

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

FOURTEENTH DAY

November 17, 2015

Verbatim Transcript

MEETING HELD AT THE WILLIAM H. ROGERS LEGISLATURE BUILDING

IN THE ROSE Y. CARACAPPA LEGISLATIVE AUDITORIUM

725 VETERANS MEMORIAL HIGHWAY

SMITHTOWN, NEW YORK

Minutes Taken By

Alison Mahoney & Lucia Braaten - Court Stenographers

Minutes Transcribed By

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

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

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

P.O. GREGORY:

Good morning, Mr. Clerk.

MR. RICHBERG:

Good morning, Mr. Presiding Officer.

P.O. GREGORY:

Please do the roll call.

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

LEG. KRUPSKI:

Here.

LEG. BROWNING:

Here.

LEG. MURATORE:

Here.

LEG. HAHN:

(Not Present).

LEG. ANKER:

Here.

LEG. CALARCO:

Present.

LEG. LINDSAY:

Here.

LEG. MARTINEZ:

Here.

LEG. CILMI:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Here.

LEG. TROTТА:

Here.

LEG. McCAFFREY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. SPENCER:

Here.

D.P.O. SCHNEIDERMAN:

Here.

P.O. GREGORY:

Here.

MR. RICHBERG:

Seventeen. (Not Present: Legislator Hahn. Amended to 18)

P.O. GREGORY:

Okay. Can we all please rise to be led by -- for the Salute to the flag by Legislator Muratore.

Salutation

Today's invocation will be given by Deacon David Vallone from St. Elizabeth Ann Seton Church in Lake Ronkonkoma, a guest of Legislator Tom Muratore.

LEG. MURATORE:

Thank you, Mr. P.O. Good morning, everyone. Today would be -- our invocation will be led by Deacon Dave Vallone from St. Elizabeth Ann Seton Church in Ronkonkoma. Deacon Dave Vallone was born in Glen Cove, raised in Farmingville, and is a graduate of Sachem High School. He's also a graduate of Stony Brook University, Touro Law School and the Seminary of the Immaculate Conception. Dave was ordained a Deacon on May 17th, 2014.

Aside from serving at St. Elizabeth Ann Seton Church, Deacon Vallone is an attorney by trade with a practice in Centereach. Dave is also an avid sports fan and follows the Stony Brook Seawolves and also the New York and New Jersey teams. He enjoys reading and listening to all types of music, especially rock and contemporary Christian. Deacon Dave is married to Christine, and together they have two children, Katie and Joseph Paul, affectionately known as J.P. We thank him for being here today to provide our invocation. Deacon Dave.

DEACON VALLONE:

Thank you. As we're one week away from Thanksgiving, it's that great American holiday of ours, it's a great time for us to give thanks for all the many blessings we have, including living in one of the freest, great countries in the world, and living in this beautiful County here in Suffolk County. And it's particularly appropriate that we're honoring a Police Officer today, Officer Turner, for his quick actions in saving a life, as we really think of all of our law enforcement people in this time of need, when we have such a need for security and safety. And we ask God to please bless this Legislature, make it always be concerned for the best interest of our citizens, may it continue to lead this County through these troubled and dangerous times. We make this prayer as we make all our prays, through Christ our Lord. Amen.

(Amen said in unison)

LEG. MURATORE:

Thank you, Deacon.

P.O. GREGORY:

Please remain standing for a moment of silence. Let us observe a moment of silence to remember victims of the horrific terrorist attacks in Paris. Our thoughts and prayers are with the resilient people of France. Let us also remember all those men and women who put themselves in harm's way every day to protect our country.

Moment of Silence Observed

Okay. Today we have -- this morning we have several proclamations, the first being Legislator Muratore.

LEG. MURATORE:

Well, again, good morning, everyone. Today it's my pleasure, my extreme pleasure, to recognize an individual who is part of our law enforcement community here in Suffolk County, and has been an outstanding Police Officer for -- I guess since 2003 when Steve first joined the department. So if I could ask Steve and his family, if I can get the kids up here and Mom and Dad, the whole Turner clan. Come on, bring them all up here. This is your day. This whole family is so active in the community, really, it's a wonderful, wonderful family and it represents what we're like here in Suffolk County as a community.

It's wonderful when you recognize anyone in your community, but when you have close ties to them and you've met them and been to social events with them it's kind of special. And if you know my history, I was a Police Officer here in Suffolk County for 35 years, and when I get to pay homage to a brother or a sister in law enforcement it's even more special to me, because I know what they do day in and day out, the sacrifices that they make, and not only them, but their families, you know, between the wives and the kids and the Moms and the Dads and the sisters and the brothers. Every day it's stressful when they leave for work. Like I tell everyone, you know, it's the kind of job you go to and you kiss your wife and your two kids goodbye in the morning and you don't know if you're going to come back to say good evening to them in the afternoon or the early morning.

We are blessed here with a wonderful Police Department. Actually our whole law enforcement community here in Suffolk County is a wonderful organization that provides us with safety and, you know, a lot of things we take for granted with these men and women that are out there. So again, it's my pleasure to recognize Steve today, who again, goes above and beyond not on duty, but off duty. So let me read you a little bit about Steve and what went on.

Steve Turner has been a member of the Suffolk County Police Department since 2013. By his boots and britches you can see he's on the Highway Patrol Safety Team, the DWI Unit. Steve also became a DRE, a Drug Recognition Expert in 2012 with over 200 -- excuse me, 325 DWI arrests under his belt. He's also been, like I told you before, in the community he's been a volunteer in the Selden Fire Department for over 25 years. He's been married for 14 years to Susan. They have four daughters. Wow. All those women you have in your life. No wonder you're so happy. Noelle, Lacy, Kerry Lynne and Melinda.

Let me tell you a little bit about what Steve did and why we brought him here today. On October 5, 2015, Steve Turner, while off duty, finished playing deck hockey game at the local sports arena. Upon exiting the arena, he heard people yelling in distress and found a man lying motionless on the ground. Officer Turner immediately used his training to repeatedly provide emergency medical

care. He began CPR and applied an AED. The patient, Ray Hawkins of Smithtown, a NYPD Sergeant, was without a pulse after several attempts. Finally Sergeant Hawkins resumed breathing and had a pulse, but was still unconscious. When help arrived he was transported to University Hospital at Stony Brook and had emergency surgery to repair blockages to his heart. Sergeant Hawkins was unconscious for five days, but upon gaining conscious was deemed to have 100% brain functions. His recovery is a direct result of Officer Turner's quick and heroic actions, which is why he is being honored today. So thank you to Steve Turner and for what he did. Thank you, Steve.

Applause & Standing Ovation

P.O. GREGORY:

Okay, thank you. Next Legislator Anker will present a proclamation to Lori Baldassare, one of the original Founding Directors of the non-profit Heritage Trust, and she is also currently the President of the Board of Directors.

LEG. ANKER:

So I have Lori Baldassare here. I've lost my voice so unfortunately I won't be able to talk too much, which might not be such a bad thing. So I've known Lori for probably close to 20 years, and Lori has been such a mentor and she's inspired me to do so many things related to community advocacy. She -- I saw an article in the newspaper and she was President of the Mt. Sinai Civic at the time, and they were trying to save Chandler Estate, which is a Suffolk County park. And when I saw that and I saw the folks in front of these big bulldozers, and I'm like those folks got to be crazy, they're standing in front of these big machines and they're trying to save, you know, preserve the land. I was impressed with her diligence in not stopping and eventually that property was bought by Suffolk County as preserved as a park. As time moved forward, we worked a lot with Beautification Mt. Sinai, but we also worked a lot on the Mt. Sinai Heritage Park. And if it wasn't for Lori, mainly Lori, Fred Drewes, Tom Carbone, a small group of people, Mt. Sinai Park would not be what it is today.

I'm here today to recognize Lori Baldassare for all her efforts that she has put forth, not just for the community of Mt. Sinai, but for all of Suffolk County. So with great honor, I will present you with a proclamation. Thank you, Lori.

Applause

I have another proclamation for Tim Green. Now, Tim I had met I guess at the Boy Scouts in Coram.

MR. GREEN:

CAC at BNL.

LEG. ANKER:

Right, Brookhaven National Lab. I've been on their CAC, the Community Advisory Committee for probably eight, nine years. And Tim is a wonderful advocate for our environment. So he works at the Brookhaven National Lab and he works helping -- helping science work with our environment pretty much. He's very humble, he's very shy. When I told him I want to give you a proclamation he was, you know, he was surprised, hopefully pleasantly surprised. But, you know, it's those types of people that really make a difference in our community. So I would like to bring you up and just say a few words about some things that you're working on.

MR. GREEN:

Well, there's a number of things that are being worked on. With the environment we are actually working with scientists at a number of universities and in the City to look at the potential impacts of

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when coyotes finally get out here, because they will be here in Suffolk County in the future, probably within the next ten years, and we want to know what's going to happen to the ecosystems as they approach and come in and change things.

And the other big thing that we're working with is the young people of our communities in the Boy Scouts. The Boy Scouts start at first grade. They go through age 21; for young women they start right as they come into high school. We work with these young people to help them to become good citizens, and our mission is actually to have them make moral and ethical decisions throughout their entire lives based on what they learned from Boy Scouts and the Scout Oath and Law. So we are there making sure that we have good citizens for this County and the nation.

LEG. ANKER:

Very good. Thank you. Let's give him a round of applause for everything he has done for our community. Thank you, Tim.

Applause

P.O. GREGORY:

Okay, thank you. Next we'll have Legislator Spencer will present a proclamation to Reverend Rosemarie Gaines and her late husband, Reverend Jim Gaines, who were the founding members 50 years ago of the Helping Hand Rescue Mission located in Huntington Station, Long Island's first rescue mission and one of the first food pantries.

LEG. SPENCER:

Good morning, and thank you, Mr. Presiding Officer. I'm going to ask if Rosemarie's daughter, Reverend Kim Gambino, would join her, please. Thank you. The Helping Hand Rescue Mission, which is located in Huntington Station, was founded in November, 1965, by Reverends Jim and Rosemarie Gaines and her mother Florence Meringola. After witnessing a bedridden mother with three children who had no food or proper beds, they invested everything they had in an idea that they thought could help even one family, then they felt it would be worth it. This became the first rescue mission on Long Island, and one of the Island's first food pantries.

The Gaines rented a small store with \$125 left from their honeymoon money. The rent was 120, and it left them \$5 to purchase cleaning supplies. On the first day they opened they had a working capital of 25 cents. Within a year, the mission needed a larger home, and two years after that they found their current home, located at 225 Broadway in Huntington Station. Helping Hands Mission is to serve families who are struggling with poverty. They provide food, clothing, household items, unconditional love, friendship, spirituality and so much more.

Sadly, Jim Gaines passed away after faithfully serving 45 years. However, Rosemarie, she continues with her daughter, Reverend Kim, to do this fine work. It gives me great pleasure and pride that I present this proclamation to Reverend Rosemarie Gaines and in memory of her late husband, Reverend Jim Gaines, with gratitude and recognition for 50 years of service.

Applause

REVEREND GAINES:

Thank you so much, Mr. Spencer. Yes, it has been a journey, a 50-year journey, born and raised in Huntington. Little did I know that that's where God would place me for 50 years. But I want to tell you it has been a joy and a thrill to serve poor people and to see lives change, families, children, first generation graduating from high school. I've been to weddings, I've been to baby showers, and I'm very grateful to God how I've spent my life. I appreciate all those that have supported the mission these many years, and I plan on carrying on until God calls me home. God bless you.

Applause

P.O. GREGORY:

Next Legislator Spencer will also make a proclamation or a presentation to Irene and Arthur Sniffin, who are active members and volunteers at the Huntington Historical Society for more than 40 years. In the past 12 years they have donated more than 9,000 hours of their valuable time to the organization.

LEG. SPENCER:

I would like to ask the Sniffins to please join me, and I understand their daughter Megan flew down from Boston to be with them. So, Megan, please come up. And a lot of supportive friends who are also here with them. For more than -- come join us, please, if you'd like. All right. For more than 40 years Irene and Arthur Sniffin have been dedicated volunteers of the Huntington Historical Society, logging more than 9,000 volunteer hours just in the past 12 years alone. In fact, this past year the Society chose Irene and Artie to be their recipients of their President's Award, which is given to the person or persons who have made the most significant contributions to the Historical Society.

The Sniffins continue to contribute in many ways. If you need assistance with an archival investigation dealing with the Town of Huntington or its inhabitants, Irene is the person to help you. If you need help researching your family's genealogy, Artie can assist you. Irene created an index in the Long Islander, which was published in four volumes, and contributed an article to the National Geological Society Quarter. Artie served as a board member and Treasurer for the Society and helped to organization the Sewing and Trade School 100th birthday celebration.

With their interest in family history, Artie became the Founding Chairman of the Society's Genealogy Workshop, and for over 38 years has been active in its success, chairing and educating those in family history research. Artie and Irene have been instrumental in coordinating 20 family history seminars and have taught more than 30 family history courses for the Society.

You are truly an extraordinary team and it gives me great pride and pleasure to present you with this proclamation and for your decades of volunteer service to the historical society. Thank you.

Applause

MR. SNIFFIN:

I don't want to say anything. Do I have to?

LEG. SPENCER:

You don't have to. We'll take a picture. Thank you.

P.O. GREGORY:

Thank you and congratulations. Next, Legislator Spencer will present a proclamation to Rick Bruckenthal, recently retired as the Chief of the Northport Police Department after 37 years. In October of this year, 2015, Legislator Browning sponsored a resolution for the Suffolk County Legislature to create a program for commemorative pins to honor our volunteer firefighters and emergency medical services volunteers who have also served in the Armed Forces of the United States. The contributions and the sacrifices of the men and women who have served in the Armed Forces have been vital in maintaining the freedoms and the way of life enjoyed by the people of the United States. Local government should recognize and reward the critical role of these volunteers, who are also veterans of the Armed Forces, have in our communities.

LEG. SPENCER:

Thank you, again, Mr. Presiding Officer. It gives me great privilege to have Chief Bruckenthal with me this morning. He's here with his wife I understand and also Lieutenant Cook. Thank you all for being here.

Northport Village Police Chief Eric Bruckenthal retired at the end of September, ending a 37-year career policing the village streets. He began his career as an officer and rose to the rank of Sergeant and then Lieutenant and ultimately became Chief of Police 15 years ago. Ric grew up in Queens, graduated from Queens College and then attended John Jay College, where he received his Bachelor's Degree in Criminal Justice and Police Science. His first law enforcement job was an officer in Asharoken Village, and this was located between Northport and Long Island Sound. Seeking a little more activity, Ric had the opportunity to join the Northport Police Force in 1978.

Motivated to do what was right for Northport Village residents, Ric will be remembered for his interaction with the community, his fairness, his empathy and his dedication and commitment to public service. It gives me great pride to present this proclamation to Ric Bruckenthal in recognition of 37 years of service.

Applause

P.O. GREGORY:

Thank you, Ric. And I apologize, I went ahead of the script a little bit. Next you're going to be making a presentation to James Mahoney from the Northport Fire Department and Peter Gunther from the Centerport Fire Department in reference to Legislator Browning's Commemorative Pin Program.

LEG. SPENCER:

This will be the last one. Thank you, everyone. I appreciate you allowing me to have this privilege. First, I'd like to express my appreciation to my colleague, Kate Browning, for having the vision and really the foresight to continue to recognize our American heroes. And she's allowing me because other presentations will be out east, but she allowed me this privilege of presenting today, and Kate, thank you for that. I really appreciate that.

This morning I am joined by two American heroes and they happen to also be personal friends. And after their military service they continued to be actively involved in the community and became volunteers. And first, Jim Mahoney, who served in the U.S. Army during the Korean War conflict and has been a member of the Northport Fire Department for 42 years and served as Captain of the Rescue Squad three times. So in commemoration of his service as a volunteer and also as a veteran, it gives me great privilege to present to him this Commemorative Veterans pin.

Applause

And no stranger to us, because he's been involved not only as a veteran, not only as a volunteer firefighter, but also involved in the community. He served as a Commissioner, he's our current Superintendent of Highways. There's nothing this man doesn't do, but more importantly, he has the biggest heart. When he heard that Jim was being honored, he said I'll swing by and pick him up and we'll come together. So Pete Gunther, who retired from the U.S. Air Force and the Air Force Reserve after 26 years, he was a volunteer firefighter in the Northport Fire Department for ten years and then he moved to Centerport. He joined the Centerport Fire Department where he has been a member for 33 years as an Advanced EMT. He continues to respond to ambulance calls on Friday nights and he also just happens to be our Superintendent of Highways. How do you do it? So just in commemoration, and when you add up all the years, 26 years in the service and 33 years in the fire department, Pete already has 59 years and counting. So, Pete, thank you so much.

Applause

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

P.O. GREGORY:

Okay, thank you. That's the end of our presentations. I do have to make two announcements. Notice of Public Hearings is hereby given for a Local Law entitled Amending Chapter 603 of the Suffolk County Code and Motor Vehicle Use Fee has been introduced, as well as Local Law to increase tax map verification fees has been introduced. The Public Hearings will be this afternoon at 2:30 PM in this auditorium. Also, the next ceremony pinning will be in Riverhead to accommodate the volunteers from the East End. The last meeting of the year will be in Hauppauge to accommodate the West End volunteers, so please make note of that.

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

P.O. GREGORY:

We have many cards this morning, the first being our Sheriff, Vincent DeMarco.

Applause

SHERIFF DEMARCO:

Good morning. So I don't forget, I want to say congratulations to you all on your reelections and wish you all a Happy Thanksgiving.

I'm here today to show my support for the Deputy Sheriffs who are, as you know, working without a contract for six years. They were also very recently told that the \$4 million they deferred, which is due to them now, is not going to be paid to them due to litigation. So it's not going to be a very happy holiday for them.

But I also want to just let you know some of the facts, what's been going on with these negotiations since the current Administration has come in. Like I said, six years without a contract, and while I'm disappointed -- and I'm sure they are, too -- I'm not surprised, because you actually have to have formal negotiations in order to reach an agreement. The last time that there has been a formal negotiation is back in May of 2015. The last time we all got together before that was in March of 2014, which was a mediation session. And while the union may have had some discussions with Labor Relations in between, there has been no formal negotiations other than those two that I'm aware of.

You might know that the Sheriff, by State Statute, is a joint employer. I have to sign off on any agreement with Labor Relations and the County. We are available 24/7 to negotiate. We have not been invited to a lot of the side-bar discussions that go on. There's a lot of collective bargaining experience in the Sheriff's Office. Our Personnel Director used to be the Deputy Director of Labor Relations, I was involved with the Deputy Sheriffs union, Mike Sharkey was. We -- my office is very close. We have a package put together that we think would be very acceptable to the union, very acceptable to the County Exec's Office, very acceptable to you, but our input is not asked for the way it should be.

When I was a Deputy Sheriff, we went five years without a contract and it took the Legislature getting involved to move that process along. It was Donald Blydenburgh who was the Presiding Officer who initiated that, so today I'm calling on Presiding Officer DuWayne Gregory to get involved with me, maybe have a one-on-one and then maybe we can meet with Labor Relations and the County Executive to see how we can resolve this. I think it's very simple. It's not going to break

the bank because there is no bank to break, as we all know, and I think there's a package that could be put together that won't kick in any other unions reopeners.

So I'm here to support my coworkers. They work hard, but morale is low and when morale is low, time off increases and you see a lot of mopey faces. So I'm asking for all your help. Thank you.

Applause & Standing Ovation From Deputy Sheriffs in Audience

P.O. GREGORY:

Thank you, Vinny. Next we have Charles McArdle.

MR. McARDLE:

Good morning. My name is Charles McArdle, I'm the President of the Eastern Long Island Police Conference. The Conference has memberships of over a dozen unions at this point, and our goal is to support the law enforcement community on the East End.

I have three minutes, but to be honest, it would take me three hours to talk about what the Sheriff's Department does on the East End. In the support roles they have patrols, obviously we have smaller departments on the East End that need their assistance and backup and safety and so on; they have the DWI checkpoints which are essential out east; they have a K-9 Unit which responds, you know, in minutes when the small departments don't have that; they have obviously the security at the airport, and those are just in support roles.

In lead roles, you have obviously all the civil action that takes place on the East End; you have the Pistol Licence Bureau; you also have the scales, which on the East End, I'm sure Jay will tell you, the traffic on 39 and the trucks that go through there, that's another essential role; they have the dive team, the boats. All of these things are lead roles on the East End.

They have several task forces, not only local task forces, the East End Drug Task Force, State and Federal, to include U.S. Customs. Since the Parks Police was dissolved, they've also taken over a lead role on the Pine Barrens to protect the water, to keep the ATVs and the damage done to the Pine Barrens.

On a public relations level, they have numerous programs that the East End takes advantage of. They have the Test/Don't Guess Program, they have the STOP Program, the Gang Resistance Program, Project Safe Lives, Computer Cop, the Medical Alert and Safe Child, just to mention a few of these programs.

Just in closing, I want to say that the Police Conference on the East End is here to support law enforcement to include the Sheriff's Department. They do a great job on the East End and their support is essential. Right now I'm just asking, and my membership is asking, that you have the County sit down and negotiate a fair contract, it's been six years. Thank you.

Applause & Standing Ovation From Deputy Sheriffs in Audience

D.P.O. SCHNEIDERMAN:

All right, thank you. Next up is John Becker. John will be followed by Artie Sanchez.

MR. BECKER:

Good morning, Members of the Legislature. First I want to thank Charles McArdle for being here from the Eastern Long Island Police Conference and supporting us. I would also like to thank Sheriff DeMarco for speaking on our behalf this morning. Prior to being elected Sheriff, he served as President of the DSPBA, so he has experienced firsthand being out of contract for a lengthy period of

time. However, as current President, I find myself in uncharted territory as the DSPBA approaches an unprecedented six years without a contract.

When I spoke last month, I addressed the enormous disparity between Deputy Sheriffs and Police Officers in Suffolk County. To date, the base pay of a Suffolk County Police Officer is \$139,000; the base pay of a Suffolk County Deputy Sheriff is \$75,000. Since we can assume lengthy costing was done in negotiating the police union contracts and voted unanimously by the Suffolk County Legislature, we absolutely can assume that there is an ability to pay this 250-member union. To allow a \$64,000 disparity in base pay between police agencies employed by the same municipality is simply unconscionable.

Additionally, there have been no discussions or meetings in regards to the contract negotiations since September of this year, yet the County Executive has publicly stated that negotiations are, quote, *"Going on as we speak."* However, the most disturbing aspect is that I have just been informed that it is now the position of the County that the retroactive pay from our 2011 Memorandum of Agreement, which was due to be paid at the end of this December, is now subject to litigation and there is no intention on the part of the County to pay it. The County Executive and his Administration should be ashamed to treat the people who put their lives on the line for the people of this County in such a disrespectful and appalling manner. We will absolutely explore every legal avenue to compel this County to return the money which has been unlawfully withheld from our members. As a result of this aggressive posturing on the part of the County, we have filed an improper practice charge for bad faith negotiations.

Furthermore, the County Executive has maintained the position that binding arbitration has historically been financially unfavorable and, therefore, preferred to negotiate long-term contracts. The members who I represent, as well as the people of Suffolk County, will now see how serious this position is, or was it simply campaign rhetoric.

In closing, my task here today is simple, to speak on behalf of these hard-working Deputy Sheriffs who are being treated like second-class law enforcement. They knowingly put themselves in harm's way for the citizens of this County. They face ever-increasing responsibilities and public scrutiny, yet only ask to be treated like the professionals they are. Fairness should be applied equally to all municipal unions, and as of right now that is simply not the case. Legislators, I thank you for your attention.

Applause & Standing Ovation From Deputy Sheriffs in Audience

D.P.O. SCHNEIDERMAN:

Okay, thank you. Next up is Artie Sanchez followed by Thomas Bivona.

MR. SANCHEZ:

Good morning to Presiding Officer Gregory and the Suffolk County Legislature. As you have just heard, we'll be entering our sixth year without a contract. Additionally, in 2016 we'll be approaching four years since our 2011 Memorandum of Agreement was violated.

In 2012, the County claimed that our Memorandum of Agreement is not valid -- which, by the way, the Supreme Court has ruled that it is a valid document -- but yet the County is still spending hundreds of thousands of tax dollars to appeal this decision. So they claim it's not a valid agreement, but yet keep the \$4 million of our hard-earned money that we deferred and was subsequently used to benefit the County. So I ask this Legislature, would you be willing to let the County keep your hard-earned pay, not receive any extra benefit for it and not get that money back?

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We are not a bank. We are not in the business of giving out interest-free loans. Me and my family are personally owed \$15,000 by this County, money which I could use to pay down my own debt or avoid accumulating more debt. So not only is my hard-earned money not available to me, but it's actually costing me money. Two-hundred fifty of my fellow DSPBA members are in the same position, some are even owed more, upwards of \$30,000. Our members need their hard-earned money, whether it's to pay for their child's college expenses, perhaps pay for home improvements, or simply to invest it into their family's future. They should not be denied this right or this money; it is money we have earned and deserve to use to benefit our families.

Furthermore, I remind you that an analysis conducted by the Budget Review Office of the Suffolk PBA's negotiated contract called for an accelerated payment of \$4 million to Deputy Sheriffs due to a provision in that contract that violated our Memorandum of Agreement. So if the County used this analysis to budget that contract, one would safely assume that the \$4 million owed to this membership and their families were allocated for at that time, but yet it has not been returned and is still nowhere to be found. So the question remains, where is our \$4 million?

We come before you this morning to speak to you as the voice and the representatives of our membership. I struggle at times to find the proper and most respectful words to use in this forum to convey how we all feel. We feel cheated, slighted, disregarded. To analyze our situation in simplest form, if you pay for a product or a service and you don't receive that, you would all expect to get your money back. Our money needs to be returned.

So let's just look at the County's angle for a minute here. So if we don't have an agreement, as the County contends, then how is it that you can just keep our money? If they think the agreement is not valid and they break this agreement, as they have, you don't just get to just keep our money. It makes absolutely no sense.

*(*Beeper Sounded*)*

I believe someone said that would constitute criminality. When the agreement is found to be valid, as we are confident it will be, then our deferred money is payable on December 31st. Again, you don't get to just keep our money. If for some reason the County is correct, then we would get our money back; but as I said, we're confident we will prevail, on December 31st our money is to be repaid.

D.P.O. SCHNEIDERMAN:

Artie, your three minutes are up.

MR. SANCHEZ:

In conclusion --

D.P.O. SCHNEIDERMAN:

Thank you.

MR. SANCHEZ:

We're going on six years without a contract, I think I can get a couple of extra seconds here. Furthermore --

Applause

D.P.O. SCHNEIDERMAN:

I was intending to let you finish your comments.

MR. SANCHEZ:

Furthermore -- thank you -- if our hard-earned money is not returned and we do not receive the relief we deserve and are entitled to, we will not sit idly by and do nothing. We'll be forced to pursue other venues to retrieve our money.

We are your constituents. We come to you, the Legislative Branch of Government, our voice in County government, and implore you to do whatever you can to help us get our hard-earned pay back where it belongs in our pockets. Please do not allow the Executive Branch to continue to take advantage of your constituents, treat us unethically, unfairly, and with a total disregard of our legal rights. Thank you.

Applause & Standing Ovation from Deputy Sheriffs in Audience

D.P.O. SCHNEIDERMAN:

All right, next we have Tom Bivona, followed by John Goldbach.

MR. BIVONA:

First, before we start my clock, I just want to point out I see a lot of empty seats and my intention was to wait for everybody, but I think six years is a long enough wait, so I'll get started.

So good morning, Presiding Officer Gregory and the members of the Suffolk County Legislature. My name is Thomas Bivona. As Treasurer of the DSPBA, there was nothing I would like more than to be up here thanking you right now for ratifying a well-deserved, long overdue contract between the DSPBA and the County of Suffolk. Well, as you know, that's not the reason why we all stand here today. Here we are, once again, in front of you asking to do what's right for our members, your constituents, every single one of our members are in your district. We have simply asked to be treated fairly right from the beginning and that -- that request still remains the same.

I just want to go back in a video that I saw, it's a video interview that was for Newsday on December 20th, 2011. The County Executive-Elect at the time, Steve Bellone, stated that Suffolk County Police Department was dysfunctional. And he also stated, "*A systemic problem we have today in the County is that law enforcement is not working together; in fact, it has been driven apart, and that's one of the things that we're going to have to get fixed.*" Not too long after that statement and that interview, he negotiated a contract that awarded that same very dysfunctional Police Department 28% in raises, simultaneously violating our Memorandum of Agreement that the DSPBA had with the County of Suffolk; that was -- that agreement led us to remain patrolling the highways.

The PBA contract was sold to this -- not this exact Legislature, the Legislature at the time, who ratified that contract unanimously. It was sold as a cost savings and in addition was supposed to accelerate the negotiations over a long-term contract with us, the DSPBA, both of which are yet to happen.

I just want to point out some comparison of how we compare next to that exact dysfunctional union at the end of that contract. We're going to compare ten years, an officer that has ten years on. A Suffolk County Police Officer makes 139 grand; Suffolk Deputy Sheriffs, 75,000. If you're going to look at the days worked per year, they work 232 days; we have 243, that's a difference of 11 days. If you're going to go hours worked per week, they work 35 hours, we work 40; a difference of five, obviously. Their longevity payment, their bonus, as a 10-year year employee, a Suffolk Police Officer gets \$5,000, we get less than four times that, it's 1,375. If you're going to go by sick days, 26 sick days per year they get, we get 13; that's a difference of 13. If you're going to add -- if you're going to add those together, we essentially work one month more than them and get paid a whole lot less. It just doesn't make sense to me, the justification, how you can take an officer off of

patrolling the highways and pay a higher law enforcement agent.

So now you ask yourself, is any of that fair? This unfair treatment, is this bestowed upon us because we're such a smaller union and we're unable to make donations and political generosity? So here we are, in just a few short weeks we'll enter 2016, which will mark six years without a contract. We are now the only police union in the County that are not current in contract, contrary with what your County Executive had publicly stated on the airwaves. There's been zero negotiations to move towards this deal.

And he also claims he made tough choices necessary to balance the budget. It seems like the only choice he's made is to put this County deeper into fiscal distress by replacing lower paid Deputy Sheriffs with much higher paid officers. When are these lies going to stop? The truth is the Bellone Administration took \$4 million from Deputy Sheriffs. What else have they taken from the general public that we have yet to uncover? Thank you.

D.P.O. SCHNEIDERMAN:

Thank you, Mr. Bivona.

Applause & Standing Ovation from Deputy Sheriffs in Audience

Okay. Next is John Goldbach followed by James Emanuele.

MR. GOLDBACH:

Good morning, Legislators. My name is John Goldbach. I am the 2nd Vice-President of the Suffolk County Deputy Sheriffs PBA. I have been on this Executive Board for eight years and I am in my 21st year as a Deputy Sheriff.

Deputy Sheriffs are police officers. We are trained and certified at the Suffolk County Police Academy alongside Suffolk County Police Officers and a multitude of State, town and village agencies. This coming January 1st, Deputy Sheriffs will be completing five (*sic*) years without a contract; 1,825 days without an agreement, with no end in sight. It has been apparent for quite some time now that this Administration has never had any intention to seriously negotiate a labor agreement with this union. In fact, the most recent labor agreement the County has entered into with the Correction Officers Union specifically constricts the ability of this union to negotiate fairly due to a me-too clause. The County inserted into their contract specifying only the DSPBA; this was done despite the fact that Correction Officers had higher salaries, both at start of their careers and at top step. The bottom line is Correction Officers are paid more than the Deputy Sheriffs and the County wants to keep it that way.

Deputy Sheriffs are also required to work more hours per week to earn their base salary, more than any other union in Suffolk County. I don't think it's appropriate to be so specifically restricted during contract negotiations by a clause that is designed to keep one union at lower wages than another.

Secondly, in regard to our MOA, which was signed more than four years ago and for which \$4 million was deferred until next month. How is it moral and justifiable for this County to have kept this money, money that was deferred and returned for certain work guarantees, work which was taken away and reassigned along with the compensation that goes along with that work? Why is it that this union has been bound by the financial consequences of this agreement even though that very same agreement has been trampled and violated? The entire year it has been questionable whether or not the County has budgeted for the payout of our deferred money at the end of this year. No one can seem to find anywhere in the budget where this repayment has ever been allocated. Our members have been deprived the use of their money for four years now. Our

members have had to find alternative ways to pay for their children's college education, home renovations, car payments, tax bills and just everyday expenses. This money was not a bonus, but money for wages for prior years worked without a contract. The County has had this money for four years, apparently interest-free, while at the same time engaging in a prolonged and protracted court battle, proclaiming that the agreement is invalid, but keeping the money which was entrusted to them as an integral part of this agreement. How does this make any sense? The return of this money is due and payable December 31st, 2015. Give us our money back. Thank you.

Applause & Standing Ovation from Deputy Sheriffs in Audience

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

P.O. GREGORY:

Okay, we have James Emanuele. And then on deck, Hector Gavilla, Jr.

MR. EMANUELE:

I'm up here because I have a complaint and I have to air it off. I'm a retired Police Officer from this County, 25 years law enforcement experience. Became a flight attendant immediately upon retirement; obviously if you want to live here, you have to work. I travel all over this country. I have a complaint on the red light camera systems that have been installed from American Traffic Solutions. I have noticed and talked to thousands, and I am not making that up, people all over the United States, including people from these companies that produce these traffic cameras. What I've noticed in Suffolk County is we no longer have a six second yellow signal anywhere like we did when I was a patrolman here to get around, nor do we have simultaneous red signals anywhere. Once the traffic cameras are installed the yellow signal is reduced to three seconds. It is impossible to stop from 55 miles an hour in three seconds. It takes almost five seconds to make the decision, when you factor in perception time and brake time, the distance to stop is almost 300-foot.

These cameras are being used as revenue gathering tools. I have a neighbor. He came to me, and I have looked at hundreds of videos all over this County. He's a bus driver. He gets called in, they tell him that they've taken the money out of his paycheck. They paid the fine because he passed a red light, and the second time it happens he'll be terminated. He's upset, he looks at the video. There he is going through the red light. When he went down to that intersection, and I told him, go down to the intersection, he noticed that yellow signal is just under three seconds. It is impossible to stop a 30-foot bus.

The other thing I want to point out is my daughter-in-law, an attorney in this County, making a left turn on Suffolk Avenue and Carleton. Two second yellow signal. I went back there, I looked at it, I videoed it, I called 911, I made a report.

The right turn on red situation. I have looked at multiple videos now. The flashing red signal is not normal. It's flashing because there's frames missing. And what I found out from people that work in these companies, the reason those frames are missing is because they're requesting a three second stop on a right turn on red. The reason is the cameras are not set and calibrated to sense a stop as in the Vehicle and Traffic Law. I called out to Traffic Violation Bureau. They tell me out there we request a three second stop. The Vehicle and Traffic Law of the State of New York says cessation of movement however slight. It does not call for a three second stop, but the cameras are calibrated to go off and to issue a summons. That's the problem. That's why so many thousands of people are getting right turn on red traffic violations.

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The other problem is now notification time. You don't know until you -- a month later you're notified on your violation. You can't legally defend yourself. You can't go before a judge, show a picture of the intersection or a video of the intersection. It's not relevant because it's not the day the incident occurred. If a patrolman had pulled you over you would take a picture on the spot.

This is all by design. Every time I travel this country I talk to a lot of people. It's going on all over the place. American Traffic Solution is involved it, and it's being used as a revenue gathering tool. I want to know what happens to government vehicles when they go through, and I'm tired of talking to Long Islanders all over the United States that move away because of the taxes, because of the bills, and now --

*(*Beeper Sounded*)*

-- this is one more thing on their back and it is not fair. It's not fair to the rest of us. I know the County's in financial difficulty, and what starts to happen, like a drowning victim, they --

P.O. GREGORY:

Mr. Emanuele, wrap up.

MR. EMANUELE:

Thank you.

P.O. GREGORY:

Thank you, sir.

Applause

Hector Gavilla, Jr., and then on deck, Hector Gavilla, Sr.

MR. GAVILLA JR:

Hello. My name is Hector Gavilla. Last week we heard testimony from a traffic engineer, who was saying that they picked the locations for the red light cameras just on the ones that have the T-bone or the right angle accidents. He made a statement, we have it on video, that said those are the only intersections that they choose. However, when Robert Trotta, and also Dr. Spencer, asked him a question about how could they choose a location in front of the Meat Farms on Commack Road where there has been absolutely no history of T-bone accidents, ever, in that location, how could they choose that, all of a sudden he had amnesia and said that he could not recall the data on that intersection. That's a contradiction or a lie, or whatever you want to call it. You either say one thing or you say the other, but you cannot say that you picked only the locations with T-bone accidents and then go ahead and say well, we don't know why we picked that location.

Now, two miles south on the same road you will see for years makeshift memorials on the corner of Vanderbilt Parkway and Commack Road. All Commack residents and Dix Hills residents know that that is one of the most dangerous intersections in town and so many people have died in that intersection over the years. Guess why? Because of T-bone accidents. So many have happened. I know that because I have lived in Suffolk County all my life in that town, and I also remember in 1986 there was a Black Spot Program. I don't know if you guys remember that program, but that was identified as the most dangerous intersection in the town and they put a black spot there to remind you of that. So then how could the traffic engineers and Xerox totally miss that intersection? Wow. That's unbelievable.

So what I'm asking for is the following: That we set up a review board made up of residents like myself, who can review the temporary cameras that we use to identify where they should put these red light cameras. Because as per his testimony, and also as per what's written in the corrupt

contract, Xerox set up temporary cameras and they decided which intersections would pass and which intersections would fail. So we would like the opportunity to review all those videos from those temporary cameras to see if indeed it complies with what your wishes are. I believe everybody in this room was tricked into voting yes for the legislation because you were told it was going to stop the T-bone type of accidents, and that's not what's happening. These cameras are being placed into intersections or locations in front of shopping malls where people are making right turns, and 95 percent of the violations that are being handed out are for the right turns into places like shopping centers and where there's a lot of traffic.

The other thing that I'm highly recommending is that if you truly believe that these are dangerous intersections, where the red light cameras are, I'm going to ask all of you to vote in legislation to put no turn on red every place where there is a red light camera, because if it's truly about safety, then we all have to agree that why allow people to make a right-hand turn on red where there's a red light camera.

Thank you very much. I hope you all have a great day and congratulations to all of you that won. I'm not trying to make enemies. I want to work together with all of you and that's why I'm willing to meet with any of you, any time, to discuss my plans. Let's be positive and let's do the right thing for Suffolk County, the residents and anybody who visits our County. Thank you.

Applause

P.O. GREGORY:

All right. Thank you. All right, Hector Gavilla, Sr., and then on deck, Evelyn Bermudes.

MR. GAVILLA SR:

I have a couple of handouts, so before you start the clock maybe you want to hand them out. Sorry for the delay. All right.

P.O. GREGORY:

Okay, your time's up.

MR. GAVILLA SR:

I attended the safety hearing last week and I want to thank those of you that attended. After hearing the testimony from the County Traffic Engineer, I have more questions and concerns than I had before. I am suspicious of engineers manipulating data and equations. I have seen too many cases where you work backwards. You are given a decided outcome and then you go back and finagle the data to justify the decided outcome. Again, I am an electronics engineer, electrical engineer, electronics is used interchangeably, and I know when I'm getting snowed by another engineer.

There is something wrong when so many of our citizens, and especially senior citizens that never had traffic violations and have a safe driving record, are getting tickets for making right turns and worse, making right turns into shopping centers, nothing to do with running a red light through the intersection. Okay?

Now, let me be clear. Red light running is a safety issue and I am not advocating running through red lights. I am only addressing the unintentional red light running that happens when yellow light intervals are too short.

I learned last week from the engineers that they use the kinetic formula. The kinetic formula has never been readopted by all traffic engineers. And by the way, the ITE is a private entity. It's not a government agency, okay, and so the only Federal guideline that exists is that yellow light intervals must be between three and six seconds. So there's no real mandate for yellow light

timing. Now, that blows my mind because the government is always imposing regulations on we the people, and basically they have no standards for them to follow. So it is clear -- when it is clear, and there are many stories that talk to that, that short yellow light timing affects our safety.

I handed out an article from the -- I hope each of you read it and I also had some comments, where there's a Wall Street article, it was only two weeks ago, and basically it quotes Mr. Timothy Gates, who could co-authorized this study, which I'll gladly supply to everyone, and basically what he says is most red light running occurs within a half a second of a traffic signal turning red, and studies suggest that increasing the length of a short yellow light to meet the proposed standards could reduce red light running by 30 to 50%. That's a real safety issue. So what he's proposing, based on that study, that we increase the intervals. Now, I have some --

P.O. GREGORY:

Sir, your time is up, please wrap up.

MR. GAVILLA SR:

Thank you very much. That's part of the problem.

P.O. GREGORY:

Okay. Evelyn Bermudes and then on deck, Allison Chaikin.

MS. BERMUDES:

Good morning, everybody. I'm here to thank Monica Martinez first for giving me the support and attention when I went -- when I called her. I called to ask for help for the problem with the smoke of cigarette in my apartment first. Was starting this year in March I call her, and she already -- quickly she put attention when I call her and I want to give a thank you for this opportunity to everybody for the Legislator. And this morning my speaking is in Spanish and I'm a little nervous today, but I tried do to the best.

I hope you understand that this is very urgent, this emergency, to everybody vote for this law that is going to be for maybe a couple months, but a lot of people, they are suffering from this bad situation where I live. I live in a place is seniors with tank oxygen, with cancer in the lungs, and a lot of smoke of cigarette and nobody can do nothing, but I call Monica and I'm very glad that she put attention to this emergency phone call. This is emergency for everybody. And also in this place where I live is a lot of children and they're taking the risk for this smoke of cigarette is very dangerous for people. Okay? So, thank you. Thank you for everything.

P.O. GREGORY:

Thank you, Ms. Bermudes.

Applause

Okay. Allison Chaikin. Are you here, Allison? And then on deck, Mr. Fisher, Greg Fisher.

MS. CHAIKIN:

Good morning, everyone. My name is Allison Chaikin, as you know. I am a mother of two teen-age girls and I live in the community. I happened to be at a gathering this Saturday night and there were many conversations. Very innocently somebody was talking about this red light. They asked me my opinion. When my father taught me how to drive, he always said to me never hesitate, go with your first instinct. When the yellow light turns, if you have enough space to stop, stop. If you don't, go through. What I've noticed since you guys put up these cameras is I used to be able to go one one thousand, two one thousand, three one thousand. I'm noticing people are stopping short. I'm watching cars slam into each other, and I'm also watching cars go through the

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light. And I guess you guys are catching their back license plate, I'm not a retired cop and I'm not an engineering, I'm just a mom. My daughter is going to turn 16 in December, and I don't want her driving and having that added issue; do I hit the brake, do I hit the gas.

I just came here just as a citizen to let you know that I really think if you're going to put these up, and I don't know what the agenda is behind everybody, put it up and give us enough time to stop. None of us want a ticket, and none of us want to run into another car, hurt another pedestrian and you're making it a situation where we're like slamming on the brakes or gunning it and getting caught. So I just very innocently came here just as a Mom from the community. I just hope that my opinion is heard and taken into consideration. Thank you.

P.O. GREGORY:

Thank you, Ms. Chaikin. Okay. Next Greg Fisher then on deck, Stephen Ruth, Jr.

MR. FISCHER:

Hi. I'm Greg Fischer. I'm a Riverhead resident and I'm an elected Director for Americans for Legal Reform. It's nice to know I can get elected to something. But I come here with two requests today. One is to -- for the Legislature to enact a five or six second minimum yellow on these cameras, especially as we're coming into Winter with icy and snow and slick roads. I think it adds an extra burden upon the County and towns and the State to maintain these intersections with the proper ice melting chemicals and sand to prevent accidents. If we're going to force panic stops, we're going to force people into the intersections, not to mention what happens before intersections. We have an increase in ice buildup, water dripping off the cars, it turns into ice. Those are your most likely places to have accidents anyway; slamming on the brakes certainly doesn't do anybody any good coming into the Winter months.

The second thing I would request is to send a 30-day notice of termination on the contracts. The County has that option under the contracts without having to provide cause. The contracts are significantly flawed and there has been a significant lack of performance that would take me hours to explain really now, under the contracts by the contractor, including but not limited to the prevailing wage laws. Apparently they violated the laws to earn themselves a thousand dollar per day fine on every bill submitted to the County because they're not providing the proper certified labor to show that they are honoring prevailing wage laws. The fines for that are criminal, a thousand dollars a day. It's not intended to discourage bad behavior, it's intended to put bad contractors out of business as soon as possible, and this ACS Xerox entity has certainly proven with their violation of prevailing wage laws to be that bad contractor.

As well, I have issues in the contract about assignability, severability. There have been changes to the contract not initialed, pages not initialed, signatures missing, lacking Bate stamp control. We have no idea if it's a complete contract. It lacks the proper legislative authority. Again, it's replete with breach -- it couldn't have been honored ab initio, this contract. It puts requirements upon the County that the County could never have been expected to honor, contracts of performance of the County to generate certain revenues for ACS Xerox. How could the County have ever, ever guaranteed those kinds of provisions? Physically impossible. Philosophically impossible. Therefore, void ab initio. I'm sure anybody with half the skill of Legislator Stern or of Mr. Nolan could find plenty of reason for us never to pay a nickel in what might be required or what might be demanded, I should say, by this contractor for termination. We owe them nothing. Thank you.

Applause

P.O. GREGORY:

Okay. Stephen Ruth, Jr., and then on deck, Diane Burke and Kathryn Gutleber.

MR. RUTH JR:

Hello. In Suffolk County's red light camera site selection process, Suffolk County says that it performs a video validation of the intersection in order to verify that the number of accidents that have occurred aren't an anomaly due to anything other than driver error. The same selection process also says that Suffolk County uses ITE's yellow change interval equation to set the length of yellow lights.

Gentleman and ladies, here's our problem. You're using the ITE yellow change interval equation. Very few traffic engineers understand this equation, yet the equation is the problem. The equation sets the length of the yellow light to half the time to stop. You heard me correctly. The equation sets the yellow to half the time it takes us to stop our car. This is the reason that sometimes we feel compelled to beat the light or slam on the brakes. Once we are too close to stop comfortably, the equation commands us to go the speed limit or beat the light. Beating the light is the explicit mandate to the driver as written by ITE. That is the physics of the equation. The ITE equation by its very nature introduces anomalies.

The traffic engineer calls the anomalies dilemma zones. Dilemma zones are systematic. That is to say, they're everywhere. There are two types of dilemma zones. One, a type one dilemma zone is a stretch of road upstream from the intersection where if you are in it when the light turns yellow, you neither have distance to stop nor time to reach the intersection before the onset of red. A type one dilemma confronts the driver with an unsolvable decision. No matter what the driver decides, physics make him run the red light. Type one dilemmas exist at every intersection where the driver must slow down within hundreds of feet entering the intersection.

