

**GENERAL MEETING**

**ELEVENTH DAY**

**September 9th, 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**

**Taken By:**

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

**Transcribed By:**

***Lucia Braaten and Alison Mahoney - Court Stenographers***

***Kim Castiglione - Legislative Secretary***

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*(\*The following was taken by Lucia Braaten - Court Stenographer and transcribed by Kim Castiglione - Legislative Secretary\*)*

*(\*The meeting was called to order at 4:00 p.m. \*)*

**P.O. GREGORY:**

Mr. Clerk, could you do the roll call?

**MR. LAUBE:**

Good afternoon, Mr. Presiding Officer.

*(\*Roll called by Tim Laube - Clerk\*)*

**LEG. KRUPSKI:**

Here.

**LEG. BROWNING:**

Here.

**LEG. MURATORE:**

Here.

**LEG. HAHN:**

(Not Present)

**LEG. ANKER:**

Here.

**LEG. CALARCO:**

Present.

**LEG. LINDSAY:**

Here.

**LEG. MARTINEZ:**

Here.

**LEG. CILMI:**

Here.

**LEG. BARRAGA:**

Here.

**LEG. KENNEDY:**

Here.

**LEG. TROTTA:**

Here.

**LEG. MC CAFFREY:**

Here.

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**LEG. STERN:**

Here.

**LEG. D'AMARO:**

Here.

**LEG. SPENCER:**

Here.

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

Here.

**P.O. GREGORY:**

Here.

**P.O. GREGORY:**

Thank you. Good evening.

**MR. LAUBE:**

Seventeen.

**P.O. GREGORY:**

Thank you. Good evening. And we will have the salute to the flag, led by Legislator D'Amaro. So if you'll all please rise.

***(Salutation)***

Today's clergy. The invocation will be given by Brother Gary Cregan, principal of St. Anthony's High School in South Huntington since 2003, and guest of Legislator D'Amaro, will do the introduction. Legislator D'Amaro.

**LEG. D'AMARO:**

Good afternoon, Ladies and Gentlemen. It's my privilege to introduce to you today our clergy this afternoon, Brother Gary Cregan. Brother Gary just began his 11th year as Principal of St. Anthony's High School in South Huntington, and he has stellar academic credentials. He's a graduate of St. John's University, he was awarded an MA in European History from New York University, and he also holds both an advanced certificate in School Administration from CW Post and an Honorary Doctorate in Humane Letters from St. Francis College.

Brother Gary is also a dedicated, religious leader and educator. He started his teaching career at St. Francis Preparatory in Fresh Meadows, and then entered the Franciscan Brotherhood in 1982. His first assignment after entering the Brotherhood was to St. Anthony's High School when it was still located in the Town of Smithtown. He continued to teach there until 1994, by which time of course the school had moved to its present location in Huntington. Thereafter, Brother Gary responded to a community request to become Vice Principal of Cardinal Gibbons High School in North Carolina, where he helped oversee an era of very impressive growth in that institution, and that was until 2003 when he began his tenure as Principal of St. Anthony's High School in Huntington. Brother Gary is dedicated to the Franciscan tradition, and I hope you will agree that we are lucky to have him dedicated to the education of our sons and daughters here in Suffolk.

Now, this evening Brother Gary is also joined today by Kelly Fitzpatrick. Kelly is a senior at St. Anthony's High School and she's a member of the National Honor Society, the Maximillion Kolbe Society, the Friar Faithful and Gregorian Schola. Kelly is also a starter on the school's women

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varsity volleyball team. So Ladies and Gentlemen, please join me in welcoming Brother Gary Cregan and Kelly Fitzpatrick.

*(\*Applause\*)*

**BROTHER CREGAN:**

Heavenly Father, you created us to know you, love, and serve you all the days of our lives and to live happily with you in the next. Knowing our fallen nature, Lord, you gave us wise leaders throughout history and taught us in holy scripture to respect our government as a reflection of your holy power so we could live safely and in peace.

**MS. FITZPATRICK:**

Strengthen our Legislators work. Endow them with the gifts of wisdom and understanding, counsel, knowledge and piety, and a holy fear of you, the creator of all.

**BROTHER CREGAN:**

May they continue to lead the people of Suffolk County with the same goodness as the Board of Supervisors did for over 200 years. May the Suffolk County Legislature have the same glorious tenure with you as their inspiration. Amen.

*(Amen said in unison)*

**P.O. GREGORY:**

If you all will remain standing for a moment of silence. Last year on September 11th we lost a true public servant, former Presiding Officer William J. Lindsay, who possessed an unstoppable determination to serve the people of Suffolk, even in the midst of battling cancer. Bill was the longest serving Presiding Officer in the history of the Legislature. He possessed an ability to use common sense during his interactions with fellow Legislators and constituents, which enabled him to forge a bipartisan consensus in this Legislature on many difficult and contentious issues.

Let us remember also journalists James Foley and Steven Sotloff, who were murdered by militants calling both deaths revenge for U.S. airstrikes in Iraq and also all of the victims of the terrorist attack 13 years ago on September 11th, 2001.

Never forget, we are all Americans. No matter how great or how small, every act of patriotism makes the nation stronger. Every act of kindness fills the nation's heart. Every act of service makes the nation more whole. God bless the souls of 9-11 and God bless America.

Also, Herodotus "Dan" Damianos, former Medical Director at the John J. Foley Skilled Nursing Facility, and also a Long Island wine pioneer as the founder of the Pindar Vineyards, has passed.

Let us always remember all those military men and women who put themselves in harm's way every day to protect our country.

*(Moment of Silence)*

**P.O. GREGORY:**

Next we have several Legislators that will make presentations. They have proclamations to make. First is Legislator Spencer, who will present a proclamation to Pamela Johnston, who has retired from her position as Executive Director of VIBS after 30 years of service.

**LEG. SPENCER:**

Good evening and thank you, Mr. Presiding Officer. Good evening, Ladies and Gentlemen. I would like to ask if Pamela would join me at the podium. I'm proud to call Pamela my constituent, and she has recently retired after serving for 27 years as the Executive Director of the VIBS, an organization that has worked tirelessly to end domestic violence and to raise awareness in the need for justice and compassion for victims. How appropriate in light of, as you can see with the Ray Rice outrage as we look nationally as to -- that this is still an issue that a lot of times we can see organizations kind of turning a blind eye. But thanks to Pamela, her work began in 1977 as a volunteer advocate for survivors of domestic violence and assault, helping to establish a shelter for abused women and their children in the Midwest.

In the early 1980's, she came to New York State to work as Executive Director of a shelter in Northern Westchester. Pamela's move to Long Island in 1987 came at a time when the Criminal Justice System was making dramatic improvements in the protection of victims of domestic violence, and she was able to offer her skills to help effect appropriate change.

As an early organizer of the Long Island Fund for Women and Girls, Pamela served on the County Executive's Task Force on Family Violence, the New York State Division for Women's Advisory Committee, and the United Ways Agency Executive Council and countless other subcommittees. Pamela has received numerous noteworthy honors from Suffolk County, including the Town of Brookhaven, New York State, and being named Woman of Distinction by the New York State Senate.

It shouldn't have been that we had to see a shocking video before we realized that if we see someone as prominent as a football star knock his spouse unconscious, and that it took that evidence, what did we think happened in that elevator.

So, Pamela, you can see that although you're retiring, this is a very important issue that we need to continue to fight to raise awareness of, but thanks to you we are a lot better off than we were in the past. So it gives me great pride and pleasure to present you with this proclamation for your extraordinary work and dedication to all of Suffolk County's residents. Thank you very much.

*(\*Applause\*)*

**MS. JOHNSTON:**

Just quickly, I know you have a lot to do. I want to thank Legislator Spencer and I want to thank all of you here for your amazing support of VIBS and the work that we do, and support of VIBS as well as the other organizations that are working against domestic violence and sexual assault. It's been a wonderful career that I've had, really here in Suffolk County, and I have really enjoyed getting to know all of you and visiting with you and I really appreciate your support. Thank you very much.

**LEG. SPENCER:**

Thank you.

**MS. JOHNSTON:**

Thank you.

*(\*Applause\*)*

**P.O. GREGORY:**

Next we will have Legislators Spencer, D'Amato and Stern will present a proclamation to Steven Rossetti for his eight years of service as a member of the IDA Board.

**LEG. SPENCER:**

Lou and Steve, please join us. I think each of us may have some words to say, but it's really good to see first, a good friend here, and Steve, I am proud to say that publicly. But I got to tell them a little bit about some of the great things that you've done. And some of you may know, but the Suffolk County Industrial Development Agency is a public benefit corporation for New York State, and they do a lot of good in terms of helping businesses to find appropriate workspace, to give them tax breaks, and to promote economic development in Suffolk County.

For the past eight years, Steve has been a member of that Board, even Vice Chairman of the Board. He is -- secretary, secretary. He's credited with establishing Long Island's first policy which requires businesses requesting tax relief from the IDA to use local labor and materials whenever possible for their project. Steve's buyback local push was embraced in a broader sense when the Board amended its investment policy so that all IDA investments must remain within the United States.

Steve championed for the IDA Board to amend its uniform tax exemption to include tax abatement for building purchases, as well as new construction. This policy has been a key tool in being able to change the business climate in Suffolk County, especially over the past couple of years during a very difficult economic climate.

So, Steve has recently voluntarily decided to take a break, and I'm saying take a break, because Steve we need you. And so I'm going to defer to Legislator Stern and D'Amaro if they have any words to share.

**LEG. D'AMARO:**

Okay. Ladies and Gentlemen, when Steve Rossetti first told me that he had decided to leave the IDA, I was extremely disappointed. Steve has made a tremendous contribution to Suffolk County at a time where as Chair of the Budget Committee I can tell you we are going through some very difficult times. Steve always had one focus working with the IDA, and that was to create jobs for people who live in Suffolk County and to give opportunity to our children and to the people who wanted to remain here and call Suffolk and Long Island their home. He has truly been a credit to this County for the work that he's done, his innovation, his thinking on various matters excels. It's going to be sorely missed as we move forward without him. But I'm sure, Steve, we'll be seeing more of you and we're proud to say that you were a member of the IDA for eight consecutive years. Thank you.

*(\*Applause\*)*

**LEG. STERN:**

It's a tough one, because like Legislators Spencer and D'Amaro, I'm very sorry to see Steve leave the IDA, but it's also a day to celebrate, celebrate new beginnings, new challenges ahead. And I know, I have every confidence that you will continue to accomplish great things, great things for you and for all of us here in Suffolk County, and I look forward to working with you on many more successes in the future. It has been really a pleasure to call you a colleague, and really a privilege to continue to call you one of my very best friends.

**MR. ROSSETTI:**

Thank you.

*(\*Applause\*)*

I would like to personally thank my friends, Legislators Spencer, Stern and D'Amaro for recognizing me for my eight years of service to the Suffolk County Industrial Development Agency Board and for the unwavering support of my efforts. I would also like to thank Presiding Officer DuWayne Gregory

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for his support and friendship, and for that matter, I would like to thank this entire Legislative body for confirming me to serve the Suffolk County community in a most fulfilling and fitting way.

During my term on the Suffolk County IDA Board, the IDA has made great strides in fighting back the tide of bad economic pressure. Make no bones about it, we are not out of the woods yet. Long Island continues to bleed large employers, which if not reversed soon, will have a devastating effect on our County. I would suggest that you, this Board, encourage your IDA Board to take the gloves off and push the limits to attract new employers to locate here in Suffolk County. In my opinion, we could never be too aggressive when facing the competition of regions outside of Long Island that are looking to take those job opportunities from us.

It is my hope that the person you will choose to fill my board position is someone from the private business sector, preferably manufacturing, that gets it. I thank you all for allowing me to serve this County. I now look forward to the new opportunities that may arise to serve my County and the Long Island community. God bless you all and God bless Suffolk County.

*(\*Applause\*)*

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

Next we will have Legislator Trotta present a proclamation to Patrick Teese, who went to China on a New York State Department scholarship for six weeks this past summer.

### **LEG. TROTTA:**

Yes. I would like to introduce Patrick Teese, who is a constituent of mine. He lives in Commack where I grew up. He's a big runner. While most 17-year-olds this summer were working part-time jobs, Patrick applied for a National Security Language Initiative Scholarship, which he won from the United States State Department, and he spent six weeks in China learning the language and the cultures. He also can speak German -- what's the other language? Italian and French. I have trouble with English and he can speak four languages and he's 17 years old. I just want to say congratulations to Patrick. You're the reason this education in Suffolk County is so good, and I want you to get a job, go to college and come back here and stimulate the economy because God knows we need it. Thank you.

*(\*Applause\*)*

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

Thank you. Next we have Legislators Stern and D'Amaro will present a proclamation to Lexi Tobin.

### **LEG. STERN:**

Thank you, Mr. Presiding Officer. I'm joining with Legislator D'Amaro this evening to make a very special presentation to Alexandra Tobin. Lexi is joined here this evening by her parents and her grandparents, who like all of us, celebrate her great accomplishments with great pride here this evening. Lexi is a senior at Half Hollow Hills High School East and we thank her. We thank her for her extraordinary efforts in raising over \$100,000 for research into Reflexive Sympathetic Dystrophy, or RSD, a debilitating central nervous system disorder that causes bouts with great pain and sometimes really devastating, painful episodes.

And so Lexi, through her passion, through her hard work and her ongoing efforts raised these funds to help those very much like herself who suffers from RSD, whether it's research or treatment or therapy, to continue to reach their full potential and reach their maximum capabilities and potential.

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Lexi is truly an example to us all and we expect very great things from her coming up. I know she's going through the process of looking at schools, I know she's going to have great success in the future and continue to make all of us very proud. So it really is a pleasure to present this proclamation to Lexi Tobin to congratulate her on her great success and we wish her the very best in the future.

*(\*Applause\*)*

**LEG. D'AMARO:**

Quite impressive, Lexi. And I want to welcome you here today, and Legislator Stern has really brought home the point that this young woman standing here, one word comes to mind and it's courage. And the way that you have chosen to face adversity, real adversity in your life is truly impressive and is a great example to all of us, so I want to say thank you and I want to wish you the best of luck going forward. Congratulations and thank you.

*(\*Applause\*)*

**P.O. GREGORY:**

Next we will have Legislator Muratore, who will present a proclamation on behalf of the Legislature to Janine Stange.

**LEG. MURATORE:**

Thank you, Mr. Presiding Officer. And to my colleagues and people in the audience, you know, we're so fortunate here in Suffolk County. We just saw young people come forward and being recognized for their achievements. And I don't know if a lot of people in the audience know this, but we have the country's National Anthem girl. She is a young lady who has gone throughout this country and sang probably the best song in the whole world, and that being our National Anthem, in all 50 states. She did that this year to celebrate the 200th anniversary of our National Anthem. She achieved that goal on August 18th in 2014 at the NFL Tennessee Titans game.

In addition to performing the National Anthem, Janine sets up tables at each event and provides blank thank you cards to be sent to our veterans, both active and retired, to say thank you for the service they provided to this country and for protecting our rights. She's been interviewed many, many times on national TV. But again, we are so fortunate here in Suffolk County we have the National Anthem girl. So, Janine, thank you so very, very much and God Bless you. Thank you.

*(\*Applause\*)*

**P.O. GREGORY:**

Thank you. Now we will have Legislator Cilmi will present a proclamation on behalf of the Legislature to Senior Probation Officer Elena Mackie.

**LEG. CILMI:**

Elena, come on down. You are the next contestant on -- how are you? Well, it's with a great deal of pride that we pay tribute today to another one of our fine Probation Officers here in Suffolk County and as we often do, today we pay tribute for the coordinated effort that it takes to really produce successful law enforcement here in Suffolk County. And our Probation Department time and again has shown that they're critical in that -- in that picture.

You may have read recently in Newsday, the end of July, that a fellow by the name of John Bittrolff was arrested for two murders that occurred roughly 20 years ago. What happened in this case is that apparently John's brother Timothy was a probationer and one of Elena's clients, and was arrested on and convicted on a criminal contempt case. When that happened, Elena collected DNA

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from Mr. Bittrolff, which was then subsequently submitted to the State's DNA database. Because they had collected DNA from the victims 20 years ago, when Elena -- when the DNA from John's brother Timothy was entered into the database as a result of Elena's work, there was a partial match, and so that triggered a further investigation, which then triggered further sampling of DNA from the Bittrolff's, and it was determined conclusively at that point that John Bittrolff was the -- was the perpetrator of these murders. And he has not yet been convicted, the case is still pending. But nevertheless, without Elena's good work that arrest certainly would not have been possible.

So Elena, who presently works in the Mental Health Unit, and at the time Mental Disease Unit, and at the time worked in the Domestic Violence Unit of our Probation Department, Elena, we're incredibly proud of you. I'm sure the families of the victims are incredibly thankful for your work as we are, and so we, all of us here in the Legislature, have a proclamation to share with you to show you how much we appreciate all that you've done. So thank you and God bless you.

*(\*Applause\*)*

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

Okay. Thank you. Now we will have Legislator Browning will present a proclamation on behalf of the Legislature to the Smith Point Lifeguards.

### **LEG. BROWNING:**

Okay. And while they're coming up, I'll introduce Garrett Thibideau, Erik Gorman, Patrick Scribner, Christian Roarke, Donato Geraci, Ron Kister, Blayne Jackolski, Nicole LoMeli. She's here somewhere, she's very tiny. Tim Delaney, Brian Kelly, Mariusz Borkowski, Brandon Clark, James Zeidler and Greg Valencia. We have them here today to again congratulate them. If you remember, a couple of years ago we've had them here. They are the 2014 United States Lifesaving Association National Champions. Congratulations, guys.

*(\*Applause\*)*

And I have to say, they're seasonal employees at Suffolk County parks, and they have a very good reputation. They have zero drownings within the lifeguard protected bathing area since 1959. They're eight time national champions in the past 10 years, and in 2008 received the Billy George USLA Sportsmanship Award, the only entire team to ever receive this honor. We have lifeguard Brian Costello, who's received the 2014 Billy George USLA Sportsmanship Award, and lifeguard Tim Delaney has received the 2014 New York State Lifeguard of the Year Award. Congratulations to both of you.

*(\*Applause\*)*

And I have to say the Smith Point lifeguards are well-known across the country as the pinnacle of life guarding and sportsmanship and we're proud to say that we have you in our beaches, and I should say at Smith Point Beach looking over our citizens. And if anyone's been to Smith Point in the summertime you can see it gets pretty crowded, so thank you for all the hard work that you do. And with that, while the beach is kind of people think it's my district, I know some of the guys are constituents of mine, however, it is in Legislator Calarco's district, and we also have our Chair of Parks with us, so you want to talk, Rob?

### **LEG. CALARCO:**

Sure. I'd just like to congratulate all of our lifeguards. They are a terrific group of individuals. As you can all see, they are in terrific shape, because being a lifeguard in the ocean is not easy business. They deal with riptides that are some of the worst beaches in the country that you have to deal with. To be able to go out there and meet the physical demands and then be able to watch

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over the people that we have, and we have thousands and thousands of people who cycle through the beach every year to enjoy a day of relaxation, to know that you have people watching over you who are so excellent at what they do that they've never lost a life. That they win these awards year in and year out, what, the last four years in a row we're at? It just speaks volumes to their dedication to what they do and to their dedication to our residents. So thank you very much guys, and ladies, for what you do for us.

*(\*Applause\*)*

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

Well, as Chairman of the Parks Committee I'm particularly proud of all of our parks. We have an extraordinary park system, but I'm also particularly proud of the Park employees, and today we're here to honor a particular group of employees, the lifeguards at Smith Point. Smith Point is an incredibly beautiful beach, a great asset to the County, and this was an extraordinary summer, great weather, and a lot of beach days, and it was maybe the most crowded year in our history. And to have no drownings, to have you guys out there, an award-winning team of lifeguards, it makes us all very proud. So thank you for your service. We look forward to hopefully that you'll stay there for next summer and another busy season. Hopefully you'll stay with the County. Thank you.

*(\*Applause\*)*

**LEG. BROWNING:**

We have Tim Delaney, who is the senior lifeguard, would you like to say something on behalf of the guys and girl?

**MR. DELANEY:**

Yes. On behalf of the Smith Point lifeguards, I want to thank all of the Legislators for your recognizing us today and your recognizing us last year. It really means a lot to us. I also want to thank you for the great raise that we got last year. It's so important that you support us in that way. It helps keep our core guards with us, not moving on to the State or other jurisdictions, and it helps us to recruit young guards that can follow in our footsteps. Also, we want to thank you for your support in our equipment, without which we can't do the job that we're doing. So again, thank you for all of your support. It makes our job that much easier. Thank you.

*(\*Applause\*)*

**LEG. BROWNING:**

Congratulations.

*(\*Photograph Taken\*)*

**P.O. GREGORY:**

Okay. Next we have Legislator Anker will present a proclamation to a young lady, Kara Patrovic.

**LEG. ANKER:**

Okay. I'm here today to congratulate and also recognize Kara and that's --

**MS. PATROVIC:**

Patrovic.

**LEG. ANKER:**

Patrovic. Okay. Sorry. We've got a few words here to pronounce. Kara, at the age of nine you sponsored a child in Bolivia, and that was through the Child Fund International. From there you became very involved in the child and that was Mijael when he was six months old. Is that how that

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story goes? At the age of 14, Kara decided to meet Mijael and provided aid to his community. Kara created a charity organization called Kara2Mijael and held several fundraisers. With these events she also raised \$6,200, which was, again, it was more of a community-based, but it was reaching out internationally. Kara was able to donate to two Help Care fundraisers for the children needing surgery. Tarija is a community there where Mijael lived with his family, and in that neighborhood she met with the village elders. So evidently you took a trip and you met with the elders in Bolivia.

**MS. PATROVIC:**

Yeah, they brought me there.

**LEG. ANKER:**

They brought her there. Okay. And from that, again, she raised \$22,000 to help provide wells and fresh water for the community. Kara is a Miller Place High School Student. She is a senior and she is also on the varsity soccer team, MVP and also All State Captain. So I'm here today to congratulate Kara and to say thank you so much for reaching out not only to our local community, but internationally. We had a young man here today that we also recognized his efforts in helping the world become a better place. So I just want to say thank you and I want to give you just a few minutes, I know I'm putting you on the spot, but I want you to tell us what inspired you to do this and maybe you can help inspire many other students and people throughout Suffolk County to do the same thing. So, Kara, come up here and say a few words.

**MS. PATROVIC:**

Thank you for you honoring me with this award. Basically how I got involved with it is when I was younger I always had like a need to help other people, but I decided I wanted to sponsor a child because I always saw the commercials on TV and stuff, and I always wondered that would be such a cool thing to do. So my dad researched and found Child Fund and I sponsored Mijael. And when I actually went there and visited them it was completely different than I thought it would be, like the people, what they needed. Like you wouldn't think that someone would need water in like this day and age, that someone would need something that basic. And when I was there, a woman grabbed my arm and said we don't have playgrounds, we don't have toys for our kids, all we want is water. And that's really what touched me the most. And I promised to them that I would try and help them, and I hope to continue this not only in Bolivia, but hopefully in the future, through college and everything, help more people get water as I go on.

**LEG. ANKER:**

Thank you.

**MS. PATROVIC:**

Thank you.

**LEG. ANKER:**

I think that deserves a round of applause. And also just inspiration to everybody here and throughout Suffolk County.

*(\*Applause\*)*

**P.O. GREGORY:**

Next we will have Legislator McCaffrey will present a proclamation to the West Babylon Little League Girls Softball team.

**LEG. MC CAFFREY:**

They're coming right from school, Mr. Presiding Officer, so we're just gathering them up. Good afternoon. It's a pleasure to be here. I have sat here patiently for the last eight months that I've been in office watching all the other Legislators give awards to their sports teams that have won some significance, so I'm very proud to be here today to present an award to the West Babylon nine and ten-year-old girls softball team, who ended up being the State Champions in New York.

They had a great season. They went undefeated in District 34. They went on to become the Section 16 champions, still undefeated. They went to the New York State Championships where they lost their first game, went into the loser's bracket, and ended up coming back and winning the New York State Championship, and so it was a great accomplishment. They went on to go on to the National Champions was it called? The Regionals and they end up losing to the eventual winners of the Regional Champions from New Jersey. But anyway, it's a pleasure to be here to give some certificates to these girls and some proclamations to the manager. The manager, Dan Morra, is here.

*(\*Applause\*)*

We have our league president, Tony DelPrete. I can't say enough about the West Babylon Youth Leagues and everything that they do, especially the baseball, the softball, obviously the girls softball team was a success. And I'd like to just bring up the league president, Tony DelPrete, to say a few words and congratulate the girls. Tony.

*(\*Applause\*)*

**MR. DEL PRETE:**

Thank you. It's my seventh year as president, and I can tell you I've been to a lot of games, but watching these girls play, and they play the right way. They play with fundamentals, they cheer each other on. And the game that we were talking about in the States, to win the states they played an extra inning game, an eight-inning game, they usually play six. They played an eight-inning game where they were phenomenal, where the energy level was phenomenal, the way the girls played was phenomenal. I just can't be prouder of these guys and also their manager, Dan Morra. Thanks, guys.

**LEG. MC CAFFREY:**

I have some certificates for all the girls and, Tony, I'll ask you to give those out and a proclamation for the whole team. So congratulations, girls. We look forward to you coming back every year. You have a lot more years in you. Come on up and we'll take a quick picture. Thank you.

*(\*Applause\*)*

*(\*Photograph Taken\*)*

**P.O. GREGORY:**

Okay. Congratulations, young ladies. Thank you.

*(\*Applause\*)*

Now we will go to our Public Portion. Each speaker will have three minutes to speak. And the first speaker is Mary J. Finnin.

**MS. FINNIN:**

Thank you. Good afternoon. My name is Mary J. Finnin. I'm a retired public health nurse and a public health advocate. I'm here today to speak in opposition to resolution 1751 and 1745. Both of

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these resolutions affect the Patchogue and Shirley Suffolk County Health Centers. The resolutions before you give these, both health centers, away to a private corporation and it claims to save the County \$32.8 million. But when you subtract the subsidies of \$23.3 million, that is a very big difference in terms of what the savings even on subsidies are.

The buildings are being given away at no cost. Shirley, in 1751, is a 15 year lease. We're not going to be here in 15 years, so what happens in the meantime? It's a five year lease with subsidy for Patchogue. In the meantime, they're also giving away all of the property and the equipment. This is a health care business, and the business and all of the records and all of the assets are being given away. The employees are deployed. They're not County employees so it doesn't impact your County retirement or health care costs.

The only savings that this brings is the savings on malpractice coverage because the corporation that is being gifted here is a Federally Qualified Health Center, so they qualify for different subsidies and any suits that are filed have to go Federal. So I think that the use of our money to gift to private sector is a violation, I believe, of State Law. And I am opposed to the fact that the County is giving away all of our health centers.

I'm from Central Islip, and I know the impact that's coming up in terms of immigration issues and the Brentwood, Patchogue, Shirley, Central Islip areas. And a lot of the things that are being handed off here are also statutory public health issues that -- in terms of infectious disease and monitoring. So you're only beginning to see it's more than money. You know, you're looking at the impact of health care on the residents of Suffolk County. And, you know, as a taxpayer, I believe this is inappropriate gifting of our tax dollars to the private sector. And I know that --

**P.O. GREGORY:**

Ms. Finnin, your time has expired. Please wrap up.

**MS. FINNIN:**

All right. I hope that you will vote it down or at least table it and relook at what we're not saving in terms of money when the County Exec says we have \$170 million deficit.

**P.O. GREGORY:**

Thank you. Next we have Kevin McDonald, and on deck is Rabbi Steven Moss.

**MR. McDONALD:**

Good afternoon, members of the Legislature and Mr. Chairman. I'm Kevin McDonald. I'm representing the Nature Conservancy today. The Nature Conservancy has a Chapter on Long Island and a strong presence and a number of environmental investments that are essential to public health. A key recommendation we would like to make is in support of 1574, which is a resolution requiring a Charter Law amending Suffolk County Charter to require a referendum to amend or repeal the Suffolk County Drinking Water Protection Program.

Very simply, we support this. We urge you to vote yes, and that will allow the public to then decide what amendment should or shouldn't be made going forward. We appreciate the opportunity and in the interest of time I'll conclude. Thank you.

**P.O. GREGORY:**

Thank you, Kevin. Rabbi Moss, and on deck, Nanci Dallaire.

**RABBI MOSS:**

Good evening, everybody. I would like to introduce those coming up with me. To my immediate left is Michele DelMonte, one of our Commissioners to the Human Rights Commissioner. Reverend

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JoAnn Barrett, who is my Co-Chair of the Suffolk County's Anti-Bias Task Force, and then to her left, Dr. Carolyn Peabody and Dr. Yu-Wan Wang, also members of our Human Rights Commission.

Again, I want to thank this Legislature for its support of the County's Human Rights Commission, and certainly thank the County Executive, his staff, and particularly Louis Montes. I also want to thank our Executive Director, Jennifer Blaske, and County Attorney Dennis Brown, and his staff for all the time, effort and dedication they have given to bring 1620 to a vote and I pray a final vote today.

We as Americans cherish our freedom. This is a freedom for which many men and women have given their lives during the history of our great nation. Franklin Roosevelt was correct when he addressed the Congress in 1941. Freedom means the supremacy of human rights everywhere. That it is not only our responsibility, but also our obligation as free Americans to ensure in every way possible the human rights of all.

I, therefore, urge this body to pass 1620 as its intent as stated in the resolution is to ensure that prejudice, intolerance, bigotry and discrimination will not threaten the rights of Suffolk County inhabitants and to promote the principles of equality and inclusion.

What greater goal could a government have then to see this law passed in order to send out a very clear message to every person who discriminates against others that discrimination is unacceptable. I don't know about you, but I certainly hope that each of you joins with me in the excitement of this historic moment tonight when this bill will be passed, when we can join together and say to those who suffer from discrimination that they will not need to feel helpless, because we have a local agency, the Human Rights Commission, which cannot only stand by their side, not only try to conciliate on their behalf, but now can also adjudicate their cases to bring about a just and proper conclusion.

By your vote today, this bill -- by voting today for this bill you will be declaring with a very strong voice that you recognize the inherent dignity and equal inalienable rights of all members of the human family, which as stated in the universal Declaration of Human Rights, is the foundation of freedom, justice and peace in our world. As every person is worthy of God's protection, because every human being is created in the image of God, that every person is also worthy of the protection of government. My concluding words, as I said the other day at our committee meeting, just say no to discrimination by saying yes to 1620.

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

Thank you, Rabbi Moss. Nanci Dallaire, and on deck, Robert DeLuca.

### **MS. DALLAIRE:**

Thank you. I can understand this Legislature wanting to invest in broadcasting these meetings. I believe the public has the right to be informed. But how many citizens are being reached? How many residents are tuning in? Personally, when I listen to these meetings it only brings me more frustration. I've lost the confidence I once had in my political leaders. I trusted representatives who cannot be trusted and I'm discouraged.

I'm a taxpayer who's proud to pay my fair share, but it's the unfair share being forced upon the already struggling taxpayers that's too much. The more I make, the more the government will take, even if you disguise them as surcharges and fees. Whatever amount I can earn never seems to be enough, and I feel defeated.

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I pay my hard earned tax dollars believing that they are being used for their intended purpose to find out that that is not the case. A portion of those taxes are paid to my garbage district, and I'm trusting that the waste is being handled and disposed of properly and legally to learn that that's not the case. I naively believe that my taxes established a fund that would ensure that our environment would be protected, only to discover that our fragile environment is not protected. And unlike the splash of hope for the inmates at the Riverhead Jail, my hope fades a little more.

As an Islip Town resident I'm appalled by the fact that 50,000 tons of toxic debris could be illegally dumped, and I have questions. But I read articles that state that the Attorney General is silent on that Moreland corruption, oh, I mean commission. How can I have confidence in this official when the I.T. Commissioner pleads guilty and resigns without ever having to face any consequences. How can I believe you have my best interest in mind?

I've watched as my County made drastic cuts. I've seen departments consolidated and abolished as we lose precious resources, yet my taxes have not been reduced. The taxpayers are paying the consequences for these actions, and what else must we sacrifice? I cannot believe that hardworking taxpayers have the time it takes to know all the facts necessary to vote on major issues, and this is why I have put my trust in you, my elected officials. I rely on you to distribute my taxes equally and fairly, and I will continue to hold you responsible.

*(\*Applause\*)*

**P.O. GREGORY:**

Thank you. Next we have Rob DeLuca, and on deck, Bill Toedter.

**MR. DeLUCA:**

Good evening, Presiding Officer Gregory and members of the Legislature. My name is Bob DeLuca and I serve as President of Group for the East End. I'm here to follow-up on my recent letter to all of you in support of IR 1574, so as a result, I will be mercifully brief.

As the Legislature's aware, over the last several years the Drinking Water Protection Program has been the subject of significant discussion, debate and disagreement, but one issue nearly everyone has been able to agree upon is the importance of engaging the electorate in deciding the fate and direction of the vital fund that we have for clean water.

I.R. 1574 makes a simple but important change in the County Charter. It eliminates any future ambiguity about the need to put any future changes before the voters, giving the people of Suffolk County a direct role in protecting their water resources. As a result, I hope you will all vote tonight to pass I.R. 1574. Thank you.

*(\*Applause\*)*

**P.O. GREGORY:**

Mr. Toedter?

**MR. TOEDTER:**

Yeah.

**P.O. GREGORY:**

Okay. You're up next, and on deck is Howard Meinke.

**MR. TOEDTER:**

My name is Bill Toedter. I'm President of the North Fork Environmental Council representing the interests of the people of the North Fork for the past 42 years. I and others stand here before you

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today asking you to listen to the learned people here today, and the organizations and the thousands of people they represent, to vote yes on I.R. 1574, to require a mandatory referendum by the public before the Drinking Water Protection Program can ever be changed again.

I don't understand the hold up. What does this Legislature think it sees that ten thousands of voters have not? As we stand here today, California is in the middle of a dire water crisis. Unchecked development across the west has depleted limited water supply so that in a growing number of communities wells have dried up. Scientists warned of this happening for years, but few steps were taken to address it. As we stand here today, hundreds of thousands of people around Toledo still face a water crisis. The Great Lakes largest freshwater body in the world -- supply in the world is facing growing water quality issues. The blue-green algal bloom in Lake Erie has rendered the only source of water for numerous communities undrinkable. The signs of this problem were seen for years, but few steps were taken to address it.

Yet here in Suffolk County, over two decades ago the voters heard, saw and understood the signs of future drinking water problems and took action. They voted to tax themselves an additional quarter percent sales tax in order build a fund to prevent what we see taking place in California and the Great Lakes today, and they took the unprecedented action not one, not twice, but five times. And yet this body not only wants to second guess the wisdom of Suffolk voters by using money from the Drinking Water Protection Fund for other purposes unrelated to our real and growing water issues, and wants to ignore the lessons of California and the Great Lakes and growing water problems elsewhere, which are staring us all in the faces.

Despite all the facts around us, this body seems to want to ignore the will and wisdom of the voters and the words and the clear intent of the original referendum, and wants to leave it open in what perceives as a loophole so it can rape the program's funds and change the program's terms and goals without input and approval from the voters. When will this body stop playing with the health of our waters and the health of millions of people in Suffolk County?

Please, before it's too late, listen to what voters knew and willingly acted on in the 1980's. Leave the Drinking Water Protection Fund alone, stop playing with the safety of our water. Vote yes in I.R. 1574.

*(\*Applause\*)*

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

Thank you, sir. Howard Meinke, and on deck, Cynthia Amato.

### **MR. MEINKE:**

Hi. My name is Howard Meinke. I'm a member of the Southold Clean Water Coalition. And I just want to say that I've been living and supporting Southold Town since 1936, so I have seen it for a long time. I've seen the bountiful estuarine creeks full of marine life and our perfectly clean drinking water wells, and I have seen these assets fade significantly. Our drinking water is held to a nitrates content that while okay for us, is so high in nitrates that it destroys our surface water. Water wells have to go down to our deep aquifer to bring up clean, no nitrates water. The creeks and the estuaries are no longer healthy, and marine resources have shrunk drastically.

For the Quarter Percent Sales Tax put in place to support clean water to be misused to fix sloppy Legislative activity is terrible. We need to put this income back into a fund that is solely used to maintain clean water and to clean up pollution. And we need to do this now. Thank you.

*(\*Applause\*)*

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**P.O. GREGORY:**

Thank you, sir. Cynthia Amato, and on deck, Sid Bail.

**MS. AMATO:**

Good evening. My name is Cynthia Amato and I am the Chair of the Teen Pregnancy Advisory Board sponsored by Legislator Spencer. I'm here to speak on behalf of the Board and ask for your support for I.R. 1728 to strengthen the Board, take a look at our revisions to our resolution, and to ensure you that we are dedicated to carrying out all of our objectives and goals throughout the coming years. Thank you.

**P.O. GREGORY:**

Thank you.

*(\*Applause\*)*

Sid Bail, and on deck, Dan Gulizio.

**MR. BAIL:**

Good afternoon, Mr. Presiding Officer and members of the Legislature. My name is Sid Bail. I'm President of the Wading River Civic Association. I'm going to make brief comments on two resolutions. First of all, I.R. 1574, like all the other previous speakers, I urge you to support and vote yes on this resolution. The second resolution is I.R. 1706. This is the resolution that deals with appropriating funds in connection with the Port Jefferson Wading River Rails to Trails Pedestrian and Bicycle Path. It's been a long time in coming, a very, very long time. And I urge you to act on it. Of course Wading River is -- some people might say at the end of the path. I'd like to think of it as the beginning of the path. But seriously, I urge you to act on this and vote yes on resolution 1706. Thank you very much.

**P.O. GREGORY:**

Thank you, sir. Dan Gulizio, and on deck, Tom Zomerfeld.

**MR. GULIZIO:**

Good afternoon, members of the Legislature. My name is Dan Gulizio. I'm here speaking on behalf of the Peconic Baykeeper and the Community Planning Center. I'm here to speak in support of I.R. 1574. It seems clear that it's critically important to eliminate any ambiguity under the program. You all know the data. We've all referenced the decline in our water quality in recent hearings. We have a 200% increase in nitrogen in our brown water, we have a doubling in the concentration of DOC's in our drinking water supplies, and a quadrupling of the frequency of DOC's in our drinking water supplies. We have 117 pesticide related compounds found in our drinking water, and we've seen as a result the collapse of our local shellfish populations. Seven-hundred thousand bushels of clams in 1976 is now 7,000 bushels of clams. Over 400,000 pounds of scallops in 1996 was reduced to 53 pounds. The lobster population has been decreased from 3.7 million pounds to 124,000 pounds, a decrease of 97%.

I would like to think that everyone on this Board recognizes the fact that clean water, clean surface waters, healthy ecosystems, safe, potable waters are rights, entitlements of Suffolk County residents, not discretionary privileges to be earned when it's convenient. I urge you to pass I.R. 1574 and to protect this program.

I'd also like to take the opportunity to urge you to consider improving the public's awareness of this program. It would be great if the public not only could vote every once in a while to use taxpayer dollars to protect water quality, but also could hear on an annual basis how the program is doing, how the money has been allocated, how much open space was acquired under the program, what

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specific water quality projects were funded under the program, how much staffing by the County is provided under the program. It would be great to have an annual report detailing the successes, the improvements to the program, and also the concerns associated with the program, such as the purchase of farmland development rights tied to sod farms, that we know has an adverse impact on water quality. So it would be great to have an annual report, hold a public hearing on the program. It's critically important. It's expended hundreds of millions of dollars over the program and it's worthy of your attention and better communication for the public. Thank you.

