

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

THIRD DAY

February 3, 2015

Verbatim Transcript

MEETING HELD AT THE WILLIAM H. ROGERS LEGISLATURE BUILDING

IN THE ROSE Y. CARACAPPA LEGISLATIVE AUDITORIUM

725 VETERANS MEMORIAL HIGHWAY

SMITHTOWN, NEW YORK

Minutes Taken By

Alison Mahoney & Lucia Braaten - Court Stenographers

Verbatim Transcript Prepared By

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

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

*(*The meeting was called to order at 9:38 A.M. *)*

P.O. GREGORY:

Good morning, Mr. Clerk.

MR. LAUBE:

Good morning.

P.O. GREGORY:

Can you do the roll call? May I have all Legislators to the horseshoe?

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

LEG. KRUPSKI:

Here.

LEG. BROWNING:

(Not Present).

LEG. MURATORE:

(Absent).

LEG. HAHN:

(Not Present).

LEG. ANKER:

Here.

LEG. CALARCO:

Present.

LEG. LINDSAY:

Here.

LEG. MARTINEZ:

Here.

LEG. CILMI:

Here.

LEG. BARRAGA:

Here.

LEG. TROTTA:

Here.

LEG. McCAFFREY:

Here.

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LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. SPENCER:

(Not Present).

D.P.O. SCHNEIDERMAN:

Here.

P.O. GREGORY:

Here.

MR. LAUBE:

Thirteen.

LEG. HAHN:

Tim.

MR. LAUBE:

Fourteen.

*(*Legislator Browning entered the auditorium*)*

Fifteen (Absent: Legislator Muratore - Not Present: Legislator Spencer - Vacant Seat: District No. 12).

P.O. GREGORY:

Okay. Thank you, Mr. Clerk. Good morning, everyone. We all please rise for the salute to the flag led by Legislator Monica Martinez.

Salutation

The opening prayer will be given by **Reverend Dr. Daris Dixon-Clark, Pastor of the First Baptist Church of Bay Shore**, a **guest of Legislator Monica Martinez**.

LEG. MARTINEZ:

Good morning. It is just with great pleasure and honor to have with us today Reverend Dr. Daris Dixon-Clark. His church is a little outside my district, but many of my constituents attend his church and I have been to his church several times, and every single time I attend it's with open arms. So I could not pass the opportunity to have him here with us today. He has also attended several of our clergy meetings that I hold once a month in my office and he just brings great insight to what's going on, so I do appreciate him being here today with us.

Daris Dixon-Clark was born in Tar Hill, State of North Carolina, to Bonnie s. Dixon and the late Andrew W. Clark. Daris Dixon-Clerk graduated from Cheyney University of Pennsylvania where he received a Bachelor of Arts Degree in Political Science. He then made a commitment to ministry by completing his Master of Arts in Theology at Northeastern Theological Seminary in Rochester, New York.

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Reverend Daris Dixon-Clark was ordained in the Gospel Ministry on December 11th, 1988, in Philadelphia, Pennsylvania, and embarked in a career with a goal to provide emotional and spiritual support to individuals and families. He began as a youth counselor and chaplain in New York State's Louis Gosset Residential Center for Youth in Lansing, New York, where he provided weekly religious services, Bible studies and counseling to residents. On March 27, 2012, Reverend Daris Dixon-Clark was called to pastor the great congregation of the First Baptist Church of Bay Shore, New York. Since his arrival, he has promoted partnership as the key to a healthy and successful church and community. The church has spun new life and growth and continues to be a beacon of light in the Bay Shore community through its food pantry, political action committee, weekly Bible study, prayer meeting and its spirited weekly worship services and other community activities.

Reverend Dr. Daris Dixon-Clark is deeply committed to the church and he knows that with God, all things are possible. His message and direction is clear; *with God on our side and the body of Christ working together, we can reach the lost and strengthen the believer.* His personal mission is to glorify God through effective preaching and teaching of God's word and living a life that is a full expression of his God-given gifts. So it is with great pleasure that I introduce to you Reverend Dr. Daris Dixon-Clark.

Invocation

REVEREND DIXON-CLARK:

Presiding Officer DuWayne Gregory, to Legislator Martinez, and to all of you, my brothers and sisters. What a great honor and privilege it is to share with you this morning as we look to our creator for his blessings. Let's pray.

Eternal God, our Father, we thank you for the blessed privilege that is ours, to be a symbol in these hallowed halls, to give glory, honor and praise to you, and to do the work that you have assigned these Legislators to do. We ask your blessings upon them even now as they deliberate, Lord God, for your glory and your honor and for the well-being of the citizens of Suffolk County. We ask even now, God, that you would direct us, that we might be the full expression of the scripture that declares how good it is for your creatures to dwell together in unity. Bless us and these proceedings today and we give you, as creator, all the glory, all the honor and all of the praise the people of God declare. Amen.

Amen Said in Unison

P.O. GREGORY:

Please remain standing for a **Moment of Silence.** Former New York Governor Mario Cuomo who rose from the Depression-era streets of Queens to serve as the 52nd Governor of New York with three terms, from 1983-1994; Lieutenant Governor of New York from 1979-1982, and Secretary of State of New York from 1975-1978. He died of natural causes due to heart failure on New Year's Day, 2015. His passionate keynote address at the 1984 Democratic Convention vaulted him onto the national political scene. We extend our deepest sympathy and prayers to his son, Governor Andrew Cuomo, and the entire Cuomo Family.

In remembrance of Michael D'Andre, a former Suffolk County Legislator who served from November 23rd, 1982, to December of 2001 after being a Legislative Aide and a Community Relations Director for County Parks. As Legislator, he sponsored the County's first smoking ban and a safe haven bill that allowed mothers who drop off unwanted infants. We extend our thoughts and prayers to his family as well.

As always, let us also remember all those men and whom who put themselves in harm's way every day to protect our country.

Moment of Silence Observed

Okay, **Black History Month of 2015**, began on Sunday, February 1st in the United States and in Canada. The "*Heritage Month*" celebrates African-American contributions to American culture and also serves as a reminder of the tribulations of African-Americans, that they've had to endure to obtain freedoms that America's Forefathers promised his people, "*When all men are created equal*" was written into the Declaration of Independence. African-Americans have been on the forefront of the civil rights fight to uphold this oft-quoted American ideal since the American -- since the emancipation from slavery in 1865 and their granting of full citizenship in 1868 with the Fourteenth Amendment to the United States Constitution.

There will be various events going on throughout the month to commemorate Black History Month. We have several proclamations. We have -- and Mr. Clerk, Deputy Clerk, Legislator Muratore has an excused absence today. We have several proclamations, the first of which by Legislator Lindsay to present Proclamation of Certificates to the following Sachem -- no? Okay.

PROCLAMATIONS

LEG. LINDSAY:

No, they're not here, they have a delayed opening today.

P.O. GREGORY:

Okay, gotcha.

LEG. LINDSAY:

We have the State Police.

P.O. GREGORY:

Okay. **Legislator Lindsay** is going to recognize several State Troopers.

LEG. LINDSAY:

Good morning, Mr. Presiding Officer. Good morning to my fellow Legislators. It's my honor this morning to present a proclamation to **New York State Trooper Christopher Nolan**. Some of you may have read the story in Newsday. Trooper Nolan is assigned to the Troop L Headquarters, along with his K-9 Partner Ready. On a daily basis, Trooper Nolan conducts himself with the highest level of professionalism and takes the responsibility of being a police officer very seriously. He completes his assignments with integrity and respect, ensuring everyone receives dedicated customer service.

On January 3rd, 2015, Trooper Nolan received a radio transmission to respond to the Southern State Parkway in the area of Exit 25 for a woman screaming. He located a tan Buick parked on the right shoulder westbound, east of Exit 25N. He was immediately met by a woman holding a small boy and she stated that the boy could not speak or breath. Without hesitation, Trooper Nolan took the child back to the Buick and placed him on the rear seat where he opened the boy's airway. The younger boy gasped for air, began to start breathing on his own while slightly foaming from the mouth and vomiting. Trooper Nolan held the stable airway until the boy was turned over to North Bellemore EMS who transported him via ambulance to Nassau University Medical Center.

An interview of the boy's mother revealed that she was driving westbound when her son became unresponsive and stopped breathing prior to her calling 911. Thanks to Trooper Nolan's quick response and immediate, decisive action, the child was stabilized at the hospital and expected to make a full recovery.

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So I'm going to ask Trooper Nolan to come up with his family. Both myself and Legislator D'Amaro would like to present him with this proclamation just honoring him for his courageous acts and saving this boy's life. I'd like to turn it over to my Legislator -- my fellow Legislator D'Amaro to say a few words as well.

LEG. D'AMARO:

Good morning. Trooper Nolan, and to your family, I just thank you for the opportunity just to take a few moments and say thank you to you for your heroic acts and saving a child's life. I mean, it's just a wonderful thing to hear. And I appreciate the fact, also, that you volunteer with the Melville Fire Department and you're a constituent of mine as well. So we're very proud of you. You do a wonderful job and this is truly a great story and you should be recognized for that, you and your family. So congratulations. Thank you.

Applause

TROOPER NOLAN:

Thank you.

Applause & Standing Ovation

Photograph Taken

P.O. GREGORY:

Okay. Next I'll recognize Legislator Browning for the purposes of presenting a proclamation to the William Floyd Tennis Team.

LEG. BROWNING:

I have to say, we get a lot of football teams, soccer teams, basketball teams; I don't know that we've had too many tennis teams, so this is a good thing.

I'd like to introduce you to David Pia, he's the coach for the Girls Tennis Team, and on the other end is our Athletic Director, Mark Mench. The William Floyd High School Tennis Team -- you know, through some delays last year, we were able to get them here this year -- won the 2014 Suffolk County Championship, the highest honor a Suffolk County Tennis Team can attain. Also, the team won the League and Division Titles for the third straight year. And I'd like to introduce our students here. We have Christina Cali, Kayla D'Addario, Zoey DaSilva, Brooke Fernandez, Emily Fernandez, Julia Guadio, Kelci Henn, Kaitlin Hibbert, Vianna Iorio, Lisa Lin, Victoria Panicola -- where's Victoria?

UNKNOWN GIRL:

Not here, mid-terms.

LEG. BROWNING:

Oh; poor kids, mid-terms. Autumne Venturino and Antonette Viglione. The William Floyd High School Varsity Tennis Head Coach, Dave Pia, led the team to a 19-1 overall record, and the team's first Suffolk County Championship by upsetting the three-time defending champions, Half Hollow Hills, Half Hollow Hills East. Coach Pia has been recognized by Newsday as Long Island Coach-of-the-Year for the Girls Tennis, and the team received numerous awards including, we have four All-State players, eight All-County players and one All-Division player. So I want to say, Girls, congratulations, and I'm hoping -- being that you're here in 2015, maybe we'll see you again at the end of the year, champions again. Congratulations.

Applause

Coach, you want to say something?

COACH PIA:

Thank you. I just want to thank Legislator Browning for having us down here today. It's a great honor. It's nice to be recognized as Suffolk County Champions. The girls really appreciate this very much. Thank you very much.

Applause

LEG. BROWNING:

Thank you.

Photograph Taken

Applause

D.P.O. SCHNEIDERMAN:

Okay. The next presentation will be from Legislator Hahn. Before I bring Legislator Hahn up, I just want to make sure that the individuals that you'll be honoring are here. This is in regards to the In-Tel Semi-Finalist in the Science competition.

LEG. HAHN:

Yeah. So we had Ward Melville High School students that were supposed to come this morning, but the Principal said they might not if the snow -- you know, because of the ice we had a delay at Ward Melville this morning, so I don't think they're here. Jessica or Eric? No, okay. So then they'll be coming to the next General Meeting.

So thank you very much for the opportunity, and we really do need to congratulate them. Thank you.

D.P.O. SCHNEIDERMAN:

Okay, so then we'll move along. The next presentation will be done by our own Presiding Officer, Presiding Officer Gregory. He'll be presenting proclamation to Suffolk County Police Officers Michael Maio and Adam Quinones. Legislator Gregory?

P.O. GREGORY:

Good morning, colleagues. It's my pleasure to recognize these two individuals, and I'll ask to call them up; officers Maio and Quinones and Inspector Gigante from the 1st Precinct.

Applause

On Wednesday, December 31st, 2014, 1st Precinct Police Officers Michael Maio and Adam Quinones were on patrol when they observed smoke coming from the home located at 86 Miller Avenue in Amityville. The officers alerted the resident, James Brown, 82, who was unaware that the house was on fire and helped him evacuate the home. Officer Maio then returned to the home to look for other occupants and located Mr. Brown's grandson, {Tacia} Gibbs who is 13, in a rear room of the home. Due to heavy smoke conditions, Officer Maio was unable to see Gibbs and was forced to use verbal directions to guide the teen to safety. So we want to recognize them here today because they saved those -- that family's lives. And we recognized them at the Town of Babylon a few weeks and ago and I wanted to make sure that we recognized them here today. They're not fire officers, they're not trained as fire officers, but they certainly are brave Police Officers and they stepped up and they did what had to be done. And because of the result of their brave actions, without the proper equipment that firemen would have, they risked their lives and injury to themselves to save two people, a grandson and a grandfather, and for that we're forever grateful. So thank you for all

that you've done for our community.

Applause & Standing Ovation

Photograph Taken

D.P.O. SCHNEIDERMAN:

All right. I'd like to ask our Presiding Officer to return to the podium to present a **proclamation on behalf of the entire Suffolk County Legislature** to **Correction Officer Monique McCray** who was named **Correction Officer of the Year**.

P.O. GREGORY:

If I could ask my colleague Legislator Martinez to join me. This next presentation, you know, is an important presentation, but it's a special presentation, because it goes to someone that I went to high school with. And many years ago -- many, many, many, many years ago -- we went to high school. She looks a lot better than me and a lot of younger than me, but we went to high school together.

Correction Officer Monique McCray is a 10-year veteran of the Sheriff's Office and is acknowledged for her exceptional performance and dedication to the Suffolk County Sheriff's Office. And during 2014, Officer McCray was instrumental in researching and developing the Sheriff's Youth Initiative. The program targets 16 to 20-year-old inmates. It was created to help those in transition from incarceration to community life, while encouraging greater self-discipline, accountability and goal-setting.

Monique's civic activities are no less impressive. She is a founding member of the Residents for Change, a local community group active in social, political, economic and environmental concerns. She's a board member of the Youth Empowerment Project, an organization that assists youth in career options and played an integral role in creating a new community summer program. Correction Officer Monique McCray is a conscientious, dedicated law enforcement professional who sets an example for her fellow students -- fellow officers, and her performance and diligence are indicative of her commitment to the Sheriff's Office and the residents of Suffolk County.

And as I said, we went to high school together. She was special then, she's even more special now, and it's been a pleasure to be in her presence and to see all the things that she does. I just wanted to, along with my colleagues, present you this proclamation. Congratulations for being recognized as Correction Officer of the Year.

Applause

OFFICER McCRAY:

Thank you very much. I'm so grateful for this proclamation. I have to thank Sheriff DeMarco for being such an awesome boss, Chief Sharkey for always being by my side when he has to come out. Thank you so very kindly. Thank you, everyone.

Applause & Standing Ovation

Photograph taken

P.O. GREGORY:

Okay. Do we have any State, Village or Town officials here to speak on a particular issue? Oh, I'm sorry, I apologize. **Legislator Calarco** has a presentation as well.

Applause

LEG. CALARCO:

Good morning. It's a pleasure to be here this morning. We had the opportunity to recognize a couple of our law enforcement personnel who have made some heroic acts in the last month, and today I actually have the opportunity to recognize one of our youngest residents -- scooting around the side of me, come over here -- who also had a heroic act.

On December 5th, we had a fire break out in the Blue Ridge Condominium & Apartments, and Kareem here, **Kareem Hashish**, our 6-year old resident, was playing video games and he smelled smoke coming out of the vents in his unit. And with his fire prevention skills and safety skills that he learned in school -- right, Kareem?

MR. HASHISH:

Yeah.

LEG. CALARCO:

All right. Who knew that something had to be done. So he quickly sprung into action and went and got his parents and his whole family and roused them up and made sure everybody got out of their unit in time before the fire overtook the condominium. And not only did he get his own family out, but he got several other families out of the neighboring condominium units to make sure they all got out to safety. So I'd like to call up, actually all of Kareem's family can come up, come on. He's got his two sisters here, Sophia and Fera. And is this his brother?

MS. HASHISH:

Joseph.

LEG. CALARCO:

Joseph, and his Mom and Dad. Come on up, Mom and Dad. Because it's not often that we see such a young person being able to be so quick and alert and know what to do in a matter of crisis. So Kareem, congratulations. Thank you so much for being so -- such a good citizen and knowing how to act in an emergency. And hopefully you maybe want to go into to becoming a firefighter some day?

MR. HASHISH:

Yeah.

LEG. CALARCO:

All right, very good. So I have a proclamation here for Kareem.

Applause

Here you go, this is for you.

MR. HASHISH:

Thank you.

LEG. CALARCO:

You're welcome. Now, the story doesn't end there because, you know, December 5th was just before the holiday season, and unfortunately the Hashish Family, as well as some of our other families in the unit, were out of a home, were out of their presents for the holidays, then they have food, many other things. And we reached out to our local Knights of Columbus Council, the **St. Sylvester's**. Come on up, Richie. And we have with us the **Grand Knight, Rich Neubauer**, and

this happens to be my Council as well.

Applause

And we reached out to them and said, *Can you help some families in need? You know, just before the holidays, can you do something to help them out?* And by the next day they had \$500 in gift certificates there for the families, to help them get through the holidays and make sure that their holidays were still bright even though they had such a tragedy occur. So Richie, on behalf of the Legislature, I'd like to also thank you for stepping up when times were tough and the community needed you.

Applause

MR. NEUBAUER:

Thank you.

LEG. CALARCO:

Anybody want to say anything? Come on up, Dad.

MR. HASHISH:

I just want to thank everybody. You know, we had a tragedy on December 5th, but really it was because of -- starting with the Medford Fire Department, our neighbors, St. Sylvesters, Blue Ridge, and just the community just came together. And a tragedy turned into a great event and because of that, my kids had actually one of the best holiday seasons they have ever had because of the surrounding community and the Legislators and just everybody we ran into, people we don't even know. So thank you. Thanks to everybody.

Applause

LEG. CALARCO:

Do you want to say anything, Kareem? Yeah? Come on, you can say something. What do you want to say?

MS. HASHISH:

Say thank you.

LEG. CALARCO:

Oh, you're put on the spot. Okay. Thank you very much, everyone. And Kareem, again, thank you for being so on top of things and being able to be out there to save some lives.

Applause

P.O. GREGORY:

Okay, great job.

PUBLIC PORTION

Next we'll go into the public portion. Each speaker who's filled out a card, they have three minutes. You can speak once and once only, but you can speak on multiple subjects during your three minutes. The first speaker is Steve Cuzzo; and on deck, Dick O'Kane. Steve? Mr. Cuzzo? Cusso? C-U-Z-Z-O.

MR. CUZZO:

Cuzzo.

P.O. GREGORY:

Cuzzo, I'm sorry. All right.

MR. CUZZO:

Good morning, Ladies and Gentlemen of the Suffolk County Legislature, our great Legislature. I'm honored again to speak before you today. My name is Steven Cuzzo, I'm a founder of a community group called ADAM, Americans for Disabilities Awareness Movement. I spoke before you before in November. I've been asked to join a committee for SILO, Suffolk Independent Living Organization, to help liaison and work with the Legislator and the committee for transportation and SILO's Committee for transportation to try to make the experience of the Suffolk County Auxiliary Transit, SCAT, work a little better for not only the members of the disabled communities, but for the constituents and the County taxpayers. We want to see if we can't work with the Suffolk County Bus Corps, the Legislator and the constituents that use the services, the drivers, and see if we can't make it all a little better.

I was in industrial manufacturing, we used to call it lean manufacturing, see if we can't trim it down where it's a more usable and better experience for the disabled and better experience for the taxpayers. SILO is going to be spearheading this and we hope that the Legislature will join us, the County Legislature. So I appreciate your time. Thank you.

P.O. GREGORY:

Thank you, Sir.

Applause

Dick O'Kane; and then on deck, Ryan Stantan.

MR. O'KANE:

Yes, good morning. Thank you for the opportunity to speak in front of this Legislature. I'm here for two reasons, two topics; the first one being bill No. 1022, for the appointment of Mr. Frank Nardelli to become the Commissioner of Labor. I'm with the Nassau Suffolk Building Trades representing 59,000 people. I'd like to inform you that at our January 7th meeting in 2015, Mr. Nardelli was unanimously endorsed and has our backing 110% to become the next Commissioner of Suffolk County.

I've had the pleasure of working with Nardelli over the last ten years as -- in his capacity working for Suffolk County and I can tell you that there was numerous issues in the course of those ten years. I've been representing iron workers for 13 years as a business manager, that I had to go to Mr. Nardelli over different -- for various reasons, and he was always there, he was always receptive, he listened. You know, at the end of the day, things are worked out. He had a very good command of his job, knows his job and, you know, if Mr. Nardelli can't be appointed to be Commissioner of Suffolk County, it would be the same thing as the Super Bowl throwing that pass, I'll tell you that.

*(*Laughter*)*

So, you know, we -- I implore you to put this gentleman -- there's nobody more experienced than Mr. Nardelli in this County that I know of, and I've been around for a while, that can do the job as effectively as he has done, and I know that he will continue to do.

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The other item is bill No. 1866, the apprenticeship language. I would just like to say, it's been talked about in front of this Council for about -- you know, this is the sixth endeavor that I've been here talking about it. What it all boils down to is it's not an unfair advantage, this, that and back and forth; what it boils down to is safety.

The last couple of years, it was about five years ago in New York City and Long Island, there was 29 fatalities, 29 fatalities. And as a result of the 29 fatalities, safety entered into every one of them, just about. Eighty-seven percent of those 29 people were people that had no training whatsoever, no training, and that's what this is about. A lot of people say that they have apprenticeship programs and it's not true, it's not true. When you go to their facilities, I invite you's to go to their facilities and see where they have and what they do. Fifty-nine thousand people in my organization, just about every one of them went through an apprenticeship, an apprenticeship that cost anywheres from 35,000 to \$50,000 a person, and with state-of-the-art facilities. They don't come cheap. I know they run anywhere -- they run in the millions of dollars. And I would like to invite this entire Legislature to take a view of what the Nassau-Suffolk Building Trades provides for the building trades, in the line of being ready to go and doing what they do.

So I would just like to implore, once again, on this issue to pass this bill. It's about safety. We have a responsibility to get our people home at night and go back and do the work the next day and raise -- give them the opportunity to raise a family and to provide adequately. So with that, I would just like you to bear in mind what I just say, and I'll repeat it again; 29 deaths, 87% of them were untrained in anything, no schooling, no nothing. And after you go -- if you take me up on my invite to go and see the apprenticeship programs that we have, I would invite you to go see the other side and see what they have and let me know what you think. Thank you very much.

Applause

P.O. GREGORY:

Ryan Stanton; then on deck, Mario Mattera.

MR. STANTON:

I just want to thank the Suffolk County Legislature for considering Frank Nardelli to be appointed Commissioner of Labor here in Suffolk County. I'm here to testify on behalf of the Long Island Federation of Labor, AFLCIO, we represent over 250,000 men and women in Nassau and Suffolk Counties.

The Long Island Federation of Labor enthusiastically supports Frank Nardelli for Commissioner of Labor. He's widely respected by our entire movement because he's earned it. He's worked his way to this level of respect and admiration by working in the field as a construction laborer, developing hands-on experience and then taking the next step, learning every aspect of the Department of Labor's operations. He's effective because he works at it, he talks to people on both sides of an issue with a fair and balanced approach. He finds solutions that work while protecting the best interest of working people here on Long Island. The Office of Labor Commissioner is very important point to our movement; it's the point entry for us in Suffolk County government. So by working with the Labor Commissioner, we've been able to protect the best interest of our members in every sector of our movement.

So we're very happy that Frank Nardelli is being considered for this post and we urge for unanimous approval. Thank you.

Applause

P.O. GREGORY:

Thank you, Ryan. Okay, Mario Mattera; and then on deck, John Guadagno.

MR. MATTERA:

Good morning. Thank you, Mr. Presiding Officer, and all Legislators for letting me speak today. First I want to speak on the appointment of Frank Nardelli for Commissioner of Labor. I'm going to tell you one thing about Frank, and there it was when they sat in front of the committee the first time and it was unanimous. I was very, very proud of all the words that came out of all the Legislators, but -- and I said that there was nights, weekends, didn't make a difference, there's Frankie and I on Sunday actually speaking again. You could get a hold of him. Frank is labor. One thing I'm going to tell you, you can't get any better than somebody that came from labor but cares about labor. Not just the union side, but both sides, anybody that, in other words, works and actually puts revenue back into this County.

I sit on the Consumer Affairs Plumbing Board; very, very proud of that and I always thank all the Legislators for actually putting me in this position. And you know what? Having Frank there all the time -- and I'm going to give Sami Chu also, he did a fantastic job and I just want to thank Sami for all of his time also. But Frank being the Assistant Commissioner of Labor goes a long, long way, because now you're promoting within. He knows the job, we don't have to train somebody. You know, he's going to go right ahead and move forward and he has some great ideas when he spoke, but his integrity and his honesty goes a long, long way because it's in his heart. This is what he does, this is what he cares for. And you know what? We know that, in other words, he's going to do a great job.

And Frankie, from 1100 members and their families, and 80% of them live in Suffolk County, we're there for you and I appreciate it. And please, we need a 100% unanimous vote for Frank Nardelli for Commissioner of Labor.

Now I would like to speak on something that's very, very important, and obviously Resolution 1866, on the apprenticeship, strengthening the law in the apprenticeship. And first I'd like to commend, again, Legislator Browning and cosponsor Hahn for putting this forward because they saw problems. This isn't just about, you know, putting something in a bill. They saw the problem with their own eyes. They saw that, in other words, if someone had an apprenticeship program that, in other words, never graduates anybody. In other words, they're using this bill and this law just as a tool to bid on work. That's not what this -- that's not what this is for. This apprenticeship language is for an educated workforce for the future of Suffolk County, and to put something like this forward is important. Safety, yes. But you know what? What about our apprentices that, in other words, that go to school and they -- you know, our apprentices in particular. We have 150 of them and it's a five-year program, they have to go two nights a week. It's like someone that goes to school at night and they go to work and then they have to go to school.

Beeper Sounded

You guys have got to give me a little bit more time. My point again is this; we're already on the tenth version of this bill. I can't believe my three minutes, I could never do it. You've got to make that five minutes. Can we do that today also, too?

*(*Laughter*)*

And I wanted to say something about the snow, but I'm not going there. But I just want to say that, in other words, you have a -- we have a five-year program and 15 apprentices graduate. It's a great day for them, but they learn. We do -- especially with the plumbing field; medical gases, you know, we're installing natural gas, something that could -- you know, look what happened with

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Avalon in New Jersey. Look what happened with that. Non --

P.O. GREGORY:

Okay, Mario.

MR. MATTERA:

Non-licensed plumbers. All I can say is please pass 1866, it's very important, the tenth version. I know it was a compromise. Please pass this today. Thank you.

Applause

P.O. GREGORY:

Thanks, Mario. All right, John; then on deck, Frank Tassone.

MR. GUADAGNO:

Good morning to the Legislature. Thank you for the opportunity to speak. My name is John Guadagno, I'm President of Local 25, International Brotherhood of Electrical Workers. I'm going to speak on two subjects also.

1022, Frank Nardelli. I was fortunate enough to work with Frank in the field as a business rep, and there's no question about his integrity, his honesty. He's going to bring a new aspect to his new position. We appreciate all he does for us. We appreciate how he looks after the small business owner to streamline the position and we strongly recommend that you support his endeavor.

Also, on 1866, again, special thanks to Legislator Browning and Hahn for all they have done to bring both sides together in this important issue of the apprenticeship language. We strongly encourage, we know it's a compromise, but Local 25 is in favor of the compromise. It's not exactly what we wanted, but we think it's in the right direction. And again, we thank Kate for all she's done to work this thing out and hopefully the Legislature also agrees with it. So again, we support both issues and we thank you for your support. Thank you.

Applause

P.O. GREGORY:

Thanks, John. Okay, Frank Tassone; and then on deck, Mike Gendron.

MR. TASSONE:

Good morning. I am strongly opposed to the proposed casino located in the Medford community. I was also disappointed to learn that my Legislator, on more than one occasion, went on the record and encouraged the development of this facility, highlighting how it should be structured and the potential revenue that can be generated.

The review of the 2014 Recommended Operating Budget included approximately \$4 million associated with the opening of a VLT parlor for 2014, and the review of the 2015 Recommended Operating Budget noted that there were agreed upon arrangements that will provide at least \$2 million in revenue to the County for the first two years of VLT operations. I for one believe that the potential negative impacts this plan would have on the Medford community clearly outweigh any potential revenue that can be generated for the County.

Despite being inconsistent, I was glad that my representative recently came out and came around to this issue, only after community opposition. I'm asking Legislator Calarco now to take this a step further. If, in fact, the County has budgeted revenue either now or for subsequent years specific to this casino, that I urge him to introduce and pass a budget amendment that will remove it. Any

efforts to balance the County budget on the backdrop of a casino is fiscally irresponsible.

In addition, I am urging this body to meet with members of the OTB Administration and the Suffolk OTB Board, which all of you appoint, and to work together to find a new location. If there's resistance, then perhaps it's time that this Legislature introduce a resolution to remove those members of the OTB Board and appoint members that are opposed to a casino, this particular casino, just like your Democratic colleagues in the Nassau County Legislature did very recently.

Considering Legislator Calarco's leadership position as Majority Leader this chamber, I'm confident this can be accomplished. It might be a heavy lift, but if something is important enough, it can be achieved. Thank you.

Applause

LEG. CALARCO:

Mr. Presiding Officer, may I make a point of preference here, personal preference?

P.O. GREGORY:

Yes.

LEG. CALARCO:

And I thank you for your indulgence, because we don't usually have opportunities to address issues such that are not pertinent to the agenda of our meeting. So thank you very much for that opportunity.

I'd like to first put it on the record, as I have many times already, that I am opposed to the casino operating, the VLT operations in the Medford community. It has been very clear to my residents that this is not something that they can approve of. And quite honestly, the most cogent argument I've heard from any of them is simply that they don't want their nice, suburban community, where they're known as a good place to raise a family, to be known as the place to go gamble, and that is why I'm standing behind my community and have done so.

I would like to just take this opportunity, because I know that the last speaker actually is an employee of the Town of Brookhaven and is very well-known with the Town of Brookhaven. And there was a letter that was sent by the Supervisor to ABCO regarding statements they made, that when a civic leader posts false information, the trust and respect is lost from not only the elected officials, but also the other members of ABCO. And this is in reference to a statement that ABCO had made about budget revenues being placed in the budget for Brookhaven Town from this facility. Suffolk County has not placed any budget revenues into their budget, either in '14 or '15, from the VLT operations. And the fact that the Town of Brookhaven passed a resolution stating such is hypocritical, in fact, in light of the letter that Supervisor Romaine sent to ABCO about statements they made.

We'll make it perfectly clear, the Suffolk County OTB is a Public Benefit Corporation, it operates under their own guise through the State law and they're created through State law. And while, yes, we appoint the Board of Directors, and I will look at a resolution that may be able to address some of those issues, I'm also not going to randomly put up somebody's name as a replacement just for the political posturing that that would create. Rather, I call on my colleagues who also represent the Medford community to stand with me going to the State of New York to ask them to implement the same process for siting a gaming facility in Suffolk County that they've used in the rest of the State of New York.

Applause

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That process has a full application procedure which also calls for a formal resolution to be adopted by the host community; in this instance, the town. Since the Town has passed a resolution, though filled with inaccuracies, saying that they oppose the casino in Medford, I would say that that is a clear indication to the State of New York that this is not an accepted location for this operation and I'll call on the State of New York Gaming Commission to abide by their standards that they hold in the rest of the State of New York here in Suffolk County and call on the Suffolk County OTB to find a better location for this facility.

Thank you very much, Mr. Presiding Officer, for taking that opportunity. I know I have several other resident of Medford who are here to speak on this issue today.

P.O. GREGORY:

Okay. Thank you, Legislator Calarco. Mike Gendron; and then on deck, Josh Reap.

MR. GENDRON:

Good morning, Presiding Officer Gregory and esteemed Members of the Legislature. I want to thank you for the opportunity to speak today regarding Resolution 1022, confirming the appointment of Frank Nardelli as the Commissioner of the Department of Labor, Licensing & Consumer Affairs.

I have had the honor of working with Mr. Nardelli over the past six years and could always count on him to help solve a problem that our members faced on a daily basis. Mr. Nardelli has always shown an empathy for the challenges that working men and women must overcome on a daily basis and an eagerness to advocate on their behalf. Mr. Nardelli has a genuine concern for workplace safety so that all workers go home to their families each and every day. Frank knows that all workers at every level deserve to be treated with dignity and respect and will make sure it happens in this department whenever someone reaches out to improve their employment status.

Frank has been in the trenches, both literally and figuratively, and he is well educated and knowledgeable, so he knows firsthand the problems we face and the best way to resolve them. These qualities, paired with his character integrity, will insure that our residents here in Suffolk get the necessary training they need to get a new job or return to the workforce. Whether you are unemployed, under employed or getting back after a long absence, Frank will make sure this department provides our neighbors and our friends to have the necessary tools to reach their full potential. Frank will make sure that contractors doing work here in Suffolk are well-trained and licensed so they provide safe and fair services here in Suffolk County. Frank will make sure that our men and women of labor who provide the services are not competing against exploitive or unscrupulous contractors.

Quite frankly, I cannot think of a more qualified candidate for the Commissioner of this department, and the residents of Suffolk County would be best served by Frank Nardelli in this role. That is why I strongly urge you to approve Frank's appointment today. Thank you.

Applause

P.O. GREGORY:

All right. Thank you, Mike. Josh Reap; and then on deck, Don Seubert.

MR. REAP:

Thank you. I'm Josh Reap, I work for the Associated Builders & Contractors. We represent dozens of merit or open-shop contractors here in Suffolk County, many of whom have apprenticeship programs and are committed to safety, committed to training.

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We thank Legislator Browning for holding a couple of meetings to discuss this bill. You know, it's definitely moved the mark towards something that's a little bit more reasonable. But at the end of the day, ABC still holds the position that this goes outside the County's scope and legal authority to do so; I know we've shared some case law and some of our points about that.

But the most recent rendition of the bill, from a public policy perspective speaking about it, it would potentially disrupt many existing contracts, as the new requirements would go into effect the day of the signing. Many contractors that otherwise committed training, may be doing the work now, would suddenly find themselves ineligible to continue working on the job. So that's be something that you might want to consider.

Furthermore, the legislation would deny any new contractors with new programs from bidding because they would not have had enough time to graduate an apprentice. If the bill were adopted, it would also mean eliminating contractors, including many women and minority-owned businesses which is something the State is trying to encourage more of and so are we. I would never have the chance to prove the program while bidding on a County job. Eliminating quality contractors from bidding for County work also means less employment opportunities, less companies bidding and, in turn, can likely drive up the cost of construction here for Suffolk County.

Resolution 1866, again, the most recent one that's been shared with us, places many onerous graduation regulatory requirements on merit shop contractors, placing them at an unfair disadvantage to many of their counterparts, which simply sign on to {Uni-administered} programs. I'm not knocking those programs, I think they're fantastic and do well, but what I'm talking about today is the merit shop contractors that are committed to training, as this bill is written today, would preclude many of them who are graduating apprentices and committed to it from being able to bid on public work.

I know that there's been some alternatives suggested. You know, again, we think it's outside the purview of the County's ability to do this law, but that alternative would be a little bit more reasonable and would be a good compromise. At the end of the day, apprenticeship is good for the industry, but this legislation -- now all it would do is limit competition, discriminate against certain types of contractors and ultimately increase the cost of construction that would be paid for by Suffolk County taxpayers. Thank you very much.

Applause

P.O. GREGORY:

Thank you. Okay. Don Seubert; and then on deck, Andrew Beau.

MR. SEUBERT:

Good morning, Members of the County Legislature. I'm Don Suebert, Vice-President and Acting President of the Medford Taxpayers & Civic Association and Board Member of Affiliated Brookhaven Civic Organizations.

I would ask the question I have said before; who asked for it? Everyone passes the buck on who asked for it. The community? I'm sure you just gave great compliments to the young people you saw before, come up from William Floyd's tennis field, from the young boy that helped in the Blue Ridge Condominium to the Policemen. I'm sure -- and St. Sylvester's Knights of Columbus. I'm sure if you asked them, none of them asked for it. And I wonder up on this board; how many of you right now would raise your hand and say that you want it in your County Legislative District? Is there anybody there that wants this casino in your Legislative District? Is there anyone? Would anyone have the guts to put up their hands? I don't think so. And I think that speaks louder than anything.

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We know the quality of life that goes around a casino. We know the ills, the social ills. We know what happens to communities, and it's ironic. It's just a community like Medford, a challenged community that we did two Master Plans; one in 1994, one visioning in corridor plan in 2010. None of that -- and I've been to plans from Huntington to the Hamptons, I haven't seen one community plan that included a casino. And I think we know the demographics of our community, we know what's around it. We know where they draw from, 10-square miles around it. We know what happens to those communities. More people become gamblers, up to over 10% of the people become gamblers from the communities with the least expendable income.

Take, for instance, Holtsville, Farmingville, Patchogues, Gordon Heights, North Bellport, Selden; these are contiguous areas. I'm sure you have it in some of them in your own. Where is -- is that environmental justice for us or not? Please, we know what it does. It only takes money, it picks the pockets of the poor and gives them to the government and the management of the casinos. We need you all to stand up now to say that you will not, you will do everything you possibly can to make sure that we do not have a casino, and probably in all of Suffolk County, unless you can -- when you go Upstate, you go to {Tyoga} on Route 17 and you see for miles, there's nothing around, looks abandoned. They're not people, condominiums and people adjacent to it. We have schools, a half a dozen schools within a mile -- more people in those community --

P.O. GREGORY:

Sir, your time's expired, please wrap up.

MR. SEUBERT:

Wait, the last thing. There's more people in that community where this is being located than in the one in Westbury, believe it or not. Eagle Estates has around 2,000 units right there and we have 150 people in condos adjacent to it. Thank you very much. And please consider the community, the people. Thank you.

P.O. GREGORY:

Thank you, sir. Okay, Andrew Beau; I'm sorry if I messed up your name. B-A-U -- oh, okay. There you are, Sir. And then on deck, Deanna Wade.

MR. BEAU:

Good morning, County Legislatures, and especially to you, Mr. Calarco, for supporting the opposition against a casino in Medford. I just have a couple of points that I'll bring to your attention.

A mini-casino, okay, would not -- would increase crime, it would hurt traffic, it would also devalue the property of the houses in that area.

I believe OTB is required legally to perform an environmental review and a traffic review, and also award maintenance or management. When this -- if this occurs, is the public going to be informed of this, or is this going to be something under the rug that we're not going to be involved in? The homeowners and the community of Medford and the Civic Association, okay, will not accept this notion of a casino in Medford. We will fight this, the power that we have as a community.

Also, the environmental review by OTB officials, is it going to be done -- is it going to be built before they sign it, the contract, or is it going to be something that's not going to be done? I might have that a little mixed, I apologize.

Now, I took the time to go to Queens at one o'clock in the morning, just to see what the area where the casino is in Queens on Rockaway Boulevard. I am totally disgusted, okay, of what I saw. Businesses locked up with doors, bars on the windows, okay. The people that are walking the streets, okay, I wouldn't live there, okay. It's just unacceptable, okay? And when you have

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something that you don't have a vision on, people perish, communities perish. If you put this thing in Medford, okay, the community in Medford, okay, will fall to the way side. And I'm sure that any one of you people sitting up at this board will not, would not allow this to be in your community. Medford has a target on its back and we in the community of Medford will not accept it. We need you to fight for us, okay, just like the people in Nassau County. The residents in Nassau County stood up, got their elected officials on board, okay, and turned things around. This is what we need you people to do. And thank you for letting me have the opportunity to speak. Have a very nice day.

Applause

P.O. GREGORY:

Okay. Ms. Donna Wade; and then on deck, Pete Zarccone.

MS. WADE:

Good morning. I'm new at this, so please excuse my nervousness. My name is Deanna Wade and I have lived in Medford for 56 years. It's a nice suburban hamlet that doesn't need or want the problems, the urban problems that a casino would bring. It would ruin Medford and our quality of life there.

Politicians are elected because through their campaigns, people feel that they share our ideals and our values, and you can give a voice to these values. We are making our opinions and discontent known to Brookhaven Town, to all of you, and we need you to stand with us, support us and work with us and for us to get rid of this casino plan. Don't use the people to bail out OTB, Suffolk OTB, because as we are all well aware, bailouts don't work. And if OTB is going bankrupt, then maybe it's time they close their doors and hang out their *"out of business"* sign.

Applause

Your point, the OTB people, you have a voice, use it to make people that you represent heard. Give us our voice, that's why you're here. We're doing all we can to follow protocol, the chain of command, so to speak, to end this, and you are the next link in that chain. Don't let it break, don't let us down. Think of how you -- you know, what you would do and how you would feel if you were in our position. Thank you very much for your time.

P.O. GREGORY:

Thank you. And you did fine, Ms. Wade. Pete Zarccone; and then on deck, Alice Young.

MR. ZARCONE:

Good morning, Mr. Chairman, Members of the Legislature. My name is Pete Zarccone. I'm here today to speak on the appointment of Frank Nardelli.

I just would like to let everybody know that Frank Nardelli is a good friend of mine and I'm very proud of the fact that I'm here today to be able to speak on his behalf to get appointed. And I want to also thank the committee for the 5-0 vote, I believe that's the number that it came out unanimous. I also want everybody to know that right now Frank is also serving as the Acting Commissioner of Labor, so he's currently doing the job that he's up for appointment for.

Again, with Frank, I have some prepared notes, but, you know, Frank's a good friend of mine. I want to just talk about how Frank is with his work ethic. Frank and I used to work in the field together and Frank also would go to school at night, and I never understood how Frank was able to do all the things that he did do. And to see Frank at the point where he is right now is very rewarding.

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I guess really the true question comes why are we here today and why is Frank, you know, being brought up for the job. Frank actually deserves it. Frank has worked hard to get it and I think Frank is going to make a great Commissioner of Labor. And I do hope that we can get an 18-0 on this one, I think that would set a lot -- a good message for all of us. And I know today there's a lot more people here who are going to speak on behalf of Frankie from all different trades, not only the building trades but, you know, I think it's also public sector unions and Police unions. So, again, I ask for your support.

