

General Meeting - July 28, 2015

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

TENTH DAY

July 28, 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 & Diana Flesher - Court Stenographers

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

*(*The meeting was called to order at 9:35 A.M. *)*

P.O. GREGORY:

Good morning, Mr. Clerk.

MR. LAUBE:

Good morning, Mr. Presiding Officer.

P.O. GREGORY:

Can you do the roll call?

MR. LAUBE:

Surely.

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

LEG. KRUPSKI:

Here.

LEG. BROWNING:

Here.

LEG. MURATORE:

Here.

LEG. HAHN:

(Not Present).

LEG. ANKER:

(Not Present).

LEG. CALARCO:

Present.

LEG. LINDSAY:

Here.

LEG. MARTINEZ:

Here.

LEG. CILMI:

(Not Present).

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Here.

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LEG. TROTTA:

Here.

LEG. McCAFFREY:

Here.

LEG. STERN:

(Not Present).

LEG. CILMI:

Cilmi is here.

LEG. D'AMARO:

Here.

LEG. SPENCER:

(Not Present).

D.P.O. SCHNEIDERMAN:

Here.

P.O. GREGORY:

Here.

MR. LAUBE:

Fourteen (Not Present: Legislators Hahn, Anker, Stern & Spencer).

P.O. GREGORY:

Okay. If you would all please rise for the salute to the flag led by Legislator McCaffrey.

Salutation

If you would all please remain standing. The ***invocation*** will be given by Pastor Rick Mullins from the Evangel Church of God in Lindenhurst, guest of Legislator Kevin McCaffrey.

LEG. McCAFFREY:

Thank you, Mr. Presiding Officer. Pastor Rick Mullins has served as the Senior Pastor of the Evangel Church of God in Lindenhurst for eight years. He and his wife Rita came to Evangel with 20 plus years of pastoral experience. Pastor Mullins served as the Regional Ministries Director for the New York Church of God State Offices until his appointment to Evangel. He has preached and ministered through the United States, Europe and the Caribbean. He also teaches evangelism and church-growth seminars. He attended the Church of God Bible Institute and continues his formal education through Lee University. He desires to walk in integrity and in the calling that God has placed on his life. He's an avid teacher and anointed preacher. His wife Ria has been the love of his life for the past 34 years. They are the parents of two children and grandparents of one fabulous granddaughter; their granddaughter Olivia lives close by with her Mom Stephanie who is a vocalist and serves as the Minister of Music at Evangel. His son Rick is currently working in Guangdong, China and serves at a local church there. They are thankful for the faithfulness of God.

And this is just the short end of what Pastor Rick has done for the community of Lindenhurst. As everybody knows, probably a little more than a thousand days ago we were hit by Superstorm Sandy, and there's not many other communities, except for maybe Legislator Browning's community, that was affected more by Sandy. And it was a true test for the community and they all

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came together, and there was no one more that came together than the Evangel Church of God led by Pastor Rick Mullins.

The next day, when the flood waters receded, when I was the Deputy Mayor at the time in Lindenhurst, Pastor Rick Mullins was there with his whole congregation handing out food and supplies, and that continued on. At Thanksgiving they provided meals and at Christmas time they provided gifts and clothing to everyone that needed, and then the work that they did continues to this day to help those victims. And he's much more than just at a Pastor, he's very much a part of our community. And it's my pleasure to introduce Pastor Rick Mullins.

Applause

PASTOR MULLINS:

Can we bow our heads? Dear Lord, as we come to you today, we give you honor and praise, for truly every good gift and blessing comes from you. We thank you for your hands of protection and safety, bringing us here today. We invite you to be with us as we gather together.

As we see the turmoil and trouble in this world, we look to you. As Osama said, "*I look to the hills which comes my strength, from my strength comes from the Lord.*" Bless everyone that has come with your wisdom in every decision made and give us guidance as we look not only to the matters at hand, but to the future. Now give us grace and unity as we set about the business before us. Bless every community represented here today, bless the State of New York and God Bless America with your grace and love. And we ask this all in our Lord's name, amen.

(‘Amen’ said in Unison)

LEG. McCAFFREY:

Thank you, Pastor. And if you remain standing, I would like to say, I have a -- someone to sing the Star Spangled Banner for us today. Her name is Gabrielle Barone, she is a senior at Lindenhurst High School, she is the Vice-President of both student and class council, and she's very active in both school and community events. Gabrielle is a member of the high school concert choir, song birds, and a peer leadership student. In her free time, she enjoys performing in the school's musicals and will be playing the character of Snoopy in the upcoming BACCA Art Center performance of "*You're a Good Man, Charlie Brown*". Gabrielle is on the path to become a musical theatre major, and she's also the daughter of a close friend of mine. So Gabrielle, if you could, lead us into our National Anthem.

The National Anthem was Performed by Gabrielle Barone

Applause

P.O. GREGORY:

If I only I could sound half that good in the shower.

(*Laughter*)

Please remain standing while we have a ***moment of silence*** in memory of ***Debra Coleman*** who started at the Suffolk County Legislature nearly a decade ago in a temporary Jobs Program and made herself the feisty heart of the building. Debbie died recently after losing a two-year struggle with cancer. We extend our deepest sympathy and prayers to her son, Devon, and family.

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Also, in memory of four Marines -- **Thomas Sullivan, Squire 'Skip' Wells, David Wyatt, Carson Holmquist**, and **U.S. Navy Petty Officer Randall Smith** -- five members of the United States Military serving as recruiters in Chattanooga who were killed earlier this month by a lone gunman while in the performance on their duties.

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

Moment of Silence Observed

Thank you. Next we have several presentations.

D.P.O. SCHNEIDERMAN:

Okay, we're going to start with **proclamations**. I'm going to bring up our Presiding Officer, DuWayne Gregory. He'll be presenting a proclamation to Wyandanch High School Senior Mechala Stewart, winner of the John C. Carter Senior Scholarship sponsored by the Suffolk County Police Athletic League. The scholarship was created in memory of John C. Carter, a Wyandanch High School graduate and long-time PAL football and boxing coach.

P.O. GREGORY:

We're going to skip over it.

D.P.O. SCHNEIDERMAN:

All right, we're going to skip that temporarily and we're going to move on to Legislator Anker. **Legislator Anker** she will be presenting a proclamation to **Edward Weiss, Mayor of the village of Shoreham**. Since his election in 2014, Mayor Weiss has been involved with the John T. Mather, the Guide Dog Foundation for the Blind, the Zoning Board of Appeals and the Construction Management Committee for the Village of Shoreham. He's also a former Naval Flight Officer.

LEG. ANKER:

Well, you took all the good things I wanted to say about him (*laughter*). I'm here today to present a proclamation to Shoreham Mayor Ed Weiss. And I have to say, he is such an amazing member in my Legislative District, but in the Village of Shoreham. You know, as Legislator Schneiderman had mentioned, Ed is -- he's, again, very involved in his community, he's a former Naval Flight Officer, a member of the Real Estate Board of New York, a number of the Board of Benefactors for the Guide Dog Foundation for the blind. He's also a member of the Director of Executive Board Committee of John T. Mather Hospital. He's received the Theodore Roosevelt Award for Distinguished Service to the hospital, and in 2002, the Mayor and his wife were the recipients of the Times Beacon Man and Woman of the Year Award in the field of medicine.

He's also, in the Village of Shoreham, a former member of the Zoning Board of Appeals, a member of the Construction Management Committee, and the list goes on. But I just want to say how fortunate I am to -- come on up. Notice how humble he is. This man does so much for so many people, and that's why I feel, you know, people like Ed deserve to be recognized. So I was wondering, would you like to say a few words? And I always ask the people that I admire, my mentors in my life, words of wisdom to inspire people here today physically and also those people that are listening and watching today. Ed, come up and just say a few words about what inspires you to do all the wonderful things that you do.

MAYOR WEISS:

They told me I didn't have to speak and here we are. There's a certain beauty in brevity, so I can just say thank you very much, it's very kind of you to do this. I love the Village of Shoreham, I've been there for about 50 years, and anything I can do to help is an accomplishment for me and thank

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you again. In the interest of brevity, thank you all very much.

Applause

LEG. ANKER:

Thank you.

D.P.O. SCHNEIDERMAN:

Okay, congratulations. Mr. **Presiding Officer**, I'll bring you back up to the podium.

P.O. GREGORY:

If I can have make **Mechala Stewart**. We had a little technical difficulty. Hi. How are you?

MISS STEWART:

I'm fine.

P.O. GREGORY:

Good, good. Mechala is a recipient of the John C. Carter Memorial Scholarship Award. And what makes this scholarship so special, when I was 9-years old I was on Coach Carter's football team. And I've known him all my life and he was a tremendous person who had a great passion and heart for young people. He was not only involved in the football program, but the boxing program or anything involved with kids. And if you knew him, he was very tough. You know, my first year as quarterback, I was a new quarter back and he was not merciful with me. But my second year I improved, and a lot of it was because of his leadership and who he was, and he was just that person with everyone. He didn't pull any punches; if he brought you under his wing, he would tell you, *You've got to straighten up, son, or Straighten up, young lady*, and he straightened out a lot of people. And he was a fixture in the community and it's really an honor for you to be awarded a scholarship in his name, and I know he's looking down upon us and he's saying he wants you to go further and to reach all your full potential, and we're here behind you as a community to support you. So congratulations for all that you do and best of luck to you. Thank you.

MISS STEWART:

Thank you.

Applause

(Photograph Taken)

D.P.O. SCHNEIDERMAN:

Congratulations, Mechala. Okay, next I'd like to invite up **Legislator Leslie Kennedy**, she'll be presenting a proclamation to **David Li** in recognition of his science research which he recently presented before the Federal government. So I guess we're going to find out about that research in a moment.

LEG. KENNEDY:

Legislator Trotta will also be joining me.

D.P.O. SCHNEIDERMAN:

Legislator Kennedy will also be joined by Legislator Trotta.

LEG. KENNEDY:

This is David Li. David Li is a soon-to-be senior at Commack High School. I grew up in Commack, Rob grew up in Commack; together we want to honor this young man. Let me read a little bit from

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David's -- oh, that's good -- from David's biography and you'll know why.

David started his science research in 5th grade and has so far published three research papers in peer-reviewed, scientific journals as a leading author and applied for one patent. He has a broad interest in the areas of electrical engineering and computer science and has joined IEEE as a member in March, 2015. He is presently working on an International Baccalaureate Diploma. He's the President of Commack High School's Computer Science Club and Technology Honor Society. He's the founder of several non-profit organizations, including the Server Hosting Provider of Fountain Realms, the New York Chapter of the 501(c)3 organization Kids Are Scientists, Too, and the Computer Repair for the Charity Club of Commack High School. I could go on and on and on about David.

What David is here for today is he was invited to Washington with one of his projects. I'm sure some of you have read it in Newsday. David developed a tracking system for medical equipment in power outages to track and supply assistance for those on ventilators, those on feeding tubes, that these that need mechanical assistance. As a nurse and having worked as a Legislative Aide during two major storms, I know that in my area alone and other areas, we have over 5,000 people on mechanical devices in Suffolk that need generators. And I will tell you from personal experience, it's difficult to get gasoline for their generators when the electricity is out. David took on what adults have been working on for years as a junior in high school. This is so amazing that ten members of the United States Government, the Health & Human Service Committee invited him to Washington to present. I can't be prouder of you, David. You are Commack, you are Long Island. Congratulations. Do you want to say anything?

MR. LI:

Thank you.

LEG. TROTTA:

Clearly the teachers weren't as good back when I went there.

*(*Laughter*)*

Because, you know, this is something that, you know, it's basically awe inspiring. At this young age, you've done such a great job. I'm sure you're going to make a lot of money one day; all I ask is that you come back to Long Island and spend it. And also, maybe you can figure out our \$2 billion debt problem for us. Thank you very much.

Applause

MR. LI:

Thank you so much for this encouragement. I think it's such a great honor to be presented -- to be in front of the great Legislator Kennedy. You know, this is some great support for me and I feel honored representing Commack.

LEG. KENNEDY:

Thank you, David.

Applause

On behalf of the 86,000 people in Legislative District 12, and I think it's 89,000 people in Legislator Trotta's District, we're presenting you with this proclamation. Keep going.

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MR. LI:
Thank you.

Applause

D.P.O. SCHNEIDERMAN:

Congratulations, David. Really impressive. It's young people like you that make me feel really good about our prospects for the future, that we have problem solvers like yourself. It makes us all very proud of our County and our country. Thank you.

All right, next I'd like to invite up Legislator Spencer, he'll be recognizing Judith Bloch posthumously. She is a pioneer and advocate in the field of early childhood education and special education and was the founder of the Variety Child Learning Center in Syosett almost 50 years ago. Legislator Spencer, it's all yours.

LEG. SPENCER:

Thank you, Mr. Deputy Presiding Officer. I would like to invite the Block Family to please join me at the podium. Joining me at the podium is her husband, Dr. Milton Bloch, her daughters Natalie {Langert}, Sophia {Langart}, son-in-law --

MR. BLOCH:

Susan, Emily, Sophia.

LEG. SPENCER:

Excellent. We're glad to have the whole family here. I am proud to recognize Judith block who was a pioneer and activist in the field of special education, and she founded the Preschoolers Workshop, later called the Variety Child Learning Center, in 1966, and she served as the Director until 2008, so over 40 years. She grew the institution from a single classroom to a full-service agency providing special education, evaluation and early intervention and therapeutic services for thousands of children with developmental disabilities.

As an advocate of early intervention, Judith began working with developmentally-disabled three-year olds when these services were all but non-existent. When mothers were often blamed for their child's Autism, Judith viewed them as part of the solution. She elaborated this philosophy and to the home school collaborative model. Judith was a writer, a film maker, a teacher, and a tireless public advocate. Her many awards include 13 WNET-NYs Community Hall of Fame, WLI-21's Hall of Fame and National Association of Social Workers, New York Chapter, Lifetime Achievement Award.

The Suffolk County Legislature welcomes an opportunity to pay a well-deserved tribute to influential residents who have dedicated their lives to our community. It gives me great pride and admiration to convey the thanks and appreciation of this Legislature for all of the wonderful things that Judith has done. Congratulations.

Applause

DR. BLOCH:

Thank you very much.

LEG. SPENCER:

I'm going to just ask, Milton, would you like to say a word?

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DR. BLOCH:

What I could say about Judith, my wife, we were married for 66 years. She passed away, she had an accident and she passed away. Judith was tireless and she was a tiger in her work. She somehow got funds to do what she wanted, the school for preschool children. For her it was a very strong, very strong project that I think my daughters feel that maybe they were sacrificed a little bit for the efforts that she put in; I don't think so. I have wonderful daughters, three daughters, so she managed not only the school for the children, but she also managed our house. She was the wonderful housewife, she was a good cook --

*(*Laughter*)*

-- she was a wonderful partner. I miss her sorely. Thank you very much for this proclamation.

Applause

D.P.O. SCHNEIDERMAN:

All right, why you don't you all come forward and we'll do a photo of everybody.

(Photograph Taken)

Applause

All right, Dr. Spencer, Legislator Spencer, I would like to call you back to the podium, this time to recognize, also posthumously, Dr. William Konczynin, a talented and thoughtful physician who served many years with great distinction in various capacities at St. Charles Hospital.

LEG. SPENCER:

Good morning. I'd like to invite the Konczynin Family to join me at the podium, please. And joining us, Barbara, Alison and William, Jr. Thank you. Thank you for being here. And there's other members who are also here?

MS. KONCZYNIN:

Everybody.

LEG. SPENCER:

Everyone, please come. His father-in-law Bob, sister and brother-in-law, Virginia and Bill, a niece Virginia and cousin Sean, Sharon and Steve, in-laws Patty and Ralph and friends Barbara and Lauri.

So I get to recognize another fantastic person that's contributed so much to our County and I'd like to say a few words about Dr. William Konczynin who served Long Island residents for 29 years. He was an extremely talented and thoughtful physician who was able to seamlessly blend the art and science of medicine, a fact which is reflected in his outstanding reputation.

Born in New York City, Dr. Konczynin graduated from Chaminade High School, obtained his Bachelor of Science in Biology from Georgetown University. He attended medical school in Mexico, and after his return to the United States, he completed his residency in general surgery at Mt. Sinai Hospital in Manhattan. After finishing his residency, Dr. Konczynin worked at a family practice in Brookhaven Memorial Hospital ultimately. He accepted a position at St. Charles Hospital where he was appointed Director of Emergency Medicine, and also Director of Family Medicine; that doesn't happen too often. And he was also the Director of Alcohol and Chemical Dependency Unit and he served as the President of St. Charles Hospital Medical Staff, and he was recently became -- he was a long-standing member of the Suffolk County Medical Society, but recently was elected to its Executive Board where he was serving, or just sworn in as Treasurer.

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The Suffolk County Legislature welcomes the opportunity to pay a well-deserved tribute to the fantastic, influential life of Dr. Konczynin. It gives me great pride to convey the admiration and respect of my Legislative colleagues for the life of my dear friend and medical colleague, the late Dr. Bill Konczynin. Thank you.

Applause

Also recognizing what he's done, we also have our Executive Director from the Suffolk County Medical Society who is, Stu Friedman; and also we have our immediate past President, Dr. Maria Basil. So thank you for being here.

Applause

And with that, I'd like to invite Ms. Konczynin, if you have any words to share.

MS. KONCZYNIN:

On behalf of my children and myself, I'd like to thank everyone for such a wonderful award for my husband. I wish you all would have known him. He was a wonderful man -- (*getting emotional*) -- excuse me. But he did what he did because he loved medicine, he loved healing people and he touched thousands of lives and I can only say thank you again.

Applause

(Photograph Taken)

LEG. SPENCER:

Thank you, Mr. Presiding -- Deputy Presiding Officer.

D.P.O. SCHNEIDERMAN:

Okay. I would like to next call up **Legislator Kate Browning**, she'll be presenting proclamations to **Marine Bureau Police Officers Christopher DeFeo** and **Raymond Harkins**.

LEG. BROWNING:

I think somebody's having some baby issues. Where's the baby?

OFFICER HARKINS:

She's screaming.

LEG. BROWNING:

Oh, that's okay. We can handle the screaming, it happens here a lot.

(*Laughter*)

Thank you to me for that. Anyway, we have here also with us Inspector Vitale from the Marine Bureau and Captain O'Connell, and next to me is Ray Harkins and Chris DeFeo, and I know baby Sophia, Ray's little girl, and Lucy I think is, what, maybe barely three weeks old?

OFFICER HARKINS:

No, about a little over three weeks.

LEG. BROWNING:

Yeah. So we want to say congratulations.

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OFFICER HARKINS:

Thank you.

LEG. BROWNING:

So on the evening of July 5th, the Marine Bureau Officers Chris DeFeo and Ray Harkins were on patrol at the Smith Point Park pavilion. A man approached the officers and indicated he had heard screaming from the water in front of the TWA Flight 800 Memorial at about 8 PM. The officers ran to the beach and observed 15-year old Adriana Callado and 11-year old Jaiamiy Callado approximately 75 to 100 yards in the water. The two girls were struggling to stay afloat and appeared to be caught in a rip tide. As the officers approached, a male relative was approximately 75 yards from the shore and was able to pull Adreina Callado out of the water. However, Marine Bureau Officers Ray Harkins and Chris DeFeo rescued Jaiamiy Callado out of the rip tide. Both girls were transported to the Brookhaven Memorial Hospital Medical Center where they were treated for non-life threatening injuries.

Officers Harkins and DeFeo put their lives on the line to save another, and I want to commend them for their bravery and quick action. And I'm sure when you were doing it, you were thinking *I'm going to be a Dad soon*. And I certainly want to say a special thank you because we have some parents who are very happy to still have their children with us. And again, congratulations on your new baby, and also to Ray who's going to be a Dad again for the second time. So thank you to both of our officers for their hard work. And I don't know if, Inspector, you want to say anything?

Applause

INSPECTOR VITALE:

I just want to thank you, Legislator Browning, and the entire Legislature for acknowledging the spectacular work of these Suffolk County Police Marine Bureau Officers. Officer DeFeo, you talk about the right man in the right place, you did a fantastic job. You know, it's just an amazing thing and we're all very fortunate.

In addition, I just wanted to thank you all for the support that you give to the Marine Bureau. I know we're kind of an expensive command, we have expensive equipment and we come to you a lot, but you've always been very supportive and we very much appreciate it. Thank you.

Applause

(Photograph Taken)

D.P.O. SCHNEIDERMAN:

All right, thank you. Legislator Browning, if you'll stay at the podium. I'd also invite Legislator Muratore to join you to present proclamations to the following Suffolk County Veterans Court Mentors: We've got Federick Paul Calise, Daniel J. Egan, Francis Louis D'Aversa, Ralph Zanchelli, Adam Jankowski, Thomas Mack, Grace Mehl, Ron Pacchiana, Franklyn Carle Jr., Clarence Simson Sr., David Sinclair, Donald Howe.

LEG. BROWNING:

Good morning again. Yeah, come on up, all the way up, fill in. File in; I think you've heard that word many times in your past (*laughter*).

So as Chair of the Public Safety Committee, I have had the pleasure of going to all of the speciality courts, and one of the last courts that I visited was our Veterans Court. And again, Judge Toomey is unable to be here. We did invite him, but his niece was one of the victims in that limo accident out east, so we, again, extend our condolences to him and his family. However, Veterans Court is a

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specialized part of Suffolk County District Court and the County Criminal Courts. It provides a means to successfully help veterans by diverting them from the traditional criminal justice system. It gives them tools they need to live a productive and law-abiding life through treatment, rehabilitative programming, reinforcement and judicial and peer mentoring. Men and women in the United States Military endure high costs of service; the impacts can be immense and long-lasting. These may include alcohol and substance abuse, mental illness, homelessness, unemployment and strained relationships. The men and women here today are being recognized not only for their service to our country, but for their volunteer work as mentors of the Veterans Court.

I have to say, I was very impressed when I walked into the courtroom and as soon as somebody came in, I heard one go, *He's mine*; gets up, right there right next to him and stays with him the whole time he's in the court. So they do partner alongside the participants in the program to listen, support and assist, and they get these men and women back on track to readjust to productive civilian life. They become both friend and role models to these individuals, all on a volunteer basis. So on behalf of the Suffolk County Legislature, we recognize you and we thank you all. Thank you.

Applause

And Legislator Muratore, it was funny, we were both -- great minds think alike. When I was working on doing this, his office said, *Wow, we're doing the same thing*, so I said let's make this a partnership. So again, I want to thank all my colleagues, all 18 of us. We all signed these proclamations, so I'm hoping we can all get us altogether. But with that, Tom, would you like to come forward?

LEG. MURATORE:

Good morning, everyone. Like I say each time I come up here to say thanks to our veterans publicly, say thank you publicly to our veterans for all they do, for having the courage to serve this great nation, to protect the rights that we enjoy each and every day, and now to have the courage to come forward and protect their peers, the men and women they served with. I know my brother came back from Vietnam, he had a lot of issues and he didn't have the services afforded to him that they have today. So it's really, really important that these men continue with their work, continue to provide for our veterans, protect them when they need protection. So God Bless you, God Bless America and thank you, everybody.

Applause

LEG. BROWNING:

Legislator Stern, who is Chair of our Vets & Seniors, if you'd like to come forward.

LEG. STERN:

Thank you, Legislator Browning. And good morning, everyone. I remember the day that we opened the Veterans Court, standing there in the courtroom with Judge Toomey, and this is exactly what the vision was, veterans helping our fellow veterans who too many of them still require our assistance as they make their way back to their civilian lives, back with family and with friends and community and going back to work. When you work with Veterans Service Agency and our Director Tom Ronayne and his outstanding staff, they will say that one of the biggest needs our veterans have is legal assistance because of the challenges that they continue to face. So on behalf of all of us, most importantly, we say thank you.

Applause

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MR. D'AVERSA:

I just want to clarify a couple of things. When we first walked into the room, everybody thought we were the choir.

*(*Laughter*)*

And we did not buy all these ties at JC Penny on sale. We're all combat Vietnam Vets. I'll read just a couple of stats. Judge Toomey has two Bronze Stars; he was a machine gunner in Vietnam. There's three of us here have Bronze Stars for Valor; five Purple Hearts amongst the group that's here; one Gold Star father and one Gold Star first cousin. We're all, like I said, Vietnam Vets. When we came home, I think you remember we weren't treated very well and we're not going to let that happen to these kids today, and Vietnam Vets that still have issues.

So I want to thank everybody for their support and the awareness of the Veterans Court. We have a 97% success rate. And thanks to Tom Spota, the DA, and Judge Toomey and my brother Vietnam Vets, we don't leave them; once they graduate from court, we actually follow them through the VA system and help them with their issues as time goes by. So thank you very much. Thank you, Legislator Kate Browning, for your support, too. Have a great day.

Applause

(Photograph Taken)

P.O. GREGORY:

Okay, that ends our presentations. Do we have any Village or Town officials here to make a statement? Okay. Seeing none, we will go to the public portion.

We have several cards, the first being Myrna Gordon. Hopefully it wasn't something I said. And then we have Paul Pressman. Every speaker has three minutes.

MS. GORDON:

My name is Myrna Gordon and I'm a resident of Port Jefferson. For over 50 years I have been a peace activist and currently a member of the North Country Peace Group. We are a peace and social justice organization made up of concerned citizens from Setauket, Port Jefferson, Stony Brook and other surrounding communities, and we have been standing since before the Iraq War, for the past 13 years, every Saturday morning from 11 o'clock to 12 o'clock on 25A in Setauket. We are against perpetual war, we were against the invasion of Iraq, we support economic equality, embrace the importance of civil liberties, support fair housing and have been against the killing of innocent people with drone attacks.

We are not a political organization and what brings me here today is that after the election of our President, a group of Tea Party protesters started protesting on the opposite side of 25A, and several weeks ago the Confederate Battle Flag appeared on the Tea Party side of 25A. Few symbols are more hated and loved than the Confederate Battle Flag. This symbol represents hatred, injustice, oppression and racism. It is one of the most controversial and inflammatory icons in the American Culture.

I do understand -- and this is important -- that everyone, everyone has a right to fly and display this flag under our right of free speech. We are a country and a County that should be built on the idea of moving forward, casting off but not for getting the reprehensible symbols of our past to form a more perfect union. While I agree that our Suffolk County Legislator -- Legislature cannot -- we agree that we cannot always blame everybody for the actions of others, but we feel it is your duty to speak up as I have. When a Confederate Battle Flag is flying, we need to condemn this File A action.

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I am asking my elected officials here in Suffolk County that you will make a public statement denouncing the Confederate Battle Flag in Suffolk County. This is a symbol that hurts so many of this; in this, I hope we can agree. Thank you.

P.O. GREGORY:

Thank you, ma'am. Paul Pressman; and then on deck, George Talley.

MR. PRESSMAN:

Good morning, Suffolk County Legislators. I am here today again to bring up the issue of public transportation. I attended the subcommittee meeting last Thursday where there were over 40 disabled residents that spoke at that meeting, I was one of them. Mainly the lack of Sunday service and the 8:30 PM cutoff time is very, very discriminatory against the disabled; that does not happen to the general public. Yes, a lot of buses do not run past 8:30, but there are a lot that do, and that is totally wrong.

I also know that it was brought up at that meeting that a lot of the Legislators do not even know the full extent of the Suffolk County bus system. It was also brought up for the first time that funding was a major issue. That does a disservice to you the Legislators and us the public if we're not told that one of the major issues is public funding. The only Legislator here that I know of that is fighting for the residents of Suffolk County with public transportation unfortunately will not be in the Legislator much longer because his term expires. I know he's fighting for Federal funding, and I've already contacted Governor Cuomo's Office and I'm expecting a call back today to have a meeting with him. I am going down to Senator Hillibrand's and also to Senator Schumer's Office in New York City because all three offices are within two blocks of each other on Third Avenue.

I will help as much as I can, and I'm sure the residents that need this service will help you, if you will only be honest with us and tell us what the issues are so we can help. But if you don't, then there's not much we can do. There's a lot of issues with the public transit system, I'm not going to rehash it. I have a letter written, I'm going to send it to each of your offices with the major concerns and I would hope that you would really look into it and that I hope that somebody will continue to fight that Mr. Schneiderman is doing for us, because I understand now and I apologized at the last meeting that I did not realize that he was the reason we have Sunday service.

I don't understand why we get less than 20% of Federal funding and State funding compared to what Nassau County gets. Maybe that's why their buses run later, maybe that's why people aren't complaining because the buses run every 20 minutes. And I live in an area where my bus runs from only seven in the morning until five at night and doesn't run for two hours because they can't put another driver on while the other bus driver has to have his lunch. I think that's irrefensible (*sic*) for people that have to rely on public transportation. Thank you very much.

P.O. GREGORY:

Okay. George Talley; and then on deck, Peter Raymann? Rahmann?

