CN was a request by Legislator Kennedy. We were just trying to work with him.

LEG. CALARCO:

He left.

LEG. D'AMARO:

Well, but the CN is only a power held by the Executive Branch, and a Certificate of Necessity has very specific parameters for its use. So I would expect that the Executive's Office should be able to explain to me what the necessity is and why this has to pass this evening.

MR. VAUGHN:

Legislator D'Amaro, we thought that the Certificate of Necessity was prudent given that it was a free piece of equipment that we could give to the Police Department for their use sooner rather than later. If they -- if it's the will of the Legislature, we'd be happy with it being committed and have it debated going through Public Safety. But that was the thought process behind it; it was free, a Legislator made a request to see if we would help him out with it, we didn't think that the request was outlandish and thought that it could go forward from there.

LEG. D'AMARO:

The reason or the necessity to pass this this evening is that it will enhance traffic control efforts and then thereby contribute to public safety.

MR. VAUGHN:

I would agree with that statement, yes.

LEG. D'AMARO:

Okay, thank you. Thank you, Mr. Presiding Officer.

P.O. GREGORY:

Okay. All right, we have a motion and a second to approve. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator Kennedy).

P.O. GREGORY:

Okay. ***IR 1723-14 - To appoint member of Suffolk County Youth Board Coordinating Council Representing Legislative District No. 16 (Ilene Cooper)(County Executive).***

LEG. STERN:

Motion.

P.O. GREGORY:

Motion by Legislator Stern.

LEG. D'AMARO:

Second.

P.O. GREGORY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Kennedy).

P.O. GREGORY:

IR 1730-14 - Requesting Legislative approval of Contract Award for a sole bidder for a Health Insurance Information Counseling and Assistance Program (HIICAP)(County Executive).

LEG. CALARCO:

Motion.

P.O. GREGORY:

Motion by Legislator Calarco.

LEG. MURATORE:

(Raised hand).

P.O. GREGORY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Kennedy).

P.O. GREGORY:

Okay, we have several **Late Starters**. I'll make a motion to waive the rules and lay the following resolutions on the table;

IR 1735, Health; IR 1736, set the Public Hearing for September 9th, 6:30 PM in Hauppauge, to Health; IR 1737 to Government Ops, set the Public Hearing for September 9th, 6:30 PM, Hauppauge; IR 1738, Economic Development; IR 1739, Ways & Means; IR 1740, Parks; IR 1741, Public Safety, set the Public Hearing for September 9th, 6:30 PM, Hauppauge; IR 1742, Public Safety; IR 1743, EPA; IR 1744, Human Services; IR 1745, Health; IR 1746, EPA; IR 1747, Economic Development; IR 1748, Ways & Means, set the Public Hearing for September 9th, 6:30 PM, Hauppauge; IR 1749, Economic Development; IR 1750, Ways & Means; IR 1751, Health; IR 1752, EPA; IR 1753, EPA; IR 1754, EPA; IR 1755, EPA.

Do I have a second?

LEG. MARTINEZ:

Second.

P.O. GREGORY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Kennedy).

P.O. GREGORY:

That is our agenda. We stand adjourned. Thank you.

(*The meeting was adjourned at 9:24 PM*)

{ } - Denotes Spelled Phonetically.