I just want to make a comment, too, on the apprenticeship language that you guys are going to be putting forth today. I've worked a long time with a lot of different bodies, whether it's Suffolk County or other Legislatures in the State. And the one thing that I am really puzzled on is why the open shop is asking for a non-graduation rate. And the one question I would like to ask is have they gone to their colleges, have they gone to their schools and lobbied their parents and lobbied their teachers not to graduate their kids? I just don't get it. I know right now we have a lot of apprentices in our local, we graduate probably about eight a year. I'm very proud of those guys, and women as well.

So again, I would also hopefully have you guys turn around and approve that one today, too. And let's just, you know, close the door on this one. It's right for Suffolk County and it's right for all of us. Thank you.

Applause

P.O. GREGORY:

Thanks, Pete. Okay, Alice Young, are you in the audience still?

MS. YOUNG:

Yes.

P.O. GREGORY:

Okay. And then on deck, MaryAnn Johnston.

MS. YOUNG:

Good morning, everyone. My name is Alice Young and I come here this morning representing SILO, Suffolk Independent Living Organization.

I am the newly appointed Director of Governmental Affairs and Community Relations. My focus this morning is to introduce myself to you because I hope to be working with all of you and your offices and all the constituents that you represent.

I'm here today to talk about the area of transportation. We have a new committee that will be starting. The first meeting will be February 11th and we hope to bring all the players to the table. We will have Suffolk Bus, we will have Legislator Monica Martinez' Office will be represented and we want to thank her for reaching out to us in all areas, not just transportation. We hope to have community agencies as well as the consumers we serve. We will be focusing on the area of SCAT and the transportation situation for the hundreds and thousands of disabled individuals in Suffolk County.

So I look forward to working with you. I will be calling you and your Legislative Aides as well to talk about the areas of transportation, education and quality of life issues for those with disabilities in Suffolk County. Thank you very much.

P.O. GREGORY:

Thank you. MaryAnn? And then on deck, Annette Kattan.

MS. JOHNSTON:

Good morning, Members of the Legislature. My name is MaryAnn Johnston, I am President of the Affiliated Brookhaven Civic Organizations.

On January 19th, our group voted once again, unanimously, to not have casino gambling in Brookhaven Town. We would prefer that this group could do the same thing; be as smart as the people who live in your districts and pay your salaries. The reality is we have Mr. Krupski, Ms. Browning, Mr. Muratore, Ms. Hahn, Ms. Anker, Mr. Calarco and Mr. Lindsay; they all represent portions of Brookhaven Town. We ask that they stand with us and that they do everything in their power to undo the damage you've done.

I note on your agenda today you have no less than three bills to protect the populus and the constituencies from the danger of nicotine, from bad pet stores. You're doing more for puppies than you are for people, and this is really a big problem here. We need you to understand that this is a slippery slope and you have poised this County on the top of it.

Last night I did a little bit of research. There's a bill pending in Albany right now to allow these slots to be put in bowling alleys. What's next, delis and grocery stores? Movie houses? What's next? You have to protect the community, that's what you're sworn to do.

Applause

That's what your jobs are. And frankly, we will remember in November. We will remember every single one of you that does not stand with the residents who are struggling in this County to protect themselves from the ills of the things you want to bring to it. I'm reminded that every single person who goes on a regular basis to a casino is thinking about that one big score, where they can balance their books and maybe pay their mortgage and be on easy street. And this County has adopted the same policy; one big score, let's go there. What next? Sales tax on our heroin sales? This has to end. Find a way to balance your budgets in reasonable ways with fiscal responsibility that doesn't visit society ills on every single community in our town. We are asking for environmental justice. We are entitled to it. We host a regional landfill for the benefit of this Island. We host a composting facility for the benefit of this Island. We host one power plant for the benefit of this Island. We host an intermobile truck rail facility for the benefit of this Island, and we host a metal crushing recycling plants. Now you want to give us casinos? It is enough. We ask that you stand up, be counted and do what we pay you to do; protect, serve and defend. Thank you.

Applause

P.O. GREGORY:

Okay. Annette Kattan. And then on deck, Ross Calemmo.

MS. KATTAN:

Good morning. Thank you for letting me speak. MaryAnn basically said it all; I feel 100% behind everything she said. I do have a few things to add. I was in on that OTB meeting, the meeting that was limited. They do not -- Phil Nolan does not want to meet with the community. He said he would take it under advisement, and then he said, "*We'll have to listen to all those church groups.*" That meeting was like something out of a Scorcece movie. Is this what we are rewarding? Is this the kind of entity that you put above the law? I just cannot believe, it's been an education. Okay? I retired and I just can't believe what's going on when I was busy working. And that's why you don't see a lot of people here; we were unaware of these things because we were busy. I was busy trying to get two girls to college; I did. I have five grandchildren, none of them, none of them were raised to think that casinos would be the end-all, none of them. We need to set our sites. I've said this to Brookhaven Town, I am so disappointed in every one of my representatives from Brookhaven Town.

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And Mr. Calarco, it isn't enough what you said. What you need to do is repeal. We want no casinos in Nassau and Suffolk. Nassau announced this morning that they were not, that they are already going to work on that. No casinos, they want that bill repealed. How dare you put OTB above the law. I am disappointed, disappointed. Thank you very much.

Applause

P.O. GREGORY:

Ross Calemmo. Sorry if I -- Russ? And then on deck, Ken Nava.

MR. CALEMMO:

It's Calemmo, but thank you. And good morning, everyone. I'm here on behalf of Resolution 1022 which is in regards to Frank Nardelli. I'm past President of the Suffolk County Electrical Contractors Association, 250 membership. I'm also a member of the Electrical Licensing Board. I've been around here on that licensing board since about 1985, and Mr. Nardelli has come across our lips many, many times as to the integrity that this man has. I really can't go about saying all the great things about him, only because that at least seven people before me said it all, and that's exactly what it's about. He's a good man and he's a blue collar fellow with common sense, and he's very intelligent as well. I urge you folks up there, please consider him, and we'd like to see a full yes right across the board. Thank you very much.

Applause

P.O. GREGORY:

Thank you, Sir. Ken Nava?

MR. NAVA:

Thank you for listening to me. I'm Ken Nava, I'm 72-years old. I have a plumbing company called Preferred Plumbing, which is over 48-years old. I've worked with unions and non-unions, this is in reference to the apprentice program that you're trying to put into position. I had union plumbers, steamfitters and laborers working for me and I've also had a good portion of the companies right now and before non-union.

I know the apprentice program, what they're trying to show you is that you get a better quality mechanic, which with my past experience is not so. I had a lot of union people that weren't even mechanically inclined. And the apprentice program is basically just a schedule of calendars. I never heard of anyone not being advanced due to a test not being approved. The thing is if you're really looking to cut the cost of the Legislator and the County and all, this prevailing wage -- now, this is not minimum wage, it's prevailing wage is three times the going rate of all the trades, and that's how much more all the taxpayers are paying. I think they should really take that into consideration, of eliminating the prevailing wage.

This apprentice program thing is to eliminate anyone that's not in the union to do any government work. I've done work for states, the County and schools and I worked for Grumman's, I've done numerous commercial jobs and I have a background of -- a lot of people know me as doing this type of work. So I just wish you would think carefully before you approve what they're proposing in this apprentice program. You're not really helping the County or the workers; that's my opinion, of course. Thank you for hearing me and I hope you's make the right decision. Thank you.

Applause

P.O. GREGORY:

Thank you, Sir. Okay, that is all the cards that I have. Is there anyone in the audience that would like to speak that has not spoken already? Please come forward, state your name for the record.

MR. BLASSINGAME:

Good morning to you. I'm Mr. Blassingame, known as the 16th Unofficial Mayor of Wyandanch. We just had a mother run over on East Booker, run over like somebody ran over a dog in the street and left her laying there. But I don't think this is a County problem, it is a State problem. We have hit and runs that are really got out of place. People are just running folks down. And if you watch the news, I think it's a national problem.

I truly like to get a Suffolk DA when he said if you do hit and run somebody, you do need to pay the cost. We've got too many speeders running around there as you come down that street, they're flying down the street, they're getting somewhere, God knows where they've got to get to, but it is out of control. It ain't only affecting my community. I think it was the barber in another community that served very faithfully for so many years; ran him over just as you run over your son's animal and then drove right past. This got to stop. These are mothers, fathers, sisters, brothers, children, but speeders out there got to be handled. They ain't only affecting Wyandanch, but it's affecting our state, it's affecting our Counties, it's affecting us as a whole. We all are drivers and God forbid we are on the road and somebody comes flying down the street, they all seem like a bat out of hell, where you've got to go to and when?

So I think that's how we need get us in our County harder and finding them and bring charges against them because speeders running over people is truly unacceptable. They left their mother laying there and she was a mother, a great-grandmother, as if you ran over some animal and drove right by. That is horrible. But I do believe that we can press up on the Suffolk County Police Department, civic organizations. They're all saying, if you want something, say something, because somebody saw something and may not know what they've seen at the time, and that's how you might have been looking out your window and saw the car speeding by. So that's what I'm asking for, that we do something about too many speeders going up and down our roads here in Suffolk County, Nassau County and truly throughout our state. Thank you very much.

Applause

P.O. GREGORY:

Thank you, Bobby. All right. Alex?

MR. STRAUSS:

Alex Strauss, 184 Radio Avenue, Miller Place, New York. Thank you for the opportunity to speak.

The apprenticeship language, the gentleman got up here and said that we should get rid of the prevailing wage. Sure, they'd like us to work for \$2 an hour so the rest of it can go -- (*made whistle sound*). Makes it an even playing field, prevailing wage.

As far as the apprenticeship program is concerned, he should take a drive right down the street here, it's about a five-minute drive to Local 25, and take a look at our apprenticeship program. And as far as people not knowing what they're doing? Try it on some of the other type of jobs. You know, the ones that know everything and they hire the guy to throw the pipe in and they don't care what he does, has no skill whatsoever, has no apprenticeship. The apprenticeships that they have, they go from job to job and nobody ever graduates. Isn't that amazing? He can be an apprenticeship for 20 years and never graduate; hmmm, I wonder why. Hmmm.

*(*Laughter*)*

Prevailing wage, hmmm. Isn't that amazing? You know, the ABC got up here, they've got a good program, it's only been decertified once. It's thrown out, they had to reapply. I wonder why? I wonder why the State did that. Hmmm, hmmm. Let me think about all this stuff. It makes a lot of

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sense when you really think about it, you know? Good apprenticeship has good people, good electricians, good plumbers, good steamfitters. And as far as the person saying that they never get thrown out? Oh, yes, they do. If you don't meet the standards, you're gone, you're gone. You're drug tested, you don't pass a drug test, you're gone. There's no such thing as sliding through. If you can't pass a test at the end of the five years, you're gone, and even incrementally up the ladder. If you're not going to school, if you're not doing the right thing, you're gone.

So, you know, just remember, you know, think about it. Think about it real hard. You know? It's amazing what can come out of people's mouths. Thank you and have a great day.

Applause

P.O. GREGORY:

Thank you, Alex.

Hold on Noel. It's past eleven o'clock. I'm going to make a motion to extend the public portion. Second by Legislator Anker. All in favor? Opposed? Abstentions? Okay.

MR. LAUBE:

Fifteen (Absent: Legislator Muratore - Not Present: Legislator Calarco - Vacant Seat: District #12).

P.O. GREGORY:

Go ahead, Noel.

MR. DEGEROLAMO:

Thank you, Presiding Officer Gregory, Legislature. Thank you for the opportunity. I want to speak on Resolution 1022 regarding the confirmation for the appointment of Frank Nardelli, Suffolk County Labor Commissioner.

I've worked with Frank for many years and know that he always brings professionalism and integrity to every post that he has held. He currently sits on two PBA Benefit Funds, in addition to multiple other municipal benefit funds throughout the County. I could stand here for my three minutes, but I know Mario took most of it already.

(*Laughter*)

So what I'll do is rather than echoing everything that was said, just to remind everyone, he has a very rich labor history. Currently sits as the Acting Commissioner of Labor, oversees labor disputes, OSHA requirements, etcetera. And on behalf of the Suffolk County PBA, I'm proud to call him a friend, a colleague that I've worked with for many years, and I'm happy to request you're unanimous confirmation of his appointment. Thank you.

Applause

P.O. GREGORY:

Okay. Anyone else that would like to speak that has not spoken, please come forward. If not, okay. I'll take a motion to close the public portion by Deputy Presiding Officer Schneiderman. Second by Legislator Barraga. All in favor? Opposed? Abstentions?

MR. LAUBE:

Fifteen (Absent: Legislator Muratore - Not Present: Legislator Calarco - Vacant Seat: District #12).

LEG. HAHN:

Can we take the appointment out of order?

P.O. GREGORY:

We're going to get to it.

Okay. I make a motion to accept the Consent Calendar.

LEG. CILMI:

Second.

P.O. GREGORY:

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

MR. LAUBE:

Sixteen (Absent: Legislator Muratore - Vacant Seat: District #12).

TABLED RESOLUTIONS

P.O. GREGORY:

Okay, Table Resolutions.

IR 1324-14 - Directing all County departments and agencies to update multi-line telephone systems to directly dial 911 (Trotta). Motion to table by Legislator Trotta. I'll second. All in favor? Opposed?

LEG. HAHN:

I'm opposed to tabling.

MR. LAUBE:

Fifteen (Opposed: Legislator Hahn - Absent: Legislator Muratore - Vacant Seat: District #12).

P.O. GREGORY:

1859-14 - Adopting Local Law No. -2015, A Local Law to prohibit the use of unauthorized tracking devices (Browning). Legislator Browning?

LEG. BROWNING:

I'll make a motion to approve.

P.O. GREGORY:

Motion to approve.

LEG. HAHN:

Second.

P.O. GREGORY:

Second by Legislator Hahn. On the question? Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen (Absent: Legislator Muratore - Vacant Seat: District #12).

P.O. GREGORY:

IR 1866-14 - Strengthening apprenticeship training requirements (Browning).

LEG. BROWNING:

Motion to approve.

LEG. HAHN:

Second.

P.O. GREGORY:

Motion to approve by Legislator Browning. Second by Legislator Hahn. On the motion? On the motion, Legislator Trotta.

LEG. TROTТА:

I have some questions on it. I mean, there was that one meeting and then there was no other meetings that I was ever invited to. I just -- I'm concerned about -- clearly, if you don't graduate anyone in 15 years, there's something wrong; I agree with that a hundred percent. But my question, which one of the attorneys brought up, is what happens to a new company that wants to do business with the County? You know, according to what they're telling me, there's no way for them to get in?

LEG. BROWNING:

That's not entirely true. We have -- the unions have apprenticeship programs and there is non-union apprenticeship programs. And new companies have the opportunity -- if they choose to create their own apprenticeship program, that's their choice. But if they choose to affiliate with the union or the non-union apprenticeship programs, that is their sponsor, which is what qualifies them for municipal work.

Now, Mr. O'Connell is here from DPW. When the bids come in, I don't know -- Jim, if you could come up, because I have to say thank you to Jim O'Connell for all the work that he's done and understands a lot of this --

Applause

You know, he certainly understands a lot of what's going on when it comes to bids and contracts. And, you know, my personal opinion is this mentality and this attitude of, *Well, what about the brand new company that just opens up tomorrow, that they're going to apply for municipal work?* I mean, what -- the chances of that is probably slim to none. And I don't know if Jim can answer how many companies, brand new companies are applying for municipal work.

MR. O'CONNELL:

Well, I don't think there's that many at the end of the day. I think this bill would have a minimal impact in that regard. We've had the apprenticeship requirement in the County since 2002, so there's been a lot of contractors who have been able to meet the requirements for 13 years now.

Bringing it one step further, to get the quality workmanship and a safe work environment, to have at least one graduate over many years in this bill, we're adding 24 months to the actual trades program. I think it's going to have a minimal impact as far as the amount of contractors that are going to bid on the actual projects. And a lot of the small, new companies are still qualified, they've been under our annual contracts. The bill is for over 250,000, which mostly our large contractors would bid on.

LEG. BROWNING:

Right. And so if there's a small, new company that comes in and they bid for a contract that's under \$250,000, you know, the apprenticeship language, all of this does not apply. So, you know, I just find it really hard that -- and I have to tell you, what bothers me is I have had -- this is -- this was

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tabled December 13th. And we had two meetings, one in this auditorium, we had union and non-union both in the room. And again, this is not about unions and non-union, this is about a graduation. And, you know, the number was much higher. This bill, in my opinion, has been really watered down to help both sides. And I think you heard, you know, the unions would have liked to have seen a better number, but they do see this as a compromise because one graduate is better than zero graduates. And we currently have, we currently have a contractor working here that I'm being told hasn't graduated in probably 10 to 15 years, hasn't had one graduate.

So, you know, this is about people who, you know, choose to be in a trade and make a career out of it. And if we're not going to enforce a graduation under our apprenticeship language, then we might as well just get rid of everything.

LEG. TROTТА:

But these people are all making prevailing wage. It's not a money issue here, correct? The money is being paid, they have to pay a certain amount?

MR. O'CONNELL:

That's correct.

LEG. TROTТА:

Okay. So if a small company has a guy who's, whatever, doing plumbing and he's in the apprenticeship program and he stays there for four years and he decides to move to South Carolina. Now, this small company who had a couple of plumbers, you know, now he has to get somebody else. So now he goes through this process and he's a legitimate company like this older -- elderly gentleman here, now he's got to go -- so then he can't bid on a County job. I mean, the money apparently isn't the issue, it's the graduation. Now, clearly, I know that some companies are probably just doing this not to ever graduate anybody, but I don't want to let the people out, the legitimate companies like this gentleman or someone else who have a very, very good safety record, are paying the prevailing wage, and now are going to be eliminated from bidding on County work. Now, I've had the Racinelli's call me, a lot of big builders call me saying, *Listen, this is going to put 30% on top of any kind of public works bill.* Now, are they exaggerating? Probably, I don't know. But to me, it seems we have to look out for the taxpayer. If you can convince me that it's not going to cost the taxpayer any more money, or it's not going to hurt small businesses. Because, you know, people are fleeing this Island, and if we have to watch everything we do and if this drives up the cost of public works, we've got problems. So can you explain to me how -- like I said, if a small company has a guy for three years, he moves to South Carolina, and now will this guy be precluded from bidding?

MR. O'CONNELL:

No, a small company can still bid on our projects. As I said, there's plenty of work and projects that are under 250,000. The larger projects require a regular apprenticeship program, which generally the larger contractors bid on who have a sponsorship. But this plumber can continue to bid on our annual contracts and any work we have under the \$250,000 that's not a Capital Project.

LEG. TROTТА:

I'm talking about above 250,000.

MR. O'CONNELL:

Well, above \$250,000, you would need to meet the current apprenticeship we've had in place for a while, and then he just needs to show one document certificate that he has a graduate, which is the point of the bill, I imagine, is to have a qualified program. If you're not graduating anybody, it's not a quality program.

LEG. TROTTA:

How many different contractors bid on County work, do you have any idea? Is it hundreds or --

MR. O'CONNELL:

How many contractors?

LEG. TROTTA:

Yeah, how many different contractors.

MR. O'CONNELL:

I guess in the hundreds.

LEG. TROTTA:

Because the gentleman in charge of the laborers, Pete says he graduates eight a year. So I guess over the course of years there's graduates, but it doesn't seem like a lot to me. Even eight doesn't sound like a lot, but there's all these companies. You know, so are companies going to fall through the cracks and not be able to bid because someone left or something happened?

MR. O'CONNELL:

No. I think in that case, eight is just for that specific sponsor, that union. That union is its own sponsor, just as every union is. That specific union has eight average a year; I'm sure there's other ones that have 10, 15, a lot more. It depends on the size of the trade and the size of the union, how many members they have and how many people are in the apprenticeship program.

LEG. TROTTA:

So I think you would agree that this could effect small businesses, if someone leaves or -- and there's no exception in this resolution to take that into consideration?

MR. O'CONNELL:

Well, the small contractor that has their own sponsorship, what there looking to do is bid on County work, and I think what this bill is stating is if you actually have a quality program, you're going to need to graduate somebody and prove that to us.

LEG. TROTTA:

Is there some mechanism for them to hire a graduate through the union or something?

MR. O'CONNELL:

Well, a small company, if they're their own sponsor but they want to be able to bid on contracts, they can also become signatory to a sponsor, such as the union, until they actually graduate someone themselves.

LEG. TROTTA:

So it just has to have one person who has graduated?

MR. O'CONNELL:

Just one person that graduates. I need -- as far as DPW is concerned, I'm just going to need one document, it's a certificate of completion that they graduated someone and that's coming from the sponsor.

LEG. TROTTA:

From each trade or just from all the trades?

MR. O'CONNELL:

It would be from each trade, just like we currently require for each on a project to prove that they have an approved apprenticeship program with New York State.

LEG. BROWNING:

I think what needs to be clarified is that every trade is different. Some graduate in two years, some graduate in five years. Jim could probably explain this better. We have actually added two years to -- let's say laborers have a two-year program; we've added two years to that program. So it actually -- it gives them four years to graduate a laborer. The electricians are five years, it's adding two years to that, which actually gives them seven years to provide a graduate. New York State does require -- they do have 12 months added on to the apprenticeship program, maybe you could explain that better. But I think the fact that we're adding another year certainly gives them a lot more flexibility and a lot more time to provide a graduate.

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

LEG. TROTTA:

But it also would give the union companies a little bit of an up, because they just have to have someone in the union who graduated, correct, as opposed from the contractors' apprenticeship program?

MR. O'CONNELL:

Well, the contractors are signatory to the union. Some unions have hundreds of contractors, some have a couple of dozen. But at the end of the day, the union is their own sponsor with the State.

LEG. TROTTA:

In your opinion, is this going to drive up our cost of our projects?

MR. O'CONNELL:

Well, I think the question is, is it going to change the amount of contractors that bid on our projects, and I think that's going to be minimal.

LEG. TROTTA:

I didn't ask that. I asked is it going to drive up the cost of what we're paying with taxpayers' money to build buildings?

LEG. BROWNING:

No.

MR. O'CONNELL:

I personally do not believe so, but it's subjective.

LEG. TROTTA:

And what do you base that on?

MR. O'CONNELL:

I base that on my previous answer, that the amount of contractors that I see bidding on our projects would be able to meet this requirement. It's few and far between that have an approved apprenticeship program in New York State, but they don't have any graduates, and I think that's

what we're trying to get to the root of, and that's --

LEG. TROTTA:

So are you saying there'll be more bidders or less bidders?

MR. O'CONNELL:

I think it would be neither. I think there are some contractors that have an approved program that have been bidding on our projects, but it's not necessarily a quality program, which is what Legislator Browning is trying to get to the root of. Yes, we have contractors that are bidding on our work. They're not going to be able to bid on it now, but they're not going to bid on it because they're not a quality program, they've had zero graduates.

LEG. TROTTA:

So you're saying the apprenticeship program is a direct relationship of the quality of the employee that you have?

MR. O'CONNELL:

Yeah. I mean, originally, back in 2002, the whole idea behind this Legislature passing the apprenticeship bill was to get a higher quality workmanship in a safe work environment and get our jobs done as smoothly as possible, and that's only done with a trained worker. So this is further strengthening that trained worker and not have any contractors abuse the apprenticeship program in New York State.

LEG. BROWNING:

Rob, the apprenticeship language still exists, nothing has changed in the apprenticeship language. It's just saying that Suffolk County has always required apprenticeship language. And what this is going to do, this is going to eliminate the people who found a loophole and are not graduating anyone.

I think here in Suffolk County we support skilled laborers, we support residents in Suffolk County to be able to make a decent living. And the prevailing wage has now changed. This is not changing prevailing wage. This is not changing the apprenticeship language at all. It's saying that we have apprenticeship language, you have to graduate somebody, and the State requires that you have to have an apprentice.

But, again, we can take a long time to talk about the State, and the fact that the State has not really been doing a phenomenal job in overseeing and investigating a lot of these companies who are really not graduating anyone. So this is just saying, if you're going to work in Suffolk County, you know, we have apprenticeship language, now you're going to have to tell us you have actually graduated somebody. You can't be -- you can't be working for Suffolk County and saying, you know, "15 years, you know, I haven't had a graduate," and it could be a laborer, or it could be somebody that's a two-year or a three-year apprenticeship program. Surely you can graduate somebody in four years.

LEG. TROTTA:

Just explain to me how a new contractor could come in and bid, because that seems to be a big thing they have.

LEG. BROWNING:

Well, I think Jim basically said that it's probably slim to none, and they have the ability to partner with another apprenticeship program and get that letter to allow them to bid. And again, it's -- you know, I think that this is an eleventh hour throw-in from some individuals who feel that, well, you know, you're going to eliminate these people. And again, if you're a brand new company coming in,

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I believe there's some requirements by DPW. If you are -- you know, if you start up a company tomorrow and you go to Suffolk County and say, "I want to put in a bid," I don't think they're going to take you. I believe that there are some requirements that you have to show you've done projects elsewhere; am I correct?

MR. O'CONNELL:

Right. We have a lengthy questionnaire that requires a background as far as the work you did that's comparable to the project you're bidding on. You need to be in business at least five years in the type of work, and you have to have projects that are similar to the work that you're bidding on, and you have to show that you're capable of doing it. I think some new companies that are brand new wouldn't be able to show that.

LEG. TROTТА:

What if a guy like split off from one company and started his own company, is that --

*(*Outburst From Audience*)*

P.O. GREGORY:

Okay, guys, please.

MR. O'CONNELL:

It would depend, but every project has been on, it's under review.

LEG. TROTТА:

I asked a legitimate question.

MR. O'CONNELL:

It's under review by the Public Works Department.

LEG. TROTТА:

There is a mechanism for someone --

MR. O'CONNELL:

Yes.

LEG. TROTТА:

If Racanelli switches off and starts his own company.

MR. O'CONNELL:

There is a full mechanism, and everything is taken under consideration, yes, by the Public Works Department.

P.O. GREGORY:

Okay. Legislator McCaffrey.

LEG. MC CAFFREY:

Thank you. Well, you know, I think it's clear that since 2002, we've had an apprenticeship requirement, and so that means that we must, and the State agrees that there is value to these apprenticeship programs. There also has to be some value to somebody graduating from these apprenticeship programs as well.

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If you look at a company that's been in the business for -- since 2002, or maybe longer, and has complied with having an apprenticeship program, but has not graduated anybody, that leads me to believe that they don't want to graduate anybody. And I think this requirement that they have -- that we're putting in place here today goes after those contractors that are looking to skirt that law and the apprenticeship program. And if somebody's out there --

*(*Applause*)*

And I said this before. If someone's out there skirting the law in the apprenticeship program, it makes you wonder what else they're skirting the law on, and we're not sure we want those people doing business in Suffolk County.

*(*Applause*)*

If any one of us graduated, had sent our kids to school and they never graduated from college, we'd start to wonder what's going on, and it wouldn't take us 15 years here to be sitting there saying there's something wrong here.

*(*Applause*)*

This also gives a pathway for young children new to the workforce to come in, become journeymen -- become apprenticeships, start a career, and eventually become journeymen. What's happening with many of these other contractors, they never get that. They never have that pathway to have those good-paying jobs that a lot of our people in the building trades do. The people who benefit from many of those companies are simply the owners of the company and not the workers.

And I've always supported workers, whether they're nonunion or -- union or nonunion. I'm supporting the working men and women of this County, and I believe that this legislation goes a long way to doing that. So I'm happy to be a cosponsor of this legislation as well. Thank you.

*(*Applause*)*

P.O. GREGORY:

All right. Thank you, Mr. McCaffrey. You could I think sit down. Legislator Krupski.

LEG. KRUPSKI:

Thank you. I got a question, I guess, to the sponsor. There's a \$250,000 limit, as far as the projects go, before you have to have a graduate of an apprentice program. Where did that \$250,000 limit come from?

LEG. BROWNING:

Actually, that's been existence, it predates me. So that is not -- I amended the apprenticeship bill. This is not anything that I created. So that's been in existence for I don't know how many years, Jim, right? So that's not something that I changed.

MR. O'CONNELL:

Since 2002.

LEG. KRUPSKI:

Thank you. Is there -- you know, people have reached out to me, and specifically marine contractors who would like to bid on municipal work, and their concern is that, well, you know, that it's going to make it more difficult for them. And my concern is the same with what Legislator Trotta

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had mentioned, is that it's difficult for a startup company, or a new company, or even a young guy starting out who wants to start a company to have -- you're not going to be able to prove anything. You're not going to be able to prove -- maybe you've worked for someone for years and you know the business, but you can't -- you've never graduated anyone from an apprenticeship program. And as far as -- and there's a lot of marine contracting out in the East End. It's going to be difficult for them to bid on anything.

LEG. BROWNING:

I am not -- I do know who you spoke with, and that individual representing that company was in both meetings. And in the second meeting, we actually had a higher number, and he did say that he could probably graduate -- he's a pretty large company and he did say he could probably graduate more than two. However, again, to be respectable, respecting the smaller companies -- sorry -- we did reduce it to one. And I think you heard the building trades would have liked more, but I said I have to be understanding of the small nonunion companies.

I think Jim explained it, that you have to show five years work. You have to show jobs equal to the job that you're bidding for. So right there tells me if you have -- you have to be a business in five years. So if you have laborers, which is possibly what the marine company would have, then within five years, you have to have graduated somebody if you have started with an apprenticeship program. And again, you can sign on to another apprenticeship program until you do have graduates of your own. So they can reach out.

I know there are -- some of the nonunion contractors do use the Laborers Union and other unions when they do municipal work, and sometimes even when they do private work. So the opportunities are there.

And I'd like to jump back to Rob's comment about young people leaving Long Island. You know, we are here to make sure that young people can stay in Long Island.

*(*Applause*)*

And with these apprenticeship programs, it encourages graduation, it encourages skilled labor, and that way they can make a decent way of life so they can live here. So, Rob, I hope you heard that one. But I don't think that it's going to -- I really don't believe this is going to hurt any small contractor who's just starting up tomorrow, because he's going to have five years before he's even going to be able to apply for a municipal bid.

LEG. KRUPSKI:

As a follow-up, would you consider putting more work into this bill until we voted on it to address that specifically?

LEG. BROWNING:

I don't know that we can. I mean, to be honest with you, I think this bill has been watered down enough. And if you cannot graduate one person in four to seven years, I mean, depending on the trade, then maybe you shouldn't be applying for bids in municipal contracts.

*(*Applause*)*

P.O. GREGORY:

Okay. Legislator Hahn.

LEG. HAHN:

I think everything that I was going to contribute here has been said, the piece about -- you know, I completely agree with Kate on the fact that we need to make sure that our contractors that we hire for large projects, small, you know, small new companies can bid on the projects that are small, that are under the threshold, and the larger projects, if you can't -- you know, I agree with what Kate said. So I think everything's been said by the time you got to me. Thank you.

P.O. GREGORY:

Legislator Spencer.

LEG. SPENCER:

I wanted to just respond to the dialogue earlier regarding the cost to the taxpayers. And it's my understanding that apprenticeships actually lower the cost of the job.

*(*Applause*)*

So I think, you know, that's important. And I realize, you know, we have apprenticeships, we call them by different names. But I graduated from medical school in 1993, and before I was permitted to practice medicine, it wasn't until the Year 2000, and it's because you have to do an internship, a residency, and you have to work in an environment. And most hospitals are run by residents and you gain experience, but you have the oversight and the safety. And I think in any professional environment where you're providing a professional service, especially to a municipality, we really need to have a robust, fair apprenticeship program.

But, as I see my -- I see my friend Mario out there. Mario, would you come up for just a moment?

MR. MATTERA:

I'm allowed to?

LEG. SPENCER:

Yes, if you wouldn't mind, and through the Presiding Officer, of course. Mario was explaining to me -- this to me, and I had asked him this question. But, Mario, would you kind of tell us how apprenticeships save the taxpayers money?

MR. MATTERA:

Without the clock or with the clock?

LEG. KRUPSKI:

With the clock.

*(*Laughter*)*

MR. MATTERA:

All right. I'm going to be fast. Just so you know, we have a first-year apprentice with Plumbers Local 200. It starts off at \$14 and change an hour, okay? The contractor gets to bid on the job. With the Department of Labor, it goes like this: One mechanic, one apprentice, two mechanics, then an apprentice, and it just goes down the line. You have to have apprentices on the job.

Our contractors bid -- you know, today what they're bidding on percentage-wise is so low, they go after each other. But when you have the apprenticeship program, they could bid and have that luxury with that rate. They could have a first-year apprenticeship, second-year apprenticeship, and then it goes up, obviously, to the fifth year. So they have that option that they could bid on the work, and that saves the taxpayers money because of an apprenticeship. If you don't have that,

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that means you have to pay everybody the full mechanic's wage at prevailing wage. That's why apprenticeship programs save money for the taxpayer, and, obviously, with this law also, too, saves and brings revenue back into our County.

LEG. SPENCER:

Thank you.

*(*Applause*)*

LEG. SPENCER:

So, with that, I appreciate this bill, and I'm happy and proud to support it.

P.O. GREGORY:

Thank you. Legislator Lindsay.

*(*Applause*)*

LEG. LINDSAY:

Just to make a couple of points, Mr. Presiding Officer. In regards to new companies and spinoffs, I think we kind of confuse or mix up between labor and management. There's nothing in the bill that would prevent a startup company or a spinoff from doing the work if they pull the labor from the -- you know, from a trained labor pool. I think if you're a true startup company, that you're starting or building something from scratch, to ask them to come in, start a company, build your management, and now design an apprenticeship program to train your employees, I don't think that's somebody that we'd want working on a County type program.

Most of the projects that we have we're struggling to find the funding for to begin with. So it really comes down to an issue of do we want to spend as little as possible to build it, or do we want -- and have it last a short period of time, or do we want to spend the right amount of money to build it correctly, because, in on all honesty, we really need it to last beyond its -- beyond its life cycle. So do we build it cheap or do we build it right, and that's, I think, the most important issue here.

Also, in regards to the trained and untrained, would we want to go to a lawyer, or a doctor, or an accountant who never graduated or completed their formal training, or do we want to have someone who was -- who completed that training? And on most of these jobs, you have both people who graduated from an apprenticeship program, and also apprentices themselves. So it's a qualified labor pool that I think, you know, as a County, as the buyer of these products, we want to make sure we're getting the best bang for our buck.

So I will be supporting this bill, and I urge my colleagues to do the same.

*(*Applause*)*

P.O. GREGORY:

Legislator Cilmi.

LEG. CILMI:

Thank you very much. I continue to understand and appreciate both sides of this debate, and I really -- I want to plead with the sponsor to allow this a little more time. I know it's maybe disappointing to some people, but we saw recently, last year, in fact, how two diametrically opposed sides could come together, work together over multiple meetings, as I recall, multiple months, to hammer out legislation which in the end both sides could agree to and was beneficial to the issue at hand, and I compliment Legislator Schneiderman on spearheading that effort.

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Certainly, Legislator Browning has gone a long way here towards opening that dialogue, and availing herself and the other sponsors of this bill, and all of those who have stake in this issue of a conversation. And I think that the conversation has been a productive conversation, and I think everybody who's involved would agree to that. And I think we're like this close, and I just -- I hate to stop short of that finish line just for another month that we might get something done. And, you know what, if another month goes by and both sides are still at odds with one issue or another, then let's vote and let's, you know, let the chips fall at that point where they may. But I continue to hear from Labor, and I continue to hear from the other side, and it sounds to me like there is common ground.

I heard from somebody other than the ABC folks and the private contractors, I heard it from another industry association yesterday. And I'm not sure if it was a private conversation, so I don't want to share exactly who that was, but --

AUDIENCE MEMBER:

Then don't talk about it.

LEG. CILMI:

But the fact is that folks who I respect have said to me, "We can find common ground here, we just need to work on it a little while longer." So I'm asking again if the sponsor will entertain that?

*(*Outburst From Audience*)*

LEG. BROWNING:

I can give you a short answer and a long answer.

P.O. GREGORY:

Okay, please. No outbursts, please.

LEG. BROWNING:

My short answer is no.

*(*Applause*)*

I have to tell you, we had the meetings, I know you've been there, and we had two sides.

LEG. CILMI:

But, with all due respect, Legislator Browning, it was really one meeting. We had one meeting where it was really a public hearing, it wasn't really a working meeting. And then we had that other meeting, which I thought was very productive, which you held.

LEG. BROWNING:

However, and, you know -- and this bill wound out up -- the building trades aren't entirely happy with this, they wanted more graduates, and the other side didn't want anything. And they were asked, "What do you want?" And I didn't get an answer. And we actually at that meeting, if you remember, it was two graduates and we cut it back to one to, hopefully, accommodate them, and they still don't want that. So it just -- I've gotten to the point where I don't believe they want anything.

So, you know -- and then in the eleventh hour, yeah, possibly the same people that you spoke with yesterday, knowing that this bill was being voted on today, come up with language. And some of the people who were at that meeting that we were all at were involved in that conversation with them, too, and they want now to have a waiver in the event that a brand new company opens up,

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that DPW would give them a waiver. Well, you know what's going to happen is they'll say, "Well, you know, we have an electricians program, and we have an apprenticeship program for electricians and it's going to take us seven years." So now they're going to ask DPW, "Well, now you're going to waiver us, that we're going to continue to work and not graduate anybody for seven years." And I think that that's just another new loophole that's going to be created to skirt, like Legislator McCaffrey said, to skirt the law. And they have every opportunity.

There was a very nice person from Merit Alliance. She was -- I have to say, she was very helpful, and they can go and sign on with her if they don't want to go with a union, or they can go and sign on with the building trades until they get a graduate. So every opportunity is there. You know, if they choose to not want to go with either, you know, and I have to say, probably Merit Alliance is going to take an opportunity now to create new programs because of this. And, you know, that's good, because she believes in skilled labor, she believes in apprenticeship programs.

And I will tell you, I sent an email to you all that an individual who was here and has said very clear how he supports apprenticeship programs, yet he's up in Troy, New York lobbying against it. So where does he stand? He clearly does not seem to support any of this.

So I don't think it's going to matter what I do, I think they're just going to continue to say no. And I don't think it's too much to ask to say if you're a laborer, that you have four years to graduate one person. That's not a lot, that's really not a lot.

LEG. CILMI:

Legislator, I don't disagree with you. And it will be very unfortunate if we move forward with a vote on this today, because I support the labor movement. The folks out here who know me know that I support labor, know that I believe in apprenticeship as a means to skilled labor working on our projects here. But I just think that we're -- there's one little -- one or two little tweaks that we could make to this bill that would make it a better bill and --

LEG. BROWNING:

So tell me what those tweaks are.

LEG. CILMI:

Well, I think the people that tell you what those tweaks are are the people who would be most affected by the bill, and those are the -- those are the contractors.

*(*Outburst From Audience*)*

LEG. BROWNING:

And they're not here.

LEG. CILMI:

I'm not going to --

P.O. GREGORY:

No outbursts, please.

LEG. BROWNING:

Tom, they're not here. They sent me this language. I shared it with George, I shared it with Jim. I just feel this is creating a brand new loophole. I don't think it's helpful. And, respectfully, I think this bill should move. And again, every bill that we do is amendable. This was an existing bill that we're amending today. And, you know, if there are problems down the road, I'm happy to look at it and say let's look at the loopholes and let's look at the problems, and possibly amend it again, but

we have to have a graduate, at least one.

*(*Applause*)*

P.O. GREGORY:

Okay. Legislator Stern.

LEG. STERN:

Yeah. Thank you, Mr. Chairman. I have a technical question, perhaps for the sponsor, or even to our Counsel. And I ask it, because in reviewing the language, I thought that there was an issue raised at one of the meetings that perhaps there's a legal question. So I just wanted to be sure that I understood some of the legal ramifications and some of the legal -- the legalese that's involved here.

But, first, let me -- let me compliment the sponsor, because I know that there was a change in the time period, and the time period now relates to the specific trades, and the various time periods that each of the various trades have to go through their different training. And so I think it's a lot more applicable rather than just an arbitrary time period. So I think that that is truly a positive. And the language here states that the time period is within a time period that is no more than the length of the particular training program set by New York State, plus 24 months from the bid date, and that's an additional cushion, if you will, that, hopefully, would allow even more companies the opportunity to comply, so I see that as a positive as well.

The language then goes on. For this chapter of the code only, the length of the program for the trade of laborer shall be two years. So my question is where does that time period come from? Is that a differentiation from New York State Law? Because it seems to indicate that it's being treated differently than some of the other classifications. I was wondering where that special language comes from.

LEG. BROWNING:

Okay. I think Jim could probably answer it better, but the laborers are basically -- their training program is by hours, and it basically narrows down to two years, is what -- am I correct to say it that way?

MR. O'CONNELL:

Yeah. With New York State, it's basically the New York State prevailing rate schedule, this bill, and most of the terms for the trades are in years. Laborers is one of the few trades that the term is not a year, it's actually hours. So I expressed that concern to Kate, and Kate suggested putting the two years in as being comparable for the hours, the amount of years, especially to the other trades.

LEG. STERN:

Okay. So just to be clear, then, this doesn't add any new classification, it --

LEG. BROWNING:

Oh, no.

LEG. STERN:

-- doesn't increase or decrease the amount of time, it's simply a conversion from hours to years to make it consistent with all of the other classifications.

LEG. BROWNING:

Right. And the 24 months is added to that also.

LEG. STERN:

Additional, okay.

LEG. BROWNING:

Just like every other trade.

LEG. STERN:

Thank you.

P.O. GREGORY:

Okay. Legislator Schneiderman.

D.P.O. SCHNEIDERMAN:

Well, you know, first, let me say, Kate, Legislator Browning I think is trying to address a real problem, that certain contractors have found a way to skirt the law. We deemed it important to have apprenticeship programs, and sham apprenticeship programs were set up to get around the law. And I think it's a problem that has to be fixed, and I support you in that.

I do also like your willingness to continue a conversation, because I think there may be some issues. And the one that I'm concerned about has to do with relatively smaller contracts. Legislator Krupski brought up the dock building. Let's say it's a County marina. There are some companies with very few employees, maybe they have five employees. They're small companies, and those employees may stay with them for 20, 30 years. They're not hiring new people. So the requirement to graduate is -- means they have to hire people when they don't need people.

And what I'm thinking is that maybe on some of these smaller companies, you know, under five employees, or something like that, that maybe we could look at this slightly differently. And if you're willing to have a continued conversation, I'm willing to support this today. But I think we need to look at how -- you know, on the East End, those, you know, dock builders, that's -- you know, they're local businesses and I don't want to tell them you can no longer bid on County work. So if it's something that you're willing to look at with me with an open mind, I think maybe we can fix that problem.

LEG. BROWNING:

You know, I'm happy to continue a conversation with the dock workers after we pass this bill, and, obviously, I would like DPW to be involved in it. But, you know, again, they have an opportunity to sign on with say the laborers, because I assume that's who it is. And I know that one of those companies in the past could not apply for municipal projects because they did not have an apprenticeship program, and they have since created one, which now makes them eligible.