MR. TALLEY:

My name is George Talley, Brentwood, New York. I'd like to talk about the Foley Nursing Home. It's been laying vacant for a long time. I understand it's appraised for \$100 million. We almost took \$0.75 on a dollar, now it's down to ten cents on a dollar? Somebody made an offer of 30 million. We've got four homeless shelters in Brentwood, we're the dumping grounds for Suffolk County. We don't mind taking care of our own, but we don't need Riverhead, Southampton, Westhampton and every other town's homeless and all the social ills to come to Brentwood. We've been the dumping grounds for a long time. We lead the pack in pedophiles, we lead the pack in alcoholics, we lead the pack in drug addicts and now the homeless.

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Hauppauge was worried about 16 kids coming to their school because they were black and Spanish. Forty-seven out of the same hotel came to Brentwood, not a peep. More kids came over the border to Brentwood than any other district. Hempstead couldn't handle 37 we've got over a thousand. Nobody sending a check; nothing's coming from the government or Cuomo or anybody else. But when somebody wants to get rid of something, the first thing they do is bring it to Brentwood. There were no public meetings whatsoever. We woke up one day and found out, *Here they are, homeless shelters*. Our Police Department, not one car but two cars has to escort our Police Department -- I'm sorry, our fire department and our ambulance in order to get to this Wingate Hotel. They're supposed to be homeless people; this is not a war zone. The fire department and the ambulance department cannot enter without two police cars before they get there. We have serious problems here and it doesn't seem like this Legislature or this County Executive is doing anything about it, except for burdening the Town of Brentwood, and we're getting a little sick and tired of it.

We have meetings 200 seniors and we're starting to mobilize, because we're tired of getting the dump -- dumping of Suffolk County. We just have another problem right now with a scrap Island, scrap metal place that just got dumped on us. One hundred trucks now are going to be taking over our roads, more pot holes. Now, you have a 500-foot measure where you can't bring in a recycling center. The recycling center in Brentwood is 350 feet, but Islip Town made a waiver, so again we're getting dumped on. Is there anything that this Legislature can do to help Brentwood, besides throwing people our way that belong in their own district?

(Beeper sounded)

The homeless in Riverhead stay in Riverhead, in Westhampton, Southampton, wherever it is. We'll take care of our own, we don't need everybody else's problems.

P.O. GREGORY:

Sir, your time is up.

MR. TALLEY:

Thank you.

P.O. GREGORY:

Thank you. Okay, Peter Rehrmann, is it?

MR. REHRMANN:

Rehrmann.

P.O. GREGORY:

Rehrmann? I'm sorry. And then on deck, Mitch Pally.

MR. REHRMANN:

How you all doing? Well, my problem seems a little small now, but nevertheless, I'm going to go ahead with it. And I don't really have a written statement or anything like that, I just took notes from my telephone conversations with people. This has got to do with a neighbor who put up a surveillance camera in his backyard, and it's probably like 15 feet up off the ground, out on the wall of his house, he installed it himself.

You know, I called a whole bunch of different people, Legislators, people got back to me; everybody passed the buck. A cop came to the house, there's nothing he can do, there's no law, no rules, no regulations, but God forbid you don't have your seat belt on. So now my daughter, who likes to sun bathe out in the backyard -- maybe some of you women can associate with that -- she's got to make sure that she's not in view of the camera.

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My thing here is not me and my neighbor, my thing here is that everybody is saying they're not responsible. The DA, the County Executive, just everybody, I don't want to go through all of that, just everybody. Okay? Nobody wants to take responsibility. I was told, *Plant a tree*. I was told to put my house up for sale. This guy went in his backyard, cut a limb down, put up a camera, 15 feet off the ground. Does it have to be 15 feet off the ground? We can't legislate it because it's too difficult is what I was told, *It's a touchy situation*. Well, I thought that's what your job was, you know. As a union carpenter, when I had a problem, I didn't go back to my foreman and tell him the problem without trying to come up with a solution because, well, because that's me now.

So here, common sense, a cop walks in the yard, sees a camera, says, *Oh, yeah, that's looking right at us*. No, that's not -- you know, he goes around the corner --

P.O. GREGORY:

Sir, you have to --

MR. REHRMANN:

-- gives the guy a warning. Sorry. Gives the guy a warning and that's the end of it. If he gets a second call to come back and the same thing happens, then he goes around the corner and gives the guy a summons. Nobody should have to worry about being on surveillance, because I don't know if while I'm walking around in my underwear in my house, going from my garage into my kitchen with the curtains open, if this guy's got me on camera and if it's being strung right out onto on-line. I don't even have a cell phone, so I don't know what can go on with this stuff, but my son says it's an infrared because he sees the rings. And everybody says they can't do nothing about it. Here's the solution; keep it so high off the ground, make sure it's facing on an angle. Maybe David could figure something out, I don't know. Please, don't just pass it on. This is everybody here, everybody.

My daughter's getting married, October. We were going to have a little thing out in the backyard; I don't think we're going to do that no more. By not putting any rules or regulations in place like, you know, spitting in the street; we can't spit in the street, but we can put up surveillance cameras and nobody will do anything about it. Thank you for your time.

P.O. GREGORY:

Thank you, sir. And we'll have someone get your information so we can follow up with you. Okay?

MR. REHRMANN:

I've given everybody my information. I tell you, I called everybody, I did.

P.O. GREGORY:

Okay.

MR. REHRMANN:

I didn't go as far as --

P.O. GREGORY:

I don't have it, so I would like to have it and I'll reach out to you.

MR. REHRMANN:

Okay. Very good then.

P.O. GREGORY:

All right. Thank you.

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MR. REHRMANN:

Thank you.

P.O. GREGORY:

Mitch Pally; and then on deck, Lee Snear?

MR. NOLAN:

Snead.

P.O. GREGORY:

Snead, okay.

MR. PALLY:

Good morning, Presiding Officer, Members of the Legislature. My name is Mitch Pally, I am the Chief Executive Officer of the Long Island Builders Institute, and I'm also the Suffolk County representative to the MTA Board, so I'm speaking here in both capacities. And I'm here today because you have on your agenda today one of the most important plans that's going to guide Suffolk County for the next 20 years and that's the Comprehensive Master Plan that is on your agenda today.

I'm here today on behalf of LIBI to strongly support that report and that plan, because the plan is one of the first plans that understands that Suffolk County is changing and changing dramatically, and will continue to change over the next 20 years. It understands that we need to transform the County, in those places where it is appropriate, and remove the stigma of separate places for residential, commercial, retail and industrial. For the first time, the plan understands that all of those uses can be incorporated in the appropriate places to places where it is very much wanted and the aspect of that is very much intended for the new life-style.

You read today's Newsday. There is a school district in Suffolk County that is going to lose 20% of its population over the next --

LEG. TROTTA:

Twenty-eight.

MR. PALLY:

Twenty-eight percent, I'm sorry; thank you for the -- 28% of its school population. That doesn't happen by accident, it happens because decisions have been made and decisions now must be made differently to incorporate the new life-style that our young people want.

This is especially important as we look at the new aspect of multi-family housing and what multi-family housing can bring to our communities, whether that community is Ronkonkoma or Wyandanch or Patchogue or Riverhead now or hopefully Lindenhurst, Copiaigue, all of the downtown areas, maybe even Smithtown one day which would be nice. These are the places where people want to live and we have to provide them with those alternatives and this report understands that. It understands that from a demographic standpoint, it understands that from an environmental standpoint, with the need for additional sewers and upgraded septic systems that are so essential to taking care of our nitrogen problem.

Wearing my MTA hat, we're very supportive of the call for additional mass transit opportunities, because more and more people do not want to own a car, do not want to own two cars. They need an expanded bus system from Suffolk County and they need an expanded Long Island Railroad system which we are responsible for. And we will assure you, we will do our part to make sure that the goals incorporated in the report are taken care of. Our population is changing, our

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demographics are changing, our lifestyles are changing; this report understands that and that's why we're here to support it. Thank you very much.

P.O. GREGORY:

Thank you, Mitch. Okay, Lee Snead; and then on deck, Lisa Gatti.

MR. SNEAD:

Good morning, Members of the Legislature. I am here to speak in regard to IR 1479, which is one of the eight Agricultural District applications that you'll be deciding today. I note that out of those eight, there are only two that are slated for disapproval; one of them is mine. So what I am asking you to do today is vote against that resolution and send this back to committee. The reasons for this are as follows:

The Agricultural District's Program is set up by the State of New York to protect and preserve farms. Its sole purpose is to bring under the State's protection farmland where local zoning issues may preclude that farm from being operated as a farm. In the various hearings that have occurred before the Agricultural Farmland Protection Board, before your body in June at the public hearing, before Legislator Hahn's Committee on the Environment last week, the Village of Sagaponack has consistently opposed this application because of zoning issues. They are concerned that if you give our farm protection, that somehow their zoning laws will be thwarted. I don't see that as a real legal issue, as a factual issue. But the point here before you is that the purpose of the Agricultural Farmland Protection Board and this program is to bring farms into protection, not to deny them.

Our farm is 22 acres in size, it is over -- half of the parcel has been put in either evergreen trees, Christmas trees or in oaks which will then be turned in later this year and then planted in additional trees. We meet the requirements of the State law which says only that it has to be viable farmland. That's important, because your sole task here, the only thing you're asked to determine is whether or not this piece of property, which has historically been a farm for over 30 or 40 years, should continue to be a farm; and in fact, it's planted as a farm and being about actively cultivated as a farm at this time.

The County AFPB has imposed guidelines, these are informal guidelines that have been imposed upon, and we even meet each of those guidelines. And all we are being told is that, *Well, you can come back next year.* Well, the problem with that is we certainly could come back next year, but why should we have to? We need the protection of the Agricultural District's Program now and not next year.

At the close of the hearing last week before the committee, the attorney for the Village of Sagaponack stood and gave incorrect facts about this project. He indicated that contrary to what I had been saying that we had planted 14,000 trees, that only 2,000 trees were planted. He indicated that contrary to what I had said, that over seven acres are planted in those trees right now and 22 acres are planted overall in oaks and trees, that only two acres of trees have been planted. I was so concerned that I walked out to the farm that day, I personally walked the property, I counted the trees; all 14,000 trees are there. The area that is planted is --

P.O. GREGORY:

Mr. Snead, please wrap up, your time's expired.

MR. SNEAD:

You got it. So what I'm asking you to do is in light of this situation, which before the committee was a 3 to 2 vote, I'm asking you to send it back to the committee for the development of further information, bring this matter back to your board for an approval of this project because, in fact, it's a farm that's worthy of protection under the State law and under your program at this time. Thank

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you.

P.O. GREGORY:

Okay, thank you. Lisa Gatti, and then Cesar Malaga.

MS. GATTI:

Hi. I'm Lisa Gatti, I'm speaking on behalf of Pal-o-Mine Equestrian, Resolution 1477. I actually didn't have anything to say except just to make myself available for any questions and to say thank you.

P.O. GREGORY:

Okay, thank you. Cesar, and then Nanci Dallaire.

MR. MALAGA:

Good morning, Presiding Officer, Members of the Legislature. I've been attending these meetings for the last over 35 years. Even though I worked in Manhattan, I made myself to be available to be here to speak about different issues that affect our communities. Now, I don't remember seeing any of you attend any meetings prior to your nomination to be elected Legislator except, you know, the Presiding Officer who used to work for the previous Legislators.

Now, one thing is this. The newspaper today is emphasizing LIPA, all the things they're doing. Now, prior to the takeover by -- you know, LILCO by LIPA, the cost of the assets of LILCO was \$3.8 billion. But because of the political connecteds, the negotiators, they negotiated that we should pay \$7.3 billion for the assets of LIPA and the LILCO. Now, the assets of LILCO, covers everything, builders, tracks, transmission, distribution lines, everything, even the nuclear power plant; as I said, it was only \$3.8 billion.

Now, you've been reading in the papers that LIPA and PSEG Long Island, they're planning to increase the debt to \$8.26 billion, that we will not be able to pay in the future. So now I have not seen any of you who is supposed to represent the taxpayers of Long Island, Suffolk County, base your opinion. Now, after that meeting in June 26th of the LIPA Board, there's another meeting coming this Friday. All of you, as representatives of the people of Suffolk County, you should go out there and protest this increase of LIPA which our electrical rates will increase.

I was in Amagansett two Saturdays ago when over 300 of us went there to protest what their hedge fund people who were giving \$5,000 a plate for Mario (*sic*) Cuomo, for our present Governor's re-election campaign. But of course, you know, none of you were there, but 300 plus of us were out there protesting the renegotiating of the LIPA debt which, you know, the hedge people on Wall Street will benefit, but the people who suffer will be asked to pay the higher rates. So it's time all of you guys get involved with it, do something.

(Beeper Sounded)

Now, today's calendar you have 16 homes for sale. Many years ago at this Legislators, I said, *Why are you selling those homes to contractors who are going to build new houses? That's lots of money.*

P.O. GREGORY:

Cesar?

MR. MALAGA:

Give those houses to the people who are building, we need affordable housing. Now, you pay millions of dollars a year to house people who are displaced from their homes.

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P.O. GREGORY:

Cesar. Cesar.

MR. MALAGA:

Why not use that money to fix those homes and put people in there?

P.O. GREGORY:

I know you're on a roll.

MR. MALAGA:

Thank you very much for listening. I know I have seen many times about these houses being for sale; don't sell those sixteen houses.

P.O. GREGORY:

Okay.

MR. MALAGA:

They have to rebuild --

P.O. GREGORY:

Your time's expired. If you want to submit some of your comments, you can to the Clerk and we'll make sure that it gets distributed to all the members. Okay? But your time's expired. Thank you for your passion.

MR. MALAGA:

Thank you very much for listening. Let's do something about, you know, what's happening, tax increases.

P.O. GREGORY:

All right.

MR. MALAGA:

Thank you.

P.O. GREGORY:

Thank you. All right, Nanci Dallaire, and then Lawrence Levy.

MS. DALLAIRE:

Thank you. Hi, I'm Nanci Dallaire, a struggling homeowner. I was once a proud, productive contributor to my community. I was employed at the John J. Foley Skilled Nursing Facility, a once proud and productive provider to our community. It seems to have been forgotten just how many lives were sheltered and supported by that County facility, not only on a daily basis but throughout a crisis as well, like when we were struck by Irene and again through Sandy. So as another hurricane season is upon us, I wonder are we really prepared today?

I've tried to forget about nagging questions and moves past that callous closure, but it's difficult to move forward in a positive direction when I cannot see positive changes. I've struggled to accept the senseless loss of John J. Foley and I will never forget the injustice I witnessed. Maybe if our sacrifices meant something, maybe if I saw some solutions, maybe if all that suffering saved the taxpayers something I could believe that it was worth it, but that's not what I see. What I see is that after two years my County continues to neglect and disrespect that County asset, but we'll propose to spend \$100,000 to decommission and demolish County facilities. What I can see is that you have allowed that once incredible institution to deteriorate, as you appropriate \$125,000 more

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dollars for more renovations at that Yaphank Correctional Facility. Why? So that when the next super storm hits our shores, those inmates will be safe and secure, as the hard working residents of Mastic scramble to find safe shelter? Once again I'm being considered after the criminals of this County, that's my justice.

I was once a supporter of public/private partnerships believing it was a way to preserve our precious resources; unfortunately that's not what I've seen. I have seen the public sacrificing our services as the private sector reaps their rewards. These private companies are not interested in my safety, their only interest is in their profits. I was trusting my government to protect my best interest, but that is not what I have been shown. I was once proud of my County for committing to caring for the elderly and vulnerable citizens, but who can make this claim today? It seems that you have your site set on some so-called saving but are blind to what it's actually costing us, and I believe the price we're being forced to pay is too high.

P.O. GREGORY:

All right, thank you. Lawrence Levy.

MR. LEVY:

Good morning. My name is Lawrence Levy, I'm the Executive Dean of the National Center for Suburban Studies at Hofstra University. We're very proud to have thousands of Suffolk students and tens of thousands of Suffolk alumni. I'm here to speak about the comprehensive plan. You've already heard from Lee Koppelman about this, you just heard from Mitch Pally, and the simple way to put it would be that anything that they seem to be in agreement on and seem to be passionate about is probably worth passing. I wanted to make some points that did not simply repeat what they're saying.

This is not my mother and father's suburb anymore. When my parents came here in the 50s, it was a very, very different place. And since the last comprehensive plan was put in place, Suffolk County has changed dramatically, and it's not so much where Suffolk is but where it needs to go. And I think that the -- from my work at the National Center for Suburban Studies which has me traveling to suburbs around the country, also around the world, I could tell you that having this plan at this time for Suffolk County would allow it to research a very hard-earned reputation as a national leader in land use and other planning issues. Suffolk has been a leader for a long time and it's known around the country for that. Maybe a bunch of fuzzy-headed academics and planners, but it definitely has that reputation and this would certainly revive it and reassert it. It would allow you to embrace 21st Century -- we are the 21 Century, right -- 21st Century concepts of smart growth and transit-oriented development that the rest of the country is embracing and that Suffolk needs, if it's going to meet the needs of all its people and not just those who can afford cars and not just those who can afford big single-family homes, but all its people.

It also allows you to speak with one voice, and I want to explain a little bit about that so you don't misunderstand. To speak with one voice on critical issues of economic development, environmental protection, education, health care and other critical issues. This is important not just for some glossy proposal by a developer to attract tenants or employers, but it's very important in terms of funding, getting grant funding from the State and Federal government. Funding is becoming more and more competitive. And one of the questions that you find in these eternally long grant applications is where does the community stand? Have you evaluated, have you looked inside and outside? Have you reached out --

(Beeper Sounded)

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I'm sorry, I'm out of time. I'll finish up in a sec. We helped prepare the Comprehensive Economic Development Report that has been a prerequisite for getting Federal funding. Very quickly, what I find appealing about this in terms of creating consensus and continuity is that this is not a mandate, it's not some infallible statement prepared by consultants that everybody must embrace at some kind of cost or potential fines are being denied. It's a framework. It's something that not everybody has to embrace for their own village or for their own neighborhood, but it's a frame work that allows those who want to push ahead in new directions, different directions, sometimes controversial directions, have that road map to push ahead.

Thank you. Hofstra remains available to be a resource to you in any way we possibly can and don't hesitate to call.

P.O. GREGORY:

All right, thank you.

All right, that's all the cards that we have. Is there anyone else that would like to speak that hasn't signed -- filled out a card? Please come forward. Okay. I'll make a motion to close the public portion.

LEG. BARRAGA:

Second.

P.O. GREGORY:

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

MR. RICHBERG:

Sixteen (Not Present: Legislators Martinez & Spencer).

P.O. GREGORY:

Okay, I see we have the County Comptroller here. Would you like to come forward, Mr. Comptroller?

COMPTROLLER KENNEDY:

Good morning, Mr. Presiding Officer and members of the Legislature. Thank you for the opportunity to invite me to come before you today. For the record, my name is John M. Kennedy, Jr., I am the Suffolk County Comptroller. To my left is Brenda Sloan, she is my Director of Accounting Services, and to her left is Beth {Garrero}, she is my Director of Municipal Finances.

We are here today in order to speak about or respond to any questions that might be had regarding the DTAN, the Delinquent Tax Anticipation Note that is before you -- it is Resolution 1534, I believe it is -- for the amount of 105 million which we will go out for some time in the early part of September or close, somewhere around in early October. We had the opportunity to be before Budget & Finance, Chairman D'Amaro and the committee last week. We had quite an extensive conversation at that time about the receipt of property tax over the last previous four years, some other issues associated with finance. And so we are happy to be here today to address any questions that you or any members of the body might have.

P.O. GREGORY:

Okay. Does anyone have any questions for the Comptroller? No? Okay, I'll shoot a question. So the percentage or the number, the projected number that we're looking to borrow for the DTAN, is it higher or lower than last year's number?

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LEG. KENNEDY:

If you take a look, we have passed out a memorandum for you that we circulated at the committee. You will see that I believe we are at the same amount as where we were last year. While the resolution speaks to 105 million, in actuality, the way we have it sized at this point, we'll be roughly 100 million, and that is the same that we went out for in '14 and '13. That is basically reflective of the amount that we have outstanding in the proceeding four years for rates of collection on property tax.

P.O. GREGORY:

So is that a reflection that we have not -- the rate of delinquency has not increased, or decreased, it's remained flat?

LEG. KENNEDY:

I would say that if you take a look at it in the composite from back to where we were in '07/'08 when we had the recession, we are having a higher rate of remittance now in each year. Again, as you know, with the Suffolk County Tax Act we can -- we take a tax lien against opens for each year up through four years, in the fourth year, that's the year in which we have the ability to go ahead and take a tax deed. Typically, that's the action point where you will see the greatest amount of activity, but in all told we have percentages associated with the amount outstanding and, in fact, the amount that we are borrowing against, the total amount of open.

P.O. GREGORY:

Okay. And you may not but you may have this information; so do you have a number? This is the overall number of delinquent taxes, but do you have the number of households that this impacts? How many property owners are not -- you know, is it 20,000, is it 10,000?

LEG. KENNEDY:

At this point, Mr. Chair, we do not have it by individual properties. Part of what we are working with is the information as it is being forwarded to us by the Treasurer's Office. That is also a function of what's being turned over from each one of the ten towns from the Town Tax Receivers. If you will note, we have an asteric in I believe it's four Towns cases? Five towns; five towns we are going off of estimated; they have not turned over the final collection amounts to us.

I anticipate, as we move into '16 and we have all of the functions that consolidate under my office, we will be able to hopefully get down to a specific property count for you as well. Right now what we're working off of is the aggregate for the levy by each town.

P.O. GREGORY:

Now, do you have any indication as to how we compare to other municipalities, like Nassau or Westchester? Are they remaining flat? Are their numbers similar to ours? Are they increasing, decreasing; and if so, why?

*(*The following testimony was taken & transcribed by
Diana Flesher - Court Stenographer*)*

COMPTROLLER KENNEDY:

I don't, Mr. Chair. And while there would be some information that we could glean from that, from a trend perspective, I will remind you as you know very well, we are unique in all 62 counties in the State of New York with the Suffolk County Tax Act. So, while you can take a general compare and contrast, we have many, many unique aspects associated with the Suffolk County Tax Act, particularly with the timing of the tax calendar. As you know, we adopt the warrant and the levy. It commences in December; runs through the subsequent November. Many of the counties throughout the State that operate under the General Tax Code operate under a calendar year.

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We also have different vagaries with Nassau. You have the two plus two, where you break out the school levy separately from what goes on with the Town and the County levy.

So you can draw a general comparison, but because of the specifics associated with the way that Suffolk County collects and then distributes, I don't know how much we would really get from that, you know, as far as compare and contrast.

P.O. GREGORY:

Was there -- I know this is going a little far afield, but is there any legislative actions that your office is advocating for that can kind of help us through this? Is it, you know, the seven-year process -- I mean it's roughly a seven-year process, right, from -- or for one year for commercial properties that --

COMPTROLLER KENNEDY:

Commercials, yes. Under the Suffolk County Tax Act, the commercial property we can go ahead -- commercials and vacants and industrial we can actually take a tax deed after one year of open.

Again, let's come from the basic policy perspective, which is this body's policy and always has been. The ultimate objective is to go ahead and have a property owner pay tax. You'll remember, as a matter of fact, there had been some progressive pieces of legislation put forward, Legislator Postal, former Presiding Officer Maxine Postal, put in the partial pay policy. Prior to that there was no ability to accept less than a full six month's slice.

It is a function of the Treasurer's Office and, again, something we're focused on and meeting with to develop as we go forward into next year to work with property owners that are distressed. Nobody, nobody ever wants to go ahead and take a primary residential property; and quite frankly we want to see our businesses and our commercial entities continue to be able to operate and so we work with them. We have that latitude by virtue of our local administrative code and our local enactments.

My experience in 30 years in county government going all the way back to the blue ribbon panel that former County Executive Pat Halpin put together to contemplate change of the Suffolk County Tax Act to adopt maybe a two plus two or change the timing, was a tremendous amount of work, a tremendous amount of research and outstanding panel; and a report that has sat on the shelf for 30 years. Very little will to change the Tax Act at all.

P.O. GREGORY:

Right, and I understand. I just -- it's -- we're in a tough position where we've kind of taken the position, *well, eventually we'll get the monies, whether through, you know, remittance or through auction of the property and the sale*, but it's a long process.

COMPTROLLER KENNEDY:

Yes, it is.

P.O. GREGORY:

As you know. You know, it's three years --

COMPTROLLER KENNEDY:

Yes, it is.

P.O. GREGORY:

-- to take the deed. It's another three or four years where we actually get to the auction process for residential properties. But in the meantime we're struggling to make payroll and all of our

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expenses.

COMPTROLLER KENNEDY:

Yes, we are.

P.O. GREGORY:

So any type of legislative relief, if you will, or actions that can bring about relief, I think, are certainly warranted or be welcomed. Legislator Krupski had a question and then --

COMPTROLLER KENNEDY:

Certainly.

LEG. KRUPSKI:

Thank you, Mr. Presiding Officer. I think the questions that you asked answered most my questions. I just have one last question. Uncollected as a percentage of the taxes has gone up dramatically in the last few years. Is there any -- is that -- I mean, that's a disturbing trend. And do you have any explanation for that or is that just a trend that's -- that's something that's out there that the County can't have any impact on?

COMPTROLLER KENNEDY:

Well, I would point to you that as the uncollected's are increasing, Legislator Krupski, I would encourage you to look at the very last column to the right and compare it to the total warrant that has increased as well. In our ten-year time period, we've seen that warrant go up by 1.6 billion. Yes, we have had a larger amount associated with the uncollected's that we have at this point, but concomitant with that is a much larger expansion on the total warrant.

So we -- you know, it's a function of the amount that's levied by Town and by Village. And if you look at the percentage of the DTAN as opposed -- as compared with the total amount open, that has dropped, but, of course, that's dropping because we just have a larger warrant.

LEG. KRUPSKI:

Thank you.

COMPTROLLER KENNEDY:

You're welcome.

P.O. GREGORY:

Legislator Anker.

LEG. ANKER:

So in 2011 I worked over a year on legislation to try to expedite the blighted house issue and blighted properties, you now, throughout Suffolk County. But what we found when we were working on this was that it takes about two years for the title companies to move forward in their process. And I believe this is either -- this is State legislation or this could be Federal legislation. Is there any way to change that to expedite these blighted properties?

COMPTROLLER KENNEDY:

Well, let's see. The blighted properties, I'm aware of some initiatives that a few of the Towns have undertaken. I know that Brookhaven Town has moved forward pretty expeditiously. And as a matter of fact is utilizing the eminent domain process. Town of Smithtown, as a matter of fact, we had, I believe, a top ten hit list where properties were moved against by the Town as well.

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The County does have eminent domain capacity, but typically -- and I don't want to speak for the County Attorney, he would be better versed to speak about it, but typically I think when you have a property that has been abandoned, distressed or most vexing is where property tax continues to be paid, whether it's by a out-of-state bank or investors that have it held in a trust and the property just continues to deteriorate, it's unmaintained, it's open, it gets vandalized.

It seems to me, Legislator Anker, that the eminent domain process is probably the most definitive way to move forward and to address it. Once it rises to the level of public health, hazard, then really any level of government can come in and exercise that eminent domain process.

LEG. ANKER:

Just one other question: We had heard from the Treasurer, you know, past couple of years, you know that there was a backup in their office to try to get the paperwork moving. Again, trying to understand this drastic increase, you know, from even 2012 to 2015, I guess I would like to understand the factors, you know, is there an increase of people losing their homes, number one? Is it the Treasurer's Office that's backed up in paperwork that's creating, you know, these substantial increases? And if it is the Treasurer's Office, is there current technology to expedite the process at the Treasurer's Office level?

COMPTROLLER KENNEDY:

Let me speak in general terms about processes in the Treasurer's Office. And, again, I do not have that office yet. I have been working collaboratively almost on a daily basis with Treasurer Paul. As a matter of fact, our staff is scheduled to meet with them again in Riverhead on August 4th.

Let me speak to this backlog. The backlog was very specific in the SCARs, the Small Claims Assessment Review. That was residential property owners who availed themselves of the administrative process to challenge, grieve their taxes, have it reduced and then ultimately be paid back what that -- overassessment.

I'm happy to report to you that through a collaboration with Treasurer Paul and the administration and our office, that backlog is for all intent and purposes eliminated. At one point over the last two months we had three of our auditors there in the office addressing what was a significantly increased number of SCARs that were being processed. The lion's share of that has been moved through and now we are much more current in the SCAR process.

That will require some additional work on our part as we collaborate and merge into the beginning of next year because we had many, many personnel that were brought to bear to work on that. And we will be now absorbing that function and obviously want to be able to keep current. I'll be back to you with some recommendations probably in the budget process as to how we're going to maintain our current status with that.

LEG. ANKER:

Thank you.

COMPTROLLER KENNEDY:

You're welcome.

P.O. GREGORY:

Legislator Lindsay.

LEG. LINDSAY:

Good afternoon, or good morning, Mr. Comptroller. Mine is not a question; it's more just a statement. I just want to thank you for, you know, your efforts there and working with the

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Treasurer's Office. I think it's a greatest testament to your efforts along with his to just that single issue alone will save the Towns over a million dollars a year in interest and penalties that they were currently paying due to the backlog.