**P.O. GREGORY:**

Thank you, sir. Thank you for coming tonight.

*(\*Applause\*)*

**P.O. GREGORY:**

Tom Zomerfeld, and on deck Andrea Spilka.

**MR. ZOMERFELD:**

Good evening. I just brought this up as a demonstration to resolution 1314, about that credit card bill. I'm just showing what the dealers have on their pumps currently, and I believe everybody on the Board could probably see the credit, the cash price. So I just wanted to make that, you know, visible to everybody. I've been in this industry 30 years, and I know it's not easy, you know, passing the law that, you know, because somebody feels that they're getting gouged I could understand, but I can't understand the reasoning behind it.

It's a tough market. It's a tight market. We've got Quick Chek, if anybody read Newsday today. I have copies. They're coming into the market. They're a big company. They're going to force our dealers out there to compete even better and harder, you know tighter, tighter margins. Everybody thinks the margins are like a dollar a gallon; they're not. You should look at the taxes, look at the charges from the charge card companies that these dealers have to pay. Everybody thinks that because you have a charge card you don't have to pay any finance charges. Right now the dealer's pay a finance charge, they pay a processing charge. That's today. Who knows where it's going to go in the future? Who knows where gas prices are going to go in the future. Right now percentages, that's a dangerous word. Percentage of a dollar, a percentage of six dollars, that's a big difference. So that's all I have to say.

I made copies if anybody at the Board needs to see. I could pass it around to show that it's clearly visible at the pump. Anybody driving in, if the hose is 10 feet long and your car is three feet away from the pump, I'm sure everybody could see this. Am I out of line? That's all. I just want everybody to take a look. That's small, this is actual. It's up there. It says cash, it says credit, has everything that we're supposed to do within reason. Thank you.

*(\*Applause\*)*

**P.O. GREGORY:**

Okay. Thank you. Andrea Spilka, and on deck, Dick O'Kane.

**MS. SPILKA:**

Good afternoon. I'm Andrea Spilka. I'm the President of the Southampton Town Civic Coalition. I've spoken to you on a variety of issues on behalf of my civics and their members. Today I'm here to thank you, first of all, for passing I.R. 1575. It's very important to us. I'm asking you obviously like many others to pass I.R. 1574. For the folks out at the East End it's all about the water. Whether you're talking our health, commercially, our tourism, our wineries, the fishing, shellfish; it's all about the water. And I hope that you'll let the voters decide at the end of the day.

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I also hope that everyone who can hear this now in Suffolk County will also be voting to pass the proposition when it comes up in November. Obviously we care a lot about the Water Protection Program and I thank you for your efforts in the past and I hope that you'll help us in the future by voting today to pass I.R. 1574. Thank you very much.

*(\*Applause\*)*

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

Thank you. Dick O'Kane, and on deck, Adrienne Esposito.

### **MR. O'KANE:**

Yes, good evening. Thank you for allowing me the opportunity to speak. I'm here on behalf of 59,000 members of the Nassau-Suffolk Building and Construction Trades Council. I come here in reference to -- in regards to gasoline bill. The chart, the other -- the placard that the gentleman held up. I hope you saw that every one of their prices for credit was a dollar a gallon more than the cash price.

What I'm here about is, is that when you're driving along the highway they have two -- a placard out that has two prices on it. It never showed a third price where it shows a dollar a gallon more, and that's where they get you. My problem is that, you know, not all the members work every day during the year. Out of the 59,000 people, they cover from the tip of the Queens/Nassau border all the way out to Montauk Point. They have to get up and travel and take calls and go and solicit work from contractors on a daily basis. And when you're out on unemployment and you're only making a couple of dollars, these people -- a lot of people aren't paying attention, including myself sometimes. When you're out looking you just grab the pump and you put it in there.

These displays, some people do it very nicely. I'm not opposed to an increase of 10, 15 cents. That was always the way it was. When you pay with a credit card, you pay 10, 15 cents a gallon more, but a dollar is reaching and my members cannot afford that when they're out of work. It puts a tremendous pressure on them. They have families, they're trying to educate their families on top of that, and to fill up a tank, an average tank today takes 20 gallons. Every time you fill up that's \$20. We have a lot of colleges around here, kids going out there trying to make ends meet. They're paying their own tab, they can't afford it either. We got Suffolk Community College here with 26,000 students. It's tough on them. I hear about it all the time. And we're just looking to make ends meet here on Long Island. If you read in the paper there the other day, if you had a child today, by the time he's 21 or a young lady, it's \$240,000; adjusted for inflation is 320,000. So, you know, parents today raising families can't afford the, you know, prices that are not, you know, responsible.

So I'd respectfully request this body to put it down. Something reasonable we're certainly for. As it always was, 10, 15 cent differential, but a dollar a gallon is outrageous. And most -- I do a lot of driving and I pull into a lot of stations. Not every station displays it properly. Some they put off to the side in between the tanks so that it's not directly in front of you and it's a problem. So it's not easy doing what people do in gas stations and, you know, 24/7 and they're up early, go to bed late, but a dollar a gallon over what everybody else is charging is wrong and my constituents cannot afford that. I respectfully ask you to put something reasonable in place, but not what they're suggesting. Thank you.

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

Thank you, Dick. Adrienne Esposito, and on deck, Adam Wolf.

**MS. ESPOSITO:**

Good afternoon, members of the Legislature. I'm Adrienne Esposito, Executive Director of Citizens Campaign for the Environment. Not shockingly, I also am here to ask you to pass resolution 1474. Thank you for passing 1475 a couple of months ago, and now it's time for its sibling bill, 1474, to be passed. As you know, many of us believe that this legislation will allow for stabilizing the Drinking Water Program. It will allow us to restore the credibility of the program, it will allow us to fund to the four sewage treatment plants that need it; Riverhead, Bergen Point in Babylon, Patchogue Village, as well as Northport Village. How could we forget that? Also, it allows us to put money back into the 477 Program, which is virtually out of money. That means testing our surface waters and beaches and bays, something that have been degrading rapidly. And it also will allow us to go back into the business of buying some land. It will do all of that, at the same time as allowing the County flexibility during hard fiscal times and it restores the credibility. That's an awful lot to achieve in one piece of legislation.

So we're asking you to vote yes. Let's move forward together. Let's let the voters decide on November 4th if they support the package or not. The voters get to decide. It's their money, it's their program. It's always been their money, it's always been their program. It's their choice. Vote yes. Thank you.

*(\*Applause\*)*

**P.O. GREGORY:**

Thank you. Adam Wolf, and on deck, Lisa Tyson.

**MR. WOLF:**

Good afternoon. My name is Adam Wolf and I'm the COO of Jericho Wholesale, a Shell distributor in New York and New Jersey. Before you today, I want to express my opposition to I.R. 1314. I want to first remind you that the practice of cash/credit pricing is not against the law. It was 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.

Furthermore, in *Central Hudson Gas and Electric Corp v. Public Service Commission of New York*, the Supreme Court decided 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's interest, it cannot stand. The proposed bill states that the majority of gasoline road price advertising only displays the discounted cash price and that this deceptive practice inconveniences motorists, who are lured in by the discounted price. An inconvenience to motorists at having to enter an establishment to be fully informed of the prices for their products sold is not a substantial government interest. And advertising only the cash price for gasoline is not misleading, unlawful or a deceptive practice. Where the cash price is advertised, the roadside signage indicates the price displayed as the cash price.

These entrepreneurs represent millions of dollars a year in sales tax revenue and hire hundreds of employees. Suffolk County has declared that they have an estimated 170 million plus deficit through 2015. This proposed resolution does not help preserve businesses in Suffolk County. Instead, it adds layers to the already difficult business environment, while providing no substantial benefit to the community. This legislation is an attempt to vilify an industry because of one individual.

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Today's consumers have more choices and knowledge than ever before. A consumer's right to choose is their strongest voice. Choose another site to buy your fuel. Our industry does not -- does have issues, like the stealing of sales tax and the bootlegging of gas from New Jersey, and now from the five boroughs into Nassau and Suffolk County. We as an industry have been pleading for years about these practices that cost the public millions of dollars a year, but nothing has been done. We need to discuss how to preserve business in Suffolk County and stop losing jobs to states that offer a more competitive work environment.

These entrepreneurs are making between 10 and 15 cents a gallon on a good day. The credit card companies have no investment in the site, but collect about 13 cents a gallon. They hire no one and pay no sales tax to Suffolk County. Maybe it's time that we look at the interchange bank rates these businesses pay. That is a true cost to society. We need to vote against this resolution. Let these gentlemen go back to work making money for their families and generating revenue for this County and stop impeding their commercial freedom of speech. Thank you.

**P.O. GREGORY:**

Thank you. All right. Lisa Tyson, and so deck Jennifer Simcovitch.

**MS. TYSON:**

Good evening. My name is Lisa Tyson and this is Zoey, and I'm here to speak about the County Human Right Law, and I'm very excited. This is her first public hearing and the first time we're speaking, and out of all issues to really speak about, human rights is one that I'm very proud that we will have in her baby book, because when you look at Suffolk County and you look at the legacy here, the human rights of every person who lives here is important to keep as pure as possible, and to make sure that every person, no matter who they are, has the same rights and that's what you are going to vote today to vote yes. So we want you to pass this bill. It's imperative to do it. There's no reason not to do it. And we are really proud of you for updating our laws and to make sure that everyone has the same rights. Thank you.

*(\*Applause\*)*

**P.O. GREGORY:**

Thank you. I'm sorry. Jennifer, I can't read your writing.

**MS. SIMCOVITCH:**

Simcovitch.

**P.O. GREGORY:**

I'm sorry.

**MS. SIMCOVITCH:**

Happens all the time.

**P.O. GREGORY:**

Okay. I trust you. Gina Weatherup on deck.

**MS. SIMCOVITCH:**

Good evening. My name is Jennifer Simcovitch and I'm staff attorney with Long Island Housing Services. I am also here to --

**P.O. GREGORY:**

Can you talk into the mic?

**MS. SIMCOVITCH:**

Sorry.

**P.O. GREGORY:**

Okay. Thank you.

**MS. SIMCOVITCH:**

I'm here to speak in support of I.R. 1620, to amend the Suffolk County Human Rights Law on behalf of Long Island Housing Services. For 45 years our organization has been committed to eliminating housing discrimination and promoting decent and affordable housing through advocacy and education. We engage in core activities relating to fair housing services from investigation and testing to filing formal complaints administratively and judicially.

In our work we regularly encounter Long Island residents who are vulnerable to discrimination based on source of income, disability, race, national origin, gender and familial status among others, and we bear witness to the increasing difficulties faced by our most marginalized populations, including the homeless, veterans and recipients of Social Security.

The proposed amendment will ensure that residents of Suffolk County are protected, will bring the Suffolk County law in line with provisions found in New York State Human Rights Law, and will provide us and other organizations providing similar services with an additional avenue for our clients who are facing discrimination in housing.

Though our organization is focused on the provisions relating to housing, we support the proposed amendments in full, recognizing the critical importance of the proposed protections for pregnant women, members of the military, domestic workers and more.

Thank you for your attention, and I ask each of you to support the amendments to the Suffolk County Human Rights Law. Passage of the proposed amendment will significantly enhance protections and enforcement and benefit your constituents.

**P.O. GREGORY:**

Thank you. Gina Weatherup, and on deck, Kevin Beyer.

**MS. WEATHERUP:**

Good evening. My name is Gina Weatherup and I'm the Community Affairs and Advocacy Manager at Planned Parenthood Hudson Peconic Action Fund. You've already heard from me and other Planned Parenthood supporters this summer in support of I.R. 1620, the bill to update the County's Human Rights Law, and you've heard more details about that bill just now. I just wanted to take a moment to reiterate our support and the support of the entire Housing For All Coalition, which we are proud to be a part of. The Coalition is a diverse group of 16 non-profit organizations who advocate on behalf of underserved residents across Suffolk County. Collectively tens of thousands of Suffolk residents either receive services from our organizations or count themselves as our members. We are very excited to think that this bill could become law today and I urge you to please pass 1620. Thanks.

**P.O. GREGORY:**

Thank you. Kevin and on deck, Kimberly Quarty.

**MR. BEYER:**

Good afternoon. I'm Kevin Beyer from the Long Island Gasoline Retailers Association. I've spoken several times on this I.R. 1314 that we hope you will not pass. I'm going to start on the legality. As

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a Federal Judge -- there was a Federal Judge sitting in New York Southern District recently held pricing is a routine subject of economic regulation, but the manner in which price information is conveyed to buyers is quintessentially expressive, and therefore protected by the First Amendment. Judge Radcliffe found, in quotes, "There is nothing inherently misleading about a seller displaying its credit card price with less prominence than the cash price".

With that, once again we feel 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 of doing business. With that, the consumer gets to choose whom they will do business with. You're trying to put a figure on gasoline where you feel that 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 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 cost 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, 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 processing the credit or debit cards with the bank, which in my case was over \$70,000 just for the credit card processing last year.

There are laws in place that are more than adequate to protect the consumers. All price of gasoline are displayed above the pumps, then in the digital display on the pump the price and the product chosen are displayed. Another rule that was imposed in Suffolk County is that when a consumer pulls up to the pump, the higher price is displayed above the nozzle.

Your press release tries to make out the industry and luring, 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 3.55 regular cash, you can drive in and expect you will pay 3.55 regular for cash.

There's an example that I gave the last time that unfortunately if you have to compete with another station that's opening up, and all of a sudden you're not going to be able to be in compliance, and that's actually happening right now here in Commack with a dealer that's trying to compete with two brand new stations, and he's below cost on his regular, so how could you do this? If you push this legislation, he will not be able to compete fairly because he won't be able to have that difference between the cash and the credit that he might need. And it might -- it's not going to be a dollar, but it will be over what we said. You're trying to dictate to us how we're running our businesses and it has to stop. Thank you.

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

Thank you, Kevin. On deck, Kimberly Quarty, oh excuse me. Next Kimberly Quarty, and on deck, Steve Keshyer.

### **MS. QUARTY:**

Good evening. I'm Kimberly Quarty. I'm here on behalf of Peconic Land Trust to speak to you to the farmland development right acquisition for the Brush Park property, which is located in the heart of the farm belt along 105 and Sound Avenue in Riverhead. This farm belt is threatened by the continuing sprawl of development in our County, as are many farms, and I'd like to have your support in the preservation of this parcel in particular. This parcel is significant in that it is an active agriculture. It has been farmed by the same family and for generations, for 50 plus years. It has been reviewed by the Farmland Committee, the County Farmland Committee, and had has received a rating of 15.75 over 25 points. It has also been discussed and reviewed before the EPA and been

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approved. This parcel also has prime ag soils, it's immediately adjacent to preserved land that was preserved back in 2012 by the County, and it meets all the criteria of the County acquisition. So I ask for your support in this preservation. Thank you.

**P.O. GREGORY:**

Thank you, Kimberly.

*(\*Applause\*)*

I'm sorry, Steve Keshyer is it? And on deck, Peter Quinn.

**MR. KESHYER:**

Thank you, Legislators, for giving us the opportunity to speak. I'm here to let you know that we're here to oppose legislation 2014. A discount for cash has been a practice that has been around since 1980's. All our signs, pump signs and street signs are being fully approved by the Planning, Zoning, and Department of Weight and Measures. Nothing has been changed as far as the display of these signs are concerned. Consumers are well aware of what they're paying for these products when they come in. There are additional signs posted on the pumps.

And as far as the industry itself, as the gentleman mentioned earlier today, we do have to find ways to compete legally in the industry while the Island is becoming a lot more competitive to compete with as bigger competitors are coming into this market. So -- and as one of the other gentleman mentioned earlier, we have much bigger issues as far as gas coming to Long Island market without the sales tax being collected. You have an Indian Reservation here in Mastic that just opened up a month ago. They're selling gas to public, not collecting tax or paying it, and that's pretty much illegal. Those should be some of the focus where we are absolutely losing revenues in taxes versus an average businessman trying to compete. Thank you.

**P.O. GREGORY:**

Thank you, sir. Pete Quinn, and on deck, Richard Amper.

**MR. QUINN:**

Good afternoon, members of the Legislature. My name is Pete Quinn from West Islip. Unaffiliated. And I am here -- I was thinking I was here to defend and support article or legislation 1575, but I've had some reservations about it as I've sat here. And I can't help but wonder, while it's worthwhile to say that you want to stabilize the sewer rates, I can't help but think that maybe there's some money there that's going to go into balancing the budget, and I didn't think that was the intent of the legislation passed back in 1987.

So -- and I have some other concerns. We know that the Suffolk County Water Authority, for example, has a blending policy, blending wells next to toxic wells. What does that mean when it comes to MCL. Maximum capacity level for every element or compound that is measured means that you lower the amount of toxicity that the public hears about. So I'm concerned about your doing some study so that you know what the extent of blending has on our aquifer.

Secondly, the Brookhaven National Lab got permission two years ago, by seeking a permit from the State, to change the way in which it dumps its waste. So allegedly it cleans up the Carmans River, but in fact, they merely shifted it to an area in Yaphank on ground level. So doesn't that contaminate even further? Or isn't that more bothersome to you that you'd like to have some analysis of what Brookhaven National Lab is doing to our water supply?

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And third, we have on the one hand Islip Town, where I live, where they're seeking not to build sewer plants, instead to shift the water, the effluent, the dirty water to our Southwest Sewer District in Babylon Town. And it bothers me that I haven't seen any analysis by you or a report by you explaining what the shift of those pipes to the Suffolk County Water Authority, it's already a couple of years ago Suffolk County decided that they needed to add clarifiers, a couple of them, because we had already reached maximum capacity level of 30 million gallons a day. So what are we doing? Why don't we force Islip to build their -- I mean, Suffolk County is responsible --

**P.O. GREGORY:**

Mr. Quinn, your time is expired.

**MR. QUINN:**

Let them make the decisions, not Islip Town. They'll come to you and seek permits, but be -- have some reservations about that before you enact it. Thank you.

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

**P.O. GREGORY:**

Thank you, Sir. Dick Amper; and on deck, Jack Finkenberg.

**MR. AMPER:**

My name is Richard Amper, I'm Executive Director of the Long Island Pine Barrens Society. I, too, am here tonight to ask you to approve IR 1574.

I came to the Suffolk County Legislature 25 years ago and asked that the Legislature approve and put on the ballot the Drinking Water Protection Program and it was designed to preserve open space, especially sitting atop our purest drinking water supply. It was designed to stabilize sewer taxes, it was designed to help maintain fiscal control of the government, and it worked out terrific. It's just been a very, very great success with all your concern about having to go back to the voters and ask for more taxes. They voluntarily have come to you five times since, they approved it back in the 1980s at the rate of 84% plurality. They've come back time and time again and said *If you're going to do this kind of thing, we're prepared. You don't have to ask us for the money. You don't have to raise our taxes, we'll be happy to do it ourselves.* And they did this in sort of a contract between the people and the government, and we would like you to restore that contract. I think that that motivated them from the beginning, was the assurance that you were going to ask them for their advice and consent. You were going to say *If we're going to do this together, we're going to propose it and you tell us whether we can go ahead;* we ask you to put that back and do that again. And I think we can have another 25 years with people working with their government to protect something as basic as drinking water. Let's make it continue.  
Thank you.

**P.O. GREGORY:**

Thank you. Jack Finkenberg; and on deck, Michael Watt.

**MR. FINKENBERG:**

Jack Finkenberg, I live in Babylon Village since 1970. I'm here recommending passage of Resolution 1620, the Human Rights Act of Suffolk County. And I'm here as a member of an organization called New York Communities for Change, a social justice organization that has offices in Brentwood, and also as the Chairman of my Social Justice Committee at the Unitarian Church in Bay Shore.

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This bill is particularly meaningful to me, and I imagine to people living in Suffolk County. It's a bill that -- or an act or a law, it's not coming from Washington, it's not being handed down from Albany, it's being passed by our neighbors, you the Legislators here. I think that gives a stronger impact to this bill. It's something that people want to hear from their neighbors, that discrimination has to end. And this is -- that's what this bill will do. And again, I recommend passage of this bill tonight. Thank you.

### *Applause*

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

Thank you, Sir. Michael Watt; and on deck, Martha Maffei.

#### **MR. WATT:**

Good afternoon. My name is Michael Watt and I'm here to address IR 1637 on behalf of hundreds of members of the Long Island Gasoline Retailers Association, most of whom conduct their business in Suffolk County.

It has been clearly established that this Legislative proposal resulted from consumer complaints regarding the practices of one particular business owner. In no way, shape or form can it be considered an industry-wide practice, nor is there any indication it will become one. During a committee hearing last week, Suffolk County's Commissioner of Labor, Licensing & Consumer Affairs acknowledged that the 50 or so complaints lodged with the County came from an estimated 15 different stations, most, if not all, of which were owned by the aforementioned operator who sees fit to charge credit card customers nearly a dollar more per gallon. At no point has LIGRA attempted to defend this practice. Instead, we have asked the Suffolk County Legislators to consider that the vast majority of men and women who own and operate service stations here respect their customers and strive each day to deliver product and service at fair, competitive prices. These are the same men and women who assume tremendous risks and endured personal sacrifices to keep their businesses operating in the immediate aftermath of Hurricane Sandy. These same men and women now wonder why the Suffolk County Legislators see the need to tar them with this Legislative brush. The message they will no doubt receive from any Legislator who supports this gas bill is, *"gas station operators in Suffolk County cannot be trusted to do the right thing, even though historically they can and they have done just that."*

Gas station owners can't be blamed for thinking their industry is being unjustifiably singled out. Recently, for instance, I received an e-mail from the New York Yankees touting tickets for an upcoming game; ticket prices start at \$17, it said. Curious, I went to the website but could not find the seats in question. I let the website look for me; the best it could do is 23.80. Upon further inspection, I saw that the \$18 ticket came with a \$5.80 user fee. Taking the purchase process a step further, I was then presented with a \$3.30 processing fee. And finally, the Yankees wanted me to pay \$2.50 for the right to print the ticket at home even using my own printer and toner, they're going to charge me for that. That's a \$29.80 purchase price for a ticket posted at the price of \$17, an increase of 65% with zero mention of the fact that the cheapest parking spot at Yankee Stadium cost \$25, yet I don't see any representatives from the Steinbrenner Family here. It is up to the consumer to decide whether or not he or she wants to go forward with this purchase, just as it is up to the consumer to decide whether or not he or she wants to go forward with the purchase of gasoline using a credit card when he or she notices the clearly visible sign on top of the pump indicating that it's a dollar more, or close to a dollar.

This is why this Legislative proposal is unnecessary, unwarranted and possibly unconstitutional. It is an affront to the intelligence of the Suffolk County resident, as well as to the hard working men and --

**P.O. GREGORY:**

Mr. Watt, please, your time has expired. Please wrap up.

**MR. WATT:**

You cut me off right in the middle of a great sentence.

*(\*Laughter\*)*

It is an affront to the intelligence of the Suffolk County resident as well as to the hard working men and women who toil around the clock to make sure Suffolk County has the products it needs to function. Passage of this legislation will cause hard feelings, feelings that will not go away any time soon. Thank you very much.

**P.O. GREGORY:**

Thank you, Mike. We don't want to hurt your feelings. Martha Maffei -- oh, there you are, okay. And Andrew Curto.

**MS. MAFFEI:**

Good afternoon. My name is Martha Maffei, I am Executive Director of Sepa Mujer, services for the advancement women. We are a Latina women rights organization. At first I would like to express my gratitude to all of you for supporting IR 1620. We all know that discrimination, it is a big concern in Suffolk County. I truly believe that creating the Human Rights Law will make remarkable change and will protect the rights of the most vulnerable people in Suffolk County. Please support the veterans, pregnant women, survivors of domestic violence, people with disabilities and renters by passing today IR 1620. Thank you.

*Applause*

**P.O. GREGORY:**

Thank you. Andrew Curto. And on deck, Miriam Elaraby.

**UNKNOWN AUDIENCE MEMBER:**

Andrew had to leave because of time.

**P.O. GREGORY:**

Okay. Miriam Elaraby? And on deck, Fiteni.

**MS. ELARABY:**

Good evening, members of the Suffolk County Legislature. My name is Miriam Elaraby, I am an active member --

**P.O. GREGORY:**

Excuse me, Ma'am? Can you speak into the microphone? Is it on? Is the green light on? Okay, we can -- we're having a hard time hearing you.

**MS. ELARABY:**

Is it on now?

**P.O. GREGORY:**

There you go.

**MS. ELARABY:**

Okay, let's start all over again. Good evening, Members of the Suffolk County Legislature. My name is Miriam Elaraby, I am an active member of Make the Road New York. I am also a mother of a U.S. Marine. And I am here to support IR 1620, an IR that includes proposed amendments to the Human Rights Law.

As a mother, I have experienced the consequences of a weak human rights law that fails to protect veterans and militaries. My grandson now is enlisted as a U.S. Marine again. I would like for him to be protected as an active duty and a military status and protected category in all sections of the Human Rights Law. It will give families, family members peace of mind, and they're doing their active duty knowing that their families would be -- (*brief pause*). Members will be -- it would give peace of mind to members knowing that the active duty members would not be discriminated against in housing or employment.

I ask that you approve amending the 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. So I urge you, please vote yes to this law. I thank you very much for listening and I respectfully urge you, again, vote to close this hearing today. Thank you so much.

**P.O. GREGORY:**

Thank you, and thank your son for his service to our country.  
Beth Fiteni. And on deck, Peter Holmstedt.

**MS. FITENI:**

Hi. Thank you very much. My name again is Beth Fiteni and I'm with the -- I am the Sustainability Coordinator at the Community Development Corporation of Long Island and helping to represent NYSERTA, or the New York State Energy Research & Development Authority. And I recently sent you all a letter, but I just wanted to make sure that you knew about three programs; two of them I had mentioned in the letter and one of them just came up last week.

One is that NYSERTA offers a free energy audit for small businesses with ten employees or fewer, and it's a comprehensive energy assessment that looks at the electric as well as the heating and insulation. So some of you got back to me, thank you very much, about that. With that, NYSERTA offers financing, so there is a loan option that's available, and also on-bill recovery that you can pay back through your PSEG bill. And they set it up usually so that the savings make up for what you're paying out, so it's pretty much a win/win from the get-go. Thank you, Legislator Spencer, for putting that in your newsletter, appreciate that.

The second program we wanted to make sure you knew about was that through category one of Cleaner Greener Communities Program, both towns and villages can be reimbursed for adopting a streamlined code for solar as well as electric vehicle charging stations. So as you know, most of the towns have already adopted these unified solar code, you know, several years ago, that was pushed by our Planning Commission right here. But many of them can still adopt the electric vehicle code and be reimbursed up to \$5,000 for a town, and the villages would get 2500 for adopting both of those codes, just to make -- you know, the idea is to make everyone streamlined.

The third and final program I wanted to mention which was not in my letter and just came up, was the New York Sun Program. So finally New York State is offering financing for solar, which is something people who are interested in solar have been waiting for for a very long time. It means you don't have to have the upfront chunk of money, you can actually pay for the solar over time. And again, you know, they set up the agreement so that your savings outweigh what you're paying. So it's pretty much a win/win from the get-go, so that's very exciting. The specifics on that; the

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State will finance up to 13,000 per residential loans at 3.49% interest and will finance up to 100,000 for small businesses at 3% interest.

So there's also K-Solar that just came for out for schools. I don't even know about that jet, it just came out last week, there's a lot changing. So I just wanted to say, I brought packets of information with my cards, so if any one of your residents has any questions about these programs, I'm happy to be the point person and answer any questions. Thank you.

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

Thank you, Beth. Peter Holmstedt, if I pronounced your name right. And on deck, Louise Harrison.

### **MR. HOLMSTEDT:**

Good afternoon. My name is Peter Holmstedt, I'm a resident of Stony Brook, New York. I've been in the petroleum industry for 43 years and I would just like to make a few little comments about your proposed legislation.

I was reading a newspaper article regarding, you know, give your rearview mirror to the prices; that means drive out of the gas station. Consumers can vote that way, that's their job.

As to you union members, union members can vote that way, too. They can drive out of the station. There are over a thousand service stations on Long Island, they can go to any one of them, and only 40 or 50 of them have this type of pricing policy. Survey -- I'm in the business a long time, so I do foolish things. I sit in front of a service station and watch and see what's happening; I have time, I'm retired. A survey of that service station, or service stations that that individual owns show very few people going there paying cash and very few people going there using their credit card. What I do see going in there are government vehicles that are branded, they go in there. I'm sure government branded -- unbranded vehicles go into that service station, so I would think it would behoove you folks to see that you survey your people and find out what service stations they're going to and putting them on the right path. You can actually damage that man's business yourself without doing anything outwardly.

I think that's about all I would have to say. But the most important thing is the consumer has to be aware. If I were you, what I would do is, to my constituents, I would spend a few dollars and send them out a note or a mailing and say, *Just be aware that there's a service station in your neighborhood that may be charging a dollar more.* The problem's going to be solved. The man may catch up a few stragglers coming in, people from out of state, but they won't be burnt twice. Thank you very much.

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

Thank you, Sir. Louise Harrison. And then on deck is Dr. Carolyn Peabody.

### **MS. HARRISON:**

Good afternoon, Presiding Officer Gregory and members of the Legislature. My name is Louise Harrison, Conservation & Natural Areas Planning which is based in Setauket. I live in Peconic in the Town of Southold. I'm here to address IR 1574.

I worked in environmental protection on Long Island since the early 1980s in County, State and Federal positions, as well as in non-profit organizations and as a consultant for non-profits and municipalities attempting to protect natural resources. When I worked for the County, I could be proud of its environmental initiatives. As a resident and voter, I want to feel proud again, and to believe that all of us here are doing everything we can do to reverse pollution and protect our most valuable asset, our aquifer, the quality of which effects everything that keeps us, Long Islanders, here on Long Island. Our drinking water, our streams, bays, beaches, the Peconic Estuary, the

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South Shore Estuary, Long Island Sound, tourism, marine industries, everything depends on our clean drinking water which comes from our aquifer.

We put in place our Drinking Water Protection Program during the time I was at the County and we all taxed ourselves to do so. Now we have to protect that program. The voters want you to restore their trust in the program and in you, and that we never borrow from it again without the voters approval. So please vote in favor of IR 1574 today. Thank you very much.

*Applause*

**P.O. GREGORY:**

Thank you. Dr. Peabody?

**DR. PEABODY:**

Good evening. My name is Dr. Carolyn Peabody, I'm a Clinical Associate Professor at the School of Social Welfare at Stony Brook University. I'm a member of the Southold Town Anti-Bias Task Force, and most importantly, for tonight's purposes, I'm a member of the Suffolk County Human Rights Commission. I have a long history with the Human Rights Commission. I did a year-long internship in my graduate training in the 1980s. I went off and worked on other things for a while and I've come back and I'm serving again on the commission.

Over this time, the Suffolk County Human Rights Commission has done an amazing job working to foster respect and human dignity between and among all the groups of Suffolk County. The unbelievably hard-working and dedicated staff have investigated and fairly addressed complaints about discrimination in housing, employment and other areas. The work they've done is really so good with unbelievably limited resources. However, with the proposed Human Rights Law, 1620, their work can be even better. The proposed law will make sure that all the people living and working in Suffolk County can be assured that the County will stand with them if they face prejudice and discrimination for no other reason than that they belong to some group that few perceive as inferior and open for attack and discrimination. So for these reasons, I urge that you support legislation 1620. Thank you.

*Applause*

**P.O. GREGORY:**

Thank you. That is the last card that I have. Is there anyone else that would like to speak that hasn't filled out a card? Please -- and hasn't spoken, please come forward. Okay, thank you. I will take a motion to close.

**LEG. BARRAGA:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Barraga. I will second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

Public Portion is closed.

I would like to make a motion -- if you go to page 12 on our agenda, IR 1745, I'm going to make a motion to take it out of order. It's IR **1745-14 - Requesting Legislative approval to have a**

***contract with Hudson River HealthCare, Inc, (HRHCare) with operation of the South Brookhaven Family Health Center West and the Marilyn Shellabarger South Brookhaven Family Health Center East at Shirley (County Executive).***

Do I have a second.

**LEG. ANKER:**

*(Raised hand).*

**P.O. GREGORY:**

Second by Legislator Anker. All in favor? Opposed? Abstentions? The motion's before us.

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

Do I have a motion?

**LEG. CALARCO:**

Motion.

**P.O. GREGORY:**

Legislator Calarco.

**LEG. ANKER:**

*(Raised hand).*

**P.O. GREGORY:**

Motion to approve by Legislator Calarco, second by Legislator Anker. On the motion?

**LEG. KENNEDY:**

On the motion, Mr. Chair?

**P.O. GREGORY:**

On the motion, Legislator Kennedy.

**LEG. KENNEDY:**

I just wanted to talk to BRO a little bit, if I can, about the fiscal impact statement on this one. I believe the fiscal impact statement that was submitted was a revised fiscal impact statement submitted by the Exec's Office. There was a projected five-year savings by having operations go over to Hudson River, but it also represented I think a five-year commitment using some acronym now, a community benefit commitment or something like that?

**LEG. D'AMARO:**

Hey, John, if I could interrupt for one moment. I have to note on the record that I'm recusing, all right? I apologize.

**LEG. KENNEDY:**

Okay.

**LEG. D'AMARO:**

Thank you.

**LEG. KENNEDY:**

Sure, certainly, no problem. Okay. Robert, is that correct, am I -- am I laying that out properly?

**MR. LIPP:**

Yes. So there was a revised County Executive fiscal impact statement. They had worked with us and talked about the assumptions. There's a lot of moving parts in doing the estimates over five years and we came, more or less, pretty close to the same number over the five years, which I believe our number was just over 20 million, theirs was about 22 million, so it was pretty close over the five years.

**LEG. KENNEDY:**

So, but let me just make sure that I understand. What was revised; the -- the amount of savings, the net gain, or the amount of contribution? At the end of the day, what's the final kind of prognosis here with conversion and as far as what the cost is going to do.

**MR. LIPP:**

All right. So at the end of the day, our estimate came out to a little over 20 million, theirs I believe about 22 million, so they were very close. So over five years, that's like an average of a little over \$4 million per year.

**LEG. KENNEDY:**

Meaning our --

**MR. LIPP:**

Savings.

**LEG. KENNEDY:**

-- contributions for clinic operation or savings?

**MR. LIPP:**

That's savings, actually.

**LEG. KENNEDY:**

Savings.

**MR. LIPP:**

A comparison of the current model that the County runs under versus the HRH or Hudson River model.

**LEG. KENNEDY:**

Okay. And Mr. Chair, if then I can just speak to Mr. Vaughn for a second on this. With most of the other conversions, we've talked about what the outcome will be for County employees. Do we have any County employees in these two clinics, or are they all run by Brookhaven?

**MS. FINNIN:**

EMS.

**MR. VAUGHN:**

I'm going to let the Health Department, Jen Culp from the Health Department answer the question on the employees. My understanding is that we do not have any County employees in this facility.

**LEG. KENNEDY:**

Okay.

**MR. VAUGHN:**

But I'll have her verify that.

**LEG. KENNEDY:**

That would be great. Thank you. Hello, Ms. Culp. How are you?

**MS. CULP:**

Fine. How are you?

**LEG. KENNEDY:**

Very well, thank you.

**MS. CULP:**

We do have a small amount of County employees at both health centers. We have one neighborhood aide who is split between the two health centers.

**LEG. KENNEDY:**

Uh-huh.

**MS. CULP:**

And then also our WIC Program -- our Women, Infants, Children -- with all the other transitions, the WIC program will remain at both health centers, County-operated, so they're County employees. And then we also have a few employees through Family Planning, and they will be reassigned throughout the department as with the other transitions.

**LEG. KENNEDY:**

So then it's a fair statement to say that there's going to be no loss of County employees as a result of this conversion.

**MS. CULP:**

Yes.

**LEG. KENNEDY:**

Okay. Have you talked at all with Brookhaven and the Brookhaven Hospital employees? Have they made any kind of -- has there been any representation? I mean, we still have a substantial number of Suffolk County residents employed and now we're promoting yet another transition. Do we know anything about the outcome there?

**MS. SANTERAMO:**

So both HRH and Brookhaven are here, so we would like to let them answer questions in regards to, you know, who HRH is taking and what Brookhaven is doing from the people that HRH is not taking.

**LEG. KENNEDY:**

Through the Chair; would that be all right, Mr. Chair, if we can have --

**P.O. GREGORY:**

Yes.

**LEG. KENNEDY:**

Okay, that would be great. Could we have somebody then from -- Ann is here. And who's here from Brookhaven? How about sitting at the table? You don't all have to stand up there.

So how's it going, Ann? We're in a partnership like you never thought you were going to see before, huh? You might as well just move your offices down here to Suffolk.

**MS. NOLON:**

This is a special mic that I don't have to push, so this is great. It's going well, thank you. And I can still remember your first question as to how quickly we could start and I said give us a year, and we did wait a year and now every two months -- three months, we've rolled in another health center into the system. So we feel like things are going well.

**LEG. KENNEDY:**

Uh-huh. And then as you are bringing new systems on-line, one of the things that we've talked about is the FOHC has that enhanced model for the mental health component, for the dental component; those additional services are kicking in, they're manifesting themselves?

**MS. NOLON:**

Yes, they are. In each of our sites we are bringing in behavioral health service and dental services.

**LEG. KENNEDY:**

How do you do the mental health services? Is it NPs or do you have social workers? Who's doing the mental health work?

**MS. NOLON:**

We have licensed social workers. And for detailed questions, I'd like to ask Alison DuBois, Chief Operating Officer, she'll describe our behavioral health model.

**MS. DUBOIS:**

We have -- we utilize licensed clinical social workers for the provision of on-site behavioral health, and those individuals provide on-site services and then can also coordinate services with Article 31 providers in the community for any individuals who are serious and persistently mentally ill.

**LEG. KENNEDY:**

From a systems perspective, what are you seeing? This is new to our County clinics, but we have a chronic deficit of mental health services here in the County. So are you seeing folks coming in, are they using it, are they getting enrolled?

**MS. DUBOIS:**

It is being well utilized. We are seeing the volume of behavioral health services increasing. We've been fortunate to be able to offer bilingual services, and so it's continuing to grow.

**LEG. KENNEDY:**

And you're doing the full span of, you know, out-patient counseling, adult, adolescents? Are we doing adolescent mental health counseling?

**MS. DUBOIS:**

So our services are focused on adults, so children and adolescents in need of services are supported through the transition to an Article 31 provider who have additional expertise and care for children.

**LEG. KENNEDY:**

Meaning they're other not-for-profit service deliverers, but you've got a link or a collaboration with them; is that it?

**MS. DUBOIS:**

That is correct, yes.

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**LEG. KENNEDY:**

Okay. Good, thank you. So let's then talk a little bit about from the folks from Brookhaven. How are you today?

**MR. QUARTIER:**

Good. How are you?

**LEG. KENNEDY:**

Good. What's your take on this transition? How is it going to impact you folks? Do you support it? Tell me a little bit about it.

**MR. QUARTIER:**

My name is Mike Quartier, I'm the Senior Administrator for the two health centers.

**LEG. KENNEDY:**

Uh-huh.

**MR. QUARTIER:**

I've been working with HRH over the last few months, working on the placement of employees, the model, which employees will fit into the model, and then working with human resources for dealing with employees and helping to find them jobs elsewhere if they're not going to fit into the model.