D.P.O. SCHNEIDERMAN:

They don't -- I know, there are -- there is one or two companies that have set up their own apprenticeship programs, but I know of at least --

LEG. BROWNING:

Well, have any of those companies you're talking about ever applied for municipal work?

D.P.O. SCHNEIDERMAN:

There's one new company, one new dock building company that potentially would apply --

LEG. BROWNING:

Okay.

D.P.O. SCHNEIDERMAN:

-- that will get caught up in this law, and that's a reputable company, but it's a small company. And if you're doing bulkhead repairs, you know, it's likely going to be over that \$250,000 threshold, even though it might be a very small work crew. And I just think it's something that we need to look at, because it wouldn't be fair to prevent that company.

LEG. BROWNING:

Okay. But I think Jim made that fairly clear, was they have to show five years work, and they have to show projects equal to that amount of money of that bid.

D.P.O. SCHNEIDERMAN:

The principal of the company has been doing this for his entire life.

LEG. BROWNING:

So, if he's a brand new company, just started -- sorry?

D.P.O. SCHNEIDERMAN:

The principal has been doing this his entire life, was a tugboat captain, has very long experience, you know, on the waters. So yes, but it's a new company.

LEG. BROWNING:

Right. So he still has to show work equal to that project, and he has to have five years.

D.P.O. SCHNEIDERMAN:

And this is just but one example. So it may -- there may be several companies that can meet this requirement that have set up apprenticeship programs, and there may be others who aren't.

So I'm just saying, look, you're trying to fix a problem, and I think that's noble and I think you've done a good job, but there may be some problems that arise. And if they are legitimate, and I can show you that they're legitimate, and you're having unintended consequences to this law, I just would appreciate the willingness to try to fix that, if that is the case.

LEG. BROWNING:

I would appreciate, if they want to reach out to me and tell me that they put in a bid with the County and have been -- have not been able to do County work for whatever reason, I'm interested in hearing that. But, clearly, if you're a brand new company, no matter whether he's done it all his life or not, he's a new company. So he's just formed a brand new company, he has to have five years in existence, and he has to show that he's done work before equal to that bid. So, if he hasn't done that, he's not going to qualify anyway, so --

D.P.O. SCHNEIDERMAN:

Again, I'm just simply looking for willingness, that if there are unintended consequences of this bill, that you'll work with me to resolve them.

LEG. BROWNING:

Well, I think there's, you know, issues. This apprenticeship bill has been in existence for a number of years. When I see people working on our roof with no hard hats, no harnesses, not protecting the front door, and people are walking in here, just imagine if they were on this roof today and all of these people walk in here and somebody got hurt. Who's on the hook? Who's liable? We are.

D.P.O. SCHNEIDERMAN:

Again, Legislator Browning, I am not disputing that. I see the merits of this bill. I understand how it protects worker safety, all those things. But if in the process certain companies that ought to be

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able to bid are being precluded, that was not your -- not your goal, your goal was worker safety. All I'm saying is that if it turns out that there's some unintended consequences, particularly for some very small companies that were able to bid and are no longer, that have great safety records, that are serious about safety, we'll have a conversation and you'll be -- in good faith be willing to look at it.

LEG. BROWNING:

We'll have that conversation.

P.O. GREGORY:

Okay. Legislator Barraga.

LEG. BARRAGA:

Thank you. On the bill, in fairness to my learned colleague, Mr. Cilmi, I'm about all tweaked out on this bill.

*(*Applause*)*

You know, it's been revamped over and over again for months, all right, and it's time to make a decision. It's time to make a decision. You will never have the complete text associated with any piece of legislation, but we got about 70 to 80% of the story. It's not an onerous bill.

I used to worked in the building trades in my college days. I was with Local 40, Iron Workers. The last thing I wanted on the Pan America Building was someone who didn't go through an apprentice program.

*(*Applause*)*

They are -- those individuals, when they're not in an apprentice program, they're not trained, the quality of work isn't there. They're a danger to themselves and they're a danger to journeymen, plain and simple.

I'm supporting this bill. I would hope that most of you, all of you would really seriously think about the legislation. You had apprentice programs in the past. This is a modification. In a sense, it's a real improvement to make sure that people are properly trained, especially in the building trades business, when they go out there on the job.

LEG. BROWNING:

Thank you, Tom.

*(*Applause*)*

P.O. GREGORY:

Legislator Krupski.

LEG. KRUPSKI:

I've got a question for the gentleman from the County DPW. How many -- how many dredge companies bid on County work?

MR. O'CONNELL:

I don't know the answer to that specifically.

LEG. KRUPSKI:

I mean, in light of the storms we've had, any kind of nor'easter, hurricanes, there's going to be a tremendous amount of ice damage this year, the availability of people who can do work, dredge work on the water, is really shrinking. Because of the Federal Fish and Wildlife regulations, the dredge windows have shrunk to the point of you can't dredge outside of the dredge window, which usually ends in mid-January. So any kind of nor'easter or storm after that will fill in navigable waters, will affect safety, navigation and water quality after that, and basically we're out of luck for the whole boating season.

So, if you -- you know, my concern on the East End, and this is what -- the concerns I've gotten from my constituency, is that if you limit this -- there's a lot of new technology for dredging, there's smaller dredges available, not just like the large size County dredge. If you limit this, you'll never get -- have any flexibility of hiring a smaller contractor to do some of this kind of work. And the question to the sponsor is, is there any way there'd be consideration of raising the threshold from 250,000? Because, as Legislator Schneiderman said, on this marine work, the marine construction, whether it's dock building, replacement of damaged bulkheads, or dredging, you know, these small projects are very expensive, because you have all your environmental considerations. You have constraints of dredge windows, and you have, you know, weather events that make work impossible under otherwise normal conditions.

LEG. BROWNING:

Okay. I can tell you that the dredge projects that have occurred by my district have all been very large companies that basically don't come from New York because of the type of machinery that's required and needed. So, as far as the smaller companies are concerned, again, I did not have that 250,000. I would defer to Jim, because, again, if you raise that threshold, now what are you going to do? You're going to have a lot of unskilled, possibly unskilled workers who are going to now be working for some of these companies. And we don't have the apprenticeship language --

MR. NOLAN:

Legislator Browning?

LEG. BROWNING:

-- so they're not going to require graduations.

MR. NOLAN:

They just said this bill doesn't even apply to dredging, it only applies to construction contracts.

LEG. BROWNING:

True, right.

MR. NOLAN:

So it's not really an issue for the dredgers.

*(*Applause*)*

AUDIENCE MEMBER:

Move on. Move on.

LEG. BROWNING:

So can we move on?

LEG. KRUPSKI:

Thank you. And my point wasn't to say this isn't important, that work -- that what you're doing here. And I think the men who have spoken from the Labor side have laid it out very clearly why this is important, and I understand that. My concern is that you're going to get these marine contractors out east who won't have any availability on bidding on any of these County -- this County work.

And you brought up a point where the dredge contractors coming in from out of state. Then maybe there's nothing to stop the marine contractors from coming out of state, and then you're not giving the work to the local people who could otherwise bid on local work.

LEG. BROWNING:

But I think George just made it clear. And again, the dredges that are coming here are so large, we don't have local companies who could afford to buy those. We're actually getting some of the dredge machines that are coming from the Middle East to do the work here.

D.P.O. SCHNEIDERMAN:

There are some local --

LEG. BROWNING:

It's a different subject, different issue, and we should follow up with DPW.

D.P.O. SCHNEIDERMAN:

Just to correct that, there are some small local dredge companies, you know, Gibson & Cushman, which keeps the equipment at Gabreski, is a local company, and there's several other small contractors that do small dredging work.

LEG. BROWNING:

Well, small, but not to the extent that's been done by my district.

P.O. GREGORY:

Okay. I would like to thank Legislator Browning for tackling this issue. I know it's something that's near and dear to you with your labor background and you saw an issue. You jumped in with both feet to address it. No one wants to have a law on the books that's not operating with the intent that it was -- that was intended, and that's to have a graduation requirement. So you certainly tried. You know, you had the meetings. You tried to get everyone involved, and you reduced some of the requirements. I think you started out with one and 36, and then it went up to four and 48, and then there three and 30, whatever, and now we're back to one and depending on the trades. So you certainly have shown some ability to listen to some of the concerns.

I echo some of my other colleagues' concerns or wishes, that if there are any unintended consequences, that you keep your door open to welcome that conversation, and make any reasonable and plausible amendments in the future. I've seen this myself. You know, I come from a procurement background, and I understand to some extent. You know, we would put out a bid, for example, for, you know, a town park, and, you know, one guy was Consolidated Construction one week, and then two months later, he's under another -- same person, but different company, and you have to be careful of that. And it's not necessarily the company, you look at the experience of the principals. So if the principal has 20 years of experience and has the qualifications, but the company is new, you have to make that assessment as a procurement officer, do you give that experience weight? Do you look into why there's a change in ownership and those things? So I'm glad to see that Jim and the guys and gals in DPW will evaluate that.

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But the important thing is that we do have graduation rates. And I think it's been mentioned several times, if we sent our kids to school with the taxes that we pay and they weren't graduating, there would be a lot of very upset people. And we should be upset that we have a law that's been on the books for 13 years and some companies are choosing not to graduate people, and that's thumbing their nose at what we're trying to establish.

So I wholeheartedly support your bill. But if there are any unintended consequence, I hope, like I said, that you keep your door open and willingness to listen to those concerns as we move forward.

LEG. BROWNING:

I certainly will. And again, I want to say a special thank you to Jim from DPW with his knowledge and experienced background. He has been extremely helpful in crafting this bill.

P.O. GREGORY:

Okay. Legislator Cilmi, and then we'll -- okay.

LEG. CILMI:

Yes. If, through the Chair, I could ask Jim to come back up again, I just have a couple of questions for him.

I just -- could you explain to me again the process by which somebody would -- a nonunion shop would affiliate with an organization or somebody in order to meet the requirements that this -- that this bill sets forth?

MR. O'CONNELL:

Sure. A nonunion shop can become signatory to a sponsor to meet the requirements of the bill, meaning that if you're a company that's nonunion, you want to meet the requirements, the apprenticeship requirements, you can become signatory to a sponsor such as a union.

LEG. CILMI:

And how exactly does that happen?

MR. O'CONNELL:

They would have to sign off on the Collective Bargaining Agreement of that union, and then the contractor would have a pool of apprentices available to him to be hired through that union.

LEG. CILMI:

Is that something that -- is there any -- is there any requirement that the union would allow that to happen, or can the union not permit that to happen?

MR. O'CONNELL:

I think that's probably a question for a union representative. I don't know if Mario --

LEG. CILMI:

Well, through the Chair -- through the Chair, if I could ask. I guess Jim's suggesting that Mario come up. I have no problem asking Mario that same question.

MR. MATTERA:

Plumbers Local Union will sign up any contractor that wants to come into the door that is qualified that has a plumbing license. So, I mean --

LEG. CILMI:

But that's voluntary, right?

MR. MATTERA:

That's voluntary, yes. But you got to remember something. There are --

LEG. CILMI:

So let's say -- Mario, excuse me for interrupting.

MR. MATTERA:

Yeah, I'm sorry.

LEG. CILMI:

I just want to make sure that I understand it correctly.

MR. MATERA:

Yes.

LEG. CILMI:

So, if I'm a nonunion shop --

MR. MATTERA:

Yes.

LEG. CILMI:

-- and I want to bid for a job in Suffolk County, but I don't have any graduated apprentices, let's say I don't have any apprentices, I can come to you and ask you to basically affiliate with me in some way, but you can say no, legally, you can say no. Let's say that you and I don't get along.

MR. MATTERA:

I get along with everybody, Tom.

*(*Laughter*)*

LEG. CILMI:

I know.

MR. MATERA:

The one thing I want -- I'd just like to give you a little heads-up.

LEG. CILMI:

I tend to as well, but let's say we didn't for purposes of the argument.

MR. MATERA:

He could -- if they're nonunion -- let's say open shop. I can't -- you know, this isn't about union and nonunion, let's say open shop. There are open shop plumbing programs that are out there. There's another union program that's out there that hasn't graduated anybody since 2006. Okay? Let's not use union, nonunion over here. The problem we have is people are going also and getting letters from organizations as a tool just to bid on work, just to bid on work. We are here and --

LEG. CILMI:

I get that, I understand that.

MR. MATTERA:

And my point again is this: If anybody was to knock on Plumbers Local, I'm talking about Plumbers Local 200, and they're qualified, they have a plumbing license, Art Gipson and I, we will always be

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sitting down -- like Artie would always say, "Our new best friend," sit down and give you great workers, great apprentices, and, yes, you'll be part of an apprenticeship program. And you have to have five years or five jobs similar to bid on this work, regardless. That's already in the specs.

LEG. CILMI:

Okay. All right. Thanks, Mario.

MR. MATTERA:

Okay.

LEG. CILMI:

Jim, could you just come back up again, please? In the vein of some of the questions that some of the others were asking, I want to make -- I want to make sure that we're not creating an unintended consequence here.

There was a -- there's a contractor that apparently does a lot of work on our roofs in Suffolk County who has done that work for years, and years, and years, and years, and years. I understand that at one point in time that contractor lost a bid to perform work in the County and the bid was awarded to another contractor, and that contractor basically failed to comply with the requirements of -- with our requirements, and so the job went back to the original contractor, who was an open shop contractor. If this were to pass, how would that impact that situation? And this one particular contractor, who's done work on our buildings for years, and years, and years, and years, would that contractor still qualify to work for the County, or would that contractor not qualify to work for the County?

MR. O'CONNELL:

Well, any of our annual contractors or contractors we use -- the one you're mentioning is our annual contractor for roofing. If this bill does pass, at the next term to, I guess, award them the next year, because all of our contracts, or most of our contracts, I won't say all, most of our contracts are one-year with four-year -- one-year extensions, four one-year extensions. So once the next one-year extension is up, we would ask them to provide us the document that they've actually graduated somebody. If they're able to do that, then we will continue with them next year. If they're unable to, we'll have to put it out to rebid.

LEG. CILMI:

Is it -- is it entirely under the control of the contractor that they graduate somebody, in your opinion?

MR. O'CONNELL:

Yes. I mean, the contractor is the one who has to comply with whatever they agreed with with New York State. I mean, the State has certain parameters that they have to meet at a minimum and then that contractor needs to provide.

LEG. CILMI:

Are there graduation requirements under New York State Law or regulations?

MR. O'CONNELL:

There are not graduation requirements currently. What they do have is a completion rate, which the Federal Government requires that they provide, and if they fall below the average completion rate, they are required to provide technical assistance. The State is supposed to provide technical assistance to try to bring them up to speed. So, at the end of the day, there is no actual graduation rate that's required by the State.

LEG. CILMI:

But there's a completion rate, which is --

MR. O'CONNELL:

There's a completion rate which is --

LEG. CILMI:

-- the rate at which they complete certain aspects of their training, right?

MR. O'CONNELL:

Yeah. The completion rate is -- it's a percentage of the amount of apprentices that they have and how much they actually graduate over the amount of time they give for the trade, plus 12 months.

LEG. CILMI:

Now this particular company that we're talking about that's done work for the County for years -- how many years has this contractor done work for the County?

MR. O'CONNELL:

I don't know off hand.

LEG. CILMI:

You must have some idea.

MR. O'CONNELL:

Probably on and off, for at least 15, 20 years.

LEG. CILMI:

Fifteen or 20 years?

MR. O'CONNELL:

Yeah. Because when I check their --

LEG. CILMI:

And their contract's been continually renewed year after year, or every four, whatever it is?

MR. O'CONNELL:

Yeah, at least the last couple of times, I guess at least 10 years, because our contracts are five years.

LEG. CILMI:

Okay.

MR. O'CONNELL:

Most of them. But I know this contractor specifically had an approved apprenticeship program since 1999.

LEG. CILMI:

Okay. And have they -- have they graduated any?

MR. O'CONNELL:

I do not know that.

LEG. CILMI:

You don't know?

MR. O'CONNELL:

I would have to ask them for a document, like we're asking for this bill.

LEG. CILMI:

What's their safety record been over the last 15 or 20 years?

MR. O'CONNELL:

As far as safety, we don't really keep track as far as the safety concerns. If any safety concerns are brought up to me, it would be possibly by our clerk of the works on the job site. But, at the end of the day, sometimes we don't have clerks of the works on the job sites.

LEG. CILMI:

Well, hang on a second, Jim. You're telling me that you don't keep track of safety issues.

MR. O'CONNELL:

Well, not in regards as say OSHA is responsible for. But if there's any safety issues, we're going to try to address them as best we can, sure.

LEG. CILMI:

Okay. But this contractor has been working for the County for 15 or 20 years, you said.

MR. O'CONNELL:

Correct.

LEG. CILMI:

And you can't tell me whether or not there have been any safety issues?

MR. O'CONNELL:

I personally don't know if there's been any safety issues specifically with this contractor the last 15, 20 years, other than the time Legislator Browning brought it up to our attention.

LEG. CILMI:

When was that, that Legislator Browning brought that to your attention?

MR. O'CONNELL:

I believe once, the first version of the bill I saw.

LEG. BROWNING:

I started this bill -- I started working on this in the summer, so it was about the summertime, they were working over at the Board of Elections, that I brought it to -- I can't speak for Jim, Jim's not been around. And I did mention it to -- our former Presiding Officer Lindsay was here with the ICE issue, and I brought it to his attention then, there was supposed -- so it was -- yeah, it was actually a year ago --

LEG. HAHN:

Year-and-a-half.

LEG. BROWNING:

-- the first time I saw the problem.

LEG. CILMI:

Were there any violations issued as a result of that complaint?

MR. O'CONNELL:

No, no violations.

LEG. CILMI:

Was there any investigation done on the County's part? We pay them.

MR. O'CONNELL:

Not that I'm aware of.

LEG. CILMI:

Why not?

MR. O'CONNELL:

At the end of the day, we could -- I guess someone could call OSHA, as far as that's the only body --

LEG. CILMI:

Wait a minute. They're working on our buildings. If we are concerned with safety, why would we not pursue that complaint?

MR. O'CONNELL:

But we did pursue it. They were fully aware that we were unhappy with the way they were working, and they did change their -- the way they were working after this came up.

LEG. CILMI:

So they've continued to work for the County since this incident?

MR. O'CONNELL:

Right.

LEG. CILMI:

Any problems thereafter?

MR. O'CONNELL:

Since then, no.

LEG. CILMI:

And you can't tell me if there were any problems prior.

MR. O'CONNELL:

I don't know if there was any problems prior. I've been with DPW three years.

LEG. CILMI:

Is the committee -- is the County committed to ensuring that the folks who work on our projects are doing so safely?

MR. O'CONNELL:

I'm sorry. Can you repeat that question?

LEG. CILMI:

Is the County committed to ensuring that the folks that are working on our projects are doing so safely?

MR. O'CONNELL:

Yes.

LEG. CILMI:

How is the County going to ensure that going forward?

MR. O'CONNELL:

Well, we have to have a presence on our job sites as much as we can. I mean, we are limited to the amount of staff we have, but we get as many -- we get as many people as we can to a job site to overlook the contractors doing the work and the workers themselves. But, at the end of the day, safety is not the County's jurisdiction, it's really OSHA. And if we want to inform OSHA of any safety issues we see, we can actually call them, or anybody can call them and say there's an issue with this work going on, or this project.

LEG. CILMI:

How often do we do that?

MR. O'CONNELL:

I don't know.

LEG. CILMI:

In the three years that you've been here, you don't know of any incidences where we've called -- where we've had to call OSHA because somebody who's performing work on one of our projects is doing so in an unsafe manner?

MR. O'CONNELL:

Yes, I haven't seen it. But then again, we do have an apprenticeship requirement that mostly has our skilled workers on the job site.

LEG. CILMI:

Well, surely we don't want to blindly assume that just because we have an apprenticeship requirement --

MR. O'CONNELL:

No, we don't to assume.

LEG. CILMI:

-- the work is being done safely.

MR. O'CONNELL:

I'm just saying, the apprenticeship requirement within the County helps deter a lot of safety issues.

AUDIENCE MEMBER:

That's why we have shop stewards on jobs.

P.O. GREGORY:

All right.

LEG. CILMI:

Okay. Thanks, Mr. Chairman.

P.O. GREGORY:

Okay. Quickly, please.

LEG. TROTТА:

Will you step back up there? One quick question. If that company -- could they just go out and hire one guy who graduated from the -- or somewhere from an apprenticeship program, and would that fit? If the roofing company we were just talking about went out and didn't have whatever the criteria we have, and went out and hired one person from the roofing union, or some other union, that had graduated from an apprenticeship program, would that fit the criteria?

MR. O'CONNELL:

Well, if they want to provide the apprenticeship requirement through them being their own sponsor, which is what they are, I don't think they'd be able to pull it from some other, you know, union or --

LEG. TROTТА:

No. So to the sponsor, Kate, if they were to hire someone to fit that criteria, would that -- would that now be okay to bid on it? Because, clearly, a 15-year thing is unacceptable, you know, and there needs to be something here. I think there may be some more wiggle room. I just don't want to knock out the some smaller companies. But if they can hire one person who fits that criteria, can they now bid?

MR. O'CONNELL:

Well, they'd have to have somebody who's an apprentice and actually graduated.

LEG. TROTТА:

So the -- but if they -- let's say they're coming up for bid this week, and they say, "You tell them you can't win this unless you hire someone." So then they go out and hire one person and says, "Okay, this guy is an" -- this guy graduated from an -- comes from a program that graduated an apprenticeship, does that fit the criteria now?

MR. O'CONNELL:

I don't think they would be able to do it that quickly. I think if this bill passes, it would hold -- it would hold them accountable for what they signed up for. It would be an approved apprenticeship training program for New York State to actually graduate someone. It's just holding them accountable to that. If they have apprentices and they're not graduating anybody, they don't qualify. The point is this will hold them accountable to actually graduate somebody and have a skilled worker.

LEG. TROTТА:

Yeah, but there's more than one apprenticeship program, correct, for each one of these things, I'm assuming?

MR. O'CONNELL:

Right. Well, this specifically is the roofer. They would only be required to have one graduate for roofing.

LEG. TROTТА:

And they don't have any for 15 years?

MR. O'CONNELL:

I don't know.

AUDIENCE MEMBER:

They have four.

AUDIENCE MEMBER:

Correct.

AUDIENCE MEMBER:

They have four graduates.

P.O. GREGORY:

No, no, no. No outburst from the audience, please.

LEG. TROTТА:

I'm not -- you know, I'm for this. I'm an education guy. I don't think we should have people with apprenticeships program not graduating in 15 years, but I think there's more -- there's something we have to get through.

LEG. CILMI:

Mr. Chair.

P.O. GREGORY:

We've gone for an hour already over this.

LEG. CILMI:

There are issues.

P.O. GREGORY:

You're asking the same questions, and we've gone over it for an hour.

AUDIENCE MEMBER:

Exactly. Vote.

P.O. GREGORY:

Come on.

AUDIENCE MEMBER:

Vote.

P.O. GREGORY:

We have other business to do.

LEG. BROWNING:

Call the vote.

LEG. MC CAFFREY:

Could I just -- I just want to clarify something that's very, very important, Mr. Presiding Officer, if I may. And to the sponsor, Kate, because something's kind of getting lost here. And, Jim, I'm not -- I think the answer you gave may not have clarified it.

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Someone does not need to graduate somebody from their company, all they need to do is be affiliated with an apprenticeship program or a sponsor that has graduated somebody. So it doesn't need to be that company. They need to affiliate with a program that has graduated something -- somebody; is that correct, Kate?

LEG. BROWNING:

Right.

LEG. MC CAFFREY:

That's right. So you just have to affiliate with a program. It doesn't have to be a union-sponsored program. There's the Merit Alliance out there. It's easy for them to do. I mean, they don't have to graduate somebody, but they have to affiliate with a program that has graduated somebody and meets these requirements under the bill. So that's the only thing I wanted to clarify. Thank you, Mr. Presiding Officer.

LEG. CILMI:

I have -- Mr. Presiding Officer, I have two unrelated questions to questions that have been already asked.

P.O. GREGORY:

All right.

LEG. CILMI:

I'm not sure who this question should be asked to. I guess I'll ask the sponsor. If -- we're just going to use this company as an example, this roofing company. If they -- if they graduated, let's say, four apprentices was yelled out from the audience, in the past 15 years, but let's say they were 10 years ago, 12 -- eight years ago, seven years ago, six years ago, but they haven't graduated any since, and let's say they don't even have any apprentices in there working for them, would they qualify to bid on a County job if this legislation passes?

LEG. BROWNING:

If they haven't graduated anybody in -- but they have their own program?

LEG. CILMI:

Let's say they have their own program that they have graduated people, but it was, you know, prior to the last five, or six, or seven years, let's say.

LEG. BROWNING:

Okay. And again, I'm a little hesitant to talk about the company in --

LEG. CILMI:

Forget that company. Let's say it's, you know, XYZ company.

LEG. BROWNING:

I mean, if this is a company that is in existence for how many years, people move on. And, actually, if they have an apprenticeship program, which I think has been forgotten, that we've said this before, is if he has an apprenticeship program, the State requires him to have one apprentice enrolled every year; am I correct?

MR. O'CONNELL:

I believe what the State requires is they give you a 12-month buffer where they'll start to de-register if you don't have one registered apprentice for that 12-month period.

LEG. CILMI:

Okay. So he wouldn't qualify for the State's --

LEG. BROWNING:

So he should -- if he has a program, he should have -- he should have an apprentice.

LEG. CILMI:

So he would be disqualified at the State level.

LEG. BROWNING:

If he's not graduating, right. If he has none, he's not qualified, even under the State. He'll be decertified by the State if he's not enrolling people.

LEG. CILMI:

Okay. And, Mr. Presiding Officer, I have one last question. And again, I'm not sure who can answer it, maybe somebody in the audience could answer it, I don't know. But the question is we've talked about this organization called the Merit Alliance, that somebody can just affiliate with this Merit Alliance if they wish to take advantage of a program that, you know, is a sponsored program, but not the individual contractor. Does anyone know if Merit Alliance offers a full breadth of trade training, trade apprenticeship programs, or if their offerings are very limited?

LEG. BROWNING:

I can answer that real quick.

LEG. CILMI:

And if they are -- if they are limited, then how do -- how would somebody then affiliate?

LEG. BROWNING:

Okay. I believe at this time she has three apprenticeship programs. However, I think -- and again, I've had an opportunity to meet with her, speak with her, and I -- someone who's very committed to making sure that we have a skilled labor workforce with her program. And I could tell you that I know that she would be encouraged to create more programs for anyone who chooses not to go union, but the unions are still available.

LEG. CILMI:

What are the three that she has?

LEG. BROWNING:

Oh, I'm sorry, I don't know off the top of my head.

AUDIENCE MEMBER:

Carpenters, engineers and laborers.

LEG. CILMI:

Carpenters, engineers and laborers. So now, if somebody wanted to do an electrical job on a County building, they could not affiliate with that person, right, because it's -- the trades that she does are three different --

LEG. BROWNING:

I think we're really going off topic.

LEG. CILMI:

I'm just asking a question.

LEG. BROWNING:

Okay. The fact of the matter is we have apprenticeship language that's been in existence for what, 12, 14 years, so this is nothing to do -- this -- we are not debating the apprenticeship bill. I didn't write that bill.

LEG. CILMI:

No, no, no, I understand that.

LEG. BROWNING:

I'm saying we have to have one graduate. So we're debating the apprentice --

LEG. CILMI:

But your bill creates a graduation requirement. So my question to you --

LEG. BROWNING:

And that's the purpose of an apprenticeship program.

LEG. CILMI:

I understand that completely and I agree with that. My question to you is if somebody is an electrical contractor and they wish to affiliate with an organization, with a sponsor organization, can they or can they not affiliate with Merit Alliance at this time if Merit Alliance does not offer apprenticeship for electricians?

LEG. BROWNING:

I guess you wouldn't be able to.

LEG. CILMI:

Okay.

LEG. BROWNING:

But there are other places they can go to affiliate for apprenticeship.

LEG. CILMI:

All right. That was my question. Thank you.

P.O. GREGORY:

All right. Mr. Clerk, we have a motion to approve and a second?

MR. LAUBE:

That's correct.

P.O. GREGORY:

Okay. All in favor? Opposed? Abstentions?

LEG. CILMI:

Opposed.

MR. LAUBE:

Fifteen. (Absent: Legislator Muratore)

P.O. GREGORY:

All right. Motion passes.

(*Applause*)

Okay. ***I.R. 2149 - Establishing a board to aid in the enforcement of Suffolk County's Pet Store Laws (Sponsor: William Spencer).***

LEG. SPENCER:

Motion to approve.

P.O. GREGORY:

Motion to approve by Legislator Spencer, second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen. (Absent: Legislator Muratore - Vacant Seat: District No. 12)

LEG. HAHN:

Mr. Presiding Officer, can we take --

P.O. GREGORY:

I'm going to take a motion out of order. I.R. -- there's been a request to take ***I.R. 1022*** out of order, it's Page 7. It's a ***resolution confirming the appointment of Frank Nardelli as the Commissioner of the Suffolk County Department of Labor, Licensing and Consumer Affairs (Sponsor: County Executive).*** Motion by Legislator Hahn, I'll second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen. (Absent: Legislator Muratore - Vacant Seat: District No. 12)

P.O. GREGORY:

The motion is before us.

(*Applause*)

LEG. HAHN:

Motion.

P.O. GREGORY:

Motion. Motion by Legislator Hahn.

LEG. CILMI:

Second.

P.O. GREGORY:

Second by Legislator Cilmi.

LEG. TROTTA:

On the motion.

P.O. GREGORY:

On the motion, Legislator Trotta.

LEG. TROTTA:

Could I speak to him?

P.O. GREGORY:

Yeah, call him up. Mr. Nardelli? Where is Frank? Oh, there he is. Okay.

AUDIENCE MEMBER:

Frankie.

*(*Applause*)*

AUDIENCE MEMBER:

He's in the big seat now.

*(*Laughter*)*

MR. NARDELLI:

Good morning, Mr. Presiding Officer, Members of the Legislature.

AUDIENCE MEMBER:

Can't hear you.

MR. NARDELLI:

Again, good morning, Mr. Presiding Officer, Members of the Legislature. Frank Nardelli, Acting Commissioner for the Department of Labor, Licensing and Consumer Affairs.

LEG. TROTТА:

How are you doing?

MR. NARDELLI:

Hi.

LEG. TROTТА:

Got a lot of friends here, huh?

MR. NARDELLI:

Yes, I do.

LEG. TROTТА:

Okay.

MR. NARDELLI:

Thanks for the support.

LEG. TROTТА:

I'm sort of new at this, but recently I got a couple of letters and people calling my office about a letter that went out to over 250 -- sorry, guys, this has nothing to do with the unions -- 250 antique dealers.

MR. NARDELLI:

Right.

LEG. TROTТА:

And it says, "You've been identified by our office as engaging in the selling of home furnitures" -- "furnishings." Then it goes on to say "This is unlawful for any person to engage in the selling of furniture, carpets without obtaining a license thereof from this office in accordance with the

subdivisions of this article. It does not exclude antique dealers, churches or not-for-profits."

So I started researching a little bit, and I went to these little places, and I got a list of who they sent the letters to. It was embroiderers, clothing retailers, people who had nothing to do with selling furniture. So someone made the decision somewhere to send these letters out. You know, these are small businesses. This is 270 small businesses in this County got these letters.

So, you know, I'm introducing a bill today to amend that to say that any antiques or anything old would be exempt from that, so that when you go to antique store and you bought something and you could leave with it, you wouldn't have to pay a \$600 fee. Some of these people that I was talking to didn't make \$600 during the Christmas week, so this is definitely a burden to them. My question to you is, you know, when this came out in the papers, the County Executive's Office came back with, "Oh, there's been over 250 complaints on this," you know, "We're looking out for the taxpayers." So what I did was I requested the 250 complaints. There's not a single complaint in here that refers to anything to do with any person buying a piece of furniture and leaving from an antique dealer and there being a problem with it. The closest thing was a consignment shop where a wedding dress got a stain on it. Nothing.

So my question to you is why was this letter sent out, and what's going to happen in the future so this never happens again?

MR. NARDELLI:

Well, my Director of Consumer Affairs is not here, but I'll try to answer the question.

We -- when the Department of Labor and Department of Consumer Affairs consolidated, we started looking at laws that were on the books, but weren't being enforced, and we did that with a number of laws. And we saw that over the last two years, we had nine complaints on consignment shops, and I believe five complaints on antique stores, and I believe that's what triggered that letter to go out, if I'm not mistaken.

LEG. TROTTA:

Why did it go out to embroiderers, to people -- I called a large number of them. The large majority said, "We don't even sell furniture, we don't sell carpets, we're not even in that business, we have no idea." And they said, on their behalf, they called up the phone number on the bottom and they said, "Oh, don't worry about it." So is the County -- you know, is this County engaged in just mass mailings to try to get \$600 from people?

MR. NARDELLI:

No, we're in the business of enforcing the law on the books. And, like I said, when we first started looking at some of the laws that hadn't been enforced, this was a by -- the letter was a byproduct of that. And if there are situations which you're referring to, we would gladly look at it and rectify it.

LEG. TROTTA:

Those 14 -- the consignment shops and the antique, five antique dealers had nothing to do with furniture or carpets. It had to do with like literally a dress, a pair of -- I called them all -- a pair of shoes, you know, little things. You know, this is what they -- in their defense, and they -- you know, people are fleeing this Island. Small businesses are hurting, downtowns are hurting. The last thing we need is the County sending out letters saying, you know, "We want your money." And I just -- you know, based upon your history and your reputation here, it's very good, and I want to make sure that, you know, this doesn't happen again, and that, you know, we treat our business owners fairly, and that we don't send out letters that are -- this woman who called me up was intimidated by it. She was writing a check. This was going to come -- it says, you know, "If you don't submit this within 15 days, it will necessitate further action by this office and will result in a

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violation and subsequent penalties." You know, is that what we send to people? You know, we shouldn't be in the business of doing this. You know, I represent these people in my District, and all these Legislators -- you know, they're business owners, and guess who I'm -- you know, I'm sure you got \$600 from people who are afraid, you know, and we can't have this anymore.

MR. NARDELLI:

Well, Legislator Trotta, I'm not -- I don't run the day-to-day affairs of Consumer Affairs and --

LEG. TROTTA:

I realize you weren't in charge of this at the time.

MR. NARDELLI:

I wasn't in charge at the time. And I believe, with all due respect, you did have a conversation with Barbara Stoothoff about the letter and about how this transpired. I'm not sure what was discussed in that conversation, but I would be glad to look at your legislation and, you know, rectify the problem, and make sure incidences like this don't occur in the future.

LEG. TROTTA:

I appreciate it. Thank you.

P.O. GREGORY:

Okay. Anyone else? Legislator Schneiderman.

D.P.O. SCHNEIDERMAN:

I sat in on the committee. Frank, I think you're supremely qualified for the position. You got the background, you certainly have a lot of support. And I know you grew up, you know, working hard and you kind of came through the ranks, and it's going to be my pleasure to support you for this position. I know you're going to do a great job, and I know you're going to have a lot of support here at the Legislature. So thank you for making yourself available, and thank you for your interest.

MR. NARDELLI:

Thank you, Jay.

*(*Applause*)*

P.O. GREGORY:

Legislator Hahn.

LEG. HAHN:

I'd like to echo that, but I also want to thank you for -- you know, I do think that there are many things that aren't -- weren't properly being enforced, and maybe this isn't the -- what is described here might not have been implemented perfectly. But I do believe a full review of what -- of what's happening in order to protect our consumers is very important in Consumer Affairs, because there are many laws on the books that haven't been enforced to our full abilities. And so I do believe we -- that's an important role to play, and that we are on top of that. So thank you for your participation in that. Thank you for all that you've done through the labor community. So I really look forward to your approval now.

MR. NARDELLI:

Thank you. Thank you, Kara.

P.O. GREGORY:

Okay, great. Okay. Frank, I look forward to working with you. I think you're going to do an excellent job.

MR. NARDELLI:

You as well, Mr. Presiding Officer. Thank you.

P.O. GREGORY:

All right. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen. (Absent: Legislator Muratore - Vacant Seat: District No. 12)

P.O. GREGORY:

Okay. Motion carries. Congratulations.

(*Applause and Standing Ovation*)

MR. NARDELLI:

Thank you.

P.O. GREGORY:

Okay. I.R. -- I have been requested by Legislator Krupski to take ***I.R. 1021 - Amending Resolution No. 647-2014, authorizing the County Executive to execute documents relating to the Air National Guard's use of property and equipment at Francis S. Gabreski Airport (Sponsor: County Executive)***. Motion by Legislator Krupski, second by Legislator Schneiderman to take it out of order. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen. (Absent: Legislator Muratore - Vacant Seat: District No. 12)

P.O. GREGORY:

Same motion, same second on the approval motion.

LEG. KRUPSKI:

Just one question on the motion.

P.O. GREGORY:

On the motion, Legislator Krupski.

LEG. KRUPSKI:

Quick question. Why is the term of the contract shorter from the previous term?

MS. FAHEY:

The Air National Guard is funded by two entities, the Federal side and the State side. One of them created the document, which this Legislature authorized signature of last August, the other one never saw it, so they have a difference of opinion as to the length of the term of the agreement. So they won't sign it at the 15 years that you approved last year, they will sign it at the 10 years, which is the traditional term for a Joint Use Agreement.

LEG. KRUPSKI:

Thank you.

P.O. GREGORY:

Legislator Schneiderman.

D.P.O. SCHNEIDERMAN:

Carolyn, just on the record, I ran through this in committee, I had an issue in committee and you were able to address it. But, originally, we didn't -- well, originally, we charged and then we didn't charge ANG anything for a while under the AJUA Agreement, and now we're back to charging them. But this request apparently came from the base itself; is that correct? This is basically for ancillary -- for maintaining the airport, right? It's kind of a cost share in maintaining the airport grounds, and runways, etcetera?

MS. FAHEY:

Exactly. It's a calculation that the Federal Government uses to help support all of the joint use spaces that they occupy.

D.P.O. SCHNEIDERMAN:

And they felt it strengthened their position to actually pay something here rather than to not; is that correct?

MS. FAHEY:

No, that's not what I said.

D.P.O. SCHNEIDERMAN:

Okay.

MS. FAHEY:

I said that the current Commander doesn't feel that it was in the -- made a difference at all in the BRAC Review whether or not they were paying a Joint Use Agreement. He felt it was better that they did and showed a commitment to the local community, as opposed to nothing.

D.P.O. SCHNEIDERMAN:

So he felt it was better that they did. Even though I might desire to continue to have them not pay for those expenses, they're actually communicating that they would like to?

MS. FAHEY:

They're communicating that they don't believe it made a difference, and it won't make a difference when it comes to reviewing the base for realign -- the mission for realignment or the base for closure, it's not going to make a difference.

D.P.O. SCHNEIDERMAN:

Okay. You're not quite answering it, because I still would like to waive the fee. But the Commander is saying he doesn't want the fee waived, is that --

MS. FAHEY:

The Commander, the DOD, everyone. This whole process is initiated on the Federal and State side, it's not initiated on the County side. They have asked us to create -- to fill in the spread sheet which creates the calculation of which is their share of maintaining the airport, it was initiated on their side. You know, the County is in an effort, making a very strong effort to make Gabreski self-sustaining. This is a very minor amount on the DOD and State side for the services and the maintenance of the airport, but it ends up being a significant amount to the County to help us get off of the General Fund.

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We did waive the AJUA fee back in 2005 as a show of support for the 106th. We don't believe it made a difference one way or the other in the BRAC Review, and neither does the local Commander.

D.P.O. SCHNEIDERMAN:

Well, I was part of that back then and felt very strongly that we should waive the fee. I still --

MS. FAHEY:

Well, there are a lot of issues --

D.P.O. SCHNEIDERMAN:

I still personally like the idea of waiving the fee. It's a nominal amount of money. It shows good faith that we support them there, and we want to see them stay. Now I understand that they're saying it doesn't strengthen their hand in a BRAC process, but I still think it's a good show of faith from the County to say, "You know what, it's a nominal amount of money and we're not going to charge you for it."

MS. FAHEY:

Please keep in mind that in between the last BRAC Review, we were both part of that in 2004/2005, and now the County has done a lot of things to help assist the 106th. Mainly, we have taken the cost of the air traffic controllers off of their budget, passed it through the County, we're not paying anything, and passed it on to the FAA. That's a 750 to \$800,000 a year cost that we have alleviated from their budget, along with our agreement on the sewage treatment plant, which we gave them a credit towards the capacity in order for us to then go and develop the industrial park. That was about 1.2 million dollars. That was back in '06/'07. So those are significant efforts that the County has made. This annual payment really just helps cover the cost of their use of the facility from a maintenance perspective.

D.P.O. SCHNEIDERMAN:

Well, I'm going to take it on faith that the Commander is saying to please charge us and I will respect the Commander's wishes here. Other than that, I would say let's continue to waive it. I'm sorry, but if that's what the new Commander is requesting, I'm not going to go against the Commander.

MS. FAHEY:

I'd be happy to put the two of you together, if you want.

P.O. GREGORY:

Okay. Legislator Browning?

LEG. BROWNING:

Yeah. My son just is now currently employed at the National Guard, just came back, and I just need to know should I recuse? And I think possibly I should, just to be on the safe side.

MR. NOLAN:

Yeah. My personal opinion, looking at the Code of Ethics, is that I don't believe you have to recuse from the vote. There's no financial benefit going to you or to him on either side, but, you know, it's up to you, if you wanted to be on the safe side to recuse yourself. My opinion is you don't have to.

LEG. BROWNING:

Err on the side of caution.

P.O. GREGORY:

Okay. So, Mr. Clerk, we have a motion to approve and a second?

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MR. LAUBE:

That's correct.

P.O. GREGORY:

All in favor? Opposed? Abstentions?

LEG. BROWNING:

I'll recuse.

MR. LAUBE:

Sixteen. Oh, recuse?

P.O. GREGORY:

Recusal.

MR. LAUBE:

Fifteen. (Recusal: Legislator Browning - Absent: Legislator Muratore - Vacant Seat: District No. 12.)

P.O. GREGORY:

Okay. It's 12:30. We stand in recess until 2:30.

*(*The meeting was recessed at 12:30 p.m. *)*

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

*(*The meeting was reconvened at 2:35 P.M. *)*

P.O. GREGORY:

Okay. Good afternoon, Mr. Clerk. Can you call the roll?

MR. LAUBE:

Will do.

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

LEG. KRUPSKI:

Here.

LEG. BROWNING:

Here.

LEG. MURATORE:

(Absent).

LEG. HAHN:

Present.

LEG. ANKER:

Here.

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LEG. CALARCO:

Present.