COMPTROLLER KENNEDY:

No doubt, Legislator Lindsay. And I know you were critical in bringing that issue to bear. And I thank you for the support in effectuating this collaboration. As you can see, it's borne fruit already even prior to the actual effectuation of consolidation. But the collaboration has been productive. It has been fruitful. And we are working even in some of our operations now, Miss Sloan has been involved in some of the discussion with booking and recognizing of our revenues. It's been helpful with preparation of our coffer. And certainly Miss Guerriero with our bonding function and our financing function. All of that is against our collateral. We as an entity have the, you know, buildings and structures, that's what we borrow against, that's our collateral. So that likewise has been productive and is working well. So, thank you.

LEG. LINDSAY:

You're welcome. Do you see that you're on track to complete the merger by yearend?

COMPTROLLER KENNEDY:

No doubt. As a matter of fact, the work has been productive. It's been very fruitful. Treasurer Paul has already identified bringing some IT applications to bear, certainly with the SCAR process. We've also been part of that development. We have a number of other areas that we're looking at assembling. I can't say that we've identified outright, overlap or duplication, but there is a whole recognition of our capital assets, our capital project disbursements, and the capital that goes towards driving our municipal finance function. Likewise, there is a capital section, in the Treasurer's Office as well, that will be integrated.

Also the accounting on the revenue side, the recognition approving bank statements, many, many ongoing sustained basic business functions that we are embedding and integrating with our County unit upstairs. Yes, I absolutely believe that we will be well-suited. We won't have any Y2K. It's going to go off with a hitch -- without a hitch.

LEG. LINDSEY:

That's good to hear. And I'm -- you know, I'm glad to hear your early successes with it. I hope to watch those successes grow; and hopefully we can use as a model for future mergers in the -- you know, at later times. Thank you.

COMPTROLLER KENNEDY:

You're welcome. Thank you.

P.O. GREGORY:

Legislator Trotta.

LEG. TROTТА:

Two quick questions. I was a little confused at the Committee meeting. I just want to ask it again. The uncollected taxes from 2006 to 2015 increased by 135%. Yet, the tax warrant only increased by 35%. So I'm having trouble justifying, you know, why the percentage went down. If someone could explain that to me.

COMPTROLLER KENNEDY:

I'm going to let Miss Sloan speak to that a little bit and then we can hash that one out.

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MS. SLOAN:

Hi. I know we briefly did discuss this at the Committee meeting. And we were saying the uncollected tax is actually a three-year figure. It represents three years of uncollected taxes while the tax warrant is just representing one year's of taxes. That may not completely explain, you know, the difference in the percentages, but it does need to be looked if we were to analyze it.

LEG. TROTТА:

It really doesn't explain it at all, because in 2006 the uncollected taxes were 111 million. And the total tax warrant was \$4 billion. Now, the 111 million represented four years. So fast forward to 2015, the 264 million uncollected taxes represents four years. And the 5.5 billion represents the one year. So the analogy's the same. So we went up 135% in the uncollected tax. And the total tax warrant only went up 35%. So, you know, there's something not right there. And then to say that it went down 37%, you know, I don't know, I'm not -- maybe the kid from Commack High School could figure out, but it just doesn't seem right to me.

MS. SLOAN:

Well, like I said, I think we would have to look at the three -- the three years of uncollected taxes and the three years of tax warrants together in order to, you know --

LEG. TROTТА:

No matter how you look at it, the numbers are the numbers. All right, let's switch gears slightly. The recent sales tax revenue is down about, you know, \$77 million if it stays on pace for the first six months of the year. As the Comptroller, do you have any idea where we're going to come up with \$77 million?

COMPTROLLER KENNEDY:

Well, again -- we talked a little bit about at the Committee meeting. Do I personally know where we're going to come up with 77 million? No, I do not. The function of the budget is a pretty straight forward function that each and every Legislator around this horseshoe knows. It's based on the total projected revenue and what the expenditures are that we were looking at going into 2016.

I can tell you that I lobbied Albany quite vociferously in the Spring of this year, made two trips, actually met with the former Majority Leader seeking recommencement of the pilot program that we had had for sales tax enforcement here in Suffolk County that was in place through 2003. That was an annual \$300,000 grant. It funded a couple personnel in my office and they worked in collaboration with the State Department of Taxation and Finance to undertake what we call preaudit. And it would be basically observation of different entities.

The grant lapsed in '03. And I was not successful in getting funding put into this '15/'16 budget. I have continued to have dialogue with now Majority Leader Flanagan. I will have reached out to Taxation and Finance and may begin to undertake a preaudit function, again, in collaboration with Tax and Finance.

I'll give you the analogy with Hotel/Motel. Since coming into office we've now been able to identify to date four non-remitters on the hotel/motel. And that was simply a function of getting an MOU put in place with Taxation and Finance to get their lodging sales tax category and compare it to what our Hotel/Motel registry is. We are undertaking enforcement and actually have dialogue going on right now. With those remitters, we will be doing some additional site visit. In a similar fashion, I believe that we will be able to identify starting some sales tax enforcement work; but, again, that will be part of what I'll be talking to you about going forward.

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I believe that we need to get out some enforcement work. The numbers defy logic. Every other region in the State is up in sales tax collection. And yet Long Island is flat or just up less than a point. There can be a number of reasons for that, but I think we need to get under the hood and see what.

LEG. TROTTA:

So it's safe to say that in the next six months, these things will be up and running. And if they were, they're certainly not going to cover a \$77 million shortfall.

COMPTROLLER KENNEDY:

No, I don't think I can find 77 million out there. I mean, you know, we're good but I don't where we could find 77 million, but we're going to best efforts.

P.O. GREGORY:

Okay. Legislator Schneiderman.

D.P.O. SCHNEIDERMAN:

Although I'd love to talk about sales tax, because I think it's an interesting subject, I know you came down to talk about the DTAN --

COMPTROLLER KENNEDY:

Yeah.

D.P.O. SCHNEIDERMAN:

-- so I'll go back to that, Mr. Comptroller. So you're saying -- and I understand the DTAN, basically there is tax delinquencies. We borrow short-term. We'd have to make the Towns whole. We'd make them all whole. We get the money back as people pay late.

COMPTROLLER KENNEDY:

Yes.

D.P.O. SCHNEIDERMAN:

Or we auction off properties as we eventually get to that point, too. But the actual amount of the borrowing is pretty consistent the last three years.

COMPTROLLER KENNEDY:

Yes, it has been.

D.P.O. SCHNEIDERMAN:

Around a hundred million dollar range. So in terms of -- and I imagine the interest is relatively low that we're going to get on those notes; right?

COMPTROLLER KENNEDY:

Um, the --

D.P.O. SCHNEIDERMAN:

The short-term borrowing.

COMPTROLLER KENNEDY:

Yeah. Let me -- let me defer to Miss Guerriero. How have we done so far on our notes? What are we going on average with our interest rate?

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MS. GUERRIERO:

The most recent transaction that we did was the RAN in April. And we came in at a little over a half percent. That was a net interest after a premium was received. I do believe the market has started to move away and the expectation is that this borrowing will be at a little bit of a higher percentage. But until we enter the market, that's really an unknown. So when we put the DTAN resolution in, we put it at a 2% estimate.

D.P.O. SCHNEIDERMAN:

Okay. And so -- do we know -- and 2% in this coming DTAN compared to -- what was it last time?

MS. GUERRIERO:

Last year's DTAN the net interest was at -- I believe it was four point -- point four nine percent.

D.P.O. SCHNEIDERMAN:

So about a half percent. And now it might be 2%. So that actually is a significant --

COMPTROLLER KENNEDY:

That's just a ceiling. As a matter of fact, typically when we rack 'em up and put 'em out there, we always are going from the estimated perspective higher than what we will come in at. As Miss Guerriero said, anybody around the table here has seen that the Fed is going back and forth talking about raising the cost of the money and the price of money. If, in fact, we hit that in September, then that will be a function of what we wind up with out there when the institutions --

D.P.O. SCHNEIDERMAN:

You know, I'm trying to look at this just from a budgetary standpoint.

COMPTROLLER KENNEDY:

Certainly.

D.P.O. SCHNEIDERMAN:

Predictability. So let's say it's a half percentage more on that hundred million, so that's about a half a million dollars potentially more that we'll have to cover on this borrowing. Do we get -- when somebody pays their taxes late, there's a fee involved, too.

COMPTROLLER KENNEDY:

Yes, there is.

D.P.O. SCHNEIDERMAN:

Does that go to the Town or does that go to us?

COMPTROLLER KENNEDY:

No, actually all of the fees and the interest and the penalty and the fees are all ultimately recovered by the County and wind up being booked as a revenue. Yes, as a revenue.

D.P.O. SCHNEIDERMAN:

All right.

COMPTROLLER KENNEDY:

The premise there is, as you know, Legislator Schneiderman, from your days as a Town Supervisor, the budget that's put together by the Towns, for all intent and purposes, is made 100% whole by virtue of the collections under the Suffolk County Tax Act. The offset, if you will, is the interest and the penalty remain with us kind of as the cost of us factoring or financing the lesser entities in the first instance.

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D.P.O. SCHNEIDERMAN:

Right. So the Towns will collect those late fees. And they will remit back to us those late fees. So we'll get that money back. Is that --

COMPTROLLER KENNEDY:

No, no, the Towns will not collect the late fees. Because, remember, after May 31st any delinquent property owner is dealing exclusively with us.

D.P.O. SCHNEIDERMAN:

Okay. So we get that directly.

COMPTROLLER KENNEDY:

Yes.

D.P.O. SCHNEIDERMAN:

And does that cover the cost of the borrowing typically or probably not? And have we adjusted those fees at all?

COMPTROLLER KENNEDY:

We look at that. We have looked at that from time to time as far as what the interest, penalty and fines are. And when we compare them with what our short-term cost -- because, again, remember it's a note; it's 364-day borrowing. Typically we are revenue positive. We still are in a net positive position even when you back out the cost of the financing.

D.P.O. SCHNEIDERMAN:

Say that again. We are a net positive or net negative? Net positive. Net positive. Okay, so we'll take in more in those fees that we're going to pay in the interest.

COMPTROLLER KENNEDY:

And I'm looking at Dr. Lipp. You agree?

MR. LIPP:

Yes.

COMPTROLLER KENNEDY:

Yes. Okay.

D.P.O. SCHNEIDERMAN:

Then the fees are probably appropriate then.

COMPTROLLER KENNEDY:

Yes.

D.P.O. SCHNEIDERMAN:

Okay, thank you, Mr. Comptroller.

COMPTROLLER KENNEDY:

You're welcome.

P.O. GREGORY:

Okay. Anyone else? Okay. All right, seeing none, thank you, Mr. Comptroller and your staff for being available to us.

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COMPTROLLER KENNEDY:

Thank you, Mr. Presiding Officer. And everybody have a great rest of the summer.

P.O. GREGORY:

All right. You, too.

Okay, next we're going to have -- make a motion to approve the Consent Calendar; second by Legislator Barraga. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

Okay. All right. Let's get to the agenda.

TABLED RESOLUTIONS

Tabled resolutions, **IR 1175, Adopting Local Law No. -2015, A Local Law to protect privacy in Suffolk County. (Muratore)** Legislator Muratore, what would you like to do? I think we may have to table because we have a public hearing later, right? Or, actually we'll pass over. We'll pass over it for now. We'll pass over it, okay.

All right, Introductory Resolution on page 9, Budget and Finance, **IR 1534, Resolution delegating to the County Comptroller the powers to authorize the issuance of not to exceed \$105,000,000 Tax Anticipation Notes of the County of Suffolk, New York, in anticipation of the collection of taxes levied for County purposes or returned to the County for collection for the Fiscal Years commencing January 1, 2012, 2013, 2014 and 2015, and to prescribe the terms, form and contents, and provide for the sale and credit enhancement of such notes. (Co. Exec.)**

LEG. D'AMARO:

Motion.

P.O. GREGORY:

Motion by Legislator D'Amaro; second by Legislator Stern. Anyone on the question? All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

Okay. **IR 1294, Appointing Julie Stone to the Suffolk County Motion Picture/Television Film Commission. (Co. Exec.)**

LEG. STERN:

Motion.

P.O. GREGORY:

Motion by Legislator Stern; second by -- who was that? Lindsay. All in favor? Opposed? Abstentions?

D.P.O. SCHNEIDERMAN:

Clerk, note my recusal.

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MR. RICHBERG:

Seventeen (Recused: D.P.O. Schneiderman).

P.O. GREGORY:

IR 1451 (Adopting Local Law No. -2015) A Local Law to clarify the procedures for review of applications for licenses and leases at Gabreski Airport. (Schneiderman)

D.P.O. SCHNEIDERMAN:

Motion.

P.O. GREGORY:

Motion by Legislator Schneiderman; second by Legislator Spencer. Anyone on the question? All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

IR 1495, Appointing Cara Longworth to the Suffolk County Landbank Corporation Board of Directors (Co. Exec.) I'll make the -- motion by Legislator Cilmi; I'll second. Anyone on the motion? All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

Okay, Environment and Planning. **IR 1473, Authorizing the inclusion of new parcel(s) into an existing certified Agricultural District(s) in the County of Suffolk – 2015 – Albert J. And Mary F. Krupski, Jr. (SCTM Nos. 1000-074.00-04.00-004.001, 1000-074.00-04.00-004.002, 1000-074.00-04.00-004.003, 1000-074.00-04.00-004.004, 1000-074.00-04.00-004.005, 1000-074.00-04.00-004.006, 1000-074.00-04.00-004.009) (Co. Exec.)**

LEG. KRUPSKI:

Presiding Officer, could you please -- and, Mr. Clerk, could you please note my recusal and the fact that I've filed the appropriate paperwork with the Presiding Officer and with the Suffolk County Board of Ethics.

P.O. GREGORY:

Okay. I'll make the motion; second by Legislator Calarco. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen (Recused: Legislator Krupski).

P.O. GREGORY:

Okay, **IR 1474, authorizing inclusion of new parcel(s) into an existing certified Agricultural district(s) in the County of Suffolk 2015 JR Landscaping, Inc. (SCTM No. 0900-083.00-01-009.002) and Long Lane Farm Corp. (SCTM No. 0300-157.00-03.00-002.000) (Co. Exec.)**

LEG. CALARCO,

Motion.

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P.O. GREGORY:

Motion by Legislator Calarco. I will second. Anyone on the motion? All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

IR 1475, Authorizing the inclusion of new parcel(s) into an existing certified Agricultural District(s) in the County of Suffolk – 2015 – John Verderber (SCTM No. 0600-085.00-03.00-012.003), 359 Main Road LLC (SCTM No. 0600-085.00-03.00-067.000), 1486 Sound Avenue LLC. (SCTM No. 0600-085.00-03.00-072.104) 406 Main Road LLC. (SCTM No. 0600-085.00-03.00-073.002), and 1546 Sound Avenue LLC. (SCTM No. 0600-021.00-02.00-008.000) (Co. Exec.)

LEG. KRUPSKI:

Motion.

P.O. GREGORY:

Motion by Legislator Krupski; second by Legislator Calarco. Anyone on the question? All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

IR 1476, Authorizing the disapproval of a new parcel for inclusion into an existing certified Agricultural District(s) in the County of Suffolk – 2015 – JCNSL LLC (SCTM No. 0200-722.00-01.00-017.000) (Co. Exec.)

LEG. KRUPSKI:

Motion.

P.O. GREGORY:

Motion by Legislator Krupski; second by Legislator Calarco. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

IR 1477, Authorizing the inclusion of new parcel(s) into an existing certified Agricultural District(s) in the County of Suffolk – 2015 – Pal-O-Mine Equestrian, Inc. (SCTM No. 0504-004.00-01.00-016.000) (Co. Exec.) Tom, is this yours?

LEG. CILMI:

Make a motion.

P.O. GREGORY:

Motion by Legislator Cilmi; second by Legislator Martinez. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

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P.O. GREGORY:

IR 1478, Authorizing the inclusion of new parcel(s) into an existing certified Agricultural District(s) in the County of Suffolk – 2015 – 29 Norwood Road LLC (SCTM No. 0400-011.00-01.00-025.000) and Norwood Property Search & Management LLC (SCTM No. 0400-011.00-01.00-026.000) (Co. Exec.) Motion by Legislator Trotta; second by Legislator Spencer. On the motion? Legislator Spencer.

LEG. SPENCER:

Definitely this is -- some of the constituents in the area with regards to the County's position of it being an Agricultural District, they wanted to make it very clear that our role is just authorizing it being in that Ag District. As far as what particular uses that are there be it for crops or a winery, that's something that obviously the Town would have some jurisdiction over, if it's a winery, so. My constituents just wanted that information on the record. And I said I would --

P.O. GREGORY:

So, are you seconding or no?

LEG. SPENCER:

I am seconding, yes.

P.O. GREGORY:

Okay. All right.

LEG. SPENCER:

So I just --

P.O. GREGORY:

Legislator Krupski.

LEG. KRUPSKI:

I'd like to echo what Legislator Spencer said that Farmland Protection Board has the authority to recommend inclusion into an Ag District, but does not have any zoning or land use powers as the municipality does. So this is -- this is strictly -- this is just limited to that and it is not for approval for any sort of other production or retail.

P.O. GREGORY:

Well, don't they have to have a production already in order to be included in an Ag District? But that can be changed.

LEG. KRUPSKI:

This went through the Farmland Protection Board and the Suffolk County's Board. And the Board felt that because it is part of an existing bona fide agricultural operation, that this should be included in the District. It's not -- it's not looked on as a new business.

P.O. GREGORY:

All right, gotcha. Okay. All right. We have a motion, a second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

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P.O. GREGORY:

Okay, IR 1479, Authorizing the disapproval of a new parcel for inclusion into an existing certified Agricultural District in the County of Suffolk – 2015 – Sagaponack Realty, LLC (SCTM No. 0908-010.00-03.00-001.000)

LEG. KRUPSKI:

Motion.

P.O. GREGORY:

Motion by Legislator Krupski; second by Legislator Hahn. Anyone on the motion? All in favor? On the motion?

D.P.O. SCHNEIDERMAN:

On the motion. Yeah, maybe I'll defer to Legislator Krupski to just explain this. This is one that's been a little bit controversial, the property owners --

LEG. KRUPSKI:

Correct.

D.P.O. SCHNEIDERMAN:

-- spoke earlier.

LEG. KRUPSKI:

Sure. And this is -- this is similar to the next one IR 1480 in that -- when the committee reviewed this -- and the Village of Sagaponack did have some objections; however, those were based on land use and zoning objections and it was sort of an apples and oranges argument there.

The way that Suffolk County Farmland Board -- Protection Board took a look at this was that when it was being reviewed, there was no agricultural operation there. And just like with the next one, where there's a disapproval and the previous one where there's a disapproval, when the applicant establishes an agricultural operation, they can come in, because the review process takes place every year, and they're free to come in and make their case next year.

D.P.O. SCHNEIDERMAN:

All right.

P.O. GREGORY:

That's it? No, okay. Legislator D'Amaro and then Legislator --

LEG. D'AMARO:

I just want to ask the -- during the public portion there was an attorney, someone who spoke in favor -- rather opposed to the disapproval, mentioning to send it back to Committee for further discussion stating it was viable property, it met the State guidelines, over 50% is planted and in use and it meets all the other advisory guidelines or nonbinding guidelines. I'm just throwing it out there if maybe -- who's the head of that Committee? Which Committee is this?

LEG. HAHN:

Me.

LEG. KRUPSKI:

We could ask -- if we could ask --

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LEG. D'AMARO:

Legislator Hahn, is that something that we want to consider putting it back to Committee for further -- just review to determine whether or not it's properly meeting the criteria?

LEG. HAHN:

I think the -- the Committee heard -- you know, heard all of that the first time around. The speaker this morning was present at the Committee. The Committee weighed that. We also have Director Lansdale here if she'd like to come forward and speak on this at all and possibly Laretta Fischer as well.

DIRECTOR LANSDALE:

So, good morning everyone. There are specific -- in terms of the timing of the Agricultural District's certification, the addition or exclusion of properties within an Agricultural District within the County, that timeline is dictated by State Law Article 25-AA. Section 302 outlines a specific timeline. And it starts with the annual 30-day enrollment period which started on March 1st of this year. And then from that point the Legislature has 120 days to act upon the Farmland Protection Board's recommendations. So that 120 days is up tomorrow. So that is the specific timeframe.

The Farmland Protection Board met on April 29th to review the applications that the County received. The Farmland Protection Board is chaired by Ken Schmidt, a farmer. It's an 11-member board. The board membership is governed by New York State law as well. I serve on the committee as well as Legislator Krupski. Happy to answer any specific questions.

LEG. D'AMARO:

So the Farmland -- that committee that you sit on took the position recommending that this parcel not be included.

DIRECTOR LANSDALE:

That's right.

LEG. D'AMARO:

What was the basis of that?

DIRECTOR LANSDALE:

The basis of that was we looked at our guidelines, specifically the percentage of land that was in agricultural production at the point of review and consideration by the Farmland Protection Board and determined that the property did not meet our guidelines.

LEG. D'AMARO:

Okay. So the property didn't -- when you say "our guidelines," you mean the committee's guidelines?

DIRECTOR LANSDALE:

That's right, the Farmland Protection Board's guidelines.

LEG. D'AMARO:

Their own guidelines that are consistently applied to every applicant.

DIRECTOR LANSDALE:

That's right.

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LEG. D'AMARO:

But there are other criteria that need to be met as well at this State level in order for it to be included; other than the timeline you spoke of, there is specific criteria?

DIRECTOR LANSDALE:

Yes. Laretta?

MS. FISCHER:

The guidelines state that it has to be viable agricultural lands. And those guidelines are taken into consideration when they are presented to the board. The board in their capacity has created additional guidelines above just that specific requirement to assure that farm properties are farmed and at the time that we recommend them to be placed in an Agricultural District.

LEG. D'AMARO:

And you're confident that the committee has the authority to set more strict guidelines?

MS. FISCHER:

Yes, there's nothing in New York State Ag and Markets Law that restricts us from those additional guidelines.

LEG. D'AMARO:

So even though you may meet the State standard, you may not necessarily -- the applicant may not necessarily meet the standards that are at the County level?

MS. FISCHER:

That's correct.

LEG. D'AMARO:

Is that the case here?

MS. FISCHER:

Yes.

LEG. D'AMARO:

It is. So if we approve the disapproval today, would this particular parcel or applicant be permitted to reapply next year?

MS. FISCHER:

Yes, absolutely.

LEG. D'AMARO:

And can you tell us specifically what guidelines were not met?

MS. FISCHER:

The greater than 50% of the property is to be in agricultural production.

LEG. D'AMARO:

Okay. Thank you.

MS. FISCHER:

You're welcome.

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LEG. D'AMARO:

Thank you, Mr. Presiding Officer.

P.O. GREGORY:

Legislator Stern.

LEG. STERN:

Yeah, thank you. So we've been discussing procedural aspects. But what I had gleaned from the conversations and from some of the statements from the owner's representative, there were factual issues as well, right, with what might have been planted or growing and what might have not. So my question is, is everybody together at this point on the facts? And did the decision that the committee had made, was that substantially in accordance with the facts as they've been presented to us subsequent to that? Because, again, what I was gleaned from the conversation was that there were items that were either not considered or considered mistakenly as either facts or not facts. So it seemed like there was a factual dispute as to what was happening at the property or what was not happening at the property.

MS. FISCHER:

Well, our review was presented to the Board. We did evaluate their questionnaire that we requested that they fill out. The information was presented based on that information they provided to us. So, there are differences in what the attorney for the owner is purporting versus what the guidelines are stated.

LEG. STERN:

You had mentioned the timeline with a deadline of tomorrow. Before us is a resolution to disapprove.

MS. FISCHER:

Correct.

LEG. STERN:

So that's all we have before us today. It's the recommendation of the committee that this resolution be approved --

MS. FISCHER:

Correct.

LEG. STERN:

-- to disapprove.

MS. FISCHER:

Correct.

LEG. STERN:

Procedurally is it possible to put forth a resolution -- I'm just asking rhetorically, not even suggesting that it would apply in this case, but is it -- and has it ever been done where the Legislature puts forth a resolution to approve inclusion in opposition to the committee's recommendation to disapprove?

DIRECTOR LANSDALE:

Not that we know of.

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LEG. STERN:

Okay. And given a deadline of tomorrow, since there is no resolution before us to approve, with the only resolution being to disapprove, even if everybody felt strongly that it should be approved, there's no resolution before us to do that and time is up tomorrow.

DIRECTOR LANSDALE:

That's right.

LEG. STERN:

That's the procedure that we are bound by.

DIRECTOR LANSDALE:

That's right.

LEG. STERN:

Okay. All right. Thank you.

P.O. GREGORY:

All right. Legislator Barraga.

LEG. BARRAGA:

I sit on the Committee where this presentation was initially met -- presented. Let me ask the question, when the committee initially did meet, the determination was that less than 50% of this particular piece of property was in agricultural use. Between that time and when the Environmental Committee met, and even today, the attorney representing the owner indicates that 50% or better of the property is now in agricultural use, agriculturally planted.

If this was referred back to committee, can a final definitive determination be made as to what's happening on that property? Even this morning the attorney, if I recall correctly, when he spoke, he said he physically went out to the property, he counted the trees, he feels assured that better than 50% of the property is in agricultural use. What happens if it goes back to Committee and we take it up again; and this time we come up with a definitive percentage in terms of whether or not this property is 50% planted or less?

DIRECTOR LANSDALE:

Lauretta.

MS. FISCHER:

Procedurally I don't think -- it would become null and void as far as this year's present -- you know, information and recommendations to the Department of Ag and Markets for inclusion. If we went back and looked at it after the fact at this point, after the enrollment period, it would be, again, not procedurally correct in the sense that we're to review -- you know, they're to make an application to us in the month of March, which is set by this Legislative body. During that time is when they fill out their form indicating the questions relating to our guidelines. And if they don't meet those guidelines at that time, it's incumbent upon us to present that information to the Board. The Board then takes that information into consideration. And because they did not meet the guidelines, they were not approved to be considered.

So it's -- it's a fuzzy question in the sense that, you know, we have certain requirements set by New York State Ag and Markets Law to move this process forward. We've done due diligence on our procedure. And, you know, at this point I think it would be moot to go back at this point.

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LEG. BARRAGA:

So it's pointless to send it back to Committee at this time.

MS. FISCHER:

Yes.

LEG. BARRAGA:

All right. Thank you.

P.O. GREGORY:

Okay. Legislator Cilmi.

LEG. CILMI:

Thanks, Mr. Chair. Ladies, I just had a couple of questions for you. With respect to the facts, the question of the facts here with regard to whether or not 50% is ag -- is being used agriculturally, does the applicant have the ability to respond to our factual determination that it wasn't -- it's not being used 50%?

MS. FISCHER:

They can speak at the meetings and present their case. I actually went out to the site about two weeks ago. And I'd say at most 20% of the 25 acres was in Christmas tree production. There was cover crop, but that, again, is not considered part of ag production. So once they move forward and put Christmas trees or whatever product they're going to be selling on the property, then we can reconsider it at that time.

LEG. CILMI:

Okay. So you said two weeks ago you were out. And it looked to you like maybe 20% of the property was being used.

MS. FISCHER:

About five acres.

LEG. CILMI:

You feel like you have a pretty good ability to determine whether or not, you know, that number is accurate? I mean, for example, if you planted -- and I don't -- you know, if you planted seeds, you might not see the growth from those seeds, etcetera.

MS. FISCHER:

Right. They were small saplings about one to two feet high on most of the majority of the two acres. And there was a perimeter of larger, I'd say, six to seven feet Christmas trees around a portion of the perimeter of the young ag area.

LEG. CILMI:

So once you came to that conclusion, did you make the property owner aware of that conclusion like immediately; or how does that work exactly?

MS. FISCHER:

No, that was just for our information to, you know, update what we -- you know, what we were told at the meetings by the attorney for the owner just for information purposes.

LEG. CILMI:

Okay. So there is no dialogue that then goes back and forth to say, you know, you're on the phone with them and say, "look, I only see 20%, am I wrong, what am I missing here?" That doesn't

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occur?

MS. FISCHER:

It's somewhat timely -- timely in the sense that this already came to the Board. It was reviewed and the application was presented in March. At that time there were no, you know, product in the ground and the attorney for the owner did identify that as such.

LEG. CILMI:

Okay. So back in March, it was determined that not enough of the property was being used agriculturally. And that information was communicated to the property owner.

MS. FISCHER:

Yes.

LEG. CILMI:

And so the time between then and, I guess, most recently when EPA met, could have been an opportunity for the property owner to kind of refute the claim that it wasn't 50% used; correct? Because despite -- despite the committee's actions, EPA could have -- could have done something differently here with this resolution, right?

MS. FISCHER:

That's their prerogative.

LEG. CILMI:

Right.

MS. FISCHER:

We're just bringing before you what the board recommends.

LEG. CILMI:

Sure. And according to the -- and according to the Committee Chair, the Committee heard the arguments and decided that this finding was proper.

MS. FISCHER:

Yes.

LEG. CILMI:

And, therefore, approved the resolution.