**LEG. KENNEDY:**

So without getting down to too many specifics, we're talking about 30 folks, 40 folks, nurses, aides, docs; what are we talking about?

**MR. QUARTIER:**

It changes on a daily basis --

**LEG. KENNEDY:**

Outstanding, there we go.

**MR. QUARTIER:**

-- for a lot of different reasons.

**LEG. KENNEDY:**

Okay.

**MR. QUARTIER:**

Employees are making decisions, they're moving, they're either moving to a position at Brookhaven Memorial Hospital, they're deciding to leave the Brookhaven family and seeking employment elsewhere, they're deciding to retire. We've had a couple of individuals that have left and come back to the health system because they didn't like where they were. We've had people who have talked about retirement and we've actually talked them into staying and now they're not retiring, so there is no exact number, you know, that you can state. But to the best of my knowledge, as of this morning, when we go back and forth and take a look at the HRH model and take a look at the employees, their job competencies, the worst case scenario would be somewhere in the area of 14 or 15 employees who would not have the appropriate competencies to fit into a position that is in the HRH model, but that's worst case scenario. Because there are, you know, situations, for example, where we have a social worker who is in the process of becoming an LSW; my understanding is that she'll have that within a month, so that individual will then become available to be hired by HRH. So it's a very fluid situation.

**LEG. KENNEDY:**

Okay.

**MR. QUARTIER:**

Worst case scenario, about 15 people --

**LEG. KENNEDY:**

Oh, you're making the efforts, though, to try to make sure that you keep the employees whole and employed to the best of your ability, you're working in harmony with HRH and seems like all things are going along.

**MR. QUARTIER:**

*(Nodded head yes).*

**LEG. KENNEDY:**

It's a hospitable merger or takeover, if you will, not a hostile one.

**MR. QUARTIER:**

We're working well together.

**LEG. KENNEDY:**

I like to hear that; that sounds good.

**MS. NOLON:**

I also think Jim could add some information to that; would you, Jim?

**MR. SINKHOFF:**

Yeah, just to follow up on what Mike added. So we've gone through several months of discussions, we've met with all the employees on several occasions, we've laid out the process. Presuming all goes well tonight, we expect to start being on-site, fielding applications, meeting with the employees and starting the formal interviewing process over the next three, four weeks as we move through the transition process.

The majority of employees will be able to make the transition to the HRHCare model. And as Mike just said, we're really happy that the LMSW is going to become certified because she will be able to fit into the model, we think that's terrific. We even talked as recently as this morning about another employee who we think is pretty terrific and we're going to try to figure out a way to make that work as well. So I think to just add to what Mike has mentioned, we're working very closely together on a day-in/day-out basis; one, to make sure that the employees understand the model, they understand the transitions and that we're representing as accurately as we can the steps through the process, including the Legislative process.

**LEG. KENNEDY:**

I should probably defer to my colleagues from Brookhaven, but I guess the last thing I'll just ask is about physical plant. For the ten years that I've been in office, we've talked about moving out of that site on Montauk Highway, and lo and behold, it still says the Suffolk County Health Clinic in front of it. Do you have any kind of long-term view as to what's going to happen there? I guess, Ann, I'm directing that to you.

**MS. NOLON:**

I guess the one on Main Street?

**LEG. KENNEDY:**

Yeah.

**MS. NOLON:**

Yes. We have had some conversation with Legislator Calarco about that as well and really see as a commitment to make a move with that particular site off of Main Street into a more suitable site. We find that the site is not suitable in itself right now. That lease expires soon and we'll be looking for an alternate location. From time to time --

**LEG. KENNEDY:**

Will be or have started?

**MS. NOLON:**

We have not started. We will be. We have some time on that transition.

**LEG. KENNEDY:**

So then there's, what, a couple of years left on the lease?

**MS. NOLON:**

No, it's I believe June of 2015.

**LEG. KENNEDY:**

That's right around the corner.

**MS. NOLON:**

Maybe you can help me with that exact date, Jim.

**MR. SINKHOFF:**

I believe it's June of 2015.

**MS. NOLON:**

I said that (*laughter*).

**LEG. KENNEDY:**

Is our community benefit or our commitment over the next five year time period predicated on operations or expense as you can measure it in these two physical plants that we have now?

**MS. NOLON:**

Jim, you might want to respond a little bit more to the budget question. We are putting together the two -- we have put together two different budgets that have been put together in a single budget and CBG, but the operations are budgeted separately because that's the current situation. We have thought, as you have directed us, to think about consolidation and we have that in the back of our mind, but that's -- when one facility is in very good shape and operates efficiently and the other is not, it's an expense to take two and find another site, likely construct another site, that's a much bigger expense. So the way we can be most efficient is to deal with a site that's not in good shape and to see about an alternate site for that.

**LEG. KENNEDY:**

Well, we've got a nursing home sitting there that's got nothing in it. And, you know, I'm hoping that's been part of the thought process, at least some of the dialogue.

**MS. NOLON:**

Right. It has been raised. Just as a thought about community health centers, one of the advantages of health centers is to put them in an accessible location, often within walking distance of a population. The more rural you get, the less likely that is, but it's a very -- accessibility is a very important aspect.

**LEG. KENNEDY:**

Kate will get a bus over there, no problem. All right, I'll yield, Mr. Chair.

**P.O. GREGORY:**

Okay. Anyone else? Legislator Schneiderman.

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

I guess mostly for Ann. You know I've been impressed by the HRH community and the team there, and certainly the numbers are good for the County in terms of savings. But now that we have some HRH clinics up and running, I haven't seen the metrics in terms of the number of people who are using the clinics before versus after. Do you have any of that? Are we serving more people now than we were before?

**MS. NOLON:**

I would like -- Alison DuBois will answer that question in more detail. But generally, we are very successful in having transition, there's Elsie Owens, the number of patients that were being seen prior to our coming in and operating, the same number have been transitioned.

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

We haven't lost any, right, so it's the same number.

**MS. NOLON:**

Yes, that was close to 8,000 patients were transitioned in that site.

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

What about with the Southampton Clinic? There was some concern that we might lose some because we consolidated two clinics, and it was a little further away from East Hampton, Montauk area. Have we retained our patient base there?

**MS. DUBOIS:**

We have retained the patient base and it continues to grow, so I think -- you might have mentioned yourself at one of our events that we've continued to add providers and so we've just added an additional clinician as well. So, you know, we're fully utilizing the practitioners who are there. As you know, we've been operational since March 17th and the growth numbers continue to increase month over month.

We are doing regular zip code analysis to be sure that we are covering the region and continue to provide outreach and transportation services to those who need it. So we really are continuing to grow and Jim is reminding us that the residency has also increased the capacity of what we're able to offer there. So it's really continuing to grow substantially and significantly.

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

So in particular for the East Hampton community, they have migrated over to the Southampton facility without losing some of those patients?

**MS. DUBOIS:**

I mean, it's difficult to do a one-to-one analysis, but we certainly are seeing a broad geographic distribution of the patients, including from East Hampton.

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

Okay, I appreciate it. If at some point I can see that information, if it's something I'm allowed to look at, I'd like to see that.

**MS. DUBOIS:**

Yes.

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

Thank you.

**P.O. GREGORY:**

Okay, Legislator Calarco.

**LEG. CALARCO:**

Thank you. I just have a couple of quick questions, right over here. A couple of quick questions for you, and this kind of relates as much to the folks in the hospital as the Hudson River. We've gone over quite a bit of this at committee last week, and so I think most of my questions were answered. But at that time we were looking at 62 positions that were being basically proposed for the Patchogue and Shirley Centers combined, it left us with about 14 individuals who were potentially looking at not having a place to go. Has there been discussions with the hospital in terms of whether or not any of those individuals are going to be able to meet any of the needs of the hospital with open positions within your network. Obviously Brookhaven Hospital's network is maybe not as wide as some of the other hospitals that we're dealing with, but perhaps you do have a few slots that people could slide back into.

**MR. DAVIN:**

My name is Paul Davin, I'm the Vice-President for Human Resources at Brookhaven, and I've been in play during the entire duration of the Hudson River process. And what we've done is we've done regular meetings to ensure that we can communicate information to our staff, and over a period of time we've seen migration of 15 plus staff into a Brookhaven Memorial Hospital position. So some have voted with their feet.

We also have a group of 14 that you heard referenced before, and the largest portion of them are RNs. There are four RNs that will not have a place at the fair, so to speak, and what we're doing is we're working very collaboratively with the union that represents these workers so that there will be other vacant positions that are offered to those staff nurses, assuming they can reacquaint themselves with the in-patient side. And similarly, with the affected non-union staff, which is a very modest number of facility and administrative staff, we have continued to publish opportunities within the medical center for those staff to apply and transfer to and have had some success with that group as well.

But as Mike said before, it is a work in progress. There are clearly people who are very desirous of returning to Brookhaven and staying with Brookhaven, and there are others that are contemplating a Hudson River roll, and then there are others who we think are biding their time and are either going to retire or give Hudson River a try.

**LEG. CALARCO:**

So some of those specifics it sounds like are really going to kind of play out over the next month or two as Hudson River starts doing their interview process and decides what affirmative positions

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they're going to offer to specific individuals. And then those who are left, or maybe without being offered a position, they're going to look to transfer potentially back into the hospital. I'm glad to hear that those nurses all look like they're probably going to have a place to go and we're happy to hear that. The last thing we want to see happening out of one of these types of changeovers is that though the County is going to save money, it's because somebody is going to lose a job. We want people to stay employed.

In regards to salaries for the employees that are coming over to Hudson River, my understanding is until the end of this year, those employees are going to stay on the Brookhaven payroll and they will be leased to Hudson River; is that accurate?

**MR. DAVIN:**

Just to clarify, the providers, the physicians are going to leave our payroll on November 1st and become Hudson River employees. The balance of staff --

**LEG. CALARCO:**

Those are the doctors and the -- I think there's some nurse practitioners there as well; correct?

**MR. DAVIN:**

That's correct. The balance of the non-provider portion, and that is those employees who are selected or offered a position with Hudson River, there is an agreement in the formative stages to allow them to remain Brookhaven Memorial Hospital employees through year-end with a provision for a lease back. So they would transition effective January 1 into the Hudson River model.

**LEG. CALARCO:**

Okay, and that helps to make sure they stay whole on some of their benefits that they would accrue at the end of this year.

**MR. DAVIN:**

Correct.

**LEG. CALARCO:**

Okay. And in terms of those employees that do transition to Hudson River eventually, there's commitments to make sure that they stay whole in terms of their pay scales?

**MR. SINKHOFF:**

Yes, that is the commitment; that come January 1 they will be held harmless as to their compensation.

**LEG. CALARCO:**

Their pay, but they're going to then transition to the Hudson River benefit package.

**MR. SINKHOFF:**

Correct.

**LEG. CALARCO:**

Okay, thank you. I think that's most of the questions I had. And I do appreciate that you are going to be paying special attention to the Patchogue facility. It is in very rough shape, to say the least. And in fairness to the owner, I think he recognizes that as well, but it's also a very tough location for a health center to be located. We appreciate that you're going to be looking to work with us to find an appropriate location for that facility. The clock is ticking very quickly. Okay, thank you.

**P.O. GREGORY:**

Thank you. Legislator Browning, you had a question?

**LEG. BROWNING:**

Yes, I just have one quick question again. You know, I've been to the Coram facility. This is no reflection on Hudson River, I think you do a phenomenal job, but again, we have about 14 employees that we want to talk about.

As you know, that the Shirley Health Center is my district. I know that many of those people who work there are my constituents, and the last thing I want to see is any of them having to go collect unemployment. Of the non-medical -- the 14, are they non-medical?

**MR. DAVIN:**

The 14 are non-medical, yes.

**LEG. BROWNING:**

So some of them are --

**MS. NOLON:**

Three.

**MR. DAVIN:**

When you say medical; are you saying medical provider or are you saying --

**LEG. BROWNING:**

Non-medical type staff, like nurses, LPNs, you know, janitors, that type of clerical work.

**MR. QUARTIER:**

I mean, I can break it down for you. The at-risk individuals include four Registered Nurses, two Social Workers, one of which we think will have her LMSW shortly.

**MR. SINKHOFF:**

LCSW.

**MR. QUARTIER:**

LCSW, excuse me. And then an additional nine, what we have listed as facility/administrative types, these are the individuals that are working in custodial functions in the evening shift, they're the engineering manager and they're administrative secretaries. So that would make up the -- and actually, that comes to a total of 15 as of this morning.

**LEG. BROWNING:**

Okay. So there's four RNs that are unspoken for. Now, you're talking about the social workers, that the -- so is this a criteria; does Hudson River require that they have the other qualification?

**MS. NOLON:**

Yes, the Licensed Social Worker is a billable provider within our behavioral health model.

**LEG. BROWNING:**

Okay. So will that person be offered a position?

**MS. NOLON:**

We're hoping so. She is going to obtain her license within the next month, according to the file.

**LEG. BROWNING:**

Okay. And the facility's employees, I mean, Shirley -- if you need it, whether it's run by Brookhaven or run by Suffolk County or whoever, wouldn't Hudson River still need to hire the people that do that type of work?

**MS. NOLON:**

Yes, we do. And Ali, maybe you could talk a little bit about what we have -- what our thinking is with the model.

**MS. DUBOIS:**

Sure. We utilize a slightly different model for the maintenance and upkeep of the health centers which includes some directly employed and some services provided under contract. And so by moving to that model, the direct hiring of employees to do evening clean-up is proposed to move to a contract service.

**LEG. BROWNING:**

Okay. Thank you.

**P.O. GREGORY:**

Okay. Legislator Barraga.

**LEG. BARRAGA:**

I just have a quick question. I seem to recall in the past, when you've taken over the County clinics, you took all the employees with you. The employees that were there went to work for you. Is that true or not true?

**LEG. BROWNING:**

No, not true.

**LEG. BARRAGA:**

Not true. So in each case you had a specific model where certain employees were not taken by you. But what happened to those employees, did they stay with the County?

**MS. NOLON:**

I think the Martin Luther King Health Center is the latest one that would be well described; Jim, if you would describe the model there.

**MR. SINKHOFF:**

Sure. So just by way of review, at the Amityville Health Center, the Maxine S. Postal at Tri-Community, as you may recall, the County employees were redeployed with the entirety of the County system, and then Hudson River HealthCare went through a native employment process, so we hired the individuals directly there. None of the County employees were affected by that because they were transferred throughout the entirety of the County system.

The Martin Luther King Health Center, we are working in the same fashion as we are with Brookhaven and Good Sam Hospital there whereby we are now firmly in the interview process, have made the offers to the former Good Samaritan hospital employees who are now joining Hudson River HealthCare. So that transfer is very similar to what is anticipated to occur in Brookhaven. There are -- were, as we've described here, some RNs that did not fit the model and those individuals have actually moved back into the Good Sam --

**LEG. BARRAGA:**

So you had a different strategy and model depending upon the clinic.

**MR. SINKHOFF:**

Exactly.

**LEG. BARRAGA:**

Let me ask the Brookhaven people. Is there any hope that the 14 or 15, that's not a great number -- I mean, you laid out four of them are Registered Nurses, a number are administrative. How about taking them back into the hospital itself? Is there any room at Brookhaven Hospital to take those 15 people?

**MR. DAVIN:**

Is there a rule? There's a commitment to do it where we can find an appropriate opportunity that they will accept, and we have been holding vacant positions in anticipation of a meeting with their union representative.

**LEG. BARRAGA:**

Is there a reason why they would not accept in the sense that the alternative isn't very good?

**MR. DAVIN:**

Well, it's largely a function of the fact that a number of these nurses left the in-patient care setting many years ago and made a decision to go into an ambulatory setting for a variety of --

**LEG. BARRAGA:**

Maybe they don't feel comfortable going back; is that the idea?

**MR. DAVIN:**

Part of it in terms of a competency, and it's also a much more physically demanding job than an ambulatory setting.

**LEG. BARRAGA:**

But if they were amenable, you know, from what you're telling me, you could probably make room at the inn for them.

**MR. DAVIN:**

There's no question we have room at the inn and we have a --

**LEG. BARRAGA:**

For all 15, including the four nurses?

**MR. DAVIN:**

We certainly have room for all four nurses. The facility and administrative staff, as I described, we've been looking at opportunities for a number of months, several of them have, in fact, transferred and moved into the Brookhaven system.

**LEG. BARRAGA:**

Now so I understand, they 15, are they on the payroll till the end of the year, or are they gone?

**MR. DAVIN:**

The 15 are -- the max is 15 that may not have an offer through Hudson River; without the offer, they would be subject to layoff --

**LEG. BARRAGA:**

When?

**MR. DAVIN:**

-- unless we can place them on November 1st.

**LEG. BARRAGA:**

Oh, November 1st.

**MR. DAVIN:**

But we would make the same effort with the non-union side. We would hold available vacant positions that we thought they were qualified to fill, including environmental service workers and administrative positions. And we have a very thoughtful process to offer them opportunities in a category that we think they could qualify and perform.

**LEG. BARRAGA:**

So if you can find the slots and they're amenable, you feel relatively optimistic that you could place the overwhelming majority of the 15?

**MR. DAVIN:**

The last part I lost. Place how many?

**LEG. BARRAGA:**

The overwhelming majority of the 15.

**MR. DAVIN:**

I think there's a likelihood that if they're interested in making a move, we could place certainly more than half; I wouldn't venture beyond that. I think it's a function of a preference and fit and the ability of individuals to adapt to a new work setting and a different supervisor, a different set of duties.

**LEG. BARRAGA:**

Thank you.

**P.O. GREGORY:**

Okay. Thank you. We have Legislator Browning, and we're going to try to get this in before we have to break for public hearing.

**LEG. BROWNING:**

This will be done in less than five minutes. You know, Tom, I spoke with some of those nurses that you're referencing and, yes, they left the hospital setting. Some of them are actually getting ready for retirement and they've worked in the health center for so long that they say, you know, they wouldn't be able to get back to that fast pace that's required of them. But the question that I really asked, I know that we did receive some information on the -- with regards to the contract and the employees that are going to move over to Hudson River, and I'd like to get a clear definition of -- because we asked the question about card check recognition, and I wanted to make sure that the card check recognition is -- you know, what card check recognition is, 50% plus one of the employees sign a union card to say they want to become a union member, are you going to force them to have to go to NLRB or whatever to go to an election, or will you recognize that 50% plus one card check?

**MS. NOLON:**

Do you want to answer that, Jim?

**LEG. BROWNING:**

It's my understanding it's in the contract that there would be card check recognition.

**MR. BRAUN:**

Yes, Legislator Browning, you are correct.

**LEG. BROWNING:**

Now, that's what -- that's what the definition of card check recognition is to me.

**MR. BRAUN:**

A part of our standard terms of all our contracts is a provision that says exactly what you outlined. It's in every contract.

**LEG. BROWNING:**

Okay.

**P.O. GREGORY:**

Okay. Legislator McCaffrey?

**LEG. McCAFFREY:**

I just have a follow-up question to that card check, because I do have -- we're going to have a public hearing on something related to that. And that is to the existing contract, just to clarify, for those services performed on County property; correct?

**MR. BRAUN:**

It includes all of the contracts that the County enters into. So if the County is entering into this contract with HRH, HRH has that obligation in its contract with us.

**LEG. McCAFFREY:**

Regardless of whether those services are performed on or off of County property?

**MR. BRAUN:**

That's right. That's correct.

**LEG. McCAFFREY:**

And HRH, you're aware of that?

**MR. SINKHOFF:**

Yes.

**LEG. McCAFFREY:**

You are. And you will be complying with that?

**MR. SINKHOFF:**

Yes.

**LEG. McCAFFREY:**

Yes. Thank you.

**MR. BRAUN:**

Thank you.

**P.O. GREGORY:**

Legislator Kennedy.

**LEG. KENNEDY:**

Legislator Barraga asked most of the questions. I am still a little concerned or troubled by these 15 individuals. Obviously with the RNs I can understand, and if it's their personal choice not to go back and become a floor nurse, I'm the husband of a floor nurse and a father of a floor nurse, I know what it takes. But the other folks, the maintenance folks, are they -- 1199 is typically the union that's in most hospitals. Are they 1199 members with you or no?

**MR. DAVIN:**

They're not.

**LEG. KENNEDY:**

They are not organized.

**MR. DAVIN:**

They are not. They are non-union employees. But many of them, as I described before, have applied for transfer and several of them have accomplished a transfer into an environmental service or a facility roll within Brookhaven Memorial Medical Center.

**LEG. KENNEDY:**

Which I appreciate, as a matter of fact. So I guess if I was to go the cycle, you've been at this negotiation probably for, what, maybe six months and you've migrated a number of folks already, and we still have another 60 days to go. And we're talking about 15, pull the four out, we're down to eleven. What's the rate of migrating of folks per month? Are we going to get eleven over or no?

**MR. DAVIN:**

Very possibly we can get close to eleven, I don't know that we'll get all eleven. We have -- I think we counted 23 that had moved from six or seven months ago, that we moved, so we have a little ways to go. And again, it's hard to predict. It's a function of what positions become vacant in the next 60 days, what are the qualifications of these individuals. Sometimes it's a function of day shift versus night shift. You know, we have some individuals who can only work a day shift or they have other requirements, so that's where it gets a little dicey.

**LEG. KENNEDY:**

And just so that I'm clear with you, Ann, when you talk about the business model, from Hudson River's perspective you contract out whatever that maintenance service would be. Your janitorial work, I guess if you have laundry work, if you have any of those other kind of things, that's handled by contract services, not direct HRH personnel?

**MS. NOLON:**

I think Ali described a model that includes both. We have daytime facility -- we have facility people on location during the day, and then the evening hours we're contracting out. So I think it's a combination, Ali?

**MS. DUBOIS:**

That's right.

**MS. NOLON:**

Yes.

**LEG. KENNEDY:**

So then the closer we get to crunch time and the closer they get to absorbing, you know, those eleven, if you're down to two, three folks, is there any option for them to fit into your model? You see where we're trying to get here.

**MS. NOLON:**

Yeah, of course. We would like that same thing to happen. We have had experience with other contract companies who come in and have advocated on behalf of the employees who needed to have a job with that contract company and they've been employed by that contract company. I do believe that there's opportunities with -- we have not decided on the contractor, so there's an opportunity to negotiate with them.

**LEG. KENNEDY:**

Okay. So then let me say this, and we're at the witching hour. I'm inclined to support this with a commitment from you that you'll use best efforts. That if there's a handful of folks there, you'll try to go ahead and do your level best to make sure they keep a job. Is that a fair statement?

**MS. NOLON:**

That's fair and we make that commitment.

**LEG. KENNEDY:**

Okay, thank you.

**P.O. GREGORY:**

All right, thank you. It's 6:30. Before we go to public hearings, we do have a motion on this bill, right, and a second, Mr. Clerk?

**MR. LAUBE:**

You have a motion and a second.

**P.O. GREGORY:**

Okay, a motion and a second. All in favor? Opposed? Abstentions?

**LEG. D'AMARO:**

Recuse.

**LEG. BROWNING:**

I'll abstain.

**P.O. GREGORY:**

We have one recusal.

**MR. LAUBE:**

*Sixteen (Abstention: Legislator Browning - Recused: Legislator D'Amaro).*

**P.O. GREGORY:**

Just if we could do this in 30 seconds or less. There's a companion bill regarding the lease, IR 1751, I'd like to call out of order. It's ***IR 1751-14 - Authorizing a lease agreement for use of County premises located at 550 Montauk Highway and Dorsett Place, Shirley, New York by Hudson River Healthcare, Inc. (HRHCare)(County Executive).***

Motion by Legislator Calarco, second by Legislator Krupski. All in -- to take out of order. All in favor? Opposed? Abstentions?

**LEG. D'AMARO:**

Recuse.

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**P.O. GREGORY:**

Motion is before us. Actually, the resolution is before us. Same motion, same second. On the motion?

**LEG. D'AMARO:**

Just note my recusal for the record, Mr. Presiding Officer.

**P.O. GREGORY:**

Okay. All in favor? Opposed? Abstentions?

**LEG. BROWNING:**

Abstention.

**P.O. GREGORY:**

Okay. All right, thank you. We are in the public portion -- the Public Hearings.

**MR. LAUBE:**

*Sixteen (Abstained: Legislator Browning - Recused: Legislator D'Amaro).*

**LEG. HAHN:**

I'm going to abstain on that one.

**MR. LAUBE:**

Just for the record, it was 18 to take out of order and 15 for the vote.

**MS. MAHONEY:**

Seventeen to take out of order.

**MR. LAUBE:**

*Seventeen to take out of order, 15 for the vote.* Thank you.

**P.O. GREGORY:**

Okay. Page six on the agenda, **Public Hearings:**

***(Public Hearing on) IR 1236-14 - Adopting Local Law No. -2014, A Local Law to require the use of biodegradable products by chain restaurants (Hahn).*** I do not have any cards for this public hearing. Is there anyone in the audience that would like to speak on this matter, please come forward. Seeing no one, Legislator Hahn?

**LEG. HAHN:**

1236, move to recess.

**P.O. GREGORY:**

Okay. Motion to recess by Legislator Hahn.

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

Second.

**P.O. GREGORY:**

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

**MR. LAUBE:**

*Seventeen (Not Present: Legislator Cilmi).*

**P.O. GREGORY:**

***(Public Hearing on) IR 1431-14 - Adopting Local Law No. -2014, A Charter Law to authorize Reserve Fund transfers (Presiding Officer Gregory).*** I don't have any cards. Is there anyone here to speak on this matter? Please come forward. Seeing none, I make a motion to close.

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

Second.

**P.O. GREGORY:**

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

**MR. LAUBE:**

Eighteen (Actual Vote: *Seventeen (Not Present: Legislator Cilmi)*).

**P.O. GREGORY:**

***(Public Hearing on) IR 1636-14 - Adopting Local Law No. -2014, A Local Law to increase transparency and fairness of the County's property leasing process (Schneiderman).*** I do not have any cards. Is there anyone in the audience that would like to speak on this matter? Please come forward.

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

Motion to recess.

**P.O. GREGORY:**

Seeing none, I have a motion to recess by Legislator Schneiderman. I'll second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Seventeen (Not Present: Legislator Cilmi)*.

**P.O. GREGORY:**

***(Public Hearing on) IR 1658-14 - Adopting Local Law No. -2014, A Local Law to strengthen and streamline lobbyist registration and reporting requirement (Lindsay III).*** I don't have any cards. Is there anyone in the audience, please come forward to speak if you are so interested. Seeing none --

**LEG. LINDSAY:**

I would like to make a motion to recess, please.

**P.O. GREGORY:**

Motion to recess by Legislator Lindsay. I'll second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Sixteen (Not Present: Legislators Kennedy & Cilmi).

**P.O. GREGORY:**

***(Public Hearing on) IR 1659-14 - Adopting Local Law No. -2014, A Local Law to strengthen Public Nuisance Law (Cilmi).*** I don't have any cards on this matter. Is there anyone that would like to speak on it? Please come forward. Where is the sponsor?

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

Motion to close.

**P.O. GREGORY:**

Motion to close by Legislator Schneiderman. I'll second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Sixteen (Not Present: Legislators Kennedy & Cilmi).*

**P.O. GREGORY:**

***(Public Hearing on) IR 1726-14 - Adopting Local Law No. -2014, A Charter Law to update the County's ethics statute (Presiding Officer Gregory).*** I don't have any cards on this matter. Is there anyone in the audience that would like to speak on it? Please come forward. Seeing none, I will make a motion to recess. Second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Sixteen (Not Present: Legislators Kennedy & Cilmi).*

**P.O. GREGORY:**

***(Public Hearing on) IR 1727-14 - Adopting Local Law No. -2014, A Local Law to prohibit the sale of powdered caffeine to minors in Suffolk County (Presiding Officer Gregory).*** I do have one card on this. Maryann Birmingham, please come forward. You have three minutes.

**MS. BIRMINGHAM:**

Okay, I'll make it fast. Can you hear me?

**P.O. GREGORY:**

Yes, Ma'am.

**MS. Birmingham:**

I can talk without it, but okay.

**P.O. GREGORY:**

The stenographer needs it.

**MS. BIRMINGHAM:**

All right. I work for Cornell Cooperative Extension, I'm a nutrition educator. I've been in this building a few years ago talking about the dangers of energy drinks and the caffeine that's in them. I'm sure some of you might remember me. Hi, Mr. Krupski. How are you?

So today I'd like to bring to light the dangers of the caffeine powder. It's very, very dangerous. There are many kids that are buying this on the Internet. It's -- you know, it's pending, regulatory action is pending the investigation due to the death of an 18-year old in May. He took two teaspoons of this, the recommended dose is one-thirty second of a teaspoon, or perhaps one-sixteenth of a teaspoon. If you're not familiar to how big that size is, I have this here, I will pass it around. It's tinier than probably half of your pinky fingernail.

Caffeine is being introduced in an indiscriminate way. All right? They're putting this powder in -- the kids are putting it in drinks or they're putting it in shakes, they're putting it in their drinks. They're not allowed to bring the energy drinks to school now, so that they'll buy this powder and put it in a water bottle, but they don't know how much of it that they're putting in. It's popular among the teens and the young adults. They're usually taken before a workout or practice for an extra boost. Party goers take it to combat the depressant effects of, say, the alcohol. So now they've got the upper and the downer in the system, which is really playing havoc in the brain and on the neurotransmitters. It's unregulated. And a lot of people will say, *But yes, it is regulated.* It's not.

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It's not until something happens. It's considered a dietary supplement. Supplements don't have to be approved like the food does, it has a supplementary facts label, not a nutrition facts label like our food does. Therefore, it's not subject to the regulations as our other caffeine products, say chocolate milk, chocolate milk shake, chocolate donuts, chocolate cereal, chocolate, chocolate, chocolate.

The powder is sold in bulk on the internet. It's less expensive than the energy drink products. One company offers a 100 gram shipment for about six dollars. I'm going to pass this around. Would you pass this around so that everybody can kind of see what it looks like. It's very lethal in small doses. As with other substances, the response to caffeine differs from person to person. The lowest dose of caffeine ranges between five and 15 grams, it could be as low as three grams for children or someone with a heart problem. One teaspoon of the powder is equal to more than 25 cups of coffee. Packaging for the powder is confusing, too. Some recommended dose of a sixteenth of a teaspoon, others are 32nd of a teaspoon. Still another company recommends 200 milligrams. Unless you have the right tools or a scale -- is that my beep?

**P.O. GREGORY:**

Yes, your time has expired. But --

**MS. BIRMINGHAM:**

Are you interested? You want to hear a little bit more?

**P.O. GREGORY:**

I have a question for you.

**MS. BIRMINGHAM:**

Okay.

**P.O. GREGORY:**

Are you aware -- you had mentioned the teen that had died in May. And because it's a dietary supplement, it's not regulated by the FDA. Are you familiar with the different various ways -- I know you had mentioned taking it -- because it's in powder form, they're putting it in their drinks. But are you aware of them ingesting it in other ways, like snorting it and other things?

**MS. BIRMINGHAM:**

Yes, and there are other products out there. There's like an arrow shot that has the caffeine in it; you take it like a medi-haler, someone who's got asthma, they take that. There's also a vapor stick, that's another thing that's on the market now. So any way they can sell this or it looks fun to take, they're going to put it out there.

**P.O. GREGORY:**

And these -- are you aware that these -- this is being marketed as a stimulant? There are a lot of athletes that are taking this to --

**MS. BIRMINGHAM:**

What, enhance their performance on the practice field or in the game?

**P.O. GREGORY:**

Right.

**MS. BIRMINGHAM:**

Right. But a lot of times they're not allowed to have those performance enhancing products. You know, if they're collegiate athletics, athletes, then it's against the NCAA rules for them to have that

in their system.

**P.O. GREGORY:**

Right. And you had alluded to the low dosage rate. So if they take, I think, as much as a teaspoon, I believe it's equivalent to about 30 cups of coffee. And because they can't measure it, it's a high --

**MS. BIRMINGHAM:**

Exactly. And, you know, we're of the mindset that more is better.

So when it's in the hands of kids, they're going to take a regular teaspoon out of the silverware draw. They're not going to take one of these tiny little teaspoons. Did that paper make it around?

**P.O. GREGORY:**

It's right here.

**MS. BIRMINGHAM:**

Anybody see some of the stuff and how it's sold? So that's confusing for them.

**P.O. GREGORY:**

Okay.

**MS. BIRMINGHAM:**

You know, it's just a really dangerous, dangerous thing, it shouldn't be in there. It shouldn't be in their hands.

**P.O. GREGORY:**

Thank you. Legislator Krupski has a question for you.

**MS. BIRMINGHAM:**

Yes, Sir.

**LEG. KRUPSKI:**

Thank you for coming and telling us about this. It's kind of ironic. Legislator Hahn and I were just at a meeting this afternoon about water quality and the way Suffolk County tests its water. And caffeine is one of the products that is coming up recurring in our water system that's being found.

**MS. BIRMINGHAM:**

Wow.

**LEG. KRUPSKI:**

So this obviously would be increasing those levels. Could you tell me, though, this powdered product, what's the carrier? Because when you drink coffee, the caffeine is dissolved in it. What's the powder made of and where is --

**MS. BIRMINGHAM:**

It's pure caffeine.

**LEG. KRUPSKI:**

Where is it made? Where does the product come from?

**MS. BIRMINGHAM:**

Oh, probably -- you know, it's either synthetic or it's probably caffeine products. There's over 500 different types of plant caffeine products all over the world and it can be made synthetically in labs or garages or whatever.

**LEG. KRUPSKI:**

Thank you.

**MS. BIRMINGHAM:**

You're welcome. Any other questions?

**P.O. GREGORY:**

Legislator Trotta, then Legislator Stern.

**LEG. TROTТА:**

You can't buy it in a store here, is that what you're saying?

**MS. BIRMINGHAM:**

Actually, I bought these yesterday at CVS.

**LEG. TROTТА:**

Those are pills?

**MS. BIRMINGHAM:**

You can also buy caffeine, pure caffeine powder in a health food store, vitamin shops. You know, CVS doesn't carry it. I didn't ask Walgreen's, the line was too long.

**LEG. TROTТА:**

I'm just on Amazon, there's hundreds of it on Amazon.com.

**MS. BIRMINGHAM:**

Yes, Amazon.com, uh-huh. And on that laminated paper that I sent around, you can see it comes in jars, bottles, it comes in bags, however you want to get it.

**P.O. GREGORY:**

Okay. Legislator Stern?

**LEG. STERN:**

Thank you, Mr. Chairman. Good evening.

**MS. BIRMINGHAM:**

Good evening.

**LEG. STERN:**

Thank you for being here. I'm looking at -- this is a directive from the FDA and the FDA says that they haven't taken any real action here, but it is issued in the form of essentially a warning. They are warning consumers that there are potential dangers. They go on to say here in this directive that it's potentially dangerous, serious adverse effects can result including death. It goes on to say that people with preexisting heart conditions should not use these types of products, and of course it's asking the public for additional information if they see anything.

**MS. BIRMINGHAM:**

Exactly.

**LEG. STERN:**

All that bad going on in the future. So at this point, this would -- this initiative would result in a restriction for, essentially, minors and it would end there. In your experience -- I'm just looking at one of these bottles now. Are there effective warnings that are on these labels? It doesn't appear

as though any are required, but in your experience, what kind of warning labels does a consumer already have exposure to?

**MS. BIRMINGHAM:**

Just the fact, like you had said, you know, the FDA does warn against the powdered -- pure caffeine being marketed directly to consumers. They recommend -- they say that children shouldn't have it, but you can't keep it out of the hands of the kids because they can get it so readily, they can walk right in to a CVS and buy it. Someone behind the counter doesn't know if they're buying vitamins unless they read that. You know what I mean? They don't know.

Anybody buying caffeinated products should be aware of the potential -- you know, high potency of these powdered caffeine products. Okay? Parents should recognize that teenagers and young adults may be drawn to these products for their perceived benefits.

**LEG. STERN:**

And so --

**MS. BIRMINGHAM:**

And getting back to the FDA, they do put some warnings on, but the warning is pretty much like, you know, *don't take it if you are really young, if you're pregnant, if you have a heart problem*, that's it.

**LEG. STERN:**

And that applies to just about anything. So you're saying then that although this is something that the FDA is aware of, that you're suggesting that we need to at least consider acting on a more local level because the FDA should be out in front of this issue. And even with the information that they have now, they have failed to respond adequately.

**MS. BIRMINGHAM:**

Right. And I think they tend to get more serious as something serious happens, you know, and it's reported to them, that's when they really jump into it.

**LEG. STERN:**

Thank you.

**MS. BIRMINGHAM:**

You're welcome.

**P.O. GREGORY:**

Okay. Thank you, Ms. Birmingham.

**MS. BIRMINGHAM:**

I do have some fliers. May I hand them out for you?

**P.O. GREGORY:**

Sure, you can give them to the Clerk. Thank you. Have a good night.

**MS. BIRMINGHAM:**

All right.

**P.O. GREGORY:**

Any other speakers, please come forward, on IR 1727. Seeing none, I make a motion to close.

**LEG. LINDSAY:**

Second.

**P.O. GREGORY:**

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

**MR. LAUBE:**

Who was the motion?

**P.O. GREGORY:**

To close, me and Lindsay.

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

***(Public Hearing on) IR 1736-14 - Adopting Local Law No. -2014, A Local Law to ban the sale of personal care products containing microbeads in Suffolk County (Hahn).*** I do not have any cards on this matter. But is there anyone in the audience that would like to speak on it? Please come forward. Seeing none, Legislator Hahn?

**LEG. HAHN:**

Motion to recess.

**P.O. GREGORY:**

Motion to recess by Legislator Hahn. Did I get a second?

**LEG. CALARCO:**

Second.

**P.O. GREGORY:**

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

**MR. LAUBE:**

*Seventeen (Not Present: Legislator Spencer).*

**P.O. GREGORY:**

***(Public Hearing on) IR 1737-14 - Adopting Local Law No. -2014, A Local Law to safeguard employees impacted by privatization (Browning).*** I have one card, Roger Clayman.

**MR. CLAYMAN:**

Thank you. Roger Clayman, Long Island Federation of Labor. I want to address this one; and do you want me to wait on 1748, or talk while I'm here.

**P.O. GREGORY:**

You can do that.

**MR. CLAYMAN:**

Okay. Well, these are two complex labor issues and what I wanted to do that I'm most certain that I'm on the right track doing is thanking Kate Browning for her constant concern about the welfare of the employees of the County and looking for -- creatively, for ways to make certain that their jobs are protected, particularly when we're in a situation where there has to be privatization, or outsourcing of the work. I think that this particular proposal which protects their jobs for 90-days is

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a good approach at trying to do that. It kind of goes in tandem with 1748, which Legislator McCaffrey has put forward, and I want to thank you also for your efforts relating to the whole privatization issue.

Generally, we are never happy when there has to be privatization. There have been cases, and you've been talking about them, where it's necessary. And when it is necessary, we've had some success in the past and the County's been very responsive on the issue of writing into the leases and the contracts that there be card check. And for those of you who are not in the -- and neutrality, those who are not in the labor organizing business, it means that the employer would recognize without active opposition the organizing efforts of the union to represent those employees once they become privatized. And that's very important because they were -- they were originally unionized employees for the County, they're now privatized and they should have the same rights to join a union and gain the best protections they can as private sector employees.