LEG. LINDSAY:

Here.

LEG. MARTINEZ:

Here.

LEG. CILMI:

Here.

LEG. BARRAGA:

Here.

LEG. TROTTA:

Here.

LEG. McCAFFREY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. SPENCER:

Here.

D.P.O. SCHNEIDERMAN:

Here.

P.O. GREGORY:

Here.

MR. LAUBE:

Sixteen (Absent: Legislator Muratore - Vacant Seat: District No. 12).

P.O. GREGORY:

Okay. Thank you, Mr. Clerk.

Okay, we are in the **Public Hearings**.

I do not have any cards, but I will call the first ***Public Hearing, 1853-15 - Adopting Local Law No. -2015, A Local Law to strengthen requirements for nonprofit veterans organizations soliciting donations in Suffolk County (Spencer)***. Again, I don't have any cards. Is there anyone in the audience that would like to speak? Please come forward. Are there cards coming?

MR. NOLAN:

There are cards.

P.O. GREGORY:

I was told cards are on their way; snail mail or something, I don't know.

MS. JACOBSEN:

They are, Mike has them.

P.O. GREGORY:

Okay. I don't have any cards for this public hearing. Is there anyone here that would like to speak on this matter? Please come forward. If not, Legislator Spencer?

LEG. SPENCER:

Motion to close.

P.O. GREGORY:

Motion to recess by --

*(*Laughter*)*

No, motion to close. All right. I'll second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen (Absent: Legislator Muratore - Vacant Seat: District No. 12).

P.O. GREGORY:

The public hearing is closed.

(Public Hearing on) IR 2174-14 - Adopting Local Law No -2015, A Local Law to warn consumers of the dangers of liquid nicotine products (Anker). I have a couple of cards, the first being Elisa Ford. Elisa Ford, excuse me.

MS. FORD:

2176?

MR. NOLAN:

No, it's 2174.

P.O. GREGORY:

2176, Ma'am? Yes.

MS. FORD:

No, I'm for 2176.

P.O. GREGORY:

Oh, I'm sorry, my bad. I'm sorry. It's been a long day already. 2174. Hold on, hold on. All right, Nancy Hemendinger.

MS. HEMENDINGER:

Good afternoon. My name is Nancy Hemendinger and I'm Director of School Education for the Suffolk County Department of Health Services, Office of Health Education. I'm here today on behalf of Dr. Tomarken to express support for IR 2174, a Local Law to warn consumers of the dangers of liquid nicotine products.

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Liquid nicotine, also known as electric liquid or E-liquid, is a composite of nicotine and other chemicals. Concentrated liquid nicotine is highly toxic, even in small doses; and if ingested, liquid nicotine may cause tremors, vomiting, seizures and potentially death. For infants and children, ingesting liquid nicotine is likely to be lethal. With the introduction of e-cigarettes into our culture, we are seeing an emerging health problem. According to a 2014 Centers for Disease Control Report, the number of calls to poison control centers involving liquid nicotine rose from one per month in September, 2010, to 215 per month in February, 2014. More than half of those calls included children under five-years old. Requiring liquid nicotine retailers to post signage with a warning about the dangers associated with this product will reinforce the department's efforts in protecting the public's health. Thank you.

P.O. GREGORY:

Thank you, Nancy.

LEG. SPENCER:

I have a question.

P.O. GREGORY:

You have a question? Okay.

LEG. SPENCER:

Good afternoon, Nancy. Thank you. With liquid nicotine, the way it's distributed right now, is it in child-proof caps, for the most part?

MS. HEMENDINGER:

As of right now, my understanding -- and can I can bring Laura Anos up who is our sanitarian who actually does the enforcement in Suffolk County, if that's okay? My understanding from her experience is that they have not been in child-proof caps in Suffolk County, but I'd like her to come up because it's really her expertise.

LEG. SPENCER:

With the permission of the Presiding Officer. I know I'm allowed to ask questions. Can she answer the question for me, or is --

P.O. GREGORY:

Yes.

LEG. SPENCER:

-- that out of order? With your permission.

P.O. GREGORY:

No, she can come up.

LEG. SPENCER:

Thank you.

MS. ANOS:

To answer your question, there recently was a State law that passed that required the child-proof caps. So right now we're just starting to go around and checking the different establishments, and most of them are in child-proof caps, but there are some that are not. So we're just asking them to take them off the shelves if they're not.

LEG. SPENCER:

And with liquid nicotine, I'm just wondering, I've heard that it is not only an issue of ingestion, but for small children, even coming in contact with the liquid, that the nicotine can be absorbed through their skin?

MS. ANOS:

Yes, it is also toxic if it's absorbed through the skin, yes.

LEG. SPENCER:

And is there any sort of -- besides the State law, are there any other regulations that help to protect children from coming in contact -- or are these products attractive to children for any particular reason that a child would be in contact or would be attracted to them?

MS. ANOS:

Well, they are available in a lot of fruit flavors, cotton candy and gummy bear and that kind of thing. So yeah, I would say they're definitely attractive to young children.

LEG. SPENCER:

Is there -- liquid nicotine, is it just major manufacturers, or there are a lot of minor companies that are not regulated as far as like listing ingredients or things like that? Is there a big market place out there with a lot of minor players that tend to --

MS. ANOS:

Yes.

LEG. SPENCER:

-- not put them in child-proof caps?

MS. ANOS:

To the best of my knowledge, there's really no regulation on the manufacturing. So right now you have some major manufacturers, but a lot of, I think, Mom and Pop kind of things, and I think a lot of them are repackaging, like they're -- a lot of the stores are getting in big containers and repackaging them into smaller containers.

LEG. SPENCER:

So a store could get like a -- almost like you would buy a large bottle of Purel and you would fill several smaller bottles and put them throughout your house. A store could buy this by a gallon and then in the retail, at the point of retail, they could put these in small unlabeled -- or smaller tubes and then distribute them?

MS. ANOS:

Yes.

LEG. SPENCER:

Is there any regulation as far as like at point of sale, but it has to be packaged according to a specific weight and labeled at a specific weight, or it's just --

MS. ANOS:

No.

LEG. SPENCER:

There's nothing prohibiting that right now.

MS. ANOS:

No, just the child-proof caps right now.

LEG. SPENCER:

Okay. Thank you very much. I appreciate that. Thank you, Mr. Presiding Officer.

P.O. GREGORY:

Excuse me, Legislator Cilmi has a question for you.

LEG. CILMI:

Hi, ladies. I just wanted to redress something. So, somebody could actually buy a gallon of liquid nicotine and repackage it themselves?

MS. ANOS:

To the best of my knowledge, yes.

LEG. CILMI:

That's legal?

LEG. SPENCER:

Yes, that's what I heard.

MS. ANOS:

Yes.

LEG. CILMI:

That's absurd.

MS. HEMENDINGER:

We don't.

LEG. CILMI:

No, no, I think that's a different issue, I think. I'm not sure if that's something that we can address, but --

LEG. ANKER:

We tried.

MS. HEMENDINGER:

I don't know if many stores are doing that, but I know that they can do that. They can buy it in like 55-gallon drums and repackage it.

LEG. CILMI:

Now, you said something about the child-proof -- one of you, I'm sorry, said something about the child-proof caps. You said most of them have them now, or some of them still don't, and you go into stores and you ask them to remove the ones that don't?

MS. ANOS:

Yes.

LEG. CILMI:

Is it law that they have to have the child-proof caps?

MS. ANOS:

Yes.

LEG. CILMI:

And that's a Federal law?

MS. ANOS:

A State law.

LEG. CILMI:

State law. State law issued by what regulatory authority; Department of Health?

MS. ANOS:

I don't know, it was Governor Cuomo. I believe it was Department of Health, yes.

LEG. CILMI:

Okay.

MS. HEMENDINGER:

That was recent.

LEG. CILMI:

Okay, so they require child-proof caps. And this is the second iteration of this legislation, right? How does it differ from the first -- from the first piece of legislation that we saw? If I could, through the Chair. But don't go away, Ladies, because I might want to ask you a question based on this answer.

LEG. ANKER:

So the first one we were trying to, in a way, I won't say regulate, but we were trying to create a situation where there was a warning label, there was a list of ingredients on the actual retail vial, that's what they would put the stuff in. Because we found out that formaldehyde is a component of a lot of these vials. But I think the Legislature in general was a little concerned that it would affect the retailer. So we worked with the food industry and right now we're basically putting up a sign, this is the difference between what's being proposed today in this resolution is just basically a warning sign that can be downloaded from the Health Department, basically keep out of children's reach, that kind of thing; I have it right here for you to see.

LEG. CILMI:

Okay, okay. So the first one dealt with labeling on the package itself, this deals with a sign in the retailer.

LEG. ANKER:

Yes.

LEG. CILMI:

So when you go into the different stores that you go into to inspect, how many different signs are they required, based on the products that they sell, are they required to display? We have -- is there a sign requirement for energy drinks at this point?

MS. ANOS:

Yeah, but they really wouldn't be selling energy drinks in the same kind of store.

LEG. CILMI:

Why wouldn't they?

MS. ANOS:

We just don't see that. It's mainly tobacco products and e-cigarettes.

LEG. CILMI:

Well, what type of stores? I mean, if you went to, you know, a Hess-Mart or one of the -- I don't want to select, you know, single out any particular gas station, but --

MS. ANOS:

Yeah, maybe a gas station.

LEG. CILMI:

Some of the gas stations have these little markets that they --

MS. ANOS:

Yeah, maybe in a gas station they might.

LEG. CILMI:

Uh-huh. So there's signage required for energy drinks, is that right? I'm not sure that there is.

MS. HEMENDINGER:

What do we enforce, only the tobacco?

MS. ANOS:

Yeah, we only enforce the tobacco regulations, so.

LEG. CILMI:

Okay.

MS. HEMENDINGER:

Explain the signage.

LEG. CILMI:

So there's tobacco regulation, there's alcohol regulation, right?

MS. ANOS:

Yeah, but I don't know what signs are required for that.

LEG. CILMI:

Okay.

MS. HEMENDINGER:

The office of -- this is Nancy Hemendinger. The Office of Health Education, we have an Enforcement Unit and Laura is one of the sanitarians that works in the Enforcement Unit. They have a State grant, that's the {ATOUPA}, and there are signs that are required in the stores stating that you have to be 21 and over to purchase tobacco products. When Laura goes in and we do the compliance checks, they -- one of the things, besides making sure that the vendors aren't selling to minors, is also to make sure that they have proper signage, so that would be one sign that Laura and the other sanitarians would be looking for. This legislation would add signage that also mentions about the liquid nicotine. Does that clarify the signage thing for our office?

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LEG. CILMI:

Yeah, I think so. I mean, to me there's another question in my head which is if there's other sign requirements, why would we have two different people going into the same stores at different times to make sure that different signs are up? But I'm not sure that that's the case, so I won't -- and I know that you can't answer to that, so I won't ask.

MS. HEMENDINGER:

Our office would also -- when we go in for the Tobacco 21, we would also be looking for the liquid nicotine sign. That would fall under our office --

LEG. CILMI:

Right.

MS. HEMENDINGER:

-- because it's tobacco related.

LEG. CILMI:

Okay. And is there -- do you think there's enough room on -- you know, that a store could post these signs somewhere?

MS. HEMENDINGER:

Most --

LEG. CILMI:

The last time I -- I mean, whenever I go into these stores, they just seem very cluttered.

MS. ANOS:

Yeah, most stores I think could find the space, especially if we don't make it a huge sign.

LEG. CILMI:

Right.

MS. ANOS:

I think they could find a space for it.

LEG. CILMI:

You think people would actually see it and do you think it would actually do anything? Do you think it would help?

MS. ANOS:

I think it might help. I think a lot of the consumers are uneducated about the effects of liquid nicotine.

LEG. CILMI:

Okay. Thank you.

P.O. GREGORY:

Okay, Legislator Trotta had a question for you.

LEG. TROTTA:

You have to be 21 and over to buy this stuff now, right?

MS. ANOS:

Yes.

LEG. TROTTA:

And it's a child-proof thing.

MS. ANOS:

Yes.

LEG. TROTTA:

And it's dangerous, it's as dangerous as cold medicine. I'm assuming, it's as dangerous as 50 other things that are in a drug store that you don't have to be under 21 to buy; is that correct? Liquid Benadryl, all these other drugs that you don't need to be 21 and there's not a sign next to them.

MS. ANOS:

Except this is lethal if it's ingested.

LEG. TROTTA:

Well, I'm sure if you drank enough Benadryl or something else -- Doc, help me out here -- some other cold medicine. I mean, do you put signs -- should we put signs on everything?

LEG. CILMI:

Does it have to be behind the counter or can it be --

LEG. TROTTA:

Yeah, where is it, by the way?

MS. ANOS:

I believe it says by the cash register, the legislation does.

MS. HEMENDINGER:

The sign by the cash register, but the liquid nicotine has to be behind the counter, as do all the other tobacco products. It's the amount of liquid nicotine that can cause a lethal amount. As I mentioned, in the CDC Report, the amount of reports, incidents of poisoning has gone up, in that one report, 2,010. And as e-cigarettes have become more popular, that has increased in 2014 to 215 poisoning reports per month, and that's for children under five. Now, children five and under aren't purchasing the liquid nicotine, but it's in their homes and that's something that -- in addition, in the Office of Health Education, we do educate children and parents about the dangers of tobacco, all products.

LEG. TROTTA:

Well --

MS. HEMENDINGER:

So that's happening already. But as far as at the point of purchase, to increase the public's knowledge as an awareness and as a reminder that this is a dangerous product would help in our public health efforts.

LEG. TROTTA:

Yeah, but the point is a month ago you didn't have to have child-proof locks or caps, now you do, which is a great thing; clearly you should have it. You know, there are bleach -- there's a thousand things in a store that if someone drinks, and I'm sure if I Googled what people -- you know, children have eaten and drinking and have had problems with, nicotine's going to be lower on the list than a variety of other things. So the point that -- you know, I'm just playing devil's advocate here, is that,

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you know, do we put a sign up for everything? Do we put it up for Benadryl, do we put it up for Clorox, do we put it up for all other things that kids could get into? I'm just reading a story about an 18-month old. I mean, the 18-month old didn't know they were eating liquid nicotine.

P.O. GREGORY:

Is there a question?

LEG. TROTTA:

It was just something they got open. Yeah, the question is should we put up signs for everything?

MS. HEMENDINGER:

We should put up signs for liquid nicotine because we have seen an increase in reports to the Poison Control Center. So when we respond to a public health issue, it's in response to what the Centers for Disease Control is telling us. This is an issue, this is an upcoming, emerging health issue and we need to respond to it, and this is the recommendation.

LEG. TROTTA:

Well, my question is don't you think the child-proof caps are going to help greatly?

MS. HEMENDINGER:

I hope -- I have hopes that that will help regulate it. This isn't a regulation, this is an education piece.

P.O. GREGORY:

Okay. Thank you, Ladies. Next is Patricia Wood.

MS. WOOD:

Thank you very much. I just have a very brief statement on the Introductory Resolution 2174, a Local Law to warn consumers on the dangers of liquid nicotine.

Much of what I was going to talk about has already been said. I am the Executive Director of Grassroots Environmental Education, a science-based environmental health non-profit with a mission to inform the public about the health risks of common environmental exposures. We strive to accomplish this using science-driven arguments for clean air, clean water and a safe food supply and for stricter regulation of chemical toxins. And from a public health perspective, liquid nicotine products clearly fall into this category of chemical toxins.

Our organization is particularly concerned about children's unique vulnerability to toxic exposures due to their immature organs and developing bodies, making it more difficult for them to eliminate certain toxins. Due to their size, children receive proportionately greater doses of chemical contaminants found in their environments. Even a smaller exposure occurring during a critical window of a child's development could result in permanent adverse health outcomes. As a normal developmental activity, children engage in hand-to-mouth behaviors, including regularly placing objects or substances in their mouths. The accidental death of the one-year old boy from Fort Plane, NY, as a result of liquid nicotine poisoning, the first of its kind in the nation, makes clear the need for this kind of common sense legislation.

And it was mentioned about the CDC Report, but according to that 2014 report from the CDC, the number of calls to poison control centers involving liquid nicotine rose from one per month in September, 2010, to 215 per month in February, 2014; more than half of the calls, that's 51.1% of them, involve children under the age of five. So there's a clear need to counter attractive and enticing advertising by providing warning signage at the point of purchase, as would be required by this law. I applaud the committee, led by Legislator Anker, for strengthening the law that is already

in place here in Suffolk County, and thank the Legislature for your serious consideration for protecting public health. Thank you.

LEG. TROTТА:

I have a question.

D.P.O. SCHNEIDERMAN:

Thank you. We have a question; Legislator Trotta?

LEG. TROTТА:

Yeah. I mean, I agree that this is a problem. But once the person buys it and brings it home, the sign is no longer there. I mean, I just Googled the top ten most common children poisoning, it's cosmetics, cleaning substances, pain medicine; all these things occur at your house.

MS. WOOD:

That's correct.

LEG. TROTТА:

I don't know what putting a sign up in the store when you're buying something behind the counter is going to have any effect on anybody once they bring the stuff home.

MS. WOOD:

I think that the point of this is that if you can save even one child from a toxic exposure, or even death from this, that it would be worth having the signage at the point of purchase. Many people who buy it are not really aware of the seriousness of ingesting it or even having it spilled on the skin of a child. And I think that that kind of warning is certainly worthwhile and I think would prevent, you know, even one -- even if it prevented one tragedy, it would be worthwhile.

LEG. TROTТА:

So are you advocating putting it near cosmetics, cleaning substances and pain medication and thermometers?

MS. WOOD:

Yeah, I understand your point a hundred percent. I think that -- I think that those things that people purchase are also products that they are not aware of the dangers of, but the dangers for liquid nicotine are actually more lethal. I mean, just spilling it on your skin, meaning liquid nicotine as opposed to spilling shampoo on your skin, which you use on your skin, is a different kind of exposure.

LEG. TROTТА:

Okay.

MS. WOOD:

Less toxic.

D.P.O. SCHNEIDERMAN:

Legislator Anker has a question.

LEG. ANKER:

Yeah, I just wanted to also mention, too, they were talking about -- other products were brought up. But isn't it true, those other products have warnings on them, even shampoos, dishwashing liquid, all these bleach, keep out of children's reach. These products, liquid nicotine, they're not required to have any type of warning on them.

MS. WOOD:

They do have warnings for eye irritation and skin irritation and, you know, if --

LEG. TROTTA:

They're not on the --

MS. WOOD:

-- there's accidental ingestion, they do have some warnings, yes.

LEG. TROTTA:

They all do, but not on liquid nicotine?

MS. WOOD:

No, not required at this point. I think that there is consideration on the Federal level to have warning on the actual product.

LEG. ANKER:

Right. And to clarify again, that was this first part of the legislation that I proposed, was to put a warning, require a warning on all liquid nicotine products, especially the ones that are made in the basement, you know, the little vials. And there was a concern with the Legislature that it was infringing on the consumers rights or the retailers rights. So we pulled back a little bit, we worked with the food industry and, you know, I'm hoping the FDA will come to their senses, really, and require warning labels on liquid nicotine, like they do cigarettes and some of these other products that are dangerous for children. But again, we're focusing, you know, on parents; parents going, they're picking up the liquid nicotine and they're bringing this home and using it hoping to reduce their cigarette smoking and leaving it on the counter accidentally, their children are getting the stuff. Even touching it will bring them to the poison -- you know, to the emergency.

D.P.O. SCHNEIDERMAN:

Is there another question? I'm sorry, Legislator Anker.

LEG. ANKER:

No, I just wanted to clarify Legislator Trotta's concern regarding the difference between -- and I was wondering if Mrs. Woods would confirm the difference between liquid nicotine not having a warning and these other products that you mentioned having warnings.

D.P.O. SCHNEIDERMAN:

Thank you. Legislator Cilmi. Hold on, Pat.

LEG. CILMI:

Just very quickly. Would you support sort of an out clause in this or reverta clause in this legislation that said, if at some point in time the FDA regulates in terms of a warning on the product itself, that would then -- this bill then would become null and void and the retailers wouldn't be responsible for having additional signage at their locations?

MS. WOOD:

The point of purchase, you mean?

LEG. CILMI:

Yeah.

MS. WOOD:

At first thought, yes, if the Federal government was doing their job. I would think that this bill would not be -- you know, you could reverse it.

LEG. CILMI:

Right. Okay, thank you.

MS. WOOD:

Yeah.

D.P.O. SCHNEIDERMAN:

Okay. Next up is Michael Watt.

MR. WATT:

Good afternoon. My name is Michael Watt, I'm here to address IR 2174 on behalf of the 500 plus members of the Long Island Gasoline Retailers Association, most of whom conduct their business in Suffolk County, and many of whom sell liquid nicotine refills in an effort to meet the demand for them by the public they serve.

Our members share the Legislator's concern for the well-being of our consumers, but we differ to the extent to which we prefer to treat our respective constituents as adults capable of making their own decisions. Our businesses exist to cater to a customer's needs, as long as those needs are legal, not lecturing them on the evils of the choices they make.

It should also be noted that counter space in close proximity to the point of sale is extremely limited and highly coveted by the merchandisers trying to sell products that drive our economy. To lose any of the space to a sign that most likely will be ignored is bad for business and an exercise in futility.

We're also concerned about the precedent this measure would establish. If it is passed into law, for example, how soon would it be before the County feels the need to address other dangers poised to the public to through the consumption of products? Take toothpaste, for instance. According to the website *bodyunburdened.com* and the Journal of Public Health Dentistry, the two most common active ingredients in toothpaste, sodium fluoride and triclosan, have been associated with a number of health risks. Ninety-five percent of toothpastes on the American market contain sodium fluoride; this chemical poses a significant threat to children who, both accidentally and purposefully, ingest a significant amount of toothpaste and, thus, fluoride. Chronic sodium fluoride consumption can also cause skeletal fluorosis, a bone disease caused by excessive fluoride exposure that damages the bones.

Triclosan -- again, according to the Journal of Public Health Dentistry -- is a pesticide that can now be found in most anti-bacterial hand soaps and toothpastes. But clinical studies on animals have shown that triclosan impairs muscle function and can disrupt hormone regulation, even at low level exposure. The World Health Organization and United Nations recently concluded that exposure to triclosan during fetal development and puberty plays a role in the increased incidences of reproductive diseases, endocrine-related cancers and behavioral and learning problems.

The point to be made here is not so much to scare people away from using toothpaste, but to show that there are dangers inherent in just about everything we do. To saddle small mom and pop retailers with the burden of "*educating the consumer*", particularly so late in the decision making process, is patently unfair at best and expensively non-productive at worst.

Rather than jump the gun and vote IR 2174 into law, the small, independent business owners who comprise Suffolk County's economic backbone, ask that Suffolk County waits until the Federal government completes its research on liquid nicotine and charts a course of action that puts the responsibilities for education where they belong, on the manufacturer and the consumer well pride

to the point of purchase. Thank you for allowing LIGRA to speak on this topic.

D.P.O. SCHNEIDERMAN:

Any questions for Mr. Watt? We'll start with Legislator Cilmi.

LEG. CILMI:

Hey, Mike. Talk to us about the extent of signage that's required in your members stores.

MR. WATT:

Well, an excellent point was brought up earlier. We were here a couple of years ago talking about signage for energy drinks, there was talk about signage for tobacco products. You already have to have signs for the purchase of alcoholic beverages, you have to have signs for the purchase of tobacco; there's only so much signs you can put in a store. You do have to conduct business and you do reach a point of over-exposure where there's just so many signs and nothing gets read.

The counter space that you're talking about is extremely valuable. It's there for a reason, there's a reason why you see certain things right by the register, you see why the State spends so much money through lotto to have people see what's going on. You want to make a positive purchase decision at that cash register, you don't want to be lecturing them on how or what they should be putting into their bodies.

LEG. CILMI:

What if -- what if there was some other mechanism by which you could warn consumers about this liquid nicotine? Instead of a sign, maybe a sheet of paper that you would hand out with a purchase or something like that?

MR. WATT:

I respectfully submit that educating the consumer is really not the job of the retailer. Maybe that should come from the manufacturer or from the education system or from the consumer department in Suffolk County. But to think that you're going to make or break a decision at that point in the process I think is really not productive. I mean, earlier on you educate people, warn parents of the evils of the liquid nicotine, however you want to do it, but to use a valuable retail counter space at that point I think is really going to be nonproductive.

LEG. CILMI:

And at this point, you have to be 21 years of age or older to purchase the product. So I guess the only thing that we're trying to get at here is not at youth who might be using the product, but rather to educate adults who can legally purchase the product that there may be dangers associated with the use of the product that they may not be aware of. I guess that's the intent here; is that fair?

LEG. ANKER:

Yes.

LEG. CILMI:

I mean, I don't know who wouldn't be familiar at this point about the dangers associated with nicotine, but that's a different question.

MR. WATT:

Well, the concern is, you know, you're talking about a convenient store, a gas station, you're talking about two o'clock in the morning where you have a clerk maybe working by himself or herself, you have a lot of issues that you have to deal with. And there's been a spate of robberies, there was a fatality in Nassau County last month; you have a lot going on. You have to look at the customers on the floor. The last thing we really should be asking people making minimum wage, working

overnight, is to educate a consumer about the dangers of liquid nicotine.

LEG. CILMI:

I'm trying to -- this is going to sound very, very flip, and I don't mean it to.

D.P.O. SCHNEIDERMAN:

Questions.

LEG. CILMI:

But you obviously, you sell -- some of your retailers sell peanut M&Ms. We have extensive peanut allergies, you know, with our residents. Do you have to put up signs to tell people, to warn people about the potential dangers associated with peanut -- ingesting peanut products.

MR. WATT:

You know, I envision this maze of warnings and signs as you make your way to the counter at a convenience store. I mean, 90% of the stuff that gets sold there is really bad for you. My guys would sell, you know, fresh asparagus on a recycled stick if that's what the public wanted. It's really not our point to be educating the public, it's our point to be catering to the public and leave it up to you nice people to educate them as to the fact that liquid nicotine maybe isn't the best choice they could possibly make, especially if they have young children.

LEG. CILMI:

Right. Thank you, Mike.

D.P.O. SCHNEIDERMAN:

Legislator McCaffrey, you're next.

LEG. McCAFFREY:

Mike, you had mentioned the possibility of waiting for Federal legislation. What's the -- are you aware of any action that they may or may not be taking?

MR. WATT:

I know the matter is being discussed down in Washington. We did have a meeting about this late last year, and the thought process is rather than implement this locally with different rules of different counties, why not let the Federal government do its job and come up with a program that everybody can live with.

LEG. McCAFFREY:

How many signs are required to be -- are they all to say the same? This says that it has to be -- "*Shall post signage in a conspicuous space at the register*". Is that what the other signs are required, the alcohol and the Tobacco 21?

MR. WATT:

Well, I can't quote chapter and verse on the specific regulations per sign. Obviously, if the sign is important, you want it to be conspicuous, you want the consumer to be able to see it. But then you also run into a concern, you know, the sign gets knocked down and falls off the counter and then the code enforcement person comes in or the inspector comes in and says, *The sign's not on the counter*; bang, you get hit for another \$250. It's just one more thing for a counter person, for a manager, for a store owner to have to worry about.

And I've got news for you, running a business in Suffolk County, running a business in Nassau County gets more and more challenging every day, especially now when you've got people walking in with handguns looking to hold you up because they think you have a lot of cash. And to be worrying about if the sign is up, if it's conspicuous, if the guy or gal buying the liquid nicotine read it,

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did you read them their rights, do they have kids? You know, it's really putting a tremendous burden on the retailer, and I think the burden is misplaced in this case.

LEG. McCAFFREY:

Would this be less onerous on the retailers if it were -- if the language was changed to say, *Shall post signage in a conspicuous place as opposed to a conspicuous place in front of the register?*

MR. WATT:

I think *in front of the register* is what makes that most problematic. You know, if you're asking to put a sign, we can put a sign somewhere in the store. Like I said, we are concerned about the well-being of our consumers, it's just -- you know, that *by the register* is really cherished real estate, and the manufacturers and the merchandisers, you know, you've got to see the dance they do to get their product right by the cash register machine. So to use that up, that incredibly valuable retail space for something like this, we think if we can put the sign somewhere else we certainly would be amenable to that.

LEG. McCAFFREY:

Do you still -- you feel that you'd be able to meet the spirit of the law by putting it in a conspicuous place which would be seen by people who need to see it?

MR. WATT:

Yeah, I think if you had the sign maybe hanging from the shelf where the liquid nicotine is in the store, or in some way that the person's going to see it, you know, I don't see a problem with that. It's really just -- it's that counter space that's so valuable.

LEG. McCAFFREY:

Thank you.

D.P.O. SCHNEIDERMAN:

All right. Doc, you're next, you're up.

LEG. SPENCER:

Hi, Michael.

MR. WATT:

Hi, Doc. How are you doing?

LEG. SPENCER:

How are you?

MR. WATT:

I'm very impressed that you can pronounce all those words, because I had a heck of a time with endocrine and all that stuff.

LEG. SPENCER:

(Laughter).

MR. WATT:

I would have been a great doctor if it wasn't for that science thing. But I'm sorry, go ahead.

LEG. SPENCER:

It's good to see you again. And I've become quite sensitive, I think, with our back and forth, just with regards to a lot of the challenges that you face and I appreciate what you do.

My question or my -- you know, when I look at liquid nicotine, and I understand your example that just about everything is bad for you in some way, and I think what we struggle with as Legislators is when we see that there's constantly new products that are being developed that come out there, and I'm someone that's reasonably educated medically and I wasn't aware that liquid nicotine, in contact with your skin, could be absorbed. And I guess my question to you -- and if I look for a distinction that, you know -- sure, I don't want that kid that's working at 3 AM in the morning educating consumers. And if there was enough regulation in that marketplace, but because the products come out and they come out for one thing, people have an expectation that if you drink bleach or if you put it on your skin it's going to harm you. But I don't think that people with children that might be making those purchases have that same expectation of liquid nicotine to know that it's going to be absorbed through your skin and to -- you don't feel there's any obligation or place where we could quickly just let people know and to not go down the trail that we're doing it for everything? Because you've made me very sensitive, I'm a big supporter of the Gasoline Retailers and I think that you've seen that I'm someone that can work with you on key issues. So are you kind of indicating from your testimony that if the signage would be placed near the liquid nicotine itself, that that would be something that your organization could support?

MR. WATT:

And I greatly appreciate that sensitivity, Dr. Spencer, and the fact that you do reach out to us when you're proposing legislation and get our feedback and we're very grateful for that.

And again, you know, we're not looking for burn babies. We want to sell a product. We assume that if you know liquid nicotine is not good to have in your child's hands, we would fully support child-proof caps. You know, I'd love to meet the retailer who's pouring it into little bottles and selling on the shelf. These guys don't have time for that. You know, they've got a million products they could sell, all they have to do is take it out of the box and put it on the shelf. They're not pouring liquid nicotine into smaller bottles; they're going to sell something that moves fast. It's just a painfully non-productive use of your time.

So child-proof caps? Fine. Put a sign by the shelf where it's sold, fine. You know, whatever we can do to help educate the consumer, but not necessarily at the point of purchase. And it should not come squarely down on the shoulders of the retailer. The manufacturers of this product have plenty of money to work with, the State gets plenty of money. The State gets almost a billion dollars a year from the tobacco industry, put it towards education programs to explain to whoever it needs to be explained to that liquid nicotine should not be in the hands of children.

LEG. SPENCER:

I can respect that. I definitely -- I take issue with the Federal government argument, that it's because if I waited on them, (*laughter*), the Federal government to take action, you know, I have an obligation to the constituents that I represent. But I appreciate your testimony and, again, thank you for answering my question.

MR. WATT:

I appreciate your sensitivity to that.

D.P.O. SCHNEIDERMAN:

Michael, just stay there one more moment, I think this is the last. Legislator Anker, you have a question?

LEG. ANKER:

Hi, Mike. Again, I understand your concerns as far as with your retailers. But again, you know, I have a picture, basically it's keep out of children's reach, ingestion of liquid nicotine may be fatal, and then other -- you know, if it's in contact. So basically this is the piece of paper that can be

downloaded from the Department of Health, you know, pennies for a sheet of paper to download and print out, and it could be placed on the counter, you know, as they're purchasing, or on the wall by the register, or the register. So it's not -- as far as from what I'm seeing, it doesn't seem to be in the way. But how do you feel as far as it being in the way of the register? And again, I understand where you're coming from. My concern is that maybe the retailer has liquid nicotine all the way in the back so it gets hidden, you know, with the Twinkies and the other stuff. But as far as the front of the register, if this is laid down on the counter, does that -- how does that affect the stuff around the register?

MR. WATT:

Legislator Anker, there is a billion dollar industry of consultants who make a ton of money instructing retailers on the best place to position merchandise. Merchandisers study levels, I mean, it's no -- everyone knows that the fruity, sugary cereals are on the bottom of the shelf in the supermarket so the kids see it. That space is incredibly valuable. In a convenience store, every square foot of that place has to generate a certain amount of revenue based on the business model that these men and women have to follow. And the smaller the store, the more valuable that square footage becomes. And you sit with any business owner, anybody who owns a convenient store or any retailer, and he or she will walk you through the value. It's like a -- you talk to a bartender, he's got six stools in front of his bar; those stools have to generate X number of dollars per hour or he or she is not doing their job. It's a science, and they look at everything. Is this product generating revenue? If not, boom, it's gone. So that space right by the counter, *Oh, we'll just put it here on the counter.* Well, then what happens next month when something else comes up, or the energy drink think passes, now we've got to -- you know, next thing you know we're handing out catalogues to people who walk in for an energy drink and a liquid nicotine and a 6-pack of beer and a newspaper; not that anybody buys newspapers anymore.

*(*Laughter*)*

But it's incredibly valuable real estate that a lot of thought and effort goes into and you can't -- you can't just give away that space.

LEG. ANKER:

David, I hope you're not insulted by that, by the way, or Rick.

MR. WATT:

Oh, I think he knows that by now.

LEG. ANKER:

Again, you know, and not to sound -- you know, as a concerned parent, you know, I would think we need to invest in the safety of our children. And to me, this is possibly an investment in safety of our kids. Because again, I'm -- you know, we had stricter legislation that we were moving forward. I took a couple of steps back, I worked with the retailers because I know they can't -- it was hard for them to be responsible for labeling that wholesalers would bring in, and we do have those vials in the next Legislature, so that session I will bring and show you what these people do in the basements and the gummy bear and the tooty fruity flavors, and a lot of it is probably aimed at teens. However, my concern -- you know, and given what we saw two months ago, was a 1-year old child that died, and the parents had no idea how deadly this little, tiny vial was. So, again, like Mrs. Wood had said, if we can save one child, I think it's worth the investment.

D.P.O. SCHNEIDERMAN:

Okay.

MR. WATT:

Well, the problem is I guarantee, the people pouring the big jugs into small containers are not LIGRA members, are not -- I would venture to say they may even be skirting other laws, which we would be all for enforcing. Because my members go by the book, they pay all the licensing fees, all they ask is that the laws that they follow get enforced. And we've been up here before about sales tax. We've been up here before about a number of issues saying if these rules got enforced, the level -- the playing field will be much level, much more level in Suffolk County. And we don't want to compete against guys who are pouring fifty-five-gallon drums of liquid nicotine into smaller bottles; that's not smart business. That's somebody working off the back of the truck and they don't care what happens to the guy or gal buying the stuff. Our members care, they're going to sell a product that's going to be safe to the consumer, to the best that you can. Again, you know, you're talking about cupcakes, about how bad they are for you, soda's horrible for you. We're not in the bad choice police business, we're in the meeting the consumers' needs and we want to do it as safe a means as possible. But educating the consumer at the point of purchase is too far along in the decision making process. We welcome any kind of education program that you want to embark on, but ask the retailer at three o'clock in the morning to be responsible to hand out a piece of paper to somebody.

D.P.O. SCHNEIDERMAN:

All right. Thank you, Mr. Watt. You can sit down, you answered the question. Oh, I'm sorry, we have another question. Just questions.

LEG. KRUPSKI:

I heard your comment and a Legislator's comment about placement of the sign. And I'm reading the signage requirement, Section 3, and it says, *Conspicuous place at the register*. I'm not sure -- to me, that would -- am I wrong in saying that would give the retailer kind of flexibility in where to put it. It's near the register. When you're at the register you can see the sign and not -- because you had said in front of the register, or somebody had said, maybe Legislator McCaffrey had said *in front of the register*. So is that -- is that what you're objecting to, the location? And I heard what you said about --

MR. WATT:

Right.

LEG. KRUPSKI:

-- the premium location around the register, and I understand that as a retailer, I understand that proximity, but it says *conspicuous place*.

MR. WATT:

Well, we start down a slippery slope -- slippery slope. You have *near the register*; well, what constitutes near? So what happens if the inspector walks in and the signage isn't close enough to the register to suit the inspector? Bang, there's 250 bucks the first time, 500 bucks the second time. And three months from now something else comes up in the public and the Suffolk County Legislature, in its infinite wisdom, decides that we've got to warn the consumers about this, so now I've got competing Suffolk County Legislature signs at my register and they both have to be near the register. It's really not the place to be educating the consumer, it's got to be much earlier on in the decision making process.

D.P.O. SCHNEIDERMAN:

Okay. Any other questions? Just one quick comment. I mean, you can argue that about *conspicuous*, too. Even if it took out the word *register*, a *conspicuous location in the store*, somebody could argue, *Well, that spot's not conspicuous*.

MR. WATT:

If it's conspicuous, there's a pretty good chance a merchandiser is going to compensate the retailer for that spot. Trust me, everything gets examined.

D.P.O. SCHNEIDERMAN:

No, but in terms of supporting this bill, you said before you could support it in a conspicuous location within the store, but you didn't like the language *near the register*.

MR. WATT:

It's really *near the register* that creates the problem.

D.P.O. SCHNEIDERMAN:

I'm just making a point that the word *conspicuous* is up for grabs, too, in terms of, you know, one person's interpretation versus another.

MR. WATT:

People see what they want to see.

D.P.O. SCHNEIDERMAN:

Right. Okay, any other questions? All right. Michael, you can have a seat. Legislator Anker, this is your bill. Do you want to close, recess, what would you like to do here?

LEG. KRUPSKI:

Could I ask a question of the sponsor?

LEG. ANKER:

Go ahead.

D.P.O. SCHNEIDERMAN:

Go ahead, Legislator Krupski, quick.

LEG. KRUPSKI:

Thank you. The placement of the sign, is there any way you could more clearly define it so that there is no discretion if an inspector comes in and sees -- standing at the register and sees the sign, then they, in fact -- the retailer complies. As opposed to *conspicuous*, I don't know, the Inspector might not be having a good day and say, *That's not conspicuous. I couldn't see it from the car when I was going by at 55 miles per hour.* So is there any way to more clearly define that? How about maybe a section in the store that says, *These things are banned by Suffolk County Legislature*, I don't know.

LEG. ANKER:

Yeah, I think that's where we're starting to narrow things for the retailers. What I've been trying to do is provide some type of, you know, like an open way of displaying the sign, you know. And as far as Legal had helped me word this, this gave them a little bit more freedom of placing this sign. And as Mike had said, that, you know, they have limitations, you know, they have certain areas they want to place stuff. So I think it's a good balance right now. You know, *conspicuous* could be, you know, a vague term, but it will provide them a little bit of flexibility as far as placement. You know, that's my --

D.P.O. SCHNEIDERMAN:

Sarah, back to my question. Do you want to close, do you want to recess; what would you like to do?

LEG. ANKER:

I'd like to close.

D.P.O. SCHNEIDERMAN:

Okay. So it's a motion to close by the sponsor.

LEG. LINDSAY:

Second.

D.P.O. SCHNEIDERMAN:

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

LEG. BARRAGA:

In the negative.

D.P.O. SCHNEIDERMAN:

Opposed to closing.

MR. LAUBE:

Fifteen (Opposed: Legislator Barraga - Absent: Legislator Muratore - Vacant Seat: District No. 12).

D.P.O. SCHNEIDERMAN:

Okay. So our next **Public Hearing**, this is **IR 2176-14 - Adopting Local Law No. -2015, A Local Law to protect children from exposure to toxic chemicals ("The Toxin Free Toys Act") (Hahn)**. Okay. The first card, Elsa Ford.

MS. FORD:

Hello. I'm Elsa Ford, Founder and President of the Brentwood/Bay Shore Breast Cancer Coalition. As part of our commitment to environmental precaution to prevent cancer and other disease, and on behalf of the many children in Brentwood, we support Resolution No. 2176-14, To protect children from exposure to toxic chemicals.

With over 18,000 children in 17 schools, we are the largest suburban school district in New York State, and the largest on Long Island. We have a high school just for freshman. We are most concerned about similar large numbers of our preschool children that feed our schools. In the case of lead, for example, since the brains of these children are still developing, any exposure can result in irreparable brain damage.

The Mount Sinai Children's Environmental Health Centers offers this information. Why are children more vulnerable to environmental exposures? The answer is that children are not smaller adults. Children may have disproportionate exposures to environmental toxins because, pound-for-pound, they consume more food, water and breathe more air. Children have unique age-appropriate behaviors, and particular hand-to-mouth behaviors. Children may be less able than adults to expel certain toxins. Children are undergoing rapid growth and development and have windows of vulnerability in which the course of development can be permanently changed by environmental toxins. Because children have more future years of life than adults, they have more time to develop chronic diseases caused by multiple exposures.

In reality, the risk of harm is not that of coverage by general, quote, "*acceptable risk*", calculations of one toxin at a time, but of individual age, health, exposure and of a cocktail of chemicals. Brentwood, as a disadvantaged, socioeconomic community, is a place that has included the Sonia Road landfill, the Fifth Avenue incinerator, Liberty Plating, and lately the Roberto Clemente Park exposures are, quote, "*reducing risk policy*", unquote, is a better approach. We are grateful for the

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Suffolk County laws that protect us from environmental toxins and for Resolution 2176-14, the Toxin-Free Toy Act.

D.P.O. SCHNEIDERMAN:

Thank you, Ms. Ford. Any questions for Ms. Ford? Okay, you may be seated. Okay, next up is Pat Wood, Patricia Wood.

MS. WOOD:

Thank you. Two issues that are important to our organization. I'm here today. Once again, I'm Patty Wood, Executive Director of Grassroots. And thank you for the opportunity to address an issue that is at the heart of the work that we do at our organization.

The legislation that you're considering today, to protect children from toxic chemicals and toys and other every-day products, is critically important. Children are disproportionately exposed and affected by exposure to toxic chemicals. One in seven school children suffers from asthma; one in six suffers a developmental disorder, and childhood cancers have increased 1% every year for the past 25 years, so that's at 25% increase in the past 25 years. And more and more children are experiencing early puberty and suffering from obesity-related diseases such as diabetes.