MS. FISCHER:

Correct.

LEG. CILMI:

Sarah, did you have something to add to that or --

DIRECTOR LANSDALE:

I just wanted to make sure that members of the Legislature were aware that the property owner's attorney was present and provided testimony at the EPA Committee last Monday, July 20th.

LEG. CILMI:

Okay. I have one last question.

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DIRECTOR LANSDALE:

As well as the public hearings.

LEG. CILMI:

So most of these resolutions that we're -- that we're voting on today call for the inclusion of parcels into the Agricultural District. If somebody makes an application and the County does not act on that application in terms of -- more specifically the County Legislature does not act on an application, there's no resolution put forth to either include or disinclude, what happens?

MS. FISCHER:

It becomes null and void. There's no action.

LEG. CILMI:

Okay, so why would we specifically put forth a resolution to disinclude? Why wouldn't we just not put forth a resolution to include?

MS. FISCHER:

We want to provide you with the entire recommendations.

LEG. CILMI:

Okay. Fair enough. Okay, thank you very much.

P.O. GREGORY:

Legislator Kennedy, you had a question, I thought?

LEG. KENNEDY:

I'm understanding more of this process. The only thing that I can suggest is better communication at the Farmland Preservation. If at the time of the meeting, the 20% -- there's only 20% and not 50%, can that be presented to the owner, the owner's attorney so they know right then and there that this is their only option of time to get this declared in the program and they just blew it. I think instead of dragging them along over time thinking that they have a chance when they really don't have a chance, can we change the communication mod at that point?

DIRECTOR LANSDALE:

Thank you for your suggestion. We did provide -- the applicant was present during the Farmland Protection Board meeting in April where it was extensively discussed. But there is certainly always room for improvement on communication.

P.O. GREGORY:

Okay. Anyone else? We don't -- we're -- we don't have any -- we've discussed the issue, Mr. Snead, we heard your comments during the public portion. Unless there's someone specifically that wants to ask a question that hasn't been addressed, it's a little unusual, but Mr. Muratore? Muratore?

LEG. MURATORE:

Just one question if I could ask the attorney -- bring him up, I just have a question for him. You said this morning that you went out there and counted 14,000 trees or saplings. Now, how much room does that encompass? What is 14,000 saplings or seedlings -- how much room?

MR. SNEAD:

There were 14,000 seedlings purchased by my client. There was an area of about seven-and-a-half acres cleared and bounded by what are known as wind grow trees. And these wind grow trees keep the small saplings from being bought, from being hit with the wind and drying out. Within that area

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of the wind grows, there's about seven acres, seven-and-a-half acres. All 14,000 were planted in there. There are two rows that have a substantial number because these are the plants -- these are the -- the plants that are going to be planted in the adjoining 20 acres -- 22 acres of the parcel. The balance of the area was planted in trees and is irrigated.

With regard to this issue of how much needs to be planted, the State law does not require anything other than seven acres to be planted. We meet the State standard. The idea that the County AFPB has a 50% requirement is nowhere in State law. And if you think about this, you would require different amounts of property to be planted, depending on how large the parcel size is. Our parcel is 43 acres. We have seven in trees; we have 22 -- about 22 in oats. That will be turned in by the end of this year and planted in trees. We made this aware to the County committee at the time of the March hearing. And I note to you that nowhere in the guidelines does it say that you have to be planted by the time you meet the AFPB's meeting. In fact, Miss Lansdale last week indicated that a company had to be planted by the time of the determination here. And that makes sense. Because you guys are the people who are deciding it. The AFPB is advisory only.

As to the issue of whether or not a decision needs to be made today, there is no requirement in the law that says, and it's Article 303 B of the Agricultural Farmlands Law, that says that you have to make a decision -- a decision or something becomes void. It simply a directory responsibility to do it within 120 days. If you choose not to or can't get to that decision, there's nothing that makes the application void. All that happens is that if you subsequently do make that decision one way or the other, it goes up to the Commissioner of Agriculture for his final determination.

Right now you have before you a disapproval. That kills us. If you voted on that -- on that thing, it kills us, we're done. However, if you don't vote, we haven't been approved. And subsequent to a finding of fact -- which we've never been presented with, by the way. All that's been suggested here is that we don't have 50% in production as of the time an application gets scheduled before the AFPB, which nobody knows when that's going to be.

The decision point is with you here today. We meet those requirements. We're planted. We meet the State standard. And, quite frankly, Legislator D'Amaro, I think you hit it on the head, you were getting at it, how is it that this Board, the AFPB can create guidelines without any public hearing? And they can change them willy-nilly on a matter that the State has said "all you have to do is be planted in seven acres and you are a farm."

Within the package that's been presented to all of these boards, we have letters from the Department of Agriculture indicating that we're a farm operation, indicating that we're viable agricultural land, which is the sole standard which you are to apply here. Because the AFPB is applying these rules -- and quite frankly in a way that's somewhat arbitrary, "we'll grant this one here even though it's part of another piece of property or because he's got a lease, even though it's not planted and doesn't intend to be planted, over here we're going to deny it because it's not planted as of today as opposed to another time," those arbitrary guidelines are problematic.

More than that, under the New York State Constitution, there's a right to farm. We have a constitutional imperative in this State to protect farmland. We meet the standards. And, quite frankly, I ask you again, don't vote on it if you're not going to vote -- because then at least we can have another dialogue --

P.O. GREGORY:

Sir, you made your argument, you answered the question.

MR. SNEAD:

Thank you.

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P.O. GREGORY:

I think there's --

MR. SNEAD:

If there's any other questions, I'll be happy to answer.

P.O. GREGORY:

Who was that? Legislator Cilmi had a question; and then Krupski and Schneiderman, I think, also wanted --

LEG. CILMI:

Really, just if I could ask Sarah Lansdale to join us back at the podium. So another procedural, I guess suggestion here, so the Legislature finds -- finds itself somewhat handcuffed today because if we -- if we say yes to a disapproval, then they're disapproved. If we say no to a disapproval, then they're not approved. So while we theoretically have the ultimate say here on the Legislature as to whether or not a parcel is included in the Agricultural District, because of this procedure, we, in fact, don't have the ultimate say. The ultimate say already happened. Because we're up against a time constraint.

So my question to you is would it be better in the future for you to present us with two separate resolutions: One that authorizes inclusion and one that authorizes disinclusion so that at that point the Legislature, as a whole, has an opportunity to listen to the facts at our meeting here and then come to a conclusion and vote one way or the other without having to worry about this time constraint that we have to worry about today that we're up against.

Even if you had -- if we had two resolutions before us and if EPA, let's say, decided to approve the disinclusion resolution, there's still an opportunity for the Legislature as a whole to discharge the inclusion resolution, if the Legislature -- if at least ten members are convinced that it warrants having a discussion here at the full Legislature.

So that would be my suggestion for the future. I don't know if that's possible to do that, but that may give us some additional flexibility to be able to deal with situations like this where there are some facts that are, you know, worthy of consideration.

DIRECTOR LANSDALE:

It's certainly something that we can take into consideration moving forward.

LEG. CILMI:

Thank you.

P.O. GREGORY:

I have Legislator Krupski.

LEG. KRUPSKI:

I just ask -- I had another question, but just to ask Legislator Cilmi for a clarification: Would you want, then, the resolution to approve or disapprove every inclusion into the Ag District?

LEG. CILMI:

Yeah, I think that makes sense to do it that way. And then, you know, certainly most of them, there probably won't be any contest so that whatever EPA recommends, the Legislature will likely adopt. But in the seldom occasion that there is a contest, at least we have the opportunity then to, you know, to weigh the facts and listen to the testimony and come to a conclusion. Right now we really -- we really don't have a choice.

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LEG. KRUPSKI:

Well, this is kind of similar to one last year in your district with the Pal-O-Mine where we had a --

LEG. CILMI:

Right.

LEG. KRUPSKI:

-- extended discussion about -- deciding for disapproval. And then it came back in this year and received approval.

LEG. CILMI:

Yeah. So last -- last year when Pal-O-Mine applied, EPA recommended, if I recall correctly, approval. The resolution was to include them in the District. And if I recall correctly, that was ultimately withdrawn; the application was ultimately withdrawn. So, yeah, there was some debate as to whether or not they should have been included. And that -- if we did it the way that I'm suggesting now that we do it, that would have given us all an opportunity then to listen to the facts at that point and make a decision.

LEG. KRUPSKI:

So the way the -- I can tell you the way the Farm Protection Board operates, there's nothing arbitrary about it. Every application is given its fair consideration based on -- based on their merits. And -- and there is a timeline. And there's a timeline for a reason; otherwise you'd have open enrollment, we would have these coming in all year long. And then when they're sent to Ag and Markets, they would be getting these applications all year long.

So there's -- if you look at the seal behind us, it's a plow, this process is taken very seriously. You know, it's not -- no one's dismissed out of hand. Every application is being considered on its merits. And when -- you know, and every applicant has an opportunity to present its facts to the board. Without -- without a cutoff date for enrollment, you know, it would just be open enrollment and it would never -- it would sort of never end, so.

LEG. CILMI:

And certainly I'm not arguing any of that at all. I'm just saying that if, in fact, this Legislature is to be the -- the full Legislature is going to be the governing, you know, decision here, then we should have the ability to make a decision. And in this -- we don't really have the ability to make a decision. It's -- regardless of what we decide, they're not being included. So if the -- if the Legislature wants to cede our authority to the committee, then we'll have -- let's talk about that and create a procedure that does that. But to say that we have the ultimate authority here as a full Legislature when we really don't, at least not in this case, is incorrect.

LEG. KRUPSKI:

But if you look at the next resolution, the Sylvester Manor applied for the inclusion of three parcels; and one, which was actually the largest parcel, was recommended for disapproval. So it's based on the lack of agricultural production on that larger parcel. So they were able to demonstrate production on the smaller two, but the third larger one, they weren't able to demonstrate it to the committee's satisfaction.

LEG. CILMI:

Yeah, I can't really -- I can't really speak to how that would work. And as I'm thinking about it, you know, when there's a resolution put forth to include, then the Legislature does, in fact, have a role to play; the full Legislature has a role to play. Because if the suggestion is to include and we say yes to the resolution, then they're included. If we say no to the resolution, then they're not included. But when there is a dis -- when they're not recommended for inclusion, I think in those

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cases, then, there should be two resolutions put forth so that we, in fact, do have the ultimate say.

And if there's a resolution that we're -- if there's a property that has three -- like this resolution that you're talking about that contains three different parcels, maybe they shouldn't -- you know, maybe -- maybe we should consider those separately.

P.O. GREGORY:

Miss Anker, you had a -- Lansdale, geez, I'm sorry, (laughter) comment?

DIRECTOR LANSDALE:

I just wanted to note that the Legislature had a -- several public hearings on each of these resolutions at the June 16th Legislative meeting. At that point perhaps in terms of an opportunity to introduce legislation that would approve parcels that were recommended for disapproval, perhaps, you know, just thinking about ways to optimize it, at that point there was -- there were some concerns raised by the applicant's attorney at that point. Perhaps a Legislative resolution could have been introduced at that point for Legislative consideration.

LEG. CILMI:

Yeah. And I think, you know, maybe this has really not come up before, and maybe none of us really thought to do that. Certainly the applicant could have reached out to one of us individually and said, "hey, you know, the committee's going to put forth a resolution to disinclude, we'd like to also see a resolution to include; and one of us could, I suppose, correct me if I'm wrong, I don't know if an individual Legislator can sponsor a resolution to include or disinclude in the Ag District, or if that has to come from the County Executive's Office.

MS. FISCHER:

I would imagine you'd be able to put in your own resolution.

LEG. CILMI:

I would think.

MS. FISCHER:

Where it wouldn't specify -- or may want to specify what the Board's recommendation was.

LEG. CILMI:

Right. But I can't imagine that in all of these applications there are many resolutions that come to us that recommend disinclusion. I would imagine most of them that come to us recommend inclusion.

MS. FISCHER:

Correct.

LEG. CILMI:

So I can't imagine it would be burdensome in any way in those instances where there is a disinclude resolution to also include -- an include resolution so that we ultimately have some decisionmaking authority.

DIRECTOR LANSDALE:

And in past years, we have -- the -- two years ago the Legislature, we would introduce just one resolution that summarized all of the findings of the Agricultural Protection Board; so parcels for inclusion as well as parcels not recommended. And it's because of the Legislative feedback that we have separated out those resolutions to individual parcel by parcel resolutions.

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LEG. CILMI:

Which I think is good. And to the extent that our continued feedback leads to continued improvement in the process, I think, that's also good.

P.O. GREGORY:

Okay, Legislator Schneiderman. I'm sorry.

D.P.O. SCHNEIDERMAN:

First, I'd love to believe that all farmland parcels were created equally. This is kind of an unusual piece. It's 43-plus acres on the ocean in the highest valued zip code in the country. It's an unusual piece.

Can I ask, you know -- and the lawyer for the applicant was up earlier and he said *if this doesn't go through, we're killed*, I think, or something like that. What does the designation of an Ag District allow them to do -- because they're already apparently planting on it and doing some agricultural activities. What is it that -- that they can't do any more, that they're killed for a year? What rights go with this Ag District designation that they don't currently have? What changes?

DIRECTOR LANSDALE:

So parcels that are in Agricultural Districts have -- owners have the right to petition the New York State Commissioner of Agriculture and Markets to intercede if there are matters under the right to farm protection, to intercede in local zoning matters at the Town or Village level. And it's not something that -- it's not automatic, that the Department of Ag and Markets would do that. It's, you know, on a case by case basis. But a parcel within the Agricultural District would allow you to petition New York State Ag and Markets for such assistance.

D.P.O. SCHNEIDERMAN:

So, I mean, I think it could be assumed that the highest value development on this property would be residential, something other than farming, but farming has a certain amount of value out in the Hamptons in this area. Residential development comes at a premium. So, in terms of residential development -- you know, and I read some testimony that there is a farmhouse -- what's being called a farm -- a 13,000, 14,000 square foot farmhouse that is proposed for this property. How does that factor in? Is that changed if it's in one designation versus the other?

MS. FISCHER:

Say that again, I'm sorry.

D.P.O. SCHNEIDERMAN:

Well, I'm reading some testimony from Committee that there was about a 14,000 square foot farmhouse.

MS. FISCHER:

Proposed.

D.P.O. SCHNEIDERMAN:

Proposed for this property. Is that affected by whether it's in the Ag District or not? Because then the village zoning would not apply to that property or might apply?

MS. FISCHER:

I'm not sure if I can answer that. I do know that it's in litigation, the proposed residential structure. And I don't know all the details of the argument back and forth.

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LEG. KRUPSKI:

Mostly, Jay, the protections from an Ag District would be against nuisance complaints or a local municipality passing a law that would say you can't plant a certain crop, you can't harvest on a Tuesday, you can't make dust on a Sunday, you can't irrigate, you know, in the afternoon, that sort of things. It's sort of nuisance complaints against normal and usual agricultural activities. As far as the zoning goes, I believe, that would be strictly in the control of any easements that are already in place on the parcel and the local municipality having that control.

D.P.O. SCHNEIDERMAN:

So then to get to my earlier question, without bringing the attorney up, because I don't think that's fair, there's multiple sides to this, but what does this -- if we approve the disapproval, what does it kill for them? What is it that they cannot do? They can't petition the State; right, that's basically it?

DIRECTOR LANSDALE:

That's right.

D.P.O. SCHNEIDERMAN:

For things that they believe the municipality's interfering with their right to farm. Is that -- am I getting that right, Al?

LEG. KRUPSKI:

Yeah. I don't understand where -- there's a lot of parcels that aren't in the Ag District and you can still farm. It's just that you can't petition Ag and Markets to assist you in a nuisance type of municipality action.

D.P.O. SCHNEIDERMAN:

So if you felt that the municipality was unduly hampering your ability to farm.

LEG. KRUPSKI:

Right.

D.P.O. SCHNEIDERMAN:

Okay.

P.O. GREGORY:

Legislator D'Amaro. I'm sorry.

LEG. D'AMARO:

Yeah. Just a couple of quick points. I think, one, Legislator Cilmi makes an excellent point. I think that -- excuse me -- given that the recommendation of the Farmland, or AFPB, is advisory only, I think when it gets to this point and we're told we have one day left, we should have a choice to make today; and not just whether or not we would adopt the Executive's position on a particular inclusion or not inclusion. So perhaps I'm not saying the Executive needs to introduce two bills. I understand that you want to put forth a bill that you believe should be passed, but perhaps the Legislature somehow should also focus on this and we should be mindful of the time -- the timing to make sure that if we want to put in a bill that's opposite of what you recommend, that we have the time to do it. Excuse me, so I think that's an excellent point that was made and I think we should explore that and keep that in mind for the future.

But I did want to ask you, the applicant here did follow the timeline; did meet the 30 -- the March 1 deadline, did get its review, did get its recommendation and met everything about the timing. If this Legislature today were to send this bill back to Committee and somehow the factual issues were resolved in favor of the applicant, and the Committee then recommended back to the Legislature for

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approval, is it your position that that approval by this Legislature would not empower the applicant, then, to petition the State?

MS. FISCHER:

I think that the issue is timing. They -- at the time of the application, applicant submitted his application.

LEG. D'AMARO:

Can I just interrupt you for a moment.

MS. FISCHER:

Sure.

LEG. D'AMARO:

The timing, I understand the 30 days, I understand the 90 days for the committee to act. But is there anything -- if the committee acts in a timely manner, the committee -- the AFPB acts in a timely manner --

MS. FISCHER:

Right.

LEG. D'AMARO:

Is there any constraints on the Legislature's timing to act?

MS. FISCHER:

Yes. They -- it's 120 days -- the County Legislature has to provide resolution to recommend inclusion into an Ag District within 120 days of the last day of the enrollment period, which was March 31st.

LEG. D'AMARO:

So that's specifically stated.

MS. FISCHER:

Specifically in New York State law.

LEG. D'AMARO:

Is that State law?

MS. FISCHER:

State law Department of Ag and Markets --

LEG. D'AMARO:

State law says that the local Legislature or governing authority --

MS. FISCHER:

Yes.

LEG. D'AMARO:

-- must act within 120 days of March 1.

MS. FISCHER:

Yes.

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LEG. D'AMARO:

Okay. So you have more experience at this than I do. Let's say we don't act until 150 days. What would happen?

MS. FISCHER:

I don't know. I'll be honest.

DIRECTOR LANSDALE:

It's silent.

LEG. D'AMARO:

Well, let's say we did act and we approved just to set the scene. And the applicant, then, themselves would, I guess, petition up to the State. Does the County make the petition to the State or do we?

MS. FISCHER:

County has to.

LEG. D'AMARO:

Oh, so we would take the position that it was not timely and, therefore, you're not going to forward that to the State.

MS. FISCHER:

Yes.

LEG. D'AMARO:

I see. Okay. I mean, I agree that, you know, the timelines are there for a reason. And it's not an open enrollment as Legislator Krupski points out. I just wanted to make sure that the time deadlines applied also to acts of this Legislature as well as the entire process.

MS. FISCHER:

Yes.

LEG. D'AMARO:

Okay. Thank you.

P.O. GREGORY:

Okay. Legislator Hahn.

LEG. HAHN:

I had my question answered. Thank you.

P.O. GREGORY:

Legislator Stern.

LEG. STERN:

So it sounds like from the discussion, then, that the timeline is the timeline, it's in State law, there is no discretion on the part of the Legislature, then, to consider facts or circumstances to extend that deadline. And if we did, you don't know what, if any, result there would be at the State level, whether they would act on it or they can simply not act on it at all, saying that it was beyond the deadline that was provided under its own State law.

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DIRECTOR LANSDALE:

That's right. There's one more timeline beyond the 120 days that the County Legislature has to act. And that's upon receipt, the State Agricultural Commissioner has 30 days to act upon our referral up to New York State. It goes further.

LEG. STERN:

From a timing perspective, then, is there a scenario where a favorable determination from the Legislature can get before the agency making the determination at the State level prior to the expiration of that 30 days? I don't know if there is one, but I'm asking the question because if there is one more time period, I think that would be important.

DIRECTOR LANSDALE:

Not that we're aware of, but we can certainly look at that from -- and ask the assistance of our Law Department to look into that.

LEG. STERN:

And the discussion about Pal-O-Mine from last time around, Legislator Cilmi represents that it was ultimately withdrawn rather than acted on.

LEG. CILMI:

(Nodding head in the affirmative)

LEG. STERN:

So if there is an approval of the resolution to disapprove, is there any prejudicial impact on an application that would be made in the next round? How is a disapproval viewed in the next cycle?

MS. FISCHER:

It's based exclusively on the information provided in the application regardless of how it was determined previously.

LEG. STERN:

A whole new review?

MS. FISCHER:

A new review, right.

LEG. STERN:

Thank you.

DIRECTOR LANSDALE:

I can think of a couple cases where the Farmland Protection Board one year previously, you know, recommended disapproval. And because then the facts changed with relation to the guidelines, that the parcel now in a second review met the guidelines, but then the Farmland Protection Board recommended approval in the second year.

P.O. GREGORY:

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

MR. RICHBERG:

Yes, we do; and a second.

P.O. GREGORY:

Motion and a second to approve.

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MR. RICHBERG:

Yes.

LEG. D'AMARO:

Motion to table by Legislator Trotta; second by -- all right, don't rush -- Legislator McCaffrey.
(Laughter) All right, motion to table goes first.

D.P.O. SCHNEIDERMAN:

On the motion to table, maybe this is to George or to one of the Planning staff, so if this is tabled, it also is -- has the same effect, does it not, of approving the disapproval? Because it then would not be referred for inclusion to the State. So either way they'd have to wait 'til next year, correct?

MS. FISCHER:

That's my understanding.

D.P.O. SCHNEIDERMAN:

George, is that --

MR. NOLAN:

I believe that is correct, yes. We 120 days to act from the closed out period. And there's nothing to -- a resolution to include them, then, they're not going to be included, so, either way.

D.P.O. SCHNEIDERMAN:

That's a little -- it still is a little bit confusing because the resolution is to disinclude so you would think if it wasn't disincluded, it would be included.

MR. NOLAN:

There'd have to be a -- there'd have to be an affirmative vote to include them in a District. And there's no resolution to do that.

D.P.O. SCHNEIDERMAN:

Lauretta, is that your understanding as well?

MS. FISCHER:

Yes.

D.P.O. SCHNEIDERMAN:

So, for the property owner, either vote to approve disinclusion or to table has the same effect; is that correct?

MR. NOLAN:

There's no reso -- there'll be no action -- timely action to approve it in the District either way, whether you approve this resolution or you table it, I think, it's going to be the same result ultimately.

D.P.O. SCHNEIDERMAN:

Except that it keeps it on our agenda for next meeting in August or September, which it will be meaningless at that point.

MR. NOLAN:

I don't even think we can act on it at that point.

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D.P.O. SCHNEIDERMAN:

Couldn't act on it. Okay.

LEG. BARRAGA:

From the owner's perspective, though, a tabling would be no different than a disapproval from their point of view?

MR. NOLAN:

In a practical way. They need this -- a vote to approve their inclusion. And that's not happening today.

LEG. BARRAGA:

If I was the owner, I could always say I was never disapproved.

MR. NOLAN:

I think --

LEG. BARRAGA:

The resolution was tabled.

MR. NOLAN:

There needs to be a resolution approving their inclusion in the District. They just can't say -- we have to include them affirmatively. And under any scenario we're not doing that.

LEG. BARRAGA:

Well, let's say --

D.P.O. SCHNEIDERMAN:

If you defeated the bill to disapprove, would that be the same as included?

MR. NOLAN:

No.

LEG. D'AMARO:

Can I just add to that? So let me just ask the administration, why do you put in a bill to disapprove if -- are you required to put this bill forward?

MS. FISCHER:

We're supporting the recommendations of the Farm Board.

LEG. D'AMARO:

Right. So that's the reason why you're putting it forward.

MS. FISCHER:

Yes.

LEG. D'AMARO:

But if you put nothing forward, then it would be the same as us voting on the disapproval.

MR. NOLAN:

Legislator D'Amaro, I think the reason probably they do it this way is the language of the State law which says that after public hearing, the County Legislative body shall adopt or reject the inclusion of land requested to be included within a District.

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LEG. D'AMARO:

Well, then I think if it says adopt or reject, then perhaps these resolutions should be somehow changed so that it gives us the choice to either adopt or reject, right?

MR. NOLAN:

Well, I think -- well, as was discussed a Legislator could put in a resolution with the opposite finding of the Board.

LEG. D'AMARO:

I would highly recommend in the future that this somehow -- we put in some kind of tracking mechanism to call this to our attention timely so that if we are inclined to at least have the debate whether to include or not include, at least we have that option.

MR. NOLAN:

Right. I don't know, Laretta, the report of the board and their recommendations, that is circulated to who now?

MS. FISCHER:

Yes, we sent that out a few weeks ago to all the Legislators.

P.O. GREGORY:

So if I may -- so if I may, either Laretta or Sarah, so for example, you have ten applications to be approved into the district. There are ten dispositions presumably to approve or disapprove or any table? Or do we see every applicant -- we have a recommendation by the Board from every application that comes before it?

MS. FISCHER:

Yes.

P.O. GREGORY:

Okay, so there's none that are tabled at the Board.

MS. FISCHER:

No.

P.O. GREGORY:

And none that are -- unless the applicant withdraws it for some reason I would imagine, probably.

MS. FISCHER:

That's the only way.

P.O. GREGORY:

So we are -- this body affirmatively makes a decision to approve or disapprove every application that's presented based on the recommendation of the Farm Protection Board.

DIRECTOR LANSDALE:

That's correct.

MS. FISCHER:

That's correct.

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P.O. GREGORY:

Right. So it's our responsibility to make a -- you know, to go along with that -- that recommendation, which I think is the Board's responsibility to kind of get into the weeds on these applications. And at the time, given the timeframe that's designated by the State, this particular applicant did not meet the requirements -- or certain requirements under the guidelines that they are compelled to comply with.

So we are in a position of tabling a resolution or recommendation that really has no benefit or doesn't change the position of the applicant, but was a recommendation as presented by -- to the Board at the time it is true; and may not be in effect as of today's date, but was true at the time of the review of the application.

MS. FISCHER:

Yes.

P.O. GREGORY:

If that makes sense. All right, so -- all right, so we have a tabled resolution. The table resolution goes first. Roll call, Mr. Clerk.

*(*Roll was called by Mr. Richberg -
Chief Deputy Clerk of the Legislature*)*

LEG. TROTTA:

Yes.

LEG. McCAFFREY:

Yes.

LEG. KRUPSKI:

No.

LEG. BROWNING:

No.

LEG. MURATORE:

Yes.

LEG. HAHN:

No.

LEG. ANKER:

No.

LEG. CALARCO:

No.

LEG. LINDSAY:

No.

LEG. MARTINEZ:

No.

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LEG. CILMI:

No.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. STERN:

No.

LEG. D'AMARO:

No.

LEG. SPENCER:

No.

D.P.O. SCHNEIDERMAN:

No to table.

P.O. GREGORY:

No to table.

MR. RICHBERG:

Five.

P.O. GREGORY:

Okay. The approval resolution. Yeah, we do have a motion. All right, roll call.

*(*Roll was called by Mr. Richberg -
Chief Deputy Clerk of the Legislature*)*

LEG. KRUPSKI:

Yes.

LEG. HAHN:

Yes.

LEG. BROWNING:

No.

LEG. MURATORE:

No.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. LINDSAY:

Yes.

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LEG. MARTINEZ:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

No.

LEG. KENNEDY:

No.

LEG. TROTTA:

No.

LEG. McCAFFREY:

No.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

P.O. GREGORY:

Yes.

MR. RICHBERG:

Twelve.

P.O. GREGORY:

Okay. Let's see if we can get one more resolution in before the break. We have **IR 1480, Authorizing the inclusion of three new parcels – Sylvester Manor Educational Farm, Inc. (SCTM Nos. 0700-008.00-01.00-005.005, 0700-008.00-01.00-005.007, 0700-008.00-01.00-005.008) and the disapproval, oh, boy, of one parcel – Sylvester Manor Educational Farm, Inc. (SCTM No. 0700-008.00-01.00-005.010) into an existing certified Agricultural District(s) in the County of Suffolk – 2015 (Co. Exec.)** Do I have a motion?

LEG. KRUPSKI:

So moved.

P.O. GREGORY:

Motion by Legislator Krupski; second by Legislator Schneiderman. On the motion anyone? Anyone confused? Legislator Kennedy.

LEG. KENNEDY:

I'll admit to confusion. I just want to know can they reapply for the disapproved parcel?

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LEG. KRUPSKI:

Yes. Yes, they can.

LEG. KENNEDY:

They can. I just wanted that confirmed. Thank you.

LEG. KRUPSKI:

Sure. On the motion.

P.O. GREGORY:

Legislator Krupski.

LEG. KRUPSKI:

Yes, this applicant was also at the -- was at the Farmland Protection Board. They made their case for inclusion for all three parcels. The Board decided based on what their current operation was, that two of the parcels were eligible for inclusion based on the Suffolk County Farmland Protection Board's rules. And the third largest parcel, I think it was about 124 acres, was not eligible for inclusion. And they understood that. They're going to make an effort to put this other larger parcel into agricultural production and reapply next year.