A type two dilemma zone is less severe. A type two dilemma zone is called an indecision zone. A solvable decision exists, but the driver does not know what it is. Indecision zones always exist because engineers do not tell the driver exactly how long the yellow light will last, nor do the traffic engineers tell the driver the location on the road where stop turns into go. Lack of full disclosure causes an imperfect judgment. Traffic engineers blame dilemma zones on errant drivers' behavior, not on the faulty equation. That is because traffic engineers believe their equation is correct. They do not understand the equation, let alone the side effects of using this equation. For those handful of engineers who do understand, it is human nature to point a finger at someone else rather than admit complicity in the unjust punishment of millions of innocent people or worse, their deaths.

Suffolk County Government must obey the three E's of safety; engineering, education and enforcement. One cannot have the latter with the first doing the former. Suffolk County has no right to enforce the law in the presence of engineering error. Drivers are not at fault. But traffic engineers are misapplying physics resulting in loss of life, health and property of the public. That is the breaking of a different New York law; it's engineering law practice. Thank you.

Applause

P.O. GREGORY:

Thank you. Very good job, young man. Diane Burke? You guys are going to do it together, joint?

MS. BURKE:

Sure.

P.O. GREGORY:

Okay. Then on deck, Stephen Ruth, Sr.

MS. GUTLEBER:

Good morning. I'm Kathryn Gutleber and this is Diane Burke. We represent Habitat For Humanity of Suffolk. We are speaking today in support of Resolution 1803, that's authorizing the sale of County Real Estate owned property pursuant to 72-h Program. The 72-h Program is an integral part of our organization and helps us to provide affordable housing in Suffolk County. More specifically, this resolution is for a parcel in Riverhead. We just ask your support in providing additional affordable housing in Riverhead for our working class families. Thank you.

P.O. GREGORY:

Okay. Thank you very much. Okay. Stephen Ruth, Sr., and then Bruce Tilden.

MR. RUTH SR:

Good morning, Ladies and Gentlemen. I want to thank God for allowing me to be in front of you today, and I would like to thank God for all of you being here today. Thank you. Suffolk County's Red Light Camera Program is predicated on the assumption that engineers are not introducing anomalies which cause red light running, but traffic engineers have introduced anomalies. They have introduced a systematic error called the dilemma zone at every intersection. This is because engineers use the ITE yellow change interval equation.

The yellow change interval equation originated in 1959 with the classic paper The Problem of the Amber Yellow Light Traffic Flaw. Written by three physicists, this paper clearly states that the equation can only be used for the straight through unimpeded traffic traveling at the constant minimum allowable speeds toward the intersection, and that additional precautions -- preconditions, like dry pavement. For other kind of traffic movement, the equation fails. The equation shorts the yellow by several seconds.

How did today's traffic engineers come to misapply this equation? That started when ITE miscopied the equation 50 years ago into its 1965 engineering handbook. This led to decades of misuse, misuse which continues to this day and in this County. It is true that ITE has studied this equation and made modifications to the equation and refined its use, but the study's modifications and refinements are not in a positive direction. They have actually made problems worse. The equation is not intuitive, but counter-intuitive. What they think helps, actually hurts. What they think hurts, helps.

The introduction of a grade term in 1982, for example, is incorrect. The latest paper on travel signal timings, the NCHRP731 is incorrect. All the inconsistencies in ITE papers over the years testify to a basic misunderstanding of the physics. Many physicists have confronted ITE. ITE deliberately conceals this information. To acknowledge such an error would be like the cigarette industry acknowledging that cancer causes deaths.

For example, like I mentioned in my very first speech, when I first uncovered this problem and all the deaths around it in my area, I mentioned Dr. Alexi Maradudin. I don't know if everybody remembers that, but I remember mentioning Dr. Alexi Maradudin, the highest authority in the world on this equation because he invented the equation, told ITE last August that my equation does not provide a long enough minimum amber time for traffic turning left when the speed limit is greater than the intersection entry velocity; traffic turning right where the speed limit is greater than the intersection entry velocity; traffic making a u-turn, the u-turn requires almost double the time than what the formula provides; traffic approaching two close by intersections, traffic may have to slow down from the second light, or traffic waiting for the second light, therefore arriving at the first light. Traffic proceeding straight that slows down for vehicles entering and exiting the roadway. (**Beeper Sounded**) That's it?

P.O. GREGORY:

Yes.

MR. RUTH SR:

Whoa. All right. Well, thank you very much everybody for your time. Please reanalyze the equation that they're using to figure out the yellow light times as that's where we're wrong. That's where we're making the mistake. I have Stony Brook physicists working with us on getting the exact number that we need for yellow light times, giving all weather conditions and the size of vehicles, and also the human judgment on how long it takes for a senior citizen to make their judgment as well as a 25-year old individual. Thank you very much, ladies and gentlemen. Have a great day.

Applause

P.O. GREGORY:

Thank you. You too. Bruce Tilden. On deck, Rose Van Guilder.

MR. TILDEN:

Good morning, Members of the Legislature. My name is Bruce Tilden. I'm the sixth-generation farming land in Greenlawn that my great, great, great grandfather, Israel Tilden, Sr., purchased from his in-laws in 1793 for 240 pounds lawful money. Now my wife, brothers, children, sons-in-law and now my grandchildren, are working to continue the tradition and history of Tilden Lane Farm.

The passing of my 92-year old Dad, Herb Tilden, a year ago saddened us, but it also created a seven figure estate tax liability, and participation in this program to sell the developments rights will enable us to preserve the farm and avoid an unhappy struggle to develop it.

I'd like to point out several errors of omission in the recent County rating of the farm. Contrary to the rules of the program, our two plus acre wood lot and a 2.1-acre piece rented to another farmer, was not included in our score, which the Farmland Committee understood and recognized when our application was approved, but the survey was never corrected.

In two-weeks we'll be selling our cut your own Christmas trees and handmade wreaths, and I have spruce and fir transplants on order for spring planting. Our family is working very hard to keep Tilden Lane Farm growing for our future, and I thank Dr. Spencer and the Legislature for your support. Thank you.

Applause

P.O. GREGORY:

Thank you, sir. Okay, Rose Van Guilder.

MS. VAN GUILDER:

Good morning.

P.O. GREGORY:

Good morning.

MS. VAN GUILDER:

I would like to offer our prayers and thoughts to the people in France. They're going through most terrible times. And I would like all of us to remember that we need to support France. I would also like to send a message to Governor Cuomo that the refugees coming here, we don't know who these

people are. They are set to be vetted, but there is no way that they can find out who these people are. They have no way of knowing any background information. Many of the Governors are refusing to accept the Syrian refugees. Governor Cuomo has not made a statement as to whether or not he's accepting the refugees. I would like this body to think about this and I would like you to let him know that I, as President of the Long Island and Rockaway Ratepayers Alliance and Freedom Line USA, do not wish him to accept the refugees. We know for a fact that one of these refugees was an ISIS member. Do you want to take the chance of ISIS coming to New York State? Please think about that.

I also want to inform you I am the proud President and CEO of Homeless in America. I have three partners and we are going to be building an apartment complexes for homeless veterans on Long Island, and then we will be going to New York City and across America. We are a non-for-profit organization, a 503(c) corporation. We will be getting donations from foundations. We will be sending letters this month and the following month, and we will be receiving monies in January and February. And we will also be doing fundraisers on Long Island and in New York City. I have gone to New York City in the foundation and I've gotten all the information. As you most of you know, I do a lot of research and I've already gotten \$105 million from Congress to go to the Mount Sinai Medical Center with the help of Senator Schumer and Senator Clinton to help the first responders.

*(*Beeper Sounded*)*

I have a huge track record of helping people. This is what I love to do, and I have accomplished much. One of my accomplishments is --

P.O. GREGORY:

Ms. Van Guilder --

MS. VAN GUILDER:

I recently -- just one sentence.

P.O. GREGORY:

Please wrap up.

MS. VAN GUILDER:

One sentence. I filed an FBI and a United State Attorney complaint with *{inaudible}* and the Eastern District against the Long Island Power Authority. As a result, LIPA accepted 287.4 million instead of going for 441 million. It was in the Newsday on Thursday. It was confirmed.

P.O. GREGORY:

Excellent.

MS. VAN GUILDER:

You're more than welcome to verify it. Thank you.

P.O. GREGORY:

Okay. That's all the cards that we have. Anyone else? Quickly before the public hearing ends.

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

MR. STRAUSS:

Good morning. Alex Strauss, 184 Radio Avenue in Miller Place. Just to set some people straight, the Legislature does not set the time for the cameras, they don't set the time for the yellow lights,

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they don't set the time for the red lights, the green lights, the purple lights, they don't set any of that time. They're a Legislature. The New York State Department of Transportation does that. If you have that, why don't somebody from the Legislature get in touch with them and maybe we can find out what the real thing of how they set the lights up, and then you could stop these people from coming here and making accusations that people change the lights just to get tickets. It's ridiculous. But otherwise, listen, have a good Thanksgiving. Thank you.

*(*Applause*)*

P.O. GREGORY:

All right.

AUDIENCE MEMBERS:

Can I ask you guys something?

P.O. GREGORY:

No, no. You spoke, sir. You already spoke. You're only allowed one opportunity to speak during the public portion.

AUDIENCE MEMBER:

But he's making an accusation here.

P.O. GREGORY:

We only allow one opportunity to speak during the public portion. Thank you.

AUDIENCE MEMBER:

I've researched this. That --

P.O. GREGORY:

You're only allowed -- please have a seat. You're only allowed to speak once during the Public Portion.

And it is 11 o'clock, so can I have a motion to close the Public Portion? Motion by Legislator Schneiderman, second by Legislator Browning. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen. (Not Present: Legislator Trotta)

P.O. GREGORY:

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

D.P.O. SCHNEIDERMAN:

Second.

P.O. GREGORY:

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

MR. RICHBERG:

Eighteen.

RESOLUTIONS TABLED TO NOVEMBER 17, 2015

P.O. GREGORY:

Okay. Let's go to tabled resolutions. ***I.R. 1689 - Amending the 2015 Capital Budget and Program and appropriating funds in connection with the Restoration of Bald Hill School House and Grounds, Town of Brookhaven (CP 7510.128 and 7510.343) (Muratore).***
Legislator Muratore?

LEG. MURATORE:

Approve.

P.O. GREGORY:

Motion to approve by Legislator Muratore.

LEG. BROWNING:

I'll second.

P.O. GREGORY:

Second -- who's that? Legislator Browning. Anyone on the motion? Okay.

LEG. TROTТА:

On the motion.

P.O. GREGORY:

Oh, all right. On the motion, Legislator Trotta.

LEG. TROTТА:

What is it again? What's the number on it?

P.O. GREGORY:

It's 1689, the first tabled resolution. Legislator Muratore had a question for you.

LEG. MURATORE:

Yeah, there was some question.

P.O. GREGORY:

Oh, no, Trotta had a question.

LEG. MURATORE:

Oh, Trotta had a question. Okay. I thought you were looking at me.

P.O. GREGORY:

Legislator Trotta?

LEG. TROTТА:

I'm good.

P.O. GREGORY:

Oh, he's good. Okay, I'm sorry. Anyone else? Okay. All in favor? Anyone? Okay. I see you're grabbing your -- Legislator Hahn?

LEG. HAHN:

I just want a re-explanation. I'm sorry. This is --

P.O. GREGORY:

Okay.

LEG. HAHN:

This was tabled last time around, and if George -- if somebody could just explain what this -- remind us what this does.

MR. NOLAN:

Well, it moves money from one capital project, you know, our Capital Project 1755, 125,000 to the Historic Restoration Preservation Fund, and it's going to go for the Bald Hill -- Bald Hill Schoolhouse, 12,500 for planning, and the rest, the balance for construction.

We were discussing why it was tabled last time. I think there may have been some discussion about whether there was a plan in place. That's my recollection.

P.O. GREGORY:

Okay. All right. So we have a motion and a second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

Okay. All right. *I.R. 1689A*, bond resolution. Same motion, same second. Roll call.

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

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. KRUPSKI:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

No.

LEG. MC CAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes. Merry Christmas, Tom.

LEG. SPENCER:

Yes, Tom.

D.P.O. SCHNEIDERMAN:

For Tom, yes.

P.O. GREGORY:

Yes. Happy Thanksgiving.

*(*Laughter*)*

MR. RICHBERG:

Seventeen.

LEG. MURATORE:

Thank you to all my colleagues.

P.O. GREGORY:

All right.

LEG. MURATORE:

Except one.

*(*Laughter*)*

P.O. GREGORY:

Okay. ***I.R. 1716 - Authorizing appraisal of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007, UW AM Metro, Inc. Property Town of Riverhead (SCTM No. 0600-125.00-02.00-001.000) (Krupski).***

LEG. KRUPSKI:

As we do have a -- Mr. Presiding Officer, as we do have a letter of interest on file from the landowner, and because of that, I would like to make the motion to authorize that appraisal of the land.

P.O. GREGORY:

Okay. Motion to approve by Legislator Krupski.

LEG. HAHN:

Second.

P.O. GREGORY:

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

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

J.R. 1747 - Amending the 2015 Operating Budget to fund pay-as-you-go capital projects and appropriating 2015 Capital Budget and Program pay-as-you-go funds in connection with video equipment for legislative auditoriums (CP 1820)(Gregory). I make a motion.

Do I have a second? Don't jump all at once.

(*Laughter*)

LEG. MARTINEZ:

Second.

P.O. GREGORY:

Second by Legislator Martinez. Anyone on the motion? Legislator Cilmi.

LEG. CILMI:

Thanks, Mr. Chair. What's the -- what's the fiscal impact of this?

P.O. GREGORY:

This was in our -- it's just changing -- it's changing the funding source from Capital to Operating.

MR. NOLAN:

Opposite.

P.O. GREGORY:

Opposite.

MR. NOLAN:

It's in the Operating Budget.

P.O. GREGORY:

Capital, right?

MR. NOLAN:

It's \$96,000, and it's going into the capital project to perform this work.

LEG. CILMI:

Okay, thanks.

LEG. TROTTA:

Does that mean we're bonding it?

MR. NOLAN:

No.

P.O. GREGORY:

No. It's still pay-as-you-go monies, but it's in the Capital Program.

LEG. TROTTA:

Okay.

P.O. GREGORY:

Okay. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

MR. RICHBERG:

Seventeen.

INTRODUCTORY RESOLUTIONS

BUDGET AND FINANCE

P.O. GREGORY:

Okay. Budget and Finance: ***I.R. 1758 - Approving County funding for a contract agency (Bellport Brookhaven Historical Society) (Browning).***

LEG. BROWNING:

Motion.

P.O. GREGORY:

Motion by Legislator Browning, second by Legislator Krupski. On the motion, anyone? All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

I.R. 1781 - Tax Anticipation Note, 2015, Resolution delegating to the County Comptroller the powers to authorize the issuance of not to exceed \$410,000,000 Tax Anticipation Notes of the County of Suffolk, New York, in anticipation of the collection of taxes levied or to be levied for the fiscal year commencing January 1, 2016, 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.

LEG. SPENCER:

Second.

P.O. GREGORY:

Who was that?

LEG. SPENCER:

(Raised hand)

P.O. GREGORY:

Second by Legislator Spencer. Anyone on the motion?

D.P.O. SCHNEIDERMAN:

Yes, to Robert.

P.O. GREGORY:

On the motion, Legislator Schneiderman.

D.P.O. SCHNEIDERMAN:

Robert, this TAN is -- I know we typically at this time of year do a TAN. Is that about the same size, or is it slightly larger?

MR. LIPP:

It's the same as last year's.

D.P.O. SCHNEIDERMAN:

Okay.

P.O. GREGORY:

Legislator Trotta.

LEG. TROTТА:

What rate are we -- approximately, what rate are we looking at?

MR. LIPP:

So the fiscal impact, which is conservative, does a 2% gross rate and a 1% to net rate, so 1% really is the cost. We've been running at a lower rate than that, and it probably will be, but remains to be seen.

LEG. TROTТА:

We're borrowing 410 million at approximately 1%?

MR. LIPP:

Correct.

LEG. TROTТА:

Thank you.

P.O. GREGORY:

Okay. So we have a motion and a second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

I.R. 1825 - Approving County funding for a contract agency (Long Island Latino Teachers Association, Inc.) (Martinez).

LEG. MARTINEZ:

Motion.

P.O. GREGORY:

Motion by Legislator Martinez, I'll second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

ECONOMIC DEVELOPMENT

P.O. GREGORY:

1763 - To reappoint -- excuse me -- to reappoint Paul Allan as a member of the Suffolk County Citizens Advisory Board for the Arts (Browning). Motion by Legislator Browning. Second? I'll second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

I.R. 1787 - Appropriating funds in connection with Start-Up/NY/Suffolk County (CP 6427) (Co. Exec.).

LEG. CALARCO:

Motion.

P.O. GREGORY:

Motion by Legislator Calarco.

LEG. LINDSAY:

Second.

P.O. GREGORY:

Second by Legislator Lindsay. On the motion, Legislator Krupski.

LEG. KRUPSKI:

I have -- I have some questions about this, specifically, you know, how the money is going to be spent.

P.O. GREGORY:

Okay.

MR. BEKOFISKY:

Good morning. Lou Bekofsky, Economic Development and Planning. I'm here with Ann Marie Scheidt of Stony Brook, who will oversee Start-Up NY, in case there's any other question of the company.

LEG. TROTТА:

Can't hear you.

MR. BEKOFSKY:

Can you hear me now? Again, Lou Bekofsky, Economic, Development and Planning, and this is Ann Marie Scheidt from Stony Brook, who oversees the Start-Up NY Program for Stony Brook University. The funding here today with I.R. 1787 is for the design related to a facility or multiple facilities to house Start-Up NY participating companies. It also supports a capital project in 2016.

LEG. KRUPSKI:

I don't understand. What does that mean, design to house -- what did you say? Could you repeat that again?

MR. BEKOFSKY:

Yeah. It's to design a facility to house Start-Up NY companies, participating companies, and it supports a capital project for the construction of a facility in 2016.

LEG. KRUPSKI:

What is the facility? The facility would house Start-Up NY?

MR. BEKOFSKY:

Yeah. It would be physical space for companies to locate in.

LEG. KRUPSKI:

How would you -- how would you know what kind of space it would need? And what -- are there specific companies that you have?

MR. BEKOFSKY:

Yeah, sure. Let me -- let me turn it over to Ann Marie about the companies.

MS. SCHEIDT:

Good morning. Thank you. Long Island is tightly constrained in the types of companies that we may admit to Start-Up NY. Let me back up a step. And a Start-Up NY space must be either on the campus of a State University of New York institution, or in a -- on a campus of a private institution that has been selected competitively. And the current number of campuses with approved plans is 73 statewide. Stony Brook's plan was one of the first eight that was approved. We currently have identified spaces at the R&D Park, the Calverton, where we have an incubator, and in our two existing Centers of Excellence, and our existing High Tech Incubator.

The constraints on Long Island, that is actually the Downstate region, Westchester and south and east, are -- rather than the Upstate area, where many, many different types of industries are approvable on Long Island, only biotechnology, electronics, advanced materials, engineering, information technology and innovative manufacturing processes are permitted in Start-Up NY space.

Any company that is admitted to Start-Up NY space must be sponsored by one of the campuses with an approved plan. In this case, Stony Brook is prepared to amend our plan, and there is a process that is provided for in the Start-Up NY statute that would enable us to do that in order to allow the County to identify the facility that it intends to build as part of Start-Up NY. And we would collaborate with the County in approving the companies that would go there.

LEG. KRUPSKI:

So if this is Start-Up NY, why is the County going to borrow money to fund this?

MS. SCHEIDT:

There is no appropriation related to Start-Up NY. It's a tax incentive program for the companies, but there's no State appropriation related to it, other than the abatement of taxes.

LEG. KRUPSKI:

No. There's a bonding resolution attached to this.

MR. BEKOFSKY:

At the end of the day, this is a job creation program and it affects the entire County, and it's something that the County, you know, needs to do by investing to meet the demand of the companies that are out there. And, ideally, we'd like to get those companies located in downtowns where they want to be. So that's why the County needs to make this investment.

LEG. KRUPSKI:

So this --

MS. SCHEIDT:

The campus has no -- very little space. The only companies that we have been able to admit to the program are start-up companies, because the only vacant spaces that we have are in our incubators. When the program first began, we had to turn away companies. We went to every other approved Start-Up NY program on Long Island and there were companies who were coming to us and asking for 30, even 60,000 square feet. We just don't have that kind of space. But companies that can use that kind of space would locate here because of the other assets that the County has.

LEG. KRUPSKI:

I see. Did you do an analysis of vacant business space on Long Island? I see a lot -- in the paper a lot of companies leaving Long Island. And so when these companies -- why do they come to you for space, and what happens to them when you turn them down?

MS. SCHEIDT:

We refer them elsewhere on Long Island, not just in Suffolk County, but to Nassau, too. The issue with regard to approvability of spaces is twofold. There is great sensitivity on the part of the Empire State Development Corporation, folks who run the program, that this not be seen as a vehicle for giving advantages to favored property owners. So there is a desire that spaces be contiguous, spaces be logically identified, because the campus can provide support to the companies there. And the property owner, if it is not a publicly-owned or municipally-owned property, the property owner cannot make a contract for a Start-Up NY program directly. It has to work through a -- an approved Start-Up NY campus and through a not-for-profit affiliate that gives the campus the approval authority over the occupants of the Start-Up NY space.

LEG. KRUPSKI:

So if it's on private property, you'd have to vet that private location that -- to make sure it's appropriate for that company to come in, and then that parcel would come off the tax rolls?

MS. SCHEIDT:

And then the company would have to -- the owner would have to make agreement with a not-for-profit. There is a very powerful desire not to see property come off the tax rolls, so that there could be potentially projects that are currently IDA projects and are already off the tax rolls.

LEG. KRUPSKI:

So if they're already IDA projects, wouldn't there be businesses there?

MS. SCHEIDT:

Not every IDA project in every location has a full complement of tenants.

LEG. KRUPSKI:

How many -- how many people work at this Start-Up NY, you know, with your group on Long Island?

MS. SCHEIDT:

I'm --

LEG. KRUPSKI:

You're with Stony Brook, so what's --

MS. SCHEIDT:

I'm not sure what you mean.

LEG. KRUPSKI:

How many people work with you at Stony Brook on this Start-Up NY project? Is it just you or are there other people there?

MS. SCHEIDT:

There is an associate who knows -- does direct interaction with all of the companies that are interested, and works with them to determine whether they're a good fit. We have colleagues who manage the University's economic development programs. I have two handouts here, which I will leave with someone to provide to all of you. One of them describes the economic development -- the economic development programs that we have, so that we can determine whether in any particular case is a company that we can help with the resources that we have, and that is the same kind of attention that these programs give to any company that comes to the University seeking our help.

LEG. KRUPSKI:

Do you have any record of doing this in New York State?

MS. SCHEIDT:

I'm not sure what you mean.

LEG. KRUPSKI:

Has this ever happened before, or is this just -- is this Start-Up the very beginning of this program, or is there a record of companies coming in?

MS. SCHEIDT:

The Start-Up NY program is brand new. I don't -- although it has been reported anecdotally that other states like Maryland are investigating the possibility of enacting Start-Up-NY-like legislation. The existence of the ten-year personal income tax abatement for new -- holders of new jobs that are created by Start-Up NY companies is a national and possibly a global first.

LEG. KRUPSKI:

Has any analysis been done on if a company comes in and they're -- this says the businesses will be completely tax-free. Any analysis as to what that will do to, you know, the local municipalities and economy? If one business is coming in operating tax-free, obviously that means they're taking that -- they're taking the parcel off the tax rolls, and how that's going to affect the community.

MR. BEKOFSKY:

I just want to clarify. The intent of this program, when it was first created, was to not take any parcels off the tax rolls. So you'll see that the parcels that are included in Stony Brook's plan are on the campus, so they're currently not paying taxes. And the parcels that are included in Suffolk Community College's plan, which is currently being reviewed by SUNY, are also owned by either the

County, a not-for-profit, or a local town. So the objective is not --

MS. SCHEIDT:

Same with Broad Hollow.

MR. BEKOFSKY:

Oh, same with Broad Hollow in Farmingdale. So the intent is to not harm the local municipality or local community by removing parcels off the tax roll.

LEG. KRUPSKI:

But if you have parcels in a community that are -- commercial-zoned properties that are vacant, wouldn't it be better to put those businesses in there and thereby help the whole community?

MR. BEKOFSKY:

Sure. I think what would have to happen, and I don't want to throw out hypothetical situations, but what would have to happen is you'd have a not-for-profit working with whoever owned that property to make it eligible, and there would be an MOU that exists through the State program to effectuate that relationship.

LEG. KRUPSKI:

What sort of not-for-profit would do that?

MR. BEKOFSKY:

I don't want to speculate on that. Housing, potentially housing program, or I don't know.

MS. SCHEIDT:

IDA.

MR. BEKOFSKY:

IDA, I don't know.

MS. SCHEIDT:

Or Local Development Corporation, LDC.

LEG. KRUPSKI:

All right. Thank you.

P.O. GREGORY:

Okay. Legislator Cilmi.

LEG. CILMI:

Thank you. Do we have a motion on this?

P.O. GREGORY:

Yes, we do.

LEG. CILMI:

Or -- we do. I don't have any questions for you all, sorry.

MR. BEKOFSKY:

That's okay.

LEG. CILMI:

But I do have a point or two to make here. I'm not sure why government at the national level, at the state level, certainly here in New York State, and Suffolk County to some extent, continues to be in the business of picking winners and losers when it comes to economic development and when it comes to the success or failure of businesses. This is another example of that. We have a variety of mechanisms that we employ here in Suffolk County that seek to give benefits to certain companies to reduce their costs, but those benefits couldn't possibly be given to every company, and that's -- that's what's wrong with this program, among other things. But when you have a company that's going to end up in this program on your campus, and that company produces widgets, and you have another company that's not on your campus, not in this program, and they produce widgets, the company that's in your -- on your campus in this program is gaining a competitive advantage against that other company. Yes, they are. They don't -- their employees are not paying income taxes.

MS. SCHEIDT:

I'm sorry, Legislator Cilmi. I am, I think, required to point out that there is a strict anti-competitiveness provision in the statute that requires both us, the campus and the Department of Labor, in collaboration with Empire State Development, to survey the surrounding area to ensure that we are not --

LEG. CILMI:

Well, how big --

MS. SCHEIDT:

-- providing those advantages.

LEG. CILMI:

How big is the surrounding area?

MS. SCHEIDT:

The immediately contiguous census tracts.

LEG. CILMI:

Which is exactly what?

MS. SCHEIDT:

For us, it is Smithtown -- Saint James, Smithtown, the industrial park on Belle Meade Road, and the commercial districts of Port Jefferson.

LEG. CILMI:

Okay. Certainly the scope of competition is a lot wider than the scope that you just described. So you have a New York State program that the Governor conceived, apparently, and the Governor went on television and created all kinds of advertisements on how great he was, and how great this program is, and how we're making things better in New York State, and, meanwhile, New York State continues to be one of the highest taxed states in the country, and here we are giving targeted tax breaks to certain companies. The program is called Start-Up NY. The statistics, in terms of the success and failure of start-up companies in New York State are pretty daunting.

MR. BEKOFSKY:

Legislator, if I could just jump in. These benefits are actually available to any company that creates net new jobs in the state, so not just start-up.

LEG. CILMI:

Well, that may be, but when you look at the difficulty in making applications and supporting applications and -- you couldn't possibly give the benefits to everybody, so, therefore, somebody's going to be left out. And I would say you're going to -- you're going to be, or I guess New York State is going to be -- God bless you -- allowing the employees in these companies to not pay income taxes. Well, I doubt that New York State is going to reduce their expenses commensurate with the reduction in income taxes that they're going to give to the employees in these companies. Now, if New York State wants to give away this money and our State Legislature wants to approve it, and the voters in this state want to continue to re-elect those Legislators, then they should do that, but it should not be on the backs of this County at a time, especially when this County cannot afford to pay its bills.

I'm not sure if you've heard the debates going on at this Legislature, but we are five -- \$300 million in pension debt, just in pension debt, forgetting about all the other debt that we're in. We continue to have a structural deficit, and when you borrow money, you have to pay it back, and that payback creates a strain, no matter how small, on our Operating Budget, a strain that we can no longer afford to bear.

So for those reasons, I will not be supporting this resolution today or this borrowing today. If Stony Brook -- and I have the utmost respect and admiration for the work that you do at Stony Brook University. You are among the premier institutions in New York State, and I'm very proud that you're here in Suffolk County. But with respect to this program in particular, I cannot support it.

P.O. GREGORY:

Okay. Legislator --

MS. SCHEIDT:

Legislator Cilmi, could I give you one more reason to be proud of Stony Brook? And that you are quite correct --

P.O. GREGORY:

Other than the fact you just promoted him?

LEG. CILMI:

Go right ahead.

MS. SCHEIDT:

Sir, you are quite correct in pointing out that the rate of success for technology startups is about one out of ten. I am very proud to tell you that the rate of success documented for graduates of our incubator is 55%, 5.5 X better than the typical record. Thank you, sir.

LEG. CILMI:

That's fantastic, and I would encourage you to keep up that great work.

MS. SCHEIDT:

Thank you, sir.

P.O. GREGORY:

Legislator Kennedy.

LEG. KENNEDY:

Tom has basically asked the question that I was going to ask. I, too, feel that in the culmination of the 500,000 and the 2,500,000 in the next two bills, at this point, the County cannot afford -- it is

nothing against Stony Brook, it is nothing against Suffolk Community, it is nothing against building businesses which we need. We just don't have the money to bond out that amount. Sorry.

P.O. GREGORY:

Okay. Legislator Calarco.

LEG. CALARCO:

Thank you. I actually support this resolution. I think this is a great idea. I had Stony Brook down in Patchogue over the summer to take a look at several locations in Downtown Patchogue where I can -- this could work. The reality is, is we have to make ourselves competitive with the rest of the state when it comes to this program. Whether we like the program or not, it is the tool the State is putting out there for doing economic development, and we need to make a -- take advantage of that tool, and the reality is we need to provide the spaces and the right locations for that to be successful.

I had them in Patchogue, because I think when it comes to information technology and some of the other sectors that we're looking at, those same employees and businesses may very well want to locate in our downtowns. And it matches very well with the investment we're making in terms of creating a better transportation system north/south along Nicolls Road to get people from Stony Brook to Patchogue, to the Ronkonkoma Hub, to the Selden Community College Campus. And we need to invest. And, yes, investing costs us some money, but in the long run, it's going to be worthwhile when we start providing good-paying jobs that people can afford to live on Long Island with.

We are a high-cost region, there's no doubt about it, and that's not going to change dramatically any time in the near future. But if we don't create opportunities for people to get jobs that are going to pay them well enough to stay here, we are going to continue to lose people until we reach the point that we are going to look like they do Upstate New York, where you have the "Rust Belt", where you have stagnation and no opportunities for jobs of any kind, and people are just fleeing in mass numbers, not because they can't afford to live there, but because they can't find a job. And that's what we are competing with here, and that's why this is a great program and a great way for us to continue to stay competitive. And instead of having businesses go to Buffalo, or Binghamton, or some of the other SUNY campuses around the state, we can get them to come down here to Suffolk County.

P.O. GREGORY:

Legislator Lindsay.

LEG. LINDSAY:

Thank you, Mr. Presiding Officer. I'm also going to be supporting this bill. I think for far too long we've been playing defense with trying to fight off the out-of-state recruiters who are actively in our County every day fighting and recruiting, trying to lure our local businesses away. Well, now this is -- for the first time we have a tool to go on offense where we can actually start doing some of that recruiting ourselves out of state and trying to bring jobs back here to the County.

The fact that this is somewhat restrictive in terms of which industries I think does make it a little bit more difficult for us, but we're fortunate that the industries that it is restricted to are high-paying. Traditionally, high-paying jobs fit into the courses of study that we have at Stony Brook University, which, you know, if you really look at the program from a global perspective, it works hand in glove with the University. And that not only is it just creating this incubator for jobs, but it's also helping to create the curriculum to train the next generation of workers that will, hopefully, work at one of these companies. So it's a circular relationship with the University, with the County. I think it's an investment that we need to make.

We constantly hear about how difficult our economy is. Well, do you go into a shell and not invest in your economy, or do you do things like this and invest in your economy to try to -- to try to get it out of the financial issues that we're having now?

In regards to the program itself, I know when it was originally designed, it was just designed for Upstate New York. It had -- they had no intention of making this available to Long Island and Suffolk County. So I know that our State Legislators fought very diligently to make that available to us, and I think it's a program that we have to take advantage of, so I will be supporting it.

P.O. GREGORY:

Okay. Thank you. Legislator Browning.

LEG. BROWNING:

Just I see the concept is not a bad idea, but, of course, the money end of it could be a problem. But I'm just curious, can you give me a list of the counties that have participated in this and providing funding for Start-Up NY? Because this is a State program, so I'm trying to understand why the State is not funding this.

MR. BEKOFISKY:

Well, I will say that the State is actually putting in capital dollars at Stony Brook for -- correct me if I'm wrong, for a new facility, so the State is funding that program. But, again, this is a job creation program for Suffolk County residents, and we feel strongly that we should make this investment in that. And I would say that, although this is a new program, you know, we've had over 143 companies already approved in the program committing to create 3500 jobs over the next five years, and over 100 of those companies are Upstate, and the point of this project is to reverse that trend.

LEG. BROWNING:

So what other counties have contributed funds to Start-Up --

MR. BEKOFISKY:

No other county municipalities that I know of.

LEG. BROWNING:

Why not, do you know?

MR. BEKOFISKY:

I think they're behind the ball.

LEG. BROWNING:

Or maybe they see it as a State program and that they shouldn't be paying for it, so okay. And, again, I think some of my colleagues, the concern is, is that we don't have money and this may not be the right time for us to put the funds into it.

P.O. GREGORY:

Okay. Legislator Trotta.

LEG. TROTТА:

Specifically, what is this money for?

MR. BEKOFISKY:

This funding is for the design of a facility to house Start-Up NY companies.

LEG. TROTTA:

For a new building on -- on Stony Brook?

MR. BEKOFSKY:

Not at -- not at Stony Brook, no. It would be potentially three sites that are in Suffolk Community College's Campus Plan that is pending approval, and/or any other sites that we would want to put into a campus plan.

LEG. TROTTA:

You don't even know where this is yet?

MR. BEKOFSKY:

We don't know the site at this time.

LEG. TROTTA:

All right. Do we have one of these at Stony Brook?

MR. BEKOFSKY:

We don't have a Start-Up NY specific facility at Stony Brook. We have Start-Up NY companies housed at Stony Brook.

LEG. TROTTA:

Okay.

MR. BEKOFSKY:

Which is part of the incubator program.

LEG. TROTTA:

All right. So we have -- now there's a company that -- Applied DNA, I think it was. They came here, they had not made money in nine years, nothing, zero and --

MS. SCHEIDT:

That's not true.

LEG. TROTTA:

Well, that's what they told me. They stood at that podium and said that.

MS. SCHEIDT:

When?

LEG. TROTTA:

Six months ago. So now they apparently have -- you could step up to the mic. They have a lot of space there, don't they?

MS. SCHEIDT:

It is a private company. They are, in a very modest way, revenue-positive. They have devoted a great deal of time, as many biotechnology companies, to tech -- early stage technology and product development. They have been in the marketplace for --

LEG. TROTTA:

How much room do they -- how much space do they take up that they're not paying rent for?

MS. SCHEIDT:

They are paying rent. I don't know why you think that tenants in our incubator aren't paying rent. Our incubator, the Long Island High Technology Incubator, was constructed with no State funding. That means that it has to float on its own bottom and pay both of the commercial mortgages that it obtained at commercial rates in order for the construction to take place.

LEG. TROTTA:

This is at Stony Brook?

MS. SCHEIDT:

That means that -- yes, this is on the campus at Stony Brook. That means that the tenants, what is collected from the tenant rents has to cover the debt service and the operating expenses of the incubator. Every tenant in LIHTI pays rent.

LEG. TROTTA:

But they don't pay taxes; is that correct?

MS. SCHEIDT:

It is a -- the campus does not -- is not obligated to pay property taxes.

LEG. TROTTA:

And so the government is subsidizing those businesses?

MS. SCHEIDT:

I can't speak to that.

LEG. TROTTA:

Well, if they're not paying any taxes, they're subsidizing the business. The point I'm getting at --

MS. SCHEIDT:

They are paying -- their employees are all paying personal income taxes, they are paying corporate income taxes when they make a profit, and they are paying sales taxes on everything that they buy.

LEG. TROTTA:

But they're not paying any taxes on the property.

MS. SCHEIDT:

Property taxes.

LEG. TROTTA:

Yes. And if I remember correctly, the gentleman that stood up there, the CEO said they had not made money in nine years in existence.

MS. SCHEIDT:

I know they're at now --

LEG. TROTTA:

How much space do they have there?

MS. SCHEIDT:

Now in the new fiscal year, I know that they are generating revenues. Whether they are revenue-positive, I can't speak to, but they are generating --

LEG. TROTTA:

Well, that would be something that, you know, would be very, very important.

MS. SCHEIDT:

They are generating revenue. Again, they --

LEG. TROTTA:

My question is we're borrowing -- you want us to borrow -- this is like an unfunded mandate that we don't have to fund, we could say no. So, you know, we're borrowing -- one rule of investing is you never borrow money to invest, because what if it doesn't work out, now you have a double negative.

MS. SCHEIDT:

You asked me about job creation. Another company in the CEWIT Incubator now has about 40 employees. They are growing so rapidly that they are literally -- I saw them yesterday afternoon. They are literally holding meetings of their -- of subsets of their staff in the lobby, because they have so much demand for space that they are unable to accommodate it. And that company expects to grow to double, triple, potentially even quadruple its employment in the next five years.

LEG. TROTTA:

According to Crain's New York Business a couple months back, the Department of -- Department of Economic Development report says that Start-Up NY programs created 76 jobs last year. The 30 companies began operation in 2014, spent 1.7 million of the 91 million they promised to invest over five years. That's not a good track record, 76 jobs.

MR. BEKOFSKY:

Legislator, if I could address that. We participate on a round-table with all the members for Start-Up New York, and what the head of the program spoke about, because that's, obviously, a topic that came up, was with all the increases that have been made and all the companies that have been approved, they're not creating jobs yet because they're not in the physical space. What you're seeing across the state are campus plans that include vacant land that still needs to be developed. So if you're a company, you're not hiring until you're settled into your new space. So the jobs are there, they're going to come, but we have to build the space to meet the demand of companies.

LEG. TROTTA:

Historically, they're not coming. That's what this whole -- you know, Crain's New York Business did the story on it and it's saying they're not -- it's not happening. They spent more on advertising than they did in investment.

MR. BEKOFSKY:

This is a brand new program, so.

LEG. TROTTA:

Well, I will not --

MS. SCHEIDT:

Our companies, because of the kind of space that we have, are only incubator companies, they're only start-up companies. The start-up company starts with one or two or three, or maybe, if it's really big, four or five employees. That means that their employee start-up number is going to be low, because they are investing their capital in developing the technology and the product. As they move from that start-up phase into a production phase, as I indicated about the company I just mentioned, their employment will grow significantly.

LEG. TROTTA:

I don't understand. We have a lot of empty buildings right here in Hauppauge. Why can't -- wouldn't it be cheaper to buy one of those and put it there?

MR. BEKOFISKY:

Well, again, the intent is to use space that's not currently contributing to the tax rolls. So there would have to be some kind of arrangement to -- for that particular property to not be contributing any longer before it could be eligible for Start-Up NY.

LEG. TROTTA:

Oh, I mean, if you did a cost analysis of building the building, if it's \$500,000 just for the design, then you'd have to build it. I mean, who's going to subsidize building it?

MR. BEKOFISKY:

It's just a matter of eligibility as far as refurbishing stuff.

LEG. TROTTA:

All right. Thank you.

P.O. GREGORY:

Okay. Legislator McCaffrey.

LEG. MC CAFFREY:

Thank you. Lou, I've got a question for you. You had mentioned before about -- I'm just a little confused. You mentioned about locating these businesses in the downtown, but what we're talking about here is locating them on the campus for these particular places?

MR. BEKOFISKY:

No. I think, ideally, we'd like to locate them in downtowns. I can say the three spaces that are included in Suffolk Community College's plan, none of them are on a campus. One of them is in Wyandanch, one of them is at a County-owned property adjacent to the Selden Campus, and the other is actually on -- I should say on the Brentwood Campus, so there's one that's on a campus. So, through the MOU process that the State has put forward, if space is identified that's not contributing to tax rolls and is in a downtown, that would be ideal, that would be the ideal space.

LEG. MC CAFFREY:

But we can state for a degree of certainty that two of these three are on college campuses right now?

MR. BEKOFISKY:

On or adjacent to, yeah.

LEG. MC CAFFREY:

On or adjacent to? My concern is about the -- you know, the tax-free, which says that they pay no sales, they pay no property taxes, no business taxes, and actually the employees pay no income taxes for five years. My concern is that somebody's going to pay those taxes. And if -- similarly to when we take the taxes off -- parcels off the tax rolls, whether it be through the IDA or some other tax incentive, it doesn't mean that our taxes are going down, it means that everybody else's taxes are going up as theirs are being eliminated. And my concern is, is what I hear out there.

And I agree with my colleagues, we need to make an investment. This has got a terrible track record in terms of return on investment so far. I believe that this was a State program, and the State, which had money to give away this year, should be funding this program, not a county that is

struggling to pay its own bills each and every day, let alone the debt that it's accumulated along the way. And people aren't leaving because they can't find jobs here, they're leaving here because they can't afford to live here. And I see this program, as much as I'd like to support it, as just something that's going to add to the inability of people being able to afford to live -- to stay here.

And I don't see anything specific about -- except for Wyandanch, where it's -- where it's going to affect the downtown. If we come back with a program that says that, "Hey, this is where it's going to be, it's going to be" -- I agree with Legislator Trotta, we've got to figure out a way to take, you know, buildings that are vacant right now, whether we lease them instead of buying, or paying \$500,000 just for design. Where you've got buildings, figure out a way to retrofit them, and vacant buildings that have been vacant for a long time, I'd be all in on that. But just to spend money on design for a program that has got, at best, a spotty track record of return on investment, and the amount of money that we're going to be getting back compared to what we're going to lose in tax revenue at a time when we can't afford to give up anything that we have to.

P.O. GREGORY:

Okay. Thank you. Legislator Spencer.

LEG. SPENCER:

I just had a question, since you're in Economic Development. Is there any sort of calculation as far as with individual businesses, an average or expected number of employees, what salary they would make and how that would impact our sales tax? We keep talking about return on investment. At the end of the day, we're trying to promote economic development. And I'm sure you must have some calculations. So this \$500,000, once it -- if it does what you expect it to do, can you give us a sense of what your expectations are?

MR. BEKOFSKY:

Sure. I don't have that in front of me, but we can certainly get you the industry standard for jobs in these eligible industries, but Ann Marie does have some examples she can give you.

LEG. SPENCER:

I got to vote now.

*(*Laughter*)*

MS. SCHEIDT:

The companies -- Legislator Spencer, the companies that we have approved have to indicate what salary levels they expect to pay for the companies that they -- for the employees they are committing to hire. And my recollection of reading through those individual applications has salaries ranging anywhere from 45 to well over 100.

LEG. SPENCER:

I guess what I'm trying to say is hearing the concerns of my colleagues, and saying, okay, we're going to invest \$500,000 in this -- in this program. And I understand we have poor infrastructure, so we're going to build our infrastructure. Just there's got to be an expected return on investment, and that's what I'm looking for, to get a sense of -- you know, to say I'm going to spend this 500,000 now, because in five years, I'm going to get 5 million in sales tax revenue.

MR. BEKOFSKY:

So I could just give you an example of the 20 or so companies that are at Stony Brook. They've actually committed to creating over 239 jobs and investing over 16 million in the local economy over five years. You know, when you start adding them to our in-house economic impact analysis, you know, that turns into \$53 million in economic impact, total economic impact, 32 million dollars in

earnings and 532 jobs. So those are the kind of numbers we work with when we look at this.

LEG. SPENCER:

Thank you.

MS. SCHEIDT:

And, of course, every one of those employees owns a house, pays property taxes, buys things in Suffolk County, pays sales taxes, and so forth.

P.O. GREGORY:

Now, if I may just jump in here. This is not a new concept, right? I mean, there are other states across the country that are doing something. Either one of you can answer the question.

MS. SCHEIDT:

There have certainly been many tax incentive programs --

P.O. GREGORY:

Right.

MS. SCHEIDT:

-- over the years. I know that there are some that some of those present here have real difficulty with, so I won't make reference to them. But the use of property that is already off the tax rolls, either on campuses, public or private, and the -- adding to the incentives, the incentive for the employees in the lack of personal income taxes, as far as I know are both new anywhere in the country. And the advantage of the tax benefit for employees is important, more important for our start-up companies, many of which are not revenue positive. So they're not dealing with corporate taxes, they don't pay them anyway. But being able to offer that benefit to people that they want to have come and take the risk of working in a start-up enables them to compete against established companies with whom they might not otherwise have a chance of grabbing talented employees.

P.O. GREGORY:

Right. I think that's an excellent point. I mean, much has been noted about the fiscal challenges that we face. And, in my mind, that doesn't eliminate us spending, because, obviously, we have to spend whatever it is. There are personal costs, we spend on other things that we have to spend, that we have to pay for. We just have to be smarter and targeted in how we do that. And I think when you look at economic development opportunities, when you're creating jobs, particularly in an environment like Long Island and Suffolk County specifically, we're looking to create good, high-paying jobs. That's a reason why people are leaving Long Island, why young professionals are looking for opportunities elsewhere throughout the country, and why companies are not only moving out of the state, they're moving out of the country because of these -- because of the tax environment.

You know, we're in a precarious situation, and we have to create opportunities for people and create an environment where entrepreneurs want to -- you know, this is a risk for them. They're putting out capital, their own money, or borrowing money to -- you know, to create jobs, because they have an idea, and they think it's a great idea, but you don't know if it's going to be successful idea until you take that risk. And you have to have government and local support to say, "Okay, we believe in you, we're going to invest in your idea, and invest in our community and our local economy, going to create jobs so that they can grow and prosper, and, at the same time, creating good opportunities for young people, so they can get good paying jobs so they could stay here instead of living in their parents' basement, or moving into Brooklyn or to North Carolina, or wherever they're moving.

I mean, this is -- you know, this is something -- this is a smart investment. This is not an expense like, you know, paying for pencils and paper, this is an investment in our community, and I think it's worth fighting for. And, yes, there will be some winners and there will be some losers. That's the natural course of business in business. You know, 50%, or whatever it is, of new start-ups, they fail in the first five years. This is not a guaranteed success, but it gives them an opportunity to be more successful, and I think that's why we have to make that investment. So with that, I'll go back to -- Legislator Krupski was next.