The one issue that's arisen is the courts have sometimes not been friendly to the idea of localities writing these kinds of statutes, and recited the preemptions of Federal Labor Law over Public Law, and I can't address whether it would necessarily apply in these situations. I think Legislator McCaffrey's law expands the area where it's a sale that's off the grounds of County employees and protects those employees that are not working on County property and they're involved in a sale. And Legislator Browning's legislation is very good because it means that there's a transition period for those employees where their jobs could be protected.

So not knowing the ultimate outcome, I applaud what the County is doing to write into the leases to protect the jobs and I applaud the efforts of these two Legislators to find another way to make certain that we can protect their union rights and their jobs as best as they can.

**P.O. GREGORY:**

Thank you, Roger. Okay. Anyone else would like to speak on this matter? Please come forward. Okay. Legislator Browning?

**LEG. BROWNING:**

Motion to close.

**P.O. GREGORY:**

Motion to close on IR 1737. Second by Legislator Krupski. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Sixteen (Not Present: Legislators Spencer & Cilmi).*

**P.O. GREGORY:**

***(Public Hearing on) IR 1741-14 - Adopting Local Law No. -2014, A Local Law to extend the Red Light Camera Program (County Executive).*** I don't have any cards on this subject. Is there anyone that would like to speak? Please come forward. Don't you all come at once. All right. Mr. Vaughn?

**MR. VAUGHN:**

We would just ask the Legislature to please close the public hearing on this.

**LEG. CALARCO:**

Motion to close.

**P.O. GREGORY:**

Motion to close by Legislator Calarco. I will second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Sixteen.

**LEG. TROTTA:**

Opposed.

**MR. LAUBE:**

Oh, sorry. *Fifteen (Opposed: Legislator Trotta - Not Present: Legislators Spencer & Cilmi).*

**P.O. GREGORY:**

*(Public Hearing on) IR 1748-14 - Adopting Local Law No. -2014, A Local Law to clarify Collective Bargaining requirements for County Contractors (McCaffrey).* I do not have any additional cards. Is there anyone else that would like to speak on it? Please come forward. Okay. Mr. McCaffrey?

**LEG. McCAFFREY:**

Motion to close.

**P.O. GREGORY:**

Motion to close by Legislator McCaffrey.

**LEG. STERN:**

Second.

**LEG. BROWNING:**

Second.

**P.O. GREGORY:**

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

**MR. LAUBE:**

*Seventeen (Not Present: Legislator Cilmi).*

**P.O. GREGORY:**

Okay. I would like to set the date for the following Public Hearings for October 7th, 2014, 2:30 PM at the Maxine Postal Auditorium in Riverhead;

*IR 1759, A Charter Law to provide for fair and equitable distribution of public safety sales and Compensating Use Tax revenues;*

*Southwest Sewer District Assessment roll*

*2015 Operating Budget & Program*

*And setting the date also for the October 20, 2014, 10 AM, Rose Caracappa Auditorium, a Public Hearing for the 2015 Operating Budget & Program.*

I have a motion. Do I have a second?

**LEG. KRUPSKI:**

*(Raised hand).*

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**P.O. GREGORY:**

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

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

Okay. I make a motion to go onto the Consent Calendar. I make a motion to approve the **Consent Calendar**.

**LEG. BARRAGA:**

Motion.

**P.O. GREGORY:**

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

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

Okay. We had several more requests to take out of order just so we can get people out. If you go to page 13, ***IR 1620-14 - Adopting Local Law No. -2014, 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 (County Executive)***. I make a motion. Do I have a second?

**LEG. MARTINEZ:**

Second.

**P.O. GREGORY:**

Second by Legislator Martinez to take it out of order. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

**LEG. CILMI:**

Mr. Chairman? What is that --

**P.O. GREGORY:**

IR 1620, Public Safety on page 13.

**LEG. CILMI:**

We just -- some of us have different agendas than --

**P.O. GREGORY:**

Oh, okay.

**LEG. CILMI:**

Just if you can indicate what committee it's in, that would be helpful.

**P.O. GREGORY:**

Gotcha, okay. All right, we're in Public Safety. Do I have a motion.

**LEG. HAHN:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Hahn. Second by Legislator Martinez. On the motion?

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

Cosponsor.

**P.O. GREGORY:**

This is the Human Rights bill. Okay. All right, no discussion. All in favor? Opposed? Abstentions?  
Motion carries.

**MR. LAUBE:**

*Eighteen.*

**LEG. ANKER:**

Cosponsor.

*Applause*

**P.O. GREGORY:**

Congratulations.

Okay. If we go to page nine, **Tabled Resolutions:**

***IR 1574-14 - 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 (County Executive).***

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

Motion to take out of order.

**P.O. GREGORY:**

Legislator Schneiderman makes a motion to take it out of order.

**LEG. D'AMARO:**

Second.

**P.O. GREGORY:**

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

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

Okay. Same motion, same second. The motion is before -- to approve; excuse me, I'm sorry.  
Motion to approve, Legislator Schneiderman. Second by Legislator D'Amaro. The motion is before us.

**LEG. KENNEDY:**

On the motion, Mr. Chair?

**P.O. GREGORY:**

On the motion, Legislator Kennedy.

**LEG. KENNEDY:**

I just want to make sure that I understand what this resolution does. This resolution would voluntarily put a requirement in place that we must go to referendum if there's any kind of modification with this program. However, my question is to Counsel. George, is that something that we legally need to do at this time?

**MR. NOLAN:**

I'm not sure I understand.

**LEG. KENNEDY:**

When we have adopted -- when we have put resolutions in place for this program or other types of programs that previously had been initially adopted by a referendum, are our subsequent Local Laws valid? That's the question.

**MR. NOLAN:**

Just so I'm clear; if we've adopted something by referendum in the past --

**LEG. KENNEDY:**

Yes.

**MR. NOLAN:**

You're asking can we only change it in the future by another referendum? Do we have to submit it to a mandatory referendum?

**LEG. KENNEDY:**

Correct.

**MR. NOLAN:**

I don't believe so.

**LEG. KENNEDY:**

And as a matter of fact, we've passed prior laws based on what the Courts have done and your advice to us, your counsel to us.

**MR. NOLAN:**

Indeed.

**LEG. KENNEDY:**

Good. Okay. I just wanted to make sure that I understood that. So this is an extraordinary step, one that really is not something that applies across the board, but something the body might elect to do in this program and puts this extra requirement in place.

**MR. NOLAN:**

Right, it puts it in the Charter.

**LEG. KENNEDY:**

Oh, okay. All right, good. Thank you.

**P.O. GREGORY:**

Okay. Anyone else?

**LEG. CILMI:**

Yes.

**P.O. GREGORY:**

Legislator Cilmi.

**LEG. CILMI:**

Thanks, Mr. Chairman. This does not apply to anything that we've previously authorized or approved; correct? So existing County laws do not get impacted by this bill; is that right?

**MR. NOLAN:**

This particular bill is limited specifically to the Drinking Water Protection Program.

**LEG. CILMI:**

I understand that. We passed a bill in 2011 which was the subject of quite a bit of debate and is currently in force. Does this bill impact that law at all?

**MR. NOLAN:**

No, this is a going forward type of bill.

**LEG. CILMI:**

Prospective.

**MR. NOLAN:**

Yeah.

**LEG. CILMI:**

Okay. And is somebody from the County Attorney's Office here?

**MR. NOLAN:**

I don't know.

**MR. VAUGHN:**

Mr. Brown is literally pulling into the parking lot as we speak.

**LEG. CILMI:**

Can we just hold off for a moment until Mr. Brown is able to walk in and answer a quick question?

**P.O. GREGORY:**

He didn't say what parking lot; he's in the Riverhead one.

*(\*Laughter\*)*

**MR. VAUGHN:**

I'm sorry, should we have specified that?

**LEG. CILMI:**

Are you auditioning for -- *(laughter)*.

**P.O. GREGORY:**

No. All right, so we'll skip over you until Mr. Brown comes in, because Legislator Spencer has a question.

**LEG. SPENCER:**

I do. My question would be also for George. As far as making laws which require referendums for action in general, when is it that we're tying the hands of future Legislatures? Are we allowed to do that? Can we make a law to remove referendum requirements or place them? You know, what things are decided by referendum? Do we decide that? And then in the future, can we change that?

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

**MR. NOLAN:**

My position has been consistent through the years, that what is subject to a referendum, whether it be mandatory or permissive, is governed by State Law, and that that tells you when you have to put something on the ballot, and, otherwise, you don't have to.

**LEGISLATOR SPENCER:**

If that's your opinion, then would that mean that this legislation, in your professional or your personal opinion, would not really be valid?

**MR. NOLAN:**

You know, you can put in the Charter, you know, this language, but in my opinion, if a future Legislature wanted to amend that program and the question was, is it subject to a mandatory referendum, I would say you'd still have to look at the State Law to determine that, notwithstanding what's in our Charter.

During -- there was a number of years through the '90s and 2000s where a lot of the laws that were passed by this Legislature had a provision where we put something on the ballot. But this can't be changed in the future unless you have another mandatory referendum. But I just have never agreed that that provision that was included in all those laws was controlling, because I just -- I believe the case law and the opinions are pretty clear that State Law tells you what goes in the ballot.

**P.O. GREGORY:**

Okay.

**LEG. SPENCER:**

Thank you.

**P.O. GREGORY:**

All right. Legislator Cilmi, Mr. Brown has walked in the room.

**LEG. CILMI:**

To the extent -- Dennis, thank you. I'm sorry to rush you up to the microphone.

**MR. BROWN:**

No, that's okay. Good evening. Thank you. Sorry I wasn't here a minute earlier.

**LEG. CILMI:**

That's quite all right. To the extent that you can, would you please tell us where we are today relative to where we were at our last meeting with respect to the case that's still pending, and how it may or may not impact whether or not we approve this bill today.

**MR. BROWN:**

Yes, to the extent that I can. We're really not much further along. There's been no decision by the Appellate Division yet. Decisions are usually released on Wednesday. They didn't release any last Wednesday. Perhaps that's because of the holiday, so we might have a decision tomorrow, we might not. I do think that they're close to rendering a decision, and I do think that there is some debate. On the basis of some information that I have, I do think that there is some debate internally amongst the Justices.

**LEG. CILMI:**

And is it your position that you don't believe action on this law would in any way impact the ruling on the case that's pending?

**MR. BROWN:**

That's correct. This was a clause -- this was a provision that we did negotiate with the plaintiffs and with the sponsors of the voter-initiated referendum, and if it -- and the passage of this bill tonight won't affect the -- what the outcome is in the Appellate Division. The Appellate Division may rule in favor of the plaintiff that a mandatory referendum was required, or it may not. But, in any case, what this bill does is that it asks the Legislature and the County Executive themselves to impose a referendum requirement. So even if the -- even if the Appellate Division came down in favor of the County's position, it still -- it still would not matter. We're doing something that we felt is permissible and has precedent for in our current charter.

**LEG. CILMI:**

In your view, would passage of this bill permanently and irrevocably eliminate the ability of this Legislature to make changes to the program without -- without a referendum?

**MR. BROWN:**

The short answer to that question is yes, but I do want to qualify it just a little bit, because as a lawyer, lawyers, you know, hate to use the word permanent, forever, irrevocable and -- but I think that if this became part of the Charter, the County Attorney's Office and future County Attorneys would be hard-pressed to say that the program could be changed, except by referendum. The -- but the Charter already contains language with respect to the thought with respect to the Yaphank Farm, and with respect to properties that are taken into the Nature Preserve that you can't do future legislation affecting them without a referendum. And so because it's substantively built into the Charter, I believe that any County Attorney and -- would be hard-pressed to say that you can make changes without referendum.

**LEG. CILMI:**

Isn't it true, however, that this law, if passed could be repealed at any time, and, therefore, allow the Legislature to act?

**MR. BROWN:**

Yes. Laws could be repealed, yes.

**LEG. CILMI:**

To the extent that we're legally permitted to act currently?

**MR. BROWN:**

Yes, laws could be repealed.

**LEG. CILMI:**

Thank you.

**P.O. GREGORY:**

Okay. Legislator Trotta.

**LEG. TROTТА:**

Just a quick question, more to do with the relationship with the bill that is going to the --

**MR. BROWN:**

Pardon. With the?

**LEG. TROTТА:**

With relation to the referendum.

**MR. BROWN:**

Okay.

**LEG. TROTТА:**

And this. If the building trades were to file a lawsuit against the County because the money was taken out of the Sewer Stabilization Fund, which I guess you could make an argument could have been used to do sewers down the road, and the money is being paid back to the Open Space Fund -- so the people who are getting the benefit of this isn't where the money came from. So now if the building trades, let's say, were to file a lawsuit against the County, okay, now they have a claim to that money, because that -- according to the original 1987 document that instituted this, it's supposed to go to them. So is this going to handcuff you in some way if that lawsuit comes down?

**MR. BROWN:**

Well, you're really asking a hypothetical, which we're loathe to give opinions on hypotheticals, because the specific facts on any particular case, you know, could change the answer given to you. But, you know, we would take the position that a law lawfully adopted is the law of the County, and if funds were expended pursuant to the law that was lawfully adopted, then it would be a proper allocation of the funds. And, you know, laws which are lawfully adopted are, you know, deemed to be valid, deemed to be constitutional, and it's a very high burden to overcome that the law is not properly adopted. It's proved beyond a reasonable doubt, so we would take the position that, and I'm sure any County Attorney would, it's lawfully adopted, you apply it the way it's adopted.

**P.O. GREGORY:**

Okay. Legislator Krupski.

**LEG. KRUPSKI:**

Just after -- you know, listening carefully to all the deliberations here, what you have is a program that's in place, and it was in place to do certain things, and now it's been sort of, I don't want to say gutted, but it's been kind of -- a lot of the money has been stripped from it. The 477 Fund has been eliminated, and the ability to buy open space and farmland development rights have been really minimized. So this program itself is one thing, but if you want a recurring source of revenue to do those things, you could also come up, without changing this law and this program, you could come up with a new program to accomplish those things also. And that might be easier to do than trying to have the referendum and have the public change it, so just keep this program in place.

**P.O. GREGORY:**

Okay. Legislator Kennedy.

**LEG. KENNEDY:**

I just want to try to make sure that I understand some of where we're at today. And, Dennis, I'll come to you in a second, but I want to go to Mr. Lipp, again. Robert, when we adopted the bill back

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in 2011 that allowed us to take that amount from the Assessment Stabilization Reserve Fund above 140 million, how much have we moved over since that time, give or take, approximately?

**MR. LIPP:**

You're talking about the tax relief portion or the expanded sewer portion?

**LEG. KENNEDY:**

Well, in 2011, my recollection is that we had, well, it was about 15 or 20 million that we pulled off, I guess.

**MR. LIPP:**

So, for the -- I believe what you're talking about is the 2011 bill allowed us to take amounts of money in the Assessment Stabilization Reserve Fund in excess of 140 million dollars --

**LEG. KENNEDY:**

Yeah.

**MR. LIPP:**

-- and to split it three-eighths for tax relief and five-eighths for expanded sewer purposes. The three-eighths tax relief was 29.4 million, which is the amounts that they're talking about with the referendum to -- as the referendum would state, to pay it back, and the payback would be of the 29.4 million, 20 million for land, 4.74 for water quality, and the remaining 4.7 for sewers.

**LEG. KENNEDY:**

All right. Now 15 of us voted for that at that point, because that would have been 30 million that we would have had to have find else wise, or 30 million in the budget that we would have had to have shrunk, which could have been layoffs, closures and things like that.

**MR. LIPP:**

Correct.

**LEG. KENNEDY:**

Okay. Since that time, I believe this year, likewise, we've again utilized a certain amount; isn't that correct?

**MR. LIPP:**

Right. So the 2014 budget was adopted with utilizing 32.8 million from the Assessment Stabilization Reserve Fund.

**LEG. KENNEDY:**

Okay. So -- and had we not had that, then that would have been about 32 million worth of layoffs, closures, or other types of other draconian acts to plug the budget.

**MR. LIPP:**

Correct.

**LEG. KENNEDY:**

Okay. And we had another piece of legislation that just passed recently, or there's a referendum, that's going to allow us purportedly to take Assessment Stabilization Reserve funds for another, what is it, two or three years.

**P.O. GREGORY:**

Three.

**LEG. KENNEDY:**

Oh, three more years. Okay. But that won't be affected by this; is that right?

**MR. LIPP:**

Well, no. This is just to codify, as I understand that --

**LEG. KENNEDY:**

Well, maybe in 2019, if we were thinking about it, then we wouldn't be able to take it.

**MR. LIPP:**

Or other changes that possibly you would --

**LEG. KENNEDY:**

Oh, okay.

**MR. LIPP:**

-- make to the overall program, because it's -- it has four components.

**LEG. KENNEDY:**

Okay, good. Thank you. Dennis, my question to you is, in your time in practice, have you ever seen the Appellate Division go this long without giving a decision?

**MR. BROWN:**

Yes.

**LEG. KENNEDY:**

Okay. You and I had a conversation after the meeting in July, because my inclination was I was prepared to pick up the phone to Brooklyn, and you asked me not to.

**MR. BROWN:**

Not a good idea.

**LEG. KENNEDY:**

And I didn't. Have you picked up the phone to them?

**MR. BROWN:**

No, no.

**LEG. KENNEDY:**

So we have gone another three months basically surmising, hoping, waiting, or conjuring that they're going to act.

**MR. BROWN:**

I wouldn't quite put it that way, but we've been waiting since March 20th.

**LEG. KENNEDY:**

Since March 20th.

**MR. BROWN:**

That's when the oral argument was held.

**LEG. KENNEDY:**

Okay. I'll yield. I'll yield.

**P.O. GREGORY:**

Okay. Legislator Cilmi.

**LEG. CILMI:**

I just want to readdress remarks that Legislator Krupski made with respect to this program. I think I heard you say that as a result of, I guess, the 2011 bill that this Legislature passed, that the Open Space Program was basically eviscerated; is that what you said?

**LEG. KRUPSKI:**

No. I said that this program, because of borrowing against future revenues, that a lot of the money has been -- is gone, and the 477, because the positions are -- the paid positions are taken out of 477 --

**LEG. CILMI:**

Okay.

**LEG. KRUPSKI:**

-- there's no money left for water quality improvement projects.

**LEG. CILMI:**

Okay. So your remarks were relative to the fact that the Legislature has used the funding from 477 to pay for positions rather than open space purchases?

**LEG. KRUPSKI:**

Yes, that appropriate portion of this, of this tax, yes.

**LEG. CILMI:**

Oh, okay. And so it had nothing to do with the fact that the Legislature changed the parameters of the Assessment Stabilization Reserve Fund money previously?

**LEG. KRUPSKI:**

No.

**LEG. CILMI:**

Okay, terrific. Thank you. Appreciate that.

**P.O. GREGORY:**

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

**MR. LAUBE:**

Yes, you do.

**P.O. GREGORY:**

All in favor? Opposed?

**LEG. KENNEDY:**

Opposed.

**P.O. GREGORY:**

Abstentions?

**MR. LAUBE:**

Seventeen.

**P.O. GREGORY:**

Okay. Somewhat of, I guess, a companion bill, we'll do I.R. 17 -- 1746 in Environment on Page 11.

***I.R. 1746 - Approving a Settlement Agreement relating to the Assessment Stabilization Reserve Fund (Sponsor: County Executive).*** I make a motion to take it out of order, second by Legislator -- is that a second?

**LEG. HAHN:**

Second.

**P.O. GREGORY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

Okay. Motion is before -- the resolution is before us. I make a motion to table, 1746.

**LEG. CALARCO:**

Second, DuWayne.

**P.O. GREGORY:**

I'm sorry. Did I hear a second?

**LEG. CALARCO:**

Yeah.

**P.O. GREGORY:**

Second by Legislator Calarco. On the motion? Okay. All in favor?

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

Hold on, hold on, hold on. Okay.

**P.O. GREGORY:**

All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

That was to table. Okay. Last request. ***I.R. 1504***, Page 12 on Human Services, ***Declaring December 19th as "Richard "Rees" Specht Day of Kindness" in Suffolk County (Sponsor: Tom Muratore)***. Motion by Legislator Muratore.

**LEG. ANKER:**

Second.

**P.O. GREGORY:**

Second by Legislator Anker to take it out of order. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**LEG. MURATORE:**

Motion to approve.

**P.O. GREGORY:**

Motion to approve by Legislator Muratore. Second? Second by Legislator Anker. Anything on the -- okay. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

Okay. Motion carries. Okay. We have a request from Legislator Schneiderman to take I.R. 1637, on Page 11 in Economic Development, out of order. I'm sorry, Government Ops.

***I.R. 1637 - A Local Law To Provide Truthful Advertising at Gasoline Stations (Sponsor: Jay Schneiderman).*** Motion by Legislator Schneiderman.

**LEG. CILMI:**

Second.

**P.O. GREGORY:**

Second by Legislator Cilmi to take it out of order. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

Okay.

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

Motion to approve.

**P.O. GREGORY:**

Motion to approve by Legislator Schneiderman.

**LEG. LINDSAY:**

Second.

**P.O. GREGORY:**

Second by Legislator Lindsay. On the motion? On the motion, Legislator Cilmi, and then Trotta. I'm sorry, Legislator Schneiderman, then Trotta.

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

Well, we've heard a lot of comments on this. I think it's a relatively simple bill that provides a basic consumer notification to people driving along the highway and see a particular rate for gasoline, finding out when they pull in that that rate is only available for those paying cash. Most gas stations, it's true, are charging either the same price or a very small differential for credit card purchases, but there are some, not just one operator, but several operators that are charging a 25% surcharge for credit cards, a dollar more per credit, for a credit card user, and that hurts. A lot of people in Suffolk County are struggling to get by. An extra \$20 to fill up their tank is a significant amount of money.

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Most gas stations won't be affected. There'll be no cost to most gas stations, because most of them don't charge more than 5% for that credit card. So just those who do will be affected, and they will either have to post both signs, or post -- if they got to post one number, it would have to be the higher number. And I believe think this will have the effect of lowering gasoline prices for many users within the County, or at least providing considerable amount more consumer notification. And you've heard support from the building trades, you've heard support from the College. In the past, the Long Island Federation of Labor has supported this. Newsday did an editorial, you might have seen, also supporting it. And I would just ask for an up or down vote. We've debated this for quite a while in the past, so a simple yes or no vote and then we'll move on. Thank you.

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

Thank you. Legislator Trotta.

### **LEG. TROTТА:**

Yeah. I gave this a lot of research, and something happened in the past couple of days that sort of changed my mind. A local gas station near Legislator Kennedy's office opened up a brand new Hess Station, and they lowered the price to 3.49 a gallon, that's a corporate station. Down the road a little bit are two gas stations owned by businessmen who are running gas stations. They had to lower their price to 3.49. So now the difference with the 5% comes to 16 cents to the 3.66. So if they were to charge more than 3.66, they'll have to spend thousands of dollars on signs, you know. And I just -- I see in the future that a big gas station chain could come in, blow everyone else out of the water, and then down the road raise their price. So this in the end could hurt customers. The bottom line is, if you go into a gas station, it's on the pump.

So, while initially I thought I would support it, looking at it again, realistically, I can't do it.

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

Legislator Lindsay.

### **LEG. LINDSAY:**

We've heard a lot of discussion on this, this bill both for and against. When we've asked the industry what would happen if this legislation were to pass, it seems the majority of the answers that we receive is that for those that are using this practice, utilizing this practice, they would have to conform to it by posting the higher price, the credit price. The majority opinion is that no credit customers would use their facility, and possibly no cash customers as well. So if they had to post this price of 98 cents, or a dollar, or whatever it is over 5%, it would definitely drive business away from them. That very statement leads me to believe that the primary purpose of this business model is to deceive the credit customers. Why else would we, as lawmakers, be in favor of any business that utilizes that practice of intentionally deceiving their customers in order to sell their product.

Obviously, this business model is extremely profitable. When you look at the net profit margin for gasoline retailers, it's about six cents a gallon. You increase that to 90 or more cents a gallon, that's over a 1500 percent increase in your net profit margin.

I urge all of my fellow Legislators to vote in favor of this, and in favor of consumers and protecting them. I think anything, any bill or any practice where you are more open, more transparent, can only be to the betterment of our consumers, as well as our constituents. So again, I urge you all to vote in favor of this bill.

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

Legislator Krupski.

**LEG. KRUPSKI:**

I think, you know, laws like this, you know, it makes it more difficult for people to do business in Suffolk County, and it just -- it just adds on regulation. And I see the consumer in Suffolk County as being pretty savvy and being pretty educated, and I don't think they have a problem figuring out the difference between cash and credit. So I -- you know, I can't support this.

**P.O. GREGORY:**

Thank you. Legislator McCaffrey, and then Stern.

**LEG. MC CAFFREY:**

Thank you. We spoke about this at length in committee, and we had the Commissioner of Consumer Affairs here, and we were able to narrow down the fact that out of all the complaints that have been received by consumer affairs, it all traces back to one vendor and one owner of these gas stations. And it is something that's been repeated by representatives from the Gasoline Retailers Association that it comes down to one retailer. And I can't see creating a law to punish all these gas retailers at additional expenses. But let's redouble our efforts. Let's figure out a way to make it more difficult for this guy to do business the way it is without punishing all the other retailers out there. I'm all for that. I don't think it's right or fair that this guy is charging a dollar more for credit than he is for cash. We need to figure out a way to tailor something that goes after that one, I would have to say, unscrupulous business practice. Thank you.

**P.O. GREGORY:**

Thank you. Legislator Stern.

**LEG. STERN:**

Yeah, thank you, Mr. Chairman. I listened to all the testimony. I've done, you know, my own homework on it as well. I listened to the business arguments. I listened to the legal perspective, particularly, you know, the cases that were alluded to, constitutional law, advertising and speech law, how those decisions went, and I've done that background research as well. But, ultimately, I'm basing my vote this evening on my personal experience.

I needed gas today. I went to the gas station, it was just off of the Expressway. I took a picture of the prices. The difference in regular was 3.55 to 4.53, mid-grade was 4.19 to 5.17, and the top-notch was 4.29 to 5.27, which I thought was pretty egregious. But when I pulled in, I mean, the price that I would have had to have paid wasn't false. It wasn't false advertising. I took a look, I made an informed decision, and I drove away, and I went down the street and I picked the next one that only had a couple of cents spread. That's the decision that I made as a consumer, because the information, the accurate information was given to me right over the pump.

Nothing's, the subject -- nobody's maintaining that this is -- has anything to do with false advertising. You drive in, the cash price is the cash price listed, and that is ultimately what is being charged. If I don't want to pay what is ultimately being charged for the higher credit price, I have the ability to drive away. Ever other consumer does as well. I am not going to be supporting this bill.

**P.O. GREGORY:**

Thank you. Legislator D'Amaro.

**LEG. D'AMARO:**

Yes, thank you. I am also not going to be supporting this bill, and I wanted to just get on the record as to why that is.

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First of all, I think the bill is anti-consumer. I don't think -- I think there are unintended consequences that we're going to see if we're going -- if we went ahead and passed this bill. In my view, it creates a disincentive to give a cash discount. Once you advertise the price curbside, and the consumer sees that price and pulls into the gas station based upon that price, well, that's the higher price. They're in the station, they've already come in, they've already made their decision to turn in, and what incentive is there, then, for the station owner to offer a discount for cash? You already have the consumer in there ready, willing and able to pay the higher credit price. So I think that that's an unintended consequence of this law. I think you would see this, in fact, raise gasoline prices, and I think you might see this as another unintended consequence. It would eliminate the cash price, the discounted price. That's my first objection to this.

A second is a more practical consideration. I just don't think it's necessary to do this. I'm a consumer. I turn into a gas station, like Legislator Stern did today, or yesterday, and you see the price is outrageous and it's \$1 more, or \$1.50 more, more than 5%. You might put a few dollars in your tank to go down the road to the next guy, but the fact is you simply will not utilize that gas station anymore. That's the way the system works, it's your right to do so. That is the best defense against high gas prices, that consumers refuse to go to that particular location. So I just don't see the need for this.

My third objection to this particular legislation is that it targets one owner, and Legislator McCaffrey had brought that up earlier. I just think it's bad policy when we start using the Legislative process to go after one particular station owner who is, in fact, not breaking any law, who's making a business decision, where consumers can refuse to purchase that gasoline at the higher price, but yet the Suffolk County government is going to use its authority and its power to compel that person to change their practice, instead of letting the free market do that. The conduct that he's engaging in is lawful, it's not deceptive, as some of the testimony we heard during the public hearing today said. The cash price is clearly marked when it's curbside. Consumers are going in. If they want to pay cash, that's the price they're going to pay, there's nothing deceptive about that. Now it may be very distasteful for someone to put the price for credit card gasoline at a dollar or more than the cash price, and I understand that, but I don't believe legislation should be used to manipulate legal business practices. I don't think we should go down that road, I think that's a dangerous path for us to take.

So for those reasons, I'm not going to be supporting this bill today. Thank you.

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

Thank you. Legislator Cilmi.

### **LEG. CILMI:**

Thanks, Mr. Chairman. Two things I wanted to mention. Number one, my opposition to this bill was made clear by the gentleman who came to the podium during our Public Portion and showed us an actual pump top sign that distinguished between the credit and cash prices. And I turned 50 this year. My eyes, sadly, are beginning to fail, they're not as good as what they used to be. But sitting here, I don't know, 25 feet away or so from the podium, clear as a bell, I could distinguish between the credit price and the cash price. Therefore, to me, to require additional signage or any changing -- changes of signage out in the front of the store is really overkill. Somebody -- what other product can somebody pull in, not even get out of their car, not even stop their car, and look at the pumps and see what they're going to pay for whatever grade of gasoline they wish to purchase, and whatever method they use, they want to use to purchase that gasoline? Only with gas stations can you do that.

Second point is a message to consumers, basically. There is a requirement, and I'm reading from a memo that looks like it's dated May of 2013, it's on Department of Labor/Consumer Affairs letterhead, and it speaks to the issue of the indication on roadside signs of cash prices when those cash prices differ from credit prices. And it says, and I'm just going to quote this quickly, if I can find it here, it says, "All terms and conditions such as, 'self serve or cash price' are to be posted in size equal to or greater in size, and similar in font to the product's identification being offered, or at least six inches in height with one inch lined thickness lettering on a contrasting background."

I have received complaints from constituents that gas stations are not displaying on their roadside signs when their price is displayed, our cash price, that they're not saying "cash". And I have heard from constituents that individuals in our Consumer Affairs Department have said to them that there is no requirement that those roadside signs indicate cash. This memo indicates to me, and it was further confirmed to me by our Commissioner of Labor, Licensing and Consumer Affairs less than 45 minutes ago, that this memo is still in place. It confirms that those -- that those signs must indicate when those prices are self-serve and when they are cash prices. And if they are not, our residents need to call our Department of Consumer Affairs and lodge a complaint, and those requirements will be enforced.

So I will be opposing this bill today. I think it's unnecessary and overkill, and continues to burden our small business operators with regulations that they can no longer afford to shoulder. Thank you.

**P.O. GREGORY:**

Legislator Spencer.

**LEG. SPENCER:**

This has been difficult for me, and the reason is that from the very beginning, I have opposed it because I believe it kind of crosses that line where we seem to -- I think someone that's in business has a right to try to strategize, advertise to bring people in to figure out a way to make a living, and I think that that's sometimes part of the corporate American way. And I tend to -- I've put very difficult things before this Legislature with the energy drinks, and smoking, and I've asked my colleagues to take extremely difficult votes that they've taken because they believe in me, and they've researched it, and those votes have gone down to the wire. And I -- those loyalties are very important to me. And I feel that in return, especially to the sponsors of this bill, and that's the reason that I'm struggling, because I believe in them, I believe that they're acting in good faith, and when I'm struggling, I have to look at -- just follow my heart, even in a difficult situation. And, at the end of the way, my concern would be, and I tend to err on the side of when we have a protective function, but not trampling on the rights of individuals or businesses to be able to try to make a living within a reasonable limit. And I think this singles out one particular industry. And all the time in the Sunday paper, I see fliers that, you know, offer digital cameras for 50 bucks, and you find out that there's only 20 of them, and this is after I've driven all the way to the store. You see car ads that do similar things, and they're talking about a base vehicle. And I do think that there is a fair amount -- I mean, I don't like it when it happens, I think it's unfair but I think that for me, personally, it crosses the line when we put it into legislation. And I do think that there is going to be some unintended consequences. So it breaks my heart because of the sponsors, but I can't support this bill, and I'm sorry.

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

Okay.

**P.O. GREGORY:**

Okay. I think we've heard a lot of discussion during the debate of this bill, during the public hearings. We've heard how the retailers say they have to charge whatever fee they charge, whether it's 98 cents or 15 cents, because of the service fees, because of the ATM, but, you know, I try to

put things in simple terms. If you go into a gas station, and many of them have convenience stores, and you don't have any money on you and you use your credit card, you can, in some examples, be charged up to over a dollar. And if you decide, well, you know, it's a Friday or a Saturday, you want to go home, you know, you don't have -- you want to get some soda, or, you know, a six-pack of beer and some potato chips, that bag of potato chips, that's \$2.39. Whether you pay cash or debit, it's still \$2.39. And to me, there's a conflict. You're telling me that if I buy gas, I could be charged a dollar more per gallon because I use my credit card, but if I go in that same retailer's convenience store to buy anything, there's no difference. And you're telling me the difference is simply because of the service fees for the ATM or the credit card. To me, that doesn't make sense. So either it's a business decision to charge more for gas, or it's a service fee. I think they're making a decision to charge more, and I think consumers should have the right know what they're dealing with.

And I think it's more than one retailer. I think there's one retailer has been explained as charging that 98 cents, but there are some that are charging 50 cents or 35 cents more.

So I will be supporting this. I think it promotes public awareness to our consumers. I think it's on the right side of the issue. I certainly understand as a business with a small profit margin, and I don't know what the profit margins are, but let's assume that there is a small profit margin, that it's challenging. It's challenging to have any business today, you know, but -- you know, and that's the delicate balance as Legislators that we have to make. Do we step over that line to over-mandating, over-legislating, you know, these types of areas? And it's not an easy vote. I think it goes towards that line, but I think it's certainly before that line, and it's on the side of protecting consumers.

So, again, I will be supporting it, and I appreciate the sponsor's efforts for promoting it. I think if anything has, that I've seen during this process, certainly consumers are more aware, and I've had conversations with them, that they'll be looking out for this.

So, if there aren't any more speakers, I will -- okay. Legislator Hahn.

**LEG. HAHN:**

Just quickly, I mean, obviously, so much has been said. I've spoken at length about this in the past. I think there was a speaker who said there's no evidence that this will become an industry-wide practice. I think the evidence is that the number of people in the room fighting this. The only reason to fight this is that you think you might use it. Either you're using it now, or you're going to use it in the future, because it doesn't make you do anything more than what you're already doing, unless you're going to change -- have a significant difference between the amounts.

And we're not going after one owner, we're going after an industry practice. And it may only be one owner using this industry practice at the moment, although I doubt that, and I agree with what the Presiding Officer said. So I think that there's a strong consumer protection element to this, and I think that's extremely important. And so I'm -- that's why I cosponsored, worked with the prime sponsor on this, and I will be voting for it.

**P.O. GREGORY:**

Okay. We have a motion and a second, Madam Clerk?

**MS. GELLERSTEIN:**

(Nodded yes).

**P.O. GREGORY:**

Roll call.

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*(Roll Called by Ms. Gellerstein,  
Chief Deputy Clerk of the Legislature)*

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

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. KRUPSKI:**

No.

**LEG. BROWNING:**

No.

**LEG. MURATORE:**

No.

**LEG. HAHN:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. CALARCO:**

Abstain.

**LEG. MARTINEZ:**

Yes.

**LEG. CILMI:**

No.

**LEG. BARRAGA:**

No.

**LEG. KENNEDY:**

No.

**LEG. TROTTA:**

No.

**LEG. MC CAFFREY:**

No.

**LEG. STERN:**

No.

**LEG. D'AMARO:**

No.

**LEG. SPENCER:**

No.

**P.O. GREGORY:**

Yes.

**MS. GELLERSTEIN:**

Six.

**P.O. GREGORY:**

Okay. The motion fails. I have a request for -- to take two other resolutions out of order on Page 10.

***I.R. 1738***, in Economic Development, ***authorizing a Lease Agreement with SunEdison, LLC for use of property at Francis S. Gabreski Airport (Sponsor: County Executive)***. Motion by Legislator Krupski, second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

Okay. Motion to approve by Legislator Schneiderman, I'll second. This is ***I.R. 1738***, Economic Development. Okay. Anybody have any questions?

**LEG. HAHN:**

Yeah.

**P.O. GREGORY:**

Okay. Legislator Hahn, then Legislator Cilmi. Okay. Mr. Vaughn, or is Carolyn here, Carolyn Fahey? There she is.

**MS. FAHEY:**

Hi.

**LEG. HAHN:**

So, first off, can we just get a full explanation?

**P.O. GREGORY:**

Yes.

**MS. FAHEY:**

Good evening. The lease before you leases about 27 acres of property at Gabreski Airport to SunEdison for the construction of solar panels that would help energize the general electric grid, and the revenue from that land lease goes to the County to help support Gabreski Airport.

**P.O. GREGORY:**

Okay.

**LEG. HAHN:**

Can you outline for us how we got to this point, all the different RFPs that we went through to make this happen?

**MS. FAHEY:**

Sure. In October of last year, LIPA issued a Feed-In Tariff for about 100 megawatts of solar projects. The County followed with an RFP to host solar projects on County property. In December, we received 13 responses to that RFP, and through the RFP Evaluation Committee, evaluated those

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responses for the project and for the revenue to be generated, and we chose SunEdison. SunEdison then went and proposed a project to LIPA, and in March of this year, that project was selected as one of LIPA's projects.

**P.O. GREGORY:**

Any more questions? Okay. Legislator Cilmi.

**LEG. CILMI:**

Yeah. Thank you, Mr. Presiding Officer. So this property is being leased for the purpose of installing solar panels?

**MS. FAHEY:**

Correct.

**LEG. CILMI:**

And the solar panels are, or, rather, the company that's leasing the property from us is entering into a power purchase agreement with LIPA?

**MS. FAHEY:**

Correct.

**LEG. CILMI:**

Didn't PSEG just say that they already have excess power?

**MS. FAHEY:**

I can't answer that question.

**LEG. CILMI:**

All right. Let me just ask a different question. What is the cost to LIPA ratepayers of this? How much -- what's the nature of the deal between this company and LIPA?

**MS. FAHEY:**

We have a representative from SunEdison who might be able to help answer that.

**LEG. CILMI:**

That would be great. Thank you. While she is making her way up, if you don't mind, let me ask you, this is -- this is eerily reminiscent of a contract that we entered into a few years ago in 2010, I believe, with a company called enXco to lease County parking facilities for the same purpose. That deal was such that we were -- if my memory serves me correctly, we were going to get something like 8.9 million dollars over 20 years, and I think enXco stood to gain approximately 120 million dollars over that same 20-year period, which I thought was outrageous, frankly, and I voted against that deal. Subsequent to that, that bill passing, and contracts being signed, there were some changes that were made to the deal by -- I guess unilaterally on the part of the County. We chose to, I suppose you could say -- well, let me not say it, because I don't know if the lawsuit is currently still pending. Is there a lawsuit still currently pending on this?

**MS. FAHEY:**

I believe so, yes.

**LEG. CILMI:**

Okay. Can we discuss that suit, or should we not discuss that suit?