You as a Legislature joined the members of the President's Cancer Panel, who in their most recent report wrote to the President that the true burden of environmentally-induced cancer has been grossly underestimated. The panel noted that with nearly 80,000 chemicals on the market, many of which are understudied and largely unregulated, exposure to potential environmental carcinogens is widespread. They concluded that all levels of government, from Federal to local, must work to protect every American from needless disease through rigorous regulation of environmental pollutants.

You also join as a Legislature the American Academy of Pediatrics that is calling for rewriting the Chemical Management Policy that is currently that of the United States. They stated that the Toxic Substance Control Act, which you may know as TSCA, which was passed in 1976 and is still our law, does not take into account the special vulnerabilities of children in attempting to protect them from chemical hazards. Most importantly, the American Academy of Pediatrics has called for the U.S. EPA to have the authority to demand additional safety data about a chemical and to limit or stop the marketing of a chemical when there's a high degree of suspicion that the chemical might be harmful to children or pregnant women.

The international lead expert is Dr. Leo Trasande, he is the Associate Professor in the Department of Pediatric Environmental Medicine and Population Health at NYU Langone Medical Center, an Associate Professor in Pediatrics, Environmental Medicine and Health Policy, and a Board Member of Grassroots Environmental Education. He has recently updated and expanded a previous analysis of the Annual Costs of Environmentally Mediated Disease in Children in the United States. The 2011 study found that the cost of childhood cancer, asthma and neurological disorders had escalated from 54.9 billion in 2002 to 76.6 billion in 2008. And I actually spoke with Dr. Trasande this morning when I was preparing these comments and he said that the number is increasing exponentially. There will be a new analysis soon.

(Beeper Sounded)

I guess that's all I got.

D.P.O. SCHNEIDERMAN:

Yes, I'm sorry, that's your time. Any questions?

MS. WOOD:

Any questions?

D.P.O. SCHNEIDERMAN:

All right. Thank you, Ms. Wood.

LEG. HAHN:

A quick question.

D.P.O. SCHNEIDERMAN:

Oh, I'm sorry.

LEG. HAHN:

Did you have written comments that you can submit so that in case you didn't get everything in we can have it on the record?

MS. WOOD:

Yes.

LEG. HAHN:

Okay. Thank you.

D.P.O. SCHNEIDERMAN:

Okay, you may be seated. Next up is David Garriepy. Excuse me if I mispronounced that.

MR. GARRIEPY:

I actually think you're one of the few that got it right on the first try. Thank you.

My name is David Garriepy and I'm here on behalf of the Toy Industry Association. We have 750 members nationwide, we represent the entire industry which here in Suffolk County is 64 companies and about 500 jobs. As toy makers, I'm sure everyone here is already familiar that we don't just make toys, we make memories, we enhance the imagination, and child development and child play plays a vital role in a child's development. We share the sponsor's commitment to child safety and our members and the people that employ them, the mothers, the fathers, the grandparents, the aunts, the uncles in a lot of these small companies are in the business not to harm children, but to help children enjoy safe and fun play.

We do, however, have two concerns with this legislation. First is the legalities of it as it relates to toys. There are multiple Federal bills that currently cover child safety and toy safety. The CPSIA and the FHSA which cover the substances and chemicals in this bill have preemptive language that says if the Federal government has acted on it, which they have, that states and their subdivisions cannot. And so we highlight that for you to take into consideration.

Secondly, we do disagree with the flawed scientific base of this that doesn't take into account the risk of exposure and just looks at the mere presence of a chemical. We believe that policies that seek to restrict the use of certain substances in products must be based on credible, safety-based science and should include full consideration of the level of exposure and harm, and we think that's a key component to it.

The Toy Association, the toy industry is not one that is opposed to regulations; in fact, we are highly regulated and we have stepped up to the plate and have a 75-year history of doing so. Thirty years ago, we instituted the first Toy Safety Standard; in 2008 we advocated and got that included as mandated Federal law. Again, we commend the sponsor for the interest of child safety. We share

those goals. We have worked at the Federal international level, in partnership with lawmakers, consumer groups with scientists and we stand prepared to do that with this body as well to enhance child safety; again, something I think we can all agree on. Thank you.

LEG. SPENCER:

I have a question.

D.P.O. SCHNEIDERMAN:

We have a number, including myself. Let's start with Legislator Lindsay, Legislator McCaffrey will be second.

LEG. LINDSAY:

Over here, thanks. Good afternoon, Sir. Thanks for coming in today. Can you -- as a representative of the toy industry, can you accurately, or to the best of your ability, give us a description of how these toys are manufactured, where they're manufactured and what steps are implemented within the industry to make sure that the toys, when they do come to market, do not have any dangerous chemicals or any danger whatsoever before they reach market.

MR. GARRIEPY:

Right. So I'll take that in a few pieces. First of all, there's three billion toys in the United States and how and where they're manufactured varies as much as those do, so it's tough to say exactly how one is manufactured. But to that point, I should say that any toy sold in the United States, no matter where it is produced, falls under these restriction. So it's not a country or, you know, where it's manufactured that matters. It falls into the same laws whether it's made in Suffolk County or abroad.

As it relates to the safety and the chemicals, as I mentioned before, we are a highly regulated industry, as we should be and as we've advocated for. The CPSIA -- there are six Federal laws -- the FHSA, the CPSIA, the CPSA, ASTM-963 and others -- that regulate these and we make sure we meet all of those specifications, including the ones listed in this bill.

LEG. LINDSAY:

Just to clarify that. So let's use a toy car, for example. That once that's made -- it could be made here or abroad, anywhere in the world -- what quality control is in place within the industry to test, look at, review to make sure, number one, that they built it to the way your manufacturer here or distributor here wanted it built; but secondly, to verify that it was constructed with the materials that I'm sure these reputable toy companies requested or required them to be built with.

MR. GARRIEPY:

And that's a great question. When you look at the Toy Safety Standard that was -- the Toy Safety Standard that was voluntary prior to 2008, when we mandated that as part of the CPSIA, also included in that was mandatory third-party testing, to make sure that it wasn't just the manufacturer that's testing it and making sure what's in there, but a third -- independent third party as well, and that's mandated by law. And that also included -- when we did that, we also included pretty serious penalties to make sure it has teeth, so there are criminal and civil penalties attached to that, into that bill. So we have third-party testing on all the products that are manufactured, making sure they hit the specs that are required by law.

LEG. LINDSAY:

Okay, I understand and respect that procedure. But does it need to go a step further? Because when we have toys tested here, we had a press conference back in December around Christmas time, and I was shocked to find out that there were toys that my own five-year old plays with, little cars that are made with cadmium, lead, arsenic, I mean, several very hazardous chemicals. And, you

know, as little kids do, they put them in their mouth, they play with them, they break them apart. I mean, there's things that are done with them that aren't intended, I'm sure, by the manufacturer itself.

MR. GARRIEPY:

Absolutely.

LEG. LINDSAY:

But as it turns out, you know, this particular toy I'm using as an example was manufactured in China. And you could test a hundred of them, they're not all built the same, it depends on the day in the factory and what material they were using, and a lot of it's scrap metal, so some of it's unknown. How did -- how would you recommend we police or monitor that to make sure that my children, your children, everybody's children aren't playing with those type of toys?

MR. GARRIEPY:

And that's something we agree on, so let me take that in a few different parts. First, if there is someone that is using those chemicals, like when you look at cadmium, for example, it's only allowed in trace amounts as an environmental contaminant, it can't be used as intentionally added in a toy, I think it was one part per million or per thousand, I forget the exact amount for cadmium specifically, but if there is someone that is using those -- producing those toys beyond that, we are certainly not here to defend against them. That standard was based on science, was based on a lot of people implementing it, and we certainly don't advocate and those people should be enforced with the full strength of the law.

And so the other thing I would say as far as the tests and we see this a lot, and I can't speak to that test specifically because I haven't seen the whole thing, but oftentimes what we see is they use -- the different groups will come in and use a gun to test, to see the levels of different substances or heavy metals and toys. There's a couple of concerns with that. One is if the person actually was trained to use the toy to make sure -- to use the gun, to make sure that they're getting accurate reads. Secondly, those guns are used as scanning devices, and so it's going to have some false positives. Sometimes it's going to show higher levels to see if there are more tests to be needed and more in-depth tests to be needed to see if, in fact, the reading is accurate. And so oftentimes we, as is nature because we want to protect kids, we see those results and we get concerned about them, but then further tests down the road prove that that initial result wasn't accurate.

To your question about how we test these things. I have five nieces and nephews, so I've been -- I've chased around a lot of kids with putting things in their mouth. One of the tests, for example, is a solubility test, and with acids, you can mimic a child that is sucking or chewing on a toy. Because one of the concerns, of course, is not just what chemicals or substances are in the toy, but what are the soluble levels of that. And so we do different tests, from concept to the production to the beta test to distribution, making sure those solubility limits and the ingestion limits are not reached.

LEG. LINDSAY:

And I appreciate all that. But how do you -- you know, in the example that I gave where there could be a hundred of the same unit produced but there could be varying chemicals in each, how do you police that or how do you quality control that amongst all those individual units? You can't be testing each one of these products as they come off the line or when you receive them here.

MR. GARRIEPY:

Absolutely. It's impossible, I think, with not just toys but with any product, to test every single one. I think that's something we see -- you know, I was in retail before and that's probably anything that's on the shelves; you can't test everything that comes out. Testing often, testing more of products that are on the shelves, to make sure that they're meeting and that the levels that are

mandated by law, to ensure that the products are safe is something that we agree with.

We're certainly not opposed to making sure that if there are toys that you referenced that are on the shelves that shouldn't be, we certainly support as strong enforcement and testing as is needed by this County or any other governing body to make sure that toys are safe and that they're getting tested to the max.

LEG. LINDSAY:

Okay. I'll yield.

D.P.O. SCHNEIDERMAN:

All right, thank you. Legislator McCaffrey, you're up next.

LEG. McCAFFREY:

Thank you. We had the press conference back in I guess the December bill, I think you're right. We had a whole array of toys, I think Barbie Dolls were in the forefront; was that what it was?

LEG. HAHN:

There was a Monster High Doll.

LEG. McCAFFREY:

Monster High Doll, there was a lot. And this -- I think these were tested by the scanner or whatever. So are you suggesting that what we had in front of us may not have contained what we thought that they may have; is that what you're suggesting?

MR. GARRIEPY:

And again, I wasn't present for that, so I don't want to speak to something I don't know. I'm just saying what the possibilities are, again. But I would say two things.

First of all is the definition of toy. Oftentimes when we see those reports, not just in Suffolk County or other places across the country, I cover 26 states in the East, we see the reports that talk about toys, and when you look at them, they're not all toys, or a very small portion of them are toys. And that's because toys are higher -- are highly -- are higher regulated than other children's products. So they'll say toys as a catch line, but then some of the products won't -- certainly the dolls that you reference are and I'm not saying otherwise, I'm just saying what we see. But what I'm saying is if it was only tested by the XRF gun, that is not a definitive decision on what chemicals are in there and that further testing is needed, and that the CPSC and others would go in and further test that to ensure it.

LEG. McCAFFREY:

So you're suggesting that those tests were either inaccurate or what was in there were just trace amounts that occur naturally within --

MR. GARRIEPY:

I'm saying if they're legal, if they're legal toys, they would have trace amounts or miniscule amounts or not intentionally added; there's a few different catch words, I guess, that have been used.

But what I'd say is that those test results may be accurate, but further testing is needed to confirm that. If it was only that test, that is not a definitive answer. So it could be accurate, but further testing could prove otherwise; that's used as a scanning mechanism, not as a definitive test result. So that's a rule of thumb for those, also to check if it's used properly. Again, I don't know what tests were run further on those products.

LEG. McCAFFREY:

I didn't know either. But I thought I heard you say that if these did contain benzene, lead, mercury, arsenic, cadmium or cobalt, they should not be in those toys; is that fair?

MR. GARRIEPY:

The only one in this bill that is not covered under Federal law is Cobalt. Cobalt is used primarily as -- as toys, it's used as a pigment in inks, pinks and plastics. And the concern with cobalt is primarily inhalation, which is why the ASTM, which is a body that looks into these things on a regular basis. You know, I know TSCA hasn't been reformed since the 70's, but the ASTM, which looks at this, meets regularly to look at toy safety and has the rule of law, and that's why they didn't do cobalt. But the others are only allowed in trace amounts in the band in place.

LEG. McCAFFREY:

Okay. Are you aware of any other municipalities that have gone as far as where we're trying to go here?

MR. GARRIEPY:

I know that Albany County did it, I want to say mid-Decemberish, don't quote me on that. That's the only ones that I know as far as municipalities. And I know in the rule-making process, they're also looking at the fact that these trace amounts and how it -- you know, in dealing with Counsel trying to see how the Federal preemption would work on that.

LEG. McCAFFREY:

Thank you.

D.P.O. SCHNEIDERMAN:

Legislator Spencer.

LEG. SPENCER:

Thank you.

MR. GARRIEPY:

You moved, you confused me there for a second.

LEG. SPENCER:

I'm sorry about that, I was talking.

MR. GARRIEPY:

No problem.

LEG. SPENCER:

As far as when -- you mentioned that there are varying levels of exposure and it really depends on just how the toy is used. I think that -- my question to you would be you opposed this legislation, but you indicated you applaud, really, the concern and the efforts. And are you -- would you say it's fair to say that your testimony is that currently the industry, as it stands and the current regulations that are in place, are you saying that they're adequate?

MR. GARRIEPY:

You know, I think -- first of all, I think, you know, while the toys are unique and the children are, I think the standards should be set at a higher level to make sure that all children are safe, first of all. And I think that's an appropriate place, to make sure that Suffolk County children and others are held.

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I think there are always places for improvement, in all of us and with every industry, and we're certainly open to that and open to those concerns and conversations to where safety can be improved. Again, when you look at this bill and the legalities of it, we're not sure that safety is improved in this bill and I think that's what one of our concerns would be.

Again, if it's for safety, we have a long record of doing that and we certainly -- we're willing to work with the sponsor, who was gracious enough to meet with us once before, and anyone in this body to improve toy safety.

LEG. SPENCER:

And that was my next question, have you met with the sponsor. And looking at the legislation -- and not to say that this would happen or that the sponsor would -- you know, I'm not sure what her desire would be. But are there specific changes that could be made that would make it something that you all would support? Sometimes we have to act, but it's always best if we can always have a chance to do something.

MR. GARRIEPY:

We appreciate that question and agree. You know, without committing to anything, without seeing it in language, of course, as we all know, I'm sure, no one here has signed on to legislation without seeing the language. But when you look at preemption that's in the CPSIA and the FHSA, looking at that, and also looking at that example of not an all-out ban that contains absolutely zero. But in some of these things, when you're making them, you look at lead that's in the air or in the soil and other things, if it's -- if it's contaminated via the air or other places and not intentionally added, that would go a long way.

LEG. SPENCER:

Would you consider submitting language to the sponsor that not -- again, I shouldn't speak for the sponsor, and I do support this legislation. It's just that we want to be very clear, want to make that clear.

MR. GARRIEPY:

And we want to get there as well and work with you, and of course the sponsor as well. And I would say that --

LEG. SPENCER:

Okay.

MR. GARRIEPY:

-- if the sponsor would like to see language, we're happy to do it. Having done this before, I'd go with the sponsor's lead.

LEG. SPENCER:

All right. Thank you very much.

D.P.O. SCHNEIDERMAN:

Legislator Krupski, you're up next.

LEG. KRUPSKI:

Thank you. So you said -- *(raised hand)*.

MR. GARRIEPY:

Oh, sorry. Thank you.

LEG. KRUPSKI:

Thank you. So you said that, you know, the industry tests the toys with some sort of a -- how is the test done and to what standard? Is there like an industry standard? You said that there's allowable limits of -- and I'll read the list of chemicals here; benzene, and then there's some elements; lead, mercury, arsenic, cadmium. I don't know what antimony is, if you could explain what antimony is. And liquid nicotine is -- no, that's not the right list, sorry. What is antimony and what standards do you -- how do you do the testing?

LEG. KRUPSKI:

Yes. So let me -- I'm going to -- I'll have to double check on what antimony exactly is; I'm a lot of things, but not a scientist and I don't want to give you the wrong answer on that. But it is something, again, that is -- and one of the reasons I'm not familiar with it is it's something that is banned in children's toys, but only used -- only allowed at that contaminant level again. So it's not something we use in toys, so not familiar really with it.

As far as the testing, it does depend on the toy a little bit and what's in there and what -- how a toy is made. But again, that is a Federal standard that's required under -- it's called the ASTM F-963 and it's codified by law. It was something that was originally voluntary and then codified, and it is about yay thick in the regs. We can send you that site, I don't think it's something you want to print because it's probably a thousand pages deep.

LEG. KRUPSKI:

All right. So they're tested on a post-manufacturer basis at the source and then --

MR. GARRIEPY:

Exactly. It's anything throughout the val -- everything in the value chain that goes into the chemical is tested at those things, it's not just after post-production but anything that's included in the toy, absolutely.

LEG. KRUPSKI:

Okay. Because there was -- no, there was some talk a year or so ago about zero tolerance for certain chemicals and, you know, in our environment, you could test at parts per billion or less and it would be impossible to eliminate those chemicals from the actual product.

MR. GARRIEPY:

And that's what the Federal standards allow for and that's, you know, to answer Dr. Spencer's question, something that we would look to, is that level. Zero percent is tough, if not impossible to reach.

LEG. KRUPSKI:

Okay. All right, thank you.

D.P.O. SCHNEIDERMAN:

Okay. Legislator Anker.

LEG. ANKER:

I want to thank you for coming here. You know, there's probably a lot of information that we can learn from the many experts, including Ms. Woods and Ms. Ford. Hi, Elsa. Nice to see you. But again, we appreciate you coming here.

I have a question regarding recalls. So when a toy is found to be dangerous to children, what is -- briefly, if you could describe the process of a recall.

MR. GARRIEPY:

Yeah. And I should say, to put it into scope, in reference that there's three billion toys in the United States, less than one-tenth of 1% of those are recalled, and we think that's in part because of our efforts to ensure safety and to test before it gets on the shelf.

As far as the process for that, that's something that the CPSC would recall, would make that determination. The consumer -- I knew that question was coming. The Consumer Product Safety Commission that's Federally based, of course, toys are sold nationally and internationally, so they would be the ones to determine that the toys here and elsewhere would need to come off the shelf, and that's done -- so for example, we use the toy -- the toy example that it was tested with a gun, it would then go to the CPSC, they would do a variety of testing on it. Obviously they are independent, being a government source, and if they're deemed to have higher amounts than what's allowed, then they would call for the recall and everything would have to come off the shelves.

LEG. ANKER:

So why didn't the CPSC pull some of the products that we saw, you know, on the table a couple of weeks ago?

MR. GARRIEPY:

That's a great question for them. If they had tested it and it had reached those levels, then they would have recalled it. And I think -- you know, we've seen reports over the last 6 to 8 years from, you know, before the holidays. I think it makes sense, if you're going for headlines, to talk about toxic toys. And we see a report that comes out every year, but in the last six to eight years we haven't seen the CPSC, when they did further tests on those, recall any of them. And I think that's our concern, is when if it's a gasp for headlines and say, *Dangerous Toys*, that's one thing, and unfortunately it's a missed opportunity to really enhance consumer safety. I mean, we're actively participating in the ASTM, that looks regularly at these things and we encourage the other government groups and NGOs to do the same thing, to roll of their sleeves and take a lot at these things.

LEG. ANKER:

So does the CPSC, do they base the testing on an adult or on a children's exposure of a toxic --

MR. GARRIEPY:

The level that's allowed is for toys specifically. So in these cases, as I mentioned, six of the seven heavy metals and substances here are banned outside of trace or minuscule amounts. So it's not based on the -- it's based on a toy, and a toy is defined as anyone designed or marketed for children, for people under 14, 12 or 14. And so it's based on the toy, not the person.

LEG. ANKER:

Right. But this legislation has, you know, different chemicals in it. CPSC tests all those chemicals that's mentioned in this piece of legislation?

MR. GARRIEPY:

Right. If it goes to them, if there's a concern or if it was tested that this may be increased amounts that aren't allowed, they will do further tests before a recall to make sure that those levels are, in fact, illegal.

LEG. ANKER:

But wouldn't it be easier for you to do it before they get out to the consumer?

MR. GARRIEPY:

Absolutely, which we do and which is why I said less than one-tenth of 1% of the three billion toys in this country are recalled, and I think that's because we do do serious testing beforehand.

Again, I go back to it. You know, the vast majority of these companies, you look at the 64 toy companies here, they employ less than ten people. These are moms and dads, these are people that are doing good work to ensure that toys are safe. That's what we're here for. And we have gotten accolades for holding ourselves to a higher standard and we think that we've done that because we do -- it's the right thing to do, and that's why we don't see a lot of recalls in toys, because we do do so much testing, because we do care and because we are here for the right reasons.

LEG. ANKER:

But again, my concern, I have three kids, is that those toys are still getting out in the market. You know, especially the little kids, they constantly put these things in their mouths. So again, you know, as far as the legislation, it just seems like another safety net that will, you know, stop the exposure of these toxic chemicals with our children.

MR. GARRIEPY:

And I think that if there's a bill out there that would bring the less than one-tenth of 1% down to zero, we would fully support that. We'd love to get that number to zero as well. We're trying as hard as we can and welcome any ideas to get it down to zero.

LEG. ANKER:

Thank you.

D.P.O. SCHNEIDERMAN:

Okay. Next up is Legislator Cilmi.

LEG. CILMI:

Thank you. So this proposal, if I read it correctly, prohibits the sale of toys containing this list of chemicals that you enumerated. We've heard testimony today that certain lines of toys, I suppose, may contain or may not contain depending on the day they were manufactured or, you know, what they were manufactured out of. Do you find that to be true?

MR. GARRIEPY:

Again, no. Again, with toys, six of these seven substances are banned outside of the trace amounts that I've referenced here, and the testing has shown that the vast majority of those toys abide by that.

LEG. CILMI:

When you say they're banned, though, how -- if we're importing toys from some other country, how would we know that those toys do not contain these chemicals.

MR. GARRIEPY:

So they're held to the same standard. They have the independent testing to make sure that it's not whoever is producing it abroad that's testing it, but an independent group that's doing so.

LEG. CILMI:

And are they tested regularly?

MR. GARRIEPY:

And it's required -- and it's required at import. And so if you are importing a toy into the United States, it is held to the same standard as if you were manufacturing it right here in Suffolk County.

LEG. CILMI:

Okay. So today I import a Matchbox Lamborghini from XYZ Company in Japan, a month from now that same Matchbox Lamborghini comes in from the same company in Japan; is that toy tested again when it arrives here? How is it possible to test every single toy?

MR. GARRIEPY:

You can't test every toy.

LEG. CILMI:

Do you take -- you select a randomly --

MR. GARRIEPY:

Exactly. It's just through random testing and testing the products. First of all, you can do, in some part, at its -- again, looking at the value chain, if you know it's going to be the same raw material, is going to be used -- let's use the car as an example, in a thousand cars, you can test the material before it gets divided into small wheels, for example; right? You can test it at that level, and then, through random tests, they're also tested on the final product. So there's some things you can do early in the value chain so that you're not testing four wheels on every car times infinity.

LEG. CILMI:

Now when a toy is tested positively to contain, you know, amounts of these chemicals that are in excess of the trace amounts definitions that are in the law, what happens with that toy at that point?

MR. GARRIEPY:

Those toys would be pulled as quickly as humanly possible.

LEG. CILMI:

So the whole shipment of Matchbox cars or lights would be sent back to --

MR. GARRIEPY:

Right. They would -- I'll say they would be pulled off the shelves. How and where they go from there, I don't think it's right back to where it was manufactured --

LEG. CILMI:

Right.

MR. GARRIEPY:

-- but they are pulled off the shelves to ensure that no children are playing with them; that's the key here.

LEG. CILMI:

So if this law were to pass, how would retailers be able to determine whether or not the toys that they have on their shelves contain these various chemicals?

MR. GARRIEPY:

That's a great question, see how retailers would do it. You know, that's a great question for them. I don't know how they would do it, to test every product that comes to their shelf, especially --

LEG. CILMI:

Because if the chemicals were banned, then the retailers are purchasing the products for resale with the understanding that they do not contain chemicals that are already banned. And so if we're saying that they're getting through anyway somehow, how do we -- how do the retailers know? And then what do they do, once they've shelved the product, paid for the product?

MR. GARRIEPY:

That's a challenge they're going to face, certainly, with this bill. The supply chain, whether you have a small store or a large one, is as complex as the size of your store, quite frankly.

LEG. CILMI:

Uh-huh.

MR. GARRIEPY:

And they're going to have to make a business decision whether the risk is worth it and how they can mitigate those risks. I mean, how they do that, that can be an individual decision, I would assume.

LEG. CILMI:

Right. And I would suspect that in order to accurately test for any of these given chemicals to the point where you're testing for a specific level, the equipment to do so would have to be probably pretty -- pretty expensive equipment.

MR. GARRIEPY:

I mean, just the guns themselves are in the tens of thousands of dollars, I believe. The tests beyond that are as costly, if not more. I mean, the tests are costly. And I should say, we do those tests, we invest in it. We spend vast amount of money to make sure we test these things, because no amount of money is too much to make sure children are safe. I think our concern comes when there's a cost associated with it that doesn't increase safety, I think that's -- again, we spend the resources and the money to ensure safety at large amounts, and I think this bill doesn't do that. And we hope to work with the sponsor and this body to make it a bill that does so.

LEG. CILMI:

Okay. Thanks very much.

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

D.P.O. SCHNEIDERMAN:

Okay. I have a couple of questions. Thanks for your patience. You've been up there --

MR. GARRIEPY:

Yeah, happy to answer.

D.P.O. SCHNEIDERMAN:

-- a while, and doing a great job fielding all these questions. First, I wanted to ask you about the preemption issue. You had said in your earlier testimony that you believe that Federal regulations preempted local regulations on this issue. Well, you did mention that Albany County passed a law, so is that being challenged? Is there a formal legal challenge to that at this point?

MR. GARRIEPY:

Like I said, that bill has passed within the last month, maybe two. I haven't looked to see if there's any legal challenges on it. It also has a year effective date. You know, I'm not a lawyer. I don't know if you have to actually enforce it before you can have litigation, or just the passage of the bill

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allows for standing. But, to my knowledge, it hasn't been done yet, but, again, it's so new in the system. And, actually, I received an e-mail today with the exact language of that preemption of the CPSIA and FHSA, and I'm happy to send that to you folks.

D.P.O. SCHNEIDERMAN:

Okay. And I'm just wondering, like in terms of enforcement, the way I read the bill is it says you're not allowed to sell any toy that contains one of several different things, including cobalt, which you said, basically, was only an inhalation issue, but it's used as a pigment --

MR. GARRIEPY:

Exactly.

D.P.O. SCHNEIDERMAN:

-- in terms of paint. I think it's like the color blue, or something, or purple.

MR. GARRIEPY:

Right. It's the only one in this bill that isn't federally regulated in toys, and the reason it's not is because the concern is inhalation and the way it's used in pigments.

D.P.O. SCHNEIDERMAN:

So there'd be no more blue toys in Suffolk County, is that how -- what it would do?

MR. GARRIEPY:

That I don't -- you know, there will be experts that will have to try to figure that out. It's either remove it or find, you know, another way --

D.P.O. SCHNEIDERMAN:

Okay. But it's not a health issue in paint, it's only inhaling it that's a problem?

MR. GARRIEPY:

Correct.

D.P.O. SCHNEIDERMAN:

Okay. And arsenic, it says no arsenic, but there's arsenic in rice, and in vegetables, and it's --

MR. GARRIEPY:

And in water. And, again --

D.P.O. SCHNEIDERMAN:

Right. Well, it's the next thing I was going to get --

MR. GARRIEPY:

We can't intentionally add it, but if it is in the product because of these things --

D.P.O. SCHNEIDERMAN:

So, I mean, that's one of my concerns, is it says, shall -- you know, you can't sell a toy with any of these things. Like in drinking water, there is a maximum contaminant level that's allowed. So there is lead in drinking water, and it's allowable, as long as it's under a threshold. There's asbestos in drinking water, as long as it's under the threshold. There's even radioactivity in groundwater, as long as it's under that threshold. So I'm a little bit concerned about a bill that -- I could understand if it's over that threshold that's determined, it shouldn't be sold, but it's already against the law to sell it now, right?

MR. GARRIEPY:

I think that's our concern, too, is meeting this zero level, and if that's even possible.

D.P.O. SCHNEIDERMAN:

Well, as somebody with a background in chemistry, I mean, even in trace amounts, you're going to find, you know, in your bodies, in your fat tissues, you'll find chemicals that were banned many, many years ago, DDT. Everybody's got DDT --

MR. GARRIEPY:

And I think having an allowance for those, those amounts would go a long way here.

D.P.O. SCHNEIDERMAN:

So, yeah, I think that is a concern. But I do appreciate you working with the sponsor on this to make a bill, that if there is an area where we can further protect children, I'm all for that, but it has to be a law that can be enforceable and the retailers can work with.

MR. GARRIEPY:

We're certainly ones for child safety as well.

D.P.O. SCHNEIDERMAN:

Okay. Thank you. Anybody else on this? All right. David, you can grab a seat. Thank you. All right. We have one last card, Stephen Rosario. You're probably afraid to even come up at this point.

MR. ROSARIO:

Good afternoon. Hopefully, I'll be able to make this throughout -- without having one of my coughing fits. I think the antibiotics are finally beginning to kick in.

Presiding Officer Gregory, Members of the Legislature, for the record, my name is Stephen Rosario. You've seen me here before on many of the chemical issues that have been brought before the Legislature.

First, we do want to commend the sponsor for her work on this. But we hope that you would also recognize that our members, the mothers and fathers who work in our industry right here in Suffolk County, are also very much committed to improving the environmental, health and safety profiles of their products, the health and safety of our workers, our families, our customers, children, and the public.

I think one of the first things to really try and grasp, and I know chemistry is a difficult subject, are some of the principles of effective chemical regulation. We believe that assessing product safety is more than just noting a chemical in a product. There are chemicals in all products, organic and inorganic, those that are manmade, and those that are made in nature. It's also important to take into account considerations of product use. Why is the product made the way it is? Exposure: Using my phone, or looking at my watch, all the chemicals in here. How am I being exposed, and am I being exposed? The functionality: You may use one chemical here because you want product X to do Y, but if you tried to transfer it to product B, it's not going to work. And, lastly, what happens if you remove that chemical, what happens to that product? Many products are made for specific benefits, for things that we want. We want our phone to work all the time. We want the watch to tell us accurate time. And there are chemicals in everything, and I think it's important to keep that in mind.

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Another issue that we have with the bill is, obviously, the ability to implement and enforce. I think you've heard some of the discussion here. Does it mean that if the product has one molecule of one of these chemicals, it's out? And I think one of the laws of chemistry, and, again, this is very, very basic, is you cannot get to absolute zero, and there are very many reasons why you can't. And, you know, obviously, I'm not going to have a chemistry lesson here.

I think the other thing to keep in mind are there are efforts at two levels to strengthen federal law. You've heard a lot about TSCA. Actually, the Consumer Safety Product Law is really what governs here, but TSCA handles all other products in commerce. And there are efforts to reform TSCA, both in the Congress, and we think that we have a very small window of opportunity this year.

D.P.O. SCHNEIDERMAN:

Mr. Rosario, that sound is your time, the three-minute clock. If you could wrap up, and then there may be some questions that will give you a little bit more time.

MR. ROSARIO:

Absolutely. I will wrap up with one last comment, and thank you very much.

Some of the steps that TSCA -- that EPA is taking is under the new Chemical Data Reporting Rule. Under this rule, EPA is getting more and more information regarding the chemicals that are used in many products, and they are using that information to determine issues of exposure and toxicity, and many other scientific-type relevant information that ultimately will go into a decision of what EPA is going to do.

What Federal law does, as opposed to a bill like this, is it immediately makes the conclusion here and jumps to a ban. What EPA does is it makes the conclusion here, and then it looks at various levels. Do we restrict, do we force companies to change, or do we ban? So there is that series.

Thank you very much. And I'll be willing to answer any questions.

D.P.O. SCHNEIDERMAN:

Questions, and I'll start. Is it -- in your opinion, are we, at the County level, prohibited from regulating toxicity in toys based on that Federal regulation?

MR. ROSARIO:

I'm not in a position to answer that. I really don't know if -- you know, we are a strong Home Rule state. I live here in New York, and I know counties do a lot of things that sometimes go unchallenged, so I really can't answer that.

D.P.O. SCHNEIDERMAN:

And your biggest concern is basically the lack of thresholds within the bill?

MR. ROSARIO:

Yes.

D.P.O. SCHNEIDERMAN:

It just says any of -- any amounts, even trace amounts. Okay.

MR. ROSARIO:

The one molecule.

D.P.O. SCHNEIDERMAN:

Right. Okay. Other questions? Legislator Lindsay.

LEG. LINDSAY:

Thank you for your testimony, it was very helpful.

MR. ROSARIO:

Yes.

LEG. LINDSAY:

You know, I think there's some that would argue that this should be monitored and regulated at the Federal level, but locally, we have higher cancer rates than normal. And, you know, in your opinion, there are certain chemicals that are in water, in our drinking water, in our food that's unavoidable, that, you know, the benefits of those products, of those elements are fairly -- greatly outweigh the detriments that we get. But is there a cumulative effect of all of these allowable levels in all these different items where it can accumulate within the body? And, ultimately, it's not that one -- you know, the water, it's not that one toy, but when you add them all together, it could have this dangerous affect, not only to our children, but as we become adults and become older. You know, could you respond? Is that -- is that something that's possible, or is it just, you know, too simple in terms of adding all those things up?

MR. ROSARIO:

Sure. I think you are correct, all products are tested, that is a fact, and -- but they are tested for compound X, or compound Y. What you're asking is what are the cumulative effects. And while we do have many, many studies that will refer to a compound Y or a compound X, this is a new area of science where the cumulative effects are being studied. I believe NIH is one of the leaders in -- National Institutes of Health is one of the leaders. I don't know where they are in their process, but I know it has been an ongoing process for several years now. I don't know what their conclusions are right now, but it is an area that is under intense scrutiny and study.

LEG. LINDSAY:

Okay. I appreciate your comment on it. And my -- you know, my take as well is that there's -- you can't -- unfortunately, there's no way you can get it down to a zero level in food, and in our water supply and our food supply. But do we really need to have toys made out of anything toxic just for the sake of cost savings that were associated with it? You know, the example that we used earlier was a -- you know, was a toy car. It's much cheaper for the manufacturer to make it out of scrap metal, and with not knowing all the elements that are included in that scrap metal, as opposed to making it out of a pure substance and knowing exactly what's going into the product. So I appreciate your testimony, and thank you.

MR. ROSARIO:

We agree, Legislator. Certainly, any product -- any chemicals that are currently banned in the Federal law under the Consumer Safety Product Commission should not be used in children's toys, should not be used in children's products, so we do agree. The question is, if there are those trace amounts where the exposure level is near nonexistent, that it does not pose a problem. And because we can't get to absolute zero, what do we as a society do? And what we're saying is that as long as the exposure levels do not cause any harm because of contamination -- and that's a horrible word, I wish I could come up with something else, because it was in the air during production and went into the product. So I think that's what we are all struggling with right now, Legislator.

D.P.O. SCHNEIDERMAN:

Okay. Thank you. Any other questions? No.

LEG. TROTTA:

I just want to ask how --

MR. ROSARIO:

Thank you.

D.P.O. SCHNEIDERMAN:

Have a seat. Thank you, Mr. Rosario. All right. Kara, before you decide whether to recess or close, Legislator Trotta had one question for you, I believe. No?

LEG. TROTТА:

Yeah.

D.P.O. SCHNEIDERMAN:

For the sponsor.

LEG. HAHN:

We're not debating the bill.

D.P.O. SCHNEIDERMAN:

We're not debating the bill. You have a question?

LEG. TROTТА:

I'll ask later.

D.P.O. SCHNEIDERMAN:

Fine, okay. Legislator Hahn.

LEG. HAHN:

And I'm just going to spare -- I mean, I, obviously, could have questioned them, but because my intention was to recess, I'm sparing you all like hours of questioning here today. So --

D.P.O. SCHNEIDERMAN:

Motion to recess.

LEG. HAHN:

Yes. I'm going to make a motion to recess, because there were a number of individuals who wanted to be here and couldn't be here. And so -- and, also, I did -- you know, I did ask the industry individuals who met with me about -- you know, I'm a rational person. If there's a threshold they want to propose, I am waiting for those threshold numbers, that would be appropriate. Haven't gotten them yet, but I am, you know, very willing to add threshold numbers to this, if they are provided to me, and that they -- and that other groups can verify that they are legitimate and reasonable thresholds, I am willing to add that. So I would like to make a motion to recess.

D.P.O. SCHNEIDERMAN:

Okay. There's a motion to recess.

LEG. KRUPSKI:

Second.

D.P.O. SCHNEIDERMAN:

Is there a second? By Legislator Anker. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen (Absent: Legislator Muratore - Vacant Seat: District No. 12).

D.P.O. SCHNEIDERMAN:

All right. 2176 is recessed.

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

All right. Next public hearing, **2177 - Adopting Local Law No. -2015, A Local Law to provide further protection for County parkland (Hahn)**. I have no cards on this. Is there anyone who wishes to be heard on 2177? Seeing none, Legislator Hahn, this is your bill.

LEG. HAHN:

Motion to close.

D.P.O. SCHNEIDERMAN:

Motion to close.

LEG. CILMI:

Second.

D.P.O. SCHNEIDERMAN:

Second by Legislator Cilmi. All in favor? Opposed? Abstentions? 2177 is closed.

MR. LAUBE:

Sixteen. (Absent: Legislator Muratore; District #12 - Vacant Seat)

D.P.O. SCHNEIDERMAN:

I.R. 1026 - Adopting Local Law No. -2015, A Local Law Amending Section 232-2 of the Suffolk County Code regarding tax notices after recording of mortgage satisfactions (Co. Exec.). I have no cards. Is there anyone who wishes to be heard on 1026 of '15? Seeing none, can I ask the County, is there a County rep, what they'd like us to do? Katie, you want this closed?

MS. HORST:

Yes.

LEG. CALARCO:

Motion to close.

D.P.O. SCHNEIDERMAN:

Okay. There's a motion to close by Legislator Calarco. I'll second. All in favor? Opposed? Abstentions? IR 1026 is closed.

MR. LAUBE:

Sixteen. (Absent: Legislator Muratore; District #12 - Vacant Seat)

D.P.O. SCHNEIDERMAN:

That concludes our public hearings. I'll turn things back to the Presiding Officer.

P.O. GREGORY:

I'd like to make a motion setting the date for the following public hearings, March 3rd, 2015 at 2:30 p.m. at the Maxine Postal Auditorium in Riverhead: I.R. 1030, I.R. 1041, I.R. 1053, I.R. 1054. Second by Legislator Lindsay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen. (Absent: Legislator Muratore; District #12 - Vacant Seat)

INTRODUCTORY RESOLUTIONS

P.O. GREGORY:

Okay. Can I have all Legislators to the horseshoe? Okay. We are on page seven, **Budget and Finance**. ***I.R. 2172 - Amending the 2014 Operating Budget and appropriating funds in connection with bonding for a settlement for a liability case against the County (Co. Exec.)***.

LEG. D'AMARO:

Motion to approve.

P.O. GREGORY:

Motion by Legislator Schneiderman. Second by Legislator D'Amaro. All in favor.

LEG. SPENCER:

On the motion.

P.O. GREGORY:

On the motion, Legislator Spencer.

LEG. SPENCER:

Please note my recusal and also my paperwork that was submitted also to the Clerk.

P.O. GREGORY:

Okay. Counsel has asked me to make mention that there's a scrivener's error. It should be amending the 2015 Operating Budget, not 2014. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Fourteen. (Absent: Legislator Muratore - Not Present: Legislator Stern - Recusal: Legislator Spencer; District #12 - Vacant)

P.O. GREGORY:

Okay. ***I.R. 2172A, (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$150,000 Bonds to finance the settlement for an auto liability case against the County)***, pending bond resolution. Roll call. Excuse me. Same motion, same second. Roll call.

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

D.P.O. SCHNEIDERMAN:

No.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Recused.

LEG. STERN:

Yes.

LEG. MC CAFFREY:

Yes.

LEG. TROTTA:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MARTINEZ:

Yes.

LEG. LINDSAY:

Yes.

LEG. CALARCO:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

(Absent).

LEG. BROWNING:

Yes.

LEG. KRUPSKI:

Yes.

P.O. GREGORY:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

MR. LAUBE:

Fourteen -- fifteen. *(Absent: Legislator Muratore; Recusal: Legislator Spencer; District #12 - Vacant)*

P.O. GREGORY:

Okay. ***I.R. 1003 - Delegating authority to refund certain erroneous tax payments to the Suffolk County Treasurer (Co. Exec.).***

LEG. D'AMARO:

Motion.

P.O. GREGORY:

Motion by Legislator D'Amaro. I'll second.

D.P.O. SCHNEIDERMAN:

On the motion.

P.O. GREGORY:

On the motion.

D.P.O. SCHNEIDERMAN:

How is this going to work right now during the period we have no Treasurer. George, is that affecting this?

MR. NOLAN:

I think in the Treasurer's -- well, we still have a Treasurer, and then I think the Deputy Treasurer would just act in her stead until somebody is chosen to replace her.

D.P.O. SCHNEIDERMAN:

Okay.

P.O. GREGORY:

All right. We have a motion and a second.

MR. LAUBE:

Can you repeat the motion and the second?

P.O. GREGORY:

Legislator D'Amaro and myself.

MR. LAUBE:

Thank you.

P.O. GREGORY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen. (Absent: Legislator Muratore; District #12 - Vacant)

P.O. GREGORY:

Okay. We did 1021. ***2170 - Authorizing the acquisition of Farmland Development Rights under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) for the estate of Stanley A. Cichanowicz, Sr. And Jets 139, LLC property – Cichanowicz Farm - Town of Riverhead (SCTM No. 0600-008.00-03.00-007.001 p/o) (Co. Exec.).*** Motion by Legislator Krupski, second --

LEG. HAHN:

(Raised hand).

P.O. GREGORY:

Second by Legislator Hahn. On the motion, Legislator Schneiderman.

D.P.O. SCHNEIDERMAN:

Maybe to Legislator Krupski. How much acreage and what's the price on this?

MR. NOLAN:

It's 19.7 acres; \$1,083,500.

LEG. KRUPSKI:

It's 19.7 acres, 1 million point --

*(*Laughter*)*

LEG. KRUPSKI:

This was a family had offered three parcels, and this is -- the County had up for sale for development rights. The County did the appraisals, made three offers and the family accepted one offer.