LEG. KRUPSKI:

Thank you for that. So this is -- this is borrowing \$500,000 to -- this is to fund a headquarters for Start-Up New York, right?

MR. BEKOFISKY:

A site or more than one site, potentially, to house Start-Up NY companies.

LEG. KRUPSKI:

So this is enough money to establish a site?

MR. BEKOFISKY:

This is to design, yes. This is enough money --

LEG. KRUPSKI:

Wait. Not to establish, this is to design a site?

MR. BEKOFISKY:

The design. The planning related to construction, which we have in the capital project.

LEG. KRUPSKI:

So in all the other counties in the state that haven't put money into Start-Up NY, where do they operate out of?

MR. BEKOFISKY:

Where are the start-up companies?

LEG. KRUPSKI:

No. Where does Start-Up NY operate out of? If we have to put 500,000 into designing a site, the other counties that haven't put any money into Start-Up NY, where does Start-Up NY work in those other counties?

MR. BEKOFISKY:

Start-Up NY is -- yeah. Start-Up NY is generally on campuses across the state. And again, it's not Start-Up NY as an entity, it's Start-Up NY eligible companies.

LEG. KRUPSKI:

So why don't they work on Stony Brook Campus?

MR. BEKOFISKY:

Because when we first started looking into this program, we had talked to all the campuses and there was no available space currently on campus, on any of them. I mean, Stony Brook is bursting at the seams for the space they do have.

MS. SCHEIDT:

Our incubators are the only current vacant space that we have, because there is always churn in an

incubator. And we are pushing against the upper limits of the space that we have, not only for new companies, but as the companies in the -- in the incubators grow, they demand new space. I referenced the company that has staff meetings in lobbies and hallways because they're bursting out of their space.

LEG. KRUPSKI:

So why don't they -- why doesn't that company move out into the free market?

MS. SCHEIDT:

The advantage of --

LEG. KRUPSKI:

Isn't that -- isn't that the idea of an incubator for that -- companies to start, and grow, and then develop their business and then move out of the incubator?

MS. SCHEIDT:

That is one of the fundamental purposes of an incubator. There are companies that continue to desire to interact with the University because their business model depends on developing new technologies, having a constant innovation resource for ongoing R & D. And they would prefer not to be on the western edge of Nassau, for example, if they -- if they need that kind of interaction.

LEG. KRUPSKI:

So that wouldn't be an incubator, you're just giving them tax-free space.

MS. SCHEIDT:

I'm sorry. I'm not sure what that refers to, but the example that was given --

LEG. KRUPSKI:

Well, an incubator is like if you have an egg in an incubator, it hatches, you don't leave the -- say it's a chick, and you don't leave the little chick in the incubator and say, "It likes it there because it's warm." You'd say, "No, now you're going to go out into the barn yard and scratch around."

MS. SCHEIDT:

And we want the barnyard to be -- and that particular chick, as it grows up and sprouts more feathers, or whatever, wants to be close to the resources that it depends on for its continuing economic competitiveness. That's one of the things that's very exciting about the transit-oriented development focus of part of this program.

LEG. KRUPSKI:

So I have another question about incubators. So you're familiar with the incubator in Calverton, the Stony Brook incubator?

MS. SCHEIDT:

Yes.

LEG. KRUPSKI:

Okay. So would that be -- and you're talking about developing Tax-Free Zones around the areas. Is there a Tax-Free Zone envisioned around that incubator?

MS. SCHEIDT:

The Tax-Free Zone that has been approved by ESD for Stony Brook's program includes both the existing incubator building and the surrounding 45 acres that is owned by the campus and is not on the local tax rolls.

LEG. KRUPSKI:

But you said it would be extended to the local -- what did you say, census report, or something like that?

MS. SCHEIDT:

That's -- the local census tracks relate to the anticompetitive provision. If a company -- every time a company talks to us about approval for Start-Up NY, we are required to do a competitiveness analysis, along with colleagues at the State, to determine whether that company would be in competition with an existing company outside the tax-free area.

LEG. KRUPSKI:

Would it go the other way? And this is my concern here, and I'm talking about the EPCAL property at Riverhead. This is my concern: So, in other words, if a company could come into the Stony Brook incubator in Calverton, would that then kind of out-compete someone who wanted to come into somewhere at the Riverhead area, because now they're going to get a Tax-Free Zone for their -- well, for all their -- as the brochure says, you know, pretty much for all their taxes, for ten years they're going to get a Tax-Free Zone. So why would anyone go into any other area but into the incubator Tax-Free Zone? Why wouldn't they have -- you know, instead of going out into the harsh barnyard environment and have to scratch around.

MS. SCHEIDT:

That has to be a business decision that a company makes. And there are companies that have looked at the Start-Up NY program and have determined, for one reason or another, that it's really not for them. For example, they have to commit to remaining in that tax-free area for ten years. The company may feel that over a ten-year period, its growth requirements or its potential forecast markets may require it to move somewhere else that is closer to its customers. So there are -- there are chains as well as benefits in the program, and many companies for business reasons may find it not truly in their business interest.

LEG. KRUPSKI:

Suppose they get into the tax-free scenario there, and for whatever reason, and there's a lot of reasons, not just a business model, but, you know, health reasons or death, or whatever, the business isn't going to continue, what happens in that scenario? Say that two years they're into it, they've got a ten-year commitment, and for whatever reason, whether it's financial or health, or some other unforeseen circumstance, the company closes down, they're unable to operate.

MS. SCHEIDT:

I am not familiar yet, because the program is so new. We've only had companies in our start-up facilities for 13 months. I don't know of any situation where that has arisen. My guess is that the Empire State Development folks would try to consider any business' situation case by case. There just isn't enough of a background in that kind of experience for me to be able to indicate what pattern of responses there might be. And that's a -- that's a decision that because it is Empire State Development Corporation that oversees the tax incentive portion of it, that would be a decision that they and their attorneys would have to address.

LEG. KRUPSKI:

So there's no -- so there's no infrastructure set up in that case, which is very likely of any company and any business.

MS. SCHEIDT:

Well, I'm not sure -- there is certainly an infrastructure in Empire State Development of program officers, and counsel, and all of the legal issues and circumstantial issues that have arisen in the application and approval process have been addressed by that resource.

LEG. KRUPSKI:

Thank you. Thank you for now.

P.O. GREGORY:

Legislator Barraga.

LEG. BARRAGA:

I certainly can understand from the standpoint of a new, different type of program to stimulate economic growth, that people would embrace this kind of approach. But whether we had a surplus or a deficit as far as the County is concerned, I have to ask, let the individual who initiated the program pick up the cost. If it's truly Governor Cuomo's proposal, because he got before a press conference to put the pressure on campuses throughout New York State to go with a program like this, then let him pay for it, let the Legislature come up with the funding.

We've had these programs in the past. We've had tax-free zones, empire zones, foreign trade zones, we have loads of IDAs, and the results are mixed, to say the least. There's very little follow-up. Many companies coming in, whether they come from another state, or they make certain promises to expand in manufacturing, to put "X" amount of new jobs in place in a certain period of time, some do, some don't, very little follow-up.

You pick up the papers any time and an IDA is giving tax breaks to this company that's moving from this section of town to that section of town, moving from this county to that county, all over the place. Any -- as soon as the word gets out that, you know, the Kennedy -- Kennedy Incorporated wants an IDA, otherwise they threaten to move, and Barraga Incorporated right next door makes the same provision, gets all sorts of tax breaks. If you think this is such a great idea, fine, let's grant that, but, certainly, we shouldn't have to pick up the tab.

If it wasn't the Governor, where would this program go? Do you think these universities and colleges embrace this program? They embraced it because he's the Governor of the State of New York. If he was a lowly Assemblyman, or a Senator, or a County Legislator, this thing would have been back-paged and that's the end of it. None of these universities were planning for this, it came upon them by the Governor of the State of New York who controls their budget, controls the SUNY budget.

Bottom line, you think this is a good program, you vote for it, you start incurring the cost. Another unfunded kind of mandate all because the Governor says this is a good program, when in the past, other Governors and other programs came forth and they weren't very good, they were mixed, to say the very least. If we have huge deficits, and we do in Suffolk County, we shouldn't be picking up the tab on this, and there's no guarantee how this program is going to work out. It may go the same road as all the others. We put the program in place, improper follow-up, all sorts of people taking advantage.

You talk about incubators, this is open to other companies coming from out of state. This is open to other companies on Long Island who say "Well, we're going to increase our manufacturing, we're going to put another line in, let's get into this state," because they're going to get all sorts of tax breaks. There's enough in place already. The problem with what's in place now, there's no follow-up to see if these companies are really doing what they promised to do.

MR. BEKOFSKY:

I'd just like to comment that this is not a mandate, this is a bundle of incentives that if we don't take advantage of, we will be at a competitive disadvantage.

LEG. BARRAGA:

When the Governor of the State of New York comes out with a program like this, and he goes before the microphones and he pushes this program, believe me, it's a mandate. You may not classify it in a true definition, but Stony Brook is acquiescing to the Governor of the State of New York with this program. No need for you to say anything, that's a comment from me.

P.O. GREGORY:

Okay. Legislator Lindsay.

LEG. LINDSAY:

Lou, maybe we could try to make it more real life here. Some of the industries, the industries that are on the list of approved industries that would qualify for these, can you explain or go through the list and describe any competitors that we currently have in Suffolk County in those industries?

MR. BEKOFSKY:

Ann Marie will talk about the companies that are approved.

MS. SCHEIDT:

Although the boundaries of the competitive analysis are relatively close to the campus, we have, for example, a company that -- I can't speak to marketing, that's not what I know about, but we have gotten the attention through that program of companies who never would have heard of us had it not been for that. We recruited a company from Israel that does -- whose product is an automated vehicle for transforming a website into a mobile-friendly website. There's more and more E-commerce. The proportion of E-commerce that is done on smart phones is far outstripping the proportion of E-commerce that is on desktop websites. That company --

LEG. LINDSAY:

Ann Marie, if I could interrupt you for a second right there.

MS. SCHEIDT:

Sure.

LEG. LINDSAY:

How many of their competitors are currently located in Suffolk County?

MS. SCHEIDT:

I don't know of another company that does what they do.

LEG. LINDSAY:

Nor do I.

MS. SCHEIDT:

Anywhere on Long Island.

LEG. LINDSAY:

I mean, because I hear arguments here that we're going to create competition for existing companies. I don't know in any of these sectors that were approved for that we have any companies in those sectors. We're going to create competition for other parts of the country, maybe other parts of the state, but not other companies that are currently located in Suffolk County.

You know, the purpose, you know, of this program, and regardless of who funds it -- I agree with Legislator Barraga, it's the Governor's program, he should fund it, but he's not. He's not, so that becomes incumbent upon us. The fact that no other county has invested in this yet gives us a

competitive advantage in that we could be the first in the market to create these facilities to locate these companies, and to be first in the market is a huge advantage in any industry, in any business.

In addition to that, when we look at some of the -- some of the deals that we do through the IDA, and some of the tax incentives that they actually are pulling tax money out of the economy, as opposed to this, which the money isn't already there, the number of jobs that are created, and just using as an example Bactolac Pharmaceutical, which the IDA just made an agreement with them, they gave them \$2 million in tax breaks and they're going to create 150 jobs. You're talking about 500,000 in planning and two-and-a-half million in construction to create 3500 jobs. That's a much different ratio, and that's what I'm -- what we need to do. We can't keep trying to create 10, 20, 30 jobs, we've got to create thousands of job. And for us to pass on this opportunity I think is a huge disadvantage that it will continue to put us in here in Suffolk County.

This program offers all of the benefits of doing business in Suffolk County in terms of all the assets that we have in place without the heavy burden of the taxes that we have here in the state. And I think to pass on this opportunity would be a huge mistake for this Legislature, and it would be a huge mistake for the County. We can't continue to throw our arms up in the air and talk about how bad our economy is without looking for different ways to invest in it. And I think we -- I strongly urge my colleagues to support this, because without it, this is just one more bullet that's going to be taken out of our gun and one more disadvantage that we're going to have here.

P.O. GREGORY:
Legislator Anker.

LEG. ANKER:

I just wanted to comment and say how impressed I am, Ann Marie, with your resume. I know we've worked -- we've worked together. And you may not remember, but I remember, is it -- Peter Goldsmith and Andrew Hazen from LaunchPad, LISTnet, Accelerate Long Island, Long Island Angel Network. These are very, very successful hubs, and, you know, working with them, and also working with Stony Brook, we've seen some incredible progress. And I think, like what we're discussing now, we need to invest, but we want to make sure we're going to make the right decision, and, you know, make sure it is a good investment. Can you comment on what you think the future will hold for us if we do commit to this investment?

MS. SCHEIDT:

One of the -- Legislator Anker, thank you for remembering me. And I'm glad that you mentioned Andrew Hazen. Andrew is a very successful entrepreneur. It's my impression he doesn't really need to work for a living anymore, and he is, therefore, devoting himself to what he loves to do, which is work with entrepreneurs and help them succeed. His vision is LaunchPad Long Islands all over Long Island.

I know that he has had conversations with some of the folks at some of the sites that have been mentioned this morning, and I would love to see as part of the County's program, I'm sure that Andrew would be very interested in siting new LaunchPads in those areas. We would love to have the opportunity to work with Suffolk, if they are located within the Suffolk area, and their entrepreneurship support to support the young folks, whether they're students or grownups who go into those places to take those risks that Legislator Gregory referred to, to start new companies. That's one of the things that I absolutely see, one of the most exciting things that I think can come out of this proposed program.

LEG. ANKER:

Right. And we have so many important components in creating these technology accelerated hubs, you know, all over Suffolk County, you know, between Stony Brook, Cold Spring Harbor, Brookhaven

National Lab, you know, Suffolk Community College, and the technology with Canon USA. We have the -- some of the largest businesses here, right local that can sponsor, that can really support what we're trying to do. You know, the idea was trying to bring Silicon Valley here to Long Island. We can do that. I really feel we can do that with your leadership. No pressure, no pressure.

*(*Laughter*)*

MS. SCHEIDT:

With organizations like LISTnet, with large companies like Canon, whom we work with, they are prepared to -- they're already big companies. We want to help them to grow. But they are prepared to give back to the community by working with entrepreneurs, by helping those little startups grow to be the Canons and the CA Technologies of the future for Long Island.

LEG. ANKER:

Again, I just want to comment how successful I've seen the startups. They're not, you know, \$100,000, they're multi-million dollar companies right now, the successful startups that I've seen. Thank you.

P.O. GREGORY:

Okay. Legislator Calarco.

LEG. CALARCO:

Thank you. I think, you know, one of the things that maybe some of us are missing here, and the reason for this particular program, the County -- the need for the County to get involved is the biggest challenge Stony Brook is facing in competing with other campuses across the state is just space availability.

You know, I spoke with Dr. -- President Stanley about this almost a year ago and he said that was the number one problem he has, is he has businesses coming in and they just don't have enough places on campus to put them, and they don't have the space. And they don't meet the needs of the business entity looking to come on the campus, because they don't have enough room for them. They end up going other places, they look at other campuses across the state. And while the Community College coming on board will certainly help alleviate that a little bit, the reality is, is that's our biggest disadvantage.

We actually have one of the best research institutions in our -- in Stony Brook University out of this whole State SUNY system. We also have access to other great institutions like BNL and Cold Spring Harbor. They're looking to further leverage the program. And, actually, what we're doing by getting involved is creating our own advantage and being able to place these -- not necessarily on Stony Brook's campus proper in Stony Brook, but perhaps we do create some additional space by BNL, or perhaps we create some additional space over by Cold Spring Harbor, or in a downtown siting where some of these businesses would rather be anyways, and be able to give a little more flexibility to what these businesses are doing and who they accommodate by partnering with the college, whether it's Stony Brook or Community -- or Suffolk. And that's the point of the County having to get involved. That's why we need to step up to the plate, to become a little bit more competitive, and be able to offer locations and space for these business to come in.

And, again, you know, we're talking about sectors that are going to create the jobs that people are going to be able to afford to live on Long Island. The jobs are going to afford people to be able to raise a family, and buy a house, and pay those property taxes that are high, and, you know, pay those sales taxes that we need them paying and contribute to our economy, so that we don't continue losing people off the Island, not because they can't find a job, but because they can't find a job that pays them well enough to stay here.

P.O. GREGORY:
Legislator Trotta.

LEG. TROTТА:
How big of a building is this?

MR. BEKOFСKY:
It hasn't been determined yet. That will happen during the design phase.

LEG. TROTТА:
So you don't know how big the building is. You know, back to the Stony Brook person, Applied DNA -- where's the Stony Brook person?

MS. SCHEIDT:
I'm sorry.

LEG. TROTТА:
Applied DNA, they're in the incubator, correct, over here?

MS. SCHEIDT:
That's correct, yes.

LEG. TROTТА:
How long have they been there?

MS. SCHEIDT:
Huh?

LEG. TROTТА:
How long have they been there.

MS. SCHEIDT:
My recollection is since 2000 -- 2007?

LEG. TROTТА:
All right. Using Legislator Krupski's analysis, don't you think it's time -- they have a lot of space in there, don't they?

MS. SCHEIDT:
Yes.

LEG. TROTТА:
Okay. Don't you think it's --

MS. SCHEIDT:
And they're paying a lot of rent for it.

LEG. TROTТА:
Okay.

MS. SCHEIDT:
And they are helping keep LIHTI solvent.

LEG. TROTTA:

Are they paying -- this is \$500,000, right?

MS. SCHEIDT:

Uh-huh.

LEG. TROTTA:

That is probably 5 million to build it based upon your 10% thing. Okay.

MS. SCHEIDT:

I would --

LEG. TROTTA:

All right. So here we go. Now we have a company that hasn't made money in nine years.

MS. SCHEIDT:

That's not true. They are generating --

LEG. SPENCER:

That's not true. You keep saying that. It's not true.

LEG. TROTTA:

The CEO stood there and told me that.

MS. SCHEIDT:

They are generating -- they are revenue-generating.

LEG. TROTTA:

Okay.

MS. SCHEIDT:

I don't know how many different ways to say it. Revenues --

LEG. TROTTA:

Generating revenue and making money are two different things.

MS. SCHEIDT:

Whether they are profitable is for the directors of the company to determine. They are paying their bills to us. They are continuing to grow in employment.

LEG. TROTTA:

But we're subsidizing.

MS. SCHEIDT:

And they are a biotechnology company. And the rule of thumb for every other sector is four years and out of the incubator. But biotechnology companies have a much longer path to approval and to market, and our rule of thumb for biotechnology companies has been nine years.

LEG. TROTTA:

Okay. So they've been sitting there for nine, or whatever, how many years it is.

MS. SCHEIDT:

They have not been sitting there, sir. They have been diligently working to develop their

technology and identify markets for it. They have markets in the UK. They dominate the cash and transit market in the UK because of the capability of their botanically-based DNA.

LEG. TROTTA:

I'm familiar with it.

MS. SCHEIDT:

You know that it's quality.

LEG. TROTTA:

I'm not against this program, but I'm against borrowing five-and-a-half million dollars on a bet when we have --

MS. SCHEIDT:

I can't speak to that. You asked me about Applied DNA. Applied DNA is a valued --

LEG. TROTTA:

-- other buildings, other companies that we should be pushing out.

MS. SCHEIDT:

-- anchor tenant for LIHTI that helps maintain the operations and to pay the mortgage. The other issues I can't speak to.

MR. BEKOFSKY:

I just want to reiterate, this program is to create space for the many companies that inquired about participating, Stony Brook or across the state, that just don't have space available to them. So the end result is creating jobs and --

LEG. TROTTA:

Well, I would say, if you could get them out, there would be space. If you can -- you know, it's an incubator. At some point, you got to let them go.

MR. BEKOFSKY:

Understood, but this -- again, this doesn't only apply to start-up companies. I know the name of the program is misleading. If Google comes here and wants to create 100 jobs, they're eligible for this -- these benefits. So this is any company that creates net new jobs in Suffolk County or New York State.

LEG. TROTTA:

I cannot support borrowing money on the hopes of doing something when we have other facilities. You know, it's one thing to do -- to borrow money to do something, but not when there's other things that can be done. Look at every other single option and maybe you push companies out of there and put other companies in. Because if they're going to be babied and nurtured, at some point, they're just going to -- it's going to continue. And why would you leave? It's like a teenager who doesn't want to leave home because he's never been kicked out. At some point, you got to kick him out.

P.O. GREGORY:

Okay. Legislator Browning.

MS. SCHEIDT:

Legislator Trotta, if you have questions for the CEO of Applied DNA, then I suggest you invite him to return.

P.O. GREGORY:

Legislator Browning.

LEG. BROWNING:

I don't know if we got the answer, because this is \$500,000 for design and plan. Is the County going to foot the entire bill for the entire project?

MR. BEKOFSKY:

There is a capital project associated with this for next year, 2016. I believe there's 5 million associated with that capital project. If there's multiple facilities that are over 5 million, there'd be public-private partnerships that could happen to get these locations in downtowns. So we may be offsetting the cost. It doesn't mean the County is footing the whole bill necessarily.

LEG. BROWNING:

But at this point in time we are.

MR. BEKOFSKY:

We don't know. All we're asking for is to appropriate funding to design a facility.

LEG. BROWNING:

Okay. And, you know, Tom, Legislator Barraga said it well. Legislator Martinez and I were in Brookhaven not too long ago. The Brookhaven IDA gave tax credits to a company and they were supposed to hire local. We got there, and it was in Brookhaven, none of those employees are from Brookhaven, they were all from Legislator Martinez' district and our Presiding Officer's district. And then we find out, after 15 years, they're still making minimum wage, many of those workers, and being taken advantage of.

So we see it very often, companies leaving Long Island, and they're getting, you know, tax benefits through the IDAs, and after that timeline is up, they leave. So what guarantee do we have that after ten years these companies are going to stay? We're giving them benefits, we're giving them all kinds of tax credits, but as soon as the real bill hits, they decide they're going to go somewhere else. So this is -- it's almost like it's a temporary fix, and nobody can live on a ten-year job. So what happens is you've got somebody, some young person here who's going to get a job with one of these companies for ten years, and after ten years, there's no guarantee that they're going to stay, that they may leave and go south, they may go somewhere else. And these young people are saying, "I don't want to move away. I'm married now, I have children, I want to stay home," and they could wind up without a job. So what guarantees can you put in place that after ten years they are going to stay?

MR. BEKOFSKY:

I don't think there's any guarantees you can do in any program like this. What I would say is that if they leave, they lose their benefits. And I think you have to look at this kind of comprehensively. This is -- this is a benefit package to attract high innovative jobs to Suffolk County, and in partnership with housing and transportation, it becomes a master plan of how we're going to create a stable economy here. So it's one piece of the puzzle, and what we need to do is stay competitive by taking advantage of the benefits that we actually fought for that were originally only going to Upstate, so that we're not losing companies and jobs to Upstate.

LEG. BROWNING:

But we possibly will in ten years, so we're really not -- it's not a permanent fix to the problem that we have here in Long Island. The biggest problem we have here in Long Island, and I know when my son moved back almost a year ago, when he's buying a house, what was the biggest problem? He said he's not looking at the price of the house, he's looking at the property taxes, and the

property tax portion of the bill that's killing him is the school tax. And so we need to go back to the State and say, "How are you funding your schools," because people could afford to live here if they weren't paying those school tax taxes.

And, again, talking about unfunded mandates, we don't have the money right now to pay for this because of the unfunded and underfunded mandates that we have. And we're just shelling out more money to some companies who may leave in ten years, and that's -- I'm not ready to take a gamble on that.

MR. BEKOFSKY:

I would just say that, you know, it's -- in our opinion, it's better to get the companies here first and fight for them to stay. And I think with Start-Up NY, because of the interaction that's required for the company to actually contribute or adhere to the college's academic mission, that they have special access that's going to be unique to them by being here and affiliated with these colleges, like researched experts.

LEG. BROWNING:

Right. And that's what our IDA's are for?

MR. BEKOFSKY:

It's very different.

LEG. BROWNING:

How is that working?

MR. BEKOFSKY:

It's a very different thing.

LEG. BROWNING:

Not working.

MR. BEKOFSKY:

It's very different than the IDA.

P.O. GREGORY:

Okay. Legislator Lindsay, and then we'll call the vote.

LEG. LINDSAY:

Just to respond, Kates. As someone who's only guaranteed a job for the next two years, I would take ten years in a heartbeat. And for any of our young professionals, as they graduated from college, to have a job or to gain in experience over ten years, I think let's get to the tenth year and we'll figure it out at that point. But, hopefully, in that point, in that time, they develop roots to the community, they develop reasons to have to stay here. But if we could guarantee any company is going to stay here for the next ten years, I think anybody would be all over that.

LEG. BROWNING:

And in the next ten years, not one of us is going to be here.

LEG. LINDSAY:

On this earth or in the Legislature?

*(*Laughter*)*

LEG. BROWNING:

No. Well, you don't know that. Tomorrow you could get hit by a bus.

LEG. LINDSAY:

True.

LEG. BROWNING:

But, again, ten --

*(*Laughter*)*

That's right, we're cutting the bus service, so -- but no. In all reality, it's a gamble. I'm not a gambler, I've never gambled, it's not my thing.

LEG. LINDSAY:

It's an investment. I mean, we looked at --

LEG. BROWNING:

I don't know if it's an investment. I think it's more of a gamble than an investment.

LEG. LINDSAY:

There is the possibility of a return on it, so it makes an investment. In all due respect to Legislator Muratore, we just spent \$125,000 on a schoolhouse that's not going to create one job, that's not going to create one dollar of economic development into our community, and it -- rightfully so, it was something that we should preserve. This is an investment.

LEG. BROWNING:

That's not a good comparison, that's apples and oranges.

LEG. LINDSAY:

It's dollars and cents.

LEG. BROWNING:

We are investing in our history, that's important. But to gamble on industry and businesses that may not stay here ten years from now, that's something that we should be looking at and saying, "Should we be paying for this?" I'm not saying it shouldn't be done, but I'm saying if the State wants us to do this, then they should invest in it.

LEG. LINDSAY:

But they're not. So absent of their investment, do we pass on this opportunity and allow some other region or other part of the state to take advantage of it.

LEG. BROWNING:

I think I just heard the word unfunded mandate.

P.O. GREGORY:

Okay. Legislator Hahn.

LEG. HAHN:

I think it's so important to recognize that this is a very small piece of a puzzle. We are trying to create a high-tech ecosystem. We are trying to create an area, a region where these high-tech industries can thrive, and this is just a small piece. It's a -- you know, maybe a 2000-piece puzzle, if you know the difference between the ten-piece puzzle that your kindergartner or three-year-old

plays with, and an advanced puzzle where every -- every piece has intricate details to the whole big picture. And so there's so much that we are doing as a region to create this ecosystem. And whether -- you know, whether it's investing in software engineering connections, it's investing in education so that we have individuals who are trained. It's investing in the research institutions, and connecting them, and the communications, and the marketing, and this is a piece of that. And I think the only way, and it's -- you know, it's been said here before, but the only way we're truly going to succeed as a region is to have a thriving high-tech, high-paying job industry here and this is a piece of that.

And, you know, you're going to come back to us, am I correct, that you're going to come back to us after, you know, we have the plan on where this is going to be? And I hope that you will include Legislator Lindsay, as Chair of Economic Development Committee, Legislator Anker, as Chair of the Education Committee, and others in drafting this plan for this building, where it's going to be and deciding where it's going to be, including us in that, so that we have ownership to this piece of the industry that we are creating with our County dollars.

MR. BEKOFSKY:

Well, we definitely would encourage to work with you to identify spaces in all of your districts. I would clarify, though, Legislator, that the way that this resolution was written, we are not required to come back to you. In this case, it's not like Jumpstart where we are. However, if it helps the situation, we would give the department's intent to come back to you with a plan before we go to borrow. All we really need today is to appropriate today to continue that process.

LEG. HAHN:

Thank you.

P.O. GREGORY:

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

MR. RICHBERG:

Yes, we do.

P.O. GREGORY:

Let's do a roll call.

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

LEG. CALARCO:

Yes.

LEG. LINDSAY:

Yes.

LEG. KRUPSKI:

No.

LEG. BROWNING:

No.

LEG. MURATORE:

No.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

No.

LEG. TROTTA:

No.

LEG. MC CAFFREY:

No.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

P.O. GREGORY:

Yes.

MR. RICHBERG:

Ten.

P.O. GREGORY:

Okay. All right. **1787**, bond resolution. Same motion, same second. Roll call.

LEG. CALARCO:

I'd rather make a motion to table it. There's clearly not enough votes to pass this, so we might as well table it and come back to it another time.

LEG. LINDSAY:

Second.

P.O. GREGORY:

Okay. All right. A motion by Legislator Calarco to table, second by Legislator Lindsay. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

Okay. We're going to try to get this one and then we'll get to it. Okay. We have Mr. Tilden who's waiting, right?

LEG. SPENCER:

Mr. Presiding Officer, may I make a request to take 1695 out of order, since the -- Mr. Tilden is here waiting patiently?

P.O. GREGORY:

Sure. Which page? Oh, in EPA. ***I.R. 1695 - Authorizing an appraisal for the purchase of Development Rights of Farmland under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007, Tilden Farm property - Town of Huntington (SCTM Nos. 0400-107.00-03.00-006.001 p/o, 0400-107.00-03.00-006.010, 0400-107.00-04.00-002.000 and 0400-107.00-03.00-008.000)(Spencer).*** Motion by -- so we have a motion by Legislator Spencer to take out of order.

LEG. KRUPSKI:

Second.

LEG. MURATORE:

Second.

P.O. GREGORY:

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

LEG. SPENCER:

Mr. Presiding Officer.

MR. RICHBERG:

Eighteen.

LEG. SPENCER:

On the motion. Can I make a motion to approve?

P.O. GREGORY:

Yeah. Motion to approve by Legislator Spencer, second by Legislator Krupski. And all in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

Okay. All right. Let's get back to Economic Development.

I.R. 1788 - Amending the 2015 Capital Program and appropriating funds in connection with Jumpstart Suffolk (CP 6424)(Co. Exec.). Do I have a motion?

LEG. CALARCO:

Motion.

P.O. GREGORY:

Motion to approve by Legislator Calarco, I'll second. On the motion, anyone?

LEG. CILMI:

Yup.

P.O. GREGORY:

Legislator Cilmi.

LEG. CILMI:

This is amending something that's already been appropriated. Can we get an explanation from either Counsel or the County Executive's Office, please?

MR. BEKOFSKY:

Yeah. We have not actually appropriated yet. The amendment was moving from planning to construction.

MR. NOLAN:

It's the same capital project, Legislator Cilmi. But as was explained Mr. Bekofsky, it's moving money within the project of \$2.5 million.

LEG. CILMI:

From planning to construction?

MR. BEKOFSKY:

Correct.

LEG. CILMI:

And what are we constructing?

MR. BEKOFSKY:

Well, we'll come back to you with specific projects when we get there, but this is for infrastructure related, so regionally significant projects, as it has been in the past few rounds.

MR. NOLAN:

Legislator Cilmi, there's no bond resolution with this resolution, you may have noticed. So what has been explained to me is that when they have specific projects, they'll bring them back to us with, you know, resolutions approving the project and the bond resolutions at that time. So this is just appropriating the money that's in the Capital Budget and Program.

LEG. CILMI:

Why couldn't you just come to us without this resolution when you do have projects that you wish to complete or construct and we transfer the money at that point?

MR. BEKOFSKY:

So my understanding is if we don't appropriate them, we lose the funding, and we do expect requests to come in over the next few months. So we want to make sure we have the funding available. When a request comes in, we'll come back to you with the specifics of that request, so that you can see what the specifics of what the money is being spent on.

P.O. GREGORY:

It has to be done before the end of the year.

LEG. CILMI:

So we're rushing to appropriate money that we really don't have any specific plans for yet just so that it doesn't disappear out of the budget?

MR. BEKOFISKY:

I wouldn't say we don't have any specific plans. I would say that the municipalities come to us with ideas, we vet them, we're in that process, and we'll come back to you when we figure out the best way to use these funds.

LEG. CILMI:

I'm a little uncomfortable. Actually, I'm a lot uncomfortable appropriating \$2.5 million without knowing exactly what we're appropriating the money for.

MR. BEKOFISKY:

But, again, we'll be coming back to you before we borrow.

LEG. CILMI:

Well, I understand. Well, if you want to come to us when you have some specific plans, then come to us with specific plans. But for us to rush to appropriate \$2.5 million just because it's in the budget and it's going to disappear after the budget year is done, put it back in next year's budget.

P.O. GREGORY:

Okay. Legislator McCaffrey.

LEG. MC CAFFREY:

Thank you. Lou, this is -- you know, I'm generally supportive of these projects and -- but I am concerned that this is something that -- I don't think we've ever done this before, correct? It's -- you know, we're appropriating this money, and generally it's on a case-by-case basis that you come to us and say it is for this project, whether it be the Ronkonkoma Hub, or Wyandanch Rising, or something going on in Patchogue, or something that we -- we've done that. Why are we doing it differently now? And I guess that's my question, why are we doing it differently now? And is there an advantage to that to the projects, is to us, or why would we do it different?

MR. BEKOFISKY:

You know, it's really just a timing thing. It's the -- you know, we come to you when the municipalities come to us, or when we finalize, you know, negotiations with them. In the past, because it was a new program, we had a lot of projects that came right away, and now we're seeing new projects pop up across the County that we anticipate a need for, and we think they'll be here within the next few months. But we want to make sure that we don't lose the funding in case the -- if a request comes in January 1 that's excellent, we won't have the funding available if we don't appropriate it tonight. But, again, we're not going to, you know, bond until we come back to you with the specifics of the project and have another shot at this.

LEG. MC CAFFREY:

But are you concerned about projects that may come up between now and January 1?

MR. BEKOFISKY:

I think there will be projects that come up between now and early next year.

LEG. MC CAFFREY:

But you would still have to come back to us to get that --

MR. BEKOFSKY:

Correct.

LEG. MC CAFFREY:

-- specific appropriation. So why do you need that -- I still can't get a handle why you need a general approval when you still have to come back. How does it save you any time?

MR. BEKOFSKY:

We've always historically over the first few rounds, we've done appropriating and bond authorization together, so this is the first time -- you're right, this is the first time we're doing it separately. It's not --

MR. NOLAN:

That's not correct, we've done this before.

MR. BEKOFSKY:

Was it the first year?

MR. NOLAN:

Not maybe for this project, but we've done this type of thing before where we've passed the appropriating resolution before the end of the year to hold the money. Otherwise, it lapses at the end of the year. So I know we've done it with affordable housing, we've appropriated the money by this type of resolution, and then the subsequent year or the year after, passed it for specific projects and then bonded at that time. So this is not the first time we've done this type of thing.

LEG. MC CAFFREY:

So help me understand this. So this money would go away if we didn't use it in this year, correct?

MR. NOLAN:

If we don't pass this type of resolution, yeah, then it lapses at the end of the year and they can't tap into it next year.

LEG. MC CAFFREY:

But even if they want to tap into it next year, they'd still have to come back to us for approval as if they had done it?

MR. NOLAN:

The individual projects, yes.

LEG. MC CAFFREY:

Okay. So, basically, Lou, you haven't spent the money that we appropriated in this year, correct?

MR. BEKOFSKY:

We're seeking to appropriate this year. Some of the money that's been appropriated has been spent and some hasn't. The way this project, this program works is we are the last funds in, so the municipality spends their money for the project first and then comes to us at the end, and that's when we bond. So of -- I'll give you the example. The only actual bonding we've done so far is for \$250,000 for a Huntington Station project.

LEG. MC CAFFREY:

Out of 2.5 million that was appropriated?

MR. BEKOFSKY:

No, out of the 7.3 that was appropriated in the first two rounds. Now the other -- the other projects are appropriated and we know that we're going to have to bond for them once the project is complete, but we don't do it until the project is complete and we know that it's exactly what was -- what you approved, basically.

LEG. MC CAFFREY:

Okay. So your concern, if we don't appropriate this money now, that it would have to be renewed again in next year's --

MR. BEKOFSKY:

If we don't appropriate this money now, we will not have 2.5 million available for projects, so we'll basically lose it.

LEG. MC CAFFREY:

Okay.

P.O. GREGORY:

Okay. Legislator Krupski.

LEG. KRUPSKI:

Now your explanation of this was supporting infrastructure for important aspects of our economy? What was that?

MR. BEKOFSKY:

For regionally significant projects.

LEG. KRUPSKI:

Okay. So I assume in Suffolk County, agriculture being one of the biggest part of our economy here, this would include funding for deer fencing, irrigation improvements, land preservation, that sort of thing?

MR. BEKOFSKY:

I don't believe that's how the capital project is written, no.

LEG. KRUPSKI:

Why wouldn't it? What's more regionally significant than agricultural in Suffolk County, the leading county, producing county in New York State?

MR. BEKOFSKY:

Regionally significant project is not a loose term, it's defined by the Regional Economic Development Council.

LEG. KRUPSKI:

So do you have specific examples of how this money could be spent?

MR. BEKOFSKY:

Sure. I'll give you the examples of how it's been appropriated in the past. We've had funding for new roadway networks, public space near train stations, curbs, walkways, sidewalks related to mixed-use developments. We actually reconstructed a road in Huntington to support that

development in Huntington Station.

LEG. KRUPSKI:

Now, if we appropriate this money, say this -- what's the number, two-and-a-half million?

MR. BEKOFISKY:

Two-and-a-half, yeah.

LEG. KRUPSKI:

Okay. So someone's going to come up with a project, and Legislator McCaffrey was asking the question, then we have to -- you have to come back to us to vote for us to appropriate the money?

MR. BEKOFISKY:

We have to come back before we -- before we bond.

LEG. KRUPSKI:

But is there any mechanism for the Legislators to have input into that project? In other words, if you come -- I think the most awkward part of this body here is someone proposes something and we just vote yes or no. We don't have any input into -- suppose the road by the train station with the improvement, maybe there could have been some, you know, local change that would have made it a better project, but we don't have that opportunity, we only vote yes or no. And maybe I don't like -- maybe the road should run east to west or north and south and then people are going to object to that, otherwise what -- it could have been supported unanimously.

MR. BEKOFISKY:

What you're describing is really under local jurisdiction, which is why these funds go to the local municipality. So I would just -- I would urge you to work with them, or when a project is made -- you know, when they work on a project, you would work with them on that point.

P.O. GREGORY:

Okay. All right. We have a motion and a second?

MR. RICHBERG:

Yes, we do.

P.O. GREGORY:

Let's have a roll call.

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

LEG. CALARCO:

Yes.

P.O. GREGORY:

Yes.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

No.

LEG. HAHN:

Yes. This is to pass, right, to approve?

LEG. CALARCO:

Yes.

LEG. HAHN:

Yes. Yes, sorry.

LEG. ANKER:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

No.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

No.

LEG. TROTTA:

No.

LEG. MC CAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

MR. RICHBERG:

Fourteen.

General Meeting - 11/17/15

P.O. GREGORY:

Okay. Before we break, since we have committees starting tomorrow, I'm going to waive the rules and lay the following late starters on the table:

We have I.R. 1922, to Parks; I.R. 1925, to Economic Development, set public hearing for December 1st, 2:30 p.m. in Riverhead; I.R. 1926, Ways and Means; I.R. 1927, Education and IT; I.R. 1928, Public Safety, set a Public Hearing December 1st, 2:30 p.m., in Riverhead; I.R. 1929, Economic Development, set Public Hearing December 1st, 2:30 p.m., in Riverhead, as well as I.R. 1930, Ways and Means, set Public Hearing December 1st, 2:30, in Riverhead. Do I have a second?

LEG. BROWNING:

Second.

P.O. GREGORY:

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

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

Okay. We stand adjourned -- recessed, excuse me, until Public Hearings, 2:30.

*(*The meeting was recessed at 12:35 p.m. *)*

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

P.O. GREGORY:

Okay. Good afternoon, Mr. Clerk. Please do the roll call.

MR. RICHBERG:

Good afternoon, Mr. Presiding Officer.

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

LEG. KRUPSKI:

Here.

LEG. BROWNING:

Here.

LEG. MURATORE:

Here.

LEG. HAHN:

Present.

LEG. ANKER:

Here.

LEG. CALARCO:

Present.

LEG. LINDSAY:

Here.

LEG. MARTINEZ:

(Not Present).

LEG. CILMI:

Yep.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Here.

LEG. TROTTA:

Here.

LEG. McCAFFREY:

(Not Present).

LEG. STERN:

(Not Present).

LEG. D'AMARO:

(Not Present).

LEG. SPENCER:

Here.

D.P.O. SCHNEIDERMAN:

Here.

P.O. GREGORY:

Here.

MR. RICHBERG:

Fourteen (Not Present: Legislators Martinez, McCaffrey, Stern & D'Amaro - Amended to 18).

P.O. GREGORY:

Okay. All right, we have quite a few Public Hearings today, the first one being **(Public Hearing on) Procedural Motion No. 20-2105 - Authorizing public hearing for approval of Ferry License for Beachcomber Freight Service, LLC, d/b/a Coastline Freight (Presiding Officer Gregory)**. And I do not have any cards for this public hearing. Is there anyone in the audience that would like to speak on it? Please come forward. Anyone here to speak on Procedural No. 20? No? Okay. I'll make a motion to close. Do I have a second?

LEG. LINDSAY:

Second.

MR. NOLAN:

Lindsay.

P.O. GREGORY:

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

MR. RICHBERG:

Sixteen (Not Present: Legislators Muratore & Stern).

P.O. GREGORY:

(Public Hearing on) Procedural Motion No. 21-2015 - Authorizing public hearing for approval of rates for Beachcomber Freight Service, LLC, d/b/a Coastline Freight (Presiding Officer Gregory). I don't have any cards for this Procedural Motion as well. Is there anyone here that would like to speak on this matter? Please come forward. Okay, seeing none, motion by Legislator Lindsay, I'll second.

MR. NOLAN:

To close.

P.O. GREGORY:

To close. All in favor? Opposed? Abstentions?

MR. RICHBERG:

*Seventeen (*Amended Vote*: Sixteen - Not Present: Legislators Muratore & Stern).*

P.O. GREGORY:

Okay, ***(Public Hearing on) IR 1564-15 - Adopting Local Law No. -2015, A Local Law establishing a Drug Stewardship Program for Suffolk County.*** I don't have any cards for this public hearing as well. Is there anyone here that would like to speak on this matter? Please come forward. Okay, seeing none, Legislator Hahn.

LEG. HAHN:

I'm going to make a motion to recess. We need a little more time.

P.O. GREGORY:

Motion to recess by Legislator Hahn. I will second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Sixteen (Not Present: Legislators Muratore & Stern).

P.O. GREGORY:

(Public Hearing on) IR 1605-15 - Adopting Local Law No. -2015, A Local Law to increase awareness of dry cleaning chemical use (Hahn). I don't have any cards on this matter. Is there anyone here that would like to speak on this matter? Please come forward. Seeing none, Legislator Hahn?

LEG. HAHN:

I would like to make a motion to close.

P.O. GREGORY:

Motion to close by Legislator Hahn.

LEG. ANKER:

(Raised hand).

P.O. GREGORY:

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

MR. RICHBERG:

Sixteen (Not Present: Legislators Muratore & Stern).

P.O. GREGORY:

(Public Hearing on) IR 1657-15 - Adopting Local Law No. -2015, A Local Law to clarify affordable housing requirements at developments connecting to a County sewer district (Calarco). I don't have any cards on this public hearing as well. Is there anyone here that would like to speak on this matter? Please come forward. Okay, seeing none, Legislator Calarco?

LEG. CALARCO:

Motion to recess.

P.O. GREGORY:

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

MR. RICHBERG:

Sixteen (Not Present: Legislators Muratore & Stern).

P.O. GREGORY:

(Public Hearing on) IR 1672-15 - Calling for a public hearing for the purpose of increasing and improving facilities for Suffolk County Sewer District No. 13 – Windwatch (CP 8123).

I don't have any cards for this public hearing. Is there anyone here that would like to speak? Please come forward. Okay, seeing none --

MS. HORST:

We'd like you to close this.

LEG. CILMI:

Motion.

P.O. GREGORY:

Motion. Okay, I'll make a motion to -- Legislator Cilmi will make a motion to close. I'll second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Sixteen (Not Present: Legislators Muratore & Stern).

P.O. GREGORY:

(Public Hearing on) IR 1673-15 - Calling for a public hearing for the purpose of increasing and improving facilities for Suffolk County Sewer District No. 15 – Nob Hill (CP 8138)(County Executive).

I don't have any cards for this public hearing. Is there anyone here that would like to speak on this matter? Please come forward. Seeing none, motion to close by Legislator Cilmi. I'll second. All in favor? Opposed? Abstentions?

LEG. CILMI:

It's all about you, Kate.

MS. HORST:

Thank you.

MR. RICHBERG:

Fifteen (Not Present: Legislators Muratore, Hahn & Stern).

P.O. GREGORY:

(Public Hearing on) IR 1674-15 - Calling a public hearing for the purpose of increasing and improving facilities for Suffolk County Sewer District No. 20 – William Floyd (CP 8147)(County Executive). I don't have any cards on this matter. Please come forward if you would like to speak on this matter. Seeing none, same motion, same second okay?

LEG. CILMI:

Sure.

P.O. GREGORY:

All in favor? Opposed? Abstentions?

MR. RICHBERG:

Sixteen. *Seventeen (Not Present: Legislator Hahn).*

P.O. GREGORY:

(Public Hearing on) IR 1678-15 - Calling for a public hearing for the purpose of increasing and improving facilities for Suffolk County Sewer District No. 7 – Medford (CP 8150)(County Executive). I don't have any cards for this matter. Is there anyone that would like to speak on this matter? Please come forward. Okay, seeing none, Legislator Calarco?

LEG. CALARCO:

Motion to close.

P.O. GREGORY:

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

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

(Public Hearing on) IR 1691-15 - Adopting Local Law No. -2015, A Local Law to strengthen the Code of Ethics (Trotta). I don't have any cards on this matter. Is there anyone that would like to speak on this matter? Please come forward. Okay, motion to recess by Legislator Trotta. I'll second.

LEG. McCAFFREY:

(Raised hand).

P.O. GREGORY:

I'm sorry, who was that?

MR. NOLAN:

McCaffrey.

P.O. GREGORY:

McCaffrey seconds. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

(Public Hearing on) IR 1701-15 - Calling a public hearing for the purpose of increasing and improving facilities for Suffolk County Sewer District No. 1 – Port Jefferson (CP 8169) (County Executive). I don't have any cards on this matter. Is there anyone in the audience that would like to speak on it? Please come forward. Okay, seeing none, Legislator Hahn?

LEG. HAHN:

Motion to close.