**MS. FAHEY:**

We should not discuss that suit.

**LEG. CILMI:**

Okay. May I ask, and certainly you -- I'll ask and you can choose whether or not to answer. Has the County gotten paid a dime from that contract as yet in the four years that it's been in existence?

**MR. BRAUN:**

Hi, Legislator Cilmi. How are you?

**LEG. CILMI:**

Wonderful? How are you, sir?

**LEG. CILMI:**

Great. How are you?

**MR. BRAUN:**

I'm great.

**LEG. CILMI:**

Awesome. We're on TV; did you know that?

**MR. BRAUN:**

Well, you know, I tried to watch earlier and all I saw was the seal and the two flags and didn't hear anything, so I put on the audio and I was listening that way.

The lawsuit is still ongoing, and I think it would be our preference not to really discuss the -- either the financial implications of the transaction or the payments which may or may not have been made, from the attorney's point of view.

**LEG. CILMI:**

All right. I'm not sure that I agree with you. I'm not an attorney, though, so I'm loathe to disagree with you, and compel some sort of an answer that may not be in the County's best interest. So you and I will have a conversation offline then about it.

**MR. BRAUN:**

Absolutely.

**LEG. CILMI:**

If you don't mind. Thank you.

**MR. BRAUN:**

Sure.

**LEG. CILMI:**

Now, if we could welcome through the Chair the representative from this company. I'm sorry, I missed the name of the company.

**MS. MAZER:**

Hi. I'm Laurie Mazer and I represent SunEdison.

**LEG. CILMI:**

Hi, Laurie. How are you?

**MS. MAZER:**

Hi. I'm great. How are you?

**LEG. CILMI:**

Thanks for being here.

**MS. MAZER:**

Thank you.

**LEG. CILMI:**

Can you talk to us about the nature of the -- of your contract with LIPA?

**MS. MAZER:**

Yes, exactly. So the way LIPA contracted, which is different than the Feed-In Tariff I Program that you referred to with enXco. They basically did a reverse auction process where they asked all the bidders to submit in their best and final lowest pricing for a PPA. And what they did is they took the 100 megawatts that cleared with -- as the most favorable price, you know, the 100 lowest price, and then the top price of those lowest priced, if I'm making myself clear, were -- was the clearing price for every project. So every project that LIPA contracts with is paid the same amount, and that price was set by an auction process by which companies like mine, you know, scrubbed our numbers and did the best we could with all the information we had on a project that was very hypothetical at the time to submit in a competitive price, and we were able to competitively win this bid, but the price was set by the -- by the lowest price of the bidders that cleared.

**LEG. CILMI:**

Okay. So my understanding is that this agreement with your company is -- there's a lease for 20 years at an annual rate of -- an annual dollar amount of \$315,000 per year; is that correct?

**MS. MAZER:**

Yes, I believe so.

**LEG. CILMI:**

So you'll be paying the County \$315,000 annually for 20 years?

**MS. MAZER:**

Yes.

**LEG. CILMI:**

What do you estimate LIPA will be paying you annually for those 20 years as a result of the Power Purchase Agreement that you've entered into with them?

**MS. MAZER:**

I don't have an estimate for that as of yet, because we have yet to receive the Interconnection Study back from LIPA, so we don't know the full cost of the project, and all of our costs are taken into account on that and the full system size of the project.

**LEG. CILMI:**

Do you know what the cost per kilowatt-hour is going to be of the electricity that's generated?

**MS. MAZER:**

It's 16 cents.

**LEG. CILMI:**

And what -- what does LIPA pay currently for conventionally generated electricity, roughly?

**MS. MAZER:**

I don't know that off the top of my head.

**LEG. CILMI:**

Okay. All right. If you could just keep me informed as to those details --

**MS. MAZER:**

Exactly, yes.

**LEG. CILMI:**

-- as we move forward?

**MS. MAZER:**

And I could forward it to Lisa, and let her know. I will say that -- yeah.

**LEG. CILMI:**

Yeah, I am sure Lisa will.

**MS. MAZER:**

We did negotiate and the County negotiated with us for a lease price, and this is land that wouldn't otherwise be used for anything, and is land that the airport had in surplus and is not part of any other plan, so it couldn't be revenue-generating for anything other than solar arrays. It's actually between airport and taxiways.

**LEG. CILMI:**

Have you -- have you had an opportunity to look at the arrays that exist on County parking lots currently?

**MS. MAZER:**

Yes.

**LEG. CILMI:**

Is what you're developing similar to those arrays?

**MS. MAZER:**

No. What we're developing is a ground mounted system, which would be about seven or eight feet tall, and would be -- and those are -- the structures you're referring to are canopy structures.

**LEG. CILMI:**

Okay. So nothing will happen underneath the structures that you're proposing to do?

**MS. MAZER:**

Grass will grow.

**LEG. CILMI:**

Grass will grow. Does that grass have to be mowed?

**MS. MAZER:**

We do account for mowing in our operations and maintenance, yes.

**LEG. CILMI:**

So you do that?

**MS. MAZER:**

Yes, SunEdison takes care of full O & M.

**LEG. CILMI:**

Okay. That may be all the questions I have. I did want to point out, not necessarily for you, but -- so this is interesting to me personally, because I think it was a couple of years ago I proposed, or I sponsored a bill, rather, which passed this Legislature, which directed our Department of Public Works, in conjunction with our Planning Department, to study the feasibility of installing solar arrays on County property and County facilities. And at that time, after six months or so, which was when the study was due, I got a binder back, which was about yep thick (indicating), and basically the conclusion was that there were no County properties available for solar arrays. I'm glad to see that we actually found a County property that was appropriate for solar arrays. I'm sorry that the study that I asked the County to undertake came back with an answer that ultimately, I guess, proved to be incorrect. But, nevertheless, mitigated somewhat by my concern for the ratepayers, which I guess remains to be seen how much this is going to cost the ratepayers, I'm happy that we'll be getting some revenue out of the leasing of these facilities. Anything to add?

**MS. MAZER:**

No.

**LEG. CILMI:**

Thank you.

**P.O. GREGORY:**

Okay. Legislator Anker. Did you have a question?

**LEG. ANKER:**

I think it's a great idea. You know, I worked with a lot of solar projects in the Town of Brookhaven. And I'm just curious. You know, we're looking to revitalize Gabreski Airport, and is there a way to use this solar array to help energize the actual -- you know, the buildings there, instead of routing it through LIPA, or through PSEG. Can we use it to kind of create more of an independence for those properties, commercial properties, and use this solar array?

**MS. FAHEY:**

Well, this project can't. I mean, this was the public/private partnership that we entered into with SunEdison. The cost of solar arrays, and I would leave the numbers to DPW and to their engineering, are astronomical to put them in, and maintain them, and to construct them. So the buy-back, from my understanding, just isn't worth it at this time, so -- but this, you know, to your point of trying to revitalize Gabreski Airport, as we talked about in Economic Development Committee, the revenue generated has to stay at the airport. So it helps to underwrite the operations and maintenance of Gabreski Airport that currently is being supplemented by the General Fund. So it does do what you want it to do in a different way.

**LEG. ANKER:**

And will some of the commercial properties have solar roofs?

**MS. FAHEY:**

Not through this project. We have had some projects in the past that have come to us for aviation development that had that as part of their overall development. Those projects never moved forward in their entirety. So it is definitely something that we're starting to see more often in some

of the applications that we -- you know, the interest that we've seen at the airport.

**LEG. ANKER:**

Okay. And just one last comment. When I worked with the Town of Brookhaven and we installed quite a number of solar panels on residential properties, there was an issue that the panels were not made locally, much less not even from this country. And it would be nice within -- so the question to you is in the contract, is there some agreement that we can not only use local workers, but also try to find local material?

**MS. BROUGHTON:**

Hi. I'm Lisa Broughton the Energy Director. There are no panels being manufactured locally. This project will have panels from Canada and Asia, and that hasn't been determined yet exactly which countries.

**LEG. ANKER:**

Yeah. And so, again, with that in mind, with all the solar that we're installing, whether it's the carports, or residential, or the solar array, you know, if we can just consider through -- whether the IDA or through your development companies with the businesses, we need to bring those companies here, you know, to Suffolk County.

**MS. BROUGHTON:**

Absolutely.

**LEG. ANKER:**

You know, that really -- I think it's a very strong industry that we can truly support, so -- but I do -- you know, I support this project, and I'm looking forward to see it completed and utilized. Thank you.

**MS. BROUGHTON:**

Thank you.

**P.O. GREGORY:**

Yes, Legislator Stern.

**LEG. STERN:**

Thank you, Mr. Chairman. Carolyn, you had said that revenue that's generated from this project needs to be utilized at the airport. So, first of all, my first question, that requirement comes from where?

**MS. FAHEY:**

It's called grant assurances. When the County was given the property by the DOD, there are conditions that the County accepted to comply with, and one of them was to operate and maintain it, but that as the airport started to become profitable, and it's one of the one entities that the County owns that can be run for a profit, that that money go back into the airport for its operation, and maintenance, and future development, the issue being that most of the projects that you've seen in the resolutions that we've brought forth are funded by the FAA. So every time we need to do a runway overlay, or new lighting, or a cracked ceiling, anything that's major, we go to the FAA to fund it, and they typically do. So the intent is here's your airport, run it for a profit, make some money, and stop coming to the FAA as much.

**LEG. STERN:**

Okay. And so it doesn't have much to do with the specific type of project that this is, what I'm hearing is that any kind of project that we're going to be doing on the grounds of the airport, same

type of thing, revenue has to be used for airport purposes, operations, maintenance, etcetera.

**MS. FAHEY:**

Same with the industrial park lease that we had done, that money stays at the airport as well, yes.

**LEG. STERN:**

Okay. But as you also said, that since we do have revenue that could be used for those purposes, since right now some of those functions are being paid for out of the General Fund, that there is at least some type of a benefit in the bigger picture.

**MS. FAHEY:**

Correct.

**LEG. STERN:**

And last question. We approve this today, but it's still subject to approval by the FAA?

**MS. FAHEY:**

Correct, yes. The Legislature will be approving the County to enter into a lease, but the lease has conditions on it that the FAA needs to approve, the glint/glare study that's being done by the consultants, the term of the lease and the overall project, so.

**LEG. STERN:**

What type of timing do you think that that would take from now to get FAA final approval?

**MS. FAHEY:**

The glint/glare study is almost done. It's being reviewed by the Airport Manager; that will be submitted. We haven't been given any timeline by the FAA. Until they get the project as a whole, they're not going to give us any insight into timeline or their interest.

**LEG. STERN:**

Okay. Keep us up-to-date.

**MS. FAHEY:**

Of course.

**P.O. GREGORY:**

Okay. Legislator Lindsay.

**LEG. LINDSAY:**

Hi, Carolyn. My question is for you, or maybe the industry representative. I just have two very brief questions. What is the estimated cost of installing the equipment?

**MS. MAZER:**

So our estimated cost of this system, as I mentioned, we're still waiting on -- to understand the upgrades required, the cost that will be borne by SunEdison, about 14 to 18 million dollars.

**LEG. LINDSAY:**

Okay. And once the equipment is installed, who's responsible for the solar shields, should they be damaged or destroyed?

**MS. MAZER:**

Us, 100%.

**LEG. LINDSAY:**

Thank you.

**P.O. GREGORY:**

Okay. Legislator Cilmi.

**LEG. CILMI:**

She's walking away.

**MS. MAZER:**

Sorry.

**LEG. CILMI:**

That's bad. I'm sorry.

**MS. MAZER:**

No, no problem.

**LEG. CILMI:**

I'm sorry.

**MS. MAZER:**

I'm sorry. I'm not running away, just Lisa, Laurie, lots of Ls, so I didn't know you were still talking to me.

**LEG. CILMI:**

So, just to reiterate, you said you don't know right now what the -- what the annual revenue to your company is going to be as a result of the Power Purchase Agreement with LIPA.

**MS. MAZER:**

Right. We don't have a final system size, because we are still awaiting the FAA's glint/glare analysis, so, therefore, we don't have those final numbers.

**LEG. CILMI:**

Do you have approximate numbers?

**MS. MAZER:**

Not off the top of my head, but we've run -- we've run economics on the project.

**LEG. CILMI:**

Yeah. I wouldn't think that you'd enter --

**MS. MAZER:**

Right.

**LEG. CILMI:**

-- into a business deal without having some sense of what you're going to make on the deal.

**MS. MAZER:**

Agreed.

**LEG. CILMI:**

So, I mean, I -- and, Carolyn, you said that this -- we're not even -- this is not General Fund revenue that we're receiving here.

**MS. FAHEY:**

Correct.

**LEG. CILMI:**

Okay. So is there any urgency to approve this today? I mean, at what point will we know the answer to my question? Because, frankly, I'm a little hesitant, in fact, I'm a lot hesitant to pass this bill and strap the ratepayers of our County, who are already paying some of the highest electric rates in the country, with additional costs without knowing what those additional costs are. Tom?

**MR. VAUGHN:**

So, Legislator Cilmi, the urgency to pass this -- to pass the legislation tonight is that under the program that LIPA has established, if we don't show progress on moving the piece of legislation, then we would probably end up losing the opportunity to go forward with the project.

**LEG. CILMI:**

So the bill progressed to this point.

**MR. VAUGHN:**

Correct.

**LEG. CILMI:**

At what point will we know, do you think, what the revenue is going to be from LIPA to Sun --

**MS. MAZER:**

SunEdison.

**LEG. CILMI:**

SunEdison. I mean, I think our ratepayers deserve to know the answer to that question before we approve this bill.

**MS. MAZER:**

I'm just -- I guess I'm getting confused between the impact to ratepayers versus the SunEdison revenues on the project. And right now we're undergoing studies with the FAA to figure out the system size, and then once we have a final system size -- we have an area that we're going to use for the project. And once we have a system size and once we know the upgrades of the -- that are required, then we'll be able to size the system appropriately, and, hopefully, be able to build a viable project that works for SunEdison economically.

**LEG. CILMI:**

Right. So what I'm getting at, though, is that LIPA obviously doesn't print money.

**MS. MAZER:**

Nor do we.

**LEG. CILMI:**

They get their money from the ratepayers. And so, if they're -- if LIPA is paying you for the electricity that you're generating at the -- with these solar panels, then, in effect, our ratepayers are paying you. And, therefore, I don't think it's wise or responsible for the County to enter into -- enter into an agreement with your company without some due diligence in terms of protection of our

ratepayers.

**MR. VAUGHN:**

So, Legislator Cilmi, I think the one thing to consider, though, is if we lose the opportunity to go forward with this project --

**LEG. CILMI:**

I don't think we lose the opportunity, Tom.

**MR. VAUGHN:**

Well, the -- we almost did this by CN in July because we were concerned about losing the opportunity, Legislator Cilmi, and we did not. We thought it was best for it to go through the committee process and bring it before you in the normal fashion, which is why it's here tonight. But there is certainly a possibility of us losing it, and if we lose the opportunity to go forward, LIPA will just select the next project down on the list. I don't think that whether it's us having the opportunity to generate the revenue or somebody else, I don't think they're going to go -- my understanding is they're going forward no matter what.

**LEG. CILMI:**

Well, that should be an incentive, then, for us to crunch those numbers as quickly as we can and find out what the impact to our ratepayers is going to be.

**MR. VAUGHN:**

I don't think that I agree with you that there is an impact. This is a committed cost on LIPA's part. They're either going to select our project and go forward, or they're going to select the next project. So the only thing that we're going to end up losing is the opportunity to generate the revenue.

**LEG. CILMI:**

But there's most definitely an impact. It may not be -- it may not be relative to us, but if we're going to lease the property to this company, then we are authorizing that impact, whatever that impact may be.

**MS. BROUGHTON:**

Sorry, Legislator Cilmi.

**LEG. CILMI:**

Hi, Lisa.

**MS. BROUGHTON:**

I missed the last bit of your question, but I just -- in working this through for -- now since January and March, when LIPA selected the project, SunEdison is holding up some expenses that they have to lay out because they don't have a signed lease. They're not going to do the survey, they're not going to price out equipment. So the process is really linked to us making our commitment to them before they start.

I mean, she said 14 to 18 million. So the number you're asking for is simply this: When the project gets sized, so, we're hoping six to seven megawatts, and that depends on the interconnect and a number of things Laurie said. They will get 1688, it's .1688 cents per kw.

**LEG. CILMI:**

And how --

**MS. BROUGHTON:**

So we can do that math. You could do it on six, you could do it on seven, you know, optimistically, and say --

**LEG. CILMI:**

So split the difference.

**MS. BROUGHTON:**

-- that they will get their revenue. They'll get probably payback in about a decade or so.

**LEG. CILMI:**

So what's the -- what's the -- if you -- somebody could do the math for me real quickly, if it's maybe Robert, if you could help me with this, I don't know. Let's say it's --

**MS. BROUGHTON:**

.1688.

**LEG. CILMI:**

Let's split the difference in the size.

**MS. BROUGHTON:**

6.5.

**LEG. CILMI:**

So let's say it's 6.5 megawatts. And let's say -- what did you say the price per kilowatt hour was?

**MS. MAZER:**

16.88.

**MS. BROUGHTON:**

.1688.

**MS. MAZER:**

Right.

**MS. BROUGHTON:**

Right. So --

**MR. LIPP:**

I'm not sure what your question is.

**LEG. CILMI:**

My question is what's the annual, the expected annual return to this company from LIPA based on the Power Purchase Agreement?

**MR. LIPP:**

I'm not sure what the formula is. You gave me --

**LEG. CILMI:**

Oh, the formula is simply the price per kilowatt-hour.

**MR. LIPP:**

Which is 16.88 cents.

**LEG. CILMI:**

Right. And help me with this, and we know -- we have an approximation as to how many megawatts it's going to generate. So how would he determine what the cost is from that information?

**MS. MAZER:**

Do it at \$161.88 per megawatt hour, would be the rate of 1.6.

**MR. LIPP:**

Well, times what, though? I don't have a formula.

**LEG. CILMI:**

Laurie's in the business. Laurie's going to tell us.

**MR. LIPP:**

If you give me a formula, I could do the calculation. I have no idea what --

**MS. MAZER:**

So the opportunity is that LIPA selected our project, and they have a -- when they come back to us with an interconnection study, we'll have two weeks to execute a PPA with LIPA. If we don't have a signed agreement for the land, then LIPA will not -- will terminate the studies and will kick the project out of the queue and they will go to the next bidder. So this project will not go forward and SunEdison will not pursue the project without a lease. LIPA has made it -- because of the issues they had on FIT I, with folks not having properly documented leases and projects lingering, waiting for leases, they've made it a rule of this -- of this project, of this Feed-In Tariff, II, that you have to have a signed and executed lease prior to signing a PPA. So they want you to commit that you will have a project. They want to know there's a viable project. And this 16 cents, I will say, is, I feel -- I mean, you can look at your electricity bill. I think it's a very fair market rate, and it's much lower than rates we're seeing. I think Vermont's Feed-In Tariff is \$270 a megawatt hour. There are numerous data points across the country of much higher rates.

**LEG. CILMI:**

So what happened to the formula? Just to help us -- help us figure out. We know about what -- we know what the rate is, we know approximately how big the facility is going -- how many megawatts it's going to generate.

**MS. MAZER:**

Right. And then we've got taxes, O & M expenses, depreciation of the asset. I've got a number, I've got my investors, I've got bank credits, I've got depreciation, I've got a number of other inputs to an economic model. So we could come up with a very rough number, but it wouldn't give you any indication to the actual revenue to SunEdison. We can't come up with that tonight.

**LEG. CILMI:**

So even though we know what the price per kilowatt-hour is, and even though we know approximately how big the -- how much power it's going to generate, with that information, you can't come up with what the Power Purchase Agreement is worth between LIPA and your company?

**MS. MAZER:**

I can.

**LEG. CILMI:**

I don't want to know your total cost. I don't know how -- I don't want to know how much money you're profiting. I don't -- that's your business. All I want to know is what the -- what the

ratepayers are on the hook for.

**MS. MAZER:**

I don't know that, no.

**LEG. CILMI:**

So with the information that you've provided, we can't figure that out?

**MS. MAZER:**

Not tonight.

**P.O. GREGORY:**

I think that's where a lawyer would say, "Asked and answered," like multiple times. They just don't have the answer. You can ask it different ways.

**LEG. CILMI:**

I just find it hard to believe that a company would enter into an agreement with the County and they're here asking us to approve this resolution without having a financial model that, you know, shows what those -- what those numbers are. It just doesn't make any sense to me. I mean, it's not the way I would do business.

I'm going to offer a motion to table on this, because, again, I just don't feel comfortable approving a bill that would basically authorize expense to the ratepayers of LIPA and of PSEG, or maybe just LIPA, I'm not sure how that works, without us knowing what that expense is. So motion to table.

**P.O. GREGORY:**

Okay.

**MS. FAHEY:**

Mr. Chair.

**LEG. KENNEDY:**

I'll second.

**P.O. GREGORY:**

Okay. We have several other speakers. Legislator Trotta, then Legislator D'Amaro.

**LEG. TROTТА:**

I just have a quick question about the -- you said that you needed the lease agreement to sign before? That makes absolutely no sense at all, because they have to know what they're going to be able to put up there. I mean, it would be a horrible business decision, unless they can get out of this lease. Is there a provision in the lease that says we don't have to pay anything if we figure out we can't make any money?

**MS. FAHEY:**

No.

**LEG. TROTТА:**

Well, then I agree with, I mean --

**MS. MAZER:**

We do have termination clauses within the lease, as is the County, during this, what we consider the initial diligence phase. This is the initial option and diligence phase of this lease. We're signing a

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lease with the County, but we have a prescribed period during which we can do our diligence, and which we pay the County, I think, a smaller, a more reduced rate. And then the operating payments that we talked about are the revenue that's generated during -- so that's fixed. So we have a fixed cost to you, regardless of whether our system size is six megawatts or two megawatts. So that's why we have a termination clause during this, during -- when we were doing our due diligence, because there are -- I agree with you, there are a large number of unknowns. And SunEdison has gone out on a very long limb to complete this permitting process of SEQRA that is necessary for here, along with an EA necessary for the FAA to the tune of a large amount of money that we've placed in faith that we will get to this point where we will have a viable project.

**LEG. TROTTA:**

Are these the ones that are high up in the air?

**MS. MAZER:**

We have a portfolio of over 45 megawatts that we've been awarded by LIPA in -- on Long Island through this Feed-In Tariff, so we're viewing this as a portfolio, as an investment that SunEdison is making in PSEG and LIPA and in this area. And the Feed-In Tariff will be used to create local homegrown, home-generated energy on the Island, which, you know, you could build other power plants, or you can utilize solar arrays to generate onsite power to the benefit of the communities here, and to the benefit of the ratepayers in that you don't have to pay for additional transmission lines, and there's minimal upgrades to the existing LIPA system that will enable these solar arrays to be built, and those upgrades and costs will be borne by developers such as SunEdison.

**LEG. TROTTA:**

And that's between 14 and 18 million dollars, depending upon --

**MS. MAZER:**

The investment that SunEdison will make in the facility is between --

**LEG. TROTTA:**

Yeah. And this lease is for how long?

**MS. MAZER:**

This lease is for 20 years.

**LEG. TROTTA:**

So it's about a million dollars a year, your cost spread out, of you building it. So it's about 1.3 million.

**MS. MAZER:**

It's the net present -- I mean, we invest all of the money on day one, which is why we do not earn out. We do not make profit. You know, the profit on these projects is not realized until later on, because we have a huge number -- these are similar -- I mean, I won't make the comparison, but similar to other types of generation where you make a large up-front investment, and over the term of the project you have a rate that you're repaid on that, and eventually you do make a profit on these projects. But the upfront costs of 14 million or 18 million dollars, will we receive that amount in year one? No.

**LEG. TROTTA:**

Okay. The buy-out, if they decide they can only put two acres and it's not worth the whatever, \$300,000 a year, how much do they have to pay the County.

**MS. FAHEY:**

Upon signing of the lease there's a \$53,000 payment automatically that's nonrefundable. And then if during that first initial phase, if the build-out -- if the project isn't operational, there's a monthly fee that they pay about \$4500 a month up until the day it's operational. And then once it's operational, we hit the \$315,000 a year mark.

**LEG. TROTТА:**

I'm sorry. You said 4,000 a month?

**MS. FAHEY:**

No, 4500 a month.

**MS. MAZER:**

For not installing any facilities.

**MS. FAHEY:**

Right. Right, while they're going through their due diligence phase.

**LEG. TROTТА:**

And once they start -- so it doesn't start until it's up, and it goes up pretty quickly, within six months. Now is this over the Pine Barrens, or is it --

**MS. FAHEY:**

It's in a compatible growth area, which it's been reviewed to the SEQRA. You have the SEQRA resolution in front of you.

**LEG. TROTТА:**

Okay.

**P.O. GREGORY:**

Legislator D'Amaro.

**LEG. D'AMARO:**

Okay. Thank you. SunEdison, if the representative could come back up for a moment. And I see your frustration.

**MS. MAZER:**

I'm not frustrated at all, I'm just nervous.

**LEG. D'AMARO:**

Good. I'm frustrated. Don't be nervous. You're being --

**MS. MAZER:**

Apologies. I have a very --

**LEG. D'AMARO:**

You were giving us an awful lot of information in a very short period of time, and I appreciate that.

**MS. MAZER:**

Agreed. Thank you.

**LEG. D'AMARO:**

You're doing wonderfully. And you certainly are showing us that from the business, the private sector point of view, from your company's point of view, you know exactly what the plan is and how you're moving forward, and it's all been worked out on your end. You are going into an agreement with the County that has a due diligence period that would naturally allow your company now to really dig in and find out whether or not it makes sense for you as a business model and from a business perspective, and that's what you should be doing. But my concern, being on this side, is do we have a due diligence period? Do we have the opportunity, we, the County, and indirectly, to protect our ratepayers? Do we have, if we approve this lease, do we have the ability, once we know these final numbers that Legislator Cilmi is talking about, to say, "No, that's too expensive"?

**MS. MAZER:**

I don't know how one would calculate the impact to LIPA ratepayers based on the numerous types of generation.

**LEG. D'AMARO:**

That's not my question.

**MS. MAZER:**

Right.

**LEG. D'AMARO:**

That's not my question. My question is once you do know.

**MS. MAZER:**

But I don't know how we would know that.

**LEG. D'AMARO:**

No, no, no. Once you do know.

**MS. MAZER:**

But I can tell you our revenue -- I can tell you an estimate of our revenue. What I can't tell you is the impact to LIPA's ratepayers.

**LEG. D'AMARO:**

Fair enough.

**MS. MAZER:**

LIPA or PSEG.

**LEG. D'AMARO:**

That's fair enough, and I understand that. I wouldn't expect you to know that right now, okay? But when you do --

**MS. MAZER:**

But I won't.

**LEG. D'AMARO:**

Ever?

**MS. MAZER:**

How will I ever know the impact to LIPA ratepayers on the --

**LEG. D'AMARO:**

No, no, no, I'm not asking you for the impact to LIPA ratepayers, that -- I'm not asking you for that. What I'm asking you, I guess in a more simple way, is this more expensive energy, or is this cheaper energy?

**MS. MAZER:**

Based on the 16 cent a kilowatt-hour, it is relatively cheap energy for what you would have for developing a brand new installed facility on the Island.

**LEG. D'AMARO:**

Well, is it cheap solar energy, or is it cheap energy?

**MS. MAZER:**

Solar energy comes with incentives and green credits that also have a value. So, yes, solar -- I would say that this is -- this gives LIPA large amounts of benefit, or else they wouldn't be out doing it. I mean, LIPA is a company in the same way that we're a company.

**LEG. D'AMARO:**

Right.

**MS. MAZER:**

They're not out to print money and give things away. And they learned a lot from their first Feed-In Tariff, which is why they had a reverse auction and created this mechanism, at which developers, like our company, bid it in a very competitive rate, you know, very below market.

I'll say that California Desert, which has some of the highest photovoltaic capacity, you know, amazing solar irradiation, which we do -- you enjoy lovely summers here, but it's not -- it's not the same hours that you would get in California.

**LEG. D'AMARO:**

Right.

**MS. MAZER:**

And the Feed-In Tariff rates that we've seen in California are similar to this, if not -- if not, a little higher. So I think LIPA has done an excellent job in trying to drive costs down, and, you know, we -- the previous Feed-In Tariff was much higher, and we are not enjoying that larger rate. We're enjoying a much reduced rate based on a competitive solicitation that LIPA undertook --

**LEG. D'AMARO:**

So is it --

**MS. MAZER:**

-- as well as the County, with their competitive solicitation, where they looked at the numbers and the amount that we were offering --

**LEG. D'AMARO:**

Right.

**MS. MAZER:**

-- them in revenue --

**LEG. D'AMARO:**

Okay.

**MS. MAZER:**

-- versus 13 others.

**LEG. D'AMARO:**

Now is it fair to say, then, based on what you just told me, that this is a proposal that ultimately would provide at least market, if not cheaper, energy to LIPA?

**MS. MAZER:**

That is my understanding, that LIPA has solicited -- solicited this -- solicited this Feed-In Tariff in this to create energy that will benefit the ratepayers and benefit their grid system. We are basically paying to upgrade the grid on --

**LEG. D'AMARO:**

Right.

**MS. MAZER:**

-- on our own dime.

**LEG. D'AMARO:**

And that's through incentives from LIPA to the solar industry?

**MS. MAZER:**

No incentives.

**LEG. D'AMARO:**

So how is that done?

**MS. MAZER:**

What it is, is they come to us and they say it costs you five million dollars to upgrade this line to plug in, "Please pay us five million dollars to upgrade this line." And the benefits of lines -- and then we have to comply with current, you know, standards, and so --

**LEG. D'AMARO:**

Right. But -- okay. And you're going a little over my head now, so --

**MS. MAZER:**

I'm sorry.

**LEG. D'AMARO:**

That's okay, I appreciate it. But what I'm trying to understand, and Legislator Cilmi, of course, deserves the credit, because I think he raises a very valid point, that we have a history here with LILCO, LIPA, and now what you call -- what are we calling this PSEG? PSE&G?

**MS. MAZER:**

LIPA, PSEG.

**LEG. D'AMARO:**

PSE&G, right. Okay.

**MS. MAZER:**

Yes, that's their newest name.

**LEG. D'AMARO:**

And it's not a very good history, where we've been promised the sky, and how ratepayers are being protected and taken care of, and then we find out that, you know, you read the paper, we bought too much energy, we built too many plants, we bought -- we built a nuclear power plant that never opened, and we're paying for it for the next 50 years. So there's not a lot of credibility for these companies, and the ratepayers are tired of paying for all these representations that were made over the years and it turns out that they're just simply not cost effective, and they benefitted a very few number of people at the expense of ratepayers. So that's the mindset that you're coming into here. Now --

**MS. MAZER:**

I'm additionally a ratepayer of a very expensive electricity provider and I understand.

**LEG. D'AMARO:**

Now, here's my point. My point is that if Sun -- I'm sorry, SunEdison is coming here and saying to us that we have a solution to that, we are now going to give you solar energy, which is cleaner energy, we are going to generate it at a market rate, or maybe even a lower rate, or maybe even a slightly higher rate because it's cleaner energy, you know, that's a good thing. But the problem I think we're struggling with here today is that we're being asked to give you this approval on the lease, but we really don't know the answer to the question whether or not at the end of the day this is going to benefit, not the County, because we'll get our lease payments --

**MS. MAZER:**

Agreed.

**LEG. D'AMARO:**

-- but whether or not we're protecting those ratepayers, because we don't get many opportunities to do that here in the County, okay?

**MS. MAZER:**

What I can say --

**LEG. D'AMARO:**

So let me finish. Okay. So my question was initially, with respect to the lease agreement, okay, because we can't say tonight whether or not this is cheaper energy, or a little more expensive, or a little less expensive. At the end of the day, the cost of that energy will be paid by ratepayers.

**MS. MAZER:**

Right.

**LEG. D'AMARO:**

So does the County get a second bite at the apple and an opportunity to say -- maybe you exceed a cap, or a threshold, or somehow the County has the ability to say we cancelled the deal because the energy is not cheap enough.

**MS. MAZER:**

The energy is a fixed price power. So that means no matter -- I don't know what your view on energy pricing --

**LEG. D'AMARO:**

Go ahead.

**MS. MAZER:**

-- is going forward, but in 20 years from now, if everyone thinks that energy will be cheaper, then LIPA, I guess, has lost. But I think the majority of people with forward cost curves of energy believe that locking in a rate at 16 cents, which is currently very competitive, is actually an excellent deal for everyone.

**LEG. D'AMARO:**

So we're locking in that rate?

**MS. MAZER:**

LIPA has locked in that -- when I am able to sign a PPA with LIPA by your enabling us to do that by signing a lease.

**LEG. D'AMARO:**

Right.

**MS. MAZER:**

What I did mention before is that if we don't sign a lease with you, then the next project in line will sign a lease with the --

**LEG. D'AMARO:**

Right, right, but let's just -- I understand that.

**MS. MAZER:**

Agreed.

**LEG. D'AMARO:**

I'm not trying to defeat this.

**MS. MAZER:**

No, no.

**LEG. D'AMARO:**

I'm trying to just make sure that if -- what is it, 16? What did you say, 16?

**MS. MAZER:**

16166, I believe.

**LEG. D'AMARO:**

But whatever that number is, you say is a competitive rate in today's market.

**MS. MAZER:**

Very competitive based on a solicitation from LIPA of over hundreds of developers from across the --

**LEG. D'AMARO:**

Okay, but you're talking about the cost that LIPA is paying your company for that energy.

**MS. MAZER:**

All companies who won -- all companies who won this Feed-In Tariff. There's not a rate that my company specially got, it's a rate that is across the entire portfolio of --

**LEG. D'AMARO:**

Right.

**MS. MAZER:**

-- 100 megawatts of solar that LIPA contracted with.

**LEG. D'AMARO:**

Right.

**MS. MAZER:**

And they're paying the same rate to everybody.

**LEG. D'AMARO:**

Okay. But does that mean that there isn't cheaper alternatives?

**MS. MAZER:**

I cannot speak for LIPA's --

**LEG. D'AMARO:**

Okay, that's fair enough.

**MS. MAZER:**

-- internal resource planning and what they've decided for energy procurement in the future. What I know is that we responded to a program put forward by LIPA after responding to a bid from the County, and we have responded on behalf of numerous counties and other entities.

**LEG. D'AMARO:**

I think what we're saying is we understand that you can analyze this and it makes sense for your company, but I don't have any comfort that it makes sense for LIPA and ratepayers.

**MS. MAZER:**

And I can't speak to LIPA. What I can speak to is the renewable energy policy and programs in this County, country, and all over where SunEdison sees and what my company believes. And I would imagine it would be shocking to you if I didn't believe that these were good projects that actually did help ratepayers, because what it allows a -- it allows the use of a free fuel, a fuel that doesn't cost any money, and it allows LIPA to basically plan on a specific amount of energy that is available only during -- you know, it's only sunny days. So, unlike other energy, it's not intermittent.

**LEG. D'AMARO:**

Right, but I've always been under the understanding that solar energy was cost prohibitive, because we don't make the panels in this country, we don't have a -- we don't have this industry. That's why these panels are being made in Asia. And it was always my understanding that although it's cleaner energy, but it's not cost effective energy.

And so my concern is, again, not with your analysis and your company, and I understand the County probably did an appraisal and we know we're getting market value for the lease, but once this whole deal gets put together, are we locking into expensive energy that ratepayers will have to pay? See, that -- and that's the LIPA side of it.

**MS. MAZER:**

Right. And LIPA has locked in competitive rates from a very far-reaching solicitation, as explained, has actually generated rates that are far below that, or below that, or on par with more productive solar facilities in California, as well as --

**LEG. D'AMARO:**

So you're saying, to the extent you can speak to that issue, that the rate that LIPA is paying your company for this energy that's anticipated is a market rate consistent with the cost of solar energy or any energy?

**MS. MAZER:**

Other Feed-in Tariffs specifically in the states that I've mentioned, in California and in Vermont, where I know the Feed-In Tariff rate in Vermont is \$270.

**LEG. D'AMARO:**

I don't know what that means.

**MS. MAZER:**

So a 160 versus -- or 16 cents versus 27 cents, nearly double in Vermont, is what the utility locked in there.

**LEG. D'AMARO:**

All right. I'm going to finish, but my concern is that you tell me 16 cents today.

**MS. MAZER:**

Is competitive.

**LEG. D'AMARO:**

-- is competitive, and then I find out, but they could have bought this power over here for three cents. You know, just to make my point.

**MS. MAZER:**

Yeah, Exactly. I just don't know where there's three cent power for LIPA to procure.

**LEG. D'AMARO:**

Because I have no faith that LIPA at this point is protecting ratepayers.

**MS. MAZER:**

Agreed, but I can't -- yeah.

**LEG. D'AMARO:**

Well, that's what you're seeing here tonight.

**MS. MAZER:**

Agreed.

**LEG. D'AMARO:**

This is not about your company and it's not about the lease with the County.

**MS. MAZER:**

Right.

**LEG. D'AMARO:**

It's about ultimately, you know, three years from now, when you're done and you're turning your profit, which is fine, and the County is making its lease payments, which is fine, it's helping our budget, and then the ratepayers come screaming at us, "And how could the County ever put us in this position, you could have bought power for half the price."

**MS. MAZER:**

LIPA would be buying the power.

**LEG. D'AMARO:**

Yeah, I know, but the ratepayers would be paying, that's my point. So, okay, I appreciate your answers very much, okay?

**MS. MAZER:**

No. I appreciate your time.

**LEG. D'AMARO:**

I'm going to support this bill --

**MS. MAZER:**

Excellent.

**LEG. D'AMARO:**

-- because I'm going to take it on faith that LIPA would pay you a competitive rate, and based on you telling me it's a competitive rate in the marketplace and it's locked in.

**MS. MAZER:**

Yes.

**LEG. D'AMARO:**

And, you know, at some point, you know, we can't step in the shoes of LIPA.

**MS. MAZER:**

Right.

**LEG. D'AMARO:**

And I have the County, the Executive's Office here representing to me that this is a good deal for the County, and it's a good deal for the environment, and it's a good deal for ratepayers.

**MS. MAZER:**

Great.

**LEG. D'AMARO:**

So I'm going to support this.

**MS. MAZER:**

Excellent.

**LEG. D'AMARO:**

Thank you.

**MS. MAZER:**

Thank you so much, I appreciate your time.

**LEG. D'AMARO:**

Okay. Thank you, Mr. Presiding Officer.

**P.O. GREGORY:**

Legislator Lindsay, and then Legislator Krupski.

**LEG. LINDSAY:**

My question is for Carolyn and the Administration. Just to reiterate, this went out to an RFP, correct?

**MS. FAHEY:**

I'm sorry?

**LEG. LINDSAY:**

This whole process for the lease went out to an -- went out to an RFP?

**MS. FAHEY:**

Oh, yes, yes.

**LEG. LINDSAY:**

So this was the --

**MS. FAHEY:**

LIPA did the RFP, correct.

**LEG. LINDSAY:**

Okay. So Sun Energy was the highest bidder?

**MS. FAHEY:**

I'm sorry?

**LEG. LINDSAY:**

This was the highest bidder?

**MS. FAHEY:**

This was the best bidder. LIPA did an RFP, and then the County did an RFP based upon LIPA's, too. So, yes, this was the best -- what has been determined by the Evaluation Committee the best respondent with regards to the project, the timing, and the lease revenue to the County.