LEG. KENNEDY:

Thank you.

P.O. GREGORY:

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

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

Okay, 1493 we're going to skip over for now. **IR 1537, Authorizing appraisal of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007, Sinning property – Town of Brookhaven (SCTM No. 0209-025.00-07.00-006.000) (Kate Browning)**

LEG. BROWNING:

Motion.

P.O. GREGORY:

Motion by Legislator Browning; second by Legislator Muratore. Anybody on the motion? All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

IR 1543, Amending the Adopted 2015 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2015 Capital Budget and Program, and appropriating funds in connection with a Town of Brookhaven project for the Eradication of Perennial Pepperweed at the West Meadow Beach (CP 8710.415) (Co. Exec.) Motion by Legislator Hahn; second by Legislator Anker. Anybody have a question on what a Pepperweed is? All right. All in favor? Opposed? Abstentions?

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MR. RICHBERG:

Eighteen.

P.O. GREGORY:

Okay, let's get one more, **IR 1545, Amending the Adopted 2015 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2015 Capital Budget and Program, and appropriating funds in connection with a Town of Brookhaven project for restoration of Blue Point Avenue Pond and stormwater improvements (CP 8240.334) (Co. Exec.)**

LEG. CALARCO:

Motion.

P.O. GREGORY:

Motion by Legislator Calarco; second by Legislator Anker. On the motion, Legislator Calarco? Oh, okay. All right. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

LEG. KRUPSKI:

Could you do, please, one more because we have someone here from East Hampton to represent the next project in case we have questions.

P.O. GREGORY:

Oh, sure, okay. **IR 1546, Amending the Adopted 2015 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2015 Capital Budget and Program, and appropriating funds in connection with the Town of East Hampton's Green Reach Infrastructure Demonstration Nitrogen and Stormwater Abatement Project (CP 8240.335) (Co. Exec.)** Motion by Legislator Schneiderman.

LEG. KRUPSKI:

Second.

P.O. GREGORY:

Second by Legislator Krupski. Anyone have a question on the motion or statement? Nope, okay. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

Okay. We stand in recess to 2:30. Thank you.

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

*(*The meeting was reconvened at 2:32 P.M. *)*

P.O. GREGORY:

Okay. Good afternoon, Mr. Clerk.

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MR. RICHBERG:

Good afternoon, Mr. Presiding Officer.

P.O. GREGORY:

Can you do a roll call?

*(*Roll was called by Mr. Richberg -
Chief Deputy Clerk of the Legislature*)*

LEG. KRUPSKI:

Here.

LEG. BROWNING:

(Not Present).

LEG. MURATORE:

Here.

LEG. HAHN:

(Not Present).

LEG. ANKER:

(Not Present).

LEG. CALARCO:

Present.

LEG. HAHN:

Present.

LEG. LINDSAY:

Here.

LEG. MARTINEZ:

Here.

LEG. CILMI:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Here.

LEG. TROTTA:

Here.

LEG. McCAFFREY:

Here.

LEG. STERN:

Here.

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LEG. D'AMARO:

Here.

LEG. SPENCER:

Here.

D.P.O. SCHNEIDERMAN:

Here

P.O. GREGORY:

Here.

MR. RICHBERG:

Fifteen (Actual Vote: Sixteen - Not Present: Legislators Browning & Anker).

Public Hearings

P.O. GREGORY:

Okay. All right, we have ***(Public Hearing on) Procedural Motion No. 20-2015 - Approval of ferry license for Beachcomber Freight Service, LLC, d/b/a Coastline Freight (Presiding Officer Gregory)***. Counsel says we have to table, and I do not have any cards. Excuse me, recess. We don't have any cards. Is there anyone here that would like to speak on this matter? Please come forward. Okay, I make a motion to recess. Second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Fifteen.

MR. LAUBE:

Sixteen.

MR. RICHBERG:

Sixteen (Not Present: Legislators Browning & Anker).

P.O. GREGORY:

(Public Hearing on) Procedural Motion No. 21-2015 - Approval of rates for Beachcomber Freight Service, LLC, d/b/a Coastline Freight (Presiding Officer Gregory). Again, I don't have any cards on this public hearing. Is there anyone that would like to speak on it? Please come forward. Not seeing any, I will make a motion to recess. Second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Sixteen (Not Present: Legislators Browning & Anker).

P.O. GREGORY:

(Public Hearing on) 1118-15 - Adopting Local Law No. -2015, A Local Law amending Chapter 563 of the Suffolk County Code to modify the laws relating to home furnishings and dealers in secondhand articles (County Executive). I don't have any cards. Would anyone like to speak? Please come forward. Okay.

LEG. TROTТА:

Motion to recess.

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P.O. GREGORY:

Motion to recess by Legislator Trotta.

LEG. McCAFFREY:

Second.

P.O. GREGORY:

Second by Legislator McCaffrey.

MS. HORST:

We would like this to close, if possible.

P.O. GREGORY:

Okay, I make a motion to close.

D.P.O. SCHNEIDERMAN:

Second.

P.O. GREGORY:

Second by Legislator Schneiderman. Motion to recess goes first. Okay. Anyone have a --

LEG. CALARCO:

On the motion?

P.O. GREGORY:

On the motion, Legislator Calarco.

LEG. CALARCO:

Yeah, just so we can clarify I think what this is doing now. At this point in time, I don't believe this resolution is doing much more than just amending some of the language in the law so that it is more current and applicable to today's world where we have things like iPods and iPads and Surfaces and all those other new gadgets and gizmos that weren't counted in the old law in terms of what was covered as an appliance and those kind of things, as an electronic versus the old boom box and those kind of devices. So this isn't going to have any impact on the industry in any way other than updating our language.

LEG. TROTТА:

Well, I had -- actually, I think it was your constituent who -- this brings in furniture, so if one of these secondhand stores has a new piece of furniture, they would be required to get a license. So, I mean --

LEG. CALARCO:

No, we're not licensing those individuals anymore. All language referring to licensing of the secondhand shops has been stripped from the resolution, which is why they're not -- the secondhand shops are still not going to be covered, is my understanding.

MR. NOLAN:

Can I just point out that this bill is going to lapse on 8/3, so it doesn't matter really. The bill is going to have to be refiled in any case, so it doesn't matter if we recess it or close it.

LEG. TROTТА:

This is a new one.

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LEG. CILMI:

Don't they want to pass it today?

MS. SANTERAMO:

This was amended. This was the amended version. We thought if we amended it, it wouldn't lapse.

MR. NOLAN:

It does lapse.

P.O. GREGORY:

Okay. All right, so we have a motion to recess, the motion to recess goes first. Roll call, Mr. Clerk.

*(*Roll was called by Mr. Richberg -
Chief Deputy Clerk of the Legislature*)*

LEG. TROTTA:

Yes.

LEG. McCAFFREY:

Yes.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Pass.

LEG. CALARCO:

No.

LEG. LINDSAY:

No.

LEG. MARTINEZ:

No.

LEG. CILMI:

Pass.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

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LEG. STERN:

This is to recess?

MR. LAUBE:

Yes.

LEG. STERN:

No.

LEG. D'AMARO:

No.

LEG. SPENCER:

No.

D.P.O. SCHNEIDERMAN:

No.

P.O. GREGORY:

No.

LEG. ANKER:

No.

LEG. CILMI:

No.

MR. RICHBERG:

Eight.

P.O. GREGORY:

We're just going through the exercise. All right, motion to close. All in favor? Opposed? Abstentions? Raise your hands if you're opposed.

*(*Legislators Trotta, McCaffrey & Muratore Raised Hands*)*

MR. RICHBERG:

Fifteen.

P.O. GREGORY:

All right, (Public Hearing on) IR 1151-15 - Adopting Local Law No. -2015, A Local Law to ban the sale of personal care products containing microbeads in Suffolk County (Hahn).

We do have one card; Adrienne Esposito who has come to join us. Hi, Adrienne.

MS. ESPOSITO:

Good afternoon, Members of the Legislature. My name is Adrienne Esposito, Executive Director of Citizens Campaign for the Environment. We just want you to know, some of you had called my office and asked for updates on what's happened with the State bill or if there are other areas that are also doing the banning of microbeads, so I just wanted to give you one second, or maybe a three-second update.

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The first is that the State of Connecticut, just two months ago, did pass a statewide ban on microbeads, plastic microbeads, both hollow and solid. And that's really good news for us, for Long Island Sound, for those of you who are north shore Legislators, because we can't just protect the Long Island Sound on one side. So Connecticut got it done, New York State did not get it done but we're in active negotiations for the upcoming Legislative session which starts in January. There are also Counties across New York State, in particular Erie County which is moving swiftly to pass a ban on microbeads as well. So you're not alone, I guess is basically the bottom line here.

I want you to know that we're working closely with Legislator Kara Hahn's Office to make some tweaks to the current version of the bill. Some of these are reflecting many, many, many discussions we've had with the Senate and Assembly members and business and industries throughout New York State that will be lessons learned that will be reflected in the County version of the bill. So very active, doing a lot of work on it and I just wanted you guys to know that update. Thank you.

P.O. GREGORY:

Okay, thank you. Anybody have any --

LEG. KRUPSKI:

Mr. Presiding Officer?

P.O. GREGORY:

Oh, Legislator Krupski.

LEG. KRUPSKI:

I have about three questions.

MS. ESPOSITO:

Okay. I'm sorry, you only get two.

LEG. KRUPSKI:

All related. When did Connecticut pass the bill, and is the County -- how similar is the County bill?

MS. ESPOSITO:

Connecticut passed the bill, I believe it was in June; it was in June because they went into a special session. Their Legislature closed. They didn't get it done during the regular session, but then they reopened for three days and this was such a priority that they passed it, which was very unusual and we're very excited, actually, in that last session.

It is a little bit different, but only because in the State of Connecticut, as in the State of New York, there was vigorous discussion on what you could -- if you could use a biodegradable, plastic alternative and we had, and are having, vigorous discussions about what is biodegradable, in Connecticut what they did was they have an agency there and an independent research team that I guess works at Yale -- I'm sorry, they work at University of Connecticut, and they are requiring the industry to put forth the studies that the independent entity will then review and assess and decide whether they really are biodegradable. And then biodegradable, they came up with a definition that includes 90-days biodegradability and various amounts of temperature, marine water, fresh water, sediment samples and what not. So there's a lot of very specific science in the Connecticut bill which we helped with and like.

I don't think you need to do that level here in Suffolk, frankly. We have a lot of definitions already in statute here in New York State; for instance, what is plastic is already in the Statute.

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LEG. KRUPSKI:

Okay. And the other question is the bill that the New York State is looking at, is that going to be similar to Connecticut's? I mean, you kind of want consistency over, I would think, a region, at least.

MS. ESPOSITO:

We definitely want -- that's what we're aiming for, that's what makes this harder than it might outwardly appear. It's not only now getting, you know, one state to agree, we're working integrate the different states that have already passed the ban. It's not going to be perfect, but it's going to be close.

LEG. KRUPSKI:

My second question is is Connecticut the first state to do this?

MS. ESPOSITO:

No, no, no, there's now six or seven states throughout the nation which have done this. It's Illinois, Wisconsin, I believe, Connecticut, and a few more which names have escaped me, but there's at least six or seven.

LEG. KRUPSKI:

And my second question is are those --

MS. ESPOSITO:

(Laughter).

LEG. KRUPSKI:

You said only two questions.

MS. ESPOSITO:

Oh, okay *(laughter)*.

LEG. KRUPSKI:

Are those State bills consistent?

MS. ESPOSITO:

Those State bills are pretty consistent. Some of them we've learned a lot since they were passed two years ago, some of them have loopholes that now some of them are working to fix. So the inconsistencies in some cases will be good because they'll be strengthening the bill.

LEG. KRUPSKI:

Thank you.

P.O. GREGORY:

Okay. Anyone else? Okay, all right.

MS. ESPOSITO:

Thank you.

P.O. GREGORY:

Thank you, Adrienne. All right, there are no other cards. Is there anyone else that would like to speak? Please come forward. Okay. Legislator Hahn?

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LEG. HAHN:

So we are working on those minor tweaks, because this is a little more complicated than you would think. So I would like to recess.

P.O. GREGORY:

Okay. Motion to recess by Legislator Hahn.

LEG. STERN:

Second.

P.O. GREGORY:

Second -- who was that? Legislator Stern. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

Okay. ***(Public Hearing on) IR 1175-15 - Adopting Local Law No. -2015, A Local Law to protect privacy in Suffolk County (Muratore)***. I don't have any cards. Anyone like to speak on this matter? Please come forward. Okay. Legislator Muratore?

LEG. MURATORE:

Motion to close, please.

P.O. GREGORY:

Motion to close by Legislator Muratore.

LEG. KRUPSKI:

Second.

P.O. GREGORY:

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

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

Okay, ***(Public Hearing on) IR 1486-15 - Calling for a public hearing for the purpose of considering the proposed increases and improvements to the facilities at Suffolk County Sewer District No. 11 – Selden (CP 8117)(County Executive)***. I don't have any cards for this public hearing. Is there anyone in the audience that would like to speak on this public hearing? Please come forward. Not seeing any, I'll make a motion to close.

LEG. STERN:

Second.

P.O. GREGORY:

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

MR. RICHBERG:

Eighteen.

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P.O. GREGORY:

Okay. I make a motion to set the date for the following Public Hearings on September 9th, 2015 at 6:30 PM at the Rose Caracappa Auditorium, Hauppauge, New York: IR 1564, IR 15 -- excuse me, 1605, IR 1642, IR 1643. Second by Legislator Schneiderman. All in favor? Opposed? Oh.

LEG. HAHN:

Point of personal privilege? I'd like to correct the agenda which misstates the title of the bill for 1605. May I do that?

P.O. GREGORY:

Okay.

LEG. HAHN:

It should be, *A Local Law to increase the awareness of dry cleaning chemical use*, NOT *to increase the use of dry cleaning chemicals*. Just to make sure that that's clear. Thank you.

P.O. GREGORY:

Duly noted. So we have a motion, a second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

Okay, now back to the agenda, page -- oh, okay. Let's go to **Tabled Resolutions**.

Okay, we had skipped over **1175** under Tabled Resolutions. I'll read the title again, it's ***Adopting Local Law No. -2015, A Local Law to protect privacy in Suffolk County (Muratore)***.

Legislator Muratore?

LEG. MURATORE:

Motion to approve.

P.O. GREGORY:

Motion to approve.

LEG. McCAFFREY:

Second.

P.O. GREGORY:

Second by Legislator McCaffrey.

D.P.O. SCHNEIDERMAN:

On the motion.

P.O. GREGORY:

On the motion, Legislator Schneiderman.

D.P.O. SCHNEIDERMAN:

Maybe Legislator Muratore can explain how the bill has changed. To fly now a drone with a camera you need a permit in a County park, but in a -- and it's prohibited at County facilities in general; is that how I understand it?

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LEG. MURATORE:

Well, maybe Counsel can do a better job of explaining it to you.

MR. NOLAN:

When the bell was last amended, the changes were delineated. The new version adds a definition of air space; changed the prohibition section to differentiate between parks and other County facilities; provides an exemption for people in businesses providing serving services to the County under a contract and credentialed media; adds new sections to authorize DPW and Parks to develop rules and regulations; prohibits flying drones over County beaches from May 15th to September 15th each year; adds a provision which clarifies that any Federal laws and regulations that are in conflict with the Local Law will supercede the Local Law; and it also changes the law's effective date.

D.P.O. SCHNEIDERMAN:

So, you know, until they -- those departments develop the rules, then you can or you cannot fly over a County park?

MR. NOLAN:

The prohibition is going to apply -- the law goes into effect 90 days after it's filed in the Office of the Secretary of State. The prohibition will go into effect immediately, so they'll -- DPW and Parks have 90 days to develop any rules and regulations, permits that they have to prepare in order to implement this law.

D.P.O. SCHNEIDERMAN:

George, what is the penalty if somebody flies a model aircraft with a camera?

MR. NOLAN:

It's a violation which would be punishable by a fine of between 250 and 500.

LEG. CILMI:

(Inaudible)

D.P.O. SCHNEIDERMAN:

So once again, so if in the middle of the winter, if you're doing aerial photography out in a couple of thousand acres of woodland, that will be prohibited until the rules are --

MR. NOLAN:

Well, you're going to have to get a permit, permission from the department to do that. I'm assuming that they're going to develop the permit maybe before -- they're not required to develop rules and regulations, they are authorized to do that, but they're going to have to develop the permit, and I assume, you know, that's the first thing they're going to do.

D.P.O. SCHNEIDERMAN:

Right. Until they do develop the permit, it's prohibited.

MR. NOLAN:

The law goes into effect 90-days after we pass and it's filed. I think the departments are going to have the permits in place by then, I would hope.

D.P.O. SCHNEIDERMAN:

Okay.

P.O. GREGORY:

Okay? So if you -- so if you go to a park, you can't fly a drone at a park, unless within the -- with

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the camera, unless the Parks Department gives you the permission to do that.

MR. NOLAN:

Correct.

P.O. GREGORY:

Right. So it's not strictly prohibited. It could say if you want to go to, I don't know, Southaven Park you can fly it, but within this certain area within the park; right, is that --

MR. NOLAN:

Right.

P.O. GREGORY:

It's not totally prohibited.

MR. NOLAN:

It's not a total prohibition, yet you have to be permitted. But between -- at the public beaches it will be prohibited. You can't get a permit from May 15th till September 15th during -- at public beaches, where the public bathes.

P.O. GREGORY:

Right, right. But where there is a park that has a beach, you could still get it but not access to the public beach.

MR. NOLAN:

The public beach, right.

P.O. GREGORY:

Right. Okay.

D.P.O. SCHNEIDERMAN:

Legislator Muratore, has there ever been an incident with somebody, you know, doing legitimate aerial photography that has caused a problem that would necessitate this? Or have we had any drone problems that you know of?

LEG. MURATORE:

I guess it's like having car insurance; you know, you just want to make sure you're ready if it does happen.

D.P.O. SCHNEIDERMAN:

But there's nothing specific that's caused a problem. Because it is a very popular hobby, as you know because I know you've talked to a lot of enthusiasts. And it's a growing hobby and there's a lot of sales of these, you know, flying helicopters and model aircraft. But you're not aware of any problem so far.

LEG. MURATORE:

(Shook head no).

P.O. GREGORY:

Okay, Legislator Krupski.

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LEG. KRUPSKI:

When you -- and I guess this is to the sponsor. Have you looked at -- because there is a window in the non-bathing season for flying these with cameras. Have you looked into the sensitivity to feeding, or migratory wildlife and different wildlife corridors and how the drones would affect, you know, their different habits?

LEG. MURATORE:

I think that's something maybe to look at down the road and see if it does impact upon them.

LEG. KRUPSKI:

You know, I have to tell you that I was glad you introduced this legislation. And I think if you look at the way public money has been spent on public lands, people have a certain expectation of enjoyment when they go there. And there are limits on all our parks. I can't take my family and go skeet shooting on County land without permission. You know, people can't ride ATVs on County land. There's a lot of -- people probably can't have camp fires on County land. There's a lot of prohibitions, because it's public land, it was brought with public money. And to have -- I think it would be very intrusive if people were flying drones with cameras on public beaches. I think it would -- people go there with a certain level, a certain expectation of an experience, and if you have someone there with a camera who you can't see -- if someone's there walking along the beach with a camera, you can tell them to get lost. But if you have a drone flying overhead, you're not going to have that advantage, and I guess maybe as a father I'm more sensitive to that. So I appreciate it.

LEG. MURATORE:

Thank you.

P.O. GREGORY:

But Al, it's ruining my opportunity to see you, your skinny legs in some shorts.

*(*Laughter*)*

LEG. KRUPSKI:

You can still see them, you can't record them.

*(*Laughter*)*

P.O. GREGORY:

Ah, okay. Touche.

D.P.O. SCHNEIDERMAN:

I mean, I don't think --

P.O. GREGORY:

All right, I have a long list. Legislator Spencer?

LEG. SPENCER:

I think that it's the time to have something in place when we see that this technology is really developing very rapidly, and there's a couple of recent news events that I think will speak to how important this is. And one was a situation where a young man had taken one of these squad copters and adopted it to shoot a gun -- and you can see that if any of you look at your computers right now -- and this could be definitely under the guidance with a camera. And the other situation was recently with the force fires out in California where they were trying to fight the fires and they were unable to get the aircraft in the air because there were photography drones that the firefighting helicopters couldn't get close to because they would risk crashing.

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And again, I know that there's always a concern of going too far, but there's nothing in place. This is a very popular hobby. I received a drone for Father's Day and I love it. I fly it all the time, it's one of the coolest things, and I see why enthusiasts are really enjoying this hobby. And there's a lot of places in Suffolk County where you can do it, but the fact that someone can just pull right up to any of our County buildings and be able to fly this thing; the technology is unlimited, the adaptability is unlimited. And I think Legislator Muratore is making a very good first step to say that we need to establish rules for the road. So I strongly support this and cosponsor this legislation. Thank you.

P.O. GREGORY:

Okay, Legislator Anker.

LEG. ANKER:

So I have a couple of concerns with this bill. What -- one of them is the enforcement. So, okay, there's a drone, it's got a camera; how is the County going to enforce this legislation?

LEG. MURATORE:

I guess it's going to be through the Parks Department and through DPW, and our code enforcement people. I mean, we have people out there enforcing our rules and regulations.

LEG. ANKER:

I think there needs to be more definition on the enforcement, you know, before I can support this.

The other issue is, okay, anyone can take their cell phone to a park and take pictures, you know, whether you're at the beach or wherever you are. How is this different than saying creating legislation to outlaw taking photos, you know, with your cell phone?

LEG. MURATORE:

I think Legislator Krupski covered that when he said, you know, if someone's walking down the roadway and they have a camera, you know they're taking a picture of you; if they're flying a hundred feet over your head, you may not know that.

LEG. ANKER:

But you may not know they're taking a picture of you anyway with whatever photography you're doing. So I think this is actually limiting our ability to enjoy our parks. Say there's -- okay, say this legislation passes and -- you know, I received this Academy of Model Aeronautics, a letter opposing this. What if they want to, as a group, they want to go to County parks and they want to use their drones to take photographs; is there a way for them to do that if they can sign up? How does that work, what's the process?

LEG. MURATORE:

You apply for a permit. It's in the legislation. Have you read the legislation?

LEG. ANKER:

I have, but I'd like you to explain it.

LEG. MURATORE:

You just go to the Parks Department and you apply for a permit, or if you're going over a County building, you go to DPW and apply for a permit. There's going to be a permit process in place to make everyone available to have a permit if they so choose.

LEG. ANKER:

I would like to see legislation, like the man that was here this morning, on private property. And I know that's something that we can't do as a County at this point, I know there were some folks in

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here, you know, trying to have the County regulate the air space, we had that a couple of years ago.

So my concern is as a form of government, will we be able to enforce this? And if we're creating this legislation for drones and for photography drones, does that take away our right for enjoying our public parks? Because anything you do in the public on our -- as long as it's within the legal ramifications you can do, but you're now creating additional laws. You know, if you want to call this -- you know, someone said nanny government and stuff like that. But I think that people, if they follow, you know, the respect of others, it should be the broad spectrum. And I kind of see the drone photography as any photographer, whether it's a phone or a camera or, you know, anyone, it could open up to more legislation. And I think we need to focus, again, on protecting the rights of individuals and, again, private property if we're going to create legislation for drone photography.

LEG. MURATORE:

Point taken. Thank you.

P.O. GREGORY:

Okay, I have a list. I have a long list. Legislator Cilmi?

LEG. CILMI:

No.

P.O. GREGORY:

No? Legislator Browning.

LEG. BROWNING:

The only question I have is we have a Newsday reporter here, many times the media will now use the drones. What -- it does exempt media, right? If they have a press pass, they're not required to go through the process, or how does that work? So the media is exempt.

LEG. MURATORE:

Under Section 4 - Exemptions: "Persons or organizations which hold an active media press pass issued by the Police Department in Nassau, Suffolk or New York City."

LEG. BROWNING:

Thank you.

P.O. GREGORY:

Okay.

LEG. MURATORE:

If I may, Mr. Presiding Officer? You know, that's why I put that in there, because the press people are going to know how to use this equipment. You know, they're not going to get in the way of firefighters, they're not going to cause a problem when they're at a scene. Whereas, you know, a rank amateur who's learning how to fly it, like myself or the Doc, you know, flying it around, *Let's go take a picture of the wild fire*, we may cause a problem. So, you know, we tried to take everything into consideration.

I mean, we met with this guy from this -- this Eric, whatever his name was, Williams, a couple of times and I had phone conversations with him; he had like 45 days to get back to me and, you know, 12:30 this afternoon he send a letter. We talked with him yesterday about this and there was no mention of any kind of problem with it, so I don't know where he's coming off with this. So, you got a letter from him.

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P.O. GREGORY:

Okay. Legislator Hahn, you had a question?

LEG. HAHN:

So I'm torn. I certainly see, as a mother with some daughters, you know, I certainly see not wanting on bathing beaches to have someone with a drone overhead who can zoom in on any particular individual. I mean, look at how far away the Newsday photographer is right now and he has a big lens. There are much larger lenses that are used for a --

*(*Laughter*)*

Sorry. There are much larger lenses used for a bird watching, bird photography, etcetera, that you could stand, you know, hundreds of yards away and be zooming in on folks and taking some pretty close-up photographs and you would never know it.

But then I think of, for example -- and so I'm really pleased that you have the press exemption. But I think of some spectacular, you know, Newsday photographs of Jones Beach during the height of the season on a day like today where it's 95 degrees and sunny out and they show, you know, the packed beach from 10,000 feet or whatever it is and you can see thousands of people on the beach and it's just spectacular photographs that even amateurs would want to capture that with no ill intent, no -- you know, no nefarious reasonings for doing that. So I don't know if there's a way later on if, you know, if it passes today, if there's a way to say when you're up at however many hundreds or thousands of feet and you're taking -- if you don't have a zoom lens on your camera, you're taking that, you know, that kind of picture that is meant to just show that the geography, show the resources that we have in the parks from that spectacular image point, not zoom in or focus in on any individual.

You know, if there's some way to parse that out. Because obviously to Legislator Anker's point, you know, on the enforcement side of this, you actually have to find the person operating the drone in order to be able to site them or fine them or whatever we're doing here, and when you do that, if you can see that the photographs are zoomed in on a person and, you know, individual, well, that's who you should fine. But if they're clearly, you know, about the landscape and about the image from 10,000 feet with no -- you know, you're not focusing in on an individual, you know, I don't see the problem there. So I don't know, you know, later on if there's some way to parse out that difference, that would make me feel much better. But I do understand your intent here and appreciate that, but I think that there's some area for more work, if possible.

P.O. GREGORY:

If I may.

LEG. HAHN:

I'm sorry, that wasn't really a question.

P.O. GREGORY:

If I may, Legislator Hahn. The FAA regulates anything over 500 feet, and they're actually going through -- Congress is going through that now, which means they won't get it done, but they are looking at it.

*(*Laughter*)*

So just a point of note. Legislator Schneiderman.

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D.P.O. SCHNEIDERMAN:

That's related to where I was going, too, with the FAA. But first, so somebody can fly a plane over a County park and take aerial pictures, or a helicopter, they do it all the time, so that's okay; a drone, you'll need a special permit. But if a -- because some of these drones now are registered with the FAA, they have tail numbers on the drones. So the FAA is saying it's okay, but we'll be saying it's not okay, right, under your bill? So we're kind of regulating the air space over County parks.

And I don't think -- you know, I totally get the beaches. You know, you shouldn't be flying over lifeguard beaches, that makes total sense, and you shouldn't be flying over Police Precincts and, you know, DSS buildings and things like that where you want confidentiality. But those for - for legitimate purposes of aerial photography in wide open parklands, I don't understand why we're saying that shouldn't do that. We should be encouraging that because that makes people, I think -- it builds that appreciation for nature and supports all of our acquisitions. Now, I know you're saying you can do it, you just have to get a permit.

LEG. MURATORE:

Right. I mean, you have to get a permit if you want to do that metal detention, don't you, on the beach?

D.P.O. SCHNEIDERMAN:

But you won't need a permit, though, to fly a helicopter over it or --

LEG. MURATORE:

Don't you need for radio-controlled planes, those model airplanes, to fly them over a County parks, don't you need a permit for that also?

D.P.O. SCHNEIDERMAN:

I don't believe so.

LEG. MURATORE:

I think you do, yes.

D.P.O. SCHNEIDERMAN:

To fly a model airplane in a County park?

LEG. MURATORE:

I think it's \$6, yes.

MR. NOLAN:

You can't operate any motor-powered plane or rocket device without permission of the Commissioner.

D.P.O. SCHNEIDERMAN:

There you go, that already exists.

MR. NOLAN:

It says motor-powered plane.

LEG. MURATORE:

This is a drone, this is not a plane. This is not a missile, it's a drone.