P.O. GREGORY:

Makes a motion to close. I'll second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

(Public Hearing on) IR 1731-15 - Calling for a public hearing for the purpose of considering proposed increases and improvements of the facilities for Sewer District No. 16 – Yaphank (CP 8158) (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 matter? Please come forward. Seeing none --

LEG. BROWNING:

(Raised hand).

P.O. GREGORY:

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

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

(Public Hearing on) IR 1801-15 - Adopting Local Law No. -2015, A Local Law to reauthorize the Hotel and Motel Tax through 2017 (Presiding Officer Gregory). I don't have any cards for this matter. Please come forward if you would like to speak on it.

LEG. KRUPSKI:

I just hope we all give some thought, reauthorization of this as to where the money is being -- not only how it's collected, but also how the money is being distributed.

P.O. GREGORY:

Yeah, we'll get a chance to debate it when it comes before us.

LEG. KRUPSKI:

Thank you.

P.O. GREGORY:

Okay. I'm going to make a motion to close. Do I have a second?

LEG. BROWNING:

Second.

P.O. GREGORY:

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

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

(Public Hearing on) IR 1802-15 - Adopting Local Law No. -2015, A Local Law authorizing the County Executive to execute agreements for the sale of the John J. Foley Skilled Nursing Facility to the Brookhaven Memorial Hospital Medical Center (Browning). I don't have any cards for this public hearing. Is there anyone that would like to speak on it? Please come forward. Seeing none --

LEG. BROWNING:

We're going to recess it for one cycle.

LEG. CALARCO:

Second.

P.O. GREGORY:

Okay. Legislator Browning makes a motion to recess. Second by Legislator Calarco. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

Okay. ***(Public Hearing on) IR 1812-15 - Adopting Local Law No. -2015, A Local Law amending Chapter 563 of the Suffolk County Code to modify the laws relating to Septic Industry Business Training (County Executive).***

I have a couple of cards, the first being Kevin McDonald.

MR. McDONALD:

Thank you, Mr. Chairman. My name is Kevin McDonald, I'm with The Nature Conservancy on Long Island. We are pleased to stand before you in support of Resolution 1812, and the simple reason for it is with new technologies that are being contemplated and considered by the County to be installed as a remedy to further mitigate nitrogen contamination and requiring the installation of new, on-site waste disposal systems, the industry needs to be trained and certified in such a way that the confidence of the public, regulators and yourselves should be at a high enough level to ensure that the installation is smooth, efficient, cost effective and ultimately very effective for its purpose. So the endorsements that are proposed in this legislation are relatively straightforward. Folks on our staff at the Conservancy have engaged with the industry on these discussions, both at the manufacturing level and at the present installer level. So I think there's reasonably good alignment that this was necessary and encourage -- it's pretty straightforward, really simple, and we encourage your adoption of this so that a new chapter in the way Suffolk County manages to protect groundwater and surface water can be realized. Thank you again.

P.O. GREGORY:

Thank you, Kevin. Any questions? Okay.

MR. McDONALD:

Hopefully none. Good.

P.O. GREGORY:

Okay. Next person is Harry Somma? Did I pronounce that correctly?

MR. SOMMA:

Thank you. My name is Harry Somma, I'm with Long Island Citizens Campaign -- Citizens Campaign for the Environment. I'm speaking on behalf of them today. Thank you.

CCE supports Resolution 1812, to amend Chapter 563, which will modify the laws relating to septic industry business training. It's no surprise to anybody here that nitrogen seepage from septic across Suffolk County has been shown to contribute to the deterioration of our County's groundwater, the surface waters and drinking water, made most apparent by the worsening algal blooms that plague our waterways every year and kill our marine life. That's why we're already piloting some of the newest nitrogen removing septic technology available, many of which are anticipated to be approved in 2016. We applaud the County for already working to take action and recognizing the seriousness of this issue. However, the full benefits of this technology will only be realized through the proper installation and maintenance of these new systems, which the resolution ensures via certification requirements. The continuing education requirements of this resolution also ensure us that septic industry professionals will stay up-to-date on the latest changes in technology, allowing for the smoothest possible transitions as new advancements evolve.

In the same spirit of preservation and stewardship with which these efforts were initiated, CCE is asking you to support the resolution. Passing this resolution is a crucial and critical step in implementing its successful plan to protect our water resources, and we need to provide guidance and legislation to ensure industry professionals are equipped with the tools and the training necessary for the transition ahead. Thank you again.

P.O. GREGORY:

All right. Thank you, Harry. Any questions? Okay. All right, thank you.

MR. SOMMA:

Thank you.

P.O. GREGORY:

Okay, that's all the cards that I have. Is there anyone -- yes, sir. Please come forward and state your name and address.

MR. GALLAGHER:

Hello. My name is Thomas Gallagher, I am a Board of Director for the Long Island Liquid Waste Association, past President; there's another past President also -- of the association also here with us today.

The Association of the Service Contractors and Installers, we're part of drafting this legislation and we're also -- very much agree with the legislation and hope that you guys would support 1812. Thank you.

P.O. GREGORY:

All right, great. Thank you for your contribution.

LEG. CILMI:

Question.

P.O. GREGORY:

Legislator Cilmi has a question for you.

LEG. CILMI:

Hey, Tom. How are you doing today?

MR. GALLAGHER:

Hello, sir.

LEG. CILMI:

So really glad to hear that the County worked with you, worked with industry on this. I have to admit being a little concerned with the application fee.

MR. GALLAGHER:

Okay.

LEG. CILMI:

Maybe you could explain, from your point of view, why this won't be a problem for folks. The way I'm reading it, it calls for a \$200 application, or rather a \$200 annual registration fee per endorsement, and I guess there are a number of different endorsements that a company could apply for under this legislation.

MR. GALLAGHER:

Yes, sir.

LEG. CILMI:

So could you describe a little bit about that?

MR. GALLAGHER:

There's going to be a lot more administrative work to be undertaken by the Office of Consumer Affairs to vet the individual companies or individuals to get the license. So that's going to cover the increased cost for the department to handle that, as well as the enforcement side, to ensure that there is enforcement of these regulations.

LEG. CILMI:

Would a company typically seek multiple endorsements?

MR. GALLAGHER:

Depending on the qualifications of the company -- the individual company's auspice of what they would like to do, yes. A company that I represent would have multiple licenses, but I wouldn't have all of them but I would have multiple, so you might fit into three or four categories, five categories. I think it came out to be 11 or 12 categories, I don't remember exactly offhand, but not everyone fits into every single category. The licence right now is just way too broad. Someone who services portable toilets, we're giving a license to do full installations for Board of Health approved systems that may have never seen anything like that, but they have five years experience in the liquid waste industry. So we really needed to break out the industry into different segments. So if you're a company that does multiple facets or different segments of the industry, then yes, a \$200 license fee for each segment I don't think is unreasonable.

LEG. CILMI:

Do you know whether or not it's contemplated, either in this legislation or by whatever regulatory authority is going to monitor this, if the endorsements will be offered on an open -- sort of open enrollment basis, or will there be a specific time of year that companies need to come to the County

and apply for whatever endorsements they wish to get?

MR. GALLAGHER:

My understanding is that the law is set to -- if the bill is passed, it would be one year before it turns into County law, and that's giving anyone who would go for a new license or have to reapply if they currently are a license holder, to complete the educational requirement for the continuing education. So there would be plenty of time for anyone who is currently licensed to have those continuing education credits for their renewal. Right now it's not any specific one time period for renewal of everyone, it's as they come up for renewal for anyone who currently has a licence. Then at that point they'll have to adhere to the new standard.

LEG. CILMI:

Okay. And in your view, the \$200 per endorsement per year is not onerous?

MR. GALLAGHER:

I do not believe so, no.

LEG. CILMI:

Okay.

MR. GALLAGHER:

That was discussed within an association -- Long Island Liquid Waste Association meeting recently, just last month.

LEG. CILMI:

And the Association is comprised of contractors of a variety of sizes and employee counts, etcetera?

MR. GALLAGHER:

That's correct, from a more or less mom and pop type situation to a large corporation, yes.

LEG. CILMI:

Okay. And was there relative unanimity in support of this legislation?

MR. GALLAGHER:

Yes, sir, there was.

LEG. CILMI:

Are there any associations or types of businesses that this would impact that are not represented by the association that you're talking about? That you can think of?

MR. GALLAGHER:

Not offhand, Tom. We really tried to make this as fair as possible, but yet doing the right thing for the environment and for the consumer.

LEG. CILMI:

Wonderful. Great.

MR. GALLAGHER:

That's how we do it.

LEG. CILMI:

Terrific. Thanks, Tom.

MR. GALLAGHER:

Thank you.

P.O. GREGORY:

Okay. I don't have any other cards. Is there anyone else that would like to speak on this matter? Please come forward. Okay. All right, is Katie there, the Administration?

MS. SANTERAMO:

Yes, we'd like to make a motion to close.

P.O. GREGORY:

Okay. All right, I'll make a motion to close. Second by Legislator Martinez. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

Okay, ***(Public Hearing on) IR 1815-15 - Adopting Local Law No. -2015, A Local Law establishing a Domestic Violence Fatality Analysis Commission (Hahn)***. I don't have any cards. Is there anyone that would like to speak on it? Please come forward. Okay. Seeing none, Legislator Hahn?

LEG. HAHN:

I would like to move to recess. We have a few changes that have to be made.

P.O. GREGORY:

Okay, motion to recess.

LEG. HAHN:

Thank you.

LEG. BROWNING:

Second.

P.O. GREGORY:

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

MR. RICHBERG:

Eighteen. *Seventeen (Not Present: Krupski).*

P.O. GREGORY:

(Public Hearing on 1822-15 - Adopting Local Law No. -2015, A Charter Law to increase oversight of park violation determinations (Hahn). I don't have any cards. Is there anyone that would like to speak on it? Please come forward. Not seeing any, Legislator Hahn?

LEG. HAHN:

I'm going to move this one, recess this one as well.

P.O. GREGORY:

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

MR. RICHBERG:

Eighteen. *Seventeen (Not Present: Legislator Krupski).*

P.O GREGORY:

(Public Hearing on) IR 1824-15 - Adopting Local Law No. -2015, A Charter Law to establish a multi-year budget plan (Cilmi). I don't have any cards. Is there anyone that would like to speak on this matter? Please come forward. Okay, seeing none --

LEG. CILMI:

Motion to close, please.

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen (Not Present: Legislator Krupski).

P.O. GREGORY:

Okay. Also have ***(Public Hearing on) IR 1923-15 - Adopting Local Law No. 33 -2015, A Local Law to amend Chapter 603 of the Suffolk County Code, Motor Vehicle Use Fee (County Executive).*** Is there anyone that would like to speak on this matter? Please come forward. Okay. Seeing none, I'll make a motion to close. Do I have a second?

LEG. CALARCO:

Second.

P.O. GREGORY:

Second by Legislator Calarco.

LEG. CILMI:

Motion to recess.

P.O. GREGORY:

Motion to recess by Legislator Cilmi. Second by Legislator McCaffrey. Motion to recess goes first. Roll call.

MR. RICHBERG:

Sorry. Can I have the motion and the second on the recess?

P.O. GREGORY:

Cilmi and McCaffrey.

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

LEG. CILMI:

Yes to recess.

LEG. McCAFFREY:

Yes to recess.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. CALARCO:

The vote right now is on the recess, correct?

MR. RICHBERG:

Yes, this is to recess.

LEG. HAHN:

No to recess.

LEG. ANKER:

No.

LEG. CALARCO:

No.

LEG. LINDSAY:

No.

LEG. MARTINEZ:

No.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

Yes.

LEG. STERN:

No.

LEG. D'AMARO:

This is to recess?

LEG. STERN:

Yes.

LEG. D'AMARO:

No.

LEG. SPENCER:

No to recess.

D.P.O. SCHNEIDERMAN:

No to recess.

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P.O. GREGORY:
No.

MR. RICHBERG:
Eight.

P.O. GREGORY:
Okay. Motion to close. Roll call.

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

P.O. GREGORY:
Yes.

LEG. CALARCO:
Yes.

LEG. KRUPSKI:
Yes.

LEG. BROWNING:
Yes.

LEG. MURATORE:
No.

LEG. HAHN:
Yes.

LEG. ANKER:
Yes.

LEG. LINDSAY:
Yes.

LEG. MARTINEZ:
Yes.

LEG. CILMI:
No.

LEG. BARRAGA:
No.

LEG. KENNEDY:
No.

LEG. TROTTA:
No.

LEG. McCAFFREY:
No.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

MR. RICHBERG:

Twelve.

P.O. GREGORY:

Okay (*Public Hearing on*) *IR 1924-15 - Adopting Local Law No. 34-2015, A Local Law to increase Tax Map Verification Fees (County Executive)*. I'll make a motion to --

MR. NOLAN:

See if there are any speakers.

P.O. GREGORY:

Oh, sorry. I don't have any cards. Is there anyone that would like to speak on this matter? Please come forward. Seeing none, I will make a motion to close. Second by Legislator Calarco.

LEG. CILMI:

Motion to recess.

P.O. GREGORY:

Motion to recess by Legislator Cilmi. Second by Legislator --

LEG. McCaffrey:

Second.

P.O. GREGORY:

Don't jump too fast; Legislator McCaffrey. Okay, motion to recess goes first.

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

LEG. CILMI:

Yes to recess.

LEG. McCaffrey:

Yes to recess.

LEG. KRUPSKI:

Excuse me. Give me the resolution again, please.

P.O. GREGORY:

It's IR 1924, it was a Late Starter.

MR. NOLAN:

Tax Map notifications.

LEG. CALARCO:

On the motion?

P.O. GREGORY:

On the motion, Legislator Calarco?

LEG. CALARCO:

I think it's important for us to remember here, these resolutions here are related to actions that we included in the budget that was approved just a week and a half ago and these are items that we put in the budget to take effect December 1. If they're going to take effect December 1, then we need to pass these today, so we need to close these public hearings so we can take a vote on these today.

LEG. KRUPSKI:

What is the motion?

LEG. CALARCO:

Otherwise we blow a giant hole in our budget before we even get the budget -- the new year in.

P.O. GREGORY:

We're going on -- we have two motions; a motion to close, a motion to recess. We're in the middle of the motion to recess.

LEG. KRUPSKI:

Did you make a motion to close?

P.O. GREGORY:

Yes, I did.

LEG. KRUPSKI:

Thank you. No to recess.

LEG. BROWNING:

No.

LEG. MURATORE:

No.

LEG. HAHN:

No to recess.

LEG. ANKER:

No.

LEG. CALARCO:

No.

LEG. LINDSAY:

No.

LEG. MARTINEZ:
No.

LEG. BARRAGA:
No.

LEG. KENNEDY:
No.

LEG. TROTTA:
Yes.

LEG. STERN:
No.

LEG. D'AMARO:
No.

LEG. SPENCER:
No.

D.P.O. SCHNEIDERMAN:
No.

P.O. GREGORY:
No.

MR. RICHBERG:
Three.

P.O. GREGORY:
Okay. Roll call on the motion to close.

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

P.O. GREGORY:
Yes.

LEG. CALARCO:
Yes.

LEG. KRUPSKI:
Yes.

LEG. BROWNING:
Yes.

LEG. MURATORE:
Yes.

LEG. HAHN:
Yes.

LEG. ANKER:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

No.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

No.

LEG. McCAFFREY:

No.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

MR. RICHBERG:

Fifteen.

D.P.O. SCHNEIDERMAN:

I would like to make a motion to take IR 1745, it's on page 11, out of order.

P.O. GREGORY:

I'll second. It's on page 11 in Public Works.

D.P.O. SCHNEIDERMAN:

Just because I have a gentleman in the audience from the EIC, the Energy Improvement Corporation, who is here; Mr. Mark Thielking, who's the Executive Director. Rather than make him wait, I'd like to have a conversation about the bill. Okay, motion to take out of order. Was there a second?

P.O. GREGORY:

I second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

Okay. ***IR 1745-15 - Adopting Local Law No. -2015, A Local Law to establish a Sustainable Energy Loan Program (D.P.O. Schneiderman)***, is before us.

D.P.O. SCHNEIDERMAN:

Motion to approve.

P.O. GREGORY:

Motion to approve by Legislator Schneiderman.

LEG. KRUPSKI:

Second.

P.O. GREGORY:

Second by Legislator Krupski.

LEG. CALARCO:

Jason?

LEG. HAHN:

Cosponsor.

P.O. GREGORY:

Anyone on the motion?

LEG. D'AMARO:

Cosponsor.

LEG. TROTТА:

Yeah.

P.O. GREGORY:

Okay. Legislator Trotta and then Legislator McCaffrey.

LEG. TROTТА:

To Dr. Lipp; can you explain the financial impact of this and how it would be set up and how it would work?

MR. LIPP:

I'm going to have Joe speak, Joe Schroeder, he's the most knowledgeable on this topic.

MR. SCHROEDER:

The way that I understand the process would work is that once the County becomes a member organization, private entities, commercial properties within the County would be eligible for financing through the Energy Improvement Corporation. The loans would be repaid on the tax bill of the companies that took the loans. And while the potential for non-payment would fall against the Suffolk County Tax Act provisions where we would have to make the towns whole, the Energy Improvement Corporation does have a fund that ultimately would make the County whole once all opportunities to recover the money is expended. So there's no risk to the County from that standpoint in terms of the long run.

I have had several conversations with NYSERDA over some of the provisions of the legislation and it appears that NYSERDA or the Energy Improvement Corporation would be responsible for reporting that's required within the legislation, and that they would be willing to work with us on working with our local utilities to have the local programs offered by those utilities do some of the verification and reporting that's due on these projects as well. At the moment, they don't have any service territory that isn't covered under NYSERDA programs, we would be the first. And since NYSERDA programs are not offered in this service territory, we would have to be working with NYSERDA and National Grid and PSEG Long Island to have those programs cover these improvements.

Once the County is a member in the organization, the County would become a member of the organization and would be, as I understand it, on the board of the organization. The board is responsible for fixing interest rates. So to some degree, somebody from the County would represent on the board and would be involved in fixing interest rates with funding that is provided by the private sector; in this case, Bank of America and one other bank.

D.P.O. SCHNEIDERMAN:

Can I, through the Chair, also ask Mr. Thielking to come forward, too? Because he's the Executive Director of the Energy Improvement Corporation, and I just want to make sure the record is correct in terms of the fixing of interest rates.

MR. THIELKING:

Sure. Thank you. I'm the Executive Director of the Energy Improvement Corporation. Just one clarification, the --

MS. MAHONEY:

Can you speak into the microphone, please?

MR. THIELKING:

Oh, sure. The board is responsible for approving the financing obligations of the firm, but the board is made up of nine seats, so there's a rotation of those seats. Suffolk County is eligible to apply for a seat. The financing is already set because our current board has already approved the mechanisms by which we're approving financing. So while that's not a regular process for every loan, that process already is set up, approved by the board, it's already ongoing, we're already funding projects and that would be concurrent with Suffolk County's membership. So it's not like every project is being set by the board. We already have the facility set up, which was approved by the board already. That's the only clarification.

D.P.O. SCHNEIDERMAN:

If you could just stay up front in case there are other questions.

MR. THIELKING:

Sure.

LEG. TROTTA:

So in a nutshell, this isn't costing the County any money. We're just joining an organization that's going to help finance private companies putting solar or energy-efficient -- what are they going to be for, solar mostly?

MR. SCHROEDER:

Energy efficiency upgrades and, as I understand it, also for solar photovoltaic installation.

LEG. TROTTA:

So our only catch is that if they don't -- if something happens to the building or the company, it goes out of business, we're on the hook for their increased tax bill, is that what it is?

MR. SCHROEDER:

Well, the loan is repaid through their taxes. So if a company or an owner who took a loan defaulted on the loan, it would revert the same as anything else that happens to their tax bill. Ultimately, though, this portion of their tax bill would be recoverable from the EIC.

LEG. TROTTA:

And we also would take their property if they didn't pay their taxes.

MR. SCHROEDER:

Well, right, and that would, I assume, be prorated based on the value of the loan.

MR. THIELKING:

Yes.

MR. SCHROEDER:

So that in the case where the County did not recover the total value of the loan with the resale of the property, that the EIC would ultimately pay the difference.

LEG. TROTTA:

Where does the EIC get this money to guarantee it?

MR. THIELKING:

We have Federal grants as well as the Green Bank has dollars, plus we charge a fee on every property that gets financed, so that fund continually gets larger and larger.

LEG. TROTTA:

Historically, how is this going in other communities, other counties?

MR. THIELKING:

Well, the program started 18 months ago. We have about \$12 million in financings already in process. We closed a million of them, and it's going pretty well.

LEG. TROTTA:

So it's brand new.

MR. THIELKING:

It's relatively new, yes.

LEG. TROTTA:

And there's no downside? I mean, other than the fact that if someone, you know, goes out of business or forecloses on their property, there's no other downside to the County?

MR. SCHROEDER:

I had some questions early on in the process relating to the possible cost to the County of staff and so forth, and I have had pretty lengthy conversations with Mark and with representatives from NYSERDA, and I believe it's their intention that this not be a burden on any of the members that join the organization. And to that degree, they're planning on capturing all the activities outside of our efforts, so we wouldn't be on the hook unless we wanted to be more aggressively involved.

LEG. TROTTA:

Yeah. I'm just thinking how we would have nothing to do with it other than putting it on the tax bill, right?

MR. THIELKING:

That's right.

MR. SCHROEDER:

Correct.

D.P.O. SCHNEIDERMAN:

If I could point out, too. There is a condition for these loans, that they have to demonstrate that the savings, the energy savings exceeds the debt service on it. So it shouldn't put somebody out of business; actually, it should be cost positive, not cost negative by doing this. If they don't meet that test, they don't qualify. Maybe Mark can talk to that.

LEG. TROTTA:

Did you bring this?

D.P.O. SCHNEIDERMAN:

I sponsored this bill, yeah.

LEG. TROTTA:

How did you find out about this?

D.P.O. SCHNEIDERMAN:

We're not the first County to do it, so I didn't make this up. But it's a State program. Somebody brought it to my attention, I looked at it. When I was fairly convinced that it made sense for Suffolk County, I brought it forward as a bill and it seems to have garnered quite a bit of support.

LEG. TROTTA:

Can counties -- or can towns do it also?

D.P.O. SCHNEIDERMAN:

I don't believe so. Mark?

MR. THIELKING:

Only counties -- only towns that have lien authority themselves. So if the town has the ability to foreclose, which in Suffolk County none do, then it goes up to the County. But in Westchester County, where we have a lot of our members -- we have 25 members currently, townships do have lien authority, so they would be able to join and they have.

LEG. TROTTA:

So there appears to be very little downside for the County. Okay.

P.O. GREGORY:

Okay. Legislator Kennedy.

LEG. KENNEDY:

What constitutes a qualified property owner who can apply for this, what is the criteria?

MR. THIELKING:

So the broad characterization is any property that is owned not by an individual or not by a governmental entity. So commercially-owned, not-for-profit owned, and then there is a qualification process that we go through to qualify the property itself. And part of the underwriting stems from the fact of the upgrade itself that, as Legislator Schneiderman said, has to pay for itself. But the other component is do they pay their taxes, do they pay their mortgage, you know, are there bankruptcies? And we are checking the viability of that property in the first place. So those are the two overarching components, but fundamentally the ownership structure is what we're looking at to begin with.

LEG. KENNEDY:

Okay. Thanks.

P.O. GREGORY:

Legislator McCaffrey.

LEG. McCAFFREY:

Thank you. So our only exposure here is that we're really a pass-through, right, so that we're just collecting the taxes which would pay the loans and we'll be made whole in the event that somebody doesn't pay their taxes; correct?

MR. SCHROEDER:

Once all of the opportunities for the County to recover the debt are exhausted, then the EIC would make the County whole. So there's a near-term liability in terms of carrying costs for the debt, but in the end, ultimately the County would be made whole, that's correct.

D.P.O. SCHNEIDERMAN:

And if I could add to that. It is a mechanism, in a sense, and the reason -- the mechanism allows, basically, very low interest rates, so these people can get these improvements. You know, because it's secured, it's secured through the tax bill. The lender is going to get paid back because the County has the ability to foreclose or to, you know, take the property. So that's why they're able to lend at a much lower interest rate; right, is that basically how it works?

MR. THIELKING:

Exactly, right.

LEG. McCAFFREY:

I'm just trying to figure out what our exposure was. And our only cost would be administering the additional cost on the tax bill, which should be negligible based on the fact that we're already collecting taxes from them anyway.

MR. SCHROEDER:

Right. And if I understand the process correctly, the total term of time between when a business owner would go into default and when we would be made whole would be approximately seven years.

LEG. McCAFFREY:

Okay, good. Thank you.

D.P.O. SCHNEIDERMAN:

Mark, what is the typical interest rates that these projects are coming in at, do you know?

MR. THIELKING:

Well, we just closed a project on a not-for-profit affordable housing and that was about 5.2% for 15 years; the highest rate is a 20-year financing, around 5.8 right now; and our lowest rate is a five-year loan, around 4.2%.

LEG. TROTTA:

Why is it so high?

LEG. LINDSAY:

Commercial.

MR. THIELKING:

Well, it's actually relatively low when you think about what we're looking for. And if you're looking at regular, commercial-type lending, it's relatively low. The other thing is that we were adding charges to support our own operation so that there's no cost to the Counties that are members, so. So we do add a surcharge. We also charge fees for the reserves, to make the County whole in case of a loss. So.

LEG. TROTTA:

What are your fees?

MR. THIELKING:

The fees are -- we charge a 4.25 upfront fee, so that's a closing cost, and then the added charge on top of the rate is 1.35, of which 1% goes to support our operations and .35 goes to the reserves for the County's benefit.

LEG. TROTTA:

How many employees do you have?

MR. THIELKING:

We have 12, actually 14 employees at this point.

LEG. TROTTA:

You're getting 1.25% on the loans?

MR. THIELKING:

On top of the rate that is our capital structure so that there's no cost. Again, the whole idea is that there is no cost to the members. And what that supports is not only the underwriting, but it supports marketing, outreach, training of local contractors. In fact, as soon as we're ready to go in Long Island, we're going to plan two trainings for the local energy developers here on the County to understand how the program works. That all comes with the program.

LEG. TROTTA:

How much revenue do you -- are you making now?

MR. THIELKING:

Not much because we just started, but we are funded by NYSERDA.

LEG. TROTTA:

By who?

MR. THIELKING:

New York State's Energy Research and Development Authority. NYSERDA is the energy office of New York State. And so we're funded by them to do meetings like this, to close financings as well as market the program.

LEG. TROTTA:

So at some point you're going to become -- their hope is --

MR. THIELKING:

That's exactly the idea, at some point we become self-sustaining.

LEG. TROTTA:

Okay.

P.O. GREGORY:

Okay, Legislator Krupski.

LEG. KRUPSKI:

No, I just -- thank you for, you know, for bringing this to our attention here. This is -- it's a voluntary program, so commercial companies can take advantage of this. They're going to do the math and see what energy conservation measures. They're going to help obviously environmentally everyone in the long run, and financially in the long run it's also going to be a benefit to them. So there's really no downside to this. This is going to help companies stay on Long Island.

P.O. GREGORY:

Legislator Kennedy.

LEG. KENNEDY:

Just one more question. Let's just say I own a large corporation and I want to put solar panels on top of my whole warehouse. I have good credit. Why would I choose this method over going to my corporate lender, the bank?

MR. THIELKING:

Well, there's a couple of reasons. And it may not fit them, but if they are looking at this product, the first thing is that it automatically transfers to the next owner. So if they have a short-term ownership horizon on that property, this financing automatically transfers, as any tax bill charge does.

The second is they may want to keep those existing credit lines for the expansion of the business for things that are dedicated by those credit lines. This is an added ability and many businesses across the products that we've seen are reserving those credit lines for business activities or compliance needs like ADA. This is another source of capital for them to invest in clean energy, energy-efficiency, to reduce operating costs as well as invest in solar.

And then finally, the other component is that many of the customers that we're looking at are mission-based organizations and they really don't have access to other capital. So in your case, they may and they may decide that it's better to go with their existing lender, and that's happened. We've touched up over 200 projects and we're, again, in process of about 50 of them. Many of them have gone to another loan product. So believe me, we're not trying to go with everybody, but if it does fit, we're happy to supply the financing.

LEG. KENNEDY:

Thank you.

P.O. GREGORY:

Okay, Legislator Schneiderman.

D.P.O. SCHNEIDERMAN:

Just two quick things. Mark, on the rates, you had given a rate in the 5% range before, and then you talked about EIC's rate as well. Is that buried into that 5% rate --

MR. THIELKING:

Yes.

D.P.O. SCHNEIDERMAN:

-- or is that on top of it?

MR. THIELKING:

No, that's inside of it.

D.P.O. SCHNEIDERMAN:

That's inside of it; okay, I wanted to clarify that.

MR. THIELKING:

Okay.

D.P.O. SCHNEIDERMAN:

So compared to a commercial loan, which might be 9%, or I don't know what current rates are.

MR. THIELKING:

If you have a land-secured home mortgage, which is essentially subsidized by Fannie Mae or Freddie Mac, it's going to be lower than that.

D.P.O. SCHNEIDERMAN:

Sure, but a commercial mortgage typically is not.

MR. THIELKING:

That's right.

D.P.O. SCHNEIDERMAN:

So I forget what the rates are coming in at commercial loans, but I think in the 9% range, typically.

MR. THIELKING:

It depends. You know, if you have, again, a debt-free property that has super high credit, I think you could probably get a better financing, and maybe they should.

D.P.O. SCHNEIDERMAN:

Sure. What about the mortgage holders; do they have to be notified in these cases or can they object to adding this tax lien against the property?

MR. THIELKING:

Yes, we require existing lender consent on every financing we do.

D.P.O. SCHNEIDERMAN:

Okay.

MR. THIELKING:

So the mortgage banks that have existing claim on that property would need to consent to this financing.

D.P.O. SCHNEIDERMAN:

Thank you.

P.O. GREGORY:

Legislator Cilmi.

LEG. CILMI:

Thank you. So we're not at all -- are we, in effect, competing with private lenders with this program, or not really?

MR. THIELKING:

I think existing lenders that have given consent, and we've had several of them, view this as a complimentary product, because they want to see their underlying collateral improved through lower costs of energy and certainly energy efficiency and renewable energy improvements generally do that. So we've basically never seen a bank say no; in fact, they usually applaud this. In fact, we're partnering with some banks to market this product to their existing clients. I think they view it as a supplementary credit product for clients of theirs, particularly small to medium size business.

LEG. CILMI:

Okay. Thank you.

P.O. GREGORY:

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

MR. RICHBERG:

Fifteen. Sixteen. Seventeen (**Amended Vote*: Eighteen*).

P.O. GREGORY:

All right, back to page nine, (*Education & Information Technology*), *IR 1748-15 - To establish a Community College Budget Committee to develop a Long-Term Budget Plan (Presiding Officer Gregory)*. I make a motion to approve. Do I have a second? Second, Legislator Kennedy. On the motion, Legislator Cilmi.

LEG. CILMI:

Just very quickly, Mr. Presiding Officer. As sponsor of this bill, I would ask you to -- and I applaud you for wanting to plan. But I would also ask you to give serious consideration -- and I'll support this, I understand how this works; you're going to create a committee and they're going to have recommendations, and this doesn't really bind us to anything. But the end result, of course, is that we plan long-term for the cost associated with community college. And I would only ask you to apply the same level of import, if you will, to long-term planning for the entire County. And as you know, there's a bill that's -- that will be before us in our next cycle that we've closed the public hearing on today that does that and I would ask you for your consideration. Thank you.

P.O. GREGORY:

As you -- and I appreciate that. And as you may recall, we've cosponsored similar legislation in the past, so I am certainly inclined to look upon that favorably.

LEG. CILMI:

I appreciate that.

P.O. GREGORY:

Okay. So we have a motion and a second. All in favor? Opposed? Abstentions?

D.P.O. SCHNEIDERMAN:

I'm here, Jason.

MR. RICHBERG:

Seventeen (Not Present: Legislator Browning).

P.O. GREGORY:

Okay. ***IR 1872-15 - Amending Resolution No. 427-2013, Infrastructure – College Wide (CP 2149) (County Executive).*** Motion by Legislator Calarco. Second by Legislator Anker. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

IR 1872A, Bond Resolution (Resolution amending Bond Resolution No. 428-2013, adopted on June 4, 2013, relating to the authorization of the issuance of \$5,150,000 Bonds to finance a portion of the cost of infrastructure improvements for Suffolk County Community College - College Wide (CP 2149.310), same motion, same second. Roll call.

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

LEG. CALARCO:

Yes.

LEG. ANKER:

Yes.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

Yes.

LEG. McCAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

Here. I mean, yes.

P.O. GREGORY:

Yes.

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

IR 1876-15 - Authorizing Suffolk County Community College to request state appropriation and matching state reimbursement for College Stormwater Initiatives Capital Project (County Executive).

LEG. ANKER:

(Raised hand).

LEG. MURATORE:

(Raised hand).

P.O. GREGORY:

Motion by Legislator Anker. Second by Legislator Muratore.

LEG. KRUPSKI:

On the motion?

P.O. GREGORY:

On the motion, Legislator Krupski.

LEG. KRUPSKI:

Just a description of what the proposal is.

MR. ZWIRN:

Good afternoon. Ben Zwirn for Suffolk County Community College. This is an environmental effort on the part of the college to take stormwater runoff and use it -- and capture it and use it for plantings in an environmentally safe manner as opposed to just putting it into storm drains. It is at no additional cost to the County. This is allowing us to apply for State funding because we have Federal funding in place. We just need your permission to go ahead and ask the State. There's no cost to the County.

LEG. KRUPSKI:

It's a good project.

P.O. GREGORY:

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

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

Okay. 1695 we did.

1761-15 - Appropriating funds in connection with site improvements for the restoration of Canaan Lake (CP 8715)(Calarco).

LEG. CALARCO:

Motion.

P.O. GREGORY:

Motion by Legislator Calarco. Second by Legislator Anker. All in favor? Opposed?

LEG. TROTТА:

On the motion?

P.O. GREGORY:

On the motion, Legislator Trotta.

LEG. TROTТА:

This is cleaning out the lake, is essentially what this is?

LEG. CALARCO:

Yeah, basically. This lake is located in North Patchogue and is inundated with invasive weeds that basically have made it now look like a lawn in the middle of the summertime they grow so far up, and it's basically choked the lake completely out. It's made -- not only is there an environmental problem with the lake, but it's basically made the lake stagnant, it creates -- it's more like a swamp at this point in time.

LEG. TROTТА:

Is this the one where the road sort of runs right next to it, there's a little deli there?

LEG. CALARCO:

Yeah, yeah, Traction Boulevard. Yup, that's exactly the location. So right now we're in the middle of -- we're not going to be doing the Bond today. We're in the middle of doing a new second look at it because they did a dredging project with Yaphank Lake, Canaan and Yaphank had a similar

situation. The Town of Brookhaven did the dredging project in Yaphank. They ran into a number of problems that were anticipated, so we are reevaluating and the consultant's on board right now doing that. We're taking a look at maybe the option of draining the lake and going in with heavy duty equipment and excavating and then redamming the lake and refilling it. So there's a couple of options we're looking at which is why we won't be doing the bonding today, but this is going to make sure the funding source is preserved.

LEG. TROTTA:

All right. I mean, it usually grows back, the stuff I've seen.

LEG. CALARCO:

That's why -- that's why we want to get rid of it all. And if you drain it out and you go in with heavy duty equipment and you clear out down quite a bit to the hard bottom again, you can get to a point where you remove all of the weed, all of the plant life so that it can't grow back.

LEG. TROTTA:

You'll kill the fish.

LEG. CALARCO:

Actually, the DEC is not too worried about it. We don't have any native brook trout or anything like that in this lake. It's a completely stocked lake and it can be restocked.

LEG. TROTTA:

All right.

P.O. GREGORY:

Legislator Krupski, then Legislator Kennedy.

LEG. KRUPSKI:

So I'd like to ask Mr. Castelli a few questions about the -- so how far -- this has been going on for a few years, the plans to do this. And Legislator Calarco, you know, outlined the problems with trying to dredge the material out, because after all, that method was doomed to failure since you're dealing with an invasive species. So could you outline the plan going forward and how much money has been spent on this so far?

MR. CASTELLI:

Okay. Well, the plan going forward is that we went through a full RFP process and we secured a contractor, PW Grosser Consulting Inc. The contract with PW Grosser was recently executed, I think it was on October 29th of this year, and the amount of the contract with Grosser is \$84,740. And for that amount, as Legislator Calarco has already stated, PW Grosser is going to be taking a hard look at the best way to remediate this lake so that the problem doesn't come back, at least it doesn't come back immediately. And they're going to be looking at several different methods, but the primary concern is that we have to be very aware of the problems that the Town of Brookhaven had with dredging the upper lake in Yaphank. And most of the experts seem to agree that traditional dredging type -- a traditional dredging-type operation is probably not the best for this type of relatively small lake. And that as Legislator Calarco explained, it looks like we're probably going to be going in there with the intention of draining the lake and going into the lake with heavy equipment to make sure we scrape out all the muck that would be necessary to get to a hard, sandy gravel bottom.

The plan right now is that -- let's see, the contract was just executed. We have -- the contract gives the consultant four months to come up with a preliminary report, so that -- and at that point we're going to have another public meeting. We already had one public meeting at the end of

October, and the public seems to be -- from what I gather at the meeting, they seem to be agreeable to some of the preliminary ideas that were talked about, including the draining of the lake.

LEG. KRUPSKI:

Is there one or multiple invasive species that are trying to be removed here?

MR. CASTELLI:

There are multiple species. Legislator Calarco, what are the two species?

LEG. CALARCO:

I think it's Milfoil and Cabomba.

MR. CASTELLI:

Yeah, Cabomba and Variable Leaf Milfoil.

LEG. KRUPSKI:

Are you making that up, Cabomba? *(Laughter)*

LEG. CALARCO:

That's the stuff.

LEG. KRUPSKI:

So originally I voted against this because the method of removal, I thought a long time ago it was going to be impossible, physically impossible, because you're dealing with an invasive and it's just not going to be feasible.

I'm willing to support this because it's a totally different proposal and if it's done properly, you might have some -- you know, a chance of long-term success. I would like to see the plan before we vote on the bonding, but I think this is a different, completely different method that could succeed and change the habitat in the lake.

MR. CASTELLI:

Right, and we definitely feel that it should be. And we also want to go for something that is not only sustainable, but sustainable with a fairly minimal amount of maintenance.

LEG. KRUPSKI:

Will their analysis include sediment control for future sediment loading into the lake? I'm not familiar with the land use surrounding the lake and I'm not familiar with whatever town it's in, whether they have drainage codes or --

LEG. CALARCO:

There is a sizeable open space parcel on the northern end of the lake that is joint County/town property. When you talk about sediment control, if you talk to any of the old-timers there, they'll tell you that the real problem was when County Road 99 was rebuilt, Woodside Avenue, back in the 70s. There was no sediment control and much of that road -- much of that dirt washed into the lake and that's what sparked the problem to begin with. That's what gave these plants the type of bottom that they like to plant in. So I think that the consultant is supposed to develop a management plan that goes along with it, so I think that will be something they'll be responsible for looking at.

LEG. KRUPSKI:

Is that something the town has to be involved in? Is it something that involves the town drainage code? Are there liabilities with town roads that drain into it, or private properties that directly drain

into this lake?

MR. CASTELLI:

Well, we work with the Town of Brookhaven quite frequently on these types of issues. There are no definitive plans right now from the town, but obviously we will be working with them to try and come up with a comprehensive stormwater management plan. I know the town has just recently spent a significant amount of money on redoing the spillway there. The spillway on Traction Boulevard is the Town of Brookhaven, they even installed a fish ladder for future -- you know, hopefully when the lake is remediated, they'll get the fish back up there and they'll go from there.

LEG. KRUPSKI:

Good. Thank you.

P.O. GREGORY:

Legislator Kennedy.

LEG. KENNEDY:

My question was the type of invasive species. I have another. Having worked and continue to work on Lake Ronkonkoma's invasive species, I work with the DEC. You have been working with the DEC and their suggestion is complete dredging, drainage and dredging?

MR. CASTELLI:

We have been working with the DEC all along. I mean, this project has gone back several years. We have been -- we had an advisory committee that worked with us with Charlie Guthrie who was the freshwater fishery person at DEC and he's been on board with the project. They -- the DEC has not approved the plan yet, because we don't have the final plan. Once we have the final plan, the permit applications will be prepared and then ultimately it will be up to the DEC to approve the freshwater wetlands plan. But, you know, from what we've been told in conversation, the DEC is not overly concerned with the fish species that are in there now. In fact, they're giving a relatively long window of construction, from June 30th right through February 28th, which is longer. If we were working on the Carman's River in Yaphank, we would not have the opportunity to have a construction window that large.

LEG. KENNEDY:

This lake is owned by the County of Suffolk? Brookhaven is not contributing anything here?

MR. CASTELLI:

The lake bottom is owned partially by the County of Suffolk and also by the Town of Brookhaven.

LEG. CALARCO:

Yeah, we have the vast majority of this lake bottom, just like Brookhaven had the vast majority of Yaphank. We kind of went our separate ways once their initial studies were done, but I'm sure as we develop our final plan, we might ask the town to help us out when it comes to the landfill, if we have to cart anything that way.

LEG. KENNEDY:

Okay. Thank you.

P.O. GREGORY:

Legislator Trotta.

LEG. TROTTA:

I mean, I'm looking at it now on the map. How -- do you have to -- are these species up north of there more? So, you know, my concern is are you going to do the whole river going up that way?

LEG. CALARCO:

The plan is to, you know, deal with the entire lake. If you leave any of these weeds anywhere upstream, you're just going to have the problem again in the period of time. So yeah, the idea is the further north you go, the fewer the weeds are. I think that part of the situation is that these plants don't like moving water, so when you're at the entrance to that water of the lake, the water is flowing in and they don't develop, you know, establish their roots as well there. But as you get further south, the lake kind of becomes more of a still body and they grew better.

LEG. TROTTA:

Who owns that land up to the north there?

LEG. CALARCO:

That's a joint County/town open space acquisition.

LEG. TROTTA:

Okay.

LEG. KENNEDY:

One more. I'm just quickly looking at the fiscal impact, that they're doing it weighted average maturity. Robert, do you know why they're suggesting that way for a repayment schedule?

MR. LIPP:

So it's listed here as I believe five years, their fiscal impact.

LEG. KENNEDY:

I have 18 years.

MR. LIPP:

So eighteen years. That's the old weighted average maturity, up to about two years ago. Last year and this year it's been a little less. So we're having conversations in-house now to lower the number probably to about 15 years. The most recent bond just issued was for the most purposes, 11 years.

LEG. CALARCO:

We're not voting on the bond here today, because at the end of the day we still have to -- just like the plan has to go through the DEC for approvals, we have to send the plan through CEQ and do our SEQRA end of it. So the Bond itself won't be voted on at this point in time.

LEG. KENNEDY:

And one more question. For the Hydrilla, the DEC suggested to us the sterile carp before we would do any dredging; is that the same issue with the Milfoil?

LEG. CALARCO:

We've put carp -- well, I shouldn't say we. The residents around this body have been involved in trying to deal with this problem for some time, for over 25 years now. They've stocked it with the sterile carp a few times. The carp have a slightly positive effect, especially when they're first put in, but as they age and mature, they slow down, they don't eat as much. And then, of course, eventually they die and we don't have any more in there and you have to restock them if they're going to continually have effect. You know, one of the things that I want to accomplish here, and

I've told the community this, I don't want us to have to take an approach of stocking it with sterile grass carp every couple of years and, you know, introducing an herbicide that you have to do every couple of years and the County having to make a long-term continual investment. If we can have a bigger bang for our buck upfront and have something that's going to really address the problem for the long-term, that's a better option.

P.O. GREGORY:
Legislator Krupski.

LEG. KRUPSKI:
How good is the connection to the Patchogue River here? You mentioned Brookhaven is going to build a fish ladder; where are they going to put that?

MR. CASTELLI:
The fish ladder has already been installed on the spillway at Traction Boulevard. The fish ladder, at the impoundment for Canaan Lake, is there now.

LEG. KRUPSKI:
I'm not familiar with the terrain here; where's Traction Boulevard?

LEG. CALARCO:
Traction Boulevard is immediately on the southern side of the lake. It literally bounds the lake on the south side. Actually, a lot of kids go do their fishing from the sidewalk there on Traction Boulevard. Then as you travel, you'll follow the waterway a little further south and you'll hit Sunrise Highway and the water's got to travel under Sunrise Highway before it gets -- it gets through to Patchogue Lake. And as it comes south through Patchogue Lake, it connects to the old -- you know, through the old lace mill property under Montauk Highway and then it Patchogue River.

LEG. KRUPSKI:
So the fish can go up the Patchogue River into the next lake unobstructed now?

LEG. CALARCO:
I don't think I can say that with any affirmity.

LEG. KRUPSKI:
Frank, any -- I mean, if you build a fish ladder in an isolated area, then the fish can't get from the saltwater to the freshwater, and that's the whole point.

MR. CASTELLI:
Right now I think there's an additional impoundment downstream of Canaan Lake that hasn't been addressed yet. But I think it's the Village of Patchogue -- correct me if I'm wrong, Legislator Calarco. I think the Village of Patchogue has the responsibility for the dam further down stream, that they were looking -- planning to address eventually. But the Town of Brookhaven was in there putting in -- they had to do work on the spillway, and then even though there is not free passage all the way downstream to the bay, they thought it was prudent to put the fish ladder in at the time. I mean, there are -- I guess there could be some species of fish in the stream that could make passage into Canaan Lake now, but you are correct, that right now there isn't complete, unobstructive passage upstream from the Great South Bay to Canaan Lake.

LEG. KRUPSKI:
So physically, what is the nature of that connection between Patchogue River and the next impoundment?

MR. CASTELLI:

There's a stream that comes, the outflow from Canaan.

LEG. KRUPSKI:

I mean, I'm looking at the map here, Briarcliffe College, there's just a pipe going in underneath that? Is it a pipe? It's not open.

LEG. CALARCO:

There's a culvert that goes from Patchogue River, under Montauk Highway, under the old lace mill property, which is Briarcliffe College now, and into Patchogue Lake. Now, Patchogue Lake has their own invasive species problem. That lake is owned by the Village of Patchogue and hopefully we can maybe demonstrate something to them that would be a useful method of dealing with the problem, but certainly something that isn't going to be the County's responsibility. They may look to us for some help, but I don't think we would want to take lead agency on that. But then you would have to then get under Sunrise Highway before you actually get into the river, you know, the stream itself at Canaan Lake.

LEG. KRUPSKI:

Thank you.

P.O. GREGORY:

Okay. Anyone else? All right, we have a motion and a second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

Okay.

MR. RICHBERG:

Seventeen (Not Present: Legislator Spencer).

LEG. CALARCO:

Thank you.