**LEG. LINDSAY:**

Okay. Now for argument's sake, let's say this doesn't get passed tonight, or it gets tabled, we get pulled off the top of the pile, go to the bottom of the pile, another site is picked by LIPA, the same rates will be charged; I mean, it has no effect on the price based on what we do this evening, it's just a matter of do we get the revenue or do we not get the revenue?

**MS. FAHEY:**

Exactly.

**LEG. LINDSAY:**

Okay. Thank you.

**P.O. GREGORY:**

Legislator Krupski.

**LEG. KRUPSKI:**

I really appreciate the concern of my colleagues here about the ratepayers. But I have a question for Carolyn. How many -- I think the young lady from SunEdison answered the question and I just want to make sure I have the right answer. How many companies bid on this site?

**MS. FAHEY:**

Fourteen. Oh, through the County's RFP, there were 13 respondents.

**LEG. KRUPSKI:**

Okay. And that just goes to show you -- and I'm familiar with SunEdison, I'm familiar with the Feed-In Tariff program, I understand how that works. It just goes to show you how interested companies are in developing solar on eastern Long Island. If you look at energy use in the whole country, in the whole world, you know, it's a competitive market. And PSE&G made a decision a couple of weeks ago not to build a big plant at Caithness, because I think they weren't sure if they could get the energy to power it in the future.

And Long Island, you know, we're so isolated from everyone else. If we have an opportunity to produce our own renewable energy, we're going to be way ahead of other regions, and we're going to be long-term more competitive than other regions, because we can, in fact, produce our own power and not have to rely on other states, other jurisdictions, other countries for energy. So I think this is -- not only is it a good land lease for the County and it helps our bottom line today, I think overall it's going to help Suffolk County as more and more solar gets developed and we rely less on trying to get -- you know, whether it's Marcellus shale gas, or hydroelectric from Niagara Falls, and all the hands that that has to pass through in order to get to Suffolk County. We're going to -- I think it's going to be a tremendous advantage. The more we produce it ourselves, we're going to control our own destiny a lot more.

**P.O. GREGORY:**

Okay.

**LEG. CILMI:**

There's no more questions?

**P.O. GREGORY:**

No more questions. I think we've argued this to the last point, unless there are --

**LEG. CILMI:**

Let me ask one more question.

**P.O. GREGORY:**

Just one more. I mean, we do have a whole agenda.

**LEG. CILMI:**

Carolyn, what was -- I appreciate the deference, Mr. Presiding Officer. What did we pay per kilowatt-hour, or, rather, do you know what LIPA paid enXco for -- and maybe Lisa knows the answer to this question, what LIPA paid enXco per kilowatt-hour for the power at the -- in the parking lots?

**MS. FAHEY:**

I think the enXco conversation has to be tabled because of the litigation.

**LEG. CILMI:**

Well, that's fact, that's a matter of fact at this point. I mean, it was -- that's out there, isn't it?

**MS. FAHEY:**

We don't know of the top --

**LEG. CILMI:**

Don't know the answer. And nobody here knows -- Lisa, do you not know what we -- what LIPA pays per kilowatt-hour for conventionally generated power?

**MS. BROUGHTON:**

It varies. I've been reading the newspaper stories. I think they lock in a rate for Caithness. They have certain rates for the older plants.

**LEG. CILMI:**

Roughly, what were they, though? I don't remember.

**MS. BROUGHTON:**

I really am not an expert on that part of it.

**LEG. CILMI:**

You don't recall what they were -- what they are? Is it 12 cents, 13 cents, five cents? You don't know.

**MS. BROUGHTON:**

I don't want to guess in this forum. I'm sorry. It's beyond what --

**LEG. CILMI:**

I wish I knew the answer to that question. I mean, I'd like to support this, don't get me wrong. I asked the County to study -- actually, I asked the County to study whether or not we could install them themselves and enter into the Power Purchase Agreements, because I think there's money to be made here, but --

**MS. FAHEY:**

Back to Legislator Krupski's point, I mean, I understand your concern with the LIPA taxpayers, I understand that. We deal with businesses all day long. We understand the impact it has on our residents and our businesses. Trust me, it's something that's very real to us as economic developers. But from this perspective, the bottom line is either the County is going to do this project with SunEdison, or LIPA is going to the next person and picking it, and we are then out of the mix. So the bottom line is we're going to lose the money; somebody else will get the money from a revenue perspective.

The -- you know, you have your LIPA Oversight Committee that can take a look at this and maybe talk to you a little bit about it more. But from this perspective, this lease is strictly to get the County to be part of this process to receive the revenue, and to be part of the policy moving forward, that the renewable energy is a better way to go.

**LEG. CILMI:**

Right, right. But understand, Carolyn, that the County did that when we entered into the agreement with enXco, and it's costing the ratepayers, according to LIPA's press release, 120 million dollars over 20 years, six million dollars a year, when PSEG just told us all that we have enough capacity, that we don't need anymore, and we probably -- that LIPA probably bought too much capacity. So while I want to support this and while I'm excited about alternative energy, without having that information, it's very, very difficult for me to vote in the affirmative for this, given what we know.

**P.O. GREGORY:**

Okay.

**LEG. CILMI:**

And I understand the point about they're going to buy it anyway. I just don't want to tacitly approve it by authorizing this resolution without having the information, that's all.

**P.O. GREGORY:**

Okay. We -- Mr. Clerk, we have -- we do have a motion to approve and a motion to table, right?

**MR. LAUBE:**

Yes, you do.

**P.O. GREGORY:**

Okay. Tabling motion goes first. All in favor? Opposed?  
To tabling?

**LEG. CILMI:**

In favor.

**P.O. GREGORY:**

All in favor to tabling? Opposed? Abstentions?

**MR. LAUBE:**

They got three against, yes?

**P.O. GREGORY:**

No. Three in favor.

**MR. LAUBE:**

Three for tabling. Sorry. Three for tabling, so three.

*(In Favor of Tabling: Legislators Muratore, Cilmi and Kennedy)*

**P.O. GREGORY:**

Okay. Motion fails. Motion to approve. All in favor? Opposed? Abstentions?

**LEG. CILMI:**

(Raised hand) Abstain.

**LEG. KENNEDY:**

(Raised hand) I'll abstain.

**LEG. HAHN:**

(Raised hand).

**LEG. MURATORE:**

(Raised hand).

**MR. LAUBE:**

Fifteen.

**P.O. GREGORY:**

Okay. Motion --

**MR. LAUBE:**  
Fourteen. Sorry.

**P.O. GREGORY:**  
Motion carries.

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

**P.O. GREGORY:**  
All right, there is a similar resolution on page eleven I've been requested to take out of order.  
***IR 1752-14 - Making a SEORA determination in connection with the proposed Sunedison Francis S. Gabreski Airport Solar Installation Project, Town of Southampton (Presiding Officer Gregory).***

**D.P.O. SCHNEIDERMAN:**  
Motion to approve.

**P.O. GREGORY:**  
Motion to approve by Legislator Schneiderman.

**LEG. CILMI:**  
To take out of order?

**LEG. KRUPSKI:**  
Second.

**P.O. GREGORY:**  
Yes, seconded by Legislator Krupski to take out of order. All in favor? Opposed? Abstentions?  
I'm sorry.

**MR. NOLAN:**  
It's in EPA.

**P.O. GREGORY:**  
It's in EPA, it's a SEORA determination. So the motion is before us. The resolution is before us.

**MR. LAUBE:**  
*Eighteen.*

**P.O. GREGORY:**  
It's 1752. Motion to approve by Legislator Schneiderman. Second by Legislator Krupski.

**LEG. CILMI:**  
I got it.

**P.O. GREGORY:**  
Right? Any questions? All in favor? Opposed? Abstentions?

**MR. LAUBE:**  
Eighteen.

**P.O. GREGORY:**

Okay. Back to page nine, *(Resolutions Tabled to September 9, 2014):*

***IR 1314-14 - Adopting Local Law No. -2014, A Local Law to require consumer notification for disparate gasoline -- I'm sorry.***

**MR. NOLAN:**

No, it's an old bill.

**P.O. GREGORY:**

Oh -- ***gasoline pricing (Schneiderman)***. Motion to table by Legislator Schneiderman. I'll second it. 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 (CP7439) (Spencer).***

**LEG. SPENCER:**

Motion to table.

**P.O. GREGORY:**

Motion to table by Legislator Spencer. Second by Legislator Calarco. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

***IR 1464-14 - Appropriating funds in connection with Improvements to North Fork Preserve (CP 7189) (County Executive).***

**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. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

***IR 1507-14 - Adopting Local Law No. -2014, A Charter Law to improve budget and fiscal communication in County Government (Krupski).***

**LEG. KRUPSKI:**

Motion to approve.

**P.O. GREGORY:**

Motion to approve by Legislator Krupski.

**LEG. KENNEDY:**

Second.

**P.O. GREGORY:**

Second by Legislator Kennedy. On the motion, questions? No? Okay. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

**Budget & Finance:**

***IR 1567-14 - Updating County's Investment Policy (Presiding Officer Gregory).***

**LEG. D'AMARO:**

Motion to approve.

**P.O. GREGORY:**

Motion to approve. Who was that, Legislator D'Amaro? Okay. I'll second.

**LEG. HAHN:**

Explanation.

**P.O. GREGORY:**

Explanation.

**MR. NOLAN:**

Well, this resolution was drafted after we were contacted by the Treasurer's Office, they wanted to make some changes to the County's investment policy.

The first is to authorize participation into a Deposit Placement Program, and basically that states that the bank and trust companies are authorized for the deposit of County monies or authorized to arrange for the redeposit of the County's monies in one or more banking institutions for the account of the County through a Deposit Placement Program that meets the requirements of General Municipal Law.

The second change is allowing the collateral for the County deposits to be an irrevocable letter of credit issued in favor of the County by a Federal Home Loan Bank.

And the third change is to allow the County to invest in Tax Anticipation Notes and Reserve Anticipation Notes issued by any school district in the State of New York. These were actually recommended by the County's investment advisor and then the Treasurer contacted us to prepare this resolution. They explained it in committee and it's basically, I think, to try to get more return on the County's investment; that's what it's designed for. It just gives them, the Treasurer, more flexibility in terms of investing in a couple of different other options that they believe will help the

County.

**LEG. HAHN:**

But are they riskier? Obviously you get a better return when you have a riskier investment, right?  
So --

**MR. NOLAN:**

But they're still pretty darn safe.

**LEG. HAHN:**

All right.

**LEG. D'AMARO:**

Well, if I could speak to that?

**P.O. GREGORY:**

Legislator D'Amaro.

**LEG. D'AMARO:**

We did discuss this for a couple of cycles in committee, and the Treasurer was kind enough to appear at one of the meetings and explain her position on it.

On the redeposit, the reason why I'm supporting the bill is the redeposit allows us to obtain more FDIC coverage than we're getting currently, which is -- even though the FDIC is a private company, in the event of an economic catastrophe, I think the Federal government would stand behind that FDIC insurance. So if the County takes a million dollars and puts it into an approved institution, what we're authorizing -- we would only have FDIC coverage for the first 250,000, and the bank, in order to fully secure the other 750, would have to incur an expense to do that. Instead, we'll allow that bank to go and place the other 750 in three other banks so we get FDIC insurance on all of the deposit as opposed -- which will make it a better return to the County because it's cheaper to deposit the money with that institution. So that's the first point that was made.

Investments in the Tax Anticipation Notes and the Revenue Anticipation Notes, the Treasurer was comfortable that they are suitable investments but would not be investments made in the first instance. But certainly, many municipalities are issuing those notes and I think there's a minor, if any, rate of default on that.

The third issue was the letter of credit which would permit the Federal Home Loan Bank to issue a letter of credit to secure the County's deposit, I believe, if I remember this correctly. Which is something that was approved by the New York State Legislature and researched by the New York State Legislature as a suitable means of making sure the County has 100% coverage of any funds that gets deposited. So in other words, the State Legislature authorizes the counties to go ahead and include this on the list of items, ways that our deposits could be securitized, or secured rather.

So that's the explanation that I had. I think that the redeposit is a good thing. I think it's advantageous for the County to have the FDIC insurance as opposed to anything else. And it's also going to, I think, slightly perhaps increase the return to the County, although the Treasurer wasn't as concerned about that as she was about the fact that this would, in fact, provide us with the FDIC insurance, which is important to protect the deposits when she places funds in approved banks, and the Federal Home Loan Bank method of securing our deposits has been approved by the State Legislature. So I didn't have a problem supporting the bill.

**LEG. HAHN:**

Thank you.

**P.O. GREGORY:**

Okay. Legislator Barraga.

**LEG. BARRAGA:**

The only question I have is that on the redeposit phase, let's say a million dollars, and you go to the first bank and they're redepositing 750,000, 250,000 in each of three banks to get the FDIC security, is the County getting the same return for the million or is that return now different based on the rates being offered by the second, third and fourth bank?

**MR. LIPP:**

It's not clear, I guess. It could go either way. It would be --

**LEG. BARRAGA:**

I mean, I would have -- we'd wind up with the FDIC coverage, but I see a possibility with the second, third and fourth bank not having the same rate of return -- say on a Certificate of Deposit -- as the first bank.

**MR. LIPP:**

Right. But it wouldn't be done unless there was some difference or delta in our favor. I think as George put it pretty aptly, you know, it gives us three potential new sources of additional revenues that may or may not come to fruition.

**LEG. BARRAGA:**

Well, I understand that. It's just my feeling that I would like to see -- I wouldn't like to see the County suffer with the second, third and fourth bank getting a rate of return less than what the first bank was offering just to get the FDIC coverage. The FDIC coverage is important but, you know, if the first bank is offering 3% and then they go to the second, third and fourth bank and it's two-and-a-quarter, two-and-a-half and two-and-three-quarters, we've taken a reduction in the rate of return just to get the FDIC coverage. I'd like to see if we go to the first bank, the first banks says, *I'll give you three percent*, and guarantee the three percent of the 750, based on the second, third and fourth banks they go to.

**MR. LIPP:**

Right. That's possible, but it's not clear.

**LEG. BARRAGA:**

Okay. Thank you.

**P.O. GREGORY:**

Legislator D'Amaro.

**LEG. D'AMARO:**

Yeah. Legislator Barraga, I think I have an answer for your question. I was given a memo in committee that addressed some of those issues. And actually, it's an Office of the State Comptroller Memorandum of November, 2012, which deals specifically with this Deposit Placement Program. What's interesting about it is let's use the million dollar example; when we put a million dollars into an approved bank and then they divvy up 250/250/250, the banks receiving the 250 must redeposit with our approved lender 250,000. So at the end of the day, the only bank we're really dealing with is the original bank and that's where we're going to get our return. So I think the return in the next level down doesn't impact the County. That's my interpretation of the Comptroller's opinion.

**LEG. BARRAGA:**

Okay, that was my only concern.

**P.O. GREGORY:**

Okay. We have a motion and a second, Mr. Clerk?

**MR. LAUBE:**

Yes, you do.

**P.O. GREGORY:**

Okay. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

Okay. **(Economic Development):**

***IR 1656-14 - Reappointing member to the Suffolk County Landbank Corporation Board of Directors (Calarco).***

**LEG. CALARCO:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Calarco.

**LEG. CILMI:**

Second.

**P.O. GREGORY:**

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

**MR. LAUBE:**

*Seventeen (Abstention: Presiding Officer Gregory).*

**P.O. GREGORY:**

Okay. ***IR 1747-14 - Approving and authorizing a contract for a Nicolls Road Alternatives Analysis Study (County Executive).***

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

Motion.

**P.O. GREGORY:**

Motion by Legislator Schneiderman.

**LEG. LINDSAY:**

Second.

**P.O. GREGORY:**

Second by Legislator Lindsay. Any questions?

**LEG. CILMI:**

May I?

**P.O. GREGORY:**

*(Nodded head yes).*

**LEG. CILMI:**

This is a study for what exactly?

**LEG. LINDSAY:**

Bus rapid transit.

**LEG. CILMI:**

Ah, bus rapid transit. And how much is this study going to cost us?

**LEG. LINDSAY:**

Enough.

**LEG. CILMI:**

We get reimbursed from some other level?

**LEG. KENNEDY:**

Eighty percent funding.

**LEG. CILMI:**

Eighty percent funding?

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

And the other 20% is in-kind, so it's labor from the Department of Public Works.

**DEPUTY COMMISSIONER TYSON:**

Yeah, that's correct.

**LEG. CILMI:**

Okay. Thank you.

**P.O. GREGORY:**

Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

**LEG. KENNEDY:**

Opposed.

**MR. LAUBE:**

*Seventeen (Opposed: Legislator Kennedy).*

**P.O. GREGORY:**

Okay. ***IR 1749-14 - Appointing Gregory T. Casamento as a member of the Suffolk County Industrial Development Agency (IDA) (Presiding Officer Gregory).***

**LEG. LINDSAY:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Lindsay. Second by Legislator Stern. Questions, on the motion? All in favor? Opposed? Abstentions?

**LEG. BROWNING:**

Motion. Can we get a little background? I'm actually trying to find his resume.

**P.O. GREGORY:**

We just voted.

**MR. LAUBE:**

I didn't call it.

**P.O. GREGORY:**

I thought I heard you say cosponsor?

**LEG. BROWNING:**

No.

**P.O. GREGORY:**

There is -- I know a resume has been provided.

**LEG. BROWNING:**

That's okay. I'm just going to abstain from the vote.

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

He did -- just for the record, he did appear before the committee.

He did present, I thought, very well and has a great background. If you have a chance to look at his resume, I think you'll be --

**LEG. BROWNING:**

Yeah, it's just -- there was someone whose name was brought to our attention with an interest in the IDA Board and was not interviewed. So for that purpose, I will abstain from the vote.

**P.O. GREGORY:**

Okay. Mr. Clerk?

**MR. LAUBE:**

*Seventeen (Abstention: Legislator Browning).*

**P.O. GREGORY:**

All right. **(Education & Information Technology):**

***IR 1674-14 - Accepting and appropriating a grant sub-award amendment from The Research Foundation of SUNY Stony brook University, the prime recipient of a grant award from the National Institute of General Medical Sciences, for a project entitled, "BioPREP: Biology Partnership in Research and Education Programs", 100% reimbursed by Federal funds at Suffolk County Community College (County Executive).*** Motion by Legislator Anker. Second by Legislator Hahn. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

***IR 1685-14 - Appoint member to the Suffolk County Community College Board of Trustees (Denise Lindsay Sullivan) (Anker).*** Motion by Legislator Anker, second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

**LEG. LINDSAY:**

Recusal.

**MR. LAUBE:**

*Seventeen (Recused: Legislator Lindsay).*

**P.O. GREGORY:**

**(Environment, Planning & Agriculture):**

***IR 1661-14 - Authorizing appraisal of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 - Mastic/Shirley Conservation Area properties - Town of Brookhaven (County Executive).***

**LEG. BROWNING:**

Motion.

**LEG. HAHN:**

*(Raised hand).*

**P.O. GREGORY:**

Motion by Legislator Browning. Second by Legislator Hahn. Questions? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

***IR 1672-14 - Authorizing the acquisition of Farmland Development Rights under the New Suffolk County Drinking Water Protection Program (effective December 1, 2000) for the Volmut and Fleming property - Town of Riverhead – (SCTM No. 0600-098.00-01.00-019.000) (County Executive).***

**LEG. KRUPSKI:**

So moved.

**LEG. HAHN:**

*(Raised hand).*

**P.O. GREGORY:**

Motion by Legislator Krupski. Second by Legislator Hahn. Any questions? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

***IR 1673-14 - Authorizing the acquisition of Farmland Development Rights under the New Suffolk County Drinking Water Protection Program (effective December 1, 2000) and the***

**Farmland Preservation Program for the Brush property – Brush Family Farm – Town of Riverhead (SCTM No. 0600-044.00-02.00-010.004 p/o) (County Executive).** Motion by Legislator Krupski. Second by Legislator Hahn. Any questions? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

**IR 1676-14 - Authorizing acquisition of land under the Old Suffolk County Drinking Water Protection Program [C12-5(E)(1)(a)] - for the Ethel and Alexander Nichoson Foundation property - Watson Avenue Wetlands -Town of Babylon - (SCTM Nos. 0100-211.00-02.00-010.002, 0100-211.00-02.00-020.000, 0100-211.00-02.00-024.000, 0100-211.00-02.00-025.000, 0100-211.00-02.00-031.000 AND 0100-211.00-02.00-032.000) (County Executive).** Motion by Legislator McCaffrey. I'll second. Any questions? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

**IR 1684-14 - Authorizing an appraisal for the purchase of Development Rights of Farmland under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007, Eberhard Nurseries – Town of Brookhaven (SCTM No. 0200-679.00-01.00-006.000) (Krupski).**

**LEG. KRUPSKI:**

Motion.

**P.O. GREGORY:**

Motion -- who was that? Legislator Krupski. Second by Legislator Muratore. Any questions? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

**IR 1697-14 - Establishing a Suffolk County North Shore Coastal Erosion Task Force (Anker).**

**LEG. ANKER:**

*(Raised hand).*

**LEG. HAHN:**

*(Raised hand).*

**P.O. GREGORY:**

Motion by Legislator Anker. Second by Legislator Hahn. Any questions?

**LEG. KRUPSKI:**

On the motion?

**P.O. GREGORY:**

On the motion, Legislator Krupski.

**LEG. KRUPSKI:**

Just for the record; I was present, Tim, on that one. Thanks.

And I think it's a good idea. I think it will bring the community to get a little bit more awareness to the process of coastal erosion and the property owner's options, working with the DEC. And probably -- I don't know if there's any other town regulatory agencies, but it's good to raise that kind of awareness.

**P.O. GREGORY:**

Okay.

**LEG. KENNEDY:**

On the motion?

**P.O. GREGORY:**

Legislator Kennedy.

**LEG. KENNEDY:**

Yes. Legislator Anker, I just want to talk about a little conversation we had before where conceptually this seems to be a good idea. I would just ask that you reach out or bring some of the local stakeholders to bear and do so, either whether it's through amendment or what have you, so that they have the input on the task force as well.

**LEG. ANKER:**

That would be fine. I look forward to having a conversation and bringing the local and the town government into, you know, this issue. Because it's on all levels of government and we really need to focus on this and work quickly, because the longer we wait, the issue is -- the problem becomes a bigger problem the longer we wait.

**LEG. KENNEDY:**

Okay.

**LEG. ANKER:**

And I also want to clarify, too, the people that I've asked to be on the board -- you know, Federal, State and County government -- there's no additional tax -- additional costs to the taxpayer. Basically, you know, yes, we're going to be paying their salaries to work on this, but it's a way of focusing on this project. In other words, they're doing their jobs and we're just hoping to focus on this particular issue.

**LEG. KENNEDY:**

Okay.

**LEG. ANKER:**

And I think we're going to come up with some great ideas.

**LEG. KENNEDY:**

Terrific. Thanks.

**P.O. GREGORY:**

Okay. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

Okay, **IR 1729-14 - Authorizing appraisal of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007, Menu of Homes, Inc. – Town of Brookhaven (SCTM No. 0200-825.00-03.00-026.000) (Browning).** Legislator Browning?

**LEG. BROWNING:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Browning. Second by Legislator Moratore. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

Muratore, I'm sorry. I just want more of you, so I always say Moratore.

*(\*Laughter\*)*

**IR 1733-14 - To appoint member of the Suffolk County Planning Commission (Samuel E. Kramer) (County Executive).** Motion by Legislator Schneiderman.

**LEG. MURATORE:**

*(Raised hand).*

**P.O. GREGORY:**

Second by Legislator Muratore.

**LEG. KENNEDY:**

On the motion?

**P.O. GREGORY:**

On the motion.

**LEG. KENNEDY:**

What slot is this gentleman filling?

**MR. NOLAN:**

East Hampton.

**LEG. KENNEDY:**

It's in East Hampton?

**MR. NOLAN:**

*(Nodded head yes).*

**LEG. KENNEDY:**

Okay, good. Thank you.

**P.O. GREGORY:**

Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

***IR 1743-14 - Amending the Adopted 2014 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2014 Capital Budget and Program, and appropriating funds in connection with the innovative alternative on site Wastewater Treatment Program (8710.140)(County Executive).***

**LEG. KRUPSKI:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Krupski.

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

Second.

**P.O. GREGORY:**

Second by Legislator Schneiderman.

**LEG. KENNEDY:**

On the motion. How much?

**MR. NOLAN:**

250.

**LEG. KENNEDY:**

250?

**LEG. HAHN:**

Oh, second.

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

I said it already.

**LEG. KENNEDY:**

Okay. And this is to actually construct a system or to study a system, or systems? Anybody?

**P.O. GREGORY:**

Sarah.

**LEG. KENNEDY:**

Hi, Sarah. How are you?

**MS. LANSDALE:**

Good. How are you?

**LEG. KENNEDY:**

I'm fine. This is to actually build a system or to study satisfactory alternatives to what we have now?

**MS. LANSDALE:**

This is to do a couple of things. It's to test a variety of innovative, alternative, on-site wastewater treatment systems, as well as to develop a local training program with local industries so that they can properly install and maintain these innovative alternative systems once they're approved, as well as provide a homeowner educational training program for proper septic system maintenance, as well as laying the foundation for a County-wide septic upgrade program.

**LEG. KENNEDY:**

Do we have any systems besides -- I guess the chromo glass is the only small package alternative that we had had. Last time we met, I thought that there was one or two others that Health was like on the threshold of approving? Did we get to that, Walter?

**MR. DAWYDIAK:**

Walter Dawydiak, Health Department. Yes, we've got about a half dozen alternatives that are packaged, off-the-shelf plants, but they're approved for flows of 1,000 to 15,000 gallons per day to meet State pollution discharge elimination system requirements, so that would be anywhere from three to 50 households or the equivalent flow. This program is for small flows of under 1,000 gallons per day --

**LEG. KENNEDY:**

Oh.

**MR. DAWYDIAK:**

-- and it's for systems that remove 50% or more of the nitrogen, so it's a different class of systems.

**LEG. KENNEDY:**

I see, okay. All right, thank you. Thank you, Mr. Chair.

**P.O. GREGORY:**

Okay. Anyone else? Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

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

Cosponsor, Tim.

**P.O. GREGORY:**

Okay, 1746 we did, 1752.

Okay, ***IR 1753-14 - Making a SEQRA determination in connection with the proposed pedestrian safety improvements to CR 35, Park Avenue, Town of Huntington (Presiding Officer Gregory).***

**LEG. SPENCER:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Spencer.

**LEG. D'AMARO:**

Second.

**P.O. GREGORY:**

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

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

***IR 1754-14 - Making a SEORA determination in connection with the proposed modification to the Vector Control and Wetlands Management Long-Term Plan (Presiding Officer Gregory).***

**LEG. KRUPSKI:**

Motion.

**P.O. GREGORY:**

Motion by Krupski. Okay, I'll second. Anybody have any questions? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

***IR 1755-14 - Making a SEORA determination in connection with the proposed Indian Island/Terry's Creek Tidal Wetland Restoration, Town of Riverhead (Presiding Officer Gregory).*** Motion by Legislator Krupski. Second by -- I'll second it. Any questions? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

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

***(Government Operations, Personnel, Housing & Consumer Protection):***

Okay, ***IR 1660-14 - Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Brookhaven for affordable housing purposes (SCTM No. 0200-973.70-06.00-023.000)(County Executive).***

**LEG. CALARCO:**

Motion to approve.

**P.O. GREGORY:**

Motion to approve by Legislator Calarco. I'll second. Any questions? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

***IR 1670-14 - Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Brookhaven for affordable housing purposes***

*(SCTM No. 0200-030.00-04.00-024.000)(Anker).*

**LEG. ANKER:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Anker.

**LEG. CALARCO:**

Second.

**P.O. GREGORY:**

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

**LEG. ANKER:**

Tim, cosponsor.

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

***IR 1671-14 - Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Brookhaven for affordable housing purposes (SCTM No. 0200-030.00-04.00-025.000)(County Executive).***

**LEG. ANKER:**

Motion.

**LEG. CALARCO:**

Second.

**P.O. GREGORY:**

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

**MR. LAUBE:**

*Eighteen.*

**LEG. ANKER:**

Tim, cosponsor.

**P.O. GREGORY:**

***IR 1689-14 - Approving the reappointment of William C. Macchione as a member of the Suffolk County Home Improvement Contracting Board (County Executive).*** I'll make the motion.

**LEG. CALARCO:**

Second.

**P.O. GREGORY:**

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

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

Okay. ***IR 1693-14 - Approving the appointment of Jason Lucia to Detective in the Suffolk County Police Department (County Executive).***

**LEG. CALARCO:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Calarco. Second by Legislator Anker. Any questions?

**LEG. BROWNING:**

Can I ask a question? My guess is it's because he's related to another member in the Police Department?

**LEG. CALARCO:**

That is correct.

**LEG. BROWNING:**

It has to do with nepotism.

**LEG. CALARCO:**

This is a nepotism law, and he came through -- we asked the questions at committee. He came through the regular procedures for promotions and was one of the top qualifying candidates.

**P.O. GREGORY:**

Okay. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

Okay, congratulations.

***IR 1698-14 - Updating standard work day and reporting for Elected Officials – 2014 (Presiding Officer Gregory).*** Motion by Legislator Schneiderman.

**LEG. CALARCO:**

Second.

**P.O. GREGORY:**

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

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

***IR 1710-14 - Authorizing amendments to Affordable Housing Development Agreements for Wyandanch Rising to reflect a municipally approved rent standard (County Executive).***

I'll make a motion.

**LEG. D'AMARO:**  
Second.

**P.O. GREGORY:**  
Second, Legislator D'Amato. Any questions? All in favor? Opposed? Abstentions?

**MR. LAUBE:**  
*Eighteen.*

**P.O. GREGORY:**  
**(Health):**

Okay, ***IR 1394-14 - Adopting Local Law No. -2014, A Local Law to warn consumers of the dangers of liquid nicotine (Anker).***

**LEG. ANKER:**  
Motion to table.

**P.O. GREGORY:**  
Motion to table by Legislator Anker.

**LEG. CALARCO:**  
Second.

**P.O. GREGORY:**  
Second by Legislator Calarco. All in favor? Opposed? Abstentions?

**MR. LAUBE:**  
*Eighteen.*

**P.O. GREGORY:**  
***IR 1641-14 - Approving the appointment of Stephen L. Dewey as a member of the Suffolk County Board of Health (Presiding Officer Gregory).***

**LEG. KENNEDY:**  
Motion.

**P.O. GREGORY:**  
Motion by Legislator Kennedy. Second by Legislator Cilmi. Anybody? Okay. All in favor? Opposed? Abstentions?

**LEG. KENNEDY:**  
Cosponsor, Tim.

**MR. LAUBE:**  
*Eighteen. Got it.*

**P.O. GREGORY:**  
***IR 1735-14 - Establishing a "Protect Our Drinking Water" Public Education Campaign Contest to increase awareness of the importance of aquifer protection (Spencer).***

**LEG. SPENCER:**  
Motion.

**P.O. GREGORY:**

Motion by Legislator Spencer.

**LEG. D'AMARO:**

Second.

**P.O. GREGORY:**

Second by Legislator D'Amaro.

**LEG. CILMI:**

On the motion?

**P.O. GREGORY:**

On the motion, Legislator Cilmi.

**LEG. CILMI:**

Doc, I'm sorry (*laughter*), but I have to ask this question; how many contests do we have here? Let's have a contest to find out how many contests we run as Legislators? I mean, this --

**LEG. SPENCER:**

This --

**LEG. CILMI:**

I mean, I'm all in favor of, you know, providing public information and getting input, but I get the feeling we're like the Merv Griffin Network. We have so many contests.

**LEG. SPENCER:**

Well, the contests -- for instance, we did the energy drink contest, we had a hundred submissions, but when you look at a lot of school-age kids, it really made a big difference. This came out of LICAP and it didn't come originally from me. The LICAP, the bi-County commission, one of their biggest issues is that most people, especially young people, have no idea what an aquifer is and they're looking for ways --

I think the County Executive Office, they sponsored kind of a -- was it a crapshoot with regards to -- but this came out of -- and Nassau's working on this, too, so it's just a way that -- still people would assume that our waters come from reservoirs, and there's just a lot of ignorance out there.

What we're going to do is the winning, again, ad will kind of run on Cablevision and it'll make a lot of kindergarten classes and 1st grade classes come home, they'll educate their parents. It's something simple and it creates awareness, it doesn't cost us anything and that's why I hope we can do it. And it's voluntary; if you don't want to participate, you don't have to.

*(\*Laughter\*)*

**P.O. GREGORY:**

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

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

Okay. We did the next two, we did actually the next three.

**(Human Services):**

***IR 1708-14 - To appoint member of Suffolk County Youth Board Coordinating Council representing Legislative District No. 3 (Jason Neal) (County Executive).***

**LEG. BROWNING:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Browning. Second by Legislator Moratore. Muratore. I'm just going to leave you alone. I can't pronounce your name today for some reason. We have a second by the Legislator from the 4th Legislative District.

**(\*Laughter\*)**

All right. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

All right.

***IR 1709-14 - To appoint member of Suffolk County Youth Board Coordinating Council representing Legislative District No. 7 (Shawn Hirst) (County Executive).*** Motion by Legislator Calarco.

**LEG. CALARCO:**

Timmy.

**P.O. GREGORY:**

I'll second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

***IR 1728-14 - To strengthen the Teen Pregnancy Advisory Board (Spencer).*** Motion by Legislator Spencer.

**LEG. D'AMARO:**

Second.

**P.O. GREGORY:**

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

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

***IR 1744-14 - To appoint member of Suffolk County Youth Board Coordinating Council representing Legislative District No. 15 (Sheila Ann Johnson) (County Executive).***

I'll make a motion. Second? Second?

**LEG. CILMI:**

Second.

**P.O. GREGORY:**

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

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

**(Parks & Recreation):**

***IR 1657-14 - Authorizing the use of Smith Point County Park, Cathedral Pines County Park and Smith Point Marina by the Long Island 2 Day Walk to Fight Breast Cancer, Inc., for Breast Cancer Walk in 2015 (Browning).***

**LEG. BROWNING:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Browning.

**LEG. CALARCO:**

Second.

**P.O. GREGORY:**

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

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

***IR 1719-14 - Authorizing use of Cupsogue County Park by Blessings in a Backpack and Backpacks for Fellow Students for their Run For A Reason Fundraiser (County Executive).***

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

Motion.

**P.O. GREGORY:**

Motion by Legislator Schneiderman. I'll second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

***IR 1720-14 - Authorizing use of Cupsogue Beach County Park by the American Cancer Society, for the Amazedness Kite Fly Fundraiser (County Executive).***

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

Motion.

**P.O. GREGORY:**

Motion by Legislator Schneiderman.

**LEG. CILMI:**

Second.

**P.O. GREGORY:**

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

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

***IR 1721-14 - Authorizing use of Manorville Hills County Park by the Long Island Greenbelt Trail Conference for its 15k Trail Race Fundraiser (County Executive).***

**LEG. CALARCO:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Calarco.

**LEG. CILMI:**

Second.

**P.O. GREGORY:**

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

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

***IR 1740-14 - Authorizing execution of Cooperative Grant Agreement and Ancillary Agreements with the Army Corps. Of Engineers and Cornell Cooperative Extension in connection with a restoration project at Cedar Beach County Park in Southold (SCTM No. 1000-093.00-02.00-002.004) (County Executive).*** Motion by Legislator Krupski.

**LEG. KRUPSKI:**

*(Shook head no).*

**P.O. GREGORY:**

No motion by --

**LEG. KRUPSKI:**

I have to recuse myself.

**P.O. GREGORY:**

Oh, I'm sorry.

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

I'll make the motion.

**P.O. GREGORY:**

Motion by Legislator Schneiderman. I'll second it. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Seventeen (Recused: Legislator Krupski).*

**P.O. GREGORY:**

We did 1620.

**(Public Safety):**

***1655-14 - Re-establishing the "Safe Pets and Families Program" to provide temporary shelter for pets of domestic violence victims in Suffolk County (Schneiderman).***

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

Motion.

**P.O. GREGORY:**

Motion by Legislator Schneiderman.

**LEG. CILMI:**

Second.

**P.O. GREGORY:**

Second by Legislator Cilmi.

**P.O. GREGORY:**

I have a question. Does this cost anything?

**LEG. KENNEDY:**

No.

**P.O. GREGORY:**

So this is for a victim of domestic violence?

**LEG. KENNEDY:**

In committee, it was the testimony that there was a program that had been involved in the past, I guess, they reactivated it and it is being done through a voluntary basis. And I guess it's, you know, when somebody's got to kind of flee the house overnight or whatever to accommodate the pets.

**P.O. GREGORY:**

Okay. All right. We have a motion and a second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

**LEG. D'AMARO:**

Wait a minute. I'm sorry, I had a question on this.

**P.O. GREGORY:**

I'm sorry.

**LEG. D'AMARO:**

I had a question on this.

**P.O. GREGORY:**

I didn't see you. What's your question?

**LEG. D'AMARO:**

Well, my -- well, did we call the vote already?

**LEG. McCAFFREY:**

We did.

**LEG. D'AMARO:**

Well, I'd like to make a motion to reconsider then?

**P.O. GREGORY:**

I'll second?

**LEG. D'AMARO:**

I can do that, right?

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

You have to be on the prevailing side.

**LEG. D'AMARO:**

I'm not saying I'm going to vote against it, but I did have a question.

**P.O. GREGORY:**

Yep. I'll second it. Motion to reconsider. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

**LEG. D'AMARO:**

All right, thank you. The resolution -- I don't have a problem with the program, of course. But the resolution says that the County is going to be entering into a service agreement with the SPCA to run this program. And I would like to know, one, has that agreement been drafted, and what form is it in? And second of all, I would like to know what the County's responsibilities are under that agreement; and third, I'd like to know why we need that agreement in the first place. So is there anyone here that can answer that question?

**MR. VAUGHN:**

Legislator D'Amaro, there has not been an agreement either drafted or in place yet, if that answers at least part of your question.

**LEG. D'AMARO:**

Well, it does, but my question is is this program is going to provide temporary shelter for pets of domestic violence victims? And that's a very noble thing to do and I don't have a problem with, of course, doing that, but I don't understand why the SPCA needs to enter into an agreement with the County to do that. The SPCA is a private organization and they're going to provide a service as a private organization to victims of domestic violence to take care of their pets. What is the County's role in that?

**MR. VAUGHN:**

Legislator D'Amaro, I would defer to the sponsor on this. I don't have the answer to that question. I'm sorry.

**LEG. D'AMARO:**

Who's the sponsor? Oh, Legislator Schneiderman.

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

So the SPCA had an agreement with the County from 2000, I guess, to 2002. It's similar, but back then there was a cost associated with it. The County, I guess, didn't want to continue funding it. The SPCA came to me with the request to get the program going without any County funding, and that's really the genesis of this, is to get it back in place without us having to pay for the program, they're willing to do it. They would like to be funded, but they don't want to see the program end either. So why do they need to have this arrangement? I'm sure that Suffolk County PD or the shelters or whatever can call upon them for this function, I'm not exactly sure. But they certainly felt that they needed this in place. Maybe George knows, you know, why they would need that official designation. But I can't really answer that either, other than it's something that the SPCA asked for, it's something that existed in the past and they would like to see revised.