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D.P.O. SCHNEIDERMAN:

Okay, but there's already a law on the books. So you're not amending that law, it's a completely separate law?

LEG. MURATORE:

Yes.

D.P.O. SCHNEIDERMAN:

George?

MR. NOLAN:

That's already in the Code, particular language about a rocket-powered plane.

D.P.O. SCHNEIDERMAN:

Is that only rocket?

MR. NOLAN:

Motor-powered plane or rocket device.

LEG. MURATORE:

Excuse me, but a UAV is not in a Code. A lot of new words here, and UAV or abbreviations is not in the Code.

MR. NOLAN:

The term that we're using, Unmanned Aerial Vehicle, is broader than the language I just talked about.

LEG. MURATORE:

Thank you, George.

P.O. GREGORY:

Legislator McCaffrey.

LEG. McCAFFREY:

You know, I just have to say that, you know, I think these drones are really taking on a life of their own. They're really going to start growing and we're going to see more and more of them. You know, until Doc mentioned that he has one, I was never even thinking about getting one, but now I think I may, you know?

*(*Laughter*)*

But that's what's going to happen, we're going to see a lot of them and there's going to be more and more. I might not wait until Father's Day to get mine now. But you're going to see them. And we're going to have a problem in terms of just controlling the air space over these parks and over, absolutely, the beaches. The privacy issue on this is really something that we need to take a look at and make sure that people have a sense of security when they go there for their privacy, and I think that's important. And I think just for the ability to control the amount of drones that we have over our County parkland, I think it's important that we have this bill and get some sort of -- get out in front on this thing. And if need be we can amend it, but I really see this bill as something that's really not obtrusive in terms of people's right to be able to continue to do what they're doing, but within a certain amount of controls. So I'll be supporting this legislation. Thank you.

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P.O. GREGORY:

Okay, Legislator Stern.

LEG. STERN:

Yeah. Thank you, Mr. Chairman. I do want to go back to the codification issue, because the question was raised by Legislator Schneiderman, and I believe Legislator Muratore, through dialogue with Counsel, had addressed that, but I do want to dig a little deeper there. Because George, at this point, Code does require a permitting process for what could be defined as a remote-control airplane, correct?

MR. NOLAN:

Well, the term is motor-powered plane. I'm not particularly familiar with all these particular things we're talking about, but I think the definition of what we're covering in this law is a little bit broader than that.

LEG. STERN:

So I don't know if it was the sponsor's intent, but essentially adding this definition would amend that classification of items that would require the permitting process. This would simply include a new category, a new classification, a new technology that would have to go through that same permitting process that is essentially already within our legal structure at this point.

MR. NOLAN:

Right. We're covering some stuff that flies above our parks. This is going to cover any remotely controlled machine that flies in the air that has a camera, so it's a little bit broader, but yes, we already have something on the books that deals with flying devices.

LEG. STERN:

All right. Thank you.

P.O. GREGORY:

Okay. Legislator Calarco.

LEG. CALARCO:

Yeah, I think that Legislator Stern covered what I was going to get to, because at the end of the day it sounds to me like we're kind of just expanding the existing rules. I think that it should actually specifically do that so that all these new devices that are flying devices need to get the same permit that all the other flying devices have. When it comes to the camera portion of it, I actually -- I'm conflicted from the other angle. Nobody in a public place has the right to privacy. They just -- that expectation just doesn't exist. The courts have proven that out that you don't have that expectation. Ask any -- the Newsday guy is shaking his head "yes" because anybody in the press will tell you that. If you are in a public place, you don't have an expectation of privacy. Anybody can take your picture, whether they're taking it with a camera phone, an old-fashioned black and white camera, or an aerial vehicle. You are in the public; you are in the public place; you are exposed to all those. You have no right to privacy, and I think that we actually would be setting ourselves up to a potential issue if we start shaking people down who are flying these things in our parks or anywhere else, for that matter, and say, Take that thing down. I need to check if it's got a camera on it. What are you going to say to the person? First, I've got to check to see if there's a camera on it. The guy goes, Oh, well, the cameras not on; so there's an enforcement issue there. But I don't even know if we have the right legally to tell somebody they can't take a photo in a public place. I think that is actually treading on some constitutional issues that -- maybe nobody will challenge it, but I don't think we have that authority to do that.

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P.O. GREGORY:

Legislator Krupski.

LEG. KRUPSKI:

So I just want to -- there was some discussion about the FAA and I have to say that I don't think we should -- I think it would be unwise to rely on the FAA. They have a big problem regulating aircraft flight on east end right now, and I think that to try to rely on them to regulate anything out there would be a mistake, so let's not count on that.

P.O. GREGORY:

And I do -- I did see what Doc had saw. I forget what state it was, but it was down south, where there was a teenager who equipped a quad-copter, as they call it, with a gun, and he was able to fire it.

LEG. MURATORE:

Connecticut.

P.O. GREGORY:

Oh, it was Connecticut. Oh, I thought it was -- I assumed it was south. I'm sorry. Somewhere not New York; I knew that.

*(*Laughter*)*

And I think his father had helped him.

LEG. MURATORE:

Yeah.

LEG. HAHN:

(Inaudible)

P.O. GREGORY:

Right, south Connecticut. See, I was right. See, I'm always right. So and I think there was some confusion as to whether that was legal or not. So I guess with this permitting process, obviously, we would say we're not going to allow that to happen in our parks in the County facilities, to outfit a quadcopter or, you know, a drone with a firing device or a gun. So I think that's good and there's a purpose just in that alone that we're kind of regulating what traffic, if you will, is going in and out of our parks, right? I mean, is there -- I would imagine there's some type of Local Law that would affect what they can put on a drone. You can't just fire a weapon.

MR. NOLAN:

I think we probably have somewhere in the code about firearms in the parks. I'm sure there are rules that deal with that, but maybe not specifically with the drones.

P.O. GREGORY:

Okay. All right. Is there anyone else? Okay. Legislator Trotta.

LEG. TROTTA:

A question. So my feeling is that I'd rather -- whether there's a camera or not in terms of over the beaches doesn't matter. I don't want to be lying on the beach and having these things fly over me whether or not it has a camera or not. They make a lot of noise. It sounds like bees.

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LEG. BROWNING:

They're not taking pictures of you.

(*Laughter*)

LEG. TROTТА:

Has anybody ever gotten hurt with one of these things crashing into 'em?

LEG. SPENCER:

Yeah, me.

LEG. TROTТА:

You?

LEG. SPENCER:

They'll cut you pretty good.

LEG. TROTТА:

Can it cut you?

LEG. SPENCER:

Well, the blades will cut (*inaudible*).

LEG. TROTТА:

So my question is in a county park not on a beach -- they can go to Southaven Park and when there's nobody around, they can fly it, but they would need a permit under the other rule, isn't that correct, to fly some kind of airplane?

MR. NOLAN:

Well, for a motor-powered plane, but again, remember, this is dealing only with devices that have a camera. If it doesn't have a camera, it doesn't apply.

LEG. CALARCO:

(*Inaudible*)

LEG. TROTТА:

It's like a dilemma. The camera doesn't mean anything to me. It's the thing over the beach that makes the problem. I don't know what I'm going to do.

LEG. CILMI:

You can put a camera in a little eyeball. There's all kinds of cameras.

P.O. GREGORY:

Okay. All right. So anyone else? We have -- all right. We have a motion, Mr. Clerk?

MR. RICHBERG:

Yes, we do, a motion and a second to approve.

P.O. GREGORY:

A motion and a second to approve. Motion to table by Legislator Schneiderman.

LEG. CALARCO:

Second.

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P.O. GREGORY:

Second by Legislator Calarco. All right. Motion to table goes first. Roll call.

*(*Roll was called by Mr. Richberg -
Chief Deputy Clerk of the Legislature*)*

D.P.O. SCHNEIDERMAN:

Yes to table.

LEG. CALARCO:

Yes.

LEG. KRUPSKI:

No to table.

LEG. BROWNING:

No.

LEG. MURATORE:

No.

LEG. HAHN:

No.

LEG. ANKER:

Yes.

LEG. LINDSAY:

No.

LEG. MARTINEZ:

No.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

No.

LEG. TROTTA:

Yes.

LEG. McCAFFREY:

No.

LEG. STERN:

No.

LEG. D'AMARO:

No.

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LEG. SPENCER:

No.

P.O. GREGORY:

No.

MR. RICHBERG:

Four.

P.O. GREGORY:

All right. Motion to approve. Roll call.

*(*Roll was called by Mr. Richberg -
Chief Deputy Clerk of the Legislature*)*

LEG. MURATORE:

Yes.

LEG. McCAFFREY:

Yes.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

No.

LEG. CALARCO:

No.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

Yes.

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LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

Abstain.

P.O. GREGORY:

Yes.

MR. RICHBERG:

Fifteen.

LEG. CALARCO:

Congratulations, Tom.

LEG. MURATORE:

Thank you.

P.O. GREGORY:

Okay. All right, back to page 10, **Government Ops:**

IR 1447-15 - Adopting Local Law No. -2015, A Local Law amending Chapter 101 of the Suffolk County Code (Hahn). Legislator Hahn?

LEG. HAHN:

Motion.

P.O. GREGORY:

Motion by Legislator Hahn. Do we have a second?

LEG. CALARCO:

Second.

P.O. GREGORY:

Second by Legislator Calarco. Anyone on the motion? All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

IR 1435-15 - Requesting Legislative approval of a contract with Hudson River Healthcare, Inc. (HRHCare) for the operation of the Riverhead Health Center (County Executive).

LEG. BROWNING:

Motion to table.

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LEG. D'AMARO:

Hold on.

P.O. GREGORY:

Motion to table by Legislator Browning.

LEG. D'AMARO:

Just note my recusal on the record, please.

P.O. GREGORY:

Okay. We have a motion to table.

LEG. McCAFFREY:

Second.

P.O. GREGORY:

Second to table, Legislator McCaffrey.

LEG. McCAFFREY:

Yes.

P.O. GREGORY:

Okay.

LEG. BROWNING:

On the motion.

P.O. GREGORY:

I'll make a motion to approve.

LEG. CALARCO:

Second.

P.O. GREGORY:

Second by Legislator Calarco. On the motion, Legislator Browning.

LEG. BROWNING:

Okay. This went through Health Committee and I do have a couple of questions for the Administration. One of my biggest concerns is that there was no presentation on what they were doing with the employees. Again, I've asked, give it a month. Come back in a month from now, canvas the workers, make sure you know where they're going, bring that back, and when you can confirm with me that everyone is being transferred appropriately, I think I could vote for this. But when you make a commitment and say that you're going to make sure that everybody gets transferred and everybody's going to go where they need to go or where they want to go, I'm sorry, I have no faith.

So my question for the Administration, just to make sure, have there been any contracts or agreements signed with Hudson River with regards to the Riverhead Health Center? I just want to make sure. So this is not a done deal, there are no contracts, no agreements, nothing done with Hudson River; it's pending this Legislative approval, correct?

MS. SEIDMAN:

That's correct.

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LEG. BROWNING:

Okay, that I need to make sure. And again, I cannot see why you cannot hold it off for a month, canvas the workers, make sure that they are all properly relocated wherever they choose to go, whether they want to retire, move to the jail, move to Public Health Nurses. I can't see that one month could hurt, and I think that you could do that in a month. It's only employees. So I'm asking my colleagues to respect the workers and do what's right by them.

P.O. GREGORY:

Okay. Anyone else? Legislator McCaffrey.

LEG. McCAFFREY:

Yeah, I just want to echo Legislator Browning's concerns, you know, about the workers. I don't think we found out exactly where they're going and, speaking to some of them, I don't think they know where they're going and there's not a comfort level that that's been address.

I know we do have the AME Board that is taking over and I think they're still finding their way in this process. So I would like to see that something is happening in terms of getting something definitive to where these workers are going. Once that happens I'll be okay with it, but we have not seen that yet.

P.O. GREGORY:

Okay. Legislator Anker.

LEG. ANKER:

Can we ask the County Exec to come up? Just a couple of things related to the health center. You know, again, I also have concerns. And I have a lot of constituents, or I have -- there's employees in the health center right now that are my constituents and I've met with them in the past couple of years and of course they've had concerns about keeping their jobs. Could you give us a little bit more detailed information about, you know, if we were to proceed in privatizing this health center, what would happen to the employees.

MS. CULP:

Sure. Jen Culp with the Health Department. Riverhead is our final health center transition, if approved today by the Legislature. With all the other transitions, including East Hampton, Southampton, Tri-Community and most recently -- well, Brentwood will be transitioning on the 17th. The way we have moved forward with the reassignments is that we look, first and foremost, at the most pressing needs of the department, so we're looking across the department for where our needs are. And in terms of strategic planning and long-term and short-term planning, we are constantly going back to who's in the health centers, what are the titles in the health centers that could be utilized. So we're making sure that we're making placements that are absolutely in line with the AME contracts, that are in line with Civil Service job descriptions, we're making sure that folks are placed into units and divisions that keep up with what they've been doing. They may not be in a clinical setting, but it's still in line with their job description.

We -- in addition to looking at the most pressing needs of the department, we're also looking at an individual's experience, we're looking at different certifications or titles they may have, we're talking to personnel about that, and we also look at the commute time, for example. So we want to make sure that we're looking where someone lives so we're not making a placement that's really going to have a severe impact on someone's personal life.

Because the needs of the department change so often, even with Brentwood, we talked to the staff on a Wednesday, that Friday we were still making some changes because we're really just, you know, constantly having new priorities and new needs, people retire, people may leave. So we were

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really just making decisions at the last minute. We have always given at least 30 days notice, because we think that is the most fair that goes above and beyond what the contracts may require for a reassignment, but we have gone to 30-days so that individuals have time to make any necessary changes they may have. And we're always available if someone has concerns, if it's something we don't know. Even most recently with Brentwood we said this, Please, come talk to me, come talk to anyone in Patient Care, Personnel, whoever you're comfortable with, before making any sort of rash decision, talk to us, tell us what's going on and we can try and accommodate as best as we can. We certainly might not be able to make that change, but we're here and we want to work with people. The units we're looking at for the Riverhead Health Center or the Jail Medical Unit, Public Health Nursing, our Methadone Clinics, Mental Health, both the clinics and in administration, DEQ, and also in some administration like general operations.

LEG. ANKER:

How many employees are there?

MS. CULP:

Just under 44 FTEs.

LEG. ANKER:

And looking at, I guess, the positive perspective, if Riverhead were to be privatized, how much money would the County save?

MR. LIPP:

I could answer that. So one of the requirements of the law is for Budget Review Office to do a review, A-96 review, and based upon our methodology, we actually had a slightly higher savings than they did. Over a five-year period you're supposed to show at least a minimum of 10% savings each year, and we're showing in the mid 45% range in terms of savings per year, or perhaps about an average of 2.4 million a year in savings.

LEG. ANKER:

Okay. Thank you.

P.O. GREGORY:

Robert, can you account just quickly why that is, our number was higher?

MR. LIPP:

Well, I'm not sure what the exact difference in methodologies are, but Craig could answer that question.

MR. FREAS:

Our number ended up slightly higher because we allocated a different amount of revenue to the Riverhead Health Center than the Health Department's analyst had. So our allocation of revenue -- as you know, there's two health centers remaining, right, Brentwood and Riverhead. And when we looked at the incoming revenue from 2014 and year-to-date, 2015, and the -- our historical information, it appeared that Riverhead was with -- especially without the two satellites on the south fork, was -- should have been allocated a smaller amount of revenue.

So because of that, their net cost went up so that's why our potential savings was higher.

P.O. GREGORY:

Okay. And then if you -- instead of calling Jen up, you may have this information as well. I remember during the Health Committee, the Health Department or the Administration had distributed a spread sheet which addressed a number of personnel in Riverhead as compared to the

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number of I guess vacancies that are available. It had it pretty much by title do you recall that? Maybe I should call Jen back up.

LEG. BROWNING:

I did that.

P.O. GREGORY:

Oh, you did. Oh, I'm sorry.

LEG. BROWNING:

Yes.

P.O. GREGORY:

I know I saw it. I thought the --

LEG. BROWNING:

No, I did that.

P.O. GREGORY:

Okay. But the Administration, they had -- at least I didn't see it, I guess, but they were talking from some basis as to where the vacancies are. And at least from their discussions in committee, there was a deficit, if you will, as to, you know, for example, eight RNs and six RN vacancies.

MR. FREAS:

No. I recall -- and I had pulled up -- I don't have them up now, but I had pulled up the personnel control roster, the last available personnel control roster and the last available biweekly, and it appeared to me that there were sufficient vacancies for everyone overall within the Health Department. The most problematic, of course, are the medical titles, but that there were also probably sufficient medical titles within the Jail Medical Unit, Public Health, probably Public Health Nursing. And the other -- some of the other public health units for the medical titles and it also point out, as we did during committee, that the positions could be -- you know, they could be earmarked from their current title two and then it would just change in the course of a budget process.

P.O. GREGORY:

Right. You had something, Legislator Browning?

LEG. BROWNING:

Yeah. I mean, I did that spread sheet because I went through the Civil Service titles, I looked at the preferred list, who's still out of work in the preferred list, the job titles at Riverhead. I tried to get, actually, even some of the job titles from Brentwood, I don't think that was included, and more of the titles were available. Now, it says vacant funded; why are they vacant funded? Because they don't want to fill them because it's a savings. So what is the biggest reason why we are, you know, privatizing is because of the payroll; that's one of the biggest problems we have.

And I understand the Federally Qualified Health Center issue, I get that. And I get that that's the way we're going. However, need I remind you that we had John J. Foley nurses who were being told you can go to the jail; not everybody can work in a jail. Not everybody wants to be a Corrections Officer because they don't want to work in the jail. So you can say the same for a civilian nurse, may not want to work in a jail. And I know we had an issue with a jail employee; I don't want to see that same thing happen. So I think out of fairness to those employees who is eligible to retire. And are we a hundred percent sure that many of those nurses are going to be offered a job in the jail and they may say no, so they're not getting laid off, but they may resign because there's

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nowhere else for them to go. So I want to have that comfort zone that's not been provided to us.

P.O. GREGORY:

I guess the next logical question would be -- all right, so there are available positions for a given title in the jail, but are there sufficient positions outside of the jail for that given job title so that say all of those that are available for a job title in the jail are defined.

LEG. BROWNING:

Right, we don't know that until they canvas the workers and make that determination. Once they've canvassed all the workers and figured out who's going to retire, who's going to go where, then we'll know where they're all going to go. But right, now everything is potential and possible.

P.O. GREGORY:

But we should know that. We know --

LEG. BROWNING:

But they haven't given us that.

P.O. GREGORY:

We know what numbers are available in the jail, we know what numbers of personnel hold that title that can go to the jail. We just don't know if people want to work there.

LEG. BROWNING:

We don't know if those 43 employees, if there is going to be a spot for each and every one of them, or if anyone is going to say, *I'm sorry, I can't work at the jail*, and they'll say, *Well, there's nothing else for you*. So where are you going to put them? You can't put them in another Civil Service job out of their Civil Service.

P.O. GREGORY:

Right.

LEG. BROWNING:

So they have to honor the Civil Service titles. So I don't think it's a hard ask to say canvas the workers and make sure that we know they're going where they need to go.

P.O. GREGORY:

Okay. I see Jen and the Commissioner; you wanted to add something?

COMMISSIONER TOMARKEN:

I just wanted to give some perspective. This is the same process we've used in all the other health centers. The longer -- the farther out that you make a commitment to a worker that they're going to go from

Here to there, the longer -- more chance that that may have to be changed. And I think it would be not in the best interest of the workers if we said today, *You will go to -- you're scheduled to go to Public Health Nursing*, and then they make some changes to their lifestyle, their schedules, and then we say in a month from now, *Sorry, but we need you over here and it's a different schedule*. The 30-day, minimum 30-day amount of time that we give notice has worked very well. And people can come to us any time before, during or after their appointment and say, *I'd rather not do this, I'd rather do that*, and we will do our utmost to meet their needs, and we will also, obviously, have to abide by their job titles and Civil Service rules. We can't do anything about that, and we wouldn't.

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P.O. GREGORY:

Right. I know you guys have been very accommodating, I know you've helped me on a couple of things regarding this and where people stay where they go, so I know you've been very open in that.

MS. CULP:

And I would just add to what Dr. Tomarken just said. With Tri-Community, for example, we did have two individuals where the jail didn't necessarily work out and we were able to successfully place them elsewhere where we had a need within the department. So, you know, your final placement, you're not necessarily going to be there. But we have individuals who were nervous about going to the jail but did actually enjoy it there and would prefer to -- you know, ended up liking it a little bit better. So, change is always uncertain and nerve-wracking, but I think, too, just trying it out. And we're here, like Dr. Tomarken said, to make those changes in the future if we can and if we need to.

P.O. GREGORY:

Okay. So say this gets approved today, the County Executive does what he has to do; when is the plan, time period that you're going to give the employees notice of where they're going?

MS. CULP:

The proposed transition date right now would be early November, I want to say November 2nd, that Monday. And with all the other transitions, we've been there, we've given employees their reassignments 30-days out, so they would know in early October.

P.O. GREGORY:

Okay. All right. Anyone else? Legislator Anker.

LEG. ANKER:

And I think -- and I want to also thank the Health Department for going above and beyond in doing this placement. Because, you know, you look at other levels of government and the amount of time and effort. You know, we learned the hard way. We learned the hard way with Foley; let's don't make that mistake again. And I also hear that perhaps the employees at the Riverside facility, if it becomes privatized, are looking to unionize, so that's another benefit; local jobs, saving money. You know, \$2.4 million a year, that's a lot of money and it's a lot of lives that we can make sure that we're looking after and I think it's because of your efforts that's what we're doing for our County employees. Thank you.

P.O. GREGORY:

Okay. Anyone else? All right, so we have a motion to approve --

MR. RICHBERG:

You have a motion to table and a second and a motion to approve and a second.

P.O. GREGORY:

Okay, tabling motion goes first. Roll call.

*(*Roll was called by Mr. Richberg -
Chief Deputy Clerk of the Legislature*)*

LEG. BROWNING:

Yes.

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LEG. McCAFFREY:

Yes.

LEG. KRUPSKI:

No to table.

LEG. MURATORE:

Yes to table.

LEG. HAHN:

No.

LEG. ANKER:

No.

LEG. CALARCO:

No.

LEG. LINDSAY:

No.

LEG. MARTINEZ:

No.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

Yes.

LEG. STERN:

No to table.

LEG. D'AMARO:

Recuse.

LEG. SPENCER:

No.

D.P.O. SCHNEIDERMAN:

No to table.

P.O. GREGORY:

No.

MR. RICHBERG:

Five.

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P.O. GREGORY:

Okay. Motion to approve. Roll call.

LEG. TROTTA:

On the motion.

P.O. GREGORY:

On the motion, Legislator Trotta.

LEG. TROTTA:

Yeah, I just have a question. We're supposed to save \$2.5 million a year, is that what you're saying, for all of them or just this one?

MR. FREAS:

Just this one.

LEG. TROTTA:

And what -- do you foresee anything where that savings might not happen? Is there anything that you're looking at that you're concerned with?

MR. FREAS:

(Slight hesitation).

LEG. TROTTA:

Your hesitation tells me there might be.

MR. FREAS:

No, I'm not quite sure how to answer the question. We can't pay them more than the contract is for, we can't pay them more. And the previous contracts cost more and will be becoming more expensive, as I mentioned during the Health Committee. So --

LEG. TROTTA:

But you hesitated, there was something there.

MR. LIPP:

So there are a lot of assumptions that go into making the estimates, and we actually struggled on a couple of assumptions. That being said, it's possible, for instance, that the projections about the enhanced aid, as an example, for the health centers associated with transitioning may not come to fruition, it's hard to see, you know, what --

LEG. TROTTA:

Describe the enhanced aid, please.

MR. LIPP:

So in terms of Medicaid reimbursement, I believe -- and correct me if I'm wrong -- that since HRH has FOHC status, they get enhanced aid, we don't, as an example. There are other issues, but --

LEG. TROTTA:

So if they don't get that aid, are we responsible for it?

MR. LIPP:

No, we have a contract with HRH. It would be, I guess, problematic, I'm not sure how HRH would modify what they're doing if the finances looked different than the way both the Executive's fiscal

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impact did and our memo. I guess the Health Department would be better to -- or the Administration to talk about those possibilities. It's hard to say what happens, you know, over a five-year period.

LEG. TROTТА:

So are there anything else besides the enhanced Medicaid aid that you believe they may get?

MR. LIPP:

Well, there's --

LEG. TROTТА:

I'm not talking about just Riverhead, I'm talking about all of them in general.

MR. FREAS:

That's on them.

MR. LIPP:

Yeah. So we have potential liability if anything happens there, that transitioning to HRH, we wouldn't have that liability.

LEG. TROTТА:

Say that again.

MR. LIPP:

We have a contingent liability in terms of if something goes wrong, you know, and there's a lawsuit or something.

LEG. TROTТА:

I thought that the whole reason for this was that we wouldn't be liable for mal --

MR. LIPP:

No, I'm saying under the current -- under the current model. Well, we have it so far now. Once it's transitioned to them, the contingent liability would be theirs, not ours.

LEG. TROTТА:

I mean, is that -- for Counsel; isn't there like if something happens there and it's in our building, we're paying the rent, aren't we -- somehow can be tied into this?

MR. NOLAN:

I'm sorry, Legislator. Can you repeat that?

LEG. TROTТА:

Well, they're saying that we're -- if something happens in one of those facilities and we're paying the rent and we're paying, are we -- they sign -- you know, we own the building, we're renting the building; are we liable in some way for that?

LEG. LINDSAY:

(Inaudible)

MR. NOLAN:

I'd have to defer to the County Attorney on that who has prepared the agreement.

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MS. SEIDMAN:

We have all of the insurance provisions in the contracts. Are you talking about anything happening such as like a personal injury?

LEG. TROTТА:

I'm talking about malpractice.

MS. SEIDMAN:

No, they are covered by their own malpractice. They're covered by the Federal government for malpractice of their staff. We don't cover them. So in actuality, that's part of the savings which I don't think we worked into this model, but that's -- you know, that's millions of dollars more per year in savings on medical malpractices. They're all covered.

LEG. TROTТА:

Are you saying that --

MS. SEIDMAN:

In terms of the facility, they're insured, we have -- you know, we're an additional insured under their policy, that they'll have to show us prior to signing the lease. So these safeguards are in place.

And to answer an earlier question, you know, we're not really making up for any shortfalls. In fact, if you read the Community Benefit Grant agreement, it does say that, you know, the amount that we're giving them is what we're limited to and no shortfalls within the five-year period.

LEG. TROTТА:

Getting back to the liability, if someone -- there's a malpractice situation at a building that we own, you know, or we're paying the rent on, and somehow you're saying we cannot be held -- we're not liable for that, we can't be sued for it? They've written this in that the County's off the hook?

MS. SEIDMAN:

Well, malpractice goes to the action of one of the providers with respect to a patient. I can't really make the connection.

LEG. TROTТА:

Well, let's say it's something, you know, where it has to do with they slip on the way in and they hit their head, you know, something. Is there liability there for us?

MS. SEIDMAN:

Well, it depends. You know, we're still a landlord.

LEG. LINDSAY:

Phyllis, if I could jump in. By us being named as an additional insured on their insurance policy, we're indemnified and defended by their insurance policy. So if we're brought into the suit, their insurance company actually defends us and indemnifies us up to the limited amount.

LEG. TROTТА:

Up to a certain point.

LEG. LINDSAY:

Up to their limits, which --

LEG. TROTТА:

Which is?

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MS. SEIDMAN:

You have to look back at this contract, but I think it's our standard insurance which is a \$2 million limit. I mean, if they're -- they're supposed to maintain the facility and provide custodial care to the facility. So if there's a slip and fall because someone didn't clean something up in the facility, then certainly the County wouldn't be liable. As you know, people sue a lot of people in a lawsuit, they name a lot of parties, but that doesn't necessarily mean that those parties are all liable.

LEG. TROTTA:

Okay. I mean, I just -- I want to make sure that, you know, a year from now we're not sitting here and it's more money and more money and it was a mistake, but hopefully it's not.

P.O. GREGORY:

Okay. Legislator Barraga.

LEG. BARRAGA:

As I understand it, the savings is 2.4 million a year for the County?

MR. FREAS:

Correct.

LEG. BARRAGA:

And there's a presumption that that figure is reliable?

MR. LIPP:

Well, as I said before, you know, there are a bunch of assumptions that you have to make, but we think that we provided the most logical, predictable number.

LEG. BARRAGA:

I think in listening to the Administration as far as the employees are concerned, there are no layoffs associated with any of these transactions. Some of the people might wind up working someplace else that they may have a problem with, but even there they're given a second option at some point, maybe, to find something that's suitable for them. That certainly doesn't happen in the private sector when companies make changes. Often when you're out you're out.