P.O. GREGORY:

IR 1792-15 - Approving the appointment of Herbert J. Strobel as a member of the Suffolk County Farmland Committee (County Executive). Motion by Legislator Krupski. Second by Legislator Muratore. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

IR 1873-15 - Making a SEORA determination in connection with the proposed improvements to County Road 94 Roundabout, Capital Project 5557.110 and 301.124/127, Town of Southampton and Town of Riverhead (Presiding Officer Gregory). Motion by Legislator Krupski. Second by Legislator Muratore. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

IR 1874-15 - Making a SEORA determination in connection with the proposed Suffolk County Sewer District No. 11, Coram Pump Station No. 6, land acquisition for the construction of a replacement pump station, Town of Brookhaven (Presiding Officer Gregory). Motion by Legislator Anker. Second by Legislator Muratore. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

Government Operations, Personnel, Housing & Consumer Protection

P.O. GREGORY:

IR 1803-15 - Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Riverhead for affordable housing purpose (SCTM No. 0600-126.00-04.00-039.000)(County Executive).

LEG. KRUPSKI:

So moved.

P.O. GREGORY:

Motion by Legislator Krupski. I'll second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

IR 1816-15 - Updating standard work day and reporting for elected officials – 2015 (Presiding Officer Gregory). I'll make a motion. Do I have a second?

LEG. CALARCO:

Second.

P.O. GREGORY:

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

MR. RICHBERG:

Eighteen.

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

P.O. GREGORY:

IR 1818-15 - Authorizing the County executive to execute an agreement with the Suffolk County Police Benevolent Association amending the terms and conditions of employment for the period January 1, 2011 through December 31, 2018 (County Executive). I make a motion to approve. Do I have second?

LEG. CALARCO:

Second.

P.O. GREGORY:

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

(*Opposed said in unison by various Legislators*)

Okay, all opposed, raise your hands.

LEG. BROWNING:

Can we get -- okay. Can we get some information on it? I certainly would like to --

P.O. GREGORY:

Okay. All right.

LEG. BROWNING:

I'm not --

P.O. GREGORY:

All right, don't call the vote yet. I guess Lou, Lou Tuttone, or Jen.

LEG. BROWNING:

I'm trying to find the backup and what the agreement is. Can I get some background on what the agreement is, how many hours, over what time period. Can I get some of that before we vote?

MS. McNAMARA:

Yes. Good afternoon. The agreement provides for certain levels of deferrals for two different years. It provides for deferrals in 2015 as well as in 2016, and those deferral levels would be 50 hours, 100 hours or 150 hours. Those deferrals could be taken from overtime pay, holiday pay and/or night differential.

LEG. BROWNING:

It's 50 hours, 100 hours and 150 hours over -- explain, because I'm not sure you're really explaining it to make it -- it's over a two-year period for '15 and '16?

MS. McNAMARA:

No, it would be in each year they may elect to choose either one of those three options.

LEG. BROWNING:

Okay. So you can choose to decide whether you want to go with 50, 100 or 150.

MS. McNAMARA:

Correct.

LEG. BROWNING:

Okay. And at what point in time can you draw from that? Obviously -- is this when you retire that you get to draw from that; kind of like when you get your SCAT pay, that's in addition to your SCAT pay?

MR. LIPP:

Yes.

MR. TUTTONE:

Yes, upon separation -- Lou Tuttone, 1st Vice-President, Suffolk County PBA. Upon separation you'll be paid out.

LEG. BROWNING:

And at what rate are you going to get paid? Are you getting paid at the rate that it was at?

MR. TUTTONE:

You'll be paid at the prevailing rate when you separate.

LEG. BROWNING:

Okay. Okay, so it's not at the rate that you get paid at this time.

MR. TUTTONE:

Correct.

LEG. BROWNING:

Okay. Have we done a fiscal impact on this?

MR. LIPP:

We both have a fiscal impact. Actually, we misspoke a bit on the record at the Government Ops Committee meeting last week. It's an assumption of -- the fiscal impact we have is 2.2 million, I believe Lou has 2.4, but really it's hard to say what the actual number will be because there are a lot of assumptions we need to make. The assumptions are, number one, how many hours; we chose the middle, 100. And number two, what -- how many voluntarily take it up, and we assumed 20%, as they did. We might have had a slightly different number also in terms of number of officers that we had on the payroll at the time we did the analysis. So it's hard to say what it will wind up being at the end of the day and we have 2.2 million as our estimate.

LEG. BROWNING:

Okay. You based the 2.2 --

MR. LIPP:

And that's for 2016. So there could be -- let's assume that our number was accurate, that it was 20% and 100 hours, it also -- so the 2.2 million we have is just for 2016 and there could be an increase associated with 2015 also because the year's not over yet.

LEG. BROWNING:

Okay. So let's say I'm a five-year employee and I decide to defer a hundred hours. I'm not going to retire for maybe 20 years, so I can defer that 100 hours till I retire at maybe 32 years? Is that -- could that be correct?

MR. TUTTONE:

Correct.

LEG. BROWNING:

So then it's kind of hard to estimate what the real number could be.

MR. LIPP:

Right. So the way we're looking at it is very myopically and that is it's supposed to be how much will it save in the current upcoming 2016 adopted budget.

LEG. BROWNING:

Right.

MR. LIPP:

So it's a short-run/long-run time-arising problem. We're deferring money. It's going to, in drabs and drabs, cost us more in the long run, but we won't see that directly. We'd have to make a calculation each year. But we could make calculations if you really wanted to, but we were looking at it specifically -- this is in the 2016 adopted budget.

LEG. BROWNING:

I just kind of feel like we're -- I mean, I'm not going to be in here in two years. I don't know what that's going to mean to those of you who are going to be here in six years or eight years from now, that the financial impact -- and obviously, and I think, Lou, Steve, we've seen since 2008, we've seen the crash and what the effect has been. So you're talking about seven years and, you know, what's going on in the world today can certainly have a major impact on our economy.

So I am a little concerned about what I'm going to vote for because I don't have to worry about it, you do. But is it right to do that to you? I don't know, for seven years we've seen some financial problems and seven years from now it could still be a problem, and then you're going to have to bond it or borrow it. I don't know. I mean, this is very hard. I know it's an immediate savings today, but I'm not going to say kicking cans, it's just creating a problem for some people possibly down the road. I can only hope that things are going to be wonderful in a couple of years from now, but I wouldn't bet on it. Wouldn't bet on it.

So, okay, I -- so we really don't know what the financial impact is. We can't determine what the real financial impact could be, it could be much more than two.

MR. LIPP:

Much more than two million, you mean?

LEG. BROWNING:

Yes.

MR. LIPP:

It could be more or less. So if it was more, there would be a savings implicitly in the 2016 budget, but it would be more costly in dribs and drabs down the road in future years.

P.O. GREGORY:

In essence, it's really -- in effect, it's no different than the lag payroll that you'll get paid out.

LEG. BROWNING:

Right, we've already got that and we still have to deal with that. We actually had, I believe with the Correction Officers contract that we had to bond that because we didn't have the money; that was, what, 38 million? So I could vote for this and say it's not my problem, it's yours, but my conscience tells me should I do that.

P.O. GREGORY:

But I think if it -- obviously it's more of an immediate benefit of long-term, you know -- the incentive is for the employee, *Okay, I don't get the money that I work for now, but I will get it paid at a higher rate at a later date and the County gets a little relief off of our operating expenses.* You know, it's a trade-off. Okay, Legislator Kennedy.

LEG. KENNEDY:

I know this is negotiated between the Police Department and the County Executive. Is there any way you could go back? I will tell you that I am frightened -- I mean, we just completed over almost four weeks on the Operating Budget -- that we will not have the money to pay you at the end of 2015 or 2016, depending on the number of people at definitely 150 hours each year, but even a hundred is making me nervous in there. Is there any way you could go back and maybe knock off 150 hours and make it 50 and 100, something like that?

MR. TUTTONE:

At this point, I think if this is not moved today, if this is not approved, then you're not going to be able to realize any savings for '15.

LEG. KENNEDY:

Yes, we will.

MR. TUTTONE:

And this was already approved in the budget.

LEG. KENNEDY:

We do have one more meeting.

P.O. GREGORY:

I have a list.

MS. McNAMARA:

I just want to clarify, the payout is not going to be in '15 or '16, it's going to be when they retire. I just want to make sure that that's clear.

LEG. KENNEDY:

But we are expecting retirements in '15 and in '16, and the potential in '16 is a lot of retirements; am I correct?

P.O. GREGORY:

Yeah, but -- I mean, if I may interject. I would think these are the people that are on patrol, so they're your lower salary. You're not going to -- you know, you're not going to get much overtime from the guy who's been there 30 years or 20 years, it's the guys on patrol. You know, I mean, obviously there's a cost to that, but that's my --

MR. TUTTONE:

Right, this is beneficial to the younger guys.

P.O. GREGORY:

Right, right, right.

MR. TUTTONE:

That will get a greater return.

P.O. GREGORY:

Right. Okay, I have a long list. Jay, Legislator Schneiderman?
I'm sorry, did you -- I did I interrupt you. Did you have something to say?

MS. McNAMARA:

No, I'm good. Thank you.

P.O. GREGORY:

Okay. Legislator Schneiderman.

D.P.O. SCHNEIDERMAN:

I think this is fair to characterize like a lag payroll, it's a voluntarily lag payroll. In some ways I think we should offer this to everybody, you know, all the County employees, they should get something similar because it might make sense, maybe make sense. If you're an employee and,

you know, you're scheduled to, let' say, get a 2% raise, it's basically like making 2% on your money versus I don't know if you can get 2% in the bank, you probably can't. So it's probably a good investment. When we've done lags, it hasn't been voluntary, it's been mandatory. So it's kind of an interesting idea to give people the opportunity, but I do want to make sure that the County is prepared for that because the County is going to be paying it out not at the current wages, at future wages. We don't have a sinking fund that's set up for this. So Robert, you are, when you're doing your budget models, are you kind of estimating in a particular year how much of this future money is going out? I guess you'd have to, right?

MR. LIPP:

Yeah, it will show up in higher SCAT pay, so we'd have to make some sort of adjustment for that. We'll make assumptions for how many people retire and then we'll add in the dollar amounts and we should be able to come up with some sort of approximation.

D.P.O. SCHNEIDERMAN:

Right. And not only if they -- it's the standard raises, but if you get step increases, etcetera. So is this good for the County? Would it be better if we could borrow money and just pay the interest, would it come out cheaper to fill our -- you know, to get relief in, let's say, 2016, or is this a good financial management tool?

MR. LIPP:

Good would be paying our bills currently.

D.P.O. SCHNEIDERMAN:

Which we're not able to do.

MR. LIPP:

Correct.

D.P.O. SCHNEIDERMAN:

Right. So as a mechanism from a financial management perspective --

MR. LIPP:

I --

D.P.O. SCHNEIDERMAN:

You can't actually borrow for these kind of operational expenses anyway, so this gives us relief in 2015 and '16 where we happen to need it.

MR. LIPP:

Correct. As I said before, it's a trade-off, short-run/long-run.

D.P.O. SCHNEIDERMAN:

Right. Does the County have the ability to pay it back early if it wanted to or, no, we're locked in?

MR. LIPP:

I believe in this case here we're locked in.

D.P.O. SCHNEIDERMAN:

We have to wait till the employee ends their relationship with the County.

MR. LIPP:

Right. So we have other contract deferrals that I believe require payback about -- I believe in 2020, I would say? Yeah, so there are other deferrals in the three police contracts that are stipulated. This is an add-on, an additional one.

D.P.O. SCHNEIDERMAN:

Have you considered the idea of a voluntary lag County-wide for other employees and whether that would make sense?

MR. LIPP:

We've costed out mandatory lags. In fact, the County Executive has the ability with the AME -- and probably with the exempts, too, if the County Executive wanted to do that -- any time during the remainder of this year and 2016; the County Executive has that option.

D.P.O. SCHNEIDERMAN:

Can I ask you from a bookkeeping standpoint, and this gives -- it's voluntary, so it's not across the board, and each Police Officer has the ability to choose one of three categories.

MR. LIPP:

Four categories, the fourth would be zero.

D.P.O. SCHNEIDERMAN:

Well, 50 hours, 100 hours, 150 hours.

MR. LIPP:

And zero hours.

D.P.O. SCHNEIDERMAN:

Okay, or not --

MR. LIPP:

Yeah, voluntary.

D.P.O. SCHNEIDERMAN:

And can they choose, let's say, 50 this year and 150 next year?

MR. LIPP:

Yes.

D.P.O. SCHNEIDERMAN:

So it becomes somewhat complicated from a bookkeeping standpoint, you've got to keep track of all this. Are you prepared or is the County prepared to be able to keep adequate records so that they know what people are owed?

MR. LIPP:

We haven't had a conversation, but I imagine we'd be able to figure that out.

MR. TUTTONE:

Legislator, the PBA has -- we've made deferrals since 2009, and I believe payroll is set up for it. We did 128 hours during the prior administration, and in this contract we have deferred a total of 80 holiday hours already. So they are set up for it, it reflects on our attendance record.

D.P.O. SCHNEIDERMAN:

All right, thank you.

P.O. GREGORY:

Okay, Legislator Barraga.

LEG. BARRAGA:

If I recall correctly, in 2009, which was in the depths of what was classified as the most severe recession since the Great Depression, we did a mandatory lag. And the savings at that time, if my memory serves me right, it was around \$30 million immediately, and it was to be paid out, paid back to employees as they retire. There wasn't a great deal of concern then about whether or not we would have the ability to pay it out over the years because people retire at different times, different months, different weeks, different years. I really don't see a problem with this. It's along the lag category, it seems fair in terms of the final payout. I mean, I was involved a number of years ago, before I got here, in a lag payroll scenario where by the time I did leave State service and I got my money back, it was at the old rate with no interest; not exactly a great program from my perspective. At least this is fair and equitable and the one in 2009 was fair and equitable. But it pretty much goes along the lines of a lag, only in this case it's a few million dollars.

We'll continue to have to do things like this, year-in and year-out, whether it's lag or something else, putting the pieces together, until we come to grips with the fact that we need a brand new revenue source or an expansion of an existing revenue source, and the only one on the table -- again, I'll go back to it -- is an increase in sales tax. You go a quarter percent and get \$70 million, it stops all of this sort of stuff from happening. We're wasting a lot of time with this, when we know what we should be doing, politically it's not palatable. It doesn't mean we shouldn't do it; it's the right thing to do in this particular case. If the General Fund just doesn't work for us, it never will, you know, that sales tax is accounting for 58, 59% of our total revenue, it's time we bump it up a quarter of a percent, which is pretty much in line with a number of other county in the State.

P.O. GREGORY:

Okay. Legislator Muratore.

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

LEG. MURATORE:

My question has been answered, I'm good. Thank you.

P.O. GREGORY:

Okay. Legislator Stern.

LEG. STERN:

Thank you. I just had a question on the 20% assumption number. I'm wondering if that was just an arbitrary number, or if that's based on some type of historical fact that had occurred, or what would be a reasonable expectation of a percentage to look at. The 20% number comes from where?

MR. LIPP:

The Executive's Budget Office used that number, as far as I could tell.

MR. TUTTONE:

I believe during negotiations, that's what the President, Noel DiGerolamo, and the County Executive discussed, and Labor Relations. Again, it's just -- I don't think there's any historical, just an

assumption.

LEG. STERN:

Okay. Thank you.

P.O. GREGORY:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you. I'm just curious with respect to when you actually negotiate something like this. And is it an all-or-nothing proposal, where it's either you defer and the program calls for pay out of the deferral at the present salary when you retire, which is the way it's set up, or was there ever any discussion about something less, still providing an incentive, but not the full payout?

MR. TUTTONE:

That's part of the MOA. Again, we had discussed a multitude of things with the Exec's Office and Labor. And in the MOA, there is a section on the second page that says if we enter into mandatory deferral, these count -- these hours will count towards that. So that option is still open down the road.

LEG. D'AMARO:

Right. But my point is that -- is a little different point.

MR. TUTTONE:

Okay.

LEG. D'AMARO:

So, to take Legislator Browning's example before, if someone has five years in and then they retire with 32 years, the way it's set up now is the retiring officer would get paid out on the deferral time at their present salary, the 32-year salary. But was there any consideration given to perhaps giving the payout based upon -- just throwing out a number by way of example, of the present salary, when you take the deferral, plus, let's say, 10% as an incentive to take the deferral? Like why is it always -- why is the program always set up that you're getting paid out at your full salary when you -- when you retire, when that really has no corresponding link to when you would have gotten paid had you not deferred?

So, if you say to an employee, you know, "You're making" -- just pick a number -- "\$25 an hour right now, so we'll give you \$25 an hour, plus 10% down the road," I mean, that's a good rate of return on that salary. Had you put that money away for 20 years, would you -- you know, what would you make on it? There's a lot of -- there's a whole lot of types of analysis that would go into whether or not it's worthwhile to an employee. And I don't know that 10% would be the magic number to make people want to feel incentivized, that, yes, we should defer. But why is it -- why is the program always set at, you know, the rate of when you retire as opposed to some other number, some lesser number?

MS. McNAMARA:

I can't comment about negotiations. I don't think it's appropriate for me to have discussions about settlement discussions that we had prior to reaching an agreement. I don't know that that would be okay for me to do.

LEG. D'AMARO:

But you're asking -- but who would -- I mean, I think I'm certainly entitled to an answer to that question. I mean, you're asking me to vote on a proposal that was part of collective bargaining and you're telling me you can't tell me what was discussed? Why not? Why?

MS. McNAMARA:

Well --

LEG. D'AMARO:

I mean, what I'm asking is who sets the policy, then? Who sets the policy going to the bargaining table that our policy, us being the County, our policy is going to be that you will get your payout at your present salary, your retirement salary rate? Who takes that position for the County? Who sets that policy? Because whoever set that policy, I'd like to ask the question to, did you ever think about doing something less than that rate?

MR. TUTTONE:

Again, sorry, I can't -- I can't answer that, what was negotiated at that point. But I think, like Legislator Barraga had mentioned, you want to make it worthwhile for the members to participate in this plan.

LEG. D'AMARO:

Totally agree with that, yeah, it has to be worthwhile.

MR. TUTTONE:

Exactly, it's negotiations.

LEG. D'AMARO:

But, again, I'm questioning -- I'm questioning, you know at what -- at what threshold can you put in place where it's still worthwhile for the employee, but maybe costs the County less?

MR. TUTTONE:

I understand your question.

LEG. D'AMARO:

That's what I'm asking. I'm just -- you know, if someone sat here and told me, "Well, we can't" -- "We don't have the authority to offer anything less than the present retiring salary," I'd want to know, okay, well, who sets that authority? So it seems to me that you want to incentivize an employee to defer because it helps the County up front, and I understand that. But, at the same time, I'm trying to come to terms with why is it the full amount at retirement?

MS. McNAMARA:

I mean, again, I would say that, and I'm really not trying to be difficult, and I'm not trying to avoid your question, I just don't know --

LEG. D'AMARO:

Who negotiated this for us?

MS. McNAMARA:

It was a -- it was a combination of the Administration, as well as, you know, the President.

LEG. D'AMARO:

Would in the Administration?

MS. McNAMARA:

I believe that -- I was involved in it, certainly, and I believe that Mr. Cohen might have been involved with it as well.

LEG. D'AMARO:

Okay. Was there any consideration given to less of an incentive?

MS. McNAMARA:

Again, you keep -- you keep putting me in a position that I'm just not sure that I can respond to. I don't want to avoid your question. If it's an answer that I can give you, I'd be happy to get it for you.

LEG. D'AMARO:

Tell me why you can't answer that.

MS. McNAMARA:

Because my understanding of my role has always been that the subject of the negotiations, similar to when I practice as an attorney, would have conversations about settlement negotiations, and those things were always private.

LEG. D'AMARO:

Well, this isn't really a settlement, is it?

MS. McNAMARA:

Well, it's not --

LEG. D'AMARO:

This is just an offer by the union, a very generous offer, to say, "We're going to try and help out the County."

MS. McNAMARA:

Correct, but it's similar to a contract negotiation, and so I think -- I think that's where I'm just stumbling.

LEG. D'AMARO:

Right, but I am the County. Why can't I know? I am a representative of a co-equal branch of this Suffolk County government. Why can't I know this?

MS. McNAMARA:

I understand that, but the contract negotiations occur --

LEG. D'AMARO:

But you're not going to tell me anyway (Laughter).

MS. McNAMARA:

But the contract negotiations occur between certain parties. And so like I said, I'm happy to see if I can, you know, answer that, which I would be happy to --

LEG. D'AMARO:

Do you realize you're asking me to vote on something and you're not giving me information to make a real informed decision on it? I mean, if you told me, you know, "We did offer something less and it was rejected," that would be an answer --

MS. McNAMARA:

What that --

LEG. D'AMARO:

You're not giving me anything, you're just telling me take it or leave it.

LEG. SPENCER:

Can we do it in Executive Session?

MS. McNAMARA:

What I'm being -- what I'm being told is, and I'll address something else as well, but what I'm being told is that the reason that the negotiation ended up and landed the way it landed is because it was the same rate that we were doing for the SDA and the SOA in terms of the -- in terms of the numbers --

LEG. D'AMARO:

Right.

MS. McNAMARA:

-- that they were giving back to us.

LEG. D'AMARO:

Okay. Well, that's not really a reason, that's just saying you're being consistent. But I'm asking what's the policy consideration behind the position the County is taking?

MS. McNAMARA:

Well, listen, I think that whenever you have a negotiation, and I can tell you that just from the negotiations that I've done, speaking generally, you always start, obviously, at the lowest position. And it's just a question of the back and forth and where you would eventually end up, how much do you want this, and what are you willing to accept, you know, on the other side for that. So there always is a back-and-forth negotiation. You know, that's -- I mean, that's the nature of the beast.

LEG. D'AMARO:

Well, that's just general generic theory. You're not telling me, though, in this particular negotiation whether or not the County considered, offered, negotiated something less than the full retirement amount.

MS. McNAMARA:

We are trying to get an answer.

LEG. D'AMARO:

Oh, okay. The other question I have is to -- I don't know if you can answer this question, but it seems to me that based upon the Budget Review Office -- Dr. Lipp, you said it would save next year about 2.2, was your number?

MR. LIPP:

Correct.

LEG. D'AMARO:

Two-point-two, and -- but there's really no way to know what it will cost the County as the deferrals are paid out, it's just very difficult to estimate the cost.

MR. LIPP:

We could make some estimates, but it would take some time. You know, that wasn't --

LEG. D'AMARO:

But it would certainly be more than the 2.2 that we're going to save.

MR. LIPP:

Oh, most definitely.

LEG. D'AMARO:

Most definitely.

MR. LIPP:

Well, we don't know what we would save, because it's hard to say whether the assumption --

LEG. D'AMARO:

I think it's really important to know that number. I agree with Legislator Barraga, that, you know, we have to consider these piecemeal things all the time. I don't agree with the sales tax necessarily, but that is something we should talk about as well, I do agree with that. But how can I make a decision here if you tell me, "Well, you know, in a 2.6 billion dollar budget, you're going to save \$2.4 million next year"? That's a good thing. It's not a lot, relatively speaking, but if it's going to cost me \$40 million 10 years from now, I need to know that before I vote, because even though, as Legislator Browning says, we won't be here, you know, we have to think long-term somewhat. I mean, how many bills are we going to stick future County officials with for this -- you know, it may be worth it. It may be worth, you know, taking the hit down the road for the help that it will give to a budget, but, you know, we just took four votes today and spent \$2 million. I mean, to save 2.2 million, what is this going to cost me down the road? How could I possibly make a decision on this without knowing an answer to that question? So, if anyone has the answer to that, it would be helpful.

P.O. GREGORY:

Okay. I have Legislator Trotta next on the list.

MS. McNAMARA:

Can I -- I'm sorry. Can I just respond --

P.O. GREGORY:

Yes.

MS. McNAMARA:

-- to Legislator D'Amaro? I believe we've got an answer to your question. I've just been informed that, apparently, the way it worked was that the PBA approached the County. This was what the PBA offered.

LEG. D'AMARO:

Okay.

MS. McNAMARA:

And so that's how it happened.

LEG. D'AMARO:

All right. So that's nice that the PBA offered this particular way to set it up, which is, you know, a savings to the County up front, and a benefit, obviously, to the members of the PBA down the road. And so there was no other -- it was kind of like a "Take it or leave it, this is what we're offering, are you interested?"

MS. McNAMARA:

That's my understanding.

LEG. D'AMARO:

Okay. So if I were negotiating something like this, I certainly would have at least made an attempt to negotiate perhaps something less. But, you know, I don't negotiate, but I vote, and you're telling me that wasn't done.

MR. TUTTONE:

Sir, again, I don't know if she's saying that that was not done, but we -- that's what we were willing to accept.

LEG. D'AMARO:

Fair enough.

MR. TUTTONE:

We came to the County and offered that.

LEG. D'AMARO:

I take no issue with that.

MR. TUTTONE:

Okay.

LEG. D'AMARO:

I take no issue with that. You should, of course, take your position, I don't -- what I have a problem with is the County, like why wouldn't the County turn around and say, "Well, you know, instead of giving you 100% of your retirement salary amount, I'll give you 80%?" Why not?

MR. TUTTONE:

And I'm not saying that that did not happen, but, yeah, I mean, again, we're trying to help out. We approached the County trying to help out.

LEG. D'AMARO:

I get that.

MR. TUTTONE:

But I don't know if we would have accepted that.

LEG. D'AMARO:

I agree with you.

MR. TUTTONE:

Because in years past, all of our deferrals have all been at the prevailing wage.

LEG. D'AMARO:

Right. And my -- right. And -- but right. So my point is that, but to a member of your association, the PBA, you know, they may say, "Well, I'm not getting 100% of my retirement salary, but I'm getting 90 or 80%." It still may be worth it. This has nothing do with your side of the equation.

MR. TUTTONE:

I understand that.

LEG. D'AMARO:

What I'm questioning is when the County negotiates, when the County negotiates in the best interest of the County, I just wanted to know whether or not we offered something less, but, yet, might have been acceptable to the PBA, that's what I'm saying. All right. Anyway, I don't want to keep going over this.

If -- oh, yeah. I really -- I really find it problematic to vote on this without knowing the cost down the road. I think it's just -- I don't think it's appropriate for me to vote without knowing if we're giving future County -- giving the County in the future a bill that's just unpalatable, or if it's one that, you know, maybe they can deal with. I think we need to know that.

All right. Thank you, Mr. Presiding Officer. Thank you, by the way. Thank you.

MS. McNAMARA:

Thank you.

P.O. GREGORY:

To -- I think to answer, I think there was a number that was thrown out, but, I mean, there's two estimates, right, 2.4 and 2.2 million?

MR. TUTTONE:

If I could, sir.

D.P.O. SCHNEIDERMAN:

That's the savings.

P.O. GREGORY:

The savings, gotcha.

MR. TUTTONE:

Mr. Presiding Officer.

P.O. GREGORY:

Right. Yes, I'm sorry.

MR. TUTTONE:

I had just worked out some rough numbers. So --

LEG. D'AMARO:

No, the savings side I understand. Thank you.

P.O. GREGORY:

Gotcha, okay.

LEG. D'AMARO:

What I'm asking is the deferral side, the payout down the road.

P.O. GREGORY:

Gotcha, gotcha.

LEG. D'AMARO:

You know, how substantial is that? What's that number?

P.O. GREGORY:

Right.

LEG. D'AMARO:

Or at least an estimate. And I think Dr. Lipp indicated that that number could be estimated.

MR. LIPP:

Yes. I couldn't do it right this minute, but there are a lot of assumptions, and we'd give you a couple of scenarios, but you would have to wait beyond today.

LEG. D'AMARO:

Beyond what?

MR. LIPP:

Beyond today. We couldn't put that number together that fast.

LEG. D'AMARO:

Really? Didn't you already have an assumption, though, that it would be the middle of the eligible employees or something that typically --

MR. LIPP:

Right. So what we did is just a simple calculation for the one year.

LEG. D'AMARO:

That's the saving side.

MR. LIPP:

Correct.

LEG. D'AMARO:

I'm talking about the cost side.

MR. LIPP:

So the other side is more --

LEG. D'AMARO:

Is there a Fiscal Impact Statement on this? Because we can't even cast a vote without a Fiscal Impact Statement.

MR. LIPP:

It's a County Executive resolution.

LEG. D'AMARO:

Yeah, but according to our rules, we cannot --

MR. LIPP:

There is a fiscal that goes with it.

LEG. D'AMARO:

There is. And what does it say? What does it conclude? What's the cost of the legislation?

MR. LIPP:

We're looking it up.

LEG. D'AMARO:

Okay.

MR. TUTTONE:

Legislator D'Amaro, these are just some rough numbers that I had figured out.

LEG. D'AMARO:

Sure.

MR. TUTTONE:

So if -- so, again, assuming the 100 hours, all right, somebody deferred the time this year, and then was paid back after the June 1st of '18 raise, it would be a difference of \$742 per member. So if we assume that 330 -- again, these are my numbers, 330, 20% of the membership takes advantage of this, be roughly about \$225,000, additional, additional.

LEG. D'AMARO:

Additional, you mean on top of what we would have paid?

MR. TUTTONE:

Correct.

LEG. D'AMARO:

All right. Does the County agree with that?

MR. TUTTONE:

Those are my numbers I just roughed out.

LEG. D'AMARO:

I know. I appreciate that you did some math here, but, you know --

D.P.O. SCHNEIDERMAN:

That's like 10%.

LEG. D'AMARO:

How could the County not have an answer to this question?

MR. TUTTONE:

In my conversation --

LEG. D'AMARO:

This has nothing to do with you right now.

P.O. GREGORY:

He doesn't have the same --

MR. TUTTONE:

It's just assumptions, we're just assuming.

LEG. D'AMARO:

I know. I appreciated your assumptions, but I just -- I just find it difficult to see that, you know, you're coming in today and asking me to -- not you, but the County Executive's Office is asking me to vote on this bill. And you're telling me we're going to save \$2 million next year, or 2.2 or 2.4, but you're not telling me what it's going to cost down the road. I mean, isn't that like an integral

part of my vote? What is the -- what is the consequence of my vote today? What is it going to cost future County governments? How could I not know that?

MR. TUTTONE:

Again, I mean, we are pushing this out 25, 30 years. So it's hard to assume, with the 85 or so average retirees we have every year, to get a hard number for you. Again, just my opinion.

LEG. D'AMARO:

I hear you. All right. So I guess I won't get an answer to that today, then.

MR. LIPP:

Correct. I don't have all the variables in front of me to try to make the calculation, and there are more assumptions as you go further out. The calculation can be made, though. The fiscal impact, you should understand, is it's an Executive resolution, not ours.

LEG. D'AMARO:

Does the PBA want this agreement?

MR. TUTTONE:

Yes.

LEG. D'AMARO:

How important is it to your membership?

MR. TUTTONE:

I think it's more important to the County than the membership.

LEG. D'AMARO:

I agree with you.

MR. TUTTONE:

Yeah.

LEG. D'AMARO:

I agree with you there.

MR. TUTTONE:

I mean, we would like -- obviously, we wouldn't have signed the MOA if we didn't want it done.

LEG. D'AMARO:

Sure. Well, there's a benefit.

MR. TUTTONE:

Yeah.

LEG. D'AMARO:

And you should fight as hard as you can for a benefit.

MR. TUTTONE:

Yeah.

LEG. D'AMARO:

There's nothing with wrong with that. As Legislator Schneiderman says, it's -- you know, we're offering it to your membership, but, you know, what about other County employees? I mean, you know, we just heard from the Corrections Officers today, and they come in saying, "Oh, you know, you gave everybody else this deal, how come we're not getting this deal?" The Deputy Sheriffs, rather. And I think the -- I think other County employees would be well justified in saying, "Well, what about us?" You know, again, it has nothing to do with you.

MR. TUTTONE:

Right.

LEG. D'AMARO:

I'm just thinking out loud about it. All right. Thank you. Thank you for your time.

MS. McNAMARA:

If I could.

P.O. GREGORY:

Yes.

MS. McNAMARA:

I'm sorry. Legislator, just to answer your last question, I've been advised that our Budget Director is going to work up that number for you on the tail end what it's going to cost. It will be based on assumptions, but we will get something to you as soon as we can.

LEG. D'AMARO:

What, do you mean before the vote?

MS. McNAMARA:

I don't --

LEG. D'AMARO:

Well, I am not going to vote for this without knowing that number.

MS. McNAMARA:

Okay.

LEG. D'AMARO:

All right? It has nothing to do with whether I support or don't support, it's just -- you know, it's funny, because I'm going to say this. We just went through a whole election cycle, and, you know, our feet get held to the fire on all of this. And you're asking me to cast a vitally important vote that deals with a county that's going off a cliff economically, and you're not telling me what it's going to cost future -- in the future to the County. I think that's just patently unfair.

P.O. GREGORY:

Okay. All right. Legislator Trotta has been waiting patiently.

LEG. TROTТА:

I agree with Lou, there's so many variables. I think it's a great -- it's great for the union, and I appreciate the union going after it. However, in three years, it's 12% right off the bat. Then that's not taking into consideration any of the step raises that we've worked into the new contract. So if there's a young P.O. who takes it, not only does he get his percentage increase, he gets a step increase. So to figure this number out is basically impossible. I mean, it could be a 70% increase

to some people in their salaries. They start off young, they defer their money, it would be a huge amount of money, you know, because they're getting their step out of it. If they make Sergeant, there's more steps and more raises. And this is only 2 or \$3 million. I mean, don't we have the ASRF where we can borrow it for free?

MR. LIPP:

Correct.

LEG. TROTТА:

With no interest?

MR. LIPP:

Correct.

LEG. TROTТА:

So why are we even having this discussion? We borrowed, you know, 25 million out of ASRF; make it 27, it would cost us nothing.

MR. LIPP:

So the reason why we're having the discussion is because it's implicit in the adopted budget.

LEG. TROTТА:

Well, can't we change the adopted by -- I don't know. I'm a neophyte with this; to say just take \$2 million more out of the ASRF?

MR. LIPP:

Right. We can't change the '16 adopted budget until next year. We have four opportunities. The County Executive could do it at any time. And, typically, what the County Executive --

LEG. TROTТА:

But wouldn't -- I mean, maybe I'm a neophyte and I don't understand this. If it's only a couple of million dollars, and we can take it interest free, for free, and pay it back, why would we borrow money at 12% for just three years and potentially 70% over the life of a 20-year career? It's not even logical.

P.O. GREGORY:

Okay. Legislator Krupski.

LEG. KRUPSKI:

I think part of the -- part of the problem that we're faced here is, first, it's in the budget for 2016. Secondly, whenever a contract's open -- and the problem I'm having here is that Legislators, that we're always faced with an up or down vote. We don't get to put -- have any input into the negotiations at all. We don't know what was offered. And, Legislator D'Amato, you kept making the point, what was offered, what was said, what could it have been, what could it be? We have no idea, we have no input. Vote it yes or no, that's it, and that's a -- that's a problem that we continue to have here. And I just urge the Administration to include us in -- any time a contract's open in the future, because -- unless we don't vote on it, then it's -- then it's not up to us, but this is our responsibility today. Thank you.

P.O. GREGORY:

Legislator Calarco.

LEG. CALARCO:

Thank you. Yeah, I mean, this is something that is in our budget. We are expecting to get some sort of savings off of this in the immediacy. And I think the reason it is difficult, and Legislator Trotta is right, to say what the long-term costs will be is because we don't know exactly who's going to take it, what stage they are in their career. If it is one of the younger guys that are taking it, or one of the newer employees, that person's final salary you won't even know, because it's going to be subject to further contracts that will be approved in the future, depending on how long they decide to stay in the County's employment. So it's very difficult to say with any real -- definitively what this kind of -- what the cost will be and when it's going to be spread out. It may, you know, have one big payment in 2018, because a lot of guys decide to leave then, but then won't hit us again for another five years after that, and another five years after that before we start seeing all of the final determinations. And it will be bigger one year and smaller the next, and you really just -- you can't know until you do it, especially since it's a voluntary program.

But, at the end of the day, you know, Legislator Barraga put it correctly, this is, you know, very much in line with the lag payroll that we in past years have done involuntarily to our employees, and to create savings those years when we had a tough budget.

We had a very difficult budget this year. Sales tax numbers just simply weren't there as we expected, and they were even worse when the budget came in. We had some positive news a couple of weeks ago, but, you know, this is where we lay. And at the end of the day, it's still much easier for the County to absorb that cost over the life of 15 years than to absorb the cost in just the one year of next year, where we're trying to avoid going to ASRF too far. We're already borrowing quite a bit out of it, and, you know, we don't want to completely drain it out. Who knows where we're going to be next year, hopefully in a much better place, but we want to have, you know, something to rely on in case we have any issues.

So I think this is fair. You know, this is something that they've asked -- they came to us and said, "Here's a potential savings for you." And it's not, you know, giving away the store. And, in fact, I think there's going to be other unions who are going to want the complete opposite of this. And, you know, this is not necessarily some, you know, great giveaway to the cops. I'm not even sure how many of the guys are going to actually take it. But we have the money, the savings in the budget, and we can't really afford to poke any holes in our budget. It's not going to be an easy one next year, and every hole we poke we have to figure out how we're going to fill.

P.O. GREGORY:

Okay.

LEG. D'AMARO:

DuWayne.

P.O. GREGORY:

Yes, Legislator D'Amaro.

LEG. D'AMARO:

Yeah, Legislator Calarco, I agree with you. I don't want to poke a hole in the budget. I want to support this, I do, but, again, I'm just looking for information to make an informed decision as to what it's going to cost to do it. Now it may be difficult to estimate, but everything in our budget is projections and guesswork, you know it, I know it. And, you know, we -- educated guess. And I really think that the esteemed Dr. Lipp is more than capable with coming up with some kind of methodology to determine, based on assumptions, and you always preface what you say about everything in our budget, it's based on certain assumptions, of -- to what the cost to Suffolk County is going to be, because I think Legislator Trotta makes a great point. For \$2 million, is there a

cheaper way to get that savings or to get that money?

I mean, if you're telling me it's going to cost me 45%, you know, based on assumptions, as opposed to we could get this money at 3%, I need to know that. And I don't want to blow a hole in the budget, I really don't, but I find it just a little disappointing that no one has come here prepared to make an argument and say, "It's a great deal for Suffolk County and here's why, it's only going to cost us this much down the road." And if we had to go out into the marketplace and borrow it or find another way, it would wind up costing us more. To me, that's the sell for the County to do this. For the Police, it's great, it's another part of their little retirements savings. I want to do everything for the cops, but I have to know what it's going to cost Suffolk County taxpayers at some point.

P.O. GREGORY:

Yes.

MR. TUTTONE:

Sorry. Again, Legislator D'Amaro, the numbers that I gave you were based on the A scale, not based on the secondary scale that we have created. So, obviously, those numbers are going to be a lot less.

LEG. D'AMARO:

Right. Well, you're saying that this program, if it's authorized and based on the assumption of 20% of the membership, I think is what you used --

MR. TUTTONE:

Correct.

LEG. D'AMARO:

-- would wind up costing the County only 200-and-something thousand dollars more?

MR. TUTTONE:

Yes, and at the end of '18, and that's only the A scale people.

LEG. D'AMARO:

Okay. So that's 10%, that's 10%. So even if those numbers are accurate, that's 10%. So then that begs the next question, well, is there a cheaper way to do this? Again, not directed at the PBA, but, you know, just thinking it from the County's perspective. I just wish that I was given more information and the rationale behind why this makes sense, as opposed to maybe some other things that could have been done.

P.O. GREGORY:

Legislator Kennedy.

LEG. KENNEDY:

Perhaps I'm not comprehending. You said it has to be done today. I'm not understanding. And this is a George question, I guess. Could we possibly table it, wait for the answer and then vote on it on December 1st?

MR. NOLAN:

Yeah, I -- we could do that, but I just don't know if logistically they can get -- do the paperwork at their end. That's a question I can't answer, whether they could do it timely or not. I'd have to defer to other people on that question, I don't know.

MR. TUTTONE:

Legislator, you know, the 150 hours, that zeroes out at the end of the fiscal year, which is November 22nd. So you would not have -- the members and the County would not have access to those hours at that time. The only hours you would have available for '15 was our last holiday check, which we've already deferred 20 hours out of, so that's only going to be 28 hours. There's only 28 hours left in that holiday check. So, if it's not approved today, that's the only hours that will be available for 2015.

LEG. KENNEDY:

So we still need the answers for at least '16, though.

MR. TUTTONE:

I'm sorry, what?

LEG. KENNEDY:

The following year's --

MR. TUTTONE:

Yes, but --

LEG. KENNEDY:

-- numbers. I understand what you're saying, we would be giving up the equivalent of a week-and-a-half.

MR. TUTTONE:

But you would get additional savings if it was moved today.

LEG. KENNEDY:

I know, I know.

P.O. GREGORY:

Jen, do we have an idea when -- is Ms. Corso going to try to do something today and when that will be done or --

MS. McNAMARA:

I know they're working on it now.

P.O. GREGORY:

Okay. So maybe if we pass over this for now.

LEG. D'AMARO:

Excuse me. Could I just ask a question --

P.O. GREGORY:

Sure.

LEG. D'AMARO:

-- to BRO again? You heard -- you've heard the PBA's calculation. Is there any comment you can make to that? I mean, is that what we're talking about, that type of number, or is it something more or less? If you know, Rob. I don't want to force you to say something if you don't feel comfortable, but I would like --

MR. LIPP:

I don't feel comfortable right now. I'd have to make a bunch of assumptions and come up with a model.

LEG. D'AMARO:

All right. All right. Thank you.

P.O. GREGORY:

Okay. So would everyone like to pass over this and wait for --

LEG. BROWNING:

Did you forget?

P.O. GREGORY:

I'm sorry? Oh, I'm sorry. No, I didn't have you on the list.

LEG. BROWNING:

Oh.

P.O. GREGORY:

Okay. Legislator Browning.

LEG. BROWNING:

I mean, I -- Lou, I think, hey, I want Noel to be my union rep big time, because, let me tell you -- and I have to say, Lou asked a question, who negotiated this? You couldn't even answer that question. Who was at the table negotiating this contract? This --

MR. TUTTONE:

Who, me?

LEG. BROWNING:

Well, both of you were there. Who was at the table?

MR. TUTTONE:

I was not present.

LEG. BROWNING:

You were not present.

MR. TUTTONE:

I was not.

LEG. BROWNING:

Okay. So Noel was at the table.

MR. TUTTONE:

Yes, of course.

LEG. BROWNING:

Who else was at the table.

MR. TUTTONE:

I believe just Noel for PBA.

LEG. BROWNING:

Who from the Administration was at the table?

MS. McNAMARA:

It was myself and Dennis Cohen. I believe I -- respectfully, I believe I answered that earlier.

LEG. BROWNING:

No, I don't think we really got that answer. And, again, you know, we're not really getting -- I know that we can't get a definitive answer as to how much it's going to cost us, but I look at a P.O. who might retire in 10 years, and then I look at a P.O. who just started who could wind up being a Chief someday, who can retire with 100 hours or 150 hours as a Chief, but right now, he's a couple of years on the job as a P.O. So what could that number be?

I'm trying to understand why the Administration would not try to create some sort of cap or timeline that that -- that there would be a cutoff period, that it would be over a five-year period, or over -- that once you hit that amount in five years, that it's not going to increase or would have a small increase, you know, like a 5% increase, and over another period of time a 10% increase, something. I mean, I've been involved in contract negotiations, and I know Kevin has, and let me tell you, I would have loved to have been able to get a contract like that or something like that for members that I represented, but that was totally unrealistic. So it's really hard for us.

And, again, Lou, you've asked it, was what was said in the contract? Sorry, not a contract negotiation, in this agreement. What was discussed? What did they ask for and what did you offer? And at what point in time did you come to an agreement? And to say that we can't have that answered, I don't think that's acceptable. And should we have to go into an Executive Session to be able to give -- be given that answer? I don't know. I mean, George.

MR. NOLAN:

We have the right to go into Executive Session to talk about collective bargaining negotiations, if that's the will of the Legislature.

LEG. BROWNING:

Then that's my question, then, because I'd like to know where it started and where it ended, and how did we come to this answer? I think it's out of fairness to us, because when I go home, am I the one that's going to get the phone calls from my constituents saying, "How the hell could you do that?" And that's my question. And again, I'm not -- I'm not going to worry about it. We have some more freshman Legislators here who are going to have to answer for that in a couple of years from now, not me.

MR. TUTTONE:

If I could, sir. You know, the PBA has always showed a willingness to help out the County. Myself, I have 26 deferred -- 26 days deferred so far without any of these deferrals. So I'm not here to say that it's our way or it wouldn't have worked, but there's a chance that we probably wouldn't have agreed to it if we hadn't gone according to what we've always done, the prevailing wage at separation.

So, again, I can't comment on what was discussed in negotiations, but we came to the County. We've always shown a willingness to help out, and we're deferred 26 days so far, and we probably would not have agreed to it if it was anything different.

LEG. BROWNING:

And I agree. God bless you, you know, you benefit in the end.

MR. TUTTONE:

We're also assisting the County.

LEG. BROWNING:

We benefit to some point at \$2.2 million savings, but at what cost? That's what Lou asked. And if there was a cap, if there was some kind of a cap, a timeline that you could only do it for so many years, you know, I don't know what the agreement says.

MR. TUTTONE:

It's for two years.

LEG. BROWNING:

It's only for the two years.

MR. TUTTONE:

It's only for '15 and '16, that's all it is, so there is a cap. It's not moving forward forever, it's just for '15 and '16.

LEG. BROWNING:

But that continues to be deferred until you're -- you know, like I said --

MR. TUTTONE:

Those are deferred for two years.

LEG. BROWNING:

-- until whenever. And should it only be deferred for 10 years, or, you know, that -- if you're a new police officer and you're going to retire in 30 years, then it's --

MR. TUTTONE:

It would be at that prevailing wage, yes.

LEG. BROWNING:

It's going to make a big difference.

MR. TUTTONE:

And like I've said to a number of you, I would hope that by that time something turned around and we're able to comfortably pay that. But right now, in '16, we -- the PBA knows that there is a need. We came to the County and offered what we thought was best for the County and our members.

LEG. BROWNING:

I have to tell you, I think the Administration does a terrible job of negotiating.

MR. TUTTONE:

Well, I disagree.

LEG. BROWNING:

And that's looking at what -- I give you a lot of credit. God bless you. Enjoy it, because I think you're going to get it. But I think this Administration is doing a horrendous job of negotiating, period.

LEG. D'AMARO:

DuWayne.

P.O. GREGORY:
Who?

LEG. D'AMARO:
DuWayne.

P.O. GREGORY:
Oh, Legislator D'Amaro.

LEG. D'AMARO:
Yeah, I just want to -- I just want to say that I'm not really making a commentary on negotiating and all of that, I'm just trying to get information.

MR. TUTTONE:
I understand.