**MR. NOLAN:**

I don't think I can add anything to that. I think it's probably because back ten years ago the County was involved in an agreement with them and then they decided that it would be a good idea to get it going again and they approached the County. Maybe the County doesn't have to be involved, maybe it could be achieved another way, but this is the way it has come in.

**LEG. D'AMARO:**

Well, I'd like to know what the County involvement is. Because if the Police Department is on the front line with, of course, domestic violence and some unfortunate situations and they need to call on the SPCA to intervene on behalf of a pet, why do we need a service agreement? And if we do need a service agreement, what are we giving to the SPCA? So, I mean, we're authorizing the program, but we're not knowing upfront, you know, what the consideration is back and forth.

I'm a little concerned about this, obviously, because in the past we've had very long debates about, you know, what is the County's role; are we providing indemnification to an organization; how is it going to be carried out; who's going to be actually providing the service and how is that service delivered? What's the risk to the County, and is the County offering any kind of indemnification to this organization to do this? And I think we should have the answers to those questions, as we have in the past in similar situations before we go ahead and approve this. So I don't know if Mr. Vaughn has any of those answers or if there's anyone here that does. But certainly, if we are entering into an agreement with any organization, I think we should at least know what the liability is to the County before we authorize it. So is there anyone here that knows the answer to that question?

**MR. VAUGHN:**

I can confirm, Legislator D'Amaro, exactly what you have said, that we've had very extensive debates with the SPCA in terms of indemnification and who is responsible for what and I have personally been involved in those conversations with the SPCA over time. Should this legislation be enacted tonight, that would be one of the things that we would consider during the 15 days that we have to either approve or disapprove of the bill. I'm not saying that we're contemplating a veto at this point in time, I think the concerns that you raise are certainly valid. I just don't know that I have answers to some of those concerns that would address --

**LEG. D'AMARO:**

All right, thank you. Let me ask, this was in the Public Safety Committee, the Chair is I think Legislator Browning; is that correct?

**LEG. BROWNING:**

*(Nodded affirmatively).*

**LEG. D'AMARO:**

Just through the Chair, do you recall if, during the committee process, any of those questions were asked and answered or raised?

**LEG. BROWNING:**

No, there was not.

**LEG. D'AMARO:**

No, they weren't asked, or you don't recall?

**LEG. BROWNING:**

No, I don't believe any of those questions were asked.

**LEG. D'AMARO:**

They weren't. I would only ask maybe to table it for a cycle so I could at least get some answers to those questions. I think it's important for us to know exactly what liabilities the County is taking on in what is a very worthy program; but nonetheless I think we should know what the terms are before we go ahead and authorize an agreement. Similar to when we sign a lease, we have the lease before us. I just don't know what the terms are going to be, and I would be disappointed to find out that the County has provided a certain level of indemnification or some other consideration for this after the fact, and then our hands are tied and there's nothing we can do.

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

I certainly understand your concerns. The bill tasked them with going and developing that plan and those terms, but it doesn't require it comes back to the Legislature after they've developed it.

**LEG. D'AMARO:**

Right. That's my concern.

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

I guess the Administration and the SPCA would develop the Safe Pets and Family Program. You know, the terms don't exist right now.

**LEG. D'AMARO:**

Well, they should, if I'm going to vote on something. I'm voting on nothing now.

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

Other than going out and developing those terms.

**LEG. D'AMARO:**

Yeah, but -- (*laughter*). Jay, all I'm asking is that I want to know what is the County doing and giving up and what position are we putting the County in before I vote. You know, it's a basic question, I think. And I think given the history of experience with this particular organization, I want to know what our County liabilities are going to be in any service agreement with any organization, including the SPCA. I don't want to be put in a position to vote against a very worthy program.

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

Understood. So --

**LEG. D'AMARO:**

But I don't want to put the County taxpayer on the hook either, similar to the other debates we had with respect to indemnification.

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

I mean, we could -- I could amend the bill to require it to come back after it's been developed, that's possible.

**LEG. D'AMARO:**

That's fine.

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

You could go ahead and make the tabling motion and I'll probably support it, because I don't want you to have to vote for something that's not -- you're not comfortable with.

**LEG. D'AMARO:**

I appreciate that.

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

It's just one cycle.

**LEG. D'AMARO:**

I will offer a motion to table on that basis. Again, it's not about the program, it's just dotting the Is and crossing the Ts and being fully informed before we actually cast a vote.

**LEG. TROTТА:**

I'll second it.

**P.O. GREGORY:**

Okay. So we have a motion to table by Legislator D'Amaro, a second by Legislator Trotta. Anyone else? So the tabling motion goes -- well, actually that's the only motion we have at this point.

**MR. LAUBE:**

No, no, you have a motion and a second on 1655, unless somebody withdrew it.

**P.O. GREGORY:**

Okay. Well, the tabling motion goes first.

**MR. LAUBE:**

Tabling goes first.

**P.O. GREGORY:**

All in favor of tabling? Opposed? Abstentions?

**LEG. HAHN:**

Opposed.

**LEG. D'AMARO:**

I want to thank Legislator Schneiderman for cooperating. I appreciate that.

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

You're welcome.

**P.O. GREGORY:**

Thank you. One opposed?

**MR. LAUBE:**

*Seventeen (Opposed: Legislator Hahn).*

**P.O. GREGORY:**

Okay, IR 1655 is tabled.

***IR 1699-14 - Appropriating funds in connection with improvements to the County Correctional Facility C - 141 - Riverhead (CP 3014) (County Executive).***

**LEG. BROWNING:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Calarco. Second by Legislator Browning. Any questions? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

Okay. Bonding Resolution, ***IR 1699A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$1,750,000 bonds to finance the cost of renovations and improvements to the County Correctional Facility C – 141 - Riverhead (CP 3014.117, .324 and .518)***, same motion, same second. Roll call.

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

**LEG. CALARCO:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. KRUPSKI:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MARTINEZ:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. TROTTA:**

Yes.

**LEG. McCAFFREY:**

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 1701-14 - Authorizing the Suffolk County Police Department to convert to its own use an abandoned 2011 Jeep Grand Cherokee pursuant to Suffolk County Code Section A13-11(D)(8)(County Executive).***

**LEG. BROWNING:**

Motion.

**LEG. CALARCO:**

Second.

**P.O. GREGORY:**

Motion by Legislator Browning. Second by -- who was that? Legislator Calarco. Any questions? All in favor? I'm sorry, Legislator Spencer.

**LEG. SPENCER:**

Recently, I think that we had a situation where we were discussing I think in the Marine Bureau, and again, with regards to equipment that was used or converted or given to the Police. And there was an incident where -- and I'm speaking and trying to not disclose anything that is sensitive. But I think that one of the concerns were that any piece of equipment that the Police used that we're responsible to make sure that they have appropriate training in the use of that vehicle, and I'm hearing that this vehicle is being converted. When we're talking about conversion, it's not -- there's not modifications in terms of the seats or the regular equipment that would change it from its

manufactured or suggested use that would make us liable if there was an accident. And so I think that's my question.

**P.O. GREGORY:**

We're talking about a Jeep. It's a car.

**LEG. TROTТА:**

The word convert means to bring it from one person to another, not --

**LEG. SPENCER:**

All right. So we're not talking about any sort of convert in terms of -- okay. All right, convert it for Police use. I just wanted to -- okay.

**P.O. GREGORY:**

Okay. Anyone else?

**LEG. SPENCER:**

And there's not going to be a cannon and smoke on top of any of it? Okay.

**LEG. BARRAGA:**

Two of them (*laughter*).

**LEG. SPENCER:**

Okay, I figured. I just wanted clarification. I know that --

**LEG. BARRAGA:**

But only two.

**LEG. SPENCER:**

Two cannons. Okay, thank you.

**P.O. GREGORY:**

And we certainly won't be having any contests being done out of it (*laughter*).

**LEG. SPENCER:**

Okay (*laughter*).

**P.O. GREGORY:**

All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

Okay, ***IR 1702-14 - Accepting 50% Federal pass-through grant funds from the NYS Division of Homeland Security and Emergency Services in the amount of \$568,571 for the 2014 Local Emergency Management Performance Grant (LEMPG) Program administered by the Suffolk County Department of Fire, Rescue and Emergency Services and to execute grant related agreements (County Executive).***

**LEG. BROWNING:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Browning, second by Legislator Schneiderman. Any questions? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

Okay, ***IR 1407-14 - Amending the Adopted 2014 Operating Budget, adopting the 2014 Operating Budget for Suffolk County Sewer District No. 4 - Smithtown Galleria, appropriating funds for operation and maintenance, authorizing the purchase of vehicles, authorizing the creation of positions and approving the user charge for Suffolk County Sewer District No. 4 - Smithtown Galleria (County Executive).***

**LEG. KENNEDY:**

Motion to approve. What's the matter, Tom? This can't be, don't tell me. This can't be (*laughter*).

**MR. VAUGHN:**

I had that exact same reaction when I got the news that I am about to share with you right now, Legislator.

**LEG. KENNEDY:**

Go ahead.

**MR. VAUGHN:**

Somewhere at around two o'clock this afternoon it was brought to my attention that there are some minor mistakes in the bill that require us to table for one more cycle so that we can fix it just one more time. Because it would be just too easy if we adopted it this evening.

**LEG. KENNEDY:**

This is not something that we could treat as -- is it substantive or could we treat it as scrivener's?

**MR. VAUGHN:**

My understanding was that BRO thought that it was substantive enough that we were going to have to table the bill.

**LEG. KENNEDY:**

Robert?

**MR. LIPP:**

That's not our call. We found a few discrepancies that need to be changed, but is it material? That's not our call.

**LEG. KENNEDY:**

George?

**MR. NOLAN:**

Table the bill.

**LEG. KENNEDY:**

Table the bill. Motion to table.

**LEG. CALARCO:**

Second.

**P.O. GREGORY:**

Okay. A motion and a second to table. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

Okay, **1683-14 - Amending the 2014 Capital Budget and Program and appropriating funds in connection with improvements at the intersection of County Road 16, Horseblock Road, and County Road 21, Yaphank Avenue (CP 3312)(County Executive).**

**LEG. BROWNING:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Browning.

**LEG. CALARCO:**

Second.

**P.O. GREGORY:**

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

**LEG. BARRAGA:**

Opposed.

**MR. LAUBE:**

*Seventeen (Opposed: Legislator Barraga).*

**P.O. GREGORY:**

**IR 1683A**, the Bond Resolution (**Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$150,000 bonds to finance planning costs associated with improvements at the intersection of County Road 16, Horseblock Road, and County Road 21, Yaphank Avenue (CP 3312.110)**), same motion, same second. Roll call.

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

**LEG. BROWNING:**

Yes.

**LEG. CALARCO:**

Yes.

**LEG. KRUPSKI:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MARTINEZ:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

No.

**LEG. KENNEDY:**

No.

**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:**

*Fifteen (Opposed: Legislators Barraga, Kennedy & Trotta).*

**P.O. GREGORY:**

Okay. ***IR 1700-14 - Appropriating funds in connection with Bulkheading at Various Locations (CP 5375)(County Executive).*** I'll make a motion to approve. Second by Legislator Krupski.

**LEG. ANKER:**

On the motion.

**P.O. GREGORY:**

On the motion, Legislator Anker.

**LEG. ANKER:**

I'm looking in my notes, I don't have very much -- I don't have really any information on this. But let me ask you a question; is there any of the bulkheading along my district on the north shore?

**COMMISSIONER ANDERSON:**

No. Right now it's scheduled for, I believe, East Hampton. I'm trying to get to it.

**LEG. ANKER:**

How do you get on the schedule?

*(\*Laughter\*)*

**COMMISSIONER ANDERSON:**

If you have specific bulkheading you would like us to look at, if we haven't already, this has been one we've been working on for a while.

**LEG. ANKER:**

And is this for a County property only?

**COMMISSIONER ANDERSON:**

Correct.

**LEG. ANKER:**

Okay, thank you.

**LEG. CILMI:**

DuWayne?

**P.O. GREGORY:**

Okay, Legislator Cilmi.

**LEG. CILMI:**

Gil, is it really necessary?

**COMMISSIONER ANDERSON:**

Yes.

**LEG. CILMI:**

It is? Okay. I trust your opinion. Thank you.

**P.O. GREGORY:**

Okay. Any -- nothing else? Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**LEG. BARRAGA:**

Opposed.

**MR. LAUBE:**

*Seventeen (Opposed: Legislator Barraga).*

**P.O. GREGORY:**

***IR 1700A***, the Bond Resolution (***Bond Resolution of the County of Suffolk, New York authorizing the issuance of \$500,000 bonds to finance the cost of bulkheading improvements at various locations(CP 5375.317)***), same motion, same second. Roll call.

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

**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:**

No.

**LEG. KENNEDY:**

No. No.

**LEG. TROTTA:**

No.

**LEG. McCAFFREY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. SPENCER:**

Yes.

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

Yes.

**MR. LAUBE:**

*Fifteen (Opposed: Legislators Barraga, Kennedy Trotta).*

**P.O. GREGORY:**

Okay, ***IR 1703 -- 14 - Transferring Assessment Stabilization Reserve Funds to the Capital Fund, amending the 2014 Operating Budget, and appropriating funds for improvements to Suffolk County Sewer District No. 12 - Birchwood/Holbrook (CP 8143) (County Executive).***

Motion by Legislator Lindsay. I'll second. Anybody have any questions? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

***IR 1705-14 - Appropriating funds in connection with Reconstruction of CR 48, Middle Road (CP 5526) (County Executive).***

**LEG. KRUPSKI:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Krupski. I'll second. Anybody have any questions?

**LEG. KENNEDY:**

On the motion. Is there any aid on this one? It's straight County funding?

**LEG. KRUPSKI:**

There is the Commissioner. I don't think so.

**LEG. KENNEDY:**

How much?

**COMMISSIONER ANDERSON:**

I believe it is straight County funding, 4.9 million.

**LEG. CILMI:**

What's the nature of the reparations, Gil? Or the reconstruction?

**COMMISSIONER ANDERSON:**

You mean the actual work that's involved? Yeah, this is the third phase of -- *(laughter)* reparation threw me.

**LEG. CILMI:**

Sorry, the actual work.

**COMMISSIONER ANDERSON:**

Yes, thank you. The work is going to be involved -- is going to involve restoring existing concrete pavement along County Road 48, Middle Road, from -- bear with me one second. From Horton Lane to Grove Road, it's going to include drainage improvements, pavement improvements, full-depth if needed, similar work to that nature.

**LEG. TROTTA:**

What town is that in?

**COMMISSIONER ANDERSON:**

It's in the Town of Southold.

**LEG. CILMI:**

And it's \$4.9 million?

**COMMISSIONER ANDERSON:**

Correct. This is the third of the -- third and final phase of this project. We've been working on it for many years.

**LEG. CILMI:**

What did the other two phases cost and when did they happen?

**COMMISSIONER ANDERSON:**

I don't have the cost in front of me, but -- I don't believe I do.

No, I don't have that information in front of me. But the jobs have taken place over the last five years, six years.

**LEG. CILMI:**

Okay.

**P.O. GREGORY:**

Are we done? Oh, okay. We have a motion and a second. All in favor? Opposed? Abstentions?

*(Opposed said in unison)*

**MR. LAUBE:**

*Thirteen (Opposed: Legislators Barraga, Cilmi, Kennedy, Trotta & McCaffrey).*

**P.O. GREGORY:**

Okay. ***IR 1705A, the Bond Resolution (of the County of Suffolk, New York authorizing the issuance of \$4,900,000 bonds to finance a portion of the cost of reconstruction of County Road 48, Middle Road, Town of Southold (CP 5526.310), same motion, same second. Roll call.***

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

**LEG. KRUPSKI:**

Yes.

**P.O. GREGORY:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. CALARCO:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MARTINEZ:**

Yes.

**LEG. CILMI:**

No.

**LEG. BARRAGA:**

No.

**LEG. KENNEDY:**

No.

**LEG. TROTTA:**

No.

**LEG. McCAFFREY:**

No.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. SPENCER:**

Yes.

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

Yes.

**MR. LAUBE:**

*Thirteen (Opposed: Legislators Barraga, Cilmi, Kennedy, Trotta & McCaffrey).*

**P.O. GREGORY:**

Okay, *IR 1706-14 - Amending the 2014 Capital Budget and Program and appropriating funds in connection with Port Jefferson-Wading River Rails to Trails Pedestrian and Bicycle Path (CP 5903) (County Executive)*. Motion by Legislator Anker.

**LEG. HAHN:**

Second.

**P.O. GREGORY:**

Second by Legislator Hahn. Any questions? On the motion, Legislator Schneiderman.

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

I guess the first question, this is fully reimbursable? We have to first instance the money, right, and then we get it back.

**COMMISSIONER ANDERSON:**

Yes.

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

Do we have ongoing liability or maintenance involved with this project?

**COMMISSIONER ANDERSON:**

Yes, we do.

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

We do? And so we'll have to budget for that later on?

**COMMISSIONER ANDERSON:**

Yes.

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

So the Feds build it and we maintain it? Do --

**COMMISSIONER ANDERSON:**

We've maintained it, I believe, for 30 years.

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

Do we have a sense of what that will cost? This is a like a -- this is a bike trail right, a walking trail? A bike trail, right?

**COMMISSIONER ANDERSON:**

Yeah.

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

Along the railroad tracks or something like that in Port Jeff?

**COMMISSIONER ANDERSON:**

Correct.

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

Do we have any estimations on the cost of maintaining it.

**COMMISSIONER ANDERSON:**

At this time, no. I would envision it being something that needs relatively little maintenance. We're not going to look to get in there other than to -- if there's any type of mowing, cutting, things like that, maybe some minor repairs.

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

And insurance wise, this is our trail, we own it?

**COMMISSIONER ANDERSON:**

We're building it. It's actually on LIPA lands, it's within the old right-of-way. For the most part, it may vere off the lands a little bit, you know, where you're crossing roadways and things like that.

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

Wasn't there an issue at one point with the LIPA land and if they ever want to -- if they want to use that land, we have to pay to move it off of it and rebuild it somewhere else; is that how that works?

**COMMISSIONER ANDERSON:**

Correct.

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

Was that ever resolved, or that's the way it is?

**COMMISSIONER ANDERSON:**

Resolved to the satisfaction of the Federal Highway Administration and to LIPA so that they were able to get beyond it.

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

Will that be on our dime, moving it down?

**COMMISSIONER ANDERSON:**

I believe so.

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

If LIPA says they need that land.

**COMMISSIONER ANDERSON:**

If LIPA says they have to get in there and do something on a portion of it, then we are going to be required to recreate it, realign it, whatever.

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

Right, and we'll have to bear the full cost of that.

**COMMISSIONER ANDERSON:**

Absolutely.

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

And the community is supporting the project?

**COMMISSIONER ANDERSON:**

There will be -- that is a part of the project moving forward. We will bring this to the community for their buy-in. There is a very large part of the community that's been very much in favor of this for many years. I've been here since 2006 and the local community has been in favor.

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

Supportive, okay. Thank you.

**P.O. GREGORY:**

Legislator Cilmi.

**LEG. CILMI:**

So this is Federally funded?

**COMMISSIONER ANDERSON:**

Correct. We have to first instance fund, but it is a hundred percent reimbursable.

**LEG. CILMI:**

And what's the cost?

**COMMISSIONER ANDERSON:**

This is \$680,000 for design, this is just the first step.

**LEG. CILMI:**

What comes next?

**COMMISSIONER ANDERSON:**

Hopefully construction.

**LEG. CILMI:**

And what would you expect construction to cost?

**COMMISSIONER ANDERSON:**

About 6.8.

**LEG. CILMI:**

Six point eight million dollars?

**COMMISSIONER ANDERSON:**

Yes, sir.

**LEG. BARRAGA:**

Six hundred and eighty thousand.

**LEG. CILMI:**

No, it's 680 for design.

**COMMISSIONER ANDERSON:**

No, 680,000 for design.

**LEG. CILMI:**

And then 6.8 million to construct.

**COMMISSIONER ANDERSON:**

That's the current number.

**LEG. CILMI:**

Right, and that's Federal funds.

**COMMISSIONER ANDERSON:**

Correct.

**LEG. CILMI:**

How long of a trail is it?

**COMMISSIONER ANDERSON:**

It's a few miles. I don't have -- let me see if I've got it here.

**LEG. CILMI:**

Now what happens when the weeds and stuff and brush that surround this trail overgrow into the trail itself? You said we have to maintain it?

**COMMISSIONER ANDERSON:**

Correct.

**LEG. CILMI:**

Without -- and we don't get any funding provided for that.

**COMMISSIONER ANDERSON:**

Absolutely.

**LEG. CILMI:**

We have no -- do we have the available labor resources to do that? I know that sometimes it takes us quite some time to take care of the roadways and stuff, the medians and all that stuff that we have. And we are, you know, very actively pursuing partnerships with community organizations to help us with some of that stuff. So what are your thoughts?

**COMMISSIONER ANDERSON:**

My sense is once we get to the part where we're getting close to construction, because a lot of what's going to move forward in the immediate future is to determine what length, are we going to do the entire length, are we only going to do a portion of it? And then what that amount of effort that's going to be needed to maintain that. A lot of it depends on how it's going to be developed; is it going to be all natural, is going to be highly -- is a lot of maintenance going to be required? We'll see that as we go move toward and we will have to make that amount of work part of our equation when we develop the operating budget. So if we need more people, we'll have to ask for more people.

**LEG. CILMI:**

Right. So Budget Review, I don't know, you had your finger up there for a second. Do you have anything to add to this?

**MR. LIPP:**

Well, we wrote this project up in the Capital review and these monies here were, I guess, unexpected, for lack of a better term. But in the future year, it's like an \$8 million project, going in the out years; I believe it was 2016?

**MS. GAZES:**

2017.

**MR. LIPP:**

2017, it was an 80/20 split, 80% Federal, and the estimate for the annual maintenance was 49,000 a year.

**LEG. CILMI:**

Okay. I'm very hesitant to authorize 700 or so thousand dollars of planning money on a path for a bicycle, for bicycles and walking, when it's anticipated to cost us seven or \$8 million in the future. And even though it's not our County money, although it sounds like part of it might be County money.

**COMMISSIONER ANDERSON:**

No, actually the 20% is the land that's being made part of this --

**LEG. CILMI:**

Constitutes the --

**COMMISSIONER ANDERSON:**

Right.

**LEG. CILMI:**

Okay. So it's in-kind from LIPA?

**COMMISSIONER ANDERSON:**

LIPA and the County, yes.

**LEG. CILMI:**

LIPA and the County. But still there's that cost associated. While the Federal government is paying for it, you know, it's taxpayer money one way or the other. So, thank you.

**P.O. GREGORY:**

Okay. Legislator Barraga.

**LEG. BARRAGA:**

So listening to your figures, the 680,000 is for engineering and design, and you said about six-and-a-half million for actual construction, and most of that is reimbursed by the Federal government. And there is a maintenance associated with the cost of this bicycle path.

**COMMISSIONER ANDERSON:**

Yes, Sir.

**LEG. BARRAGA:**

And Mr. Cilmi is correct, it is Federal taxpayers money, it's our money. Because what often happens, if we don't accept their money for this project, their money floats off to another project in another location. The Federal taxpayers take the hit one way or the other.

**COMMISSIONER ANDERSON:**

Yes, Sir.

**LEG. BARRAGA:**

So if that be the case, I'd rather have it in Suffolk County.

**P.O. GREGORY:**

Legislator Anker.

**LEG. ANKER:**

I just want to clarify. It is a 10-mile path; jogging, biking, running. It's going to be one of the highlights of District 6. It's been an ongoing project for 15 years, maybe almost 20 years; I mean, it

was talked about a long, long time. The Legislators before me, I think the three Legislators before me have been trying to get this thing going, very supported in my district. But there was an issue with LIPA, then there was an issue with the County Exec, with Steve Levy. There was issues with the community at one point, but we've resolved that. So this project is actually moving along pretty smoothly at this point. And it is -- you know, it's a large sum for a plan, but the plan stretches ten miles, and those ten miles, it has to cover every single crossway, every single roadway there will need to be traffic signals or walking signals. There's a lot of roads. If you look at my district map, from Mount Sinai all the way to Wading River, you're going to see a lot of roads cutting along the LIPA right-of-way, and so we have to provide the safety. And as far as maintenance, we do we have a verbal agreement by one of the main bike associations that they will be more than happy to maintain this trail, whether it's garbage. Maybe we can work out some type of lawn cutting type of thing. Boy Scouts, Girl Scouts, the civis, everybody's very excited about this. So it will benefit the entire Suffolk County. It will give a 10-mile stretch for someone to ride a bike or walk. So again, I think it will complement my area in District 6, but it will benefit the entire County.

And again, if you think about the parks we have and the money that we spend to invest in them, this is an investment, but it's pretty much paid off by the Federal government. And as Legislator Barraga had said, someone's going to get it, we might as well be the ones getting this. So I'm really looking forward to seeing this project completed.

**P.O. GREGORY:**  
Legislator Hahn.

**LEG. HAHN:**  
I'm also really excited for this project because it will start at one edge of my district. And it's a really nice synergy with the current biking/walking trail, the greenway trail that was a State/Federal project, the Port Jeff Station to East Setauket Greenway trail. And so it's going to be a real nice synergy when you'll be able to walk or bike four miles through my district and then get to the edge and then walk or bike ten more miles. I mean, we're really talking about connecting trails here in a really fabulous way.

I was fortunate enough to vacation in Cape Cod for a few days this summer, and they have a fantastic Cape Cod Rail Trail that goes on for 28 miles that is an extraordinary resource, recreational resource for residents that are there. There are businesses that have popped up alongside of it, they have little food, like restaurants right alongside the trail. They have bike racks, they have signs on the trail, you know, directing to the business, so you just get off your bike, you know, you lock your bike up on the bike rack, it's like a phenomenal thing and it goes on for 28 miles there. To have, you know, this kind of connection between our two districts, and hopefully we can connect on in the future further.

**LEG. CILMI:**  
So can I just ask the two of you a question, then? Are there no roads adjacent to this area where people could jog on or bicycle on, and why \$7 million for a trail?

**LEG. ANKER:**  
Why, you know, \$20 million to renovate a library, to renovate a school district? You know, it's --

**LEG. CILMI:**  
Well, that's a building, it's a little different than a trail.

**LEG. ANKER:**  
Well, you're talking about infrastructure, too.

**LEG. HAHN:**

A paved trail.

**COMMISSIONER ANDERSON:**

There is --

**LEG. CILMI:**

Oh, it's paved? It's going to be a paved trail?

**LEG. HAHN:**

Yes, it's a paved trail.

**COMMISSIONER ANDERSON:**

Paving, planting.

**LEG. CILMI:**

Planting?

**COMMISSIONER ANDERSON:**

Yeah, some fencing.

**LEG. HAHN:**

Signage at all the crosses. Every roadway that it crosses you've got to warn the folks on the bicycles that they're coming up to a crossing, you have to warn the folks on the road that you're on that they're coming up -- a bike trail is going to be crossing there and to look out. But it's -- oh, it's so much safer. It's so much safer to be on a trail that's the exclusive use of recreational users. It's just an incredible thing, incredible community resource. People come from all over to utilize it and it really is a wonderful recreational opportunity.

**LEG. ANKER:**

Yeah. And I just wanted to mention, too, that we had a resident killed on Canal Road, I believe it was last year, and it was a mother just, you know, jogging along the road. We don't have very many long trails available to the residents here in Suffolk County.

I wanted to mention, too, though that I'm looking at this project as part of a larger idea, and that is a gateway to the North Fork. You know, we have the Tesla Museum that will also be part of this, it sits right alongside the trail, we're going to complement that. The revitalization of Rocky Point is part of this. We have, you know, 6,000 acres of open space and kind of active parkland with the bike trails and the jogging trails are RCA property. So this is part of a big idea, a big plan. And, you know, maybe it will continue on the North Fork, you know, but again, we're just going to take this piece by piece. And yeah, it is an investment, but I'm hoping it's an investment that will pay off. And if you look again, if you want to Google it and just see where 25A is, you'll see so many mom and pop stores right along the area with that LIPA right-of-way right behind them, so we're hoping this will be a big revitalization in District 6.

**P.O. GREGORY:**

Okay.

**LEG. KENNEDY:**

DuWayne? I'll make it real fast. You know, I think the concept is a good concept, to the sponsor and to Legislator Hahn, no doubt about it. I do believe that we should have places for recreation and I'm somewhat motivated by the Federal reimbursement.

**LEG. HAHN:**

Eighty percent.

**LEG. KENNEDY:**

But I think the alternative position I would give you is that we just worked under the Presiding Officer very vigorously to actually reduce what our Capital Budget allocations were in total from a current \$2.2 billion level; and as a matter of fact, we succeeded in shrinking it by about 80 million. One of those items, as matter of fact, was walking away from a \$5 million renovation of the old 4th Precinct here and, in fact, embracing a decision that would be to demolish it, because the cost to go ahead and reimburse it would be too expensive.

So I'm not saying that it's a bad idea, but what I'm saying is it may be an idea that may not necessarily be ripe or timely. It might be a little bit better if we can just try to put it off a little bit until we can get, you know, ourselves into a little bit better position. DuWayne, she's looking, she's dying to say something.

**P.O. GREGORY:**

Okay. Legislator Hahn.

**LEG. HAHN:**

Okay. The Federal government is going to give us this money.

**LEG. KENNEDY:**

Yes.

**LEG. HAHN:**

This money will go somewhere else. Suffolk County will not get, how many million dollars? Six point eight million dollars if we don't pass this. This is like resources coming into Suffolk County to build something that's phenomenal for our constituents locally.

**LEG. KENNEDY:**

But Kara, we talked about this for the ten years that I've been here.

**LEG. HAHN:**

This is --

**LEG. KENNEDY:**

In fact, Legislator Anker said, it's been 15 years --

**LEG. HAHN:**

-- basically 100% funded. We put this kind of stuff on the Consent Calendar.

**LEG. KENNEDY:**

-- in development. So I don't think the President's going to ship it out of state tomorrow.

**LEG. ANKER:**

So the point is that it is ripe, it is ready, it is moving. We're getting the money reimbursed; you can't ask for a better situation. And if we don't take it, we're going to lose it. We had \$10 million granted to us about -- I want to say about six or seven years ago; we lost millions just waiting because we couldn't get all on the same page. We are on the same page, we're ready to go, the kids are ready to put their bikes there and go for it. You know, not even just the kids, adults, they're looking forward to this. And the business owners, very, very important. So we're excited about this.

**LEG. SPENCER:**

Yes.

**LEG. ANKER:**

You know, I appreciate your concern and we're ready to go. Thanks.

**P.O. GREGORY:**

Okay. All right, it's getting late. All right, we have a motion and a second. Any more questions? All in favor? Opposed? Abstentions?

**LEG. ANKER:**

Think of the kids.

**LEG. CILMI:**

All right.

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

All right, ***IR 1706A (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. ANKER:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. KRUPSKI:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

Pass.

**LEG. CALARCO:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MARTINEZ:**

Yes.

**LEG. CILMI:**

What?

**P.O. GREGORY:**

The bond.

**LEG. CILMI:**

This is the Bond on this?

**MR. NOLAN:**

Yes.

**LEG. CILMI:**

No.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. TROTTA:**

Yes.

**LEG. KENNEDY:**

It's ripe.

**LEG. McCAFFREY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. SPENCER:**

Yes for the children, Sarah.

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

Yes.

**P.O. GREGORY:**

Yes.

**MR. LAUBE:**

*Seventeen (Opposed: Legislator Cilmi).*

**P.O. GREGORY:**

All right, **1707-14 - Appropriating funds in connection with Improvements to CR 73, Roanoke Avenue (CP 5562)(County Executive).**

**LEG. KRUPSKI:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Krupski. I'll second. Any questions? All in --

**LEG. KENNEDY:**

Any money on this one? Any aid on this one? Who's got this; Al, is this yours? Anything on this at all? Come on, give us one we can kind of like, you know --

**LEG. HAHN:**

On the last one.

**LEG. MURATORE:**

There's a -- I have a question, just on the last vote. I passed and you never came back to me, Tim.

**MR. LAUBE:**

I'm sorry, it sounded like yes.

**LEG. MURATORE:**

Oh, it did? Okay. So we'll leave it yes then, okay.

*(\*Laughter\*)*

**P.O. GREGORY:**

Okay. We have a question?

**LEG. KENNEDY:**

I asked if there was any aid on this one. On Roanoke.

**COMMISSIONER ANDERSON:**

There is not.

**LEG. KENNEDY:**

There is none on this. What's involved on this one?

**COMMISSIONER ANDERSON:**

Four point -- we're requesting 4.2 million for construction. Funding will address pavement and drainage deficiencies along Roanoke Avenue from New York 25, Main Street, up to CR 58, which is Old Country Road. Improvements will include drainage system repairs, replacement, full-depth pavement, patching and resurfacing, replacement of curb and sidewalk, installation of pavement markings and assess necessary signal modifications. And I would note that the project was designed in-house by DPW staff.

**LEG. KENNEDY:**

I'm sorry. Say it again, Gil, I couldn't hear.

**COMMISSIONER ANDERSON:**

The project was designed in-house by our staff.

**LEG. KENNEDY:**

So we at least saved some money there.

**COMMISSIONER ANDERSON:**

Correct.

**LEG. KENNEDY:**

Is that road in that bad of shape, Al?

**LEG. KRUPSKI:**

Yes. This is -- I think the County did a great job there. They had a great community meeting. They involved the public safety people.

**LEG. KENNEDY:**

Is the firehouse on Roanoke?

**LEG. KRUPSKI:**

The fire house -- not only is the firehouse in the middle of it, the hospital is on the other end. So this is used not only by Riverhead, but it's also used by Flanders and Riverside.

**LEG. KENNEDY:**

They're bringing the meat wagons up and down there?

**LEG. KRUPSKI:**

Yeah, to get to the hospital.

**LEG. KENNEDY:**

Okay.

**LEG. KRUPSKI:**

It's a County Road, it needs work and this is a complete and total rebuild; drainage, wider shoulders for bicycle people and wider sidewalks for pedestrians. So it's a heavily used road for all three, this is going to make it much safer.

**P.O. GREGORY:**

Okay. All right, we have a motion and a second. All in favor? Opposed? Abstentions?

**LEG. BARRAGA:**

Opposed.

**LEG. CILMI:**

Opposed.

**MR. LAUBE:**

*Sixteen (Opposed: Legislators Barraga & Cilmi).*

**P.O. GREGORY:**

Okay. ***IR 1707A, Bond Resolution (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$4,200,000 bonds to finance the improvements to County Road 73, Roanoke Avenue (CP 5562.310)***, same motion, same second. Roll call.

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

**LEG. KRUPSKI:**

Yes.

**P.O. GREGORY:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. CALARCO:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MARTINEZ:**

Yes.

**LEG. CILMI:**

No.

**LEG. BARRAGA:**

No.

**LEG. KENNEDY:**

Yes.

**LEG. TROTTA:**

No.

**LEG. McCAFFREY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. SPENCER:**

Yes.

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

Yes.

**MR. LAUBE:**

*Fifteen (Opposed: Legislators Barraga, Cilmi & Trotta).*

**P.O. GREGORY:**

***IR 1718-14 - Authorizing execution of an amended agreement by the Administrative Head of SCSD No. 3 – Southwest with Damianos Pinelawn LLC - 41 Pine Lawn DR LLC***

**(HU-1007.1)(County Executive).** I make a motion to approve. Second by Legislator D'Amaro. Any questions? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

**LEG. D'AMARO:**

Cosponsor.

**P.O. GREGORY:**

***IR 1716-14 - Designating "POW/MIA Recognition Day" in Suffolk County (Stern).***

Motion by Legislator Stern.

**LEG. SPENCER:**

Second.

**P.O. GREGORY:**

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

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

***IR 1488-14 - Adopting Local Law No -2014, A Local Law to modify County's Hardship Property Redemption Process (Spencer).*** Motion by Legislator Spencer.

**LEG. CALARCO:**

Second.

**P.O. GREGORY:**

Second by Legislator Calarco.

**LEG. D'AMARO:**

On the motion?

**P.O. GREGORY:**

Legislator D'Amaro.

**LEG. D'AMARO:**

Yeah, I would just ask for a brief explanation as to what the modifications are from Counsel.

**LEG. SPENCER:**

Oh, not through the sponsor?

**LEG. D'AMARO:**

Or, through the Chair, to the sponsor; either way.

**LEG. SPENCER:**

Counsel is better.

**MR. NOLAN:**

This bill pertains to the County's Hardship Redemption Law. First it gives the -- it's going to give the Legislature a little more latitude in terms of granting hardship redemptions in that right now people

who apply under this program have to fit into -- I think it's five or six different categories of hardship. This will allow the Legislature to redeem a property for any documented hardship. If the Legislature determines there's a legitimate hardship that's documented that caused the person not to pay their taxes, the Legislature will have the authority to do that.

Additionally, if the Legislature finds that it would be -- there would be an inequity in not conveying property back to somebody, the Legislature would have the authority to do that. It would still take a two-thirds vote of the Legislature to prove any hardship redemption.

**LEG. D'AMARO:**

Okay. So it's still the two-third threshold, it's reserved in the bill.

**LEG. SPENCER:**

Right.

**LEG. D'AMARO:**

But it really opens up to -- it makes it more discretionary to the Legislature. George, I want to ask you, what was the -- if you know, what was the policy reason for limiting it to the five specific criteria in the past?

**MR. NOLAN:**

Just going back and looking at the Legislative history.

**LEG. D'AMARO:**

Yeah.

**MR. NOLAN:**

The Legislature back in the early 90s determined that there were just too many applications being granted, that there was no parameters at all and that they needed to impose some. There was also language in the resolution saying that the County would make more money by bringing properties to auction rather than redeeming the properties. So that was part of the calculation.

**LEG. D'AMARO:**

I see. Well, because by going to auction, you would get the proceeds of the auction and still return the property to the tax rolls. So you would get -- you'd get the full back tax and maybe then some.

**MR. NOLAN:**

And then some. You know, in the intervening years we changed the law in terms of properties that are sold at auction, that if we get our money back and then there's money, a person can apply to get that money from the County, the prior owner can try to get that money back.

**LEG. D'AMARO:**

Right. So that took away that policy justification.

**MR. NOLAN:**

Right.

**LEG. D'AMARO:**

Okay, thank you.

**P.O. GREGORY:**

Legislator Barraga.

**LEG. BARRAGA:**

Yeah, I've had concerns about the 215 redemption process for quite a while. This certainly modifies the hardship property redemption process in and of itself. These are properties taken from individuals by the County, through tax default usually, nonpayment of taxes for usually a three-year period. And as I understand it, the former owner at that point can make application within six months after the taking to get their property back. But after six months, the applicant must meet certain hardship criteria to qualify for the 215 redemption process.

And as I look at this bill, it seems to me that the lead entity in this particular piece of legislation is the Office of Legislative Counsel; *"Prior to action by the Legislature to approve a conveyance, an applicant shall complete an application prescribed by the Office of Legislative Counsel."* So it's that office that lays down the criteria that the applicant has to meet, including evidence by the applicant that they have the ability to make all payments required for conveyance under the chapter. Then the Legislative Counsel, after getting all the appropriate information, would review each application for conveyance and the supporting documentation was submitted by the applicant. The bill also requires the Division of Real Property to work closely with the Office of Legislative Counsel and provide such information as may be necessary for the Legislative Counsel to complete its review.

Now, the segment here which I find interesting is upon completing this review, the Office of Legislative Counsel will provide the Division of Real Property with a copy of the application and all supporting documentation and advise the division -- and advise the division whether a resolution to approve the conveyance will be introduced in the County Legislature.