D.P.O. SCHNEIDERMAN:

Is there cutouts involved with this parcel?

LEG. KRUPSKI:

There's a five-acre reserve area for activities that wouldn't be allowed on preserved land, and this is adjacent to a lot of preserved acres. It's farmed land. It's good farmable land that we should be preserving so we could produce food into the future.

P.O. GREGORY:

Okay. Anyone else? Legislator D'Amaro.

LEG. D'AMARO:

Just to follow-up on that, the cutout itself. Legislator Krupski, what did you say about the use of the cutout?

LEG. KRUPSKI:

So when you have an easement with either Suffolk County or a local municipality there's a limit to the -- it's not just farmland. It's farmland development right sales, so there's no residential development allowed on the parcel, but there's also other restrictions on the parcel. So if you leave a reserved area or a cutout, you still have the zoning of that parcel intact there. So if the zoning currently allows for winery, brewery, bed and breakfast, that sort of thing, that can take place in the reserved area and not on the area that's reserved for ag production.

LEG. D'AMARO:

Right. So the cutout in effect would be still subject to the local zoning for admitted uses.

LEG. KRUPSKI:

Yes.

LEG. D'AMARO:

Do you know if the cutout is subject to any other restrictions that were imposed by the County as a condition of acquiring the development rights?

LEG. KRUPSKI:

No, there wouldn't be any on that because the County is only acquiring development rights on the 19 acres.

LEG. D'AMARO:

Okay. It's not an outright sale of the property or purchase of the property.

LEG. KRUPSKI:

Right.

LEG. D'AMARO:

Okay. Thank you.

LEG. KRUPSKI:

So it remains in private hands. They still pay taxes and maintain it on their own.

LEG. D'AMARO:

Right. And it's a sod farm; correct?

LEG. KRUPSKI:

Currently.

P.O. GREGORY:

Okay. All right. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen. (Absent: Legislator Muratore; District #12 - Vacant)

P.O. GREGORY:

I.R. 1017 - To reappoint member of County Planning Commission (Michael Kaufman) (Co. Exec.).

LEG. KRUPSKI:

Motion.

P.O. GREGORY:

Motion by Legislator Krupski.

LEG. BROWNING:

Second.

P.O. GREGORY:

Second by Legislator Browning. On the motion, any questions? Okay. Mr. Kaufman did come to committee.

LEG. KRUPSKI:

I'd like to, if I may.

P.O. GREGORY:

Sure.

LEG. KRUPSKI:

I'd just like to say that, you know, Mr. Kaufman has worked hard on various County committees and he's very knowledgeable and he certainly brings a lot to the discussion. And I'm, you know, I'm happy to support him.

P.O. GREGORY:

I agree. Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen. (Absent: Legislator Muratore; District #12 - Vacant)

P.O. GREGORY:

Okay. Motion passes. Congratulations.

MR. KAUFMAN:

Thank you.

P.O. GREGORY:

J.R. 2171 - Amending the Suffolk County Classification and Salary Plan to add the new title of Account Clerk Typist (Spanish Speaking) (Co. Exec.). We have a motion by Legislator Calarco, second by Legislator Lindsay. Any questions? All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen. (Absent: Legislator Muratore; District #12 - Vacant).

P.O. GREGORY:

J.R. 1000 - Updating standard work day and reporting for elected officials – 2015 (Pres. Off. Gregory). I make a motion. Second by Legislator Schneiderman.

LEG. D'AMARO:

On the motion.

P.O. GREGORY:

On the motion, Legislator D'Amaro.

LEG. D'AMARO:

Yeah. I wanted to ask George, I'm looking at the table in our information here that seems to be reporting the days, months based on record of activities. And I just want to know, where are these numbers coming from?

MR. NOLAN:

The numbers were provided by the Clerk's Office based on the logs that were prepared by all of the elected officials several years ago. The calculation was done by the Clerk's Office based on those logs. The logs can be -- we can use them for up to eight years according to the Comptroller's regulations, but every time you get elected to a new term we have to reiterate for each Legislator, each elected official, the workday and the number of hours worked based on --

LEG. D'AMARO:

Right. This is for the term that began January 1, 2014.

MR. NOLAN:

Right. The Comptroller's Office advised us we didn't do it last year, and they reminded us and told us do it again for everybody whose term started last year, so that's why we're capturing a bunch of Legislators in this particular resolution. We're basically doing a correction that it's something we should have done last year.

LEG. D'AMARO:

So the Clerk came up with all of these numbers for all 18 Legislators based on the logs that we ourselves submitted.

MR. NOLAN:

Correct.

LEG. D'AMARO:

Do all of the reported figures meet the minimum requirements?

MR. NOLAN:

Oh, yeah, definitely, because everybody is working, you know, 23, 24, 25 hours.

LEG. D'AMARO:

Right, I would expect they would.

MR. NOLAN:

Yeah, nobody has a problem.

LEG. D'AMARO:

Okay. Very good. Thank you. Thank you, Mr. Presiding Officer.

P.O. GREGORY:

Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen. (Absent: Legislator Muratore; District #12 - Vacant).

P.O. GREGORY:

Okay. I.R. 1022 we did. ***Health. I.R. 2165 - Amending and improving the Parks Rx Advisory Committee (Hahn).*** Motion by Legislator Hahn.

LEG. SPENCER:

Second.

P.O. GREGORY:

Second -- who's that?

LEG. SPENCER:

(Raised hand).

P.O. GREGORY:

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

MR. LAUBE:

Sixteen. (Absent: Legislator Muratore; District #12 - Vacant).

P.O. GREGORY:

I.R. 1010 - Requesting legislative approval of a contract award for Fitness for Duty Psychological Services for the Department of Health Services, Division of Patient Care Services (Co. Exec.). Motion by Legislator Spencer. Second? I'll second. Any questions?

LEG. D'AMARO:

Just on the motion.

P.O. GREGORY:

On the motion, Legislator D'Amaro.

LEG. D'AMARO:

Is there anyone from the Health Department here that can answer a question on this?

MS. SANTERAMO:

Yeah, there is.

DR. MERMELSTEIN:

Dr. Linda Memelstein, Chief Deputy Commissioner.

LEG. D'AMARO:

Doctor, how are you?

DR. MERMELSTEIN:

Good.

LEG. D'AMARO:

I just had a question. This -- we're approving this or we're considering this because there was only one respondent to the RFP.

DR. MERMELSTEIN:

That's correct.

LEG. D'AMARO:

Right. And I just want to confirm with you on the record that in the Department's opinion that although there was one respondent, we're still paying a competitive rate for these services.

DR. MERMELSTEIN:

As far as I know.

LEG. D'AMARO:

However far do you know?

*(*Laughter*)*

DR. MERMELSTEIN:

I can get back to you on that.

LEG. D'AMARO:

Right.

DR. MERMELSTEIN:

This is the same --

LEG. D'AMARO:

The whole purpose of the RFP process is to ensure that we get at least a competitive rate for a service or product that the County's going to buy, and so if we get one respondent, I'm not really privy to all the specifics as to how much we're paying and whether or not that's within a competitive rate that would be paid within the industry or market that we're talking about. So it's difficult for me to cast a vote on this without knowing if I'm approving a proposal that may be three times more than what we should be paying or not paying. I don't know. I don't have any information. Do you?

DR. MERMELSTEIN:

I don't have that with me unfortunately.

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LEG. D'AMARO:

You don't? Okay. Thank you.

P.O. GREGORY:

Anyone else? Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

LEG. D'AMARO:

I'll abstain.

MR. LAUBE:

Fifteen. (Abstention: Legislator D'Amaro; Not Present: Legislator Muratore; District #12 - Vacant).

P.O. GREGORY:

J.R. 2173 - To appoint member to the Teen Pregnancy Advisory Board (Maria P. McCue) (Calarco). Motion by Legislator Calarco.

LEG. SPENCER:

Second.

P.O. GREGORY:

Second by Legislator -- was that Spencer? Legislator Spencer. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen. (Absent: Legislator Muratore; District #12 - Vacant).

P.O. GREGORY:

J.R. 2175 - Amending Resolution No. 613-2014, "Establishing the North Fork Preserve County Park Advisory Committee" (Krupski).

LEG. KRUPSKI:

So moved.

P.O. GREGORY:

Motion by Legislator Krupski, second by Legislator Hahn. Any questions?

LEG. KRUPSKI:

On the motion.

P.O. GREGORY:

On the motion.

LEG. KRUPSKI:

This is to add a member of the Suffolk County Park Trustees to the committee.

P.O. GREGORY:

Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen. (Absent: Legislator Muratore; District #12 - Vacant).

P.O. GREGORY:

Amending I.R. 1028, excuse me, *I.R. 1028 - Amending Resolution No. 50-2007 regarding fees for veterans (Co. Exec.)*. Do I have a motion?

LEG. STERN:

Motion.

P.O. GREGORY:

Motion by Legislator Stern.

LEG. ANKER:

Second.

P.O. GREGORY:

Second by Legislator Anker. On the motion anyone? What's the -- if I can ask Counsel, what's the --

MR. NOLAN:

It's just letting the Department of Parks accept a New York State driver's license that indicates veteran status as proof of veteran status in order to get the reduced fee.

P.O. GREGORY:

Okay. All right. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen. (Absent: Legislator Muratore; District #12 - Vacant).

P.O. GREGORY:

I.R. 2166 - Appointing Robert Kutch as a member of the Suffolk County Vocational, Education and Extension Board (D'Amaro).

LEG. D'AMARO:

Motion.

P.O. GREGORY:

Motion by Legislator D'Amaro.

LEG. BROWNING:

Second.

P.O. GREGORY:

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

MR. LAUBE:

Sixteen. (Absent: Legislator Muratore; District #12 - Vacant).

P.O. GREGORY:

I.R. 2167 - Establishing County policy against school-zone camera program (Gregory). I make a motion.

D.P.O. SCHNEIDERMAN:

Second.

P.O. GREGORY:

Second by Legislator Schneiderman. Anyone on the motion? All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen. (Absent: Legislator Muratore; District #12 - Vacant).

P.O. GREGORY:

I.R. 2168 - Reappointing Dennis Magerle as a member of the Suffolk County Vocational, Education and Extension Board (Spencer). Motion by Legislator Spencer.

LEG. D'AMARO:

Motion -- second.

P.O. GREGORY:

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

MR. LAUBE:

Sixteen. (Absent: Legislator Muratore; District #12 - Vacant).

P.O. GREGORY:

I.R. 2180 - Appropriating funds in connection with the 700/800 MHz Trunked Radio Communication System upgrade (CP 3244) (Co. Exec.). Motion by Legislator Browning.
Second. Anyone on the motion?

LEG. TROTTA:

On the motion.

P.O. GREGORY:

On the motion. Who was that? Legislator Trotta?

D.P.O. SCHNEIDERMAN:

Did you get a second?

LEG. BROWNING:

DuWayne, I -- oh, he is here. Sorry. Mike you did come in. Sorry.

P.O. GREGORY:

Okay. Legislator Trotta had a question.

MR. POSTEL:

Good afternoon, Presiding Officer.

P.O. GREGORY:

Good afternoon.

MR. POSTEL:

Michael Postel, Director of Communications for the Suffolk County Police Department. Is there a question on the motion?

LEG. TROTTA:

Yeah. What exactly is this going to do?

MR. POSTEL:

This is going to upgrade and replace the Legacy communications system, which the County of Suffolk currently uses, to a more modern, nationally recognized system. The system that's currently in place is 20 plus years old. The system no longer has supportable parts. The parts have not been supported for at least the past five years. We're only using parts that we have in stock and that number is pretty much down to zero at this point in time for some mission critical --

LEG. TROTТА:

What type of parts are you talking about?

MR. POSTEL:

Parts for communication system infrastructure.

LEG. TROTТА:

For instance?

MR. POSTEL:

For instance, the central site controller, which controls the entire radio system for the County. It is a piece of equipment, it's going to get a little technical. It's a piece of equipment which basically is the brains of the radio system, and there are no longer supportable parts by any vendors that we're able to call and say we need part number 12345 for this, and it will be here tomorrow. That doesn't exist any longer.

LEG. TROTТА:

This is for all County or just the Police Department or?

MR. POSTEL:

This is for the entire County. The communication system which I'm speaking of is managed by the Suffolk County Police Department. However, the County, as well as local municipalities also benefit from this communication system. County agencies which operate on the system are Department of Public Works, Probation, Fire, Rescue and Emergency Services, the Health Department, Medical Examiner's Office, our DPW transit buses use the system as well. And then there are several other local municipalities who utilize the system as well, the Town of Islip, the Town of Brookhaven, the Town of Huntington, the Town of Babylon.

LEG. TROTТА:

They use our system?

MR. POSTEL:

They use our system for public safety, yes. So their public safety entities operate on our system and can communicate interoperably with the County during large scale events.

LEG. TROTТА:

Do they pay us for any of that?

MR. POSTEL:

They purchase their own equipment. The County provides the infrastructure.

LEG. TROTТА:

Is the new system any better?

MR. POSTEL:

The new system is better, it does have enhancements. Some of the enhancements -- one of the most major enhancements is going to come to be nationally recognized Project 25 standard, which basically means that agencies who can come in from outside of the County can operate on our system with limited means of intervention by the County. This has happened several times in the recent past, especially with the large storms that the County has recently experienced, Irene, Sandy. We have had agencies from out of state have come in with P25 radios and because we have a Legacy proprietary system, they can't operate. We have to loan them radios while they're here. This will allow us to be able to allow them to operate easily and more seamlessly. While they're en route into the County we will be able to communicate with them.

LEG. TROTTA:

Are they going to work, you know, in different spots, like the one we are having problems now on the North Shore? Will they work any better there or if you're in a hospital or something like that?

MR. POSTEL:

There will be some increased and enhanced communications with this. However, there are other capital programs which this body has approved already, which is enhancing the communication system and those projects will be kicking off later on this year.

LEG. TROTTA:

Is it -- are people going to be -- are you going to be able to like get an app on your phone and listen in? I remember when that first one came out, it's scanned, you'll never be able to hear it, blah, blah, blah. Like a week later I'm walking by a RadioShack and I'm hearing the precinct band being -- actually the command band just outside the RadioShack store.

MR. POSTEL:

Yes, you can get an app on your phone right now and listen to the system. You can get an app on your phone and listen to the new radio system. There is no intention of encrypting the entire communication system. There is intention of enhancing our encryption capabilities for Homeland Security purposes and types of tactical operations which require secure communications. This will enable us to do this even better.

LEG. TROTTA:

And you're saying the old -- I mean, it's hard to believe it's 20 years old. It seems like yesterday.

MR. POSTEL:

Absolutely.

LEG. TROTTA:

All right.

P.O. GREGORY:

Okay. Legislator Krupski?

LEG. KRUPSKI:

Thank you. I'd like to thank Mr. Postel for coming out to Riverhead to my building for a meeting. Legislator Schneiderman was there. We met with the East End towns, I mean their Chiefs, and some of the villages also. The concern on the East End is that the systems that they use are or aren't going to be compatible with the County system. There's a lot of shared services that the East End towns have with the Police District. And of course, in a major storm event you want to have good communication between the two, or between the two entities, which would be the separate East End towns and villages and the County. Mr. Postel was, I thought you were very informative. I

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appreciate your, you know, your participation in that. And, you know, we're looking forward to you working with the local departments.

The question I have is we talked about a tower, the tower in Montauk, and whether it would or wouldn't service the North Fork. Has anything since then been done to try to determine that?

MR. POSTEL:

Legislator Krupski, that is actually the separate Capital Program which I mentioned about the enhancements, and we are discussing with the vendor about possibly changing the radiation patterns on the antennas that we're putting up there to help enhance coverage on the North Shore. We're also looking at changing some of the radiation patterns on one of the antenna sites in this project that could also put more RF towards the North Fork of the Island so that we can increase the coverage and capacity of the system there currently. With that being said, we just have to use caution that we don't provide harmful interference to our neighbors in Connecticut, Rhode Island and Massachusetts when we do that.

LEG. KRUPSKI:

And I hope you are staying in touch with the local municipalities on all of this.

MR. POSTEL:

Yes. And we have a project kick-off meeting for this large project with the County and the vendor in the very immediate future. Once that's complete, we have intentions of getting together with all of the partners and informing them of what our plans are, what estimated timelines will be, and providing them some further information on any equipment, etcetera, that they might need to be looking into as far as upgrades are concerned.

LEG. KRUPSKI:

Thank you.

P.O. GREGORY:

Okay. Legislator Spencer. Okay. Spencer? Okay, we'll get him. Legislator Cilmi.

LEG. CILMI:

Thank you. Does this impact the fire services at all?

MR. POSTEL:

The fire service, for the majority of their communications they utilize their own privately owned communications system. The County, through the Department of Fire, Rescue and Emergency Services has provided a radio on this system to each fire department for interoperable communications. That radio, since it is a County owned piece of equipment, will be upgraded during this project and will be reissued to the fire department so they still have seamless communications.

Some agencies have also began to purchase some of their own equipment to operate on the system as we've seen during some of the large scale brush fires. They need the ability to communicate over -- through more of their apparatus as they respond out to the scene. We gladly program those radios for them and they're turned over to the fire department. But again, they would be responsible for those upgrades. And Legislator Hahn, at the Public Safety meeting, asked me for some information about how many radios would be affected by that and it's -- we're still working on putting that number together because we do have to poll the departments to get specific information from their own radios since the County doesn't own them.

LEG. CILMI:

But in making this upgrade, we're not rendering any of the volunteer fire departments systems obsolete, are we?

MR. POSTEL:

No, sir, we are not. And when we render this upgrade we will leave no one who uses this system without communications. We are going to work for a seamless cutover and a seamless migration plan so that everyone can still communicate the way they do today until the Legacy equipment can be replaced.

LEG. CILMI:

And what's the cost of this?

MR. POSTEL:

The cost of the Capital Program is \$21.9 million. The funding is across two years; across this year, 11.9, and there is another proposal for 10 million next year to be appropriated by this body. It's being done in two phases.

LEG. CILMI:

Okay. Describe the phases. Are they -- are they geographically delineated phases or are they different types of equipment in each phase or?

MR. POSTEL:

We'll begin to replace part of the infrastructure equipment, meaning the equipment that is located at the communication sites which exist across the County. Part of that will be upgraded to allow users portable and mobile radios, who are already capable of operating on the new system, to start and begin operating on that. And the Legacy equipment and the Legacy users will still be able to operate off of the Legacy base stations, which are at the communication sites. We'll do part of the infrastructure this year, part of the infrastructure next year, and the same thing as far as the portables and mobiles. Part of them will be done this year and part of them will be done next year.

LEG. CILMI:

Okay. So just explain to me how this works exactly. So if we have a large scale emergency, this -- our system, which we control, allows us to communicate to all of the different entities that happen to be connected to us through one of these radios that you're talking about. It allows the towns, the villages, etcetera, to communicate with our emergency personnel. If a fire department or an ambulance service has one of these radios that you've given out, it will allow them to communicate. Is that right? Am I good so far?

MR. POSTEL:

Yes, you are.

LEG. CILMI:

Okay. How do they communicate with one another, or do they?

MR. POSTEL:

They do. They would have their own policies, procedures which dictate that as far as also what the type of the event it is. If you're speaking about a large scale event, most of them, if they're assigned to a specific area, will communicate locally via radio -- radio traffic outside of the system and that's because of rules and regulations that exist as far as communications are concerned, especially with the fire departments and them not being able -- not being allowed to transmit back through system infrastructure in the event of an emergency. Someone can communicate back to the incident commander on a radio, it could possibly be on the trunked radio system that we're

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speaking of, but most of the worker bees that are out there doing the job are communicating locally amongst themselves on point to point communications.

LEG. CILMI:

So if I'm in the West Babylon Fire Department, can I communicate with somebody from -- just as normal course can I communicate over at my radio with somebody from the Islip Terrace Fire Department?

MR. POSTEL:

With this radio system, Legislator Cilmi, or their own?

LEG. CILMI:

No, no. With their radio -- with their systems that they have in place.

MR. POSTEL:

There's a possibility that they might be able to. Those would be agreements that they have to make amongst themselves and those are dictated by FCC regulations.

LEG. CILMI:

I see. But the technology is -- the technology will work, it's just a matter of having an agreement in place to do it.

MR. POSTEL:

Yes, sir.

LEG. CILMI:

And why would we not -- if we're investing in this system, is it -- and it's a fairly significant investment, \$21 million is nothing to sneeze at, is that something that the departments within Suffolk County may be able to take advantage of in order to enhance their own ability to communicate and at the same time reduce cost to the districts that they tax?

MR. POSTEL:

So part of the project as well is an enhancement to the 700 megahertz system. There's two radio bands, 700 megahertz and 800 megahertz. The enhancements in the addition to the 700 megahertz to the County's communication system will allow fire departments and ambulance companies, if they choose, to purchase additional equipment to be able to leverage the County's system. And we're working in a partnership with our value partner, Fire, Rescue and Emergency Services, and working on a plan of how we can do this and roll this out to the fire service and EMS service of the County.

LEG. CILMI:

Okay. But that's something that they would have to voluntarily opt into and it probably would require additional equipment purchased on their part.

MR. POSTEL:

Yes, it would. But I can tell you that most fire departments already have the very Legacy low band communication system. A lot of them still maintain that which the County still maintains, and a lot of them have that in their apparatus. And while I can't speak for every fire department in the County of Suffolk, I'm sure that they would take an interest in investing in this type of communications because of the public safety nature of it and replacing that older communication and moving onto something newer.

LEG. CILMI:

Yeah. Because it would seem to me that if this product involves, you know, some main communication hub, some piece of technology that is more or less a hub, and then the radios that communicate through it, it would seem to me that if the individual departments wanted to utilize that same hub and avoid, therefore, upgrading or purchasing their own or maintaining their own hub from which their radios communicate, and, in fact, the departments therefore would only have to purchase the communication devices, you know, that are necessary in order to communicate through our hub, it would seem to me that that would be a less expensive way forward for our departments. Am I -- does that make sense?

MR. POSTEL:

It does make sense, Legislator Cilmi, and there are several not only fire departments, there are several local police jurisdictions who currently do that; Northport Police, Asharoken Village, Village of Head of the Harbor. They use the County's radio communication system so that they do not have to maintain their own, and all they do is purchase portable or mobile radios to operate on our system. Then we, through a collaborative agreement, assign them talk groups and channels which they can use during events and for day-to-day operations.

LEG. CILMI:

Now, do they need to have certain heights to their radio towers in order to access the signal that comes from this?

MR. POSTEL:

The individual agencies, Legislator Cilmi?

LEG. CILMI:

Yes.

MR. POSTEL:

No. They just are required to purchase the equipment that would be in their cars or their officers would use. The radio towers the County owns and maintains, and the system -- that's what we're -- that's part of what the Capital Program is doing, is replacing the infrastructure at those sites. One of the sites is actually right around the corner from this building.

LEG. CILMI:

Okay. Interesting. Thank you.

P.O. GREGORY:

Okay. Legislator Schneiderman.

D.P.O. SCHNEIDERMAN:

All right. First of all, Mike, thanks for coming out. Thanks for coming out to that meeting that Legislator Krupski put together. I'm trying my best to understand it all, so forgive me if I'm getting a little bit confused. So there was actually -- there's like three appropriations related to this, I guess. One was this one, one is coming next year, and then there was another one last year that covered a couple of the towers and a lot of the radios. Is that right? Or am I wrong.

MR. POSTEL:

The one last year that I believe you're referring to was the enhancement project, which was on the books before this upgrade was decided that we needed to move it up and get things going.

D.P.O. SCHNEIDERMAN:

Those were the two towers, the one in Montauk --

MR. POSTEL:

Montauk, Babylon and Port Jefferson, yes. That's actually a separate Capital Program which is moving forward at this point in time.

D.P.O. SCHNEIDERMAN:

Plus a bunch of radios were involved with that, too.

MR. POSTEL:

There are some radios involved in that. Not many, but there are some radios involved with that.

D.P.O. SCHNEIDERMAN:

Okay. So to understand what this system is, maybe what it's not. So if a precinct is communicating with a squad car, they're not on the system, right? Or they are?

MR. POSTEL:

Suffolk County Police precinct?

D.P.O. SCHNEIDERMAN:

Yes.

MR. POSTEL:

There are.

D.P.O. SCHNEIDERMAN:

They are on this system?

MR. POSTEL:

Yes, they are.

D.P.O. SCHNEIDERMAN:

Okay. This is an 800 megahertz digital system?

MR. POSTEL:

This is an 800 megahertz analog with some digital capability system, the one that we have now. The system we're proposing and we want to move forward with is an 800 -- 700/800 megahertz Project 25, P25 digital radio system.

D.P.O. SCHNEIDERMAN:

Digital system. Okay. And you said Probation uses it. Sheriffs uses it?

MR. POSTEL:

Sheriffs use it.

D.P.O. SCHNEIDERMAN:

DPW uses it.

MR. POSTEL:

Yes, they do.

D.P.O. SCHNEIDERMAN:

So they have radios. Explain -- you know, as an East End Legislator, because what this is being paid for it sounds like by the whole County. What is in it for those towns outside the Police District?

MR. POSTEL:

The towns outside the Police District do utilize the communication system. I know specifically speaking of your area, East Hampton Town does have their own small 800 megahertz system which they utilize. However, when they come into the Police District they leverage and utilize our system, whether it be for transports, prisoner transports, escorts, other items like that that they can do, and we do the same thing when we go out there. If we need to gain better communications or be able to speak to them they utilize that as well.

Riverhead Town Police exclusively uses the 800 megahertz system by the County. That's another example. And there's discussion, Southold Town was making an inquiry of whether or not they were going to consider utilizing it, and that's the point of Legislator Krupski, about seeing if we can focus some more coverage to the North Fork because there was some concerns about the coverage up there, if Southold chose to go on board.

D.P.O. SCHNEIDERMAN:

As a former supervisor of East Hampton, we had upgraded our communications. It was really expensive putting that 800 megahertz system. Borrowed a lot of money to do that. In the future, the Town could opt to rely on the County system, could it not?

MR. POSTEL:

If the town chooses to speak to the County, speak to the County Police Department, and discuss feasibility of coming on board.

D.P.O. SCHNEIDERMAN:

And all they would have to do is have the radios, right? It wouldn't have to pay for the infrastructure.

MR. POSTEL:

Yes, that is what has been done in the past and I would say that that's what would be done in the future.

D.P.O. SCHNEIDERMAN:

Now, Southampton, they to use a different system in Southampton.

MR. POSTEL:

Southampton uses a different system, yes.

D.P.O. SCHNEIDERMAN:

The County, obviously it's a whole County. FRES has to be able to communicate in Montauk as well as Westhampton and everywhere else. Do we have a tower in Southampton for our system?

MR. POSTEL:

There is a tower on the north side of the South Fork, yes.

D.P.O. SCHNEIDERMAN:

Okay.

MR. POSTEL:

It's in the North Sea area.

D.P.O. SCHNEIDERMAN:

And in East Hampton is there anything other than the Montauk Tower that we're building?

MR. POSTEL:

No. That is one of the reasons that we're putting a tower out there, is to enhance the coverage. Currently there is a piece of equipment out there to amplify the signal, but it wouldn't prove beneficial for mission critical communication.

D.P.O. SCHNEIDERMAN:

All right. So down the road this could be a savings for the towns if they want to migrate over to the County system.

MR. POSTEL:

Yes.

D.P.O. SCHNEIDERMAN:

Potentially. Okay. And the North Fork was mentioned earlier. You were -- Legislator Krupski asked this question, but to try to get coverage out in Orient Point and Greenport and those areas.

MR. POSTEL:

Keep in mind there is coverage out there at this point in time. Recently we had taken a trip out to the North Fork to speak with the Southold Town Police and we checked some of the coverage that was out there. And we noticed and spoke with the Chief of the Police Department and listened to his concerns, because he does own some 800 megahertz equipment because he borders Riverhead Police and utilizing and working with Riverhead Police all the time. We did check some of the concerns down in the Village of Greenport itself, and there were some concerns about the clarity of the communications and whether or not it would be suitable for public safety grade communications.

Our County equipment was -- operates out there on a daily basis. Our DPW, our transit and they use mobile radios, which are stronger, and they can communicate back in on the system. So we would have to look at seeing what it would take to increase the portable coverage, and that was one of the things that I spoke to Legislator Krupski about trying to change possibly some of the antenna patterns on another one of our antennas to push more coverage across the North Fork.

D.P.O. SCHNEIDERMAN:

Shelter Island, are they participating, too?

MR. POSTEL:

Shelter Island specifically works with Southold Town on their communication system currently, so that would have to be discussed with Shelter Island should Southold choose to move off of their system they're currently using.

D.P.O. SCHNEIDERMAN:

All right. Thank you, Mike.

MR. POSTEL:

You're welcome.

P.O. GREGORY:

Okay. Legislator D'Amaro.

LEG. D'AMARO:

Thank you. Hi. So this is a program that's included -- this is a project that's included in the Capital Budget, right?

MR. POSTEL:

Yes.

LEG. D'AMARO:

Legislator Schneiderman was just talking about the -- I think the funding from last year was not utilized.

MR. POSTEL:

It's not utilized as part of this project.

LEG. D'AMARO:

Because you did more of the evaluation in-house as to how to implement and upgrade? How come that part of the project didn't go forward?

D.P.O. SCHNEIDERMAN:

It did.

LEG. D'AMARO:

You said it did?

MR. POSTEL:

It did. It's a separate program to enhance the communications. It was to add additional sites. That program had been on --

LEG. D'AMARO:

Okay. I got it.

MR. POSTEL:

-- the books prior.

LEG. D'AMARO:

I apologize. Why do you need 700 and 800 megahertz?

MR. POSTEL:

The 800 megahertz system capacity currently we have a limited number of radio channels, and 700 megahertz is something that the Federal Government for public safety is allocating and is trying to guide public safety towards this 700 megahertz area for --

LEG. D'AMARO:

Have we had that in the past?

MR. POSTEL:

We have received a grant, actually, from the State of New York for 700 megahertz and this is to enhance what was purchased from that grant project as well.

LEG. D'AMARO:

Okay, but that's something relatively new?

MR. POSTEL:

Yes, it is.

LEG. D'AMARO:

Outgrowth of the whole movement towards trying to get all of the emergency responders to communicate and interact in the event of a disaster or an emergency.

MR. POSTEL:

That is correct. One of the reasons that the County moved forward is because radio frequencies like -- are basically a commodity at this point in time. If you do not take advantage of getting them when they're available, you stand to lose them and not have any capability -- -

LEG. D'AMARO:

So there's actually a window of opportunity for the County to implement the 700 megahertz.

MR. POSTEL:

Yes. We're in that window of opportunity. Actually, the FCC requires and regulates that once you receive the channels you have five years to build your system or they'll take the channels back from you.

LEG. D'AMARO:

Okay. So this is a rather expensive project. It's \$21 million and another \$11 million, roughly, in interest over the 18-year life of the bond. So I want to ask you, I understand the need to upgrade and I understand especially in times of emergency that we have to have dependable, reliable, the best technology available, but I want to ask you about how the department went ahead and chose one system or provider over another -- or are there more than one provider to begin with? Is there more than one provider to begin with?

MR. POSTEL:

There is one vendor that's been chosen by the Department to perform the upgrade and that will provide the equipment for the County.

LEG. D'AMARO:

Was that done pursuant to a request for proposal?

MR. POSTEL:

It was done through existing New York State contract, which New York State contract already put the request for proposal out. We're leveraging the New York State contract.

LEG. D'AMARO:

Right. So we didn't do our own --

MR. POSTEL:

Correct.

LEG. D'AMARO:

-- but there was already a response to an RFP on the State level.

MR. POSTEL:

Yes, sir.

LEG. D'AMARO:

And who exactly did the Department choose? What company?

MR. POSTEL:

The Department chose Motorola, who is our current radio communications vendor.

LEG. D'AMARO:

Okay.

MR. POSTEL:

There were other vendors who submitted proposals to the County, and the process has actually been going on since early 2013. We did not just go and say we were going to choose Motorola because they were on the New York State contract awarded through RFP. We did our due diligence. We went out and we solicited requests from other vendors, and after the review process and the requirements which were set forth by the County, it was determined that Motorola was going to be able to provide the best solution for Suffolk County.

LEG. D'AMARO:

How many other companies submitted a request -- a response rather or a proposal itself.

MR. POSTEL:

Harris Communications submitted a proposal.

LEG. D'AMARO:

Right. Do you know of any jurisdiction that uses Harris?

MR. POSTEL:

The State of New York uses Harris Communications for some of their radio systems, and there are other entities further upstate and out of New York State that utilize it.

LEG. D'AMARO:

And how come Harris was not chosen or why was Motorola better than Harris?

MR. POSTEL:

The list of requirements that were set forth by the County, a committee reviewed them, and when the committee completed their review, Harris did not meet all of the requirements which were set forth by the County; Motorola did.

LEG. D'AMARO:

Okay. The information I have says that Motorola will no longer be the soul source provider for radios. Is that true?

MR. POSTEL:

When we upgrade to Project 25 standard in the County, the P25 standard allows for other radio users or other radio manufacturers, I should say, to provide equipment for the subscriber end, meaning the portables and mobiles. And that means that other agencies or other companies could provide equipment and come on board to the system.

LEG. D'AMARO:

By using Motorola, does the County have that option as well?

MR. POSTEL:

The County does have that option, but there are limitations to the system's capabilities if we deviate from Motorola. So the Motorola radio might provide A through Z for us currently. If we were to purchase a radio from ABC vendor, we might only get A through M and X through Z. We might be missing a large number of capabilities that the system has because of the infrastructure.

LEG. D'AMARO:

So let's talk about the existing system that we have. It's -- how old is it?

MR. POSTEL:

The existing system is 20 plus years old.

LEG. D'AMARO:

Twenty plus years and it has -- it's an analog, fully analog system?

MR. POSTEL:

There is some digital communications on it, but very limited.

LEG. D'AMARO:

Okay. Can you give me an instance where it's failed recently?

MR. POSTEL:

We have not entire system failures, but we have failures of components of the system, base station transmitters, power amplifiers and that can occur on a daily basis. And the parts are becoming extremely limited, to the point that the technicians in the Suffolk County Police radio shop are actually taking certain components that are failed, putting them on a bench, taking a circuit board apart and putting parts from five other components together in order to make the system function again.

LEG. D'AMARO:

Right. But certainly there would be electronics companies that could probably, you know, a third party provider that could service the system.

MR. POSTEL:

Actually no, there's not. There is no longer support for certain components of the system, which is why we're at where we're at at this point in time.

LEG. D'AMARO:

So it's just an outmoded, outdated system. There is no support services for it, not even by -- not the company itself that provided it by other technicians, if you will.

MR. POSTEL:

To my knowledge, the technicians that work in the radio shop that I oversee at the Suffolk County Police Department are capable of only repairing what we have currently. There are certain parts which are available and there are some critical components which have no parts available for. So if one of those components breaks the system could be negatively impacted for a long period of time until an upgrade was performed. And then we'd be forced into this direction.

LEG. D'AMARO:

Right. But that hasn't happened.

MR. POSTEL:

It has not. However, it is growingly -- growing day by day, the chance of that happening increases exponentially.

LEG. D'AMARO:

How long is it going to take to implement this new technology?

MR. POSTEL:

The project, through the funding and through the current schedule, will take and will start this year in 2015 and it will take through all of 2016 and into 2017 to finish the system infrastructure replacements and the issuance of the portable and mobile radios.

LEG. D'AMARO:

So would you say that reliance on the system we have in place now puts public safety at risk?

MR. POSTEL:

The system functions, as it did just recently in this storm, very well. I would say if we do not act to move forward with an upgrade, we could consider putting public safety at risk in the future. The time to do this upgrade is now.

LEG. D'AMARO:

But in the last emergency situations the County has experienced, we've been able to effectively use the technology that we have.

MR. POSTEL:

That is correct.

LEG. D'AMARO:

And it's worked and it's been reliable.

MR. POSTEL:

Yes, it is reliable. There are key components though, Legislator D'Amaro, that I can't stress enough that there are points of failure in the radio system which we cannot repair. And if those items fail, the system will not operate properly, and the system could be critically impacted for operations.

LEG. D'AMARO:

So is there -- was there any consideration given or is it feasible to repair the most vulnerable parts of the system without doing the \$35 million upgrade?

MR. POSTEL:

There is no way to repair the most vulnerable parts of the system without upgrading it.

LEG. D'AMARO:

Without replacing it.

MR. POSTEL:

We consider it an upgrade because, and I guess to your point, yes. You're replacing components of the system, but it's considered an upgrade.

LEG. D'AMARO:

Right. And that's because they're just outdated components?

MR. POSTEL:

Yes, sir.

LEG. D'AMARO:

But there's not replacement -- not replacement of the same component, but you can't upgrade just a part of a system.

MR. POSTEL:

No, you cannot upgrade a part of a system. You have to upgrade the entire core of the system, and the core part is what our most vulnerable part is.

LEG. D'AMARO:

Why is it so expensive? Why is it \$22 million to do this? What's -- you know, what is it, the hardware that's expensive? Is it labor intensive, you know, what is it.

MR. POSTEL:

Hardware, labor.

LEG. D'AMARO:

Give me an example. I mean, how do you get the 22 million?

MR. POSTEL:

The infrastructure alone is probably in the neighborhood of approximately seven to eight million dollars. And then with the number of portable and mobile radios the County owns, the County owns over 4500 radios, which we're going to be reusing and upgrading, and 20, approximately 2500 of them are going to be replaced.

LEG. D'AMARO:

So are you convinced that although it's expensive in the sense of the price tag that's put on this, are you convinced that it's being done in the most cost effective way?

MR. POSTEL:

Yes, it actually is.

LEG. D'AMARO:

I mean, are we scrapping the entire old system? You said we're replacing radios or we're upgrading radios.

MR. POSTEL:

Yes, we are upgrading radios which are upgradeable to Project 25 standard. The other thing is, is that in 2009, I believe, there were major upgrades to the communication centers at Fire Rescue, the Sheriff's Office and Suffolk County Police. Part of the core, the dispatch consoles were already upgraded and are capable of handling this new P25 radio system, so those are not being thrown away either. The County's already purchased them and we're utilizing them as we move forward. The only radios which we're actually eliminating and replacing are ones which are not capable of handling digital communications.

LEG. D'AMARO:

Is there an estimate as to the useful life of the current equipment?

MR. POSTEL:

Standard across --

LEG. D'AMARO:

I understand that you're saying replace it based on day to day use and what you see and the parts are obsolete and it's difficult to repair. But on the other hand, you've said that it's functioned and it's functioned well --

MR. POSTEL:

Yes.

LEG. D'AMARO:

-- up until today. So, you know, there's always a risk -- I mean, you could put in the new equipment and it could fail, not because it's old, but for other reasons. So how do you come to this assessment, that although a system is working and it's working well in emergency situations, I need to replace it now.

MR. POSTEL:

Across the country most people will implement a communication system and leave it alone exactly for that reason, because it works on a day to day basis. Some of these portable radios that we're replacing are the same age as the system, 20 plus years, and they continue to work. However, there's no parts for those as well in order to continue to repair them. The standard, which most utilize across the country, is ten years for a communication system before you begin to upgrade it, as opposed to trying to do entire replacements. And the system as we're going to upgrade it now and replace key components of it, will put us in an opportunity that as opposed to doing a major upgrade like this where we have to replace base station radios and other items, that we can leverage over time upgrades so that we're not looking at a \$21 million price tag in one shot.

LEG. D'AMARO:

So the opportunity is now while the system is functional, the present system, where we can do this more piecemeal or in two phases.

MR. POSTEL:

Yes, because if we were in a failure mode it would be -- we would have to approve it together as one program to upgrade the entire system together, because we would not have the opportunity to leverage a phased approach.

LEG. D'AMARO:

What are we calling this, a P25?

MR. POSTEL:

Project 25. It's a national communication standard which has been developed for common communications protocol across the United States. So that if Suffolk County goes to Ohio to assist communications, that we have the capability to communicate with them with our Project 25 radios.

LEG. D'AMARO:

Right. I'm looking at it's an Association of Public Safety Communications Officials Certified Network.

MR. POSTEL:

Yes.

LEG. D'AMARO:

That's the standard to which -- we want to meet that standard.

MR. POSTEL:

Yes, we do.

LEG. D'AMARO:

And this is the system that meets it. What jurisdiction closest to Suffolk County utilizes this equipment?

MR. POSTEL:

P25? Nassau County.

LEG. D'AMARO:

And when did they do their switch over?

MR. POSTEL:

Their switch over was approximately three years ago.

LEG. D'AMARO:

Have you discussed with Nassau County at all the reliability of that system?

MR. POSTEL:

Yes, I have. Our partners in Nassau County, the system is extremely reliable and by Suffolk County upgrading to P25 it's going to give us better capabilities with Nassau and New York City as well as putting in and implementing some Project 25 systems as we speak as well.

LEG. D'AMARO:

Did they have the same system we had in the past?

MR. POSTEL:

They had a Legacy system similar to ours, but not exactly the same one.

LEG. D'AMARO:

Right, okay. Could have bought the parts, right?

MR. POSTEL:

I wish.

LEG. D'AMARO:

Well, you know, I'm not struggling with the concept of providing the best system we can for communications. You know, I don't think that's a struggle for anyone. I struggle a little with the price tag on this and I just want to be in the role of overseeing this. Before we say yes, go ahead and do it, I need to know that this is the most cost effective way to meet the department's standards. And you said there were other respondents to the RFP. You didn't just go to the list, but there were other companies that submitted proposals which were vetted, I would assume, by the department.

MR. POSTEL:

Yes.

LEG. D'AMARO:

But none of those other respondents offered the minimum or met the minimum requirements that the County needs or put out there in order to fulfill a public safety role.

MR. POSTEL:

Correct.

LEG. D'AMARO:

Right?

MR. POSTEL:

Yes.

LEG. D'AMARO:

Okay. The other providers with similar systems I would assume, because they had to be submitting

based on what the County's needs were, how much were those systems compared to this?

MR. POSTEL:

Dollars and cents I'd have to go back and look specifically at the proposals.

LEG. D'AMARO:

Were they comparable, do you know?

MR. POSTEL:

They were comparable.

LEG. D'AMARO:

I mean, it's not, you know, a \$10 million difference.

MR. POSTEL:

No. What I can explain to you also is, is that we, through doing this and through leveraging the State contract and asking for additional companies to provide proposals, we received substantial discounts beyond the New York State contract price. The New York State contract prices for this program were upwards of \$30 million and we're down to 21.9 is where we're at.

LEG. D'AMARO:

I agree that -- you know, the fact that the system is working today doesn't mean you shouldn't replace it. We don't want to wait for the failure.

MR. POSTEL:

Correct.

LEG. D'AMARO:

Does this system still offer -- does the system we have now offer GPS location?