My concern is this. I think it's important that this shift take place as soon as possible with Hudson River, because the reality is when we take a look at the bigger scope of things, you know, we're looking at sales tax revenues that are way off, you know. And we all take responsibility for that. I remember, you know, I think the Administration was advocating a 4.75% growth, Budget Review, our Budget Review said 5%, we agreed at 4.87%, we're all complicit in this, and it's easy to go along with something like that because as you increase your projections -- in this case, the 4.87% -- you can keep more programs in place in your budget. Now we've got a real problem. That problem might be 55, \$60 million and we have no additional revenue source. So this starts to provide us something, 2.4 million. I don't want to see procrastination on this. We've talked about this for the last couple of months, the representative from AME came before us, I indicated to her, hopefully there was some talks between the union and the Administration, I believe they did meet several times, now it's time to act. We need the 2.4 million, the shift has to take place. We're going to have real serious problems the next several months on this budget, there's no getting around that. So any time we have any source of revenue that we can tap into, we should. And I think enough safeguards are in place to move ahead so the employees are taken care of.

P.O. GREGORY:

Okay. Legislator Kennedy.

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LEG. KENNEDY:

Thank you. I just wanted to ask Budget Review, did you take into account with your savings settlements on lawsuits, the average settlement on lawsuits for that, or no, you left that out?

MR. FREAS:

My understanding of the -- what we do is we look at the total budget for the health center, okay, which includes payments to the self-insurance fund, which include whatever payment overtime that the -- the Health Department's a little different than the other departments, obviously, because they have -- they are responsible for malpractice suits. That being said, when you break down insurance over time, the largest component in any given year of the payments to the self-insurance fund is Workmans Comp, it's not malpractice in a given year. Obviously there might be spikes because of a malpractice suit that either we paid cash for or that there' was a large settlement with a short bond, and that would make those payments go up, but in that case, it's reflected in the payment to the self-insurance fund. The Health Department makes those payments by appropriation. So in a sense, yes, those particular payments are accounted for in the appropriations budget and, therefore, in our way of looking at the -- at the cost, the true cost of the Health Department -- I'm sorry, of the health center.

LEG. KENNEDY:

One more. So Riverhead -- we are saving all this money when we turn Riverhead over, but all those 43, 44 employees will still remain within the Health Department, so we will still have to pay Workers Compensation, salaries, benefits; correct?

MR. LIPP:

Right. So one of the assumptions that we talked about implicitly was -- and we stated in the -- explicitly. As we stated, actually, it was explicit in our memo -- was that we assumed that these employees would be needed elsewhere anyhow and that they would be hired. So it would change the dynamic of the cost out if we didn't make that assumption, but we thought that that was the most reasonable way to approach it.

LEG. KENNEDY:

Thank you.

P.O. GREGORY:

Okay. Anyone else?

LEG. McCAFFREY:

DuWayne?

P.O. GREGORY:

I'm sorry, Legislator Anker.

LEG. ANKER:

Okay, I just wanted to bring up also a very important component to this, is that the reduction in litigation, the burden of litigation. When I was on the Ways & Means Committee several years ago, the County was being sued up to \$9 million. I mean, again, I think BRO, you probably have those figures, but we're talking about, you know, hundreds of thousands, if not millions and millions of dollars that we were being sued. So again, not to, you know, say that Hudson River doesn't want to deal with it, but you will have to deal with it, Hudson River will be responsible for that. And I don't know, was that included as far as your assumptions when you estimated the \$2.4 million savings?

MR. LIPP:

Yes.

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MR. FREAS:

That's more -- if I understand your question, it's the same as Legislator Kennedy's, it's included over time. We don't have those suits every year.

LEG. ANKER:

Right, right. But again, it's basically reducing our -- Suffolk County's burden. Because God forbid, we could be sued \$10 million next year and, you know, there goes any savings and it's that much more of a burden. But I just wanted to clarify that. Thank you.

P.O. GREGORY:

Okay, Legislator McCaffrey.

LEG. McCAFFREY:

Yeah, I just had a question for the Administration, or someone from the Health Department about the placement of these people. Just so I'm clear, so places where these people are going, are they vacancies are are we just finding a home for them?

MS. CULP:

We are placing them in divisions and units that are needed. They're not necessarily -- the vacancy may be in the department, it may not be, but then we would earmark a vacant position to fill that.

LEG. McCAFFREY:

Let me hear that one more time.

MS. CULP:

(Laughter) So vacancies may not necessarily be within -- if we're -- someone is going to Public Health Nursing, there may not be a vacancy in Public Health Nursing, but there may be a position elsewhere where we would earmark for that individual to slide into that position in Public Health Nursing because we know there's a need there.

LEG. McCAFFREY:

Okay. The question I'm trying to ask is if we have vacancies, we have positions in the budget that aren't filled, that they're vacant.

MS. CULP:

Yes.

LEG. McCAFFREY:

Okay. And it's money we're not spending and we didn't anticipate spending, because we probably didn't need those people in those positions if we haven't filled them by now almost -- more than halfway through the year. Are we going to be then incurring an additional cost by putting these people into these spots that we would not normally have done and thus causing an offset or reduction in the amount of savings we think that we are getting.

MS. CULP:

I don't believe so. No, we're not incurring any additional costs.

LEG. McCAFFREY:

Okay. So we had -- so we have a need for these 43 people that we're going to displace from the health center and they're -- we desperately need them in the positions they're going to be going into.

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MS. CULP:

Yes. We've been doing, you know, the long-term planning over the years, so we know -- for example, with the Jail Medical Units, we have Yaphank that's continuing to reduce medical restrictions, they're starting to do intake and booking there, so we know we have an additional need for staff and we've been working through that with the Sheriff's Office on when the staff will be coming, if there was an immediate need, we may have pooled someone sooner. So we have done postings for Public Health Nursing, for example, from Methadone, we have had some clinical staff move over, because they were needed sooner rather than later and we were able to accommodate that.

LEG. McCAFFREY:

Okay, thank you.

P.O. GREGORY:

Okay. Anyone else? No? Okay. We have a motion to approve with a second.

MR. RICHBERG:

Yes, we do.

P.O. GREGORY:

Okay. Roll call.

*(*Roll was called by Mr. Richberg -
Chief Deputy Clerk of the Legislature*)*

P.O. GREGORY:

Yes.

LEG. CALARCO:

Yes.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

No.

LEG. MURATORE:

No.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

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LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

No.

LEG. TROTTA:

Yes.

LEG. McCAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Recuse.

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

P.O. GREGORY:

Yes for the second time (*Laughter*).

MR. RICHBERG:

I got you. *Fourteen (Opposed: Legislators Browning, Muratore & Kennedy - Recused: Legislator D'Amaro).*

P.O. GREGORY:

All right. **Parks & Rec:**

IR 1538-15 - Authorizing use of Old Field Farm for the Three Village Chamber of Commerce's 16th Annual Family Beach Barbeque (Hahn).

LEG. HAHN:

Motion.

P.O. GREGORY:

Motion by Legislator Hahn.

LEG. ANKER:

Second.

P.O. GREGORY:

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

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MR. RICHBERG:

Eighteen.

P.O. GREGORY:

IR 1539-15 - Authorizing use of Cornell Cooperative Extension Marine Center for Eastern Long Island Hospital's Gala (Krupski).

LEG. KRUPSKI:

So moved.

P.O. GREGORY:

Motion by Legislator Krupski.

LEG. CALARCO:

Second.

P.O. GREGORY:

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

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

IR 1540-15 - Authorizing use of Cedar Beach for Peconic Estuary Program and Cornell Cooperative Extension's Back to the Bay 5K Run (Krupski). Same motion, same second.

All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

IR 1557-15 - Authorizing use of Cathedral Pines County Park by Long Island Abate for its Annual Campout Fundraiser (County Executive). Motion by Legislator Muratore. Second by

Legislator Anker. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

Public Safety

P.O. GREGORY:

IR 1536-15 - Reappointing Dr. Alan B. Groveman as a member of the Suffolk County Vocational, Education and Extension Board (Stern). Motion by Legislator Stern. Second by

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

MR. RICHBERG:

Eighteen.

Public Works, Transportation & Energy

P.O. GREGORY:

IR 1393-15 - Appropriating funds in connection with Public Works Buildings Operations and Maintenance Equipment (CP 1806) (County Executive).

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LEG. CALARCO:

Motion.

P.O. GREGORY:

Motion by Legislator Calarco. I'll second. Anybody on the motion? All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

IR 1393 A, Bond Resolution (of the County of Suffolk, New York, authorizing the issuance of \$100,000 Bonds to finance the cost of acquisition of buildings operation and maintenance equipment for the Department of Public Works (CP 1806.515), same motion, same second. Roll call.

(*Roll Called by Mr. Richberg - Chief Deputy Clerk of the Legislature*)

LEG. CALARCO:

Yes.

P.O. GREGORY:

Yes.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

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LEG. KENNEDY:

Yes.

LEG. TROTTA:

No.

LEG. McCAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

MR. RICHBERG:

Seventeen (Opposed: Legislator Trotta).

P.O. GREGORY:

Okay. ***IR 1519-15 - Adopting Local Law No. -2015, A Local Law To clarify affordable housing requirements (Krupski).***

LEG. KRUPSKI:

So moved.

P.O. GREGORY:

Motion by Legislator Krupski.

LEG. CALARCO:

Motion to table.

P.O. GREGORY:

Motion to table by Legislator Calarco.

LEG. HAHN:

Second.

P.O. GREGORY:

Second to what, which one?

LEG. HAHN:

To table.

P.O. GREGORY:

Second to table, Legislator Hahn. Second to approve, Legislator Browning.

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LEG. HAHN:

On the motion.

P.O. GREGORY:

Legislator Hahn.

LEG. HAHN:

I appreciate that the sponsor is looking to clarify the law and some items that were missing on this. However, I philosophically disagree with allowing the builder who is looking to connect to our sewer district, and our law -- that I believe the sponsor of the original law is here and I'm sure he's going to want to comment -- I guess was vague; the way I read it, you know, I didn't think so. But you're looking to clarify this, but I disagree with the clarification that you would allow the separation of the affordable units from the site where the hook-up is looking to occur.

And from a very philosophical standpoint, I believe that the purpose here is to get the affordable housing units and the philosophical policy decision that we're trying to decide is, you know, if those units can be separated from the building property and put somewhere else.

LEG. KRUPSKI:

Thank you for that concern. So here's how it works, and this isn't new to me, the County law was 2007, I was part of an amended Local Law in 2008 that would allow just this. What the County law says, if you are connecting to a County Sewer District, that the only way you can do this is if you have the consent of the local municipality, the town or the village, and that you'd make sure there's a safeguard in there to make sure that the affordables are built at the same rate and that you can't -- no discharge permits are issued for the market rate units until such a ratio is maintained.

I worked very closely with Jill Rosen-Nikoloff and Gil Anderson on this because I wanted to make sure it would be consistent with the current County program. This came up a few months ago at the Sewer Agency, an applicant wanted to hook-up to a County sewer and then move the affordables off-site. We had months of discussion about this resulting in, you know, the exposure that this County law had this big deficiency in it and that it needed to be clarified, right?

*(*The following testimony was taken & transcribed by
Diana Flesher - Court Stenographer*)*

So if you work with -- so this isn't something that's going to happen every time, but this allows the municipality to do some planning and say -- they can incentivize it or they could say no, you have to -- it depends -- it's going to be project by project. So they're going to say in this site we'd rather see the affordable's built in the same -- on the same location. But they might have other areas that they'd like to see developed or redeveloped in their municipality. And they'd be able to offer that opportunity to the developer and say -- I mean it's planning. *This is where we'd like to see the redevelopment.* So it's an opportunity for the local municipalities to do some planning and to get that -- you know, and if you look at some of the areas that are being redeveloped where the County has actually put money in, you know, you look at the Wyandanch's or the Patchogue's, you say "here's an opportunity for you to put workforce housing and affordable housing where you want to." And they have to work with the developer.

LEG. HAHN:

Now --

LEG. KRUPSKI:

I'm sorry, but this is -- this is -- this is the first part of the second part of this. The second part, which I'd like to lay on the table at the next meeting, says that there's an opportunity to buy these

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units out. The developer could buy out, not build the affordable's and the County would use those funds to do affordable housing to purchase zombie homes and to put those back on the market and that sort of thing. So it would provide a fund of money for that. But that's the second -- that's the second part of this. You know, speaking with our Counsel, George Nolan, he thought it was advisable to separate those two things out to clarify this portion first and then to address the buyout portion separately.

LEG. HAHN:

I just had a philosophical problem with -- to separate out the affordable and saying "put that over there." You know, "this land here where I'm building as a builder is so valuable to me, you know, that I don't want those affordable units to be part of this development project." And to me that's -- it's problematic. I think -- I think the inclusion and having those units be part of and interspersed within a development is beneficial for the entire -- entire community. And so I just philosophically disagree. I don't think separating and keeping them outside outcast somewhere else, you know, is -- is part of the intent of what, you know, we want here. And so that way, you know, we could wind up putting them all in the same spot. And if they have to be part of each development that wants to hook up, then they're integrated throughout the entire community. And I think that's -- that's an important goal. And so I -- I appreciate the fact that you're trying to fix what was a loophole or a vague -- supposedly vague previously written bill, although I have a hard time seeing it that way, but I just philosophically disagree.

LEG. KRUPSKI:

All right, well, thank you. And I -- but just to that point, I would rather not table this. Because if we table it, it's kind of like, what's the point? The bill is to clarify this. So we should vote -- we should vote for it up or down. And if it's voted for, then -- then the municipalities have the ability to do some planning and to move units around and to redevelop areas. If we vote against it, then they won't have that ability and that'll clarify the law. Because that's where this came from. It came from months of debate at sewer agency whether or not these units could be moved.

LEG. HAHN:

I'm not so sure, though -- George, if -- obviously if we vote for this, it clarifies. But if we vote against this, it doesn't make it any little less vague. We would still need to fix with language that rejects the idea, says we cannot do it, I guess?

MR. NOLAN:

I mean, the language could be clearer. I mean, if we vote this down, I think it'd probably make sense to clarify it; however, if we didn't, I would say that the sewer agency would be getting guidance from the Legislature not to approve applications where they're moving the affordable units off-site, building someplace different. So, if this is voted down, I think the sewer agency pretty much knows what to do going forward, I would think.

LEG. KRUPSKI:

This is -- this is not for the developers. This is for -- this is for planning. This so the municipalities -- because they can say yes or no to a developer. It's up to the municipalities. It's not up -- the developer can propose it and they can say "no thanks, build them on-site." So it gives them that option.

P.O. GREGORY:

Done? Legislator Calarco.

LEG. CALARCO:

Thank you. And while I appreciate the sponsor wants to create clarity, I guess I see it much like Legislator Hahn in a very different light. And I disagree. In fact, I filed a resolution, so I think the

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clarity still needs to be provided one way or the other, which is why we got to this point. And the reason I was willing to vote for this sewer connection for the last project that brought this issue to light was because that clarity wasn't there.

No town or municipality has to approve the housing projects simply because the County says you have to provide a 20% affordable housing component to connect to our sewers. We're providing a benefit. It's similar to our workforce housing programs, where we provide funds for an entity to acquire land or to do the infrastructure improvements necessary to build affordable housing. But in those instances those are -- again, those are subject to the local municipality saying "yes, we want this to be built in that fashion in this location and we approve that as a project." We are not in any way interfering with the local municipality's ability to do that.

But at the same time the reason the projects have worked in Patchogue, and the reason the projects are working in Wyandanch and some of the other areas where we've built these workforce housing programs is because we're not building simply workforce housing in one location and putting it all in one spot and not having an integrated approach.

Copper Beach is four units of market rate units that sell for over \$300,000. And the affordable housing units sell for about a buck fifty. So you have two different -- two different rates for very pretty much similar properties, similar buildings within the same unit, within the same area. And those people are integrated. And you have the same that you have people of mixed incomes living in the same location. And that's what makes it work.

The New Village project, which has got 300 units, 70 of those units are going to be workforce housing units, not all 300. But that's what makes the project work. That's the point of these kind of projects is to have that kind of integration built into it so that you have people of all incomes mixed together and you're not putting -- or lumping one income category into one location and other income categories into another location. And by giving the developer an opportunity to build someplace else, that's exactly what we're doing. And in some ways we won't even be guaranteeing that those workforce housing units are going to be connecting to the sewer district. I guarantee you that Bayport project that's being built right now that we just approved, his workforce housing units aren't connecting to a sewer district. They're going to go someplace else in the Town of Islip. They probably won't even end up being built in Bayport.

And so what we're going -- willing to do is give certain municipalities that decide to redirect where they want those workforce housing units to go to redirect them to specific neighborhoods or specific areas. And, I think, that is counterintuitive to the whole program in the first instance. We need to ensure that these kind of projects, and if the County's going to put the funding into them, are going to be built in a fashion that's going to create those integrated communities where the economic diversity actually makes a stronger community. That's partly what makes Patchogue successful; Patchogue's success is. We certainly have our poverty in Patchogue Village. But you know what? You can't really walk down too many streets and know where that property exists. That's what makes us stronger us a community.

P.O. GREGORY:

Amen. All right. Kevin. Legislator McCaffrey.

LEG. McCAFFREY:

Thank you. I agree with Legislator Krupski. And probably the reason that I do is that we both come out of local government. And where we hold very dear to our hearts is the ability for those local governments, whether it be a village or a town, to control the zoning in our areas. And I think that's one of the most important functions that local government does.

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And this is something that, I think, that clarifies that they should have that control of that local zoning. We put this in there to say that there's got to be a certain percentage of these, but I don't want to take the right of the local municipality who controls zoning -- and we really have not much of anything to do with it and there's a reason for that. And I think we should keep that in the hands of the local governments.

This isn't saying that a developer can decide to put these off in another location. This is something that's being in conjunction with possibly a master plan of that village or town; or the planning and zoning. And those are the rights that are embedded in them through State law and everything else. And I don't think we should tread on those. And it's something that for 20 -- almost 24 years at local government, I held, you know, where I felt we had some control over what our village looked like. And I'm sure Al feels the same way and his zoning powers in the town. And I don't think we should take that away from those municipalities. And this clarifies their ability to control that.

P.O. GREGORY:

Okay. Doc Spencer.

LEG. SPENCER:

Thanks, Al, for clarifying this. And I appreciate what you're doing in this legislation. As Housing Authority Chairman, I can definitely speak to a lot of the Federal requirements when they're talking about a 20% component, they mean that to be on-site. And when you look at workforce housing and affordable housing, they're -- when you look at a lot of community opposition, it does relate to burdens on the school district. And what happens is that there's a very difficult time, sometimes building affordable housing or workforce housing.

One of the concerns when we separated, one, is that when we're giving them permission to hook up to our sewers, that's a public benefit that we're stewards over. And it should be for everyone that we're doing it. And I think that sometimes a developer may have the ability to build a very lucrative development. And if they're able to either pay out or separate the affordable component, it defeats the purpose. I think location is essential a lot of times. And so you're putting the affordable's at a different location. We all know that historically the phrase separate but equal, we know that -- how well that worked. It did not very well. And that's the main -- really what this kind of alludes to when we talk about separating it.

So I think that we should clarify it. And I think we should clarify that when they say 20% affordable component, that means on-site. And so, I think, to -- you know, that we have to not (sic) support this and give Legislator Krupski an up or down vote, which I think he's satisfied either way. And I think Legislator Calarco's indicated he has a competing bill with language that we should look at supporting. Thank you.

P.O. GREGORY:

Okay, thank you. Legislator Schneiderman.

D.P.O. SCHNEIDERMAN:

Thank you, Mr. Presiding Officer. So, yes, this goes back to 2007. I sponsored the original law. Just a glimpse into -- some of you may have been here, probably most of you were not here, we had a crisis then with affordable housing, not unlike the crisis we have today. We saw how bad it was and recognized that it was only getting worse and wondered, you know, what the County could do to provide places for our workforce and young people to live in as they continue to leave at record paces.

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So, you know, you can subsidize projects. And we have those programs, the jump start types of programs. But in terms of bang for the buck, you only get so much. So can only sustain so much borrowing before you start making everything else unaffordable for the rest of the residents.

So one place is with the County sewers. We know that most of the growth that occurs in the future in Suffolk County are going to be in sewerred areas. The State at the time, they were looking at a 10% subdivision rule, which they did pass. But we were also looking at a study that we had commissioned with Rutgers University, Affordable Housing Needs Assessment, or Workforce Housing became the term of art at the time. Because of the stigma attached, for some reason it's affordable housing. But we did a Workforce Housing Needs Assessment. And they were basically saying, "look you gotta --" it was either 20 or 25% of all future housing that gets created, at least has to be in an affordable range just to keep matters from getting worse. And so this bill went in with this 20% provision. So if you're gonna connect to County sewer, 20% has to be affordable.

You know, and I was also dealing -- it was not this County Executive but the prior County Executive. And I was trying to get him to not veto it. There was a lot of back and forth, a lot of meetings and eventually he did. I can't remember whether he pocket approved it or actually signed it into law. I think he pocket approved; it's my recollection. But it did become the law. And, honestly, at the time I never even thought of the fact that a developer would come asking to put the affordable units somewhere else. It was basically if you're connect in, 25% of your units -- or 20% of your units would be affordable.

So I don't know whether the law is silent or whether it's poorly written. I just -- we hadn't really thought that that could come up as a possibility. My personal, philosophical position's probably no, we probably should require that it's there. Maybe there's some -- you know, some circumstances that might create a process where somebody could petition the Legislature for something different, but I think in general we should be doing these mixed income areas and not creating areas that get stigmatized as housing projects or pockets of poverty.

So I think this is a really important question that we're wrestling with here today. And I -- personally I know that Legislator Calarco has a competing bill that clarifies the law as well, but says something similar to what I'm saying where you couldn't do it. I think we should basically look at both bills in one committee, whether it's DPW committee or the affordable housing committee or both and come up with what our philosophy is moving forward.

In the interim, though, I think we should -- we certainly ought to get clarifying language that's, I think, does not allow the transfer off-site until we've figured out how we're going to do the transfer off-site. But that's my opinion.

LEG. KRUPSKI:

Thank you. I have to say that there's a -- there's an apartment building being built in the Bulova watch factory within walking distance of your office that the affordables were transferred off-site?

D.P.O. SCHNEIDERMAN:

They were and they haven't been built yet. And the Village is looking to do it not in the Village. They're actually looking to do the affordable in East Hampton Town outside their own border. And I don't believe that in your law it requires it be done in the same school district, just in the same municipality.

LEG. KRUPSKI:

Right.

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D.P.O. SCHNEIDERMAN:

So, I mean, I think that there is some legitimate issues. And that issue with Bulova, that was a historic building. The, you know, per unit cost just to renovate it at the density that they had was, I think, over a million dollars a unit. It's very hard in a situation like that to deliver anything affordable when your -- when your -- when your costs upfront are unaffordable.

LEG. KRUPSKI:

You're saying it should be affordable elsewhere but not --

D.P.O. SCHNEIDERMAN:

So I think there may be circumstances, like I was saying before, where you could make your case to the Legislative body. Now that's not a County sewer there. That's a -- Sag Harbor sewers so that wouldn't be affected by this bill either way.

LEG. KRUPSKI:

Right.

D.P.O. SCHNEIDERMAN:

But there may be some circumstances where you can legitimately -- it makes sense to put them somewhere else. It's very hard to take a unit that costs \$2 million to construct and give it away or sell it for 250,000, or whatever is deemed affordable, particularly when you're struggling in that case to restore a blighted building, historic building in a downtown area. So there may be circumstances. So I think we should have a relief valve, a provision somewhere. I just -- what that is and what that looks like, I'm not sure. I think in your bill it's too easy. I'd like to see it come back to the Legislature for that specific exemption.

LEG. KRUPSKI:

No. In my bill it's called planning; and that the local municipality would do their planning. And a lot of times municipalities want to put development near transportation, within walking distance of libraries, bus stops, train stations, churches, post offices. So that's called planning, to be able to put those units -- direct them where they want to see that development. So it's not that easy --

D.P.O. SCHNEIDERMAN:

Wouldn't planning also involve those non -- non-affordable rentals? They all should be within walking distance potentially of public transportation and shopping, etcetera, liveable communities.

LEG. KRUPSKI:

I don't think they all are.

D.P.O. SCHNEIDERMAN:

So. I'm saying that both are planning.

P.O. GREGORY:

Okay. Legislator Martinez had a question or a statement.

LEG. MARTINEZ:

Thank you. Just a statement. Obviously, Legislator Krupski, I applaud your efforts for this, but I do agree with Legislator Calarco that it's going to further separate classes in towns. And just how Legislator Schneiderman just said, too, in terms of the stigmatism and stereotypes that already exist. And I representing a district that already gets that, it's going to further increase that. And in terms of the zoning and leaving it to the municipalities, some of them are not equal in how they control their zoning laws. Some of them even don't follow their own zoning laws and they create certain things that they shouldn't under their own laws. And leaving it to them completely, I

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think, it's going to hurt many communities. And though I applaud your efforts, but I can't support this.

LEG. KRUPSKI:

Well, thank you for that. And just to be clear, this isn't an effort to separate or to segregate anything. This is just an effort to give municipalities a planning tool. That's all.

LEG. MARTINEZ:

And thank you. And just knowing how some municipalities function, you know, I can't support this.

P.O. GREGORY:

Legislator Calarco.

LEG. CALARCO:

I think it's important to recognize what we're talking about here. We're talking about providing a benefit to a developer that they otherwise would not have. Anybody who's building within an existing sewer district has no requirement to build 20% as part of their project as affordable. It's only for those people who are building out of district and want to connect to one of our sewer districts. So we're providing a benefit to that developer that they otherwise would not have and the towns otherwise would not have to consider. That benefit is the ability to connect to a sewer district and have a far greater density of development than they would have otherwise been permitted to have. So that person is gaining quite an economic advantage by having that out of district connection, which they have no right to obtain. It's very similar in that fashion to our workforce housing programs in that they're getting a benefit from us to develop workforce housing. When we decide that we're going to allow them to not build it as part of the project and part of on-the-location that's connecting to that sewer district, what we're in essence doing is giving that developer a benefit to build something that is of greater value without getting any compensation to the County in that. The public policy here is -- the compensation we're getting is the mixed use of integrated development where we have affordable housing being created. And we're not really doing that if we tell the person, "well, you can go build it wherever you want because the town doesn't want you to be building it on-site." And, you know, it doesn't really further that goal of getting workforce housing and housing that people can afford to get into in all of our communities throughout Suffolk County.

And if you were talking about it, you know, a provision that was something that they had a right to do because they were in the sewer district, I think, yeah, maybe -- maybe we would be trying to assert some planning abilities at the town. But that's not what we're doing here. And, again, they don't have to take it. We're not saying they have to do it. They don't want to comply with us, it's fine. The town doesn't want you to build that kind of density there, fine, don't build it; don't connect to our sewer district. And, you know, build whatever it is that you have a right to build on your property. But we're giving you an advantage over other properties and we want a compensation out of that and that's building these workforce housings on-site.

P.O. GREGORY:

Okay. I have a question. As far as the -- I guess -- who enforces -- you know, say the town -- we give the towns the abilities -- the towns and villages ability to kind of manage their own planning in this regard and they can separate the affordable housing and put it somewhere else, who is responsible to see that that affordable Housing project or development actually gets developed?

LEG. KRUPSKI:

It would be written into the law. It is written in the law; that there's a ratio of no less than one affordable unit for every four market rate units; and that no discharge permits are issued for the market rates units until the ratio's maintained. So you wouldn't have a scenario where the

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affordables are never built. They have to be built at the same ratio, you know, and actually that's 25% ratio. It's higher than what's required under the current law of 20%.

P.O. GREGORY:

Okay, so is there an additional amount because --

LEG. KRUPSKI:

They don't get additional density. It's just that you have to build them more or less at the same time. You can't -- you can't say "I'm going to build a market rate and someday I'll build the affordables." That's not how the law is written. I did work with DPW a lot on this to make sure, and with Real Estate, to make sure that the units would be -- there is a guarantee the units are built at the same time.

P.O. GREGORY:

Right. Okay. So that's -- there's ability to kind of enforce that they're actually being developed, which in some instances, as you point out, and, Jay, hasn't been done. But do we -- we don't really control obviously where that development of affordable housing goes.

LEG. KRUPSKI:

No, this would be -- this would be a town function. And Bob Braun was very instrumental in this also. He's the attorney for the sewer agency. So we work with him also to make sure. Because that was the safeguard. You had to make sure that the developer actually built the affordables.

P.O. GREGORY:

So there actually could be a scenario where they put affordable housing in an area where, you know, there is -- you know, they want affordable housing. I mean, you know, there are studies -- it's no secret -- Suffolk County, Long Island is one of the most -- third most segregated community in the country. That didn't just happen. I mean, it's happening because there are people who are enforcing these laws that are kind of allowing that, you know --

LEG. KRUPSKI:

But this law -- this is to clarify it. So that's why I asked for an up or down vote. So if it's voted down, it's not going to be allowed. And we go to sewer agency and somebody applies to move the affordables off-site, it'll be pretty clear.

P.O. GREGORY:

It ensures that --

LEG. KRUPSKI:

A vote of the Legislature says you can't move them off-site.