LEG. D'AMARO:
And I do appreciate that the PBA and that your membership would try and do their fair share and help out, and there's a benefit to them, but there's a benefit to the County, so I don't take issue with that. But I really would like to know a simple question, what's the estimated cost of this down the road?

You know, we talk about the pension deferrals, borrowing for pension. We just borrowed \$32 million from the ASRF. You know, how much pay-back is there going to be down the road? We have to ask these questions at this point, so -- and that's why I'm looking for an answer to that question.

P.O. GREGORY:
Okay.

LEG. CALARCO:
Can I really quick?

P.O. GREGORY:
Yes, Legislator Calarco.

LEG. CALARCO:
Just quickly. Lou, this deferral plan that the PBA has offered to put forward, I think you said this earlier, this mirrors what was already in the contracts that were negotiated with the SDA and the SOA, correct?

MS. McNAMARA:
Correct.

LEG. CALARCO:
So what we're, in essence, doing here is taking a deferral option that was put into those two contracts previously, and the PBA is agreeing to have that carried forward now for something that is not in their contract?

MS. McNAMARA:
That's correct.

LEG. CALARCO:

Okay. So we're not doing anything radically different than what we've done for other officers in the Police Department and the other two bargaining units for the Police Department employees?

MS. McNAMARA:

That's correct, Legislator.

LEG. CALARCO:

Okay. So this isn't anything radically changing course or anything, it's just extending it to the other 1200 -- is it 1200 uniformed officers that we have for the PBA currently?

MR. TUTTONE:

1651, right.

LEG. CALARCO:

1651. All right. I stand corrected.

MR. TUTTONE:

Including our class of 105.

LEG. CALARCO:

You have a few more than I thought. Okay. That's what I thought. So we're not doing anything radical here, we're just extending that deferral option that we did for the other two --

LEG. D'AMARO:

Right, but that even -- that even, I think, gives a little more credibility to what I'm saying, because when it was put into the PBA contract, all right, as a -- we could impose it as a mandatory deferral. And it was an option, it was the County's option to do that; is that correct? We had the option to impose this as a mandatory deferral, is that what you're saying?

LEG. CALARCO:

Well, the SDA and SOA, are those mandatory deferrals that we have the option of imposing?

MS. McNAMARA:

Yes.

LEG. CALARCO:

So -- but that gets to the point even more, though. Those are mandatory options we have to defer people's pay to give us immediate savings that's going to give those people a long-term benefit, and that when they leave, they're going to get paid out the prevailing rate.

LEG. D'AMARO:

Right. But, Rob, what I'm saying --

LEG. CALARCO:

And that's something we have the ability to do, we force upon them. And now the PBA is saying, "We want to" -- "We're going to voluntarily have our employees participate in this," and now it's bad.

LEG. D'AMARO:

Right. But, no, I think you're missing my point. My point is that if we have the option as the County, then we would only exercise that option if it's to our benefit, if it's worth the cost benefit to us, but we're not getting that information.

LEG. CALARCO:

I hear you, Legislator D'Amaro. I don't, you know -- I don't think that when we did the last lag payroll, what was it, about four years ago, maybe it was six years ago -- I think it was four years ago -- I don't think we knew what the long-term cost was going to be over the course of those different years. Perhaps we did, because it was mandatory to everybody and not a voluntary program. But at the end of the day, that's a floating number, too, because it all depends on when people separate.

LEG. D'AMARO:

Rob, Legislator Calarco, I can't argue against, you know, because we did it this way in the past, we should do it this way now; even though we don't have the information, we should just blindly vote for it. I mean, you know, these are not arguments to me. I understand that's in the budget and I supported the budget, but I thought that when this proposal would come to the Legislature for this approval, that we'd at least be making an informed decision. And how you could argue against that is just -- you know, I don't get that.

P.O. GREGORY:

Okay. All right. So what do you guys want to do? Oh, I'm sorry, Legislator Schneiderman.

D.P.O. SCHNEIDERMAN:

I guess this is for you, Lou. So, first of all, if we could just look at '15 for a second, because that seems to be the time-sensitive year --

MR. TUTTONE:

Correct.

D.P.O. SCHNEIDERMAN:

-- if we don't act on it. We're missing this pay period. We could still potentially catch the last pay period. But the most you said that you could probably defer would be about 30 hours, something in that range.

MR. TUTTONE:

Correct, because it's not about the pay period, it's about the special pay.

D.P.O. SCHNEIDERMAN:

Okay. So if we pass it today, it's really just those -- it's the last two checks, or something like that? So could anybody actually get the 150-hour deferment, or is it really going to be more in the realm of a 50-hour deferment for '15?

MR. TUTTONE:

Well, the Budget Office I think budgeted \$1.9 million for '15 if it's approved today. That's their assumption, that there could be a \$1.9 million savings just for '15.

D.P.O. SCHNEIDERMAN:

Is that from people --

MR. TUTTONE:

That's from the Budget Office.

D.P.O. SCHNEIDERMAN:

I'm having trouble understanding how somebody could defer 150 hours from '15, since they've been paid mostly for '15, there's only a little bit left.

MR. TUTTONE:

No. Let me just explain real fast. So, as you work through the year, fiscal year to fiscal year, beginning to end, when I -- when our officers work overtime, they can bank up to 150 hours. So at the end of the fiscal year, that gets zeroed out and they get paid for that December 17th. So once that -- the end of the fiscal year comes, that money, those 150 hours, or 50, 100, 150 will not be available for them to defer.

D.P.O. SCHNEIDERMAN:

Okay. So there is a big difference, basically, between passing it this time and next time?

MR. TUTTONE:

I'm sorry.

D.P.O. SCHNEIDERMAN:

There's a big difference between -- if we passed it, let's say, at the next meeting, it's a --

MR. TUTTONE:

You're going to lose potentially \$1.9 million.

D.P.O. SCHNEIDERMAN:

We're going to lose most of that. How much?

MR. TUTTONE:

Right. Well, again --

D.P.O. SCHNEIDERMAN:

Of the 1.9, most of it, right?

MR. TUTTONE:

And it's approximately 38 hours. That's all that's left for the officers to defer after November 22nd is 38 hours, because we're already deferring 20 hours from our holiday pay, so there's only 38 hours left.

D.P.O. SCHNEIDERMAN:

Okay. And we know this year's sales tax didn't come in anywhere near where we hoped, and next year we certainly hope things turn around. And I think Legislator D'Amaro raises a good question in terms of at least estimating what the costs are, though I think Legislator Calarco's correct, that in the two lags we did in the past, we didn't really have a solid number in terms of what the, you know, long-term estimated rate on the money might be.

Is there a way to separate this out so that the Legislature could act on '15 now and we could wait on '16? We have plenty of time on '16. Is there a way to do that, to separate it? That's kind of a legal question.

MR. NOLAN:

We're approving an agreement that is both '15 and '16. So we're approving a specific understanding and agreement that's been reduced to writing, so we can't pick and choose the parts of the writing that we want to vote on today.

D.P.O. SCHNEIDERMAN:

That's unfortunate, because that would help to have that number. I don't know how long it's going to take Rob to crunch it. Dr. Lipp, do you have a sense of when you'd have an estimation on --

MR. LIPP:

It would probably take a couple of days period.

D.P.O. SCHNEIDERMAN:

Do we have from the past lags that we've done? We've done two?

MR. LIPP:

The variables here are different. It's not as simple. It's an apples and oranges comparison to that. There are a lot of assumptions that needed -- that will be needed to be made. We have a few people that will be part of the team that will put it together, and we'll hash it out in the morning as to how we should -- how we should approach it.

P.O. GREGORY:

Doc, Legislator Spencer.

LEG. SPENCER:

I wanted to know if there was someone from the Administration as far as just an overall sense of -- I know we're trying to close a hole in the budget and we're looking at this as a potential vehicle. And I appreciate -- you know, I've been always supportive of law enforcement, a great relationship, but a generalized question. When you look at this, what's the Administration's perspective where we could take 2 million out of the ASRF for free? I mean, why don't we take the free money before we take the money that we have interest on? I'm just thinking, are we going to take that also? I'm just talking about overall, like before we borrow money that we have to pay interest on, why don't we take all the free money that we have available to us?

MS. SANTERAMO:

I think if there is a willingness on behalf of this body to commit to that to plug the hole that we would have.

LEG. D'AMARO:

Willingness? We just did \$32 million worth. What are you talking about?

MS. SANTERAMO:

It's my -- it's my understanding that that was the limit. If there is a willingness of this body to do additional, I think we would consider that and work with you on that. I just -- I didn't know -- I don't know if we were aware that that was a continued option.

LEG. SPENCER:

I mean, I'm asking it in general. This has nothing to do with the agreement, my support, or whatever, anything we can do, obviously, to support law enforcement. But I'm just talking -- I need from the Administration, when I see something like this, and we just spent a lot of time passing a budget, getting a sense, going through a very aggressive political season, and where I have a sense of what our debt is, and, you know, it would be great if the Administration could kind of maybe clue us in a little bit as to what their thinking is. Was this an option that just came to them and they said, "Oh, this is another chance for more money?" But why would we spend, and, you know, as opposed to looking for all the no-interest money first, using that?

MS. SANTERAMO:

I'm sorry, I'm not -- you know, I'm not the Budget Director, so I would need -- the Budget Director could probably answer that question better than I could in terms of what thinking went in behind that. You know, I do apologize that we don't have all the numbers on hand immediately, just because, you know, this had gone through the budget. So we -- I think we had anticipated that if there were concerns about this, it would have been brought up before it was voted on in the budget.

But the budget -- they gave me some data to help with Legislator D'Amaro's questions in terms of numbers. Again, this is for last year. So for 2004 to 2014, the top step PBA salaries increased 34%. So, for instance, that's 34% over 10 years, which is roughly 3% annually. But, again, that's from 2004 to 2014, so, you know, with new contracts, that's going to change over time, which is why I think it's a little tough to pull this number together in such a short amount of time, because there's a lot of variables that are not known in terms of what the long-term numbers are going to be.

P.O. GREGORY:

Lisa, can you say that again?

MS. SANTERAMO:

So, from 2004 to 2014, the top step PBA salary has increased 34%, so -- you know, so if someone made \$100 in 2004, they deferred it to 2014 -- in 2004, and then to 2014, it would then be a \$134, or roughly 3% annually, is my -- but, again, this is -- this is very rough numbers that they're pulling together. None of this is -- you know, is -- it's based on estimates.

D.P.O. SCHNEIDERMAN:

You know, Lisa, if that -- let's say your final salary is a \$100,000, but you owed, let's say --

LEG. SPENCER:

I haven't yielded yet. I'm sorry.

D.P.O. SCHNEIDERMAN:

Oh, okay. It's related.

*(*Laughter*)*

LEG. SPENCER:

If you want to ask that question, I was just getting warmed up. So I see two interested parties here, and I'm trying to figure out the motivation. And I guess my question to the Police would be I appreciate the willingness to help, but I guess the officers, for instance, if you took this money that you would be deferring and did it through a deferred compensation plan, would you earn more money? Was this strictly -- like how did the two parties come together? Was this something that independently the police said, "Well, what are we going to do to help out," and came to the Administration? Or was it something the Administration that kind of put out a call to all the different bargaining units? So I'm just trying to figure out how we came here and what's gone on in between, because, you know, if we used up all of the free money, then I could see looking for other sources. So, from your perspective, could you make a better deal if the officers used an investment vehicle to do this, for instance, a deferred compensation plan, a commercial product? I mean, it would be, you know --

MR. TUTTONE:

I don't have an answer for that.

LEG. SPENCER:

Okay. I mean, but the -- I guess the -- how did the -- what was the genesis of this? Was this kind of a meeting where it was kind of like, "Well, what can we do to help out"?

MR. TUTTONE:

Yes.

LEG. SPENCER:

You know, here's -- you know, "We'll offer this"? Is that kind of what's happening?

MR. TUTTONE:

Yes. You know, Noel before me sitting here, and then -- and I now. We paid attention. We know that there is a deficit for '16, and we approached the Administration and asked, "What can we do?" And I think if this isn't passed, and there's no deferral, then the County's responsible for the entire payout of that time on December 17th. So to start -- you know what I'm saying? So there wouldn't be any savings. Without this MOA and this deferral, there's no savings at all, because then you're responsible to pay out the entire comp time or accrued time that is payable December 17th.

LEG. SPENCER:

Okay.

MR. TUTTONE:

All right?

LEG. SPENCER:

That makes sense.

MR. TUTTONE:

Right.

LEG. SPENCER:

The other thing I think that we have to consider, too, and I was trying to organize my thoughts, is that we're looking at the debt in term of today's dollars, as opposed to -- and again, I know that it doesn't make it any better, but if you look at what a million dollars was 20 years ago versus a million dollars today, I do think that the cost isn't as bad as it seems. So, you know, I'm -- I feel like I need more information, but I definitely appreciate the Police working with the County. And I would love a little more direction on the -- from the Administration as far as with their overall vision for the budget and how we're going to move forward, as opposed to kind of feeling like this -- I don't -- I wasn't party to what was going on, and I do share Lou's concerns. I mean, that's it. All right. That was -- no response necessary. Thank you, Mr. Presiding Officer. I'll yield.

P.O. GREGORY:

Okay. Legislator Schneiderman.

D.P.O. SCHNEIDERMAN:

Yeah. And I, too, appreciate your willingness to try to help the County. You know, I think we're all just trying to assess what the impacts financially are.

So the question I was going to ask Lisa, or maybe Dr. Lipp, so let's say just hypothetically we have an officer who is about to retire. They've, through various lags or deferment, is owed let's say \$20,000. Let's say they're making \$100,000 in their final year. Does that -- in terms of pension, does it become then \$120,000 year? So are we paying their pension percentage based -- in other words, is that 20,000 going to repeat? Let's say they're in a 50% pension. Are they going to get \$10,000 every year from there on in on top of the 20,000 that they deferred?

MS. McNAMARA:

The agreement is meant to be pension-neutral, and so it won't -- there will be no effect on their pension.

D.P.O. SCHNEIDERMAN:

Okay, it does not affect pension.

MS. McNAMARA:

Correct.

D.P.O. SCHNEIDERMAN:

Okay. So then it's just whatever that percentage salary increase is would then determine the cost and whether it made sense for the County. Okay.

MS. McNAMARA:

Correct.

D.P.O. SCHNEIDERMAN:

All right.

P.O. GREGORY:

Okay. All right. Do we have -- okay, everyone's in the room. All right. So we have --

LEG. D'AMARO:

DuWayne.

P.O. GREGORY:

-- a motion and a second. I'm sorry.

LEG. D'AMARO:

I'm sorry, I had one more thought. You know, taking into account the fact that this is already in the budget, I really -- I'm trying to find a way to say that it's supportable at this moment. It's difficult without knowing the numbers. But based upon the figures that Lisa gave with -- it was roughly a 34% return over 10 years, would be the cost, which is -- which is a pretty high number. But what I'm -- my question is, you know, we're talking about \$2 million. We're talking about paying out 30, 34% more over time, but what's the -- you know, I'm not saying that you should take a blind unwillingness to just not -- never pay that. I mean, I know when we did the tobacco revenue, we paid even more when we sold that revenue stream. I think it was a bigger hit than that. So my question to the County, to the Administration would be, you know, how extremely important is it to get this \$2 million here and now right at this instant, as opposed to considering other cheaper alternatives?

MS. SANTERAMO:

I think we are doing the best we can to balance the budget, and this is the budget that you -- that this body had passed. So I think the assumption would have been, then, if this was something that the Legislature did not want to do, it would have been taken out during the budget process.

LEG. D'AMARO:

That's just not fair. That's just not fair. It doesn't mean I shouldn't have the proper information when it comes for a vote.

MS. SANTERAMO:

No, I understand.

LEG. D'AMARO:

So don't lecture me that I shouldn't have voted for the entire 2.6 billion dollar budget because of this. That is just a nonstarter.

MS. SANTERAMO:

I apologize. I think what -- I think what we're trying to get is if there is something else --

LEG. D'AMARO:

You don't have to answer any more questions.

MR. LIPP:

So, if I may, a point of information to try to bring some clarity to this before you make a policy decision. Regardless of what the impact is through 2016 in terms of our estimate or their estimate, implicit in the recommended budget, which we did not alter, is \$3.7 million. So that's really what we're talking about. So if we wanted to make a change to what's in the budget, it affects \$3.7 million, number one. Number two, you could vote for this and, implicitly, it may or may not come to fruition, the \$3.7 million, okay, number one. Number two --

LEG. D'AMARO:

Robert, are you saying the assumption is \$3.7 million that we need to raise?

MR. LIPP:

Yes, because we could see in the recommended budget that we didn't change \$3.7 million, which is what we were told by the Budget Office, okay, regardless of what our calculations are or what Lou's calculations are, the other Lou.

And in terms of if you're talking about methods of financing, if you want to vote for this, then, obviously, it will go through, and we'll find out at the end of 2016 whether the 3.7 million will effectively be there or not. Or you could decide to go other -- the other way, and that is, as was noted first, I guess, by Legislator Trotta, you can go with the ASRF, and there are a couple of ways to do that. You could put that 3.7 additional in 2015, you'd just have more of a surplus in '15 and less in -- or a deficit, perhaps, in 2016 that would come out in the wash, or you could wait until next year and modify the budget by increasing the ASRF amount loan to the General Fund, which is clearly a policy issue.

LEG. D'AMARO:

Well, we'd have to know the impact on the ASRF and whether that can sustain another 3.7.

MR. LIPP:

Right. So we are talking 3.7. And I believe there's about \$81 million subject -- in the recommend budget. I'm not sure if there were any -- there weren't any modifications. So I think right now, there's \$81 million in the ASRF as a fund balance at the end of 2016. It would be -- if you decided to go that way, it would be minus 3.7 million from that 81.

LEG. TROTTA:

DuWayne.

P.O. GREGORY:

Are you done, Legislator?

LEG. D'AMARO:

Yes.

P.O. GREGORY:

Okay. Legislator Trotta.

LEG. TROTTA:

The County Executive's person, what if no cops take it, no one took it? We would have to then go to the ASRF, I'm assuming, and take \$3.7 million at no interest, no cost to the County; is that true?

MS. McNAMARA:

Yeah.

LEG. TROTTA:

Okay. So we would be saving money if none of them took it. It couldn't be any more clear. Thank you.

P.O. GREGORY:

Okay. All right. We have a motion and a second.

MR. RICHBERG:

Yes, we do.

LEG. D'AMARO:

Excuse me. I'm going to ask if there's any chance we can get -- I think you had mentioned that the Budget Office might be working on something. If we could just hold off on this to give them an opportunity.

MS. McNAMARA:

The number that Lisa gave you, that's -- that's what we just got.

LEG. D'AMARO:

So is it an accurate statement to say that the cost of this savings today is a 34% cost to the County of the 2.2 million that's saved?

MR. TUTTONE:

If I could, Legislator. During that time period, from --

LEG. D'AMARO:

Because I don't think it's that simple. I think it's a little more complicated than that. But if that's the number you want to rely on, I'm going to vote no.

MR. TUTTONE:

That number was 2004 through --

MS. SANTERAMO:

'14.

MR. TUTTONE:

'14. Yeah, we have that. And during that time, I think the '04 to '07 agreement, we had an arbitration award that granted some significant raises during that period, too. So I think the 34%, if you're just kind of looking at a time, a frozen time, is a little high, because these are negotiated contracts and they're a little lower now than that time period.

LEG. D'AMARO:

Okay.

MR. TUTTONE:

Not that they're -- I don't know how far off, but they are higher.

LEG. D'AMARO:

Yeah, fair enough.

MR. TUTTONE:

They are higher.

LEG. D'AMARO:

I appreciate -- yeah, I appreciate that. And --

D.P.O. SCHNEIDERMAN:

The 3% rate, I think is what they said, right?

LEG. D'AMARO:

I don't even know how --

MR. TUTTONE:

But that's an average. But we will also -- I believe in that time we may have been given four-plus raises during that time.

D.P.O. SCHNEIDERMAN:

That's the estimate, roughly 3% a year. If you borrowed the money, it would be like paying back at 3% interest rate.

P.O. GREGORY:

Okay. Legislator Kennedy.

LEG. D'AMARO:

Well, 3.4 compounded annually.

LEG. KENNEDY:

I still want to wait for Robert's numbers, and the County Executive's representative said they could go back and discuss. So I'm going to put in for a motion to table.

P.O. GREGORY:

Okay. So you want to have a meeting the day before Thanksgiving? Because they need to close by what, the 22nd?

LEG. KENNEDY:

Well, they could -- they could take the other two weeks out of ASRF, if the County Executive chose to do that.

LEG. CALARCO:

It's not his choice to go to ASRF, it's ours.

LEG. KENNEDY:

It's his choice to renegotiate.

LEG. CALARCO:

If we don't do this by then, we're going to have to take the money out. If we want to go to ASRF, that's our decision to make. I sat in that budget room, and if I remember correctly, the vast majority sitting around that table didn't want to go to ASRF any further. So we did everything we could to avoid going to ASRF any further than we absolutely had to, not everybody, but the vast majority of people in that room that day. And to sit here and say now let's just go to ASRF, you

know, is just not fair. That's, you know, what we were trying to avoid, because ASRF was getting very low. We don't know what 2016 is going to hold and what the 2017 budget is going to have to be and we wanted to leave ourselves some cushion. And, you know, to keep going into that line further and further was something that the Budget Working Group, as a vast majority, decided we did not want to do. And that's why we went and we left this -- you know, we didn't even discuss this to any great detail, because we knew we had enough holes to deal with to create another hole.

And we're sitting here arguing about something that is not a whole lot different than a lag payroll. And I do appreciate Legislator D'Amaro's concerns about wanting to know what the impact is, and I can appreciate that. But at the end of the day, if we don't do this and we say we're going to table this and not do this now, it's 1.9 million in 2015 that just simply cannot materialize in any way, and we're going to have to find the money to fix that hole next year. And it's going -- it's not the County Executive's decision to go to ASRF. At the end of the day, that's something we're going to have to vote on.

LEG. KENNEDY:

Robert, it's a difference between two weeks worth of time, so that's not the one point --

LEG. CALARCO:

No, no. They choose -- they have to make the decision to take their accruals and overtime by December 17th. What's the --

MR. TUTTONE:

November 22nd. November 22nd.

LEG. CALARCO:

By November 22nd. So if we don't do this today, then this -- then this doesn't get approved in time for those -- for any of the employees to make the -- to take the option to not take that pay. So that means in 2015, we're going to have \$1.9 million more in liability to pay out to the police officers for their accrued time. That is just not going to be an option to avoid, so it's going to put a hole of that size in the 2015 budget which is going to carry over into 2016.

LEG. KENNEDY:

I would come in for a special meeting.

P.O. GREGORY:

Legislator Trotta.

LEG. TROTТА:

There's how much in the ASRF?

MR. LIPP:

I believe a little over 80, 81 perhaps.

LEG. TROTТА:

And how much did we take out this year?

MR. LIPP:

I'm going to say 32.8, I think.

LEG. TROTТА:

Thirty-two, so it would be 34. We have 80 -- we would have 80 million, rather than 82 million.

MR. LIPP:

Well, understand that we can't take that money out this year, because we used up our four times a year that we could --

LEG. TROTTA:

But we could take it out early next year.

MR. LIPP:

Yeah, yes, or in February would be the first time. Or the County Executive can come over with a CN, if that -- if it's doable. I don't know if you could wait until December 1st meeting or not, that's a question for them.

LEG. TROTTA:

So there's \$82 million in there?

MR. LIPP:

I think 81 is what I said.

LEG. TROTTA:

Eighty-one, okay.

LEG. KENNEDY:

But it's split.

MR. LIPP:

Excuse me?

LEG. KENNEDY:

Isn't that split? There's a section that we can use and a section we really should keep?

MR. LIPP:

That seems to be open to debate.

LEG. KENNEDY:

Okay.

P.O. GREGORY:

Okay. Legislator D'Amaro.

LEG. D'AMARO:

Very quickly, the assumption was that that 34% was based over 10 years; is that correct, over 10 years?

MS. SANTERAMO:

Yes.

LEG. D'AMARO:

So I thought it was something less than 10 years. So, if it's 10 years, then you're talking about roughly a cost of funds of about 3.4% a year, Dr. Lipp, a very simple calculation. I mean, would you at least agree with that assumption?

MR. LIPP:

Oh, that's just for top-step cops. So the problem is that when you add in step increases or promotions, then that adds -- that could add in a lot more, depending upon what the mix is of top step versus non-top step.

LEG. D'AMARO:

Oh. So you're using only top step, because there's not a lot more room to go or no room to go.

MR. LIPP:

No room to go.

LEG. D'AMARO:

That's where you come up with the 3.4.

MR. LIPP:

Correct.

LEG. D'AMARO:

But the assumption --

MR. LIPP:

So, well, yeah, we didn't -- first of all, we didn't do the Fiscal Impact Statement, it's a County Executive resolution. I apologize that we didn't -- I did think about this, but I didn't think it was going to be an issue, so we didn't -- and I knew it would have been a difficult calculation, so I didn't bother going there.

LEG. D'AMARO:

Okay. So the 3.4% number is really based on assumption of a top-step police officer just getting an assumed number of raises and then cashing out.

MR. LIPP:

Correct.

LEG. D'AMARO:

As opposed to a bottom-step or near-bottom-step police officer going 20 or 25 years and then cashing out and going up the ladder.

MR. LIPP:

Right. It could be a much, much higher percentage.

LEG. D'AMARO:

So it could be who knows what.

MR. LIPP:

Well, yeah. So we would have to look at how many there are in terms of -- that are not top step and then make an assumption about how to work them in, yes.

LEG. MURATORE:

Let me ask you a question. Do you -- given your expertise in this area, do you believe that the cost of borrowing this \$2.2 million will be something more or something less than 3.4% per year?

MR. LIPP:

More.

LEG. D'AMARO:

More.

MR. LIPP:

And like I said, really, I think the number that we're talking about for the budget, even if it's a crummy number, is 3.7 million.

LEG. D'AMARO:

Oh, 3.7. That's right, it's 3.7. It's a real quandary, because it's in the budget. I agree with Legislator Calarco, I don't know that I want to tap that ASRF. We did try to work very hard to not do that. So, I mean, I guess the Administration has taken the position that, "We don't even care what the cost is, as long as we can get the money now, we'll just worry about it later." Is that -- is that basically where we're coming from?

*(*Laughter*)*

Well, it's, you know -- it's a tough decision. Okay. I'm just -- it's a quandary. In my mind, it's a very difficult decision. If you told me the number was 3.4% as a cost of funds, I would probably support it, but my own Budget Office is telling me it could be much higher than that.

P.O. GREGORY:

You mean, 3.4% total or 3.4%?

LEG. D'AMARO:

Per year.

P.O. GREGORY:

Per year, right, which is -- you know, I mean, it's hard to say, because, you know, we have a negotiated contract in 2018, or whatever it is, it could double, it could, you know --

LEG. D'AMARO:

And, also, you don't know how many years in --

P.O. GREGORY:

2022, right?

LEG. D'AMARO:

-- the police that take advantage of the program are going to be, you don't know.

P.O. GREGORY:

Right. You know, I don't know. Legislator Hahn, I believe you wanted to --

LEG. HAHN:

Okay. Hopefully, this wasn't asked and answered. It's been hard to just follow everything that's been said and remember everything. Why can't the shifting of the money be delayed a little bit?

MR. TUTTONE:

If it's not approved before our comp time, sort to say, our bank time that we bank through the year, that zeroes out on November 22nd. So you would not --

LEG. HAHN:

Yeah, but why? Like that can't be delayed?

MR. TUTTONE:

Because it's the end of the fiscal year, I believe that's why.

LEG. HAHN:

And there's no -- there's no mechanism to delay that?

MR. TUTTONE:

No.

LEG. HAHN:

Even if it's the choice to extend it, even if it's by choice of the membership?

MR. TUTTONE:

No, I don't believe so.

LEG. HAHN:

Thank you.

P.O. GREGORY:

Yes, Lou.

MR. TUTTONE:

Thank you, Presiding Officer. Again, with this ASRF, if this isn't approved, then you're not just responsible for 3.7, or let's say \$1.9 million for '15, you're responsible for 70% more, because that 1.9 is just based on a 30% assumption. So if that -- if it's not approved, then you're responsible for 100% of that payout on December 17th.

LEG. D'AMARO:

That's right. How much is that payout?

MR. TUTTONE:

I don't know, 70% more.

P.O. GREGORY:

Okay.

MR. TUTTONE:

That's just a quick calculation.

*(*Laughter*)*

P.O. GREGORY:

All right. So we have -- oh, I'm sorry. I keep forgetting you, Al. Legislator Krupski.

LEG. KRUPSKI:

Thank you. A question for our Budget Review. Do you see a downside to tabling this and trying to get an accurate number, or more of a ballpark, or less of a ballpark, more of an accurate number? It's for one cycle.

MR. LIPP:

It's hard to say, because it's based on assumptions. We don't have a number. I'm not sure what the number -- the number that we come up with, I'm not sure if that would impact your decision or not. It's a policy decision. I guess right now in front of you, you would either -- you would either

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prefer to go ASRF or prefer to do this. And I guess the -- in terms of tabling it is whether or not there's a possibility that we can get the full 2015 savings or not, short-term savings.

LEG. KRUPSKI:

So if we did not act today, we would not get the 2015 number, but we still could get the 2016, which we don't know what it is, we don't know what that number is either?

MR. TUTTONE:

That's assuming that we enter into another agreement, right, because this is for '15 and --

LEG. KRUPSKI:

So if we didn't act today, the whole agreement is over. So it's either today -- well, I'm assuming ASRF, because we have word from the Administration that they would do that, but I don't know if my colleagues --

MR. NOLAN:

It would be new. It would have to be a new agreement, because this one talks about '15 and '16. So if we're knocking out '15, then they got to go back and decide if they want to do something different, like a '16 deal.

LEG. KRUPSKI:

Okay.

MR. NOLAN:

So that would delay -- probably delay it.

LEG. KRUPSKI:

They would have to go back and renegotiate without a --

MR. NOLAN:

Yeah.

P.O. GREGORY:

Okay. All right. We have a motion and a second.

MR. RICHBERG:

And a motion to table, no second.

LEG. TROTТА:

I'll second the motion to table.

P.O. GREGORY:

Okay. All right. Roll call on the tabling motion.

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

LEG. KENNEDY:

Yes.

LEG. TROTТА:

Yes.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

Abstain.

LEG. MURATORE:

No.

LEG. HAHN:

No to table.

LEG. ANKER:

No.

LEG. CALARCO:

No.

LEG. LINDSAY:

No.

LEG. MARTINEZ:

No.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. MC CAFFREY:

No.

LEG. STERN:

No.

LEG. D'AMARO:

No.

LEG. SPENCER:

No.

D.P.O. SCHNEIDERMAN:

No to table.

P.O. GREGORY:

No.

MR. RICHBERG:

Three.

P.O. GREGORY:

Okay. Approval motion, roll call.

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

P.O. GREGORY:

Yes.

LEG. CALARCO:

Yes.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

I'm abstaining.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

No.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

No.

LEG. TROTТА:

No.

LEG. MC CAFFREY:

No.

LEG. STERN:

Yes.

LEG. D'AMARO:

Pass.

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

MR. RICHBERG:

D'Amaro.

P.O. GREGORY:

Did you have enough time to think about it? (Laughter)

LEG. D'AMARO:

Barely. I'll vote yes.

P.O. GREGORY:

Okay. All right.

MR. RICHBERG:

Fifteen.

P.O. GREGORY:

All right.

LEG. SPENCER:

Thirteen.

MR. RICHBERG:

Thirteen.

LEG. SPENCER:

Thirteen.

HEALTH

P.O. GREGORY:

J.R. 1713 - Adopting a Local Law to regulate smoking at multiple dwelling buildings (Martinez). Legislator -- motion by Legislator Martinez.

LEG. MARTINEZ:

Yes.

P.O. GREGORY:

I'll second. Anyone on the motion? All in favor? Opposed?

LEG. CALARCO:

Jason.

P.O. GREGORY:

I'm sorry, did you want to go?

LEG. CALARCO:

Cosponsor.

P.O. GREGORY:

Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

J.R. 1786 - Requesting legislative approval of a contract award for Hospital Diversion/Crisis Respite Services for the Department of Health Services, Division of Community Mental Hygiene Services (Co. Exec.).

LEG. CALARCO:

Motion.

P.O. GREGORY:

Motion by Legislator Calarco, I'll second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

J.R. 1794 - Appropriating funds in connection with Reconstruction of Spillways in County Parks (CP 7099) (Co. Exec.).

D.P.O. SCHNEIDERMAN:

Motion.

P.O. GREGORY:

Motion by Legislator Schneiderman. I'll second.

LEG. HAHN:

(Raised hand).

P.O. GREGORY:

I'm sorry, second by Legislator Hahn. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

J.R. 1794A, same -- bond resolution. Same motion, same second. Roll call.

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

D.P.O. SCHNEIDERMAN:

Yes.

LEG. HAHN:

Yes.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

No.

LEG. MC CAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

P.O. GREGORY:

Yes.

MR. RICHBERG:

Seventeen.

P.O. GREGORY:

J.R. 1800 - Approving a License Agreement for Jeffrey King to reside at Cedar Point County Park, East Hampton (Co. Exec.).

D.P.O. SCHNEIDERMAN:

Motion.

P.O. GREGORY:

Motion by Legislator Schneiderman.

LEG. CILMI:

Second.

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen. (Not Present: Leg. Krupski)

P.O. GREGORY:

I.R. 1823 - Appointing Michael Rosato as a member of the Suffolk County Board of Trustees of Parks, Recreation and Conservation (Town of Smithtown)(Trotta).

LEG. TROTTA:

(Raised hand).

P.O. GREGORY:

Legislator Trotta, motion to approve.

LEG. KENNEDY:

(Raised hand)

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen. (Not Present: Legislator Krupski)

P.O. GREGORY:

I.R. 1833 - Authorizing a license agreement with Sagtikos Manor Historical Society for Sagtikos Manor County Park, West Bay Shore (Co. Exec.). Motion by Legislator Barraga, second by Legislator Cilmi. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen. (Not Present: Legislator Krupski)

P.O. GREGORY:

Procedural Motion Number 26 - To retain PFM Asset Management LLC (Pres. Off.).

D.P.O. SCHNEIDERMAN:

Motion.

P.O. GREGORY:

Motion by Legislator Schneiderman, I'll second. All in favor? I'm sorry.

LEG. D'AMARO:

On the motion.

P.O. GREGORY:

Legislator D'Amaro.

LEG. D'AMARO:

This is for the investment advisor for the Vanderbilt?

P.O. GREGORY:

Yes.

LEG. D'AMARO:

Is that's what's going on here?

P.O. GREGORY:

This is -- oh, go ahead.

D.P.O. SCHNEIDERMAN:

They're our current advisors now.

LEG. D'AMARO:

Yeah.

D.P.O. SCHNEIDERMAN:

We would be keeping them. It seems like they've done a pretty good job managing.

LEG. D'AMARO:

Yeah. So I wasn't at that committee meeting, but, Legislator Schneiderman, were you?

D.P.O. SCHNEIDERMAN:

Yes.

LEG. D'AMARO:

Okay. And they appeared and presented their performance?

D.P.O. SCHNEIDERMAN:

They appeared and, you know, we had numerous questions for them, and I'm satisfied that they're doing a good job and we should continue to use their services.

LEG. D'AMARO:

All right. Thank you, appreciate it.

P.O. GREGORY:

Legislator Stern.

LEG. STERN:

Yeah, thank you. Going through the process, were there other firms that were interviewed?

P.O. GREGORY:

Yes, there were. This group scored 93 points out of 100. The second closest was a 72.5.

LEG. STERN:

And how many firms were interviewed?

P.O. GREGORY:

I think there were four or three. Nine; I'm sorry, there were nine.

LEG. STERN:

And that was done by interview? Was that interview only or did they submit formal proposals?

P.O. GREGORY:

Both.

D.P.O. SCHNEIDERMAN:

Dr. Lipp, did you want to weigh in? You look like it.

MR. LIPP:

There was an RFP. It went through the regular RFP process.

LEG. D'AMARO:

Okay.

MR. LIPP:

And they were voted, but the committee took the best one.

LEG. STERN:

Do you recall if each of the nine that submitted proposals, did each of the nine submit proposals, or were each of the nine also interviewed?

MR. LIPP:

I was not on the committee.

P.O. GREGORY:

So what they did was they looked at the -- they marked each proposal, and out of the four or five top, then they interviewed.

LEG. STERN:

Thank you.

LEG. D'AMARO:

DuWayne.

P.O. GREGORY:

Okay. Oh, I'm sorry. Legislator D'Amaro.

LEG. D'AMARO:

Yeah, just to BRO, because we're on the Vanderbilt and the endowment. Just what is the -- what is the present balance and where was it? You know, are we back to where it should have been?

MR. LIPP:

No.

LEG. D'AMARO:

Before the crash?

MR. LIPP:

If I could recall off the top of my head, and I'm not sure, though, I think it's a little under 12 million.

MR. NOLAN:

I thought it was a little over 11.

MR. LIPP:

Okay.

P.O. GREGORY:

Eleven, 12.

MR. LIPP:

So it was either the low elevens or the high elevens, I guess.

*(*Laughter*)*

And I believe at one time it was 18 million.

MR. NOLAN:

That was a long time ago.

MR. LIPP:

Yeah, long time, yeah, yes. So a long time, but yes, over 18.

LEG. D'AMARO:

Do you know offhand, what was the bottom of the endowment?

MR. LIPP:

I believe 18.2 was the --

LEG. D'AMARO:

No, the bottom, the bottom.

P.O. GREGORY:

No.

MR. NOLAN:

The bottom was like 8.6 million.

LEG. D'AMARO:

8.6, right.

MR. NOLAN:

It came within a couple of thousand dollars --

LEG. D'AMARO:

Right.

MR. NOLAN:

Hundred thousand dollars of the corpus back in 2009, I believe, or '8.

LEG. D'AMARO:

So that was in 2009 or '8, and now it's up to eleven-point-something?

MR. NOLAN:

Right. The money comes out of it periodically, not huge amounts, but I know periodically they've been drawing money.

LEG. D'AMARO:

So over about seven years the endowment's come up about 3 million; is that right?

MR. LIPP:

Yeah, something like that. The problem was that they were restricted by the --

LEG. D'AMARO:

Right.

MR. LIPP:

-- the percentages that they could do to be more aggressive when the market started come back up. And, as you know, we vetted that out and changed some of their rules.

LEG. D'AMARO:

Right. Okay. I just want to make sure we're heading in the right direction. So, okay, very good. Thank you.

P.O. GREGORY:

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

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

I.R. 1804 - Accepting and appropriating 62% State Aid reimbursement funds awarded by the New York State Office of Children and Family Services to the Suffolk County Department of Probation and authorizing the County Executive to execute related agreements (Co. Exec.). I make a motion to approve, second by Legislator Browning. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

I.R. 1826 - Authorizing the transfer of funds from the Sheriff's Office Prisoners' Commissary Account to the General Fund (Co. Exec.). Motion by Legislator Browning, second by Legislator Muratore. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

I.R. 1850 - Accepting and appropriating a grant in the amount of \$10,000 from the New York State Division of Criminal Justice Services (DCJS) for the Sheriff's Office to replace and update obsolete Sheriff's Office livescan equipment with 50% support (Co. Exec.). Same motion, same second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

PUBLIC WORKS, TRANSPORTATION & ENERGY

P.O. GREGORY:

I.R. 1666 - Appropriating funds in connection with the Renovations to Public Works Building, Yaphank (CP 5194) (Co. Exec.).

LEG. KRUPSKI:

(Raised hand).

P.O. GREGORY:

Motion by Legislator Krupski, second by Legislator Muratore. All in favor?

LEG. D'AMARO:

Just hold on.

P.O. GREGORY:

I'm sorry.

LEG. D'AMARO:

I'm sorry.

P.O. GREGORY:

Okay. I know I'm going a little fast.

LEG. D'AMARO:

I apologize. That's okay. Just on that motion. I guess we're going to come up with a series of bonding issues right now --

P.O. GREGORY:

Yup.

LEG. D'AMARO:

-- with Public Works. And I just was wondering if the Commissioner is available. Thank you. And just to go on the record with respect to what this particular bond is funding and why it's needed.

COMMISSIONER ANDERSON:

Good afternoon. This resolution requests \$150,000 for construction of certain items within the Department of Public Works building, namely the stairs leading between the first and second floor. We're looking to replace the tread; not only to replace the tread, but install a photoluminescent markings as a test for other buildings. If it works, then we're hoping we can install it in other multi-story buildings such as the Dennison and elsewhere. Also, we're looking to replace or remove the light -- sorry, the skylight in the second floor conference room. There's also some other minor improvements.

LEG. D'AMARO:

Again, I have a copy of a memorandum that says the last time improvements were done to this building was back in the '80s.

COMMISSIONER ANDERSON:

Yeah, that's pretty much on the money.

LEG. D'AMARO:

Thank you. Thank you, sir.

P.O. GREGORY:

Okay. We have a motion and a second for I.R. 1666. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

I.R. 1666A, bond resolution.

MR. RICHBERG:

Seventeen. (Not Present: Legislator Calarco)

P.O. GREGORY:

Same motion, same second. Roll call.

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

LEG. KRUPSKI:

Yes.

LEG. MURATORE:

This is 1666, or is this the bond? I'm sorry.

(Bond Said in Unison by Legislators)

LEG. MURATORE:

No to the bond.

LEG. BROWNING:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

(Not Present)

LEG. LINDSAY:

I'm going to pass.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

No.

LEG. MC CAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

P.O. GREGORY:

Yes.

LEG. CALARCO:

Yes.

LEG. LINDSAY:

Yes.

MR. RICHBERG:

Sixteen.

P.O. GREGORY:

Okay. 1745 we did earlier. 17 -- ***I.R. 1771 - Appropriating funds in connection with Improvements to CR 41, Springs/Fireplace Road (CP 5582) (Co. Exec.)***. Motion by Legislator Krupski --

D.P.O. SCHNEIDERMAN:

No.

P.O. GREGORY:

Oh, I'm sorry, Legislator Schneiderman. Okay, sorry, don't get offended.

(*Laughter*)

Second by Legislator Krupski. On the motion, Legislator D'Amaro.

LEG. D'AMARO:

Me?

P.O. GREGORY:

Yeah. Do you --

LEG. D'AMARO:

Okay.

P.O. GREGORY:

I assumed you may have a question.

LEG. D'AMARO:

Thank you. Just -- Commissioner, just briefly, again, looking at some of the notes that I have says that this is more about safety improvements at this particular point?

COMMISSIONER ANDERSON:

Correct. This -- sorry. This road, as well as the road of which will be discussed in I.R. 1773, both come out of East Hampton. This one is County Road 41, Springs Fireplace Road. The other one is Three Mile Harbor Road. In both, we're looking to do pavement rehabilitation, as well as drainage improvements, curbs, sidewalk needed to meet ADA requirement. We've had a long history of drainage issues on both roads, and the pavement, if I recall correctly in both roads, are concrete, and, you know, they're original.

D.P.O. SCHNEIDERMAN:

They're in bad shape, both of these roads.

LEG. D'AMARO:

Is the County under any mandate to do the improvements at this time?

COMMISSIONER ANDERSON:

It's our estimate that this is the time to do it, the age, certainly the condition of the pavement. The drainage, as I mentioned earlier, there's a lot of storm drainage which comes outside, from outside of the right-of-way that we've been dealing with and doing on a Band Aid, you know, basis. And we believe this is the time to do it, and to push it off any further would require us putting it back into the Capital Program in, you know, future years.

LEG. D'AMARO:

All right. This is based on priorities?

COMMISSIONER ANDERSON:

Correct.

LEG. D'AMARO:

When you bring all of these bills, it's based on what you believe to be priority spots?

COMMISSIONER ANDERSON:

Yes. We analyze our roads on an annual basis and come up with what we believe are the priority roads, and these two are at that point.

LEG. D'AMARO:

Okay. Thank you.

COMMISSIONER ANDERSON:

You're welcome.

LEG. D'AMARO:

Thank you.

D.P.O. SCHNEIDERMAN:

If I may, you know, these roads were pushed back several times in the Capital Budget, and there are -- they are concrete, and the slabs are now uneven in many cases. So it creates a dangerous, and noisy, and kind of a difficult driving condition, the unevenness of the concrete slabs.

COMMISSIONER ANDERSON:

If I may, I should point out these are for engineering, this is not for construction. This is for -- to begin the design process in order to eventually get to the construction.

P.O. GREGORY:

Okay. Legislator Trotta.

LEG. TROTТА:

Well, that was actually my next question. So we're spend -- let's just take the next four in a row; 750, 300, 550, 150, almost \$2 million in engineering studies.

COMMISSIONER ANDERSON:

Correct.

LEG. TROTТА:

We can't hire someone to do this for \$2 million?

COMMISSIONER ANDERSON:

This type of work isn't just a one-person job. This involves surveyors, engineers, draftsmen. It wouldn't be just a matter of hiring one or two people, this is a multiple-person commitment.

LEG. TROTТА:

Okay. So we can -- we can't hire four for 2 million?

COMMISSIONER ANDERSON:

Even among the four, this is -- it's a large task for just four people to do. Something this size, it --

LEG. TROTТА:

Oh, I'm sure in coming months we'll have other ones. I mean, it just seems to me that we continually are paying people to do things that we should be doing.

COMMISSIONER ANDERSON:

Where we can and we do -- where we can, we do the work inhouse. Unfortunately, given the size of our Capital Program, we need to bring consultant staff, and in certain cases, you know, we need their expertise. And given the time element and that we need to do it to keep these things moving, we need that outside help.

LEG. TROTТА:

So for seven -- what exactly are they going to do for \$750,000?

COMMISSIONER ANDERSON:

They're going to survey the road. They're going to provide a base mapping. They're going to go out, they're going to analyze the pavement conditions. They're going to look at elevations, to look at grade changes, the drainage conditions that are out there, what areas are impacted by flooding.

LEG. TROTТА:

What road is this?

COMMISSIONER ANDERSON:

This is County Road 41, Springs Fireplace Road, it's out in East Hampton. If you go past the Village of East Hampton and you hang a left at where the windmill is, you go up to the north and there's actually a fork in the road, and one is Springs Fireplace Road to the right and Three-Mile Harbor goes to the left.

LEG. TROTТА:

How far -- how long is that road?

COMMISSIONER ANDERSON:

That's a few miles, I know that. I don't know off the top of my head.

LEG. TROTТА:

To Jay, what's the problem with the road?

D.P.O. SCHNEIDERMAN:

Well, they're very, very old concrete roads, and concrete has a certain lifespan. It starts to crumble, it gets -- kind of gets brittle, so concrete starts to chip all over the place. And these slabs, some have settled differently than others, some are uneven, so you -- you have these separations between these concrete slabs that are noisy, and one -- all the trucks driving over them. But, also, that unevenness causes also I think unsafe driving conditions. So just a lot of these old concrete -- you know, even the Long Island Expressway, I believe, used to be concrete pads, right?