MR. POSTEL:

No, it does not.

LEG. D'AMARO:

Portable units? It does not. This will.

MR. POSTEL:

The new system will have the capability to offer that, yes.

LEG. D'AMARO:

And text messaging and all of that.

MR. POSTEL:

We have the capability of looking at implementing that as well. The system will have the capability of doing it.

LEG. D'AMARO:

So lots more modern day, so to speak, technology and there's lots of benefits to that.

MR. POSTEL:

Yes, there are.

LEG. D'AMARO:

Okay. Very good. Great job. Thank you. Thank you, Mr. Presiding Officer.

P.O. GREGORY:

Legislator Stern.

LEG. STERN:

Yes, thank you. I appreciate the discussion and I was referring to my notes a moment ago that said that originally there was consideration of a system in the approximately \$30 million area, as you had mentioned. It was due to the process of going through the requisition, discussing it with other companies that essentially brought it from a \$30 million potential cost down to the 21.9. My question is -- of course that's in the right direction. My question is what, if any, hardware, infrastructure, or any other capabilities are we not getting because of the reduction in the cost or is it still applies to apples even though we've been able to experience some type of cost savings as you went through the process.

MR. POSTEL:

We did not deviate from our requirements which we set forth. We specifically had a set of requirements which we were going to go forth with, and the price has come down based on our requirements. So to your point, if we were looking for GPS, if we were looking for integrated voice and data communication, which is part of GPS, we got it. It was part of -- through the negotiations, through the process that we went through, we got to the dollar figure that we're at now.

LEG. STERN:

Very good. Thank you.

MR. POSTEL:

You're welcome.

P.O. GREGORY:

Okay. Legislator Krupski. Almost.

LEG. D'AMARO:

Hey, DuWayne, while he's coming up, you know, I just want to ask you. The system that we're replacing, is there any kind of market for that system? What do you do with it? Or the component parts?

MR. POSTEL:

Other components parts would -- I would honestly have to get back to you. I can tell you that in the past we have leveraged to your point earlier, sell them to Nassau County. We have leveraged the ability to find agencies that might still be utilizing this, who might have some type of a failure, and we might have a component that they need and possibly through a network that we have we can get that component to them so that they can get their system back in operation.

LEG. D'AMARO:

Just curious. Thank you.

LEG. KRUPSKI:

Thank you. So I've got a question for Dr. Lipp. Because this is an investment in infrastructure for the Suffolk County Police District, how is this bond being financed? Is it coming from the General Fund or is this from the Police District?

MR. LIPP:

According to the resolution it is all General Fund, but it is wider scope in terms of departments to make it Countywide also. It's not just for the police.

MR. POSTEL:

The beginning portion, Legislator Krupski, which is majority infrastructure, very limited portable and mobile radios, is entirely General Fund, as I mentioned to you the other day in the email. The Police District will actually realize the benefit of this Capital Program next year when we start to get and purchase the portable and mobile radios and do the upgrades that we need. At that point in time, that portion of the capital will come against the Police District line.

LEG. KRUPSKI:

Thank you. I mean, this was -- my point is this is going to benefit the Police District a lot more than it -- you know, it's the East End, because it's collected from the Countywide, Countywide revenues. Thank you.

P.O. GREGORY:

Okay. Legislator Cilmi.

LEG. CILMI:

Just to sort of echo what Legislator D'Amaro was asking, I'm really uneasy about the cost here. Is there anything else you can tell us that would convince us that we're getting the best value for our money? I mean, we've all heard -- nobody thinks that government gets the best price. I mean, everyone -- we're all sitting here thinking to ourselves, you know, if we were a private business buying this system, we'd probably be paying half the price. So can you convince us that this is a good price for what we're getting in that what we're paying for we actually need?

And then if Robert, if you could, while we're getting an answer to that question, if you could -- I'm sorry. If you could think about this question, which you can answer afterwards. When we do our budget, do we budget for a certain amount of money for debt service and as we're approving capital projects like this and appropriating the bonds, that's obviously adding to our debt service, and at what point do we go over or do we know even when we go over what we've budgeted for? Let me get an answer to the first question first and then you can answer.

MR. LIPP:

So I guess the behavioral --

LEG. CILMI:

Or not.

MR. LIPP:

The behavioral process is the other way around. You wind up adopting authorizations to issue the serial bonds. There's a lag, it goes through a year or two perhaps before the projects are underway, and then on an as need basis, like for instance with the almost 12 million, we may possibly not be issuing the bonds all at once. It could be over two, three, six-month periods. So what we do for the budget is we look to see what's out there and what is likely to occur and try to sequence that with a budget. We do some forecasting. We're not always on target.

LEG. CILMI:

So we -- so to summarize what you just said, we budget for debt service based on how much debt service we have out there. We don't approve debt based on how much we've budgeted for.

MR. LIPP:

So what we do in Budget Review Office is we look at the debt service from the existing bonds that were previously issued, perhaps as long as 20 years ago, and then we look at what's out there in the pipeline and what's been typically issued over the years, and make an assumption on what we're likely to borrow in the near future, which will impact the next year's debt service.

LEG. CILMI:

Gotcha. Okay. Thanks.

MR. POSTEL:

Legislator Cilmi, I can tell you I lived, eat and breathed this project since 2013 and went through the proposals, went through the proposals with my counterparts and the committee as we reviewed it. And looking at the existing numbers when they first started at \$30 million, and in some instances 30 plus million dollars, and seeing what the list prices are for some of the pieces of equipment that we're getting and the discounts that have been applied because of the way we're doing the project and the size of the project, I can tell you that I do believe we are getting our best value for what was set forth.

I do agree with everyone that this is a large Capital Program. This is probably the largest Capital Program I've overseen or had anything to do with in my tenure with the County over the past 20 years. I can tell you that is a Capital Program that is very much needed and it is something that we need to do so that we can ensure our communications every day, and during major events for all County agencies and departments, as well as our other local partners.

LEG. CILMI:

You don't happen to have any idea what the cost was when -- of the system that we are replacing, do you?

MR. POSTEL:

I believe, from the research I did, the initial phase of the project was approximately \$13 million.

LEG. CILMI:

And that was like 20 years ago you said?

MR. POSTEL:

That was 20 plus years ago, yes.

LEG. CILMI:

Okay. Thank you.

P.O. GREGORY:

Legislator Barraga.

LEG. BARRAGA:

Yeah. I have a couple of concerns, and I think I was listening to your conversation with Legislator D'Amaro and a few things I just wanted to touch on. I have concern also about the \$21 million, but I also have deep concerns with reference to the technology itself. You're talking, if I understood you correctly, it's the P25 Program. It's made by Motorola. And if I heard you correctly, you would say that system is good for about ten years.

MR. POSTEL:

The system is good for more than ten years.

LEG. BARRAGA:

Okay.

MR. POSTEL:

What I can tell you is, is that a lot of agencies across the country typically do not wait 20 years to upgrade their systems. They try and do --

LEG. BARRAGA:

Let's say you implement the system, you spend the \$21 million. Three years down the road Motorola comes forth and says, you know, we've got the new P26, far superior than the P25. The iPhone 4, the iPhone 5, the iPhone 6. Is there anything in the contract which would put the County in a position to get a huge discount on the P26 now that we've done negotiations and implemented the P25?

MR. POSTEL:

In the contract there's a five-year life cycle program. After the project is completed, five years after that is done, part of the \$21 million is to refresh the infrastructure to the latest software version, and if any hardware needs to be replaced it is also part of the project. So five years from now there will be a refresh to, if P26 comes out, that possibility.

LEG. BARRAGA:

At a discount to the County.

MR. POSTEL:

It's already in this proposal, so that was discounted as well in the proposal.

LEG. BARRAGA:

All right. Thank you.

P.O. GREGORY:

Okay. Legislator McCaffrey.

LEG. MC CAFFREY:

I sat through the Public Safety hearings with the radio and I asked a couple of questions. I just wanted to follow-up. I think one of the differences I get out of this is that it's a digital system versus an analog system.

MR. POSTEL:

That is correct.

LEG. MC CAFFREY:

And so any of these upgrades would be easier to do than previous software.

MR. POSTEL:

Yes. A lot of the items which are being done now are software upgrades as opposed to -- in the future I should say, a lot of the upgrades would be software upgrades as opposed to hardware upgrades, because that's the type of scale or platform we're going to.

LEG. MC CAFFREY:

Right. You mentioned Nassau County had that. Do you have any idea how much they paid for their system?

MR. POSTEL:

I believe Nassau, because of their demographics, was actually double what the County is paying for this. I believe they were approximately \$40 million because of the number of communication sites they had to add.

LEG. MC CAFFREY:

Really. I thought they would be less because it's a --

MR. POSTEL:

Denser population, more requirements, more in-building coverage needed because of the demographics and items that we have. We're a different type of demographic as far as some of our areas that we have and our -- the way the RF would travel out here. We're very fortunate for that at this point in time.

LEG. McCAFFREY:

Okay. So it's hard to do an apples to apples comparison there?

MR. POSTEL:

It is, because we would have to actually look at physically what Nassau County did. Plus Nassau County was all new equipment. They did not come from having some equipment, like we're reutilizing some of the radios that we have now and just upgrading them with a software upgrade. Nassau had to purchase all brand new radio equipment because they did not have a trunked radio system for the Police District prior. They were using other types of Legacy communications.

LEG. MC CAFFREY:

Okay. They had to make a more significant investment, then.

MR. POSTEL:

Yes, they did.

LEG. MC CAFFREY:

Okay. Thank you.

MR. POSTEL:

You're welcome.

P.O. GREGORY:

Legislator Spencer.

LEG. SPENCER:

I was at Public Safety also and I had a chance to ask a lot of my questions, so this will be extremely brief. I've listened to the questions of my colleagues. I just thought of this. I think the biggest compelling reason that you gave me was indicating that they don't support what we have anymore and it's difficult to get parts. And I had asked you the question, you know, well, we don't know if the next latest, greatest thing is going to come out there. But I see you have the support provisions in this contract. Is there any commitment or anything in the contract that indicates that they will support this system for the next 15 years or 10 years? And for some reason, if they make some major sort of jump and they no longer support the new system, that we should, I guess, have -- that either would provide us with the upgrade. I know you said they were going to upgrade us through the software upgrades, but as far as hardware, and I've seen that with certain computer systems where Windows no supports a particular thing, or Dell. So are we protected for 20 years or at some point in time in the future?

MR. POSTEL:

The contract protects us for the five-year life cycle program, which we have. If the software which is released is not compatible with hardware that we have, the hardware will be replaced. Beyond five years, we have to renegotiate at that point in time. What it also comes down to is exactly what -- similar or something similar to what you said, and we can take the comparison from Microsoft. You don't necessarily know ten years out what the latest and greatest hardware is going to be and whether or not your software will need new hardware at that point in time. For the vendor, it's a risk for them to take how far out you want life cycle services, which is the way Motorola refers to it. So if we said we wanted ten years out, that cost could be significantly more than what we currently have, because they might not know what the next latest and greatest thing is going to be out there and they have to factor that in, because now it's in a contract and they've already agreed to the price.

LEG. SPENCER:

But there is a way of being able to kind of calculate kind of the risk assessment of the technology that's out there and come up with a time. And I guess I know, you know, I'm not privy to the discussions, but I guess like our current system we've had in place for the last 20 years?

MR. POSTEL:

Yes, sir.

LEG. SPENCER:

So -- and obviously I support this, but what I -- my one concern is that five years seems pretty inadequate and I, you know, I wish -- I hope that there's something. And again, not to say that it won't be available, but for \$22 million we're going to be paying for this well from the next 18 years and we only have support for five years. It would be nice if we could get a little bit longer term.

MR. POSTEL:

Well, we have support, Legislator Spencer. As long as the vendor is producing the equipment, we can still purchase parts if we need to or any types of services. And typically when they end of life a product, they still support it for seven to ten years beyond that where you can get parts for it. So that tells you actually how long our current radio system has been end of life, because we're even beyond the seven to ten year mark of supported parts.

LEG. SPENCER:

Okay. Thank you.

MR. POSTEL:

You're welcome.

P.O. GREGORY:

Legislator Trotta.

LEG. TROTТА:

Just on that vein, how long is it supported for? How long are they going to have -- like I don't want to know seven years from now, oh, we have no more parts. We've got to buy a new one.

MR. POSTEL:

They support their infrastructure seven to ten years beyond when it's end of life. There is no end of life for this infrastructure that we're currently implementing in the County in the foreseeable future. Most infrastructure that we have, the particular components of the infrastructure that we are currently replacing was produced and -- produced by Motorola for 15 years and then supported for seven to ten beyond that. So for 25 years we were able to get parts for it.

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I would have to venture a guess at saying based on the information that I have done and the information that I have, I do not foresee a foreseeable sunset of five years on the infrastructure we're buying. I foresee it more on the lines of 10 to 15, where we can consider beyond our five-year life cycle further upgrades so that we're not trying to do a full system replacement.

LEG. TROTТА:

Is there something in the contract that says that?

MR. POSTEL:

The five-year life cycle program is in the contract.

LEG. TROTТА:

There's nothing that says beyond five years.

MR. POSTEL:

Motorola states that they will support the system for seven to ten years beyond end of life.

LEG. TROTТА:

And when is end of life, five years?

MR. POSTEL:

I cannot answer when end of life is. We would have to come up with what Motorola is. I can tell you on their forecasting schedule end of life is not within the next ten years.

LEG. TROTТА:

Well, in the contract, if 12 years from now this thing breaks down and you're here saying oh, it only lasted 12 years for \$20 million and we got to pay for it for another six years because we bonded it for 18, you know, I think at the very least we should have this guaranteed until it's paid off.

MR. POSTEL:

Legislator Trotta, I would have to say I would have to take that back to the Commissioner and my Chief and we would have to look at discussing that with the vendor to see if they'd be willing to put that in the contract.

LEG. TROTТА:

If that were in the contract I could support that. That would be something that I think everyone -- there's no sense not having it guaranteed for at least what we're going to pay for it. Because, you know, kids down the road, this will be gone, and we'll buying another one and we'll still be paying for the old one.

P.O. GREGORY:

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

LEG. D'AMARO:

DuWayne, could I ask one more question, please?

P.O. GREGORY:

Yes.

LEG. D'AMARO:

I'm sorry. Just very quickly. Just I'm listening to my colleague's questions. Is there an ongoing fee associated with maintaining the system to Motorola? Is there an annual fee, maintenance, whatever you might call it.

MR. POSTEL:

The system is self-maintained by the employees of the Suffolk County Police Department Technical Services.

LEG. D'AMARO:

So this is -- it's the capital cost and that's it.

MR. POSTEL:

At this point, yes.

LEG. D'AMARO:

Okay. Thank you.

P.O. GREGORY:

Okay. We have a motion and a second?

MR. LAUBE:

Yes, you do.

P.O. GREGORY:

Okay. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Fifteen. (Opposed: Legislator Barraga; Absent: Legislator Muratore; District #12 - Vacant)

P.O. GREGORY:

Okay. ***I.R. 2180A - Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$11,917,000 Bonds to finance the cost of 700/800 MHz trunked radio communication system upgrade (CP 3244.510).*** Same motion, same second. Roll call.

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

LEG. BROWNING:

Yes.

P.O. GREGORY:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. McCAFFREY:

Yes.

LEG. TROTTA:

No.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MARTINEZ:

Yes.

LEG. LINDSAY:

Yes.

LEG. CALARCO:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

(Absent).

LEG. KRUPSKI:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

MR. LAUBE:

Fourteen. (Opposed: Legislators Trotta & Barraga - Absent: Legislator Muratore - Vacant Seat: District No. 12).

P.O. GREGORY:

Okay. If you -- just I beg your indulgence for a minute. We have our Comptroller here. He's been waiting patiently. So I'd like to make a motion to take I.R. 1086 out of order. It's in the red folder. It's in the CN folder. Was that second by Legislator Calarco?

LEG. CALARCO:

Yes.

P.O. GREGORY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen. (Absent: Legislator Muratore; District #12 - Vacant)

P.O. GREGORY:

I make a motion to approve *I.R. 1086 - Amending Refunding Bond Resolution No. 1103-2013 of the County of Suffolk, New York (the "County"), adopted December 3, 2013, relating to the authorization of the issuance of refunding bonds of the County, for the purpose of authorizing the sale of such refunding bonds on a competitive bid basis (Co. Exec.).*

LEG. D'AMARO:

Second.

P.O. GREGORY:

Second by Legislator D'Amaro. Mr. Comptroller?

MR. KENNEDY:

You know what, let me sit down over there.

LEG. CALARCO:

John doesn't want to be stuck here all night.

LEG. MC CAFFREY:

John, your seat is still open if you want to.

MR. KENNEDY:

Well, you know, I see that but I'm hesitating. Good afternoon, and thank you, Mr. Presiding Officer, for the opportunity to have me speak on this CN. And lo and behold isn't it ironic that one of the first things that I do as Comptroller is come to you looking for a CN.

*(*Laughter*)*

Go figure, huh? Go figure. Life is where you sit. We are presented with an opportunity to benefit the taxpayers of the County in a substantial way by issuing a refunding bond in the amount of 84 million to retire two general debt issues from 2006. We were here on Friday at Budget and Finance, along with members of my staff and Mr. Tortora from Capital Market Advisors, and we had an opportunity to brief Chairman D'Amaro and the balance of the committee on all of the elements associated with this, the timing, the interest spread, which is considerable. These bonds were issued back in 2006, and we voted on them. I voted on them. And at that time, we had interest rates that went at about four-and-a-half percent. It was aggregated over the life of the bonds, and that was the circumstances then.

Today, that same paper could actually be out on the market at this point at approximately 2.2, 2.3%, resulting in what will be a \$350,000 savings to the 2015 Operating Budget, and will be a recurring savings in each year for the balance of this bond issue.

A couple of important points to know right out of the shoot. This new issue has a contracted life to it and cannot go beyond what the original debt issue life was.

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

COMPTROLLER KENNEDY:

In addition, the purpose of me being here today is to ask for you to make a change in the language on another resolution I voted on back in 2013 that at that time authorized the Comptroller to seek refilings and reissuances of a series of debt issuances that went through, I believe, 2008. There was a clause buried back on page six or page seven that limited the reissuances to only negotiated sales. Now, in a world of municipal paper and bonding, there are two ways to go out; you can either seek

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to place all of the debt with one particular underwriter that's procured through RFP, or you can go out there and put the paper on the market, going open-competitive. Based on discussions with Rich Tortora and looking at what our experience was when we issued approximately 100 million in debt last October, the market seems to be hungry for our paper. The benefit is if you go open-competitive, you will realize approximately an additional 10 to 15 basis point savings on the interest rate of the paper, and you eliminate a level of origination cost associated with the underwriter.

So we are going forward. We had rating agencies call us both today and yesterday. We are looking at a March 10th closing, March 15th closing on this. And by approving the CN, it will give me and give this office the latitude to go out open-competitive and ultimately result in even greater savings that can be had by the competitive interest rate and the elimination of some of the origination costs. So that, in a nutshell, is what the reso is about.

P.O. GREGORY:

Okay. Legislator D'Amaro and Spencer, they both have a question for you.

LEG. D'AMARO:

Okay. You first?

P.O. GREGORY:

No, you first.

LEG. D'AMARO:

Okay, thank you. Welcome, Comptroller Kennedy. Nice to see you again.

COMPTROLLER KENNEDY:

Thank you, Legislator, Mr. Chair.

LEG. D'AMARO:

As you mentioned, we did spend some length of time on Friday discussing this in committee, and I think that the primary purpose of the CN, and correct me if I'm wrong, is to now not only permit us to refinance these bonds by negotiated sale, but also to go to competitive sale which is another means of marketing the County's bonds. So that's one aspect. And the other aspect, and you've made this point several times, is that even though we might be borrowing a little more, \$6 million more than what the original issued bonds that we're paying off were, with the interest -- lowering the interest rate, the net effect is saving the County about \$4.5 million; is that correct?

COMPTROLLER KENNEDY:

That is, and thank you for pointing that out, Mr. Chair. Because leave it to Kennedy to step into something that's unique, of course. This actually is a refunding bond that also creates a sinking fund. The purpose of the sinking fund is actually to go ahead and deal with the interest that must be paid through 2016. These bonds are not callable till then. That sinking fund is set with a third party escrowee, which we are actually going through the RFP process now to establish as well. But nevertheless, because of both the favorable rates in the market in general and the dramatic decrease in the interest rate, nevertheless we will realize not only savings in each year, but cumulatively, to your point, at 4.5 million. So it doesn't, in my opinion and our market advisor's opinion, a go forward decision.

LEG. D'AMARO:

Right. And we also discussed the fact that competitive sales have certain risks, as do negotiated sales, but our -- the County's financial advisor, Mr. Tortora, was very confident that the risks are much more minimized today than they may have been two, three or four years ago when we were

not doing competitive sales because we've stabilized, the County has stabilized in its bond rating and dealing with the financial crisis that we've been through.

COMPTROLLER KENNEDY:

Absolutely. And to that point, the objective for that is the paper that we put out last October, a \$100 million issue, was oversubscribed seven and a half times. In essence, we had bids for 750 million worth of that paper. So I think that there is strong, strong evidence that we should be highly successful going forward with this and it's a prudent decision.

And further to the point, Mr. Chair, as you pointed out, the language modification that we're seeking today simply adds the option to go open-competitive, but still allows for negotiated should that be necessary in further issues coming up.

LEG. D'AMARO:

Okay, thank you. Thank you, Mr. Chair.

P.O. GREGORY:

Okay. Legislator Spencer.

LEG. SPENCER:

Thank you. So if we make these adjustments to the program now based on, I guess, what we're seeing with interest rates, how does that factor into the future? If there's a sudden increase in interest rates in five years, does that still -- are we going to become less competitive if we're -- we still would have lower, I guess, payouts or lower interest for a month?

COMPTROLLER KENNEDY:

The rates, Doctor -- thank you. The rates are actually set at the time of issuance, and I'm fumbling with the 117 page offering statement. But at time of sale, we are locked in on the interest rate for the life of the note and for what the payments will be. So notwithstanding where interest may go even in six months from now, the essence of the deal is that it is a good deal today and it is a locked-in deal that will provide us with those savings and that degree of certainty going forward. We will cumulatively be in a better position, if you will, in my opinion because we will know that we'll have this lesser cost associated with this issue as we transact business and go forward.

LEG. D'AMARO:

It's a home run.

LEG. SPENCER:

With the lesser cost, will those that are just seeking to get our paper, because it's now yielding a lower interest rate, does that make it less attractive?

COMPTROLLER KENNEDY:

You know, I don't think so, Doctor. Because remember, there are wide range of institutional purchases that come into the market and they are looking to go ahead and acquire -- what does the investor crave? The investor craves certainty.

LEG. SPENCER:

Right.

COMPTROLLER KENNEDY:

And what they're seeing with our payment history and our performance on our bonds are timely, full payment on a consistent basis, a financial picture that, I guess, certainly has improved from the time when we were here and we all had our head in our hands in '07 and '08. And I think something

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that should be in demand, whether it's from the pension funds that purchase or larger block funds, mutual funds or, for that matter, individuals; individuals can purchase in increments of 5,000 or less. Remember, they're tax-free, State and Federal tax-free. So again, based on the individual's desires for receiving a guaranteed and steady payment over the course of the bond and achieving some of those tax relief advantages, I think they are a competitive issue and a desirable issue.

LEG. SPENCER:

Thank you, Mr. Comptroller. I appreciate it.

COMPTROLLER KENNEDY:

Thank you, Doctor.

D.P.O. SCHNEIDERMAN:

Legislator Hahn.

LEG. HAHN:

Okay. Can you just -- in all of your -- you know the way you talk, John. I might have missed it.

COMPTROLLER KENNEDY:

Okay.

LEG. HAHN:

Can you just reiterate for me the urgency?

COMPTROLLER KENNEDY:

Yes, certainly. Thank you. Well, let's see, so the urgency. So I took office on January 1st and on January 8th, I wound up with an e-mail from Rich Tortora. We had had some inkling that there may be the opportunity for this, but let's think about our Legislative calendar. There was the Organizational Meeting on the 2nd where there was a limited opportunity; and actually, Legislator Counsel and I discussed this a little bit as well. It really is a function of the calendar, if you will, Legislator Hahn. Were we a little bit further into the year and we were talking about an April issuance, I would have asked, through the County Executive's Office, to simply have the resolution laid on the table so it could have gone through the conventional committee process. However, having sat in the chair you sit in for ten years, and knowing how CNs are always a head scratcher for a Legislator, I felt strongly that we would make the trip to Budget & Finance and do the vetting and the due diligence at the committee level, despite the fact that I knew that we would be coming here with the CN.

LEG. HAHN:

Well, I appreciate that, but I'm not on that committee.

COMPTROLLER KENNEDY:

Okay.

LEG. HAHN:

So I don't know that I heard an answer. So what makes it have to happen here and, let's say, not our March 3rd meeting?

COMPTROLLER KENNEDY:

By March 3rd, we will -- well, the March 3rd meeting, quite candidly, would be too late for us to exercise the open-competitive option.

General Meeting - February 3, 2015

A bonding calendar, if you will, started on January 15th with the original decision to go forward and then the call to our various departments to get in what was the current balance on all the various Capital Projects that had been underwritten by this paper back in '06 when it was first issued, contact with the County Attorney's Office to get an update on what's going on as far as litigation and things of that nature, contact with any other departments that have to go into the offering statement. As we sit here today, we already have a draft offering statement, we've had two ratings calls with both Fitch and S&O, we've also started the actual drafting of this. This offering statement has to be in final form by the end of this week, I believe, which will then be put out in a preliminary manner.

The urgency, if you will, is the request that I have from all of you to have the latitude to offer open-competitive. And in doing so, to achieve that 10 to 15 basis point reduction on the interest rate and, quite candidly, to avoid an additional block of issuance cost for the underwriter and underwriter's counsel. That's the urgency.

LEG. HAHN:

So you said that this was retiring two general debt issues from 2006 that were at a 4.5% interest rate and now we're getting the 2.2% interest rate, giving us all the savings over the time until 2026.

COMPTROLLER KENNEDY:

That is what Capital Market Advisors has said. And again, I'm talking to you in broad terms. We do not know what the actual rate will be, that rate, it cannot be known until the issuance actually is undertaken and the paper is put on the street.

LEG. HAHN:

So -- correct, sorry, expected 2.2%, and that's a good savings.

COMPTROLLER KENNEDY:

Yes. It's a substantial savings.

LEG. HAHN:

So how does this work? How many more -- like are there -- I mean, you clearly have just gotten in there, but how many more opportunities are there out there for us to refinance? What is the total amount that we're refinancing here and is it -- you said it was two general debt --

COMPTROLLER KENNEDY:

Seventy-eight million is the face value that we're retiring with an \$84 million issuance. But to the broader question, which is actually I was sitting with my Chief Deputy just before. It's part of the effort that we're going to undertake at this point to get a look at all existing debt issuances that we have out there and explore, if you will, what the opportunity is to perhaps come back and exercise options for refunding if we can find them. This is the '06 paper. The '07 paper probably was at an interest rate similar to what this one is. However, on the other side what you must remember is legally there is a minimum call date that we cannot go -- we can't return before then.

So you recall I just mentioned the sinking fund; the sinking fund actually is what pays the interest until 2016 when the paper actually can be retired. When we issue debt, there is a time period that goes forward, typically probably -- hold on a second. What do you think, Robert, probably like three or four years when we put -- the time period from when we issue to when you can first call. Most any municipal debt instrument has a window of probably 24 to 36 months.

MR. LIPP:

I think it's ten years.

COMPTROLLER KENNEDY:

Maybe it is. Maybe it might even be -- I'm sorry, Robert's talking about it might be ten years. But in calculating the savings, what you look at is you look at the interest rate now, the interest rate of the paper and when's the first time that you can call; all those elements have to go in. And by the way, this isn't just, you know, getting out the tea leaves and trying to read them. The State Comptroller Office requires that at a minimum, you will achieve at least a 3% decrease or overall savings with the paper; this exceeds that.

LEG. HAHN:

In addition to the Suffolk County taxpayer, who it sounds like, you know, there will be significant savings here, who else benefits when we -- benefits financially when we issue bonds?

COMPTROLLER KENNEDY:

Well, so in other words, is your question who actually winds up earning some -- okay. This has about a \$210,000 origination cost associated with it. That is made up of a series of parties which include Bond Counsel, the advisor, the financial advisor, underwriter review, and there will be an escrow agent that will be involved as well. And if I can, were it to go negotiated, that origination cost would guaranteed be a higher amount.

So as I said, it's really a request for a two-fold type of benefit that we're looking to realize. Not only the benefit from the reduction of interest rate, but if you will, dropping what the origination cost is associated with the issuance of the bond as well.

LEG. HAHN:

Okay. Thank you. It's hard when it comes over as a CN like this and --

COMPTROLLER KENNEDY:

If I could have done it any other way, trust me, I promise you I would have. I said it is truly like the fickle finger of fate that here I am coming out of the shoot looking for a CN. But it's my responsibility to go ahead and to achieve the greatest amount of savings, just as each and every one of you attempt to do, as you just vetted the communication system.

LEG. HAHN:

Thank you.

COMPTROLLER KENNEDY:

You're welcome.

P.O. GREGORY:

Legislator Schneider.

D.P.O. SCHNEIDERMAN:

Comptroller Kennedy, welcome.

COMPTROLLER KENNEDY:

Yes. Mr. Deputy Presiding Officer, how are you?

D.P.O. SCHNEIDERMAN:

Good to see you. I get to look straight ahead rather than to my left.

COMPTROLLER KENNEDY:

There you go, there you go.

D.P.O. SCHNEIDERMAN:

John, there was a difference in what you're anticipating borrowing versus what you're retiring and refunding.

COMPTROLLER KENNEDY:

Yes.

D.P.O. SCHNEIDERMAN:

What's the -- it's about six million or \$7 million?

COMPTROLLER KENNEDY:

Six million.

D.P.O. SCHNEIDERMAN:

And that is going into the sinking fund?

COMPTROLLER KENNEDY:

Yes.

D.P.O. SCHNEIDERMAN:

And that's because we cannot pay down these other debts yet?

COMPTROLLER KENNEDY:

Correct.

D.P.O. SCHNEIDERMAN:

Okay, because of your penalty or they're just simply -- you have to wait for them to be --

COMPTROLLER KENNEDY:

It's a legal restriction, a legal prohibition. Go back to your East Hampton days.

D.P.O. SCHNEIDERMAN:

So there'll be a time period where we're actually paying both; no?

COMPTROLLER KENNEDY:

We will have the interest that is from the sinking fund that will pay what the biannual payments on the bonds are. But nevertheless, because of the wide difference between the face amount on the paper. And by the way, the --

D.P.O. SCHNEIDERMAN:

Well, John will there be -- basically our borrowing for a moment in time will be the old borrowing and the new borrowing. So in other words, the new borrowing isn't immediately going to pay down the old borrowing.

COMPTROLLER KENNEDY:

They cannot be retired until '16, yes.

D.P.O. SCHNEIDERMAN:

Right. So our overall debt will look like it's spiking for a short period.

COMPTROLLER KENNEDY:

Yes. And therein, you know, comes another thing that is, what would we call it, perhaps a conundrum. We're all tied in to pipeline debt. Last summer, this body struggled mightily to go

ahead and pull out, what was it, 65? About 65, 66 million --

P.O. GREGORY:

(Nodded head yes)

COMPTROLLER KENNEDY:

-- out of pipeline debt.

D.P.O. SCHNEIDERMAN:

Well, we did that additional \$80 million, roughly, in new borrowing. As you go out to Moody's & Fitch, could that potentially, adversely effect our bond rating? Because that bond rating, if we succeed in an upgrade --

COMPTROLLER KENNEDY:

Yes.

D.P.O. SCHNEIDERMAN:

-- that's going to mean we're going to get to borrow at lower interest rates, hopefully, in the future. So might it work against our own best interest to do this?

COMPTROLLER KENNEDY:

Quite the contrary. As a matter of fact, I believe that the rating agencies will look at this and will actually be encouraged, because they are seeing that we are being proactive in shedding older, more expensive debt and replacing it with a leaned down balance associated with it. In essence, what we're doing is, is we're contracting what our long-range expense is going to be.

D.P.O. SCHNEIDERMAN:

And you've done the numbers, so you have the old debt and the interest that we've been paying, plus the new debt --

COMPTROLLER KENNEDY:

Yes.

D.P.O. SCHNEIDERMAN:

-- and the interest that we're paying for the first few years until we can actually pay off. I mean, is there a way to just pay off it and pay a penalty, might that come out ahead, or no?

COMPTROLLER KENNEDY:

No. As a matter of fact, unfortunately -- and again, I'll go back to, think about it, it's not just simply County debt, it's really any municipal debt that looks to go ahead and get the advantage of the tax-free status. It is not uncommon at all that the issue, at least for a period of years, must remain a viable and live issue. It legally cannot be retired.

D.P.O. SCHNEIDERMAN:

And why do this now and not wait till a point where we're closer to calling -- you know, being able to call those other bonds?

COMPTROLLER KENNEDY:

You know, that is a question I struggle with myself, to be candid with you. But here's where to be candid; we hire people to advise us, and although you all know that I believe that I know it better than everybody, I'm relying on what Capital Market Advisors is telling us. We are at a somewhat historic time period with where interest rates are at this point across the board. To not go forward with this means we will continue to make those higher interest bond payments, and I'm not up to

speed with being able to predict where interest rates are going to be in three months from now let alone a year from now.

D.P.O. SCHNEIDERMAN:

John -- Comptroller Kennedy, we're still going to be making those higher interest bond payments until those bonds become pulled.

COMPTROLLER KENNEDY:

For one year's period of time, yes.

D.P.O. SCHNEIDERMAN:

It's just one year away from that?

COMPTROLLER KENNEDY:

Yes.

D.P.O. SCHNEIDERMAN:

Okay, that's not too far away.

COMPTROLLER KENNEDY:

No.

D.P.O. SCHNEIDERMAN:

When you mentioned Capital Advisors, Rich Tortora.

COMPTROLLER KENNEDY:

Yes.

D.P.O. SCHNEIDERMAN:

How much -- he's advising us and telling us this is a good thing to do, so I think it's -- and maybe this is a little bit what Legislator Hahn was getting into. How much does he stand to gain by us doing this? What's his cut on all of this?

COMPTROLLER KENNEDY:

So it's a \$210,000 combined origination cost; out of that -- I do not have the specific figure. It could be 60, it could be 70,000; it's some factor of what the issuance is.

D.P.O. SCHNEIDERMAN:

But then when we go out to borrow the \$80 million, right --

COMPTROLLER KENNEDY:

Yes.

D.P.O. SCHNEIDERMAN:

-- he gets a commission there, too; right?

COMPTROLLER KENNEDY:

Well, no. Remember, the way that Capital Market Advisors, or any financial advisor is set up, they are on retainer with us for financial advice across the board, and they do have additional activity that goes on with each issuance that they wind up being compensated for as well. In the future, I may look to separate that function. For right now, as I said, 15 days into it, this seems like good solid advice. They've been with us for 20 years and I've got a measure of trust in what they've --

D.P.O. SCHNEIDERMAN:

I understand that. My question's relatively simple; I'm just trying to figure out, you know, what he gains financially. You know, I still have to say, Well, you know, his professionalism, is he going to advise us the best advice, or is it colored by the fact that he's going to make a million dollars on this deal? And I don't know if he's going to make a million dollars.

COMPTROLLER KENNEDY:

Well, no, he won't make a million dollars, Jay.

D.P.O. SCHNEIDERMAN:

Robert, he does --

COMPTROLLER KENNEDY:

Two hundred and ten thousand combined spread across seven years.

D.P.O. SCHNEIDERMAN:

But he also -- I believe he gets a piece of the bond itself; am I wrong on that, Robert?

LEG. D'AMARO:

No. No way.

D.P.O. SCHNEIDERMAN:

Doesn't he get a commission on that bond sale?

MR. LIPP:

I'll qualify what I'm going to say, I'm not sure, but my understanding he's given a retainer fee for the year which includes all of the usual sort of bond issues, which are the two serial bonds a year, the TANS, the DTANS and the RANS. If there's additional issues that are going to be had, then I believe he would get, as John's talking about, something extra.

D.P.O. SCHNEIDERMAN:

But routinely, when we go out to bond, \$100 million, whatever it is, is there a commission involved of some sort, a minor tenth of a percent, whatever it might be?

MR. LIPP:

So I believe for Capital Market Advisors, once again, that he gets a retainer fee for the year and that's part of it. This, I believe -- and I'm not sure since it's a refunding issue -- is something that's not a normal thing, he would get some extra for that.

D.P.O. SCHNEIDERMAN:

But is it based on the amount, or is this a straight fee?

MR. LIPP:

Well, a straight fee for all the other stuff. How he's being compensated for this, I am not sure.

D.P.O. SCHNEIDERMAN:

Okay. I'd be curious to know.

COMPTROLLER KENNEDY:

I'll get you the number and see.

D.P.O. SCHNEIDERMAN:

And that's not to say that it would change the advice he provides, but I think we ought to know when --

COMPTROLLER KENNEDY:

Absolutely.

D.P.O. SCHNEIDERMAN:

-- you're being advised by a particular person who has something to gain by you moving in this direction, you know, I think it has to be at least looked at.

COMPTROLLER KENNEDY:

I'd be happy to send to yourself and to everybody what we have as far as the breakout on the origination cost.

D.P.O. SCHNEIDERMAN:

Yeah, the origination cost as well as any percentage in the borrowing --

COMPTROLLER KENNEDY:

Okay.

D.P.O. SCHNEIDERMAN:

-- that comes in as a commission.

COMPTROLLER KENNEDY:

Absolutely.

P.O. GREGORY:

You're done? Okay. Legislator D'Amaro.

LEG. D'AMARO:

Yeah, just to revisit that for a moment. I was going to say Legislator Kennedy, but Comptroller Kennedy.

COMPTROLLER KENNEDY:

Yeah, feel free, whatever. You can call me *Hey You*.

LEG. D'AMARO:

Hey you. Two hundred and ten thousand is the total origination fee that's being paid spread out over, I think you said seven entities --

COMPTROLLER KENNEDY:

Yes.

LEG. D'AMARO:

-- including our financial advisor?

COMPTROLLER KENNEDY:

Yes.

LEG. D'AMARO:

They probably are getting an additional compensation in addition to the retainer, because this is not one of our usual borrowings, anticipated borrowings or standard borrowings.

COMPTROLLER KENNEDY:

Correct.

LEG. D'AMARO:

I say that's great, because you want to provide economic incentive to the financial advisor to find cost savings for County taxpayers. So although I agree we shouldn't overpay, I think it would be proper to pay an additional fee if, at the end of the day, for a \$20,000 payment to our advisor, they save taxpayers 350,000 next year and \$4.5 million based on the refi. So I just want to let you know for the record that I'm not offended by the fact that we're paying an origination fee that, in fact, provides the incentive for Wall Street and all the people involved in the marketing process of these bonds to come up with these ideas so we can save money. That's why we pay them.

COMPTROLLER KENNEDY:

And I think that's a good point, Legislator D'Amaro, that really it is incumbent on them to be vigilant across the board. And as I said, we will be meeting with them to look over the whole portfolio of bonds. But candidly, there are certain factors, as I explained to Legislator Hahn, that go into what will and what won't make a refunding something that is financially viable.

LEG. D'AMARO:

Right. In fact, it's better than being on retainer because here this -- the payee of any part of the origination fee doesn't get paid unless we decide to go forward and say that there's enough savings to warrant doing a refunding, for example.

COMPTROLLER KENNEDY:

And to that point --

LEG. D'AMARO:

That's a contingent fee.

COMPTROLLER KENNEDY:

Yes.

LEG. D'AMARO:

Which is a better position for the County to be in, I would think.

COMPTROLLER KENNEDY:

We'll always want to motivate people to go ahead and, you know, act in everybody's best interest. And in addition, the language modification sought, remember, eliminates what would have been additional origination cost had we gone negotiated.

LEG. D'AMARO:

Right.

COMPTROLLER KENNEDY:

So we are taking it and cutting it down and making it even leaner so that the citizen gets the bang for the buck.

LEG. D'AMARO:

And that's included in the net savings of 4.5 million.

COMPTROLLER KENNEDY:

Absolutely.

LEG. D'AMARO:

Even though we'll have the bonds outstanding at both times for a certain period of time, a rating agency will look at that and say -- they'll be able to understand that both sets of bonds are outstanding, but it's at a cost -- the reason for that is to save money, not to cost us double --

COMPTROLLER KENNEDY:

Absolutely.

LEG. D'AMARO:

-- or to service two sets of bonds at the same time.

COMPTROLLER KENNEDY:

Taking the long view, we get the yield of that 4.5 million savings.

LEG. D'AMARO:

Right.

COMPTROLLER KENNEDY:

Plus the guaranteed, which is not always the case in refunding, but in this case, savings that occur each year. In some cases you may go negative on a year or so; in this case, because of the way it's structured, each year we see relief of 350,000 to the budget.

LEG. D'AMARO:

Very good. Thank you.

P.O. GREGORY:

Legislator Hahn.

LEG. HAHN:

No, to that point, I mean, I agree with Legislator D'Amaro. I asked the initial question about who's benefitting financially, because I think that's an important piece to transparency.

COMPTROLLER KENNEDY:

Absolutely.

LEG. D'AMARO:

Yep.

LEG. HAHN:

Given some other things that have come out lately. Just understanding who benefits when we make these very large transactions. Deposits, you know, that's another department, but whether it's deposits or these kinds of transactions, it's very important that we understand who's getting paid how much and why.

COMPTROLLER KENNEDY:

Yes.

LEG. HAHN:

And to that point, you know, but having a motivation for them to do the extra work to find savings is important as well and making sure that, you know, we're not paying too much for that. But I think there's a very important transparency piece to this --

COMPTROLLER KENNEDY:

Yes.

LEG. HAHN:

-- that needs to be filled. Thank you.

P.O. GREGORY:

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

MR. LAUBE:

Yes, you do.

P.O. GREGORY:

All in favor? Opposed? Roll call.

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

P.O. GREGORY:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

(Not Present).

LEG. STERN:

Yes.

LEG. McCAFFREY:

Yes.

LEG. TROTTA:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MARTINEZ:

Yes.

LEG. LINDSAY:

Yes.

LEG. CALARCO:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

(Absent).

LEG. BROWNING:

Yes.

LEG. KRUPSKI:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

MR. LAUBE:

Fifteen (Absent: Legislator Muratore - Not Present: Legislator Spencer - Vacant Seat: District No. 12).

COMPTROLLER KENNEDY:

Thank you very much, all. And we'll be talking to you soon.

P.O. GREGORY:

All right.