I guess the question I have at this juncture is the Office of Legislative Counsel then proceeds to contact the member where this applicant resides to make a determination by way of the member as to whether or not the Office of Legislative Counsel should proceed and put legislation in, or can you do this -- are you doing this unilaterally?

**MR. NOLAN:**

I think it's going to work largely along the lines that it's worked up to this point, because the process has always started with Legislative Counsel, and we always communicate with the Legislative office where the applicant lives. And the way it's always worked up to this point is I generally make a determination whether or not the applicant has made a prima facie showing that they satisfy the statute, that they fit into one of the categories, and generally Legislators accept that finding.

**LEG. BARRAGA:**

The other element of the bill which I questioned is, *"A Legislative resolution authorizing conveyance to the immediate prior owner of record shall include a provision requiring the applicant to pay to the County within 60-days of the resolution's effective date any and all tax arrears, interest, penalties, administrative fees, recording fees and/or rent."* Now, the way the law is currently construed, when we sit here as members and vote on a 215 redemption, we know at the time we vote that the applicant has paid all the back taxes and the arrears and the interest. And what you have here is that you have a situation where for three years they didn't pay anything and for six months they didn't apply, then we go through the redemption process, and now as we sit here and vote on the resolution, and it takes effect on a certain date, they get an additional 60 days -- in other words, we still haven't received any monies from these people -- and then after 60 days there's a provision in here to give them another 15 days. My feeling is that portion should be dropped. When I sit here as a member after the whole process, I should know when I'm voting that everything has been paid, everything past due is now paid.

**MR. NOLAN:**

Legislator Barraga, I know the statute currently says they're supposed to pay before we vote on the resolution, but the reality is that always hasn't happened.

**LEG. BARRAGA:**

It's always happened with me.

**MR. NOLAN:**

Well, perhaps it has with you, but a lot of times --

**LEG. BARRAGA:**

I'm not about to sit here and cast a vote for any applicant. And usually, you know, we hear this case -- you're hearing from the applicant's attorney, you're hearing from Division of Real Property Tax, you and I discussed it, both of us have always made sure in the past that everything is paid by the time I vote. And I just don't like the idea of extending it even further when the whole thing has been going on for at least four years.

**MR. NOLAN:**

Well, that's a judgment. I mean, when we started this bill, it was originally just drafted to give the Legislature more discretion.

**LEG. BARRAGA:**

Yeah, I don't disagree with that.

**MR. NOLAN:**

And then the Division of Real -- you know, Real Estate came to us and said, you know, *the statute as drafted needs some tightening*, and several of these things that were added to the bill were at their suggestion. But I guess I'm going to tell you that there have been times we have approved resolutions where the applicant has not yet paid the money, and sometimes they have to do something after the closing or simultaneous with the closing to get the money to pay the taxes.

**LEG. BARRAGA:**

You put the Legislature in a position -- not necessarily you, this legislation puts the Legislature in a position where we could have a situation where we actually vote and he never pays.

**MR. NOLAN:**

Well, if they don't pay they don't get the property back. They have 60 days --

**LEG. BARRAGA:**

But we've gone through the whole process for nothing. The Legislature has taken its time to cast a vote and nothing has been paid on the property.

**MR. NOLAN:**

Well, the one thing Real Estate asked us to put in the law was that when we look at the application and when Real Estate makes a recommendation to you, the Legislature, on whether or not we should approve the conveyance, there has to be some indication that the person can actually pay the money.

**LEG. BARRAGA:**

But you already have the indication in your application that you have put together that he has to meet; I just read that a little while ago.

**MR. NOLAN:**

It's never been in the -- that has not been in the application, the ability to pay.

**LEG. BARRAGA:**

It's in there, it's right in the bill.

**MR. NOLAN:**

We're putting it in the new version; the amended version will have that.

**LEG. BARRAGA:**

*"Any evidence of the applicant's ability to make all payments required for conveyance under this chapter."*

**MR. NOLAN:**

Right.

**LEG. BARRAGA:**

Well, if they have the ability to pay, and they say they do based on the application you're giving them, then I want the money by the time we cast the vote.

**LEG. SPENCER:**

Sometimes --

**MR. NOLAN:**

Sometimes they can't get the money until the closing.

**LEG. SPENCER:**

Yeah, the financing could depend on --

**MR. NOLAN:**

Do you follow me? So they can't pay before we do the resolution. We have to approve the conveyance and then there's simultaneous with the closing, they get the money, we get the back taxes and the penalties and the interest. So we just -- that change to the law is just making consistency consistent with what the practice is now that the County uses in many of these redemptions.

**LEG. BARRAGA:**

In my particular case, I've had three or four of these and they get very complicated. I've always been concerned about the administrative process associated with them, too, because when you call up the Division of Real Property Tax, they have the complete file on the applicant. And if you say to them, *Well, you know, you've got the file and who's the individual in charge of the file*, and that person gets on the phone, they'll give you all the information. If you say, *Well, you know, as a Legislator, what do you think? Is there a possibility that they would qualify for a 215?* They tell you nothing. They tell you absolutely nothing. They don't give you any suggestions, any recommendations. And then you have to go out and fight to get the paperwork in your office so that your staff can sit there and try to make a determination when they speak with you as to whether or not we should go ahead with this.

**MR. NOLAN:**

It originates with the Legislator, and that's always been the --

**LEG. BARRAGA:**

But you know --

**MR. NOLAN:**

That has been the traditional practice.

**LEG. BARRAGA:**

The way that this process is set up, and hopefully this changes it, we're not investigators. I don't have the in-depth research that I can do. Here I've got somebody someplace, another agency with the entire file and they want to give you basically nothing. And you're sitting there and you've got the attorney representing the applicant and everybody else yelling and screaming that you, as the Legislator, should put a 215 in. I've got nothing in front of me, but the way the wish list is done, it looks like it's your problem.

**MR. NOLAN:**

It's still going to be your problem, Tom.

**LEG. BARRAGA:**

Well, in the end --

**MR. NOLAN:**

To some degree.

**LEG. BARRAGA:**

Not to the extent, you're the one putting the application together, you're the one dealing with the Division of Real Property Tax, you're going to have the files. You're going to say to me, *Tom, based on what I see, he or she qualifies for a 215*, and I will say yes or no. I don't want to do the investigative work, my people can't do that.

**MR. NOLAN:**

I think Legislative offices and the Division of Real Estate and my office are still going to play probably about the same part.

**LEG. BARRAGA:**

Step up, George, make that decision.

**MR. NOLAN:**

I'm only one man, Tom.

**P.O. GREGORY:**

All right. Anyone else? No. Okay, we have a motion and a second.

**MR. LAUBE:**

Can I get that again, the motion and the second?

**P.O. GREGORY:**

Legislator Spencer, and who was the second? I'll second it.

**MR. LAUBE:**

Thank you.

**P.O. GREGORY:**

Oh, it was Stern? Legislator Stern was the second.

**LEG. CILMI:**

Tim, put me down as a cosponsor.

**P.O. GREGORY:**

All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen (ACTUAL VOTE: *Eighteen*).

**P.O. GREGORY:**

***IR 1638-14 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Dominic Abbatiello and Lorraine Abbatiello, his wife, and Samuel Vergata, Jr. And Catherine Vergata, his Wife (SCTM No. 0200-755.00-02.00-012.000) (County Executive).***

**LEG. STERN:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Stern. I'll second. All in favor?

**LEG. D'AMARO:**

On the motion.

**P.O. GREGORY:**

On the motion, who was that? Oh, okay.

**LEG. STERN:**

This is a sale to an adjoining property owner for about \$7,700, it was appraised at \$7500 sold with restrictive covenants and it cannot be developed.

**P.O. GREGORY:**

All right. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

***IR 1639-14 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law (Incorporated Village of Babylon) (SCTM No. 0102-022.00-01.00-047.000) (County Executive).***

**LEG. STERN:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Stern. Second by Legislator McCaffrey.

**LEG. STERN:**

On the motion.

**P.O. GREGORY:**

On the motion, Legislator Stern.

**LEG. STERN:**

This is virtually worthless property as far as value, transferred to the Town of Babylon for municipal purposes for the sum of \$1.

**P.O. GREGORY:**

Okay. All in --

**LEG. D'AMARO:**

On the motion?

**P.O. GREGORY:**

On the motion, Legislator D'Amaro.

**LEG. D'AMARO:**

Yes, I would just like to ask, through the Chair, whether or not, even though it's diminished or de minimus value of the property, if it was put out to auction?

**MS. ROSEN-NIKOLOFF:**

No.

**LEG. D'AMARO:**

And what was the basis of that decision not to auction.

**MS. ROSEN-NIKOLOFF:**

We just took it.

**LEG. D'AMARO:**

Took it.

**MS. ROSEN-NIKOLOFF:**

The Village has requested it for municipal purposes and so based on that, we felt that was the proper disposition.

**LEG. D'AMARO:**

So this is a Section 72-h where the County is, in effect, donating property for municipal purposes. Do you know specifically what the purpose is?

**MS. ROSEN-NIKOLOFF:**

Yes.

**LEG. D'AMARO:**

What is that?

**MS. ROSEN-NIKOLOFF:**

They're going to use it for shoreline preservation and bulkheading.

**LEG. McCAFFREY:**

Also flood mitigation as well; it's a waterfront piece of property.

**MS. ROSEN-NIKOLOFF:**

Yes.

**LEG. D'AMARO:**

Waterfront? Wait a minute. So it's waterfront property, certainly not buildable, though.

**MS. ROSEN-NIKOLOFF:**

Correct.

**LEG. D'AMARO:**

But was an appraisal done on this property?

**MS. ROSEN-NIKOLOFF:**

Yes.

**LEG. D'AMARO:**

It was.

**MS. ROSEN-NIKOLOFF:**

It's got a restriction on it, as a result of the filed map, that it must be used as a bathing beach, and because of that it basically has no value.

**LEG. D'AMARO:**

So it's being utilized by the village of Babylon to -- well, let me ask it another way. Do you know if all Village residents will have access to this property?

**MS. ROSEN-NIKOLOFF:**

I don't know, that's for the Village to make the determination.

**LEG. McCAFFREY:**

Yeah, I had spoke with the Mayor; yes, it would. This property was owned by some community groups that it was deeded to them, the adjoining property owners.

**LEG. D'AMARO:**

Okay, right.

**LEG. McCAFFREY:**

So it can't be developed for anything other than a bathing beach. They can use the flood mitigation and waterfront access to all residents.

**LEG. D'AMARO:**

Okay. And there's no adjoining County property to this property.

**MS. ROSEN-NIKOLOFF:**

No, there's not.

**LEG. D'AMARO:**

Okay. Thank you for answering my questions. Thank you, Legislator.

**P.O. GREGORY:**

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

**MR. LAUBE:**

*Eighteen.*

**P.O. GREGORY:**

Okay. ***IR 1642-14 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Heather Alicemann and Nicholas J. Ullrich, as joint tenants with rights to survivorship (SCTM No. 0200-055.00-09.00-004.000)(County Executive).***

**LEG. D'AMARO:**

Motion.

**LEG. STERN:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Stern. Second?

**LEG. CALARCO:**

I'll second it.

**P.O. GREGORY:**

Okay. All in favor?

**LEG. STERN:**

On the motion. This is property to the Town of Brookhaven, in the Town of Brookhaven to adjoining land owner for \$8,001 with an appraised value of \$8,000, it was sold restrictive covenants and cannot be developed.

**P.O. GREGORY:**

Okay.

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

A buck more than it's worth.

**LEG. D'AMARO:**

On the motion?

**P.O. GREGORY:**

On the motion, Legislator D'Amaro.

**LEG. D'AMARO:**

Yeah, I would just like to ask whether or not -- I think this lot is 40 X 100 and under the applicable code in the Town of Brookhaven. Is that a substandard parcel? If anyone knows? Jill, do you know that? The question is whether or not this is a substandard parcel under the Town of Brookhaven code. Was that investigated?

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

**DIRECTOR ROSEN-NIKOLOFF:**

Yes, yes. It's got a --

**LEG. D'AMARO:**

It's 40-by-100.

**DIRECTOR ROSEN-NIKOLOFF:**

Yeah. It's minimum lot size of 22,500, and this is 4,000 square feet.

**LEG. D'AMARO:**

What's the minimum lot size?

**DIRECTOR ROSEN-NIKOLOFF:**

22,500.

**LEG. D'AMARO:**

22,000, so it's sufficient. Okay. Thank you.

**P.O. GREGORY:**

Okay. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen. (Not Present: Legislator Kennedy)

**P.O. GREGORY:**

***I.R. 1643 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Jennifer Santorella (SCTM No. 0200-073.00-10.00-004.002) (Sponsor: County Executive).***

**LEG. STERN:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Stern.

**LEG. CALARCO:**

Second.

**P.O. GREGORY:**

Second by Legislator Calarco.

**LEG. STERN:**

On the motion.

**P.O. GREGORY:**

On the motion, Legislator Stern.

**LEG. STERN:**

This is in the Town of Brookhaven, sale to adjoining landowner for an appraised value of \$7,000. It was sold with restrictive covenants and cannot be developed.

**P.O. GREGORY:**

Okay. Anyone else?

**LEG. D'AMARO:**

On the motion. Same question, Jill, if you don't be mind. Do you know if this is a substandard parcel under the applicable code in the Town.

**DIRECTOR ROSEN-NIKOLOFF:**

Yes, it is. The minimum lot size here is 22,500 as well.

**LEG. D'AMARO:**

Very good. Thank you.

**P.O. GREGORY:**

Okay. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen. (Not Present: Legislator Kennedy)

**P.O. GREGORY:**

Okay. *I.R. 1644 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Michael Phouangmala and Agnieszka Phouangmala, his wife (SCTM No. 0100-176.00-03.00-011.000) (Sponsor: County Executive).*

**LEG. STERN:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Stern.

**LEG. D'AMARO:**

Second.

**P.O. GREGORY:**

Second by Legislator D'Amaro.

**LEG. STERN:**

On the motion.

**P.O. GREGORY:**

On the motion, Legislator Stern.

**LEG. STERN:**

This is in the Town of Babylon, sold to adjoining landowner for an appraised value of \$8,000, sold with restrictive covenants and it cannot be developed.

**P.O. GREGORY:**

Legislator D'Amaro?

**LEG. D'AMARO:**

No, thank you, not on this one.

**P.O. GREGORY:**

Okay. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen. (Not Present: Legislator Kennedy)

**P.O. GREGORY:**

*I.R. 1654 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Stephen Raccomandato and Nadine Raccomandato, his wife (SCTM No. 0500-189.00-01.00-024.000) (Sponsor: County Executive).*

**LEG. STERN:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Stern.

**LEG. CILMI:**

Second.

**P.O. GREGORY:**

Second by Legislator Cilmi.

**LEG. STERN:**

On the motion.

**P.O. GREGORY:**

On the motion, Legislator Stern.

**LEG. STERN:**

This is a 100-by-100 lot in the Town of Islip. It was appraised for \$7500; the adjoining landowner to pay \$7,651 with restrictive covenants. This had been given to the Town of Islip for affordable housing years ago, but we received it back because they chose not to build on it.

**P.O. GREGORY:**

Okay. Legislator D'Amaro.

**LEG. D'AMARO:**

Yes, thank you. This parcel, I believe, is 100-by-100, and it's located in the Town of Islip. So, therefore, it possibly could be a buildable lot. And I would like to know whether or not, one, if it is buildable as a matter of right under the Islip Town Code. If not, was this considered for auction prior to putting it up for a Local Law 13?

**DIRECTOR ROSEN-NIKOLOFF:**

There's a 20,000 square foot minimum; this is 10,000 square feet. We gave it to the Town to build on for affordable housing purposes. They gave it back and told us it was not buildable, they could not get a variance.

**LEG. D'AMARO:**

The Town could not get a variance?

**DIRECTOR ROSEN-NIKOLOFF:**

That's correct.

**LEG. D'AMARO:**

How could that be?

**DIRECTOR ROSEN-NIKOLOFF:**

They gave it back.

**LEG. D'AMARO:**

Okay. Well, let's talk about that for a minute, because if -- do we know whether or not the surrounding community meets the code criteria, or do we know whether or not the surrounding community has a substantial number of substandard lots?

**DIRECTOR ROSEN-NIKOLOFF:**

I do not know.

**LEG. D'AMARO:**

Okay, because it's my recollection that a parcel of this size should be considered for auction subject to obtaining the associated variances. Now, was that consideration made?

**DIRECTOR ROSEN-NIKOLOFF:**

Yes.

**LEG. D'AMARO:**

It was?

**DIRECTOR ROSEN-NIKOLOFF:**

Yes, yeah. It's certainly something that we review before we direct sale. We're very conscious of the provisions of the law that you're referring to. But since the Town gave it back to us, saying they could not build it for affordable housing, we didn't see the -- how it would be prudent to put it to auction, then require a private individual to try and get a variance.

**LEG. D'AMARO:**

Well, let me tell you my thinking on that. It seems to me that if the Town took it in the first instance to put up some workforce housing, knowing that it was 100-by-100 lot, I would almost be led to believe that it does somewhat conform to the surrounding community with respect to lot size. So I'm a little curious as to what is the basis of the determination, other than the Town just said, "We're not going forward"? I mean, the Town could have decided not to build the workforce housing for a lot of reasons.

**DIRECTOR ROSEN-NIKOLOFF:**

No.

**LEG. D'AMARO:**

It doesn't necessarily mean lot size.

**DIRECTOR ROSEN-NIKOLOFF:**

No, no. To be specific, I asked --

**LEG. CILMI:**

If I could just interject here with a question. What street is this on, Jill, can you tell me that?

**DIRECTOR ROSEN-NIKOLOFF:**

I do not know, Legislator. I do not know.

**LEG. CILMI:**

Because I might be able to answer Legislator D'Amaro's questions if I knew what street this was on.

**DIRECTOR ROSEN-NIKOLOFF:**

But I can answer with more specificity. I specifically went back to the Town in anticipation and said, "Why are you giving this back to us?" And, in writing, the Town Attorney indicated that they could not get a variance.

**LEG. D'AMARO:**

Who couldn't?

**DIRECTOR ROSEN-NIKOLOFF:**

I'm not --

**LEG. D'AMARO:**

Who couldn't get a variance?

**DIRECTOR ROSEN-NIKOLOFF:**

The Town, that they would not be -- that no variance would be granted.

**LEG. D'AMARO:**

The Town has to apply to its own Zoning Board for --

**DIRECTOR ROSEN-NIKOLOFF:**

It was the Town Attorney's indication to us that a variance would not be granted for this property.

**LEG. D'AMARO:**

So, even though they may not be required to do that, it's the Town policy?

**DIRECTOR ROSEN-NIKOLOFF:**

I can't speak for the Town. That's what the --

**LEG. D'AMARO:**

I'm thinking -- well, if you can't speak for the Town, then I would like to know whether or not this parcel was considered for auction because there may be a willing developer.

**DIRECTOR ROSEN-NIKOLOFF:**

It was considered and rejected for auction.

**LEG. D'AMARO:**

No, it was -- well, it was rejected by you.

**DIRECTOR ROSEN-NIKOLOFF:**

It was rejected by the Division after review.

**LEG. D'AMARO:**

On the basis that the Town said we can't get a variance?

**DIRECTOR ROSEN-NIKOLOFF:**

That's right.

**LEG. D'AMARO:**

Okay. So --

**DIRECTOR ROSEN-NIKOLOFF:**

And probably --

**LEG. D'AMARO:**

Was there a denial?

**DIRECTOR ROSEN-NIKOLOFF:**

No, there was no -- I don't know.

**LEG. D'AMARO:**

Did the Town apply?

**DIRECTOR ROSEN-NIKOLOFF:**

I don't know.

**LEG. D'AMARO:**

Okay. My point is that the law requires that a parcel such as this in the first instance be put up for auction to be developed, as opposed to getting \$7500 from an adjoining owner for a 100-by-100 parcel. And, by the way, if it could be developed, it would realize more revenue, real property tax revenue. That was the whole purpose of the law that I passed. So I'm just looking for a valid explanation as to why it was not put up for auction in the first instance.

**DIRECTOR ROSEN-NIKOLOFF:**

Okay, so -- and I appreciate that. So, first of all, we had the Town Attorney for Islip telling us that no variance would be granted, so it wasn't buildable. And so they thanked the County and returned the property to us. Secondly --

**LEG. D'AMARO:**

Town Attorney doesn't make that decision.

**DIRECTOR ROSEN-NIKOLOFF:**

I'm getting to the second point.

**LEG. D'AMARO:**

Zoning Board makes that decision. They're an independent body under State Law. I don't care what the Town Attorney said.

**DIRECTOR ROSEN-NIKOLOFF:**

Right, but I assume that the Town Attorney has knowledge of how -- what would be applicable, what the precedents are.

**LEG. D'AMARO:**

I think it's misplaced to put your faith in that Town Attorney.

**DIRECTOR ROSEN-NIKOLOFF:**

I didn't just put my faith in the Town Attorney. So let me just go a little further, please. So here's the tax map. And I'm quite sure that my staff, who deals with, you know, hundreds of properties, did review this.

**LEG. D'AMARO:**

Okay. I've dealt with hundreds of properties, too, so go ahead.

**DIRECTOR ROSEN-NIKOLOFF:**

Well, that's --

**LEG. D'AMARO:**

Okay.

**DIRECTOR ROSEN-NIKOLOFF:**

That's very good. So, in looking at it, I'm sure that they looked and saw that the adjacent parcels do not -- it doesn't seem to be consistent with the adjacent parcels. And so based on that, all of those factors, they made a recommendation what are we going to do with the property? Are we going to keep it, put it through the auction process, so that at the end of the day, a taxpayer buys it, expends money, can't build on it, or are we going to give it to a constituent, a taxpayer who has an interest in it for an appraised value? It didn't seem like --

**LEG. D'AMARO:**

All right. So let me ask you a question. On the -- and I appreciate that. The determination was

made by your Department that looking at the tax map, this parcel is not consistent with the surrounding community.

**DIRECTOR ROSEN-NIKOLOFF:**

It appears so.

**LEG. D'AMARO:**

Okay. So what percentage of the surrounding community was substandard and what percentage was as a matter of -- you know, met the code?

**DIRECTOR ROSEN-NIKOLOFF:**

I don't have percentages.

**LEG. D'AMARO:**

Well, so what's the -- how is that decision made? I mean, I've looked at many tax maps myself and I've seen substandard parcels, and you're right, you have to make almost a subjective determination whether or not you believe that particular parcel comports with the surrounding community, and that increases your chances of getting that variance relief. So what criteria do you use? How does it not comport with the surrounding community? Are there -- is every other lot larger? Is it --

**DIRECTOR ROSEN-NIKOLOFF:**

The surrounding lots appear to be larger.

**LEG. D'AMARO:**

Well, you're looking at the tax map when you do that?

**DIRECTOR ROSEN-NIKOLOFF:**

I'm looking at the tax map, yes.

**LEG. D'AMARO:**

Could I see it?

**DIRECTOR ROSEN-NIKOLOFF:**

Sure.

**LEG. D'AMARO:**

Okay. So we are talking about Lot 24.

**LEG. CILMI:**

What's the street?

**LEG. D'AMARO:**

And it's on Atlantic Street, corner of Connetquot and Atlantic?

**LEG. CILMI:**

Okay. I know where that is, but I'm not familiar with the property.

**LEG. D'AMARO:**

Jill, what -- who was it sold to, Lot 30, do you know? I don't know. It looks like I'm looking at three lots that are adjoining that have a street frontage of 40 feet. Are they developed? Along Connetquot Avenue, do you know if those are developed?

**DIRECTOR ROSEN-NIKOLOFF:**

I do not.

**LEG. D'AMARO:**

You don't.

**DIRECTOR ROSEN-NIKOLOFF:**

That doesn't mean that the staff does not know. I mean --

**LEG. D'AMARO:**

Okay, fair enough.

**DIRECTOR ROSEN-NIKOLOFF:**

I'm going to assume that the staff who reviewed it in a definitive way --

**LEG. D'AMARO:**

Okay.

**DIRECTOR ROSEN-NIKOLOFF:**

-- looked at that.

**LEG. D'AMARO:**

There's a -- this has a street frontage of 100 feet.

**P.O. GREGORY:**

Legislator D'Amaro.

**LEG. D'AMARO:**

And it's 10,000 square feet. Yes.

**P.O. GREGORY:**

We have a motion to table. If you want to --

**LEG. CALARCO:**

I'd like to make a motion to table, and that way Legislator D'Amaro can have all of his questions answered by the staff. I don't think this is something that's urgent --

**LEG. D'AMARO:**

I agree with that.

**LEG. CALARCO:**

-- that can't wait a cycle.

**LEG. D'AMARO:**

All I'm saying is that when a parcel of this size comes in, I think that we should be given enough information so we can agree with that determination, that's what I'm saying. So, you know, if you could explain to me how that analysis was done, and why this does not conform to the surrounding community, and why a variance would be less likely be granted, I want to agree with you, but we don't have that information. All right. So that's fine.

**LEG. STERN:**

On that motion, I just want to be sure, is there any compelling reason why this would have to be passed today and can't wait one cycle?

**DIRECTOR ROSEN-NIKOLOFF:**

No, other than we'd like to get it passed so that we can close on the parcel and move it out of the inventory.

**P.O. GREGORY:**

All right. So you want to withdraw your motion?

**LEG. CALARCO:**

No. Motion to table.

**P.O. GREGORY:**

Motion to table? Okay.

**LEG. CALARCO:**

I agree with Legislator D'Amaro. He makes some very important points, and I'd rather have the questions answered. And it's very late, and I think that it wouldn't hurt to let this go a cycle and get those answers, you know, provided.

**LEG. D'AMARO:**

All right. Do you need a second on the motion?

**P.O. GREGORY:**

We do, we have a second.

**LEG. D'AMARO:**

Oh, you do, okay.

**P.O. GREGORY:**

Second is --

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

I second.

**P.O. GREGORY:**

Legislator Schneiderman seconds. Okay. On the tabling motion, all in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. GREGORY:**

Motion is tabled.

**MR. LAUBE:**

No, seventeen. (Not Present: Legislator Kennedy)

**P.O. GREGORY:**

Okay. ***I.R. 1668 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Southampton (SCTM No. 0900-316.00-01.00-053.000) (Sponsor: County Executive).***

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

Motion.

**LEG. STERN:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Schneiderman, second by Legislator Stern.

**LEG. STERN:**

On the motion.

**P.O. GREGORY:**

On the motion, Legislator Stern.

**LEG. STERN:**

This is variable underwater land, with preliminary range of value of 500 to \$1,000; was sold to the Town of Southampton for \$30,492, which is the County's investment, plus pro rata share of taxes. These are underwater wetlands land and cannot be developed, and, therefore, does not -- doesn't have a value.

**P.O. GREGORY:**

Okay. All right. Any questions? No. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen. (Not Present: Legislator Kennedy)

**P.O. GREGORY:**

***J.R. 1669 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Southampton - (SCTM No. 0900-316.00-01.00-054.000) (Sponsor: County Executive).*** Same motion, same second.

**CHAIRMAN STERN:**

On the motion.

**P.O. GREGORY:**

On the motion, Legislator Stern.

**LEG. STERN:**

The property is in the Town of Southampton, sold for \$3,849, which is the County's investment, plus the pro rata share of taxes. Same deal with being underwater wetlands with virtually no value.

**P.O. GREGORY:**

Okay. Any questions? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen. (Not Present: Legislator Kennedy)

**P.O. GREGORY:**

***J.R. 1711 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 North Babylon Volunteer Fire Company, Inc. (SCTM No. 0100-151.00-01.00-088.000) (Sponsor: County Executive).*** I'll make the motion.

**LEG. STERN:**

Second.

**P.O. GREGORY:**

Second by Legislator Stern.

**LEG. STERN:**

On the motion.

**P.O. GREGORY:**

On the motion, Legislator Stern.

**LEG. STERN:**

Parcel to the North Babylon Fire Department, appraised for \$1500, sold for \$1500, plus pro rata share of taxes, sold with restrictive covenants and cannot be developed.

**P.O. GREGORY:**

Okay. Any questions? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen. (Not Present: Legislator Kennedy)

**P.O. GREGORY:**

All right. *I.R. 1712 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 John M. McDaniel, as trustee of the 2012 revocable living trust of John M. McDaniel, as to a fifty-percent (50%) interest; and Lori A. Coyne McDaniel, as trustee of the 2012 revocable living trust of Lori A. Coyne McDaniel, as to a fifty-percent (50%) interest (SCTM Nos. 0800-164.00-02.00-046.001 f/k/a part of 0800-164.00-02.00-046.000) (Sponsor: County Executive).*

**LEG. STERN:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Stern; I'll second. On the motion.

**LEG. STERN:**

On the motion.

**P.O. GREGORY:**

Legislator Stern.

**LEG. STERN:**

In the Town of Smithtown, sold to the landowner for \$205, with an appraised value of \$200, sold with restrictive covenants and cannot be developed.

**P.O. GREGORY:**

Okay. Any questions? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Who was the second again on that?

**P.O. GREGORY:**

I was.

**MR. LAUBE:**

I didn't hear what you said.

**LEG. TROTTA:**

I'll second.

**MR. LAUBE:**

Trotta? Legislator Trotta?

**P.O. GREGORY:**

No, it was Stern, me and Stern.

**MR. LAUBE:**

Oh, thank you. Seventeen. (Not Present: Legislator Kennedy).

**P.O. GREGORY:**

Okay. ***I.R. 1713 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 James P. Simeone and Jill J. Simeone, husband and wife (SCTM No. 0400-024.00-03.00-021.000) (Sponsor: County Executive).***

**LEG. STERN:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Stern, I'll second. On the motion, Legislator Stern.

**LEG. STERN:**

On the motion. This in the Town of Huntington, sold to the adjoining landowner for \$502, with an appraised value of \$450, sold with restrictive covenants and cannot be developed.

**P.O. GREGORY:**

Okay. Any questions? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen. (Not Present: Leg. Kennedy)

**P.O. GREGORY:**

***I.R. 1750 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Southampton - (SCTM No. 0900-123.00-02.00-017.002) (Sponsor: Jay Schneiderman).*** Motion by Legislator Schneiderman, second by Legislator Stern. On the motion, Legislator Stern.

**LEG. STERN:**

On the motion. This is a 4.2 acre parcel for municipal purposes to the Town of Southampton for \$41,412.

**P.O. GREGORY:**

On the motion, Legislator D'Amaro, any questions?

**LEG. D'AMARO:**

Well, you know, it's a larger parcel, and I would like know whether or not it was first put to auction before going through this process.

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

This is also undevelopable, this property.

**LEG. KRUPSKI:**

DuWayne.

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

There's restrictive covenants on it.

**LEG. KRUPSKI:**

On the motion. On the motion.

**P.O. GREGORY:**

Oh.

**LEG. KRUPSKI:**

I'm sorry.

**P.O. GREGORY:**

One question at a time.

**LEG. KRUPSKI:**

Yes.

**P.O. GREGORY:**

Jill.

**DIRECTOR ROSEN-NIKOLOFF:**

Yes.

**P.O. GREGORY:**

Jill, Legislator D'Amaro has a question for you.

**LEG. D'AMARO:**

Jill, this went out to 72-h. Was it considered for auction?

**DIRECTOR ROSEN-NIKOLOFF:**

It probably was at some point, but then this request came in from the municipality.

**LEG. D'AMARO:**

Do you know if the -- what the appraised value of the 4.2 acres are?

**DIRECTOR ROSEN-NIKOLOFF:**

Yes, a dollar to 1,000.

**LEG. D'AMARO:**

I'm sorry. A dollar to 1,000?

**DIRECTOR ROSEN-NIKOLOFF:**

Yes.

**LEG. D'AMARO:**

Okay. Well, that's good. And do you know what the basis of the lower value is?

**DIRECTOR ROSEN-NIKOLOFF:**

Yeah. I'm advised that it can't be developed. It has a deed restriction for bathing and boating purposes.

**LEG. D'AMARO:**

So this is also waterfront?

**DIRECTOR ROSEN-NIKOLOFF:**

I'm not sure. Legislator Schneiderman, is this waterfront?

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

Yeah, it is along the water, but it's undevelopable property that I think historically has been used by the Trustees as a dredge spoil site.

**LEG. D'AMARO:**

Okay. That's fine. Thank you.

**P.O. GREGORY:**

Legislator Krupski.

**LEG. KRUPSKI:**

I did take a look at this. It's in Flanders, right on the bay. It is used -- I called Eric Shultz, the President of the Trustees in Southampton. They use it as a dredge spoil site for a creek to the east of that. And the rest of the parcel is intertidal wetlands. You know, it's marine wetlands, high marsh. It's a beautiful wetland system, but it's completely undevelopable.

**LEG. D'AMARO:**

Okay. Thank you. Thank you.

**P.O. GREGORY:**

Okay. All right. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen. (Not Present: Legislator Kennedy)

**P.O. GREGORY:**

Okay. Go to the manila folder. I have ***Procedural Motion Number 24 - Apportioning Mortgage Tax by: County Treasurer (Sponsor: Pres. Off. Gregory)***. I make a motion to approve.

**LEG. CALARCO:**

Second.

**P.O. GREGORY:**

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

**MR. LAUBE:**

Seventeen. (Not Present: Legislator Kennedy)

**P.O. GREGORY:**

Okay. ***I.R. 1806 - Accepting and appropriating 100% reimbursable grant funds from the New York State Office for the Aging (Sponsor: County Executive)***. Do I have a motion?

**LEG. MURATORE:**

(Raised hand).

**P.O. GREGORY:**

Motion by Legislator Muratore.

**LEG. CALARCO:**

Second.

**P.O. GREGORY:**

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

**MR. LAUBE:**

Seventeen. (Not Present: Legislator Kennedy)

**P.O. GREGORY:**

All right. ***I.R. 1841 - Amending the 2014 Operating Budget by accepting and appropriating \$897,476 in 100% funding from New York State Office of Children and Family Services (OCFS) for Youth Services (Sponsor: County Executive).***

**LEG. CALARCO:**

Motion.

**P.O. GREGORY:**

Same motion, same second okay?

**LEG. CALARCO:**

Sure.

**LEG. MURATORE:**

(Nodded yes).

**P.O. GREGORY:**

All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen. (Not Present: Legislator Kennedy)

**P.O. GREGORY:**

Okay. Red folder, there's a Certificate of Necessity for eight -- ***I.R. 1831 - Accepting and appropriating a Bullet Proof Vest ("inVEST") partnership providing 50% support from the State of New York Office of the Attorney General, and amending the 2014 Capital Budget and in connection with the purchase of Custom Fitted Ballistic Soft Body Armor Vests (CP 3153) (Sponsor: County Executive).*** Motion by Legislator Browning, second by Legislator Calarco.

**LEG. CILMI:**

On the motion.

**P.O. GREGORY:**

On the motion, Legislator Cilmi.

**LEG. CILMI:**

Why CN?

**MR. VAUGHN:**

Legislator Cilmi, we have an opportunity to do this, do a grant that was granted to us by the -- by Attorney General Eric Schneider -- Schneiderman, pardon me, so we can save approximately 50% of cost. We had a tight deadline. We needed to bring it forward with a CN.

**P.O. GREGORY:**

Okay. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen. (Not Present: Legislator Kennedy)

**P.O. GREGORY:**

Okay. Bond Resolution, **1831A - Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$276,420 bonds to finance the cost of acquisition of Custom Fitted Ballistic Soft Body Armor Vests (CP 3153.513)**. Same motion, same second. Roll call.

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

**LEG. BROWNING:**

Yes.

**LEG. CALARCO:**

Yes.

**LEG. KRUPSKI:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MARTINEZ:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

(Not Present)

**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:**

Seventeen. (Not Present: Legislator Kennedy)

**P.O. GREGORY:**

Okay. ***I.R. 1840 - Authorizing the County Executive to enter into an Inter-Municipal Agreement with the Village of Patchogue for the removal of the bus stop on South Street and construction of a new bus stop at the village parking lot on Sephton Street (Sponsor: County Executive).***

**LEG. CALARCO:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Calarco.

**LEG. LINDSAY:**

Second.

**P.O. GREGORY:**

Second by Legislator Lindsay.

**LEG. CILMI:**

On the motion.

**P.O. GREGORY:**

On the motion, Legislator Cilmi.

**LEG. CILMI:**

The same question, why the CN on this?

**P.O. GREGORY:**

Your mic's not on.

**COMMISSIONER ANDERSON:**

Got it. Sorry. We made the motion to put this in as a CN with the hopes that we can begin and hopefully even construct this before the winter hits.

**LEG. CILMI:**

Fair enough. Thank you.

**P.O. GREGORY:**

Okay. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen. (Not Present: Legislator Kennedy)

**P.O. GREGORY:**

***I.R. 1843 - Appointing Sondra Cochran as a Director of the Suffolk County Economic Development Corporation (Sponsor: Presiding Officer Gregory).*** I make a motion.

**LEG. LINDSAY:**

Second.

**P.O. GREGORY:**

Second by Legislator Lindsay.

**LEG. CILMI:**

On the motion.

**P.O. GREGORY:**

Just by way of explanation, we had appointed her to IDA. If you recall, all IDA appointments are also corresponding members of the corporation, and they forgot to do this.

**LEG. CILMI:**

She is an IDA member?

**P.O. GREGORY:**

Yes, absolutely. So there will be another CN for Casamento, too.

**LEG. CILMI:**

That's fine.

**LEG. LINDSAY:**

DuWayne, just on the motion, too, just a point of reference. The last IDA meeting, they didn't have enough people for a quorum, so they couldn't hold the meeting because this person wasn't in.

**P.O. GREGORY:**

Okay. So all in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen. (Not Present: Legislator Kennedy)

**P.O. GREGORY:**

Okay. ***I.R. 1844 - Appointing Gregory T. Casamento as a Director of the Suffolk County Economic Development Corporation (Sponsor: Presiding Officer Gregory).*** Motion by Legislator Lindsay, second by Legislator Calarco. Any questions? All in favor? Opposed?

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Abstentions?

**LEG. BROWNING:**

Abstain.

**MR. LAUBE:**

Sixteen. (Not Present: Legislator Kennedy)

**P.O. GREGORY:**

Okay. *I.R. 1845 - Transferring 100% grant funding in the amount of \$22,000 awarded by the US Department of Justice from the Suffolk County Probation Department to the Suffolk County Sheriff's Office for overtime costs for the G.R.E.A.T. Program (Sponsor: County Executive).*

**LEG. CALARCO:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Calarco.

**LEG. BROWNING:**

Second.

**P.O. GREGORY:**

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

**MR. LAUBE:**

Seventeen. (Not Present: Legislator Kennedy)

**P.O. GREGORY:**

All right. I'd like to waive the rules and lay the following resolutions on the table:

I.R. 1835, Economic Development; I.R. 1836, Vets and Seniors; I.R. 1837, Vets and Seniors. Set the public hearing on October 7th at 2:30 p.m., Riverhead, for I.R. 1838, in Vets and Seniors; 1839, Government Ops; 1842, Public Works; 1846, Budget and Finance; 1847, Government Ops; 1848, Government Ops; 1849, Government Ops; 1850, Economic Development; 1851, Public Works. Do I have a second?

**LEG. KRUPSKI:**

Second.

**P.O. GREGORY:**

Second by Legislator Cilmi. 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 10:24 p.m.)*