COMMISSIONER ANDERSON:

In many -- in many cases, it still is.

D.P.O. SCHNEIDERMAN:

Most -- you don't see as many of these, because most of them are now paved over. These are --

LEG. TROTТА:

They lasted on Sunrise Highway.

D.P.O. SCHNEIDERMAN:

Sunrise, yeah. Most of them are being paved over at this point, because the concrete now from that period is no longer viable. And this is one of those cases where it's probably like 70 years old or something, those kinds of concerns.

COMMISSIONER ANDERSON:

And the last time I saw any type of concrete construction was the very early '70s, except the major highways where they still do concrete work. This level of roadwork you very seldom see any type of concrete work, and that's why the concrete has lasted as long as it has. I mean, it's probably 60, maybe, years older.

LEG. TROTТА:

And this is just going to -- I'm still at a loss for what's \$750,000.

COMMISSIONER ANDERSON:

It is -- they will provide a design report which will outline all of the issues. After that, they will provide contract documents, which involve plans, specifications, you know, the boiler plate. Then it also goes into the bidding period, where, if there's any questions that are received by the contractors who are going to bid on these, they will then respond to them as well.

LEG. TROTТА:

How much does it cost to pave a road a mile?

COMMISSIONER ANDERSON:

A mile, I don't know, but I could get that. Off the top of my head, I want to say it was -- last time I looked, it was about 200, \$200 a foot just in asphalt. So, I mean, yeah, it's -- you know, you got to take into account that includes possible drainage. In this particular case, we know that there are sidewalks that need to be constructed to conform with ADA.

LEG. TROTТА:

Okay. All right.

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

P.O. GREGORY:

Legislator Spencer.

LEG. SPENCER:

Thanks, Gil. I think one of the concerns as I look for the engineering and designing cost is that it's based on about 10% of what the construction cost is; is that how we do it? So if we're saying 750,000, then we're looking at maybe a \$7.5 million job?

COMMISSIONER ANDERSON:

Generally that's what we use as a rule of thumb; it could be more, it could be less.

LEG. SPENCER:

So I kind of, you know, have been here now for a couple of terms, and I think that as I look at the engineering and design cost, when I look at the big dollars, it's always -- it kind of reminds me of when I used to go to a restaurant with my kids, and if I would go to Friendly's and my kids would be there and they were young, maybe there would be a \$50 check because I would have three kids meals, and the waitress would go back and forth and clean up and spills and she would work and then at the end I would tip 20%. Whereas I could go out with my wife to a nice restaurant for dinner and spend \$200 and the tip for that person who barely had to look at us was, you know, maybe a lot more. And that's what my frustration is with engineering and design, is that the engineering and design has to be done regardless. There's a certain amount of cost for the engineer to come to the scene, and if you're looking at -- just to have a flat kind of 10% cost and we just kind of approve it out of hand, I wish there could be a little bit more variation. So I'm just going to -- I guess I'm getting to a question. My question is is that when we look at these engineer and design costs that we approve, how close is it to the actual cost? If that money is used or not used, does that get reconciled, does that go back into the pot? What's your estimation, like how close are we to that number?

COMMISSIONER ANDERSON:

The number itself is based on a number of factors, previous experience of cost from prior construction. But when we also get these proposals in, we look at their man hours, it's very important that we see that they're taking the time to do the work that we need done to analyze whether it's pavement condition, draining conditions, things like that. If we feel that it's too low, we will ask them to review their proposal, to look at the man hours, because the man hours are what we're really concerned about. If we feel it's too high, certainly we'll go back to them and say this is just not acceptable based on the hours that you're putting in. You know, we know the road's a mile long and there's no drainage, or there's minimal drainage, you know. So we do look at that as part of our RFP process. So, you know, the number, I grant you, is just a rough 10%, but that's

the rule of thumb we've been using and it seems to be working.

LEG. SPENCER:

Okay. So you know, I always support what you're doing. I don't know if I'm committed to voting yes for all of these, but I'll do my best to try to be as fair in terms of knowing that you give us good information.

COMMISSIONER ANDERSON:

We do vet it, we do vet it quite thoroughly. Thank you.

P.O. GREGORY:

All right, we have a motion and a second on IR 1771. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen (Not Present: Legislator Trotta).

IR 1771A, Bond Resolution (of the County of Suffolk, New York, authorizing the issuance of \$750,000 Bonds to finance engineering costs for improvements to CR 41, Springs/Fireplace Road (CP 5582.110), same motion, same second. Roll call.

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

D.P.O. SCHNEIDERMAN:

Yes.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

(Not Present).

LEG. McCAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

P.O. GREGORY:

Yes.

LEG. TROTTA:

(Inaudible).

P.O. GREGORY:

He said yes, I mean no *(Laughter)*. Trotta said no.

MR. RICHBERG:

He didn't say it out loud.

P.O. GREGORY:

He did.

MR. RICHBERG:

Okay. *Seventeen (Opposed: Legislator Trotta).*

P.O. GREGORY:

All right, ***IR 1772-15 - Appropriating funds in connection with Improvements to CR 1, County Line Road (CP 5581) (County Executive).*** Where's County Line Road? Oh, I'm sorry *(laughter)*. I'll make a motion to approve.

LEG. KRUPSKI:

Second.

P.O. GREGORY:

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

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

Ir 1772A Bond Resolution (of the County of Suffolk, New York, authorizing the issuance of \$300,000 Bonds to finance engineering costs for improvements to CR 1, County Line Road (CP 5581.110), same motion, same second. Roll call.

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

P.O. GREGORY:

Yes.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

No.

LEG. McCAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

MR. RICHBERG:

Seventeen (Opposed: Legislator Trotta).

P.O. GREGORY:

IR 1773-15 - Appropriating funds in connection with Improvements to CR 40, Three Mile Harbor Road (CP 5542)(County Executive). Motion by Legislator Schneiderman. Second by Legislator Barraga. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

1773A, Bond Resolution (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$550,000 Bonds to finance engineering costs in connection with improvements to CR 40 Three Mile Harbor Road (CP 5542.110), same motion, same second.
Roll call.

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

D.P.O. SCHNEIDERMAN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

Yes.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

No.

LEG. McCAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

P.O. GREGORY:

Yes.

MR. RICHBERG:

Seventeen (Opposed: Legislator Trotta).

P.O. GREGORY:

IR 1774-15 - Appropriating funds in connection with Improvements to CR 35, Park Avenue, Town of Huntington (CP 5519) (County Executive).

LEG. SPENCER:

Motion.

P.O. GREGORY:

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

LEG. D'AMARO:

Hold it, hold it, hold it. On the motion.

P.O. GREGORY:

Oh, I'm sorry.

LEG. D'AMARO:

I have a question.

P.O. GREGORY:

I'm sorry. Legislator D'Amaro.

LEG. D'AMARO:

Thank you. This is for -- what area of Park Avenue is this, Gil?

COMMISSIONER ANDERSON:

This is, I believe, north of the railroad tracks going up into Huntington. It's from -- it's from Broadway-Greenlawn Road to -- I apologize. It's from Broadway-Greenlawn Road to County Road 11 and Pulaski.

LEG. SPENCER:

South.

COMMISSIONER ANDERSON:

It's south of the tracks, yeah.

LEG. D'AMARO:

So this is a -- this is an ongoing Capital Project that's already in the design phase and there was an additional cost involved?

COMMISSIONER ANDERSON:

Right. The area we're looking at is very narrow and very steep and we're looking to put sidewalks in there to conform with ADA. And what we need to do is we need the area to be further surveyed to look at the area not only from the curb to the sidewalk but beyond that, to see what we can do to install sidewalks without having to take any land. And that's what we're asking for the funds for, is that additional engineering --

LEG. D'AMARO:

Further study for the design --

COMMISSIONER ANDERSON:

Right.

LEG. D'AMARO:

But is this something that's being done in-house or is --

COMMISSIONER ANDERSON:

It's a consultant.

LEG. D'AMARO:

So it went beyond the scope of what was originally bid and accepted.

COMMISSIONER ANDERSON:

Correct. When we started looking at it, we found that it was -- you know, we looked at this area specifically. We've also become aware of further stringent requirements on the ADA, so that's where -- you know, and it's mandating that we put in sidewalks now. So -- and our concern is because it is so steep and it is so narrow, we need to really get a detailed analysis in that area.

LEG. D'AMARO:

And I would assume the cost, the 150 is based upon the man hours that are projected by the consultant?

COMMISSIONER ANDERSON:

Correct.

LEG. D'AMARO:

And that's been reviewed by our own department.

COMMISSIONER ANDERSON:

Yes.

LEG. D'AMARO:

Yeah, okay. All right, thank you.

COMMISSIONER ANDERSON:

Thank you.

P.O. GREGORY:

Okay, Legislator Muratore.

LEG. MURATORE:

Legislator D'Amaro, you said the bond was 150,000?

COMMISSIONER ANDERSON:

Yes.

LEG. MURATORE:

That's all I want to know, the amount of the bond. 150,000 is the bond?

LEG. D'AMARO:

Yes.

LEG. MURATORE:

Okay, thank you.

P.O. GREGORY:

Okay. We have a motion and a second?

MR. RICHBERG:

Yes, we do.

P.O. GREGORY:

All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

IR 1774A, Bond Resolution (of the County of Suffolk, New York, authorizing the issuance of \$150,000 Bonds to finance engineering costs, in connection with improvements to CR 35 Park Avenue, Town of Huntington (CP 5519.111), same motion, same second. Roll call.

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

LEG. SPENCER:

Yes.

LEG. STERN:

Yes.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

No.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

No.

LEG. McCAFFREY:

Yes.

LEG. D'AMARO:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

P.O. GREGORY:

Yes.

MR. RICHBERG:

16.

P.O. GREGORY:

IR 1775-15 - Authorizing execution of an agreement by the Administrative Head of SCSD No. 3 - Southwest with the Town of Babylon (Wyandanch Plaza Park 1477.1-011) (County Executive). I'll make a motion to approve.

LEG. LINDSAY:

Second.

P.O. GREGORY:

Second by Legislator Lindsay. All in favor? Opposed? Abstentions? I'm sorry. Legislator Kennedy?

LEG. KENNEDY:

Question. Where are we discharging this \$1,750 gallons per day?

LEG. McCAFFREY:

It's in my district.

LEG. KENNEDY:

(Laughter) Directly into the homes?

LEG. D'AMARO:

And we're going to blame you.

P.O. GREGORY:

McCaffrey takes all of our effluent.

LEG. KENNEDY:

The ocean, is that where we're discharging it, or are we discharging it into the plant?

P.O. GREGORY:

The plant.

COMMISSIONER ANDERSON:

Yes, it goes via --

LEG. KENNEDY:

Okay. As long as it's going into the plant and not into the waters.

P.O. GREGORY:

That's how we do it in the south shore. All right, so we have a motion and a second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

IR 1776-15 - Amending the 2015 Capital Budget and Program and appropriating planning funds in connection with Construction of the Riverside Traffic Circle (CP 5557).

D.P.O. SCHNEIDERMAN:

Motion.

P.O. GREGORY:

Motion to approve by Legislator Schneiderman.

LEG. KRUPSKI:

Second.

P.O. GREGORY:

Second by Legislator Krupski.

LEG. D'AMARO:

On the motion.

P.O. GREGORY:

On the motion, Legislator D'Amaro?

LEG. D'AMARO:

What is the -- this is just for the design phase, Commissioner?

COMMISSIONER ANDERSON:

This is a request for additional funding. This is the circle just to the southeast of the Riverhead County Center, it's called the Riverside traffic circle. It right now is a connection point of five roads. We've been studying this circle to try and alleviate congestion and looking at -- we've looked at over 26 different alternatives and we met with the community and we finally have a design that is acceptable to the community. It basically breaks it down to four legs rather than five and we need the additional funding to complete the engineering and complete the project.

LEG. D'AMARO:

But the -- what's the total cost?

COMMISSIONER ANDERSON:

So far we've spent about \$660,000 and we're asking for an additional 150.

LEG. D'AMARO:

That's just on the design.

COMMISSIONER ANDERSON:

Yes.

LEG. D'AMARO:

Because the construction was, I believe, about four million; is that right?

COMMISSIONER ANDERSON:

I believe that was roughly what it was estimated at the time, yeah.

LEG. D'AMARO:

You're taking the 150 from Park Avenue, County Road 35, a project that involves that County Road. Are you comfortable with that offset?

COMMISSIONER ANDERSON:

Yeah, we have all the money that -- we've looked at that and we have enough money in that other

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Park Avenue Capital Project to do what we need to do there and we feel that these are extra funds and we can use them.

LEG. D'AMARO:

Do you think that the cost of the traffic circle will go any higher than what we're approving today?

COMMISSIONER ANDERSON:

As far as design, no. As far as construction, I'll have to get you that. I don't --

LEG. D'AMARO:

Right. Well, that's what I mean. In other words, because you went through 26 permutations of a traffic circle. What was finally decided upon was --

COMMISSIONER ANDERSON:

Generally it should be about the same. Again, what we've looked at were different alterations to the circle, whether it was oval-shaped, or circular and how it connects in with the different roads and how we bring them in. I don't believe the cost should be any more extensive, but I'm -- you know, only because the area is the same.

LEG. D'AMARO:

Gil, what was the total amount spent on design so far.

COMMISSIONER ANDERSON:

Design, \$660,000.

LEG. D'AMARO:

Just for the traffic circle?

COMMISSIONER ANDERSON:

Yes, sir.

LEG. D'AMARO:

That's -- I don't understand. Like it just sounds high to me.

COMMISSIONER ANDERSON:

I agree. We had significant -- a large number of community meetings, a lot of community input, a lot of -- like I said, there were --

LEG. D'AMARO:

So that's where the consultants and all that needed to appear and address the community concerns.

COMMISSIONER ANDERSON:

Right.

LEG. D'AMARO:

And we get billed for that, of course, probably on an hourly basis.

COMMISSIONER ANDERSON:

Yes, we do. And we also have to create those iterations for discussion and look at how they would impact the intersection, how it would flow, would it do any improvements, things like that.

LEG. D'AMARO:

All right. Okay, thank you.

P.O. GREGORY:
Legislator Cilmi.

LEG. CILMI:
Thanks. Hi, Commissioner.

COMMISSIONER ANDERSON:
Good afternoon.

LEG. CILMI:
Following Legislator Trotta's line of questioning from the resolutions before it, this is not something we can do in-house?

COMMISSIONER ANDERSON:
This type of design is a specialized design. We actually have to send these designs, once we have an approved design internally, up to New York State DOT, because they have round-about specialists that look at this and determine whether or not -- you know, validates what we do. I know it's a circle, but --

LEG. CILMI:
Well, they specialize in circular arguments, so.

COMMISSIONER ANDERSON:
I guess, yeah.

LEG. CILMI:
So we don't have the expertise in-house to --

COMMISSIONER ANDERSON:
Definitely not for something like this.

LEG. CILMI:
Where are the -- the 26 alterations were options that you've come up with so far. Have those been proposed by a contractor as well?

COMMISSIONER ANDERSON:
Those were vetted through by our engineer in conjunction with the local community. We looked at -- you know, they were, again, vetted in the community, they were developed to see if they would work and then they were determined either to work or not work.

LEG. CILMI:
So we didn't have to do studies for those, in other words.

COMMISSIONER ANDERSON:
No.

LEG. CILMI:
So you vetted all of these options with the community, you came to an option that -- you and the community came to an option that --

COMMISSIONER ANDERSON:
We feel is --

LEG. CILMI:

-- you feel is acceptable and now you're going to go through and do the formal study.

COMMISSIONER ANDERSON:

We'll put together the formal design plans.

LEG. CILMI:

Right.

COMMISSIONER ANDERSON:

If there's any other studies that need to be done, or whatever permits are needed, we'll obtain those as well. From this point on, we will be able to go to construction once we complete the construction phase.

LEG. CILMI:

Right. And you're using as an offset another Capital Project that was for County Route 35?

COMMISSIONER ANDERSON:

Yes, sir.

LEG. CILMI:

Which you said you're comfortable that there's enough -- either we finished the project already and we had residue money or you're comfortable there's enough in the project now; which is it exactly?

COMMISSIONER ANDERSON:

That's, yeah, exactly it.

LEG. CILMI:

Which one?

COMMISSIONER ANDERSON:

It was a year -- it's an annual -- it's a project that we've been working on.

LEG. CILMI:

Okay.

COMMISSIONER ANDERSON:

We have gotten to the point where we feel we have sufficient funds to complete that project and they're excess funds we're looking to use for this project.

LEG. CILMI:

And how does that happen exactly? Aside from your, you know, exceptional management skills.

COMMISSIONER ANDERSON:

Again, as we've stated before, a lot of times we put an estimate together for the design. Sometimes the design is -- you know, the needed funds to get the engineering done is less than what we estimate, and then that excess is either never spent or if we have something like this we need we use it as an offset.

LEG. CILMI:

I only ask because, as you know, we've proposed some resolutions in the past that have suggested that you cut 10% across-the-board on certain projects, certain Capital Projects, and we've been told -- not necessarily by you, I can't remember -- that, you know, the cost is the cost and how dare

we question your -- you know, your -- if that's what you say it costs, it must cost that. And so obviously not necessarily is, I guess, the point.

COMMISSIONER ANDERSON:

Right. I mean, I could certainly look and ask staff if this is an anomaly or if this is something -- you know, it's not something that happens quite often.

LEG. CILMI:

Right.

COMMISSIONER ANDERSON:

In this particular project, the Park Avenue project, we have the funding for it and we're able to do it.

LEG. CILMI:

Okay. Thank you.

COMMISSIONER ANDERSON:

You're welcome.

P.O. GREGORY:

Okay. Legislator Trotta?

LEG. TROTТА:

I want to know what they did for \$660,000.

COMMISSIONER ANDERSON:

As I mentioned earlier, there were, you know, beyond the basic survey, mapping --

LEG. TROTТА:

What company was this?

COMMISSIONER ANDERSON:

I believe it was RBA.

D.P.O. SCHNEIDERMAN:

Nelson & Pope.

COMMISSIONER ANDERSON:

Nelson & Pope? There you go. I can get you that information into detail, but I know that --

LEG. TROTТА:

I want to see what they did for \$650,000 that we need another 150,000. This is just -- it's obscene.

COMMISSIONER ANDERSON:

It was a very prolonged process. It wasn't --

LEG. TROTТА:

Didn't we just vote on this not this long ago? It couldn't have been that long. How long did they work on it?

COMMISSIONER ANDERSON:

It probably was in the past few years, yeah.

LEG. TROTTA:

No, wasn't this the one we just voted on like a year ago?

D.P.O. SCHNEIDERMAN:

We put the money in the Capital Budget --

COMMISSIONER ANDERSON:

Right.

D.P.O. SCHNEIDERMAN:

-- is what we did.

COMMISSIONER ANDERSON:

It was for construction.

D.P.O. SCHNEIDERMAN:

For construction money.

LEG. TROTTA:

When did we -- when did they start this design thing?

COMMISSIONER ANDERSON:

It's been a few years, I don't know the exact date.

D.P.O. SCHNEIDERMAN:

Probably about eight.

LEG. TROTTA:

I would like to see what they did, their work product for \$650,000.

COMMISSIONER ANDERSON:

Okay.

LEG. TROTTA:

You can put it on my list of other stuff that I've asked for and never gotten.

P.O. GREGORY:

Okay. All right. Oh, I'm sorry, Legislator Schneiderman.

D.P.O. SCHNEIDERMAN:

Maybe I can answer Legislator Trotta, because I've been involved in this process for I don't remember how many years when they started planning. This intersection has been failing for a long time and they've been studying how to fix it. There's a convergence of I think it's three County roads there as well as a State road; the State road comes in and out at various points, so there's five roads. And I think, Gil, you mentioned the reconfiguration incorrectly. So we're not eliminating a leg, this becomes a two-lane oval round-about in this location.

COMMISSIONER ANDERSON:

Oh, okay.

D.P.O. SCHNEIDERMAN:

And it did take a long time to come to that conclusion with a lot of conferring with New York State, because they have their round-about division and there's all kinds of alignments, there had to be

property that was acquired, there had to be an alienation of parkland issue resolved. This was a complicated engineering feat to make this happen. A two-lane oval round-about is not something you see every day, particularly with five roads coming in. So that's why it's cost so much, you know. But it's a failing circle that we have funded I believe fully in the Capital Program and they're close to finishing the engineering and design. I think the 650 is the total, right? We had 500 and this is an additional money, or is it 650 plus this money?

COMMISSIONER ANDERSON:

I was told it was 660 plus we need this.

D.P.O. SCHNEIDERMAN:

Plus another 120?

COMMISSIONER ANDERSON:

We're asking for 150 here.

D.P.O. SCHNEIDERMAN:

A hundred fifty. Robert, is that what you have, 650 plus 150, or is it 500 plus 150?

MR. LIPP:

We have 600 that we see, but there could be some money from another project, you cross-pollinate a lot (*laughter*).

D.P.O. SCHNEIDERMAN:

Okay. I thought we originally had 500 for the planning of it; I could be wrong, though, too.

LEG. TROTTA:

I just think it's a lot of money.

D.P.O. SCHNEIDERMAN:

It's definitely a necessary project.

P.O. GREGORY:

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

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

Okay. ***IR 1776A Bond Resolution (of the County of Suffolk, New York authorizing the issuance of \$150,000 Bonds to finance planning costs in connection with the construction of the Riverside Traffic Circle improvements at CR 94 Nugent Drive and at CR 51 and CR 63/CR 104/CR 24 (CP 5557.112), same motion, same second. Roll call.***

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

D.P.O. SCHNEIDERMAN:

Yes.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

No.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

No.

LEG. McCAFFREY:

No.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

No.

LEG. CILMI:

No?

P.O. GREGORY:

Yes.

MR. RICHBERG:

Fourteen (Opposed: Legislators Muratore, Trotta, McCaffrey & Spencer).

P.O. GREGORY:

Okay, *IR 1779-15 - A Resolution making certain Findings and Determinations and issuing an order in relation to the increase and improvement of facilities for Sewer District No. 11 – Selden (CP 8117) (County Executive).*

LEG. MURATORE:

Motion.

P.O. GREGORY:

Motion by Legislator Muratore.

LEG. MURATORE:

Second.

P.O. GREGORY:

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

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

IR 1828-15 - Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 14 Parkland and Wenner Plaza (IS-1642)(County Executive).

LEG. D'AMARO:

Motion.

P.O. GREGORY:

Motion by Legislator Stern. I'll second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

IR 1832-15 - Authorizing the purchase of additional software licenses and maintenance services for the Suffolk County Transit Automated Vehicle Locator (AVL) System, amending the 2015 Capital Budget and Program and 2015 Operating Budget and accepting and appropriating Federal Aid and State Aid and County funds (CP 5648)(County Executive).

LEG. CALARCO:

Motion.

P.O. GREGORY:

Motion by Legislator Calarco. I'll second. On the motion, anyone? All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

IR 1836-15 - Amending the 2015 Capital Budget and Program and appropriating funds in connection with Construction of Sidewalks on Various County Roads (CP 5497)(County

Executive). Same motion, same second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

IR 1836A, Bond Resolution (of the County of Suffolk, New York, authorizing the issuance of \$200,000 Bonds to finance the construction of sidewalks on various County Roads (CP 5497.336), same motion, same second. Roll call.

(*Roll Called by Mr. Richberg - 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.

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 1837-15 - Amending the 2015 Capital Budget and Program and appropriating funds in connection with the Reconstruction of CR 97, Nicolls Road (CP 5512) (County Executive).*** Motion by Legislator Muratore. Second by -- I'll second. All in favor? Opposed?

LEG. HAHN:

On the motion?

P.O. GREGORY:

Oh, I'm sorry. On the motion, Legislator Hahn.

LEG. HAHN:

Can you just explain where this is and what it's doing?

COMMISSIONER ANDERSON:

This is up where 97 intersects Nicolls Road. We --

LEG. HAHN:

Say that again. Where -- intersects what?

COMMISSIONER ANDERSON:

Where -- I'm sorry, Nicolls Road intersects 25A, I apologize.

LEG. HAHN:

Thank you.

COMMISSIONER ANDERSON:

We had a full set of plans, worked with DOT, as you're aware, to come up with a plan for that -- getting rid of that slip ramp and changing the intersection. We were moving into the permit stage where we met with New York State DOT, their permit section is now requiring certain changes to the plans and we're requesting additional funds to revise these plans in accordance with the DOT's requirements.

LEG. HAHN:

Okay. My concern is that we held a community meeting and I told the community, it was in the paper, about what we were doing.

COMMISSIONER ANDERSON:

Right.

LEG. HAHN:

And so now if we're going to change it, I think before we change it, we need to tell the community what we want to do and get their input.

COMMISSIONER ANDERSON:

Yeah, certainly we could hold that meeting, there's no -- we have no problem doing that.

LEG. HAHN:

Do you know what exactly DOT does not want?

COMMISSIONER ANDERSON:

No.

LEG. HAHN:

And why?

COMMISSIONER ANDERSON:

No, I don't.

LEG. HAHN:

Okay. Can we table it one cycle?

COMMISSIONER ANDERSON:

That would be fine.

LEG. HAHN:

Or two, because it's such a quick union? But, you know, what -- is there a time constraint on this?

COMMISSIONER ANDERSON:

Unless it's budgetary, which -- I mean, as long as we can appropriate it this year, there should be no budgetary issue. So I can get you the information on what the changes are. If they're minimal, which I'm assuming they are but I don't honestly know, we should be able to move this thing forward. If it's something larger --

LEG. HAHN:

Okay. Because -- and I cannot remember where I heard this. As long as it's not a major change, like we're no longer getting rid of the slip ramp and now we're going to put in a new cross with a signal instead; you know, if there's a major change, then we have to do a reinforcing and educating of the community.

COMMISSIONER ANDERSON:

Why don't I -- why don't we table it at least one cycle --

LEG. HAHN:

Thank you.

COMMISSIONER ANDERSON:

-- and I'll get you the information on what's involved and we can make a decision from there.

LEG. HAHN:

Thank you very much.

P.O. GREGORY:

Okay. So motion --

LEG. HAHN:

I'll make a motion to table.

P.O. GREGORY:

-- to table by Legislator Hahn. Second by Legislator Muratore.
All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

IR 1838-15 - Authorizing the conveyance of County-owned surplus unused right-of-way having a Suffolk County Tax Map Identification Number of District 0100 Section 128.00 Block 02.00 Lot 036.000 pursuant to Section 125 of the New York State Highway Law (County Executive).

LEG. CALARCO:

Motion.

P.O. GREGORY:

Motion by Legislator Calarco. I'll second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

IR 1851-15 - Amending the 2015 Capital Budget and Program, authorizing the purchase of additional equipment for the Suffolk County Transit Automated Vehicle Locator (AVL) System and accepting and appropriating Federal Aid and State Aid and County funds (CP 5648) (County Executive). Motion by Legislator Schneiderman. I'll second. On the motion, Legislator D'Amaro.

LEG. D'AMARO:

Yeah, on the motion. Just looking at the Suffolk County Transit Automated Vehicle Locator, or AVL System; is this system presently operational, is it working?

COMMISSIONER ANDERSON:

We're doing test runs right now. We have them in -- at least the last time I spoke to staff, we had them in like five buses and we were testing the system.

LEG. D'AMARO:

Uh-huh.

COMMISSIONER ANDERSON:

This resolution requests authorization to obtain funding to get the AVL System for 37 para-transit buses that were not part of the contract when we entered into it with the contractor at that time. We've gotten -- we've since that time added 37 buses on to the fleet.

It also will allow us to install automated passenger counters on all of our fixed-route transit buses.

LEG. D'AMARO:

So is this going to be on the pilot program?

COMMISSIONER ANDERSON:

This is going -- the pilot program is just like we're trying to work the bugs out of the system. The program itself is we're moving forward entirely with putting AVL into our fleet. The -- I apologize for any confusion on my part. Right now we're running -- we're doing test runs, we've installed them on a few to work out the bugs, as soon as we work those bugs out, we will begin to install them on the entire fleet.

LEG. D'AMARO:

So the initial contract with INET, or the contractor --

COMMISSIONER ANDERSON:

INET, yes.

LEG. D'AMARO:

Provided for us to purchase and install so many units on a limited basis.

COMMISSIONER ANDERSON:

Correct, on our entire fleet at that time.

LEG. D'AMARO:

Oh, on our entire fleet at that time.

COMMISSIONER ANDERSON:

Right, and we've since that time --

LEG. D'AMARO:

Which we did.

COMMISSIONER ANDERSON:

-- added another 37 vehicles.

LEG. D'AMARO:

Oh, okay. So since then we've added more buses.

COMMISSIONER ANDERSON:

Right.

LEG. D'AMARO:

More transit buses so you'd have to purchase more units.

COMMISSIONER ANDERSON:

Correct.

LEG. D'AMARO:

But -- so what -- but when buses are retired and taken off the fleet, do we take the units out?

COMMISSIONER ANDERSON:

Yes, we do.

LEG. D'AMARO:

So we have a net gain of 38 more buses?

COMMISSIONER ANDERSON:

We will -- when we retire the buses, we will in turn put new buses back in there, so we'll never drop the number of buses down. So that equipment will go from the old bus into the new bus.

LEG. D'AMARO:

Right, but these buses, at the time we entered into the contract, didn't exist.

COMMISSIONER ANDERSON:

Correct.

LEG. D'AMARO:

So the County increased its fleet by --

COMMISSIONER ANDERSON:

We increased our fleet to make sure that we met the requirements of no -- so that everybody could get picked up who requested being picked up. At that time we were having -- you know, we were having issues with the ability to, you know, get passengers when it was requested.

LEG. D'AMARO:

What does this Automated Vehicle Locator System tell us, where the buses are located?

COMMISSIONER ANDERSON:

Exactly, real-time.

LEG. D'AMARO:

Real-time?

COMMISSIONER ANDERSON:

Yeah, real-time information, it could tell us if they're running hot, if they're running slow, you know, during storms, if in some cases if we need to go and go outside of our normal route to pick somebody up, things like that.

LEG. D'AMARO:

Is it something that's monitored or just used later on for analysis?

COMMISSIONER ANDERSON:

No, no, it's monitored on a real-time basis. We'll have -- we'll be able to actually go onto a computer and say, *I need bus 34. Where are they?* We'll get a complaint from the resident who says, *The guy hasn't shown up. Where is he?* Well, *he's two miles down the road*, and they could give, you know, the rider an idea when they'll be arriving.

LEG. D'AMARO:

All right. So it's \$98,710 to install -- to purchase and install how many more units was this?

COMMISSIONER ANDERSON:

It's another 37 units, and then it will also allow us to install automated passenger counters in all our normal transit buses, if you will.

LEG. D'AMARO:

That's great. And the County is 10% share?

COMMISSIONER ANDERSON:

Yes, sir.

LEG. D'AMARO:

So it's expensive to do.

COMMISSIONER ANDERSON:

Yeah, it's a \$99,871 share that we'd have to put in.

LEG. D'AMARO:

Oh, so we're just under a hundred thousand.

COMMISSIONER ANDERSON:

Correct.

LEG. D'AMARO:

Okay. And is this requiring an offset, or is this something that was anticipated?

COMMISSIONER ANDERSON:

No, this is --

LEG. D'AMARO:

Is this funding available in the Capital Project?

MR. NOLAN:

No, no offset because it's 90% State or Federally funded. If it's more than 50% you don't need an offset.

LEG. D'AMARO:

Don't need an offset; very good. Okay, thank you. Thank you, Commissioner.

COMMISSIONER ANDERSON:

You're welcome.

P.O. GREGORY:

Okay, Legislator Cilmi.

LEG. CILMI:

Thanks. Commissioner, I want to be very clear about not only what this AVL allows us to do, but how we actually use it on a day-to-day basis. You probably know that we have this AVL system in our police cars, most of our police cars.

COMMISSIONER ANDERSON:

It is a different system. That's more -- I don't believe it's -- it's an automatic vehicle -- you're right, it's essentially the same system.

LEG. CILMI:

They call it AVL system. It may be a different company, I don't really know.

COMMISSIONER ANDERSON:

Right. Okay.

LEG. CILMI:

But, you know, recently I had the occasion to question the department on the whereabouts of police cars during a period of time, and it was beyond challenging to get the information out of the Police Department. So -- and, you know, they told me that they don't use this system in their police cars so much as a management tool as they do as a safety tool. So I want to be -- I want you to be clear with us in terms of how active are we in terms of using this as a management tool?

COMMISSIONER ANDERSON:

One of the main drivers in us obtaining this system was for a management tool. One of the issues that's always -- we've always been asked was how many -- you know, what the ridership is, why are we always late? With this we'll be able to analyze real-time, you know, what the buses are -- where they're going, how fast they're going from point A to point B.

LEG. CILMI:

Right, so be able to I understand, but are we doing that? We have these things in our buses now.

COMMISSIONER ANDERSON:

Well, only a few, and it's really to test -- it's really right now to get the bugs out of the system before we put them into all the remaining buses.

LEG. CILMI:

Okay. So we only have these in a handful of buses now?

COMMISSIONER ANDERSON:

At this time, but we -- our hope was to have them in by the end of this year, but by next year we'll have them in all our buses.

LEG. CILMI:

And with the handful of buses that we have these in, do we have an employee sitting there watching our buses move from one point to another point throughout the County? Is there somebody who's designated with that responsibility?

COMMISSIONER ANDERSON:

I'm sure Garry Linberger, who's the Director, has the ability to --

LEG. CILMI:

No, no, I don't want to know have the ability to, I want to know whether or not they are doing it.

COMMISSIONER ANDERSON:

I don't know.

LEG. CILMI:

Okay. Okay. If you could -- given the fact this is 90% funded and given what this will enable us to do, I'll support it today. But I'd like for you to get back to me with some facts about exactly how we're currently using the handful that we have now and exactly what our plans are when we install another however many dozen. How many is it? Thirty --

COMMISSIONER ANDERSON:

Well, it's 37.

LEG. CILMI:

Thirty-seven.

COMMISSIONER ANDERSON:

-- but that's only the additional ones we need to get beyond. I believe we're well over a hundred, I want to say 160, but --

LEG. CILMI:

Okay. So, I mean, I'm envisioning somebody, you know, in an office that looks like sort of, you know, an aircraft control tower.

COMMISSIONER ANDERSON:

Right.

LEG. CILMI:

Air traffic control tower, looking at screens and watching where all of the buses are at any given time. Now, that may be the way you're utilizing it, it may be that you're simply looking at point-to-point data that's generated as a result of this system. But those are the questions that I'd like you to answer for me, if you could.

COMMISSIONER ANDERSON:

Okay, good.

LEG. CILMI:

Thank you.

P.O. GREGORY:

Okay. Legislator Lindsay.

LEG. LINDSAY:

Hey, Gil. How are you?

COMMISSIONER ANDERSON:

Hello.

LEG. LINDSAY:

I'm somewhat familiar with this product because I have clients in the private sector that utilize it. And so we have the ability to monitor in real-time the speed that the bus is traveling at, so we can set alarms that if a driver is speeding or driving at an excessive rate of speed, there could be an alarm that goes off that could prompt somebody to contact the driver and tell him to slow down.

And just more towards Legislator Cilmi's questioning, although you can monitor it in real-time, you could accumulate the data after the fact as well, so you could set up geo-fencing so that the buses only stay in a certain geographic area before an alarm is set off as well. So I think the value of the system itself is great, as long as we're utilizing the technology at the same time.

COMMISSIONER ANDERSON:

Yeah.

LEG. LINDSAY:

I support it and I think it's a good system and I think it's something that we should be doing more of.

COMMISSIONER ANDERSON:

Thank you.

P.O. GREGORY:

Legislator Schneiderman.

D.P.O. SCHNEIDERMAN:

Gil, when we started doing this GPS monitoring of the buses, it was -- you know, I thought I understood that we were working our way toward a phone app where people would be able to see where the bus -- you know, let's say they're looking for the S-92, they could see where it was and, you know, how far away it was and have a pretty good sense of when it would be at the stop. I believe this is a critical piece of it. So where are we with that? Because I really think when we have that -- you know, those who are using our bus system, they'll be at a much greater degree of satisfaction, less time waiting out in the rain, those kinds of things. And also, I think a lot more people start to use the bus system. So I know a lot of other systems, MTA, they have this already; you can look at the bus right on a map on your phone and know where it is. Are we going to get there?

COMMISSIONER ANDERSON:

We're working -- IT has been developing an app for that very purpose, so that somebody can go on their phone and hit the app and find out where their bus is. Again, the critical component is the AVL that tells the computers where it is and they can mathematically figure out how soon before it gets to that next point that's being questioned. It is in development. I don't know exactly how far along they are, but I know that -- I believe that they were into a test mode as well on that app.

D.P.O. SCHNEIDERMAN:

Are they doing it themselves or are they're working with a company, right?

COMMISSIONER ANDERSON:

I don't know. I really don't know.

D.P.O. SCHNEIDERMAN:

Okay. But the AVL was going -- we're going to have it in every --

COMMISSIONER ANDERSON:

SCAT buses and all --

D.P.O. SCHNEIDERMAN:

All 50 plus, 55, whatever it is, bus routes will have it?

COMMISSIONER ANDERSON:

All buses, yes.

D.P.O. SCHNEIDERMAN:

And this will allow -- this particular grant will allow us to roll it out across the system.

COMMISSIONER ANDERSON:

Well, this grant will allow us to, yes, complete the installation into the additional 37 that we've purchased since the original contract.

D.P.O. SCHNEIDERMAN:

But you had mentioned SCAT buses. So, I mean, I don't know that we need it for the SCAT. I mean, we internally need it to run the County to know where the buses are, I think --

COMMISSIONER ANDERSON:

Right.

D.P.O. SCHNEIDERMAN:

But on the regular route, fixed-route buses, is this going to be able to put AVLs in all those buses?

COMMISSIONER ANDERSON:

Yes.

D.P.O. SCHNEIDERMAN:

Okay.

P.O. GREGORY:

Okay. All right, we have a motion and a second?

MR. RICHBERG:

Yes, we do.

P.O. GREGORY:

All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

Okay, ***IR 1851A Bond Resolution (of the County of Suffolk, New York, authorizing the issuance of \$99,871 Bonds to finance a portion of the cost of purchase and installation of an Automated Vehicle Locator System (AVL) for Suffolk County Transit Buses (CP 5648.524)***, same motion, same second. Roll call.

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

D.P.O. SCHNEIDERMAN:

Yes.

P.O. GREGORY:

Yes.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

No.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

No.

LEG. McCAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

MR. RICHBERG:

Sixteen (Opposed: Legislators Muratore & Trotta).

P.O. GREGORY:

Okay, ***IR 1864-15 - authorizing transfer of surplus mobile radios to the Centereach Fire Department (Muratore).*** Motion by Legislator Muratore. Second by Legislator Krupski. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

IR 1865-15 - Authorizing transfer of surplus mobile radios to the Coram Fire Department (Muratore). Same motion, same second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

IR 1866-15 - Authorizing transfer of surplus mobile radios to the Farmingville Fire Department (Muratore). Same motion, same second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

IR 1867-15 - Authorizing transfer of surplus mobile radios to the Ronkonkoma Fire Department (Muratore). Same motion, same second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

IR 1868-15 - Authorizing transfer of surplus mobile radios to the Selden Fire Department (Muratore). Same motion, same second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

IR 1869-15 - Authorizing transfer of surplus cellphones to SEPA Mujer, Inc. (Muratore). Same motion, same second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

IR 1870-15 - Authorizing transfer of surplus cellphones to The Retreat (Muratore). Same motion, same second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

Veterans & Seniors

P.O. GREGORY:

IR 1740-15 - Establishing an advisory committee to evaluate and recommend recipients for the disbursement of funds received by the County from the Suffolk County Marathon and Half Marathon for veterans event (County Executive).

LEG. STERN:

Motion.

P.O. GREGORY:

Motion by Legislator Stern.

LEG. D'AMARO:

Second.

P.O. GREGORY:

Second by Legislator D'Amaro. On the motion, Legislator Cilmi.

LEG. CILMI:

I do not see Tom Ronayne in the building, but I see Lisa Santeramo. If I could, through the Chair, ask Lisa; so how is this going to work exactly, Lisa.

MS. SANTERAMO:

So basically what we had envisioned is this group of people -- hopefully, if this passes -- we would put this board together, they would meet -- a draft application -- we have a draft application, they would finalize the draft application, and any non-profit in Suffolk County that serves Suffolk County veterans would be able to apply. And this would be similar, you know, there would be a scoring mechanism where this group of people would decide which services they want to fund for the year 2016. The goal is to hopefully have a resolution before you in February, at the latest March, that would, in essence, awards these funds to the different non-profit organizations.

LEG. CILMI:

Are the meetings going to be held publicly?

MS. SANTERAMO:

I would assume they would have to be, but I don't -- I'm not aware of that answer. I don't think there would be a reason to not have them be public, to be honest with you. It's a very transparent -- it's an application, they'll talk about the merits, the types of services, what the need is and take it from there.

LEG. CILMI:

Right, you would hope.

MS. SANTERAMO:

Yes.

LEG. CILMI:

I mean, I could hope, certainly, that these meetings are held publicly where anybody could come and listen and maybe have a public portion where you could have, you know, the applicants and others, maybe members of the applicants come and speak to the merits of one proposal or another proposal. Now, this committee is going to develop a scoring criteria for applications?

MS. SANTERAMO:

Correct.

LEG. CILMI:

So the scoring criteria will be a, more or less, objective scale, right?

MS. SANTERAMO:

Yes. I mean --

LEG. CILMI:

So we're not going to have -- how many people will make up this committee; nine, is it?

MS. SANTERAMO:

I believe it is 15. We had amended it, we had originally nine, we had added six more members.

LEG. CILMI:

Okay. So it's not going to be 15 members sitting around a room going, *Yeah, that sounds pretty good, we'll do that.*

MS. SANTERAMO:

No, they'll -- we made it similar to how some of the cultural funding is given out where there's categories, you know, based on history, the need, ability to demonstrate the need.

LEG. CILMI:

Uh-huh. And does the committee then have the authority to award, or does the committee then have to propose to the Legislature and the Legislature ultimately has the authority to award?

MS. SANTERAMO:

It is my understanding that they would make recommendations. We would have to come before you in order to award and disburse these funds; there would have to be a resolution brought before you to do that. So you would be voting on it and you would know where the money is going.

LEG. CILMI:

Okay. And we would be privy to all of the applications, the ones that were chosen as well as the ones that did not make the cut, if you will.

MS. SANTERAMO:

I don't believe that criteria has been made up. I believe that it is up to the future members to create their criteria once they meet and come together on how they're going to regulate. Again, I don't see why that wouldn't --

LEG. CILMI:

Be available.

MS. SANTERAMO:

-- be available, yeah.

LEG. CILMI:

Okay.

MR. NOLAN:

Legislator Cilmi, when I read the resolution, it seems to me that this committee is going to make recommendations to the Veterans Service Agency to make the grants. So I don't think they'll be coming here.

LEG. CILMI:

Hmm. Okay. Well, that's --

MR. NOLAN:

That's the way I read the resolution.

MS. SANTERAMO:

It's my understanding to disburse funds we would have to bring a resolution forth.

MR. NOLAN:

That's not what the resolution says. I'm not sure that's always the case. You know, this fund might be, you know, a different type of fund, but the resolution says they're going to make recommendations to the agency, so I'm not sure that resolutions are going to be coming over.

MS. SANTERAMO:

When we do housekeeping before the marathon, it was my understanding that we have to do a resolution and ask them to rectify accepting the money from the fund that it's in and disbursing it not only to the veterans organization for these funds, but also to -- you know, for overtime, for every aspect of that.

MR. NOLAN:

I'm just giving you my interpretation.

LEG. CILMI:

If I may, through the Chair, to Counsel. The bill calls for recommendations to be made to the agency. But then would the agency need the Legislature's authority in order to write checks to individual not-for-profit organizations?

MR. NOLAN:

I'm going to maybe look at BRO for a little guidance on that, but the resolution states that we passed an earlier resolution that reflects "*The intent of the Legislature that the net proceeds be awarded to qualified organizations chosen at the discretion of the Veteran Service Agency.*" And then it goes on to state -- I believe somewhere else.

P.O. GREGORY:

But if I may, are the -- where do the proceeds go? They're not in the Veteran Services Agency account, so --

MR. NOLAN:

Yeah, I don't know -- I'm not sure where the proceeds are. I don't know if they're in a County government, you know, I'm not sure.

MR. LIPP:

There is a line item in the budget, but so far there is no money in it.

MS. SANTERAMO:

We have to do a resolution. We're going to be bringing forth a resolution to, in essence, rectify the funds that -- you know, that will be going to veterans, that will be going to overtime for PD, that will be going to overtime for DPW, for the entire marathon. There is a holding account, I believe, at the Treasurer's Office, I believe.

MR. NOLAN:

Well, if the intention is to bring over resolutions, that's fine. It just states that this committee is going to make recommendations to the Director of the agency.

LEG. CILMI:

And I'm not sure that -- I mean, I'm taking this at face value. I don't know that I would necessarily be opposed to allowing Tom Ronayne or the committee to do it, but I think we ought to know what the answer is, and it sounds like there's some confusion as to what that is.

Is there -- could we wait on this until our next meeting, then, and clarify some of those questions.

MS. SANTERAMO:

Yeah, we could -- I mean, it's fine to table it for a cycle. And our goal is to get this out as quickly as possible; if we table, it's not a -- it's fine, I'll get an answer.

LEG. CILMI:

I mean, it's a week, a week-and-a-half or something like that.

MS. SANTERAMO:

Right, it's two weeks. Again, I believe we do have to bring a resolution to rectify all the funds from the marathon, but I will double check it.

LEG. CILMI:

Okay. I'd like to offer a motion to table then until we can get some of those answers.

P.O. GREGORY:

All right. Motion to table by Legislator Cilmi.

LEG. TROTTA:

Second.

P.O. GREGORY:

Second by Legislator Trotta. All in favor? Opposed? Abstentions to table?

LEG. BARRAGA:

Opposed.

LEG. LINDSAY:

Opposed.

MR. RICHBURG:

Sixteen (Opposed: Legislators Lindsay & Barraga).

P.O. GREGORY:

All right. We're going to table for a cycle.

Ways & Means

All right, ***IR 1513-15 - Directing the Suffolk County Traffic and Parking Violations Agency to institute a Payment Plan Program for parking tickets (Hahn).***

LEG. HAHN:

Motion.

P.O. GREGORY:

Motion to approve by Legislator Hahn.

LEG. TROTTA:

Second.

LEG. BROWNING:

Second.

P.O. GREGORY:

Second by Legislator Browning. On the motion, anyone? On the motion, Legislator D'Amaro.