Okay, back to the agenda. **Public Safety (Cont'd):**

IR 1002-15 - Appropriating funds in connection with Renovations and Alterations to Probation Buildings (CP 3063) (County Executive). Motion by Legislator Browning. Second by Legislator Calarco. All in favor? Opposed? Abstentions?

LEG. D'AMARO:

On the motion.

P.O. GREGORY:

Oh, I'm sorry.

LEG. D'AMARO:

Yeah, I just noticed that this is -- if we're on the right bill, it's \$250,000 I think for this particular appropriation? Commissioner Anderson? Oh, I'm sorry. Hi. How are you?

DIRECTOR DLHOPOLSKY:

I'm Patrice Dlhopsy, Probation Director.

LEG. D'AMARO:

Hi. How are you?

DIRECTOR DLHOPOLSKY:

Hi.

LEG. D'AMARO:

Two hundred and fifty thousand; just, can you tell me what the purpose is?

DIRECTOR DLHOPOLSKY:

This is the last year of a Capital Project. And in the building in Yaphank, what we're seeking to do is to create a secured drug testing area in the same office where we do office reports. Right now I think we have to use the bathroom in the lobby, which is problematic; the officers have to leave a secure area, come out, get the drug testing, and so we're looking for something that will be more beneficial in terms of doing monitored drug testing. At the same time, as part of this Capital plan, the bathrooms in the Yaphank building in the public area and in the administrative area, these bathrooms are the same age as the building, which is almost 50 years old, and the plumbing is deteriorating, would be a kind way to put it, and therefore we are looking to replace the plumbing there.

LEG. D'AMARO:

So this is not only to renovate the restrooms, but it's more than that.

DIRECTOR DLHOPOLSKY:

The entirety of the three-year Capital was for -- would do the complete replacement of the administration bathrooms, the replacement of the public bathrooms which are the real problem, the administration bathrooms are on the same plumbing line and basically have to be replaced at the same time, and to create a bathroom in a secure area where we can do drug testing.

LEG. D'AMARO:

So it's renovation of the two existing restrooms and creating of a third for the drug testing program?

DIRECTOR DLHOPOLSKY:

Yes, uh-huh.

LEG. D'AMARO:

Is that correct?

DIRECTOR DLHOPOLSKY:

That's correct.

LEG. D'AMARO:

And it's part of a larger Capital Project, this is the third year of that.

DIRECTOR DLHOPOLSKY:

This the third year, yes.

LEG. D'AMARO:

And this is the final?

DIRECTOR DLHOPOLSKY:

This is it.

LEG. D'AMARO:

Okay. Was it accomplished within the original budget?

DIRECTOR DLHOPOLSKY:

Yes, there's no additional funds that will be needed. None of the work has been done yet, but no additional funds will be needed.

LEG. D'AMARO:

Right. Okay, so -- okay. You know, the notes I have indicate that it's for two restrooms, and I just

thought it was a little pricey for that.

DIRECTOR DLHOPOLSKY:

Well, actually, you know, there will be -- the public hearing will have a public restroom for men, a public restroom for women, each of which has multiple stalls. The administration bathrooms has bathrooms for men, bathrooms for women, multiple stalls, and then there will be a single, secure bathroom area where office reports are conducted.

LEG. D'AMARO:

Okay, but most of this is going towards creating the new facility, I would think.

DIRECTOR DLHOPOLSKY:

I think it is. There is at least as much money going to redo the public bathrooms as there is for the new bathroom. But the new bathroom, of course, requires, you know, piping. I know Mr. Anderson would probably have more information on that since I am not an expert on plumbing, however --

LEG. D'AMARO:

It reminds me of when you call in the home contractor to redo your bathroom and you get a price quote.

DIRECTOR DLHOPOLSKY:

Uh-huh.

LEG. D'AMARO:

It just strikes me as questionable to pay \$250,000 to renovate a couple of bathrooms and put in a third one with a sink and a stall, I just seems rather expensive.

DIRECTOR DLHOPOLSKY:

As I say, I imagine other people could speak more to the construction part of it, but I believe a lot of it has to do with, you know, construction process and improvement of the lines and, you know, possible --

LEG. D'AMARO:

Yeah, the Commissioner maybe can help you out.

COMMISSIONER ANDERSON:

Hopefully a little. As the Director mentioned, there is a shared wall that will be opened and the piping will be replaced. There recently was a blockage, unfortunately, which there was an overflow to that blockage that caused damage to equipment, computer equipment, so it was pretty substantial.

In answering your question, it is -- we are taking advantage of the new restroom to make these repairs to the shared wall, as well as create the new bathrooms on the out -- in the public area.

LEG. D'AMARO:

And it's being done under an existing contract?

COMMISSIONER ANDERSON:

Correct. Under an existing Capital Program, I'm not sure if it's under an existing contract.

LEG. D'AMARO:

Just refresh my memory; so the cost is a target cost at this point?

COMMISSIONER ANDERSON:

It's an estimate, yes, based on --

LEG. D'AMARO:

And after you get approval here is when you actually go out to RFP or bid or however.

COMMISSIONER ANDERSON:

Or cut a work order with an existing annual contract.

LEG. D'AMARO:

Or an existing.

COMMISSIONER ANDERSON:

Yep.

LEG. D'AMARO:

Okay. So this is based on in-house estimate.

COMMISSIONER ANDERSON:

Yes, Sir.

LEG. D'AMARO:

Yeah. Okay. Hopefully it comes in a little lower.

COMMISSIONER ANDERSON:

That would be nice.

LEG. D'AMARO:

Yeah, okay. All right, thank you. Thank you very much for answering my questions.

LEG. TROTТА:

Gil?

P.O. GREGORY:

Legislator Trotta?

LEG. TROTТА:

This is actually five bathrooms, because it's a mens, a womens, right? I'm hoping it's a mens --

DIRECTOR DLHOPOLSKY:

Five bathroom areas.

LEG. TROTТА:

How many stalls are in these bathrooms?

DIRECTOR DLHOPOLSKY:

When it is reconfigured, because now it has to be made ADA compliant, there will be nine stalls.

LEG. TROTТА:

Total.

DIRECTOR DLHOPOLSKY:

A total of nine stalls.

LEG. TROTТА:

Twenty thousand a stall, essentially.

D.P.O. SCHNEIDERMAN:

(Inaudible).

LEG. TROTТА:

And this is going to be -- there's going to be an apprenticeship program, I'm hoping, doing this, right?

LEG. D'AMARO:

Something you can't put a price on.

LEG. TROTТА:

All right.

P.O. GREGORY:

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

MR. LAUBE:

Sixteen (Absent: Legislator Muratore - Vacant Seat: District No. 12).

P.O. GREGORY:

Okay. Same motion, same second on ***IR 1002A (Bond Resolution of the County of Suffolk, New York authorizing the issuance of \$250,000 in bonds to finance the cost of renovations and alterations to probation administrative buildings (CP 3063.312)***, roll call.

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

LEG. BROWNING:

Yes.

LEG. CALARCO:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. McCAFFREY:

Yes.

LEG. TROTТА:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MARTINEZ:

Yes.

P.O. LINDSAY:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

(Absent).

LEG. KRUPSKI:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

P.O. GREGORY:

Yes.

MR. LAUBE:

Sixteen (Absent: Legislator Muratore - Vacant Seat: District No. 12).

P.O. GREGORY:

All right. IR 1024-15 - Authorizing an agreement --

MR. NOLAN:

1009.

P.O. GREGORY:

I'm sorry. ***IR 1009-15 - Approving a temporary increase in the fleet of the Suffolk County Department of Fire, Rescue and Emergency Services (County Executive).***

LEG. BROWNING:

Motion.

P.O. GREGORY:

Motion by Legislator Browning. Second by Legislator Calarco. On the motion, anyone? All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen (Absent: Legislator Muratore - Vacant Seat: District No. 12).

P.O. GREGORY:

IR 1024-15 - Authorizing an Agreement between the County of Suffolk and the Central Pine Barrens Joint Planning and Policy Commission for the operation of a No-Burn Brush

Fire Training Course (County Executive).

LEG. HAHN:

Motion.

P.O. GREGORY:

Motion by Legislator Schneiderman. Second by Legislator Browning. On the motion, anyone? On the motion, Legislator Krupski.

LEG. KRUPSKI:

Oh, go right ahead. No, I did attend the Pine Barrens Commission where they discussed this. You know, it's appropriate use to have training. Local departments do not get to train with their brush truck. In the case of an actual fire event, it's really good to have the men on a truck that they're not used to driving in kind of a real situation, driving through the trees through the Pine Barrens. This gives them an opportunity to use the truck, to get used to the truck and in the trees, in the woods where it's designed to be used. So in case there's an emergency, they'll be better prepared.

P.O. GREGORY:

Okay, thank you. I have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen (Absent: Legislator Muratore - Vacant Seat: District No. 12).

Public Works

P.O. GREGORY:

IR 1004-15 - Appropriating funds in connection with Replacement/Cleanup of Fossil Fuel, Toxic and Hazardous Material Storage Tanks (CP 1706)(County Executive). Motion.

D.P.O. SCHNEIDERMAN:

Motion.

P.O. GREGORY:

Motion by Legislator Schneiderman.

LEG. KRUPSKI:

(Raised hand).

P.O. GREGORY:

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

MR. LAUBE:

Sixteen (Absent: Legislator Muratore - Vacant Seat: District No. 12).

P.O. GREGORY:

IR 1004A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$100,000 bonds to finance the cost of replacement/clean-up of fossil fuel, toxic and hazardous material storage tanks (CP 1706.333), same motion, same second. Roll call.

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

D.P.O. SCHNEIDERMAN:

Yes.

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LEG. KRUPSKI:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. McCAFFREY:

Yes.

LEG. TROTTA:

No.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MARTINEZ:

Yes.

LEG. LINDSAY:

Yes.

LEG. CALARCO:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

(Absent).

LEG. BROWNING:

Yes.

P.O. GREGORY:

Yes.

MR. LAUBE:

Fifteen (Opposed: Legislator Trotta - Absent: Legislator Muratore - Vacant Seat: District No. 12).

P.O. GREGORY:

IR 1005-15 - Appropriating funds in connection with installation of Fire, Security and Emergency Systems at County Facilities (CP 1710) (County Executive). Motion by Legislator Krupski. I'll second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen (Absent: Legislator Muratore - Vacant Seat: District No. 12).

P.O. GREGORY:

IR 1005A, Bond Resolution (***Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$450,000 bonds to finance the cost of installation of fire, security and emergency systems at County facilities (CP 1710.325)***), same motion, same second. Roll call.

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

LEG. KRUPSKI:

Yes.

P.O. GREGORY:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. McCAFFREY:

Yes.

LEG. TROTTA:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MARTINEZ:

Yes.

LEG. LINDSAY:

Yes.

LEG. CALARCO:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

(Absent).

LEG. BROWNING:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

MR. LAUBE:

Sixteen (Absent: Legislator Muratore - Vacant Seat: District No. 12).

P.O. GREGORY:

IR 1006-15 - Appropriating funds in connection with Removal of Toxic and Hazardous Materials and Components at various County Facilities (CP 1732)(County Executive).

Same motion, same second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen (Absent: Legislator Muratore - Vacant Seat: District No. 12).

P.O. GREGORY:

IR 1006A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$100,000 bonds to finance the cost of the removal of toxic and hazardous materials and components at various County facilities (CP 1732.331), same motion, same second. Roll call.

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

LEG. KRUPSKI:

Yes.

P.O. GREGORY:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. McCAFFREY:

Yes.

LEG. TROTTA:

No.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MARTINEZ:

Yes.

LEG. LINDSAY:

Yes.

LEG. CALARCO:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

(Absent).

LEG. BROWNING:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

MR. LAUBE:

Fifteen (Opposed: Legislator Trotta - Absent: Legislator Muratore - Vacant Seat: District No. 12).

P.O. GREGORY:

IR 1007-15 - Approving the conveyance of a permanent Telecommunications Public Utility Easement to New York Inc. In exchange for the termination of a portion of a currently existing Telecommunications Public Utility Easement (County Executive). Motion by Legislator Krupski. I'll second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen (Absent: Legislator Muratore - Vacant Seat: District No. 12).

P.O. GREGORY:

IR 1008-15 - Approving the conveyance of a permanent Natural Gas Public Utility Easement to Key Span Gas East Corporation, d/b/a National Grid in exchange for the termination of a portion of a currently existing Natural Gas Public Utility Easement (County Executive). Same motion, same second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen (Absent: Legislator Muratore - Vacant Seat: District No. 12).

P.O. GREGORY:

IR 1018-15 - Authorizing the acquisition of a portion of a certain parcel of real property having a Suffolk County Tax Map Identification Number of District 0800 Section 182.00 Block 01.00 Lot 011.004 for sewage treatment, transfer, and pumping purposes and requesting conveyance of same from the Town of Smithtown, Suffolk County, New York pursuant to General Municipal Law §72-h (County Executive). Same motion, same second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen (Absent: Legislator Muratore - Vacant Seat: District No. 12).

P.O. GREGORY:

1019-15 - Authorizing the acquisition of a portion of a certain parcel of real property having a Suffolk County Tax Map Identification Number of District 0800 Section 185.00 Block 01.00 Lot 041.000 for sewage treatment, transfer, and pumping purposes and requesting conveyance of same from the Town of Smithtown, Suffolk County, New York pursuant to General Municipal Law §72-h (County Executive). All in favor? Opposed? Abstentions?

MR. LAUBE:

You need a motion and a second.

P.O. GREGORY:

Oh, I'm sorry. Same motion, same second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen (Absent: Legislator Muratore - Vacant Seat: District No. 12).

P.O. GREGORY:

IR 1020-15 - Amending Resolution No. 738-2014, Port Jefferson-Wading River Rails to Trails Pedestrian and Bicycle Path (CP 5903)(County Executive). Motion by Legislator Anker. Second by Legislator Hahn.

LEG. McCAFFREY:

On the motion?

P.O. GREGORY:

Who was that? Oh, on the motion, Legislator McCaffrey.

LEG. McCAFFREY:

Yes. Can I have an explanation of what this is?

LEG. ANKER:

Gil Anderson, the Commissioner, will give you a little more details on that.

LEG. McCAFFREY:

Hi, Gil.

COMMISSIONER ANDERSON:

Good afternoon. This legislation is being required by New York State DOT as part of a grant that has been received by the former Congressman --

UNKNOWN SPEAKER:

Bishop.

COMMISSIONER ANDERSON:

Bishop, thank you; I drew a blank.

LEG. McCAFFREY:

How quickly we forget.

COMMISSIONER ANDERSON:

Yeah (*laughter*). What it requires is that -- we're under the project. We have \$6 million right now that is slated to be used to develop a rails-to-trails program within the right-of-way that was the former Long Island right-of-way between Port Jefferson and Wading River and is now a LIPA right-of-way. LIPA has required, as part of their approval to agree to a lease for the period of the project, that should they need to, they would be able to rescind the lease if they need to put up another tower or do some type of electrical work, things like that. The Federal Highway Administration and the State are now requiring that we come to the Legislature to gain that approval that should that rescinding of the lease occur, we would -- if we were unable to find another alternate route, we would have to pay them back within 180-days. We feel that the likelihood of this is very slim, but it is something that needs to be considered.

LEG. McCAFFREY:

So what would we have to pay back, the six million?

COMMISSIONER ANDERSON:

No, it's prorated down annually. So if in ten years this came about, there would be a prorated difference; I'm just taking a guess, three million, at this point, based on the use for life and the cost of the contract.

LEG. McCAFFREY:

Is this something that just came up, Gil? I mean -- or is it something new that they're requiring?

COMMISSIONER ANDERSON:

This is a new requirement, but it has been part of the discussion since the beginning. It was always an issue that LIPA wanted the ability to rescind the lease if they needed it because they need to do some type of electrical work, add infrastructure, stuff like that. Previously, the Federal Highway Administration was never adamant about the repayment, now they are. They want to make sure that the County is aware of what's being requested here and, thus, they're making us come to the Legislature to approve this amendment to the contract.

LEG. McCAFFREY:

Okay. All right, thanks. I think it's -- we talked about this in committee. And I generally would support something that -- I mean, it's a good thing. We could convert something, something for recreational use, I think it's a good thing. But I'm truly concerned about this new stipulation that's in there that could actually having to pay back all this money, I didn't think we were on the hook for this much. So I was hoping that we would get some other assurances from LIPA or somebody. I know it's the unlikely event, like a water landing when you're flying in a plane, but we don't want to -- you know, I just didn't know that we could be on the hook for that.

LEG. ANKER:

I just -- I'd like to comment on that. I just wanted to let you know, Legislator Trotta, that it's a very, very slim chance, just like it's a very, very --

LEG. TROTТА:

It's McCaffrey.

LEG. ANKER:

Oh, sorry, Legislator McCaffrey. That, you know, anything could happen and, you know, we've working on this project, it has to be over 15 years. I know the former, Legislator Dan Losquadro, was very, very supportive of this, as well as the community. They were a little, you know, not all supportive when I first got in in 2011, maybe 65%, now it's about 85 to 90% support. And one of the reasons is that this project will -- the plan is for it to partner with the Tessler Museum, and the Tessler Museum will be what's known as a trailhead, it would be a place where, you know, people can park. That will be a huge benefit for the surrounding community.

Again, we have a lot of planning to do. And you know, you know, my philosophy, I'm fairly -- in fact, I'm very conservative as far as any type of, you know, money spent. And I know -- I think you had a question on maintenance, too, and I wanted to mention that we discussed the partnership with many organizations, Klein is one, the civic associations, the Scouts, so there'll be a number of community organizations that will participate.

So there's a lot -- it's an exciting project. I understand your concern. It's a very slight possibility. But from what can be, you know, created from this project, it's going to be not just a benefit for District 6, but for the entire Suffolk County.

COMMISSIONER ANDERSON:

If I may, just briefly. This type of requirement is standard under Federal Highway requirements. If we did a road job and we were unable to -- and we were in the middle of design and, for whatever reason, we were unable to finish the design or finish the construction, with those fundings comes the requirement that if you do not progress the project to completion and it does not last its useful life, you would have to pay the Federal government back on any of those types of funds; that's generally standard.

P.O. GREGORY:

Legislator Stern?

LEG. STERN:

Yeah, thank you. When I first read the resolution, I shared the very same concerns of my colleagues. Ms. Roland was kind enough during the course of the conversation during the committee to explain that this is not an all or nothing proposition, that as the Commissioner points out, that it would depend; it would depend on when --

COMMISSIONER ANDERSON:

Right.

LEG. STERN:

-- it would depend on what portion might be subject to the rescision. So I think as a result of the conversation, it made many of us realize that, again, this was not an all-or-nothing kind of a proposition.

COMMISSIONER ANDERSON:

Correct.

LEG. STERN:

I think the Commissioner would agree that if there is a rescision, it would really depend on what the purpose and what the need of LIPA would be. So could there be a situation where they needed to

cross over a portion of the easement and would there be some portion that could be lost due to the recision? Perhaps. But we're not really talking about rescinding the agreement on the entire trail and we're not talking about a recision tomorrow. And so I think that although, of course, it's important for all of us to appreciate that there is that possibility, it appears at this point that the potential possibility is very, very slight and it would really depend on what the particular purpose would be and crossing over a particular point. And as the Commissioner points out, depending on what that need might be on the part of LIPA in the future and what portion of the trail might be impacted, there's always the opportunity to go around and come up with an alternative so as not to cause a recision of the entire agreement. And so it appears as though there would be plenty of options going forward, depending on what the situation might be in the future.

COMMISSIONER ANDERSON:

And one thing I would note is it is unlikely that LIPA would come down with a hammer and say, *Boom, 180-days*, without some type of forward notification that would allow us to look at how we would re-route that and how we would -- you know, what portion of that would be taken out, what -- again, that they would take the entire thing or rescind the entire thing is unlikely, even a portion's unlikely. But should they need to, we would look to relocate it, rebuild it somehow off-site into another area.

P.O. GREGORY:

Legislator Barraga.

LEG. BARRAGA:

I'll be supporting the resolution, but I have to admit, this is a classic example of how some Legislators feel so frustrated in dealing with different levels of government and the bureaucracy. It's my understanding was that this grant was originally \$9 million, and according to the reports that I've read, somehow just three million is gone because of the certain funding expiring.

You know, we listened to Mr. Kennedy here, he talked about a savings of \$350,000 and a refinancing of a bond issue; that's nine years of the bond issue savings, if you want to make the analogy. It may be an accurate analogy, inaccurate, but it's nine years. That three million is gone. I -- I don't want a reply from you on this, I'm just making a statement. I'd like to know, we should know as Legislators, why that happened. You know, we are in dire fiscal straits in the County. Here is \$9 million and yet we let three million walk out the door.

Now, we're left with \$6 million. And as I understand this, it's going to take three years to design the site, and then once the design is settled, one-third of the site will be built in an additional two years. Five years to build not a four-lane highway, it's a bicycle path. That's the problem with Suffolk County, you can't get anything done.

I represent a portion of Fire Island, the communities over there. October 29th, 2012, Sandy hits. They are just as exposed today as they were at that time. We're going through the third winter over there and nothing has happened. They're bogged down with easements and purchases. There's no one, up to the President of the United States in this country, that in an actual disaster can't say, *Waive the rules. We've got to fill in the sand, we've got to protect the beach, we've got to protect the mainland*, less something comes along, it makes things worse.

Every time a storm comes up, those people are frightful, and they should be. Yet this is Suffolk County. Five years for a bicycle path, three million out the window. And everybody sits around and debates it, we finish the session and we go home. There's something not right here in Suffolk County, in Long Island. Every time you try to do something, you can't do it. Between the Federal, the State, the local, all the environmental, all the meetings, all the committees, all the task force, the months and the years go by and nothing gets done. This should be the poster child, this project

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for why things aren't happening in Suffolk County. It has to change, we can't go on like this.

You know, you sit and debate the minutia, because maybe we can control that. But major projects, we don't seem to have a handle on it, no one seems to.

So I'll support this. The probability of something happening with LIPA in the future, it's possible. It could happen. But you know something? I could get an economist to sit there tomorrow and make the case that you shouldn't buy Certificates of Deposit, you shouldn't buy Treasuries, because the United States of America may have the potential, the possibility of going bankrupt because of \$18 trillion in debt, and that person could probably be pretty convincing. But you know something? We buy the CDs, we buy the Treasuries. The same way with stocks; you get a broker in here, he might tell you, *Don't buy Cisco, don't buy GE, they're expanding, there's problems in the future. This may happen, that may happen*, but we still buy it because we have faith in the, we have faith in the country. So I'll support this, but it's a classic screw up, it's a mess. And that's what should be used. This is Suffolk County. Five years to put a bicycle path in, ridiculous.

LEG. ANKER:

DuWayne?

P.O. GREGORY:

We have a long list.

LEG. ANKER:

I share your frustration and I appreciate your support, and I'll do everything I can to move this as fast as I can. Thank you.

P.O. GREGORY:

Legislator Krupski?

LEG. KRUPSKI:

I was afraid I was going to follow -- have to follow that.

(*Laughter*)

Because my questions do deal with the minutia of it because I find that government functions best when it is boring and it's not -- because you do what needs to be done; you do the work, you pay the bills and you do something else. But what are we doing is my question, and I've got a question for the Commissioner.

A lot of people are concerned about LIPA having the ability to close the trail and then the County reimbursing someone. At what point -- so LIPA has to replace a tower. Say a tower, for whatever reason, lightning strikes and they have to replace it; at what point, who's going to say the trail's going to be closed for a month, or six months, over 180-days? Who's going to say to the County, *Now you have to reimburse us for this amount of money?* I mean, who's going -- who's the ultimate like judge on that decision?

COMMISSIONER ANDERSON:

It would -- well, I'm going to defer to --

MR. BRAUN:

No, no, I just want to show you.

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*(*Brief discussion off the record between
Mr. Braun & Commissioner Anderson*)*

COMMISSIONER ANDERSON:

Okay. According to the agreement, if the Federal Highway Authority goes to the State and says that they want their money back, the State will then come to us. But again, that comes if and only if LIPA were to rescind the lease. So if they were -- if it was a matter of closing a portion to do a repair -- if it was only a matter of LIPA closing a portion of the trail to do a repair, but they -- you know, I would anticipate that we would work with them to either realign the walkway, re-route it somehow so that it wouldn't come to the point where Federal Highway wants their money back. It's basically if you took a portion, you built a portion of it and you could no longer use some portion in the middle, or all of it.

LEG. KRUPSKI:

What you described sounds like it could never actually happen mechanically in our lifetime, with so many agencies involved there.

COMMISSIONER ANDERSON:

I would expect so, yes.

LEG. KRUPSKI:

All right. So my other question kind of goes to what Legislator Barraga was saying. So what -- my other question is how -- or I have two other questions. Has LIPA been contacted about, you know, their plans for the easement to give us the reassurance that they, in fact, don't have some capital plan to redo something in there as soon as we start this project.

COMMISSIONER ANDERSON:

We have been in discussions with LIPA for more than ten years, and -- or at least I've been here for eight years and I know it's my entire time we've been in discussions back and forth with them. To date, they have provided no Capital Program that indicates that they are looking to do anything along those lines.

LEG. KRUPSKI:

All right. And the third question is more County liability. Does this agreement tie us into the maintenance of the -- because I know there's been no planning, there's no, you know, design for this. The more infrastructure -- if you go and you pave this path and it's to the proper width for people to use it safely, the maintenance going to be X on it for so many miles of path. If you put landscaping in, if you put benches, if you put gazebos; the more infrastructure you add, the more maintenance liability you create. Are we automatically on the hook for the maintenance, or is that -- or who would be?

COMMISSIONER ANDERSON:

We would, as a County, be responsible to maintain the facility. However, in discussions and meetings we've had with local civic groups, there have been a number of groups that have offered to help maintain that facility and we could in the future bring in to do such things as litter pick-up and things like that. But on the physical infrastructure, we -- once we accept those funds and use those funds to construct it, just like we would a highway, we would be responsible to maintain that highway.

LEG. KRUPSKI:

For 25 years?

COMMISSIONER ANDERSON:

For the period of it, yes.

LEG. KRUPSKI:

Who's going to be responsible for designing the project? Because that obviously is going to have a great deal of impact on the amount of maintenance that's going to be required.

COMMISSIONER ANDERSON:

Correct. The -- right now the project will sit within our Highway Division. We have a consultant on board that we have selected, RBA, they will help us develop the plans. The plans will be developed with significant community input, so that we -- and as part of the Federal process, and part of the reason it takes so long is that we have to have these community meetings, community outreach, see what they want to do, get an idea where they want to do it, what they'd be looking to do. Are they looking for a gravel path, are they looking for an asphalt path, how wide, where they want to run it. A lot of issuances -- a lot of -- a lot of dealing with community concerns that were similar to what went on in Brookhaven and Stony Brook with their trail; you know, people getting nervous about the trail through their back even though it's LIPA property, things like that, so it's a prolonged process. But we will be involved in that as the department.

LEG. KRUPSKI:

Thank you.

P.O. GREGORY:

Legislator Hahn.

LEG. HAHN:

I'm really excited about this project, for a number of reasons, as you just alluded to part of the reason I'm excited about this project and hope it can go forward. And this piece of what is basically a technicality, legal -- sorry, Bob Braun -- but, you know, all those --

MR. BRAUN:

That's okay.

LEG. HAHN:

-- really brilliant, legal minds that get together and say, *What is like the worst possible thing that could happen and let's stop everything just to make sure it's, you know, put in that contract.* And Tom -- excuse me, Legislator Barraga, had it right on in terms of bureaucracy and sometimes our legal minds protect us too much.

But we had the Greenway trail, Port Jeff station to East Setauket Greenway Trail which is on a State right-of-way, has Federal dollars, took 15 years, probably, to be completed, but is absolutely the jewel in our community. Folks use it, we're up to like a million, almost up to a million users that have used it since it's opened. People who fought it, you know, community members who were really concerned about a trail going through their backyard now are absolutely just in love with it from a healthy perspective, from -- we just had a meeting in my office with Yan -- whatever his last name is, the new head of the tourism department that Legislator Trotta sent -- what's that?

D.P.O. SCHNEIDERMAN:

LICVB.

LEG. HAHN:

Yes, the new head of the LICVB and our Parks Commissioner and with adventure tourism really on the rise, nationally and internationally, having a 10-mile, you know, multiple-use trail, bike path,

walking path, running path, that is only a mile from the end of our three-and-a-half mile, almost four-mile similar path which now becomes -- you add the two together, you've got 15 miles of a trail. This is -- this is the kind of attraction that people come from elsewhere to be able to utilize and be part of. You come out here, it's, you know, the north shore -- yeah, I know I'm going on a long time, but I'm sorry, I'm really excited about this. And I don't think a little -- you know, this little kind of hiccup needs to get in the way. You know, the likelihood of this happening we know is so slip, but it could have real value for not only our residents, but for our economy, for folks -- you know, I rarely vacation, rarely, rarely, rarely vacation, but last summer I went to up in New England where they had like a 48-mile trail of this nature and the businesses that grew along it, you know, bike shops, restaurants that just like kind of sat there alongside and catered to the folks that use the trail. It was so amazing, and it really could be that kind of energy for not only -- you know, for all around, the districts all around it. And so I don't think we should spend too much time on this piece, but I want to just remind everybody what project we're talking about and how important it is. Thank you.

P.O. GREGORY:

Legislator Trotta?

LEG. TROTTA:

Yes. Let's go, vote.

P.O. GREGORY:

Oh, okay. Legislator Schneiderman.

D.P.O. SCHNEIDERMAN:

Yeah. And this, to me, is a great project. It's good for recreation, physical activity, getting outside, and it's all Federal money for the most part, so it's a lot of Federal money. I'm personally not worried about the LIPA issue. They are basically a governmental entity. It's not like we're dealing with a private company that may decide one day they just want to use it and, you know, push us off. It's an organization that we can work with, a governmental entity, but there are some County costs. That I don't expect we'll have the LIPA related costs; if we do, it will be minor. But can you, Gil, or somebody speak a little bit, I guess first on daily maintenance, and I know Legislator Krupski was asking you questions about that, but things like plowing, we have a snowstorm; is that us? Do we plow it? Do we sweep it?

COMMISSIONER ANDERSON:

That would be a policy decision that would be determined later after we develop the actual path. At this point, the option could be that there would be no plowing. Certainly the physical component of the walkway, of the trail would be we would be required to maintain; if the pavement breaks, if there's a pothole, things like that. You know, depending on how it's constructed, what it's constructed of, we would be responsible for.

D.P.O. SCHNEIDERMAN:

Structural repairs we have to do.

COMMISSIONER ANDERSON:

Correct.

D.P.O. SCHNEIDERMAN:

We have to maintain it in the as-built condition.

COMMISSIONER ANDERSON:

Right.

D.P.O. SCHNEIDERMAN:

Do we have any projections on what our yearly costs are?

COMMISSIONER ANDERSON:

At this point, we don't even know what we're building, so.

D.P.O. SCHNEIDERMAN:

Right, so you don't know the depth of asphalt.

COMMISSIONER ANDERSON:

No.

D.P.O. SCHNEIDERMAN:

There's going to be asphalt.

COMMISSIONER ANDERSON:

Well, it may not be. If you look at Bethpage, the restoration, they built a lot of roads that were built out of materials that look like dirt but they're actually sole cement.

D.P.O. SCHNEIDERMAN:

Yeah, compressed. I've seen that compressed; it's very durable, surprisingly.

COMMISSIONER ANDERSON:

Yeah. I mean, it really depends on what the community is going to be looking for.

D.P.O. SCHNEIDERMAN:

I noticed -- I was looking at the right-of-way, I noticed it passes a lot of streets.

COMMISSIONER ANDERSON:

Yes.

D.P.O. SCHNEIDERMAN:

Are we going to have to do signalization at those streets?

COMMISSIONER ANDERSON:

If there are -- if the trail is developed in areas where it needs to cross a public right-of-way, I would anticipate we would be doing similar types of things that were done in the East Setauket to Port Jeff Station trail.

D.P.O. SCHNEIDERMAN:

And we would pick up the cost of that?

COMMISSIONER ANDERSON:

Well --

D.P.O. SCHNEIDERMAN:

That will be part of the construction project.

COMMISSIONER ANDERSON:

Everything -- the construction is fully a hundred percent Federally funded. Our cost chair is basically the land that's associated with the lease.

D.P.O. SCHNEIDERMAN:

Okay, and the maintenance, I guess, of it.

COMMISSIONER ANDERSON:

Well, the maintenance is part -- is just really just similar to a road project. It's just something that's expected because we are getting the Federal funds and we have to maintain it over its useful life.

D.P.O. SCHNEIDERMAN:

All right. So the road markings and any lights and things that -- that could come out of the Federal money, but we would pick, let's say, the utility costs on a traffic light, right?

COMMISSIONER ANDERSON:

Well, no that could come out of it, too. The construction would come out of Federal funding. The maintenance of it would come out of, depending on whether it will be DPW or Parks or, again, if --

D.P.O. SCHNEIDERMAN:

But like a utility bill for any lighting that we'd have to install --

COMMISSIONER ANDERSON:

Yes.

D.P.O. SCHNEIDERMAN:

-- you know, we would pick up. What about liability; are we releasing or indemnifying LIPA?

COMMISSIONER ANDERSON:

I don't -- I honestly don't know on that one.

D.P.O. SCHNEIDERMAN:

Okay. But if somebody got hurt on this, are they suing us or the Federal government, everybody?

COMMISSIONER ANDERSON:

I would assume, Bob Braun will check, that LIPA would only be smart enough to make sure that they were --

D.P.O. SCHNEIDERMAN:

But it wouldn't necessarily be any different than a County roadway.

COMMISSIONER ANDERSON:

Absolutely.

D.P.O. SCHNEIDERMAN:

Right, so we're responsible there.

MR. BRAUN:

Assistant County Attorney Robert Braun. There's an indemnity provision in our lease -- first let me say that the lease with LIPA is for zero dollars, so there's no lease cost for the trail, that part is free to the County. But there is an indemnity provision that says that we will hold LIPA National Grid and so forth all harmless from any liability, including fines, penalties, damages, claims, demands, judgements, losses and so on and so forth, in connection with the operation of the trail. We have essentially the same liability that we have operating our own highways, whatever -- and somebody had a claim against us; I assume, without doing any research, that a Notice of Claim would have to be filed first, just like a street, a roadway accident. So, and the notice of defect might also be required in advance, as it is for a pothole case.

D.P.O. SCHNEIDERMAN:

But it would be standard to any sidewalk, anything --

MR. BRAUN:

Yes, yes, exactly.

D.P.O. SCHNEIDERMAN:

I think it's worthy project. I think that the LIPA issue that a lot of people have raised I'm not particularly concerned about that because it's a governmental entity. So I'm certainly going to support it. Thank you.

P.O. GREGORY:

Legislator Cilmi.

LEG. CILMI:

Thank you. Commissioner, is the -- our liability here, if you will, is limited to LIPA action? I mean, what if? How much money have we appropriated so far for this trail?

COMMISSIONER ANDERSON:

I believe last year we appropriated 680,000 for the design of the project.

LEG. CILMI:

Okay. And so we have not yet appropriated any money for the construction of the project.

COMMISSIONER ANDERSON:

Correct.

LEG. CILMI:

The money that we do ultimately appropriate for the construction of the project will be primarily Federal money or exclusively Federal money?

COMMISSIONER ANDERSON:

At that point, exclusively Federal money.

LEG. CILMI:

Okay. So -- and the project will be constructed in phases?

COMMISSIONER ANDERSON:

Most likely.

LEG. CILMI:

Okay. So let's say that we spend the 600 and whatever thousand dollars on planning and design and at some point the Federal -- how much do we expect the whole thing to cost?

COMMISSIONER ANDERSON:

Right now the overall -- again without knowing what --

LEG. CILMI:

I understand, roughly.

COMMISSIONER ANDERSON:

If this body approves this and we move forward with the agreements, we have \$6 billion to construct the trail.

LEG. CILMI:

Okay. So let's say we construct the first phase and it's million and we're done with that first phase. Let's say that for whatever reason -- -- let's say the Federal government decides not to fund the additional phases. Let's say that we decide -- let's say the neighbors change, we don't move forward with the project for one reason or another, we just decide that we don't want to do it anymore. The 2,600,000 that we've spent, what then happens; we have to refund that to the Federal government?

COMMISSIONER ANDERSON:

As long as we've constructed that portion of the project and we brought that project to fruition, whatever the outcome is, if it's only a third of it, as long as we followed all of the requisite guidelines and requirements by the Federal and State agencies, we're nine, there's no money back because we didn't finish the project.

LEG. CILMI:

Okay. So the project is completed to the extent it's completed and at no time would we be responsible, then, for reimbursing the Federal government for any money that we've spent because we didn't fully realize the full scope of the project.

COMMISSIONER ANDERSON:

Correct.

LEG. CILMI:

Okay. But the clause that we're putting into the contract does speak to any stoppage to the project; in other words, it's not just dealing with LIPA.

COMMISSIONER ANDERSON:

No, it is specific to if LIPA were to say --

LEG. CILMI:

It is.

COMMISSIONER ANDERSON:

-- *We need that portion of the overall project back because we want to do something with it, and we can't -- we're basically interrupting, we're removing that physical construction that we did using Federal funds; that prorated portion, based on years that it's been in construction, as well as whatever that extent is, would be required to be repaid. So if you only -- if you built a three-mile stretch and LIPA says, *No, we've got to take a mile back*, and this is ten years from now, that portion is what we would have to reimburse and it would be based on a prorated schedule. So whatever that --*

LEG. CILMI:

And if we've built the three-mile stretch and LIPA says, *You can't go any further, we need miles four through six*, we're not responsible to refund anything.

COMMISSIONER ANDERSON:

Correct, that is my understanding.

LEG. CILMI:

Okay. Thank you.

P.O. GREGORY:

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

MR. RICHBERG:

Sixteen (Absent: Legislator Muratore - Vacant Seat: District No. 12).

Applause

P.O. GREGORY:

Okay. ***IR 1023-15 - Authorizing an Intermunicipal Agreement with the Village of Patchogue and the County of Suffolk for exchange services for the mutual benefit of residents of the County and the Village (County Executive).***

LEG. CALARCO:

Motion.

P.O. GREGORY:

Motion by Legislator Calarco. I'll second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Who was the second?

MS. MAHONEY:

Gregory.

MR. LAUBE:

Thank you. *Sixteen (Absent: Legislator Muratore - Vacant Seat: District No. 12).*

Ways & Means

P.O. GREGORY:

IR 2083-14 - Authorizing the reconveyance of County-owned real estate pursuant to Section 215, New York State County Law to Cheryl L. Stilwell Et Al. (Anker). Motion by Legislator Anker.

LEG. STERN:

Second.

P.O. GREGORY:

Second by Legislator Stern.

LEG. STERN:

On the motion.

P.O. GREGORY:

On the motion?

LEG. STERN:

Yes, this is a reconveyance of the property for full payment for any charges due to Suffolk County. The payment amount has been set at \$101,184.79, and any other charges that might occur at the time of the closing.

P.O. GREGORY:

Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen (Absent: Legislator Muratore - Vacant Seat: District No. 12).

P.O. GREGORY:

IR 2115-14 - Authorizing the erection of an Irish Easter Rising Memorial at the Cohalan Court Complex (Browning). Motion by Legislator Browning. Second by Legislator Krupski. On the motion, Legislator Stern.

LEG. STERN:

Yes, just to let everybody know that we had discharged this without recommendation at the Ways & Means Committee hearing pending vote of the Sitings Committee, and that vote of the Sitings Committee was taken and that vote was unanimous.

P.O. GREGORY:

Okay. All in favor? Opposed? Abstentions?

LEG. BROWNING:

How many Irish cosponsors do we have here?

LEG. KRUPSKI:

Cosponsor.

P.O. GREGORY:

Cosponsor.

LEG. BARRAGA:

We're in the tank.

LEG. BROWNING:

DuWayne? You cosponsor?

P.O. GREGORY:

I put my 3% in there.

*(*Laughter*)*

All right, if you go to the manilla folders.

MR. LAUBE:

Sixteen (Absent: Legislator Muratore - Vacant Seat: District No. 12).

Procedural Motions

P.O. GREGORY:

Procedural Motion No. 1-2015 - To set a public hearing regarding the authorization for approval to alter rates for Fire Island Water Taxi, LLC. (Presiding Officer Gregory).

LEG. CILMI:

Motion.

P.O. GREGORY:

Motion by Legislator Cilmi. Second by Legislator Barraga. Any questions? All in favor? Opposed? Abstentions?

MR. RICHBERG:

Sixteen (Absent: Legislator Muratore - Vacant Seat: District No. 12).

P.O. GREGORY:

Okay. Next, ***Procedural Motion No. 2-2015 - Authorizing public hearing for approval of rates for Fire Island Ferries, Incorporated. (Presiding Officer Gregory).*** Same motion, same second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen (Absent: Legislator Muratore - Vacant Seat: District No. 12).

P.O. GREGORY:

Okay, ***Late Starters***. I would like to waive the rules and lay the following Late Starters on the table;

IR 1103 to Public Safety; 1104 to EPA; 1105, Budget & Finance; 1106, Government Ops, set the Public Hearing for March 3rd at 2:30 in Riverhead; IR 1107 to Government Ops, set the Public hearing for March 3rd, 2:30 in Riverhead; IR 1108, Government Ops, set the Public Hearing for March 3rd; 2:30, Riverhead; IR 1109, EPA; 1110, Ways & Means; 1111, Public Works; 1112, Public Works; 1113, EPA; 1114, Ways & Means; 1115, Ways & Means; 1116, EPA; 1117, Ways & Means; 1118, Government Ops:

Do I have a second.

LEG. STERN:

Second.

LEG. SPENCER:

Second.

MR. NOLAN:

And March 3rd; set the Public Hearing for March 3rd.

P.O. GREGORY:

I'd like to -- and also set the Public Hearing on hearing for 1118 March 3rd at 2:30 PM at Riverhead. Second by Legislator Stern. All in favor?

LEG. KRUPSKI:

I have one more thing when you're done with that.

P.O. GREGORY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen (Absent: Legislator Muratore - Vacant Seat: District No. 12).

P.O. GREGORY:

Legislator Krupski?

LEG. KRUPSKI:

Yes. At the Organizational Meeting, we spoke about the value and the merits of having the committee meetings in Riverhead when we had a -- the General Meeting in Riverhead, giving the people an opportunity to come from the East End, to come to the committees and speak instead of riding for an hour or more to get their minutes in Hauppauge and then to ride back home. When

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can we look forward to having the committee meetings scheduled for a Riverhead meeting?

P.O. GREGORY:

It's still under advisement.

LEG. KRUPSKI:

I've got a nice sofa for Legislator Lindsay, he can stay over.

P.O. GREGORY:

Okay. All right, we don't any more business on our agenda. We stand adjourned. Thank you.

*(*The meeting was adjourned at 6:50 PM*)*