P.O. GREGORY:

But it ensures that it gets developed but it doesn't ensure that each community has -- you know, that affordable housing isn't just put in certain communities.

LEG. KRUPSKI:

No, no, that's -- no, no. The purpose of this law is to clarify it. So if we vote for it, then the communities will have an opportunity to plan and to say we'd would like to -- either build the affordables on site or we'd like to see another area developed. If we vote against it and vote it down, then it's very clear to those of us on sewer agency to say -- and it's going to be very clear to all the developers to say affordable housing has to be built on-site, the ones that are outside the sewer district -- that want to hook up to County sewers. It clarifies what is now an area that's silent -- the law is silent on.

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P.O. GREGORY:

But I think it may to a certain degree, but I don't think it goes far enough, where I think with the intent of the original law was that this is the policy. If we voted down your bill, it just says, okay, we're just not okay with that, but it doesn't really say what we're okay for. So it does leave a little bit of leeway as to potentially interpretation. Certainly if the makeup of the sewer agencies are changed, well, you know, they never really clarified because they didn't put a law, you know, black and white -- you know, what the intention of the law is.

LEG. KRUPSKI:

I'm going to ask our Counsel about that.

MR. NOLAN:

Like I said a couple minutes ago, I think if this bill was to fail, I think it'd probably be a good idea to go and -- establishing the law in writing what the opposite policy is, what the different policy is that we're not going to allow people to build off-site. Having said that, if this fails and we don't pass another law, I do believe the failure of this law -- I think the sewer agency and the people at the sewer agency would have to take notice of that. And in my opinion, they should not be approving off-site development. But, again, the best scenario is to make the law crystal clear. It's always best to make it as clear as possible what the policy is.

LEG. KRUPSKI:

So would you recommend me tabling this and amending it to change the language somewhat so that it would say that if this law fails for whatever reason, that it would be then that all affordable housing associated with a development outside of a sewer district that's going to hook into a sewer district is prohibited.

MR. NOLAN:

Well, Legislator Calarco has filed that bill; that bill saying just what you said is filed. So I wouldn't suggest amending your bill. I think the Legislature should deal with the bills however they decide. Hopefully one of them is adopted so that what the policy of the County is, is very, very clear. The sewer agency will have very, very clear guidance.

P.O. GREGORY:

Okay. All right. Anybody else?

LEG. TROTТА:

I just have a quick question.

P.O. GREGORY:

Legislator Trotta.

LEG. TROTТА:

Are we allowed to do -- I mean can this Legislature limit local -- I mean, that's sort of limiting local zoning. Imposing --

MR. NOLAN:

It only has to do with the hookups to our sewer districts. We're just establishing policy for hookups to our sewer district. Does it have an indirect impact on zoning? I don't know.

LEG. TROTТА:

Maybe the town could -- the towns could sue us, I'm assuming.

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MR. NOLAN:

They could sue; I don't think they'd get anywhere. We have the right to set the guidelines and the conditions for hooking into our sewer districts. They don't have to do it.

LEG. CALARCO:

The town could just say to the developer, no, that's too many units. I'm not going to approve that. All we're saying is to the developer you have to provide 20% of your units as affordable housing. So we're telling them you have to make a certain amount within our guidelines of what affordable housing is. We don't really care what those units are. They don't even need to be necessarily the exact same units as their market rates units. They could be two different -- completely different units. That's not -- the law doesn't speak to that. It just says you have to offer at least 20% of the units you build at affordable rates. It's up to the town and the developer to agree on the site plan, as they always will; or the village, or whoever else it may be.

The municipality -- the local municipality has full zoning and planning responsibility as they always have. They're going to approve the project to be built through the process that goes through, whether, you know, going through the Planning Board and going through that whole -- the whole procedure. We're just saying 20% of those units at that location, if you're going to connect to our sewers, has to be provided at what is considered workforce housing rates as per the County standard.

LEG. TROTТА:

I think you -- I understand.

LEG. CALARCO:

That doesn't speak to what the units look like or where they're built. The issue is moot quite honestly.

LEG. TROTТА:

I think that this could actually limit affordable housing. Because I'm thinking of a spot like, you know, out with you in Sag Harbor, you know there's -- they can't -- it cost so much money to build something, if they want to build it two miles away in the same municipality, I don't have a problem with that. Because you're going to limit affordable housing by doing that.

LEG. CALARCO:

I don't have a problem, then, building that either. All we're saying is if you want the benefit of connecting to our district, you have to provide some workforce housing there.

LEG. TROTТА:

It's actually the taxpayers' district. It's not our district.

LEG. CALARCO:

Yeah, exactly. If you want the benefit of connecting to the County's district, you have to provide that benefit. So that there is something coming back out of that.

LEG. TROTТА:

I think it's shortsighted to say it has to be right next to it. If it's a mile away or -- you know, where the land's cheaper and it's more practical, you know, you're taking the business and you're taking the ability, you're probably taking affordable housing away by limiting it so much.

D.P.O. SCHNEIDERMAN:

Can I make a third motion? Right now I think there's a motion to approve and a motion to table. Can I make a motion to commit it to Government Ops and Housing? Because I think that maybe is

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where the other bill -- Legislator Calarco's other bill is going to land.

LEG. KRUPSKI:

No, that's -- see, that's -- yeah, I made the offer to amend this. The whole point is clarifying it because -- and I intend to lay that other bill on the table to provide more opportunity --

D.P.O. SCHNEIDERMAN:

You'd prefer to have it tabled than recommitted?

LEG. KRUPSKI:

I would rather table my bill to clarify the language to say that if this is voted down, that, in fact, there would be no opportunity to move the affordables off site. So that's the whole point. That's the title of the bill to clarify.

MR. NOLAN:

Yeah, I just don't think we can -- with all due respect, I don't think you can draft a bill like that, that says if this is voted down, then this is the policy. I think we have to choose between the two approaches, either your approach or the approach advocated by Legislator Calarco has to be -- we have to hash it out which one we're going to pass.

LEG. KRUPSKI:

And I think -- so at that point, then, I think we should -- I'd advocate for voting mine up or down and not tabling it. I mean, people seem to have pretty strong philosophical feelings about either giving the municipalities the ability to plan or thinking -- and I'm not criticizing them or thinking that this is some sort of social engineering to be able to move the affordables off-site. So -- you know, I -- and I think that's -- we're a democracy. Everybody has an opinion on that and experiences that give them that opinion. So I'd rather just vote it up or down and that will, in fact, clarify this.

P.O. GREGORY:

Okay. That's all I have so -- we have a tabling motion. What would you like to do, Legislator Calarco? You want to withdraw your tabling motion? No.

LEG. CALARCO:

Okay. I'll withdraw.

P.O. GREGORY:

Okay. All right. So we have approve motion. Roll call.

**(*Roll was called by Mr. Richberg -
Chief Deputy Clerk of the Legislature*)**

LEG. KRUPSKI:

Yes, to approve.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

No.

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LEG. ANKER:

No.

LEG. CALARCO:

No.

LEG. LINDSAY:

No.

LEG. MARTINEZ:

No.

LEG. CILMI:

Yes.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

Yes.

LEG. McCAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Pass.

D.P.O. SCHNEIDERMAN:

No.

P.O. GREGORY:

No.

LEG. SPENCER:

No.

MR. RICHBERG:

Nine.

P.O. GREGORY:

Yeah, that sends a real clear message.

(LAUGHTER)

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All right. All right. Yes, that was -- that was not predicted.

All right. All right. All right. **IR 1554, Authorizing the County Executive to enter into an Inter-Municipal Agreement with the Village of Patchogue for the removal of the bus stop on South Street and construction of a new bus stop on Division Street at the Patchogue LIRR Station Main Entrance/Cedar Avenue. (Co. Exec.)**

LEG. CALARCO:

Motion.

P.O. GREGORY:

Motion by Legislator Calarco; second by Legislator Cilmi. All in favor?

LEG. KRUPSKI:

On the motion.

P.O. GREGORY:

On the motion.

LEG. KRUPSKI:

On the motion? On the motion?

P.O. GREGORY:

Yep.

LEG. KRUPSKI:

Okay, thanks. I'd like to ask DPW, Phil, if you could, do we have an agreement on maintenance of the bus shelter? Because that's always been an issue. And here we're going to have a new bus shelter. We should have an agreement who's going to plow the snow; who's going to repair it when it gets run over; and who's going to clean it.

DEPUTY COMMISSIONER BERDOLT:

Okay, I will look into that. It's really just relocating another shelter. So whatever the agreement was on the previous shelter would be the same on the new shelter.

LEG. KRUPSKI:

Thank you.

P.O. GREGORY:

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

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

IR 1556, Accepting Federal Emergency Management Agency Hazard Mitigation Grant Program funds, amending the 2015 Capital Budget and Program, and appropriating funds in connection with the Tidal Wetland Restoration at Smith Point County Park to improve protection against flooding and storm damage-Phase I (CP 8710.148) (Co. Exec.)

LEG. BROWNING:

Motion.

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P.O. GREGORY:

Motion by Legislator Browning.

LEG. KRUPSKI:

Second.

P.O. GREGORY:

Second by Legislator Krupski. On the motion anyone? All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

IR 1856A, bond resolution. (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$160,273 Bonds to finance the cost of the tidal wetland restoration at Smith Point County Park to improve protection against flooding and storm damage-Phase I (CP 8710.148) Same motion, same second. Roll call.

(*Roll was called by Mr. Richberg -
Chief Deputy Clerk of the Legislature*)

LEG. BROWNING:

Yes.

LEG. KRUPSKI:

Yes.

LEG. MURATORE:

I'll pass right now.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

P.O. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

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LEG. TROTTA:

Yes.

LEG. McCAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

P.O. GREGORY:

Yes.

LEG. MURATORE:

Yes.

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

Okay. **IR 1558, Authorizing the sale of two surplus County para transit buses to Long Island GLBT Network (Schneiderman)**

D.P.O. SCHNEIDERMAN:

Actually, we need to table it. We got to change the VIN numbers. There's two other buses that have less mileages on them that -- it'll take a little bit longer to get on the buses now, but they'll get better buses. So motion to table.

P.O. GREGORY:

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

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

All right, **IR 1542, Authorizing the reconveyance of County-owned real estate pursuant to Section 215, New York State County Law to Frank L'Abbate and Patricia L'Abbate (SCTM No. 0400-224.00-05.00-005.000) (Stern)** Legislator Stern?

LEG. STERN:

Motion.

P.O. GREGORY:

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

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MR. RICHBERG:

Eighteen.

P.O. GREGORY:

Okay, if we go back to Environment and Planning, page ten, **IR 1493, Approving and adopting the Suffolk County Comprehensive Master Plan 2035. (Co. Exec.)** Legislator Hahn? Legislator Hahn? Legislator Hahn?

LEG. HAHN:

Motion.

P.O. GREGORY:

Okay, motion by Legislator Hahn; second by Legislator Anker. Okay. I think we're going to have a quick presentation by some of the members of the board or the Director or comments.

MR. CALONE:

Thank you, Presiding Officer, and thank you, members of the Legislature. My name is Dave Calone and I Chair the Planning Commission for the County; and joined here by, of course, our Planning Director Sarah Lansdale. Also here with us today are the Vice Chair of the County Planning Commission Adrienne Esposito and one of our key Planning Commission members, who's worked very hard on this project, Michael Kaufman.

So I want to just take a moment to thank you -- all of you for your work and input on this plan. I remember -- we started working this plan about six years ago. And, in fact, I remember having breakfast at the Peter Pan Diner with Legislator Cilmi actually when he was new and I was new at this job. We started talking about how it was crazy, that there was no sort of, like, comprehensive plan, what we're doing with our County and the challenges we face. And we started working on this under the leadership of Tom Isles, when he was the Planning Director; and has continued under the very able leadership of Sarah Lansdale, along with Dr. DeWitt Davies.

Suffolk County has not adopted a comprehensive plan in over 40 years. Since that time we are now bigger than 11 states. We are now the largest suburban County in the United States. And it's time for us to have a plan that knits together the critical issues that all of us are dealing with on a daily basis. And that was the genesis for this plan here today. I could told you that I -- what speaks to me more than anything about the challenges we face as an Island is the fact that it took me almost as long to get from LaGuardia Airport in the last hour to here as it did from Chicago to LaGuardia this afternoon.

We do clearly face real challenges as a result of our geographic location. But we all separate assets. And we know that; whether it's the water that surrounds us and is underneath our feet; whether it's our research laboratories; whether it's the amazing people who live here. The key is taking advantage of those assets and growing the next version of the economy. And with the policies this County has put in place and will put in place, we will be able to capitalize on those assets in furtherance of our goals.

You know, planning is important. But what you have in front of you today is titled "Framework for the Future," because it's just that. It's a roadmap to where we need to go. But at the end of the day doing is more important than planning. And so while this is a snapshot in time, a look at what, we think, needs to be done in Suffolk County. What's important is that this County Legislature and this County Executive and future County Legislators and future County Executives work together to implement this plan and the different challenges that we know will face us going forward.

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I want to particularly thank one Legislator who's been particularly helpful in leading this effort and putting this all together and that's Legislator Kara Hahn, who's, of course, not only chaired your committee but has been incredibly helpful in helping shape this document. I want to thank the Presiding Officer and really all the members of the EPA Committee who've engaged with us on this over -- particularly the last year, but going over the last few years as we worked to put this together.

This is a bottoms-up plan and topdown plan. It took all the plans that are going on, that have been implemented and passed around Suffolk County at the village level, the town level and synthesized the goals from the local level; and also took the goals from a regional level, whether through Long Island Regional Planning Commission and others and said what does the County, as the meat of the sandwich, what does the County need to do to help implement the local goals and also the regional goals? And so that's been the major focus.

And we're happy to -- both Director Lansdale and I are happy to answer any questions you might have on the plan. But more than anything, I wanted to stand here and thank you for the work that many of you have done with us on putting this together. So, thank you, Presiding Officer.

P.O. GREGORY:

All right. And, thank you, Dave, for your work, and the Director and everyone that's been involved in this process. You know, it's critically important that we have a vision for our County. We have -- we play an important role in the region. And to have people who are at the helm ensuring that we're putting the structure in place to look out for our future, our future generations, our children's children, oh, God, and then for me when I'm in our -- you know, our forty somethings, when we -- in our middle -- you know, when we're going golfing and fishing and all the other things that we do in our retirement years, that we actually have a place that we can still remain to be proud of and joy and not take an hour to get to the airport or from the airport. And, Legislator Hahn, and her leadership is, you know, tremendous advocate. I know she had a lot of questions going through this process and she really took it to heart and was very diligent in her research and very critical in kind of pulling everything together. Legislator Hahn?

LEG. HAHN:

Yeah, you know, I want to thank Planning Division, you know, Director Lansdale and DeWitt and all the members of the team from the Planning Commission as well. I'll try to make a football analogy here. I think, you know, there were -- some planning that had happened prior. And, you know, the ball kind of was moving down the field. But as many watch -- maybe your fans of football know, it's always hard to just get it over that -- get it into the end zone, right, that last yard at third and goal, or whatever. And --

(LAUGHTER)

It's really hard. And I made it -- you know, some of us might have made it even harder, you know, but I think that in the end the team, you know, that was -- that pulled together to really get it -- get it in, it was just so important that we all kind of worked together. And the team, not just being those in the room and those around this horseshoe, but even, you know, going out to the towns and taking all the time it took to really get the input from everyone, I think, made those last several yards -- no, really important work happened there; really important work. And I think the hardest, you know -- I could keep on going with this analogy here, but the plays that were called -- any ways, I think that -- I think that we really -- I think that there really was teamwork here that was important. And we got the input from everyone. And I really appreciate all that you guys did. And I know some of us made it harder and took our time and really, you know, read the details and got in it. And we had productive discussions that I think were really important to have. And especially -- if we're going to have to pass it, I think it was -- it was super important we had those discussions.

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And I think we have a better product for it. And I'm really pleased. And I thank you for taking it on and the County Executive for being willing.

You know, our Planning Commissioner Chair -- Planning Commission Chair, Mr. Calone, you know, I think the willingness of the County Executive and you to really move this and say we're going to get this done, and this is important to have this plan, I think -- I think it's -- in the end we have a product that the -- you know, future generations of our County will benefit from. So thank you so much for all your efforts.

P.O. GREGORY:

Would you say we hit a home run? Not a field goal but a home run? All right.

LEG. HAHN:

Touchdown.

P.O. GREGORY:

Legislator Cilmi.

LEG. CILMI:

Thanks, Mr. Chairman. I came very close to deciding to vote against this plan today until David said that I was really the inspiration for it and then how could I vote no then? (Laughter) Very happy to take credit for anything.

But in all seriousness, reading through it, you know, philosophically I have -- I have a problem with the thinking that government can solve all the world's problems. And throughout this plan, I get the feeling that government thinks it can solve all of these problems. But that being said, I sort of took a step back and looked at a -- from a higher level. And if I look at the goals of the plan, healthy environment, convenient transportation, improved economy, safer streets, a mix of housing options for our residents, streamline government, these are all things that I can support completely.

How we get there may be a different story, you know. I mean, certainly there are things that this plan talks about that I am totally opposed to in terms of government's role in being involved in those things. But by and large, I think, the objectives that I just kind of enumerated, which the plan enumerates, and I may have paraphrased some of them, but I think I hit most of them, I think are good goals. And I recognize the need to have some sort of a roadmap to get to those goals and I recognize the fact that I may not be here forever -- and certainly won't be here forever, and this whole Legislature will be -- will have changed in ten years' time. And there may be -- there may be, you know, somebody's GPS may show a different road to get to these places. But getting there is important.

So I will be supporting the plan today, but I'll be doing so noting for the record that there is some things in there that I'm very much opposed to. But I do oppose (sic) all of the -- the end goals and I congratulate you on all the hard work to put this plan together because despite, you know, my feelings one way or the other towards some of the things that are in there, I recognize what a herculean effort it was to put it all on paper. So, good job.

P.O. GREGORY:

All right, thank you. Legislator Krupski.

LEG. KRUPSKI:

Yeah, I, too, would like to thank Dave Calone and Director Lansdale for the efforts here and all your staff and everyone on the Suffolk County Planning Commission for all the work. It is -- I mean, it's an interesting title, Comprehensive Master Plan. In a county this diverse, it's really hard to be

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comprehensive. But I think the way that you approached it was comprehensive. And I really appreciated -- you came out to my office and we met with the planners from the East End towns, and you made sure that their comments were included. You know, and -- so there's acknowledgment that the East is different from the West; and that redevelopment is critical, you know, to both areas. And you acknowledge the importance of agriculture and clean water to the economy and to the cultural fabric of the East End. And so, you know, for that, you know, I think everyone -- all the planners were happy to support this. And I really appreciate that effort. And, like I said, the effort was comprehensive. Thank you.

P.O. GREGORY:

Okay. Legislator Anker.

LEG. ANKER:

I also want to thank you. And, you know, understanding the ability to prioritize future government infrastructure, we need to consider the cost of the investment. And that's what this framework is all about. You know, you think about how does Europe stay so beautiful in certain areas? Well, you know, they been through, you know, hundreds, thousands of years of civilization, you know. Now we're at a point where we want keep the character of the community and the quality of life. And we have the ability to do that right now.

Legislator Krupski had mention the farming communities and how our landscape is continuing to change. Well, my district is that transitional point right now. Mount Sinai, when I moved there 20 years ago, there were farms there. We've got two farms left; significant farms. We need to find -- we need to have a better understanding of what the future's going to look like. And I do want to commend your efforts. You know, you had Robert Moses, you know, designing the future of infrastructure; Lee Kopelman designing, contributing to the future of infrastructure for Long Island. And, you know, Dave Calone, you're up there. So I just want to thank you. And also Sarah Lansdale. You both deserve equal credit as well as your staff and the Commission, yes, and everyone that has been involved.

And just one last thing I want to mention, thank you for including the Legislature with your final submission. Because, you know, that didn't have to happen. I think originally this framework was mainly about infrastructure with transportation. You've included open space, education, affordable housing and all those dots connect, of course, with transportation. But, you know, we're seeing the bigger picture of things.

And, so, again, I commend your efforts. And I hope we can use this as a true road map to the future. It will change, no doubt, depending on the economy, depending on the trend of social issues, but we need to know where we're going and now we have a plan; a good plan. Thank you.

P.O. GREGORY:

Okay. Legislator Schneiderman.

D.P.O. SCHNEIDERMAN:

Well, I certainly echo everybody's compliments. Yeah, great job to all of you and to AKRF and everybody who was involved with this. It's a great document. I mean, I think you've done somewhat of an impossible task just to get, it seems, consensus on what our future ought to look like, to provide us this menu of options for the future, which -- it's really remarkable. How do we get this document out there now? So that's really my question for you, is, you know, every planner ought to have access to it. Every town official, village official, everyone in a decisionmaking position as well as, I think, our residents ought to at least have electronic access to it in a relatively easy way. So can you talk a little bit about that? I know it's -- I'm looking at it on the website, but maybe I'll let Mr. Calone answer.

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MR. CALONE:

Well, not to prejudge anything, because as the Seattle Sea Hawks know, the last yard can be the longest yard. So if you all decide to adopt this here today, our charge is then under the law is to get it out to all the municipalities, the school districts, etcetera. Comprehensive Planning is actually set up under the State law. And each county is supposed to put one together and the County Charter requires the Planning Commission to propose one to all of you. And that's what we've done; again, first time in 40 year so we had a big of catching up to do in terms of the planning.

But I want to -- I want to just talk for just a second about -- reflect on something that was said earlier. I think at the end of the day the role of government is to enhance economic capacity. And I think this plan tried to be careful not pick winners and losers, but rather to try to enhance capacity, physical infrastructure, human capital infrastructure; those kinds of things that we can make sure that whatever businesses are here in the future have a chance to thrive because the employees can afford to live here, because we can get to -- get to our places of business, whatever those places of business are.

I'm in the business world myself. I just came from a board meeting in Chicago this morning. And all of the companies I'm involved with have business plans. They have strategic plans about how -- what our goals are and how we're going to get there. And those change over time, right? I mean, the plans evolve year after year after year based upon the struggles, the new issues in the marketplace or new factors. And so this will also need a change over time. What needs to happen is every couple of years, the Planning Commission, the County Executive and the Legislature need to relook at it and adjust as we go. Because as Legislator Cilmi said, I mean there'll be different people sitting at these seats in the future; there'll be different people standing at this podium in the future. But the future of the County depends upon consistently knowing where we want to go and aiming our efforts at getting there, all the efforts that all of you make, all the staff, and, of course, the taxpayers' money, aimed towards goals, which will obviously evolve over time.

So that's why it is important to get it out. And certainly doing that through school districts, through the towns and municipalities, putting it on the website. And we can talk about other ways also to help get it out and certainly welcome your suggestions.

P.O. GREGORY:

As my good friend Legislator Lindsay once said, if you fail to plan, you plan to fail. And that's what this is about, putting a plan in place. And that we are -- we're actively looking towards our future and how we vision it. And I hope that we do this in other venues and other areas within government. I know there are municipalities, like Miami Dade County and Boulder, Colorado where they have a vision plan how they're going to address homelessness. I mean, there are different ways that we can provide a similar constructive framework to address the issues of the day. But certainly on this issue, it's very important and thank you for your leadership in this. Okay. Anyone else? All right. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

All right. Going to the manila folder we have two -- all right.

(APPLAUSE)

We have **IR 1614, Accepting and appropriating additional funds for a 100% State funded Summer Youth Employment Program. (Co. Exec.)** Motion by Legislator Schneiderman; I'll second. Anybody have any questions on it? Nope. Okay. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

IR 1615, Accepting grant funds in connection with the 2012-2013 Local Government Efficiency Grant Program to evaluate wastewater operations in Suffolk County (Co. Exec.)

Motion by Legislator Schneiderman. Who was that? And second by Legislator Hahn. Anybody -- could somebody explain what this is?

MS. SANTERAMO:

Sorry. This is to accept \$25,000 from the Governor's Global Efficiency Grant. We actually -- this body passed a resolution authorizing the Department of Economic Development to apply for the grant. And then when it was received, it was not -- we did not come back before you to actually formally accept it. So now we're coming back to formally accept it.

P.O. GREGORY:

So this is an award saying that they recognize that we're running in an efficient way or --

MS. SANTERAMO:

No. It's an award to look at ways to create efficiencies. So in this case based on the resolution it's to evaluate wastewater operation in Suffolk County. So we have 22 separate operations. It's to look at the possibility of ways to make those more efficient may be leverage them against each other.

P.O. GREGORY:

Okay. Gotcha. All right. Anyone else? Okay, all in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

Okay, if you go into the red folders, we have several CNs. We have **IR 1565, Amending Resolution No. 570-2015, developing a Wellness Program for County employees. (Lindsay)** Motion by Legislator Lindsay.

D.P.O. SCHNEIDERMAN:

Second.

P.O. GREGORY:

Second by Legislator Schneiderman. Anybody on the motion?

LEG. LINDSAY:

Yeah, just briefly, the reason for the amendment is just to add representative AME to that board; Labor Relations, too, as well.

P.O. GREGORY:

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

MR. RICHBERG:

Eighteen.

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P.O. GREGORY:

Okay, **IR 1578, Amending the 2015 Capital Budget and Program and appropriating funds in connection with the County Share for participation in Bridge Painting Preventive Maintenance on Various County Bridges (CP 5815, PIN 076086). (Co. Exec.)** Motion by Legislator Muratore; second by Legislator Krupski. Anyone on the motion? Okay. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

Okay, bond reso -- excuse me. **IR 1578A, bond resolution. (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$10,200,000 Bonds to finance the cost of painting of County bridges) (CP 5815.421, PIN 076086)**

LEG. TROTТА:

On the motion.

P.O. GREGORY:

Let me make the -- let me make the motion. So, same motion, same second. Roll call.

LEG. TROTТА:

On the motion.

P.O. GREGORY:

On the motion. Sorry.

LEG. TROTТА:

Why is this a CN?

DEPUTY COMMISSIONER BERDOLT:

The reason being that this is Federal money and you guys will be on hiatus for August and there's a September filing date that we feel that we may not be able to meet; and we're afraid that we're going to lose the funding for this.

LEG. TROTТА:

That's a very good reason. Never mind.

P.O. GREGORY:

Okay. All right. We have a motion and a second. Roll call.

**(*Roll was called by Mr. Richberg -
Chief Deputy Clerk of the Legislature*)**

LEG. MURATORE:

Yes.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

Yes.

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LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

Yes.

LEG. McCAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

P.O. GREGORY:

Yes.

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

Okay, **IR 1641, Supporting the Suffolk County Landbank Corporation's application for 2015 NYMS Downtown Stabilization Program funds. (Co. Exec.)** I'll make a motion; second by Legislator Cilmi. On the motion anyone?

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LEG. TROTTA:

Yeah, what is this?

P.O. GREGORY:

Applying for a grant. Miss Lansdale?

DIRECTOR LANSDALE:

So this is for the -- allowing Suffolk County Land Bank Corporation to apply to the consolidated funding application process through the Regional Economic Development Council for funding to conduct environmental testing on several sites, Brownfield sites within the hamlets of Riverside and Riverhead.

LEG. TROTTA:

We have to approve to apply for funding?

DIRECTOR LANSDALE:

There is a grant requirement requiring us to have a legislative resolution authorizing us to apply.

LEG. CILMI:

It's because the Land Bank is a separate entity from the Legislature. It's a separate not-for-profit corporation. That's why we have to --

DIRECTOR LANSDALE:

Yeah, it's a State requirement. It's not our County requirement.

P.O. GREGORY:

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

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

Okay, **IR 1646, Accepting and appropriating 100% grant funds received from the New York State Division of Criminal Justice Services to the Suffolk County District Attorney's Office, under the Crimes Against Revenue Program. (Co. Exec.)**

LEG. BROWNING:

Motion.

P.O. GREGORY:

Motion -- who was that? Motion by Legislator Browning; second by Legislator Muratore. Anyone on the motion? All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

Okay, **IR 1652, Authorizing certain technical corrections to Adopted Resolution No. 565-2015. (Co. Exec.)** I'll make a motion; second by Legislator Calarco. Anyone on the motion? All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

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P.O. GREGORY:

Okay. I'd like to waive the rules and lay the following resolutions on the table. IR 1647 to Ways and Means, set public hearing September 9th, 6:30 PM in Hauppauge; IR 1648, Ways and Means, set public hearing September 9th, 6:30 at Hauppauge; IR 1649, to Ways and Means; IR 1651 to Health; IR 1653 to Public Works; IR 1654 to Public Works; IR 1655 Public Works; IR 1656 to Public Works; IR 1657 to Public Works and set the public hearing for September 9th, 6:30 PM in Hauppauge; IR 1658 Health; IR 1659 EPA; IR 1660 to Health and set the public hearing for September 9th, 6:30 PM, Hauppauge; IR 1661 to Health, set the public hearing for September 9th, 6:30 at Hauppauge. And that's it. Second by Legislator McCaffrey. All in favor? Opposed? Abstentions?

That's all our business. We stand adjourned. Thank you.

MR. RICHBERG:

Eighteen.

THE MEETING CONCLUDED AT 5:03 PM

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