LEG. D'AMARO:

Yeah, let me start with just a brief understanding of this bill. Does this apply to tickets that are in arrears or overdue or delinquent, or does it apply just to if you're not late on your ticket and you need to go into a payment plan; does anyone no the answer to that? You know, if I have 75 tickets outstanding, can I pay \$5 a week; is that what we're doing?

LEG. HAHN:

Well, I would hope so, but I'm not sure how that would work. George?

MR. NOLAN:

This is when a ticket's issued, any ticket, it would -- the agency is supposed to set up a payment plan for a person who gets a parking ticket, or tickets, and allow them to pay over time. But it directs the Director of the agency to develop that plan and then bring it back to us within 90-days and then implement it within six months.

LEG. D'AMARO:

Oh, so it's something that we're going to --

MR. NOLAN:

We will not -- he's not going to bring back the plan to us for approval, but rather just present it to us and then he's directed to implement it thereafter.

LEG. D'AMARO:

Is there any requirement -- if someone opts for a payment plan, is there a additional surcharge or interest or penalty?

MR. NOLAN:

The resolution does not speak to that. It's certainly possible that the agency, if they put together a plan, would, you know, impose an interest, some additional interest. The city of New York does it that way; they have a payment plan and they pay I think it's 9% interest.

LEG. D'AMARO:

Right.

MR. NOLAN:

But I think the City plan also requires that the person put down at least half the money. We have been looking into, you know, what the City does. So it's not like they defer the whole amount, they have to pay part of it upfront.

LEG. D'AMARO:

Okay. Thank you.

P.O. GREGORY:

Okay. Anyone else?

LEG. CILMI:

Mr. Chair?

P.O. GREGORY:

Legislator Cilmi.

LEG. CILMI:

So this extends the authority to the Traffic and Parking Violations Agency to come up with a plan and implement the plan; again, without the Legislature's --

LEG. D'AMARO:

No, no.

P.O. GREGORY:

Come up -- well, you can answer that, Legislator Hahn. It's to come up with a plan, as I understand it.

MR. NOLAN:

And implement it.

LEG. HAHN:

And implement it. It gives time, they have to present it to us. So clearly, if we had a real problem with it, we could, you know --

LEG. D'AMARO:

But there's no requirement?

LEG. CILMI:

There's no requirement for us to approve it?

LEG. HAHN:

Approve it? No, I don't believe so.

LEG. D'AMARO:

Not good.

LEG. BARRAGA:

But if they come up with a plan, it allows the person to make payments over a period of time. You know, it seems to me that there would be additional cost from an administrative perspective on their part, so there would have to be some sort of surcharge, some sort of an offset for that additional cost.

LEG. HAHN:

Yeah, I imagine it's going to be part of their plan that they'll, you know, present to us and tell us about, you know, how if it does cost them more money to spread it over out over time, how much will it cost them and, you know, how much they have to charge back to the person.

Look, you know, there was a time in my life where I lived paycheck to paycheck or worse, and coming up with a \$300 ticket would have been an incredibly hard, difficult hardship for me. And, you know, having some sort of regular payment plan, you know, whether it's \$50 a month or \$10 a month, depending on what's appropriate, and if somebody wants to pay it back, they can do it that way. There was a time in my life where if I wanted to pay you \$350 for a ticket, I couldn't do it, you know, barring not paying rent. And so I think that it's very important that, you know, we have this kind of option for folks, that they're able to, you know, pay something off slowly if they have to. And if you want to make it so that it's -- you know, if the plan comes back and says that only people under a certain -- you know, making a certain amount of money or with a certain threshold can take advantage, you know, I would understand that. But I think that there are certain folks that, you know, one ticket or two tickets could really wipe them out.

LEG. BARRAGA:

Well, there are many circumstances, for example, where people do not make payments, like on credit cards. But as long as you understand, at some point they may come back and say, *Look, you know, you want to pay it over time, it's going to charge you 8 or 9 or 10% on interest*, that's just the way it is. I can't see them developing a program and everything is revenue neutral. There's a cost associated with this. As long as you understand whatever plan is --

LEG. HAHN:

Yes.

LEG. BARRAGA:

-- ultimately presented, there's going to be a cost associated for the person who's trying to pay this thing off.

LEG. HAHN:

Yeah, there's no question that people will have to make that decision all the time. You know, *I have to put this on a credit card and it's going to cost me 21% interest*, you know, whatever; hopefully not, but those are decisions that people have to make every day. But, you know, when you could have your license revoked because you haven't been able to pay a ticket because you're not allowed to make payments, you know, you could get into a lot more trouble over time because you're not able to make a payment, a single payment at one time.

LEG. BARRAGA:

I guess one final point. I just don't want a situation developing where if the plan is developed and it somehow comes before this Legislature and the interest rate on a payment plan is 8 or 9%, we spend hours questioning people why it's 8% and not 3% and not 2%, not 1%. There's a cost factor associated with this.

LEG. HAHN:

Through the Chair, and I thank you for letting us have this discussion back and forth. I certainly hope that they'll -- when they present the plan, they'll be able to justify the amount of interest, if any, they're going to be charging.

LEG. CILMI:

Mr. Chair?

P.O. GREGORY:

I have list. You're next.

LEG. CILMI:

Am I next? Okay. So, Legislator Hahn, I don't think the question is does it make sense to do it. You're right, clearly there are circumstances where folks would like to pay their fines and just, you know, it's a choice between that and putting food on their tables. But as Legislator Barraga points out, there is a cost associated with the administration of that sort of program, there's a cost associated with carrying the money on a program like that, and those costs have to be made up somehow.

So the question that I really have is do we want to allow the agency, unilaterally, to develop that scheme and implement that cost structure? And if we do -- Counsel, this is to you -- if we do allow that at the onset here, does that then give them carte blanche, barring any amendment to the law in the future, does it give them carte blanche to increase those fees or to change those fees in some way, at any point in time that they wish to do so?

MR. NOLAN:

I'm just not sure about the fees, when you ask about can they change the fees.

LEG. CILMI:

Well, as an example, so let's say that somebody -- let's say they -- there's one of two ways they can go. They can either decide to work with violators individually, and I'm not sure that they could legally do that, effectively coming up with a payment plan for each and every, you know, violator; I don't think that's practical. Or as an alternative, they could develop some sort of a program whereby you could say *Pay your fine over 6 months, 12 months*, whatever the case may be, *but in doing so, you would incur a 3% interest, penalty* or something like that. And who knows, maybe at

some point they say, *Okay, you're not only going to have to pay the 3% interest penalty, but there's going to be a one-time \$20 administrative fee associated with, you know, taking advantage of this payment plan.* And then so if they say that from the outset, and we don't have the ability to agree or disagree to that, could they then in the future just increase that fee or implement a new fee or increase the percentage, you know, on their own without our approval?

MR. NOLAN:

I think it's not clear. I think what they could do is impose the interest charge or late payment. In terms of imposing new fees for late payments, I think that would probably have to come back to us. Almost all of the fees that -- there are a lot of fees associated with this agency, we've approved them all. So I think probably --

LEG. CILMI:

Should we do that in this case then?

MR. NOLAN:

That's up to the Legislature. I mean, it could be written in a way to say, *Develop a plan and bring it back to us and we'll approve it before it's implemented,* but that's up to the Legislature. Under the current version, we're giving them some leeway to develop the plan and implement it. As Legislator Hahn mentioned, if they developed a plan that the Legislature found quite objectionable, we could pass a resolution saying, you know, *Stop, cease and desist and do not implement that.*

LEG. CILMI:

That's -- I mean, I suppose we could, but that's sort of like putting the cart before the horse, if you will. Did you --

LEG. STERN:

No, go ahead.

LEG. CILMI:

That's just a suggestion. We might want to think twice about this.

P.O. GREGORY:

Okay. Legislator Stern?

LEG. STERN:

Yeah, let me -- I agree with Legislator Cilmi, that the way the resolution reads here, the agency develops a plan, they submit a proposal, but it's really just for us to be informed of what their proposal is, it doesn't come back to us for any kind of approval whatsoever. So I would share that same concern.

I mean, there were some assumptions that were made by BRO in putting together this fiscal impact statement. But I'm not so sure I agree with some of the important elements that were made up as a part of some of this fiscal impact statement, interest rates being one of them. Ultimately, after a conversation, some of these elements might be agreeable, but we haven't really had that conversation. I don't see an opportunity to do that if we simply give the agency the ability to implement a program without it coming back to us. So I would share the same concern.

P.O. GREGORY:

Legislator Trotta?

LEG. TROTTA:

Yeah, having written a lot of tickets, I know how it can burry people, and I agree that there should be some kind of payment plan, and maybe a small fee. I know a County that borrowed millions of dollars today. So, you know, we don't have the ability to pay our bills, so we should give our taxpaying citizens the same ability to do it. So I think it's a good thing, maybe \$10 on top of a \$5 administrative fee to pay it off through the year. It just seems logical to me.

P.O. GREGORY:

Okay. Legislator Barraga.

LEG. BARRAGA:

No, I'm good.

LEG. D'AMARO:

DuWayne? Over here.

P.O. GREGORY:

Oh, I'm sorry. Legislator D'Amaro.

LEG. D'AMARO:

Yeah, I just -- my feeling on this is that I think a payment plan would be okay, but I would want to know what the parameters of the plan are going to be and what the cost is going to be to the people paying that, because ultimately I'm going to be held accountable for that plan. And I think giving an open-ended authorization in this fashion is not particularly the best way to proceed at this point. So, that's how I feel about it.

LEG. HAHN:

So would it -- George, would it be possible to amend it to come back and then we'll just deal with it at the next meeting? Or was there --

MR. NOLAN:

No, there's no time element. You can definitely do that.

LEG. HAHN:

I can't remember; this isn't a Local Law, right?

MR. NOLAN:

It's a resolution.

LEG. HAHN:

Right. Okay, so then maybe I'll make a motion to table and we'll make those changes.

LEG. STERN:

I'll second the motion. And on the motion, I just want to be clear, I'm generally supportive of the idea, but I think we should have an idea as to what that plan might look like and have an opportunity to participate and how that will be formulated going forward.

LEG. HAHN:

No, I'm fine with it. I don't even truly remember deciding that, to do it this way. It's been a little while (*laughter*). So good, that will make it better, I believe. Thank you.

P.O. GREGORY:

All right. So Legislator Hahn makes a motion to table, second by Legislator Stern. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen (Not Present: Legislator Calarco).

P.O. GREGORY:

Okay, ***IR 1762-15 - Authorizing the reconveyance of County-owned real estate pursuant to Section 215, New York State County Law to Charles Sessions, Jr., ET AL. (SCTM No. 0100-202.00-03.00-042.000) (Presiding Officer Gregory).*** I'll make a motion to approve. Do I have a second?

LEG. CILMI:

Second.

P.O. GREGORY:

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

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

Thank you. ***IR 1764-15 - Authorizing the reconveyance of County-owned real estate pursuant to Section 215, New York State County Law Domenico Morabito and Giovanna Morabito (SCTM No. 0200-625.00-03.00-014.000) (Muratore).***

LEG. MURATORE:

Motion.

P.O. GREGORY:

Motion by Legislator Muratore.

LEG. CILMI:

Second.

P.O. GREGORY:

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

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

IR 1766-15 - Extending the deadline for the reconveyance of County-owned property to Cheryl L. Stilwell, ET AL (Anker). Motion by Legislator Anker.

LEG. STERN:

Second.

P.O. GREGORY:

Second, Legislator Stern.

LEG. STERN:

On the motion.

P.O. GREGORY:

On the motion, Legislator Stern was that?

LEG. STERN:

Yeah, thank you. Just for the record here, this was a 215, but it's working slightly differently. I just wanted it for the record that it had been to auction, there was a successful bidder; however, we were advised that it was made part of the record that the bid was made subject to this resolution and that there was actual notice that was given as a part of the record. So we are advised that we can proceed here, though that was a concern that it had been at auction, that there was a successful bidder, but the bid was subject to the possibility of this resolution going forward. And again, there was actual notice provided to that effect.

P.O. GREGORY:

Okay. Legislator Cilmi.

LEG. CILMI:

I'm a little confused. So we're extending a deadline and this is a 215?

MR. NOLAN:

It's a hardship redemption.

LEG. CILMI:

Hardship redemption under the Section 215 Program?

MR. NOLAN:

Correct.

LEG. CILMI:

Okay. Does the -- does the Charter or do our Local Laws extend to us the legal ability to extend the deadline?

MR. NOLAN:

This -- yeah. In this particular case -- and this is probably the last case where we can do something like this. This hardship redemption, the application predated our new law, our new hardship redemption law which imposes a 60-day timeline on when we have to receive payment after a resolution is enacted.

LEG. CILMI:

So this application came in before that?

MR. NOLAN:

Right.

LEG. CILMI:

Okay.

MR. NOLAN:

So that being the case, in the resolution where we approved this redemption, even though we were considering it under the old law where there was no such deadline, in that resolution we gave a 120-day deadline for them to pay us. For reasons that -- you know, for whatever reasons they did

not make payment within 120 days.

LEG. CILMI:

Okay.

MR. NOLAN:

So by another resolution we can extend that deadline, if that's the will of the Legislature. But going forward, if there was a similar situation where somebody didn't pay us within the 60 days that's now required under our current law, you know, we wouldn't have the same latitude to do this by a simple resolution, we would have to do it by enacting a Local Law, which is -- you know, we don't want to get into that. We want to try and stay to the guideline, the deadline that is in the law currently, but we have this latitude because this is such an old application.

LEG. CILMI:

So under the law prior to -- prior to us instituting the 60-day timeframe, which is codified in law currently, right? Was there any prescribed time limit?

MR. NOLAN:

No.

LEG. CILMI:

There wasn't.

MR. NOLAN:

There wasn't, and that's one of the things -- when we updated the law, the Division of Real Estate was very interested in getting a deadline, because what would happen is we would pass a hardship redemption resolution and then the thing might just hang out there --

LEG. CILMI:

Right.

MR. NOLAN:

-- for months and months and months. So they wanted to have that date certain in the new law.

LEG. CILMI:

Okay. And when did the 120 days expire for these folks?

MR. NOLAN:

It was a few months ago. And what happened was an attorney for these people contacted us shortly thereafter, but, you know.

LEG. CILMI:

No, I don't know. Explain to me.

MR. NOLAN:

No, it just --

LEG. CILMI:

I don't know what you're trying to say.

MR. NOLAN:

I don't understand why they didn't make the payment. It was always conditioned on them receiving the property back and then selling the property and then paying us the taxes from the proceeds.

That's what they're going to do now. The attorney representing them now tells me that they will be able to do this, we're giving them till January 15th as the final bite at the apple, but he assures me they have a buyer and they're going to sell the property and the County will receive all the back taxes, penalties and interest.

LEG. CILMI:

Does it specify in -- I mean, the last resolution that we apparently passed specified 120 days, which --

MR. NOLAN:

Right, which we didn't have to put in there but we did.

LEG. CILMI:

Right, but it came and went.

MR. NOLAN:

Yep.

LEG. CILMI:

This resolution, instead of specifying a timeframe, specifies a date certain, but can it be extended again?

MR. NOLAN:

Theoretically, but I, you know, would certainly recommend that --

LEG. CILMI:

But we would have to do it.

MR. NOLAN:

We would have to do it, and I would never -- you know, I think this is to me the last bite at the apple for these folks. They've been given the opportunities, this is an extra opportunity, they're very fortunate to be able to have it. You know, theoretically we could do it, but I doubt we would.

LEG. CILMI:

And to the sponsor, you're secure that they, at this point, have the money to redeem this property?

LEG. ANKER:

Their attorney has been in touch with us and they've basically have given their word that they have the ability to move forward with this with a contract.

LEG. CILMI:

And the wherewithal to continue to pay their taxes?

LEG. ANKER:

Yeah. It's two sisters, very sick, they've had a tough time. And to give them the opportunity to, number one, pay back the back taxes, I think it's very important; and number two, to be able to sell their home without losing their home, and if they're not able to, if this contract does not go through, we do have a buyer through the auction process that will be taking the home.

LEG. CILMI:

Okay. So if they get the home back through this process, their intention is to sell the home, so we don't have to worry about them not being able to pay the taxes going forward. And If for some reason that falls through, we have a buyer through the auction process that was interested in the

property?

LEG. ANKER:

Yes.

MS. KEYES:

I just want to clarify on the auction point. We'll have to -- in order to -- if the resolution is passed tonight, we'll remove the property from -- we'll cancel the sale from the auction. So if it doesn't go through and this 215 is voided in January, it will have to go to auction again in 2016. We won't be able to just put that sale back on. I just want to make sure that's clear.

LEG. CILMI:

Hmm.

MR. NOLAN:

Well, just also for the record. When this resolution was introduced, we had discussions with the Division of Real Estate and it was our understanding that the property was going to be removed from the auction. So unbeknownst to Legislator Anker and myself, it was auctioned and, you know, based -- you know, I don't understand why that was done.

LEG. CILMI:

So the property was auctioned.

MR. NOLAN:

It was placed -- yes, it was.

MS. KEYES:

If I could, it was auctioned and it was my understanding that that was communicated, that we were proceeding with auctioning it in case -- for exactly what I just described. So if this resolution didn't fail, if this resolution didn't pass, we would be able to proceed with the sale rather than incur another year's taxes, another year of maintenance costs. Knowing that, because of the timing, if this does pass we can cancel the sale free and clear and proceed with the redemption on the property.

LEG. CILMI:

Do we -- Amy, do we risk legal action if we now renege on --

MS. KEYES:

No. We have the ability to cancel the sale within 30-days of the auction, so that would be November 20th. That's under the auction rules and it's stated in the agreement.

LEG. CILMI:

Okay.

MS. KEYES:

That participants sign when they purchase -- when they register for the auction.

LEG. CILMI:

All right, this is a pretty convoluted situation.

LEG. ANKER:

I think --

LEG. CILMI:

I'm done, let somebody else go.

LEG. ANKER:

In answering your concern, I just wanted to state that, you know, we have the ability as Legislators to help our constituents get through really hard times.

LEG. CILMI:

Absolutely.

LEG. ANKER:

And, you know, the two sisters have been very ill and they've gotten to the point where they're recovering and we now have the opportunity to help them, you know, again, move forward with their house situation.

LEG. CILMI:

I completely empathize with you and with them and I understand and I agree with you. But, you know, we have rules in place for a reason, and my concern is that when you sort of make -- start making exceptions, then all of a sudden it calls into question every other decision that you've made. And so, you know, we have a situation in my office where -- and it's a recent situation, so it's not apples to apples here -- but where somebody came in and applied for a 215 redemption and missed the deadline, missed the 60-day deadline to complete the application. And so who knows how many other applicants fell into that you know situation. We're making an exception for this person here, I don't want a line of constituents coming before the Legislature saying, *Look, you know, had we known you guys could make exceptions to your own laws, we would have been back, you know, knocking on your door again, you know?*

MR. NOLAN:

Yeah. I would just say that this is under the old law. And I agree, if this had come in, you know, after the new law was in effect, it would be much different. But I think we have the latitude to do this because this -- these were the rules, it was more open-ended.

LEG. CILMI:

When was the original application made, George?

MR. NOLAN:

This was -- I don't remember the specific date, but it was submitted and then my recollection is it got hung up in Real Estate where it wasn't processed for some reason. So it was very old by the time the Legislature --

LEG. CILMI:

Did it predate Legislator Anker?

LEG. ANKER:

No.

MR. NOLAN:

No, I think Legislator Anker was there at that point.

LEG. CILMI:

Okay.

P.O. GREGORY:

Okay, Legislator Kennedy.

LEG. KENNEDY:

I have a 215 coming up, too, that's been a tremendous amount of an issue, so I understand perfectly well what you're going through there, Sarah. My question is with this extension, do they have to also have a new appraisal and come up with the 2016 taxes also?

MS. KEYES:

Right. 2016, they'll incur 2016 taxes on December 1st, so.

LEG. KENNEDY:

Okay. That's okay. Thanks.

P.O. GREGORY:

Okay? All right. So we have a motion and a second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

Okay, ***IR 1777-15 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 James Albrecht and Denise Albrecht, his wife (SCTM No. 0100-155.00-01.00-097.000)(County Executive).***

LEG. STERN:

Motion.

LEG. D'AMARO:

Second.

P.O. GREGORY:

Motion by Legislator Stern. Second by Legislator D'Amaro. On the motion?

LEG. STERN:

On the motion. This is property that's in North Lindenhurst, in Town of Babylon, it was appraised at 4500, it will be sold for 4500 plus pro rata share of taxes at closing. There will be restrictive covenants to prevent further development.

P.O. GREGORY:

Okay. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

IR 1780-15 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law Town of Brookhaven (SCTM No. 0200-389.00-01.00-016.000)(County Executive).

LEG. STERN:

Motion.

P.O. GREGORY:

Motion by Legislator Stern.

LEG. CALARCO:

Second.

P.O. GREGORY:

Second by Legislator Calarco. On the motion, Legislator Stern?

LEG. STERN:

No.

P.O. GREGORY:

No. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

IR 1784-15 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Alan R. Schoenfeld (SCTM No. 0500-275.00-02.00-033.001) (County Executive).

LEG. STERN:

Motion.

P.O. GREGORY:

Motion by Legislator Stern. I'll second. On the motion, Legislator Stern.

LEG. STERN:

On the motion. This is property located in the Town of Islip. It has an appraised value of \$950, the adjacent land owner is to pay \$1,310.

LEG. D'AMARO:

On the motion.

P.O. GREGORY:

On the motion, Legislator D'Amaro.

LEG. D'AMARO:

Never mind.

P.O. GREGORY:

Okay. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

IR 1789-15 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Thomas D. Carroll and Mary Ellen Carroll, his wife (SCTM No. 0800-055.00-03.00-035.000) (County Executive).

LEG. STERN:

Motion.

P.O. GREGORY:

Motion by Legislator Stern. I'll second. On the motion?

LEG. STERN:

On the motion. This is paper street property in St. James in the Town of Smithtown. It was appraised at \$10,000, was offered to two adjoining land owners, the high bid was \$52,000.

LEG. HAHN:

Wow.

P.O. GREGORY:

What now? Oh, I'm sorry, I missed it. All right. Anyone else?
All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

Okay, ***IR 1791-15 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Brookhaven (SCTM No. 0200-527.00-02.00-013.000) (County Executive).***

LEG. STERN:

Motion.

P.O. GREGORY:

Motion by Legislator Stern.

LEG. CALARCO:

Second.

P.O. GREGORY:

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

LEG. STERN:

Yeah, this is in the Town of Brookhaven. This is property that is going to be used exclusively as a drainage recharge basin.

P.O. GREGORY:

Okay. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

IR 1877-15 - Authorizing a certain technical correction to Adopted Resolution No. 739-2015 (County Executive). Motion by Legislator Stern. I'll second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

1877A, Bond Resolution amending Bond Resolution No. 740-2015, adopted on September 9, 2015, relating to the authorization of the issuance of \$750,000 Bonds to finance the cost of stormwater remediation to the Yaphank Lake and Carmen's River at CR 21, Main Street/Yaphank-Middle Island Road (CP 8241.312). Motion by Legislator Browning. I'll second. I'm sorry, roll call.

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

LEG. STERN:

Yes.

P.O. GREGORY:

Yes.

LEG. KRUPSKI:

If I could ask; is it too late to ask a question on the motion?

P.O. GREGORY:

Sure.

LEG. KRUPSKI:

Does this include a fish ladder at that location?

LEG. BROWNING:

No, it's stormwater.

LEG. KRUPSKI:

I know, but it's going to be a big --

LEG. BROWNING:

(Inaudible)

MR. NOLAN:

Legislator Krupski, just a point change. The original resolution and then the Bond Resolution is just being amended to reflect that.

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

LEG. KRUPSKI:

Thank you. Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

Yes.

LEG. McCAFFREY:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

Okay. If you go into the manilla folder.

LEG. KRUPSKI:

Excuse me, Mr. Presiding Officer? If we could take the Procedural Resolution out of order, please.

P.O. GREGORY:

It's next. ***Procedural Motion No. 27-2015 - Setting land acquisition priorities in accordance with "AAA Program" requirements (2015 - Phase III)(Hahn).*** Motion by Legislator Hahn. Second --

LEG. MURATORE:

(Raised hand).

P.O. GREGORY:

Who was that, Muratore? Second by Legislator Muratore. On the motion, anyone? In the manilla folder, it's the AAA acquisition properties.

LEG. BROWNING:

Mr. Clerk? Jason, cosponsor, please.

LEG. CALARCO:

Jason, cosponsor.

LEG. KRUPSKI:

Cosponsor, Jason. Thank you.

P.O. GREGORY:

Everyone good? All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

Okay, ***IR 1931 - Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$50,000 Bonds to finance the cost of fencing and surveying of various County Parks (CP 7007.414).*** This Bond had failed in the past and we are -- it is before us again. So I will make a motion to approve.

LEG. CALARCO:

Second.

P.O. GREGORY:

Second by Legislator Calarco. On the motion?

LEG. D'AMARO:

On the motion.

P.O. GREGORY:

On the motion, Legislator D'Amaro.

LEG. D'AMARO:

Yeah, to the Clerk of the Legislature, can you tell me this Procedural history and what the vote was the last time this bill was considered and when it was?

MR. RICHBERG:

If you give me a couple of seconds, I'll pull that up for you.

LEG. D'AMARO:

Sure.

*(*Brief Pause*)*

MR. RICHBERG:

Sorry about that, logistics. It failed 10-6, one recused -- sorry, one not present and one abstained.

MR. NOLAN:

And you were a no vote, Legislator D'Amaro.

LEG. D'AMARO:

What date was that, please?

MR. RICHBERG:

March 25th --

LEG. CILMI:

Was I a yes vote?

MR. RICHBERG:

3/25/2015.

LEG. CILMI:

Jason, was Cilmi a yes vote?

MR. RICHBERG:

Yes, you were a no.

*(*Laughter*)*

LEG. CILMI:

I was a no vote?

MR. RICHBERG:

Yes, you were a no vote.

P.O. GREGORY:

A subliminal message in there.

MR. RICHBERG:

I have a pocket watch, too, if you'd like.

LEG. D'AMARO:

I would really like an opportunity, just because we considered this this year already, to at least take a look at the transcript. You know? Just see -- I can't even speak to this right now. I don't know what the arguments were for or against, I don't know.

P.O. GREGORY:

So we do have -- I think I saw the Commissioner. Commissioner, do you recall? Because I certainly don't.

COMMISSIONER DAWSON:

I think part of the objection was we still had money left in the account. The money is now -- I think we had \$5,000 left in our fencing account. We also did not put any money into the 2016 Capital Budget, so we get anticipation of this actually passing.

LEG. D'AMARO:

Okay. What was my argument against the bill?

COMMISSIONER DAWSON:

I'm sorry, I don't have the minutes in front of me, sir.

LEG. TROTTA:

You said *Over my dead body*.

LEG. D'AMARO:

I don't remember.

P.O. GREGORY:

If I recall, I think Legislator Hahn had some issues because of environmental, or something, there was something in your district. No, there was something with snow fencing that you were against and that you had concerns about.

LEG. HAHN:

What was the date?

P.O. GREGORY:

There's a trail, there was some property where there were dirt bikes or something.

LEG. CILMI:

Mr. Chair, procedurally, can we just hold off on voting on this until our next meeting, which is a week or so away?

P.O. GREGORY:

I believe so.

LEG. CILMI:

So this gives us an opportunity to relook at it and --

P.O. GREGORY:

I believe so, but as long as it's done before the end of the year; right, Robert?

COMMISSIONER DAWSON:

Actually, it's a Bonding Resolution.

MR. NOLAN:

No, you can table it.

P.O. GREGORY:

Okay.

LEG. CILMI:

Can we table it? Legislator D'Amaro, would you prefer --

LEG. D'AMARO:

Do you know what the bill number was?

P.O. GREGORY:

1128.

LEG. D'AMARO:

1128? Oh, yeah.

D.P.O. SCHNEIDERMAN:

Maybe the Commissioner could explain the need for the money.

COMMISSIONER DAWSON:

Again --

D.P.O. SCHNEIDERMAN:

Because the bill had passed, it was the Bond that failed.

COMMISSIONER DAWSON:

We utilize these funds to replace and repair any fencing in all of our County parks. A good portion of the money goes to purchasing snow fence which we use to stabilize the dune system at Smith Point, Cupsogue, Shinnecock. I think Legislator Cilmi had a question last time how can you use snow fencing as a capital, it's actually infrastructure. The snow fence gets buried in the sand system and it stays there, it protects our beaches. We also use it for places like at golf courses where we have netting, if we lose it in a storm, we need to put it -- you know, we need to make replacements. If we have down fencing at a County park, we use it for that purpose. And again, I think there was money left in the account when we came here in March, that money has since been exhausted, so. And we don't have any money allocated in 2016, so this is all the money we're going to have for fence repairs and all of our 50,000 acres of parkland.

LEG. CILMI:

Mr. Chair?

P.O. GREGORY:

Legislator Cilmi?

LEG. CILMI:

Commissioner, did you know that this was coming before us today?

COMMISSIONER DAWSON:

Yes.

LEG. CILMI:

Again? You did?

COMMISSIONER DAWSON:

But I did not look at the minutes, I'm sorry.

LEG. CILMI:

You didn't look at what?

COMMISSIONER DAWSON:

Look at the minutes from the last meeting.

LEG. CILMI:

No, no, I wouldn't expect you to do that. But the point is is that I didn't know this was coming before us today, nor I guess did Legislator D'Amaro or anybody else here for that matter. Was this on our agenda? Not really, right? So.

MR. NOLAN:

They just --

LEG. CILMI:

They just kind of threw it in there. So my problem with that is that it really doesn't give us any time to prepare for, you know, a significant vote. So, you know, in the future, it would be -- you know, I would appreciate kind of a head's up to say *this is going to be coming back before you*.

COMMISSIONER DAWSON:

Okay.

LEG. CILMI:

You know, do you still have the same issues that you had before? Let's talk about it, whatever, that would have been a good thing to do.

COMMISSIONER DAWSON:

Understood.

LEG. HAHN:

There was no discussion

COMMISSIONER DAWSON:

I would --

LEG. D'AMARO:

Tom, can I --

LEG. CILMI:

I would think that --

COMMISSIONER ANDERSON:

I think at the last --

LEG. D'AMARO:

I have the minutes here, if you're interested.

LEG. CILMI:

Well, I'm interested, but I feel kind of harried at this point to look at them, you know, while we're all sort of sitting here. So we have a meeting in another week, is that right? When is our next meeting; Tuesday, a week from today? The following Tuesday, to weeks?

COMMISSIONER DAWSON:

December 1st.

LEG. MURATORE:

Motion to table.

LEG. TROTTA:

Second.

LEG. CILMI:

So why don't we just table it and we'll have it -- this way it gives us an opportunity to talk and we'll address it then.

LEG. MURATORE:

I made a motion, Trotta seconded it.

LEG. CILMI:

Okay. Mr. Chair, we have a motion to table.

P.O. GREGORY:

You're still waiting for a second?

LEG. McCAFFREY:

Second.

LEG. TROTТА:

I seconded.

LEG. CILMI:

I heard a second.

MS. GELLERSTEIN:

You had like four seconds.

P.O. GREGORY:

Oh, okay (*laughter*).

LEG. CILMI:

All in favor?

LEG. D'AMARO:

Wait, hold on.

LEG. CILMI:

That's your job, sorry.

LEG. D'AMARO:

On the motion.

P.O. GREGORY:

On the motion, Legislator D'Amaro.

LEG. D'AMARO:

Yeah, just hold on. I'm trying to be fair here.

LEG. McCAFFREY:

He's dignified.

LEG. TROTТА:

You're trying to be fair?

(**Laughter**)

LEG. D'AMARO:

Okay. I'm looking at the minutes of March 25th, was the Legislative meeting date, and there was absolutely no discussion at all.

LEG. HAHN:

I didn't say anything against it.

LEG. D'AMARO:

And the roll call was as follows: Krupski yes, Schneiderman yes, Browning excused absence, Muratore no, Hahn yes, Anker yes, Calaraco yes, Lindsay yes, Martinez yes, Cilmi no, Barraga no, Trotta no, McCaffrey no, Stern yes, D'Amaro no, Spencer yes, Gregory, Presiding Officer yes, and that was ten, because there was one excused absence and one vacant seat at the time, District 12 was vacant. So that's how the vote went down, but there was absolutely no discussion. And I don't -- I don't have a recollection as to what happened.

LEG. McCAFFREY:

I remember a big discussion about that.

COMMISSIONER DAWSON:

No, I think there were two other Bonds that were on the agenda that night that there was lengthy discussion on and it just -- I think it --

LEG. D'AMARO:

But how could it not be in the minutes?

COMMISSIONER DAWSON:

Were there minutes on 7079?

D.P.O. SCHNEIDERMAN:

I think there was a debate on the underlying resolution.

P.O. GREGORY:

Maybe, yeah.

D.P.O. SCHNEIDERMAN:

Maybe not on the Bond?

LEG. D'AMARO:

I have the underlying resolution minutes here and it was just a motion by Krupski and a second by Gregory.

D.P.O. SCHNEIDERMAN:

Maybe the Commissioner never had a chance to make his case --

LEG. McCAFFREY:

No, he did. The big issue was the \$50,000 bond.

D.P.O. SCHNEIDERMAN:

It's a \$50,000 bond so he can have fencing, right, repair fencing --

COMMISSIONER DAWSON:

Repair fencing --

LEG. KENNEDY:

-- for tens of thousands of acres of County parks.

LEG. D'AMARO:

I'm sure.

COMMISSIONER DAWSON:

I mean, we run one of the largest park systems in the country. I mean, to come and ask you for funding for fencing, it doesn't seem --

D.P.O. SCHNEIDERMAN:

I mean, there's probably some of us who feel that it shouldn't be a bond item, it should be an operational item. I don't disagree with that, but you don't have the money to do it.

COMMISSIONER DAWSON:

Well, it's not in the Operating Budget and it's not in the Operating Budget for 2016 either, so.

D.P.O. SCHNEIDERMAN:

So without this you can't fix fences.

COMMISSIONER DAWSON:

Right, we can't purchase fences. We're down to \$5,000 in that account.

D.P.O. SCHNEIDERMAN:

And that creates liability issues and all kinds of security issues.

COMMISSIONER DAWSON:

Liability issues.

D.P.O. SCHNEIDERMAN:

Is this also our piping plover fencing, too?

LEG. CILMI:

I was just going to say, what's going to happen with the piping plovers?

COMMISSIONER DAWSON:

We do use it to fence off certain areas for the piping plover, but that comes down every season. We use more string fence. It's more for rebuilding the dune system, it's more for repairing, netting at golf courses, it's for securing parks.

D.P.O. SCHNEIDERMAN:

There's chain link fencing, too, or just snow fencing?

COMMISSIONER DAWSON:

I'm sorry?

D.P.O. SCHNEIDERMAN:

There's also chain link repairs?

COMMISSIONER DAWSON:

It's absolutely for chain link fencing. Chain link fencing, snow fencing repairs, swing gates for parks, securing certain areas, securing new parkland and whatnot. And I think the description was in the Bond, but Bond memo that came before you --

D.P.O. SCHNEIDERMAN:

Well, I voted for it before, I plan on voting for it again. But unless there's a change of votes -- well, we have one additional member now, or two additional members.

COMMISSIONER DAWSON:

Two additional members.

P.O. GREGORY:

Legislator D'Amaro.

LEG. D'AMARO:

Yes. Commissioner, just what would the funds be used for?

COMMISSIONER DAWSON:

It's for purchasing and repairing fence in County parks, County-wide.

LEG. D'AMARO:

So this didn't get passed back in March --

COMMISSIONER DAWSON:

We had funds -- I'm sorry.

LEG. D'AMARO:

Go ahead.

COMMISSIONER DAWSON:

We did have funding back in March. Right now we've depleted the account down to to roughly \$5,000, so this will carry us through 2016.

LEG. CILMI:

When you said you had funding, you mean operating funds at that point.

COMMISSIONER DAWSON:

No, we had capital funding in 7007 --

LEG. CILMI:

Okay.

COMMISSIONER DAWSON:

-- but that has been depleted. And again, back in 2014 we had money allocated in that Capital account that we chose -- we didn't come forward to have it -- to have it appropriated, and then we also didn't put money in 2016, you know, with the intent that we had this \$50,000 sitting here. So we're trying to do our part, we're trying to spend as reasonably as possible, but we do need funds.

D.P.O. SCHNEIDERMAN:

Let's just vote it up or down.

P.O. GREGORY:

Legislator McCaffrey?

LEG. McCAFFREY:

Yes. Commissioner, at the time I didn't have a very big need for fencing when I voted against this, but we've had long discussions about the closest thing I have to a County park, besides our sewer plant, is a golf course, and we've had numerous complaints from -- and I actually got on e-mail now about our residents complaining that golf balls are hitting their house and they want to know who they should sue as well. Have we gotten -- we talked about getting estimates to improve the netting at the driving range there. Is there -- are we any closer to that and would that be included

in the 50,000?

COMMISSIONER DAWSON:

We have had numerous requests. The problem is there's one company, they're located out of Washington, that puts up that type of netting; we've reached out to them three or four times, we have yet to get a price quote. So, I mean, to say whether I can or can't do it, I really need to know how much it's going to cost.

LEG. McCAFFREY:

Could we get an estimate and maybe include that? I mean, just some sort of ball park, include that. I mean, we do that all the time, we guess all the time as to what things are going to cost. So can we get some sort of estimate and include that into the bond so it's not maybe a \$50,000 bond and it may include, you know, more money -- because that's expensive, we know that. They'll put our netting in there.

COMMISSIONER DAWSON:

Yeah.

LEG. McCAFFREY:

So if we get an idea and maybe table this and include it in the next -- at our next meeting, present it with that money in there, you know, for the netting, for that golf course.

COMMISSIONER DAWSON:

Well, I would hate to commit to that at this stage of the game. There's only \$50,000 appropriated and if that fencing comes in at \$15,000, you're talking a significant portion of that money, so. Again, I don't know what it's going to cost anyhow.

LEG. McCAFFREY:

It's the closest thing I have to a park, I'd like to have it included to be able to support it.

P.O. GREGORY:

Okay. Legislator Krupski.

LEG. KRUPSKI:

First of all, Legislator McCaffrey, just to your concerns. We all know the golf ball's hitting the house; you're not following through, so you're going to have to work on that.

LEG. McCAFFREY:

I know, I'm working on that. I haven't had much time for golf lessons lately, but hopefully I will after this.

*(*Laughter*)*

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

LEG. KRUPSKI:

So, I mean, the Parks Committee is 2:30 tomorrow. Wouldn't this be better to table this now and just go through this completely and everybody would be satisfied with their vote for the next time? I mean, the Commissioner said it could be tabled at this time.

COMMISSIONER DAWSON:

I'm not sure what the Parks Committee has to do with --

LEG. KRUPSKI:

Well, you could talk about it at length there.

D.P.O. SCHNEIDERMAN:

As the Chair of the Parks Committee, I'd prefer just get an up or down vote today. You know, we've heard why he needs it. It's a, you know, relatively small amount, 50,000 for -- considering all the County parks, and he's got to run his department. He's got no money in for --

LEG. KRUPSKI:

I've heard -- no, I've heard his argument, but --

D.P.O. SCHNEIDERMAN:

So let's just vote. Either it goes through as a bond or it doesn't.

LEG. KRUPSKI:

Fine.

D.P.O. SCHNEIDERMAN:

You know.

LEG. KRUPSKI:

Okay.

P.O. GREGORY:

You might not like the answer.

*(*Laughter*)*

Okay. All right. So we have -- we actually have a motion to table and a second. Roll call on the tabling motion.

(Roll Called by Jason Richberg, Clerk of the Legislature)

LEG. MURATORE:

Yes.

LEG. TROTTA:

No. Oh, table. Table, yes. Yes.

P.O. GREGORY:

You were right the first time.

LEG. KRUPSKI:

No to table.

LEG. BROWNING:

No.

LEG. HAHN:

No to table.

LEG. ANKER:

No.

LEG. CALARCO:

No.

LEG. LINDSAY:

No.

LEG. MARTINEZ:

No.

LEG. CILMI:

No to table.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. MC CAFFREY:

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:

Four.

P.O. GREGORY:

Okay. On the motion to approve, roll call.

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

P.O. GREGORY:

Yes.

LEG. CALARCO:

Yes.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

No.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

No.

LEG. MC CAFFREY:

No.

LEG. STERN:

Yes.

LEG. D'AMARO:

No.

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

MR. RICHBERG:

Fourteen.

P.O. GREGORY:

Okay. All right.

COMMISSIONER DAWSON:

Thank you.

P.O. GREGORY:

All right. If you go to the small manila folder. Okay. *I.R. 1911 -*

Levying unpaid Sewer Rents and Charges in Suffolk County Sewer District No. 3 - Southwest in the Towns of Babylon, Huntington, and Islip (Presiding Officer).

I make a motion to approve, second by Legislator Barraga. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

I.R. 1912 - Levying unpaid sewer rents and charges in Suffolk County Sewer District No. 13 (Wind Watch), Suffolk County Sewer District No. 14 (Parkland), Suffolk County Sewer District No. 15 (Nob Hill) and Suffolk County Sewer District No. 18 (Hauppauge Industrial) in the Town of Islip (Presiding Officer). Same motion, same second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

I.R. 1913 - Levying unpaid sewer rents and charges in Suffolk County Sewer Districts; No. 1 (Port Jefferson), No. 2 (Tallmadge Woods), No. 7 (Medford), No. 10 (Stony Brook), No. 11 (Selden), No. 12 (Birchwood N Shore), No. 14 (Parkland) No. 19 (Haven Hills), No. 20 (William Floyd), and No. 23 (Coventry Manor) in the Town of Brookhaven (Presiding Officer). Same motion, same second.

LEG. HAHN:

On the motion.

P.O. GREGORY:

On the motion, Legislator Hahn was it? Okay.

LEG. HAHN:

Yes. I just want to make sure. These are for the entire district to be split amongst all the paid --

MR. LIPP:

These are specific charges, user fees that people haven't paid, so it gets done on the tax warrant instead. It's actually -- I'm not saying many people do this, but it's a good way to get a tax write-off, because you could write off your property taxes.

LEG. HAHN:

Yeah. Say that again. I mean, just explain exactly what --

MR. LIPP:

These are charges that people were supposed to pay that they didn't, so instead, in order to collect the money, we're putting it on the property tax warrant.

LEG. HAHN:

Okay.

MR. LIPP:

So that's like the first four resolutions, there are different sewer districts we're talking. Yeah, just like pro forma stuff, no big deal.

LEG. HAHN:

Okay. Thank you.

P.O. GREGORY:

Okay. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

I.R. 1914 - Levying unpaid sewer rents and charges in Suffolk County Sewer District No. 6 (Kings Park), Suffolk County Sewer District No. 13 (Wind Watch), Suffolk County Sewer District No. 15 (Nob Hill), Suffolk County Sewer District No. 18 (Hauppauge Industrial), Suffolk County Sewer District No. 22 (Hauppauge Municipal), and Suffolk County Sewer District No. 28 (Fairfield at St. James) at Saint -- excuse me -- in the Town of Smithtown (Presiding Officer). Same motion, same second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

I.R. 1915 - Approving the return of the fund balance of the General Fund, Police District Fund, and District Court District Fund to the taxpayers of the towns of Suffolk County (County Executive). Same motion, same second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

I.R. 1916 - Determining equalized real property valuations for the assessment rolls of the 10 Towns (Presiding Officer). Same motion, same second.

LEG. D'AMARO:

On the motion.

P.O. GREGORY:

On the -- Legislator D'Amaro.

LEG. D'AMARO:

Yeah, question for BRO. Is this -- is the equalized real property valuations provided by the State?

MR. LIPP:

The equalization rate is provided by the State, the Towns provide the assessed value, and you divide one into the other and you get the full equalized value of the property.

LEG. D'AMARO:

Okay. Thank you.

D.P.O. SCHNEIDERMAN:

Just know the Town of Southampton is the highest assessed Town.

P.O. GREGORY:

Okay. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

I.R. 1917 - Approving the tabulations of Town Charges and fixing the tax levies and charges to the towns under the County Budget for Fiscal Year 2016 (Presiding Officer).

Same motion, same second.

LEG. D'AMARO:

On the motion.

P.O. GREGORY:

On the motion, Legislator D'Amaro.

LEG. D'AMARO:

Yeah, to BRO. Dr. Lipp, were the tabulations of the Town charges checked and reviewed, and by whom?

MR. LIPP:

Are you talking about the specific resolution? Yes. So what happens is Anne Dieck, who's sitting in the first row here, took over for Tim, and my office reviews and assists. And between our two offices, we -- these are the correct numbers.

LEG. D'AMARO:

Okay. Thank you.

P.O. GREGORY:

Okay. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

I.R. 1918 - Approving and directing the levy of taxes and assessments for Sewer Districts of Suffolk County under the County Budget for Fiscal Year 2016 (Presiding Officer). Same

motion, same second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

I.R. 1919 - Affirming, confirming, and adopting the assessment roll for Suffolk County Sewer District No. 3 - Southwest and directing the levy of assessment and charges within the Towns of Babylon, Huntington, and Islip for the Southwest Sewer District in the County of Suffolk for Fiscal Year 2016 (Presiding Officer). Same motion, same second. All

in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

I.R. 1920 - Extending the time for the Annexation of the Warrant to the Tax Rolls (Presiding Officer). Same motion, same -- I'm sorry. Same motion, same second. On the motion, Legislator Kennedy.

LEG. KENNEDY:

Can you explain this one to me?

MR. LIPP:

The tax year starts December 1st. So pro forma every year, in case we can't get it done, is most years the next meeting is beyond December 1st; this year, actually, December 1st, though. Then we will have a little extra time to get it out. So, actually, we're finalizing the warrant after the fact, the start of the year.

LEG. KENNEDY:

Thank you.

P.O. GREGORY:

Okay. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

I.R. 1921 - Approving the tabulations of Town Charges and fixing the tax levies and charges to the towns for the MTA Tax under the County Budget for Fiscal Year 2016 (Presiding Officer). Same motion, same second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

Okay. If you go to the red folder, CNs, we have a couple.

I.R. 1923 - Adopting Local Law to amend Chapter 603 of the Suffolk County Code, Motor Vehicle Use Fee (County Executive). Motion by Legislator Calarco, second by Legislator McCaffrey. He's looking at me.

LEG. MC CAFFREY:

No, no, no.

(*Laughter*)

P.O. GREGORY:

No. Who was the second? Second by Legislator Lindsay. Okay. On the motion, anyone? All in favor? Opposed? Abstentions?

**(The following Legislators were opposed in unison:
Legislators Cilmi, Trotta and McCaffrey)**

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P.O. GREGORY:

I thought you were seconding it. Raise your hands if you're opposed.

LEG. CILMI:

Opposed.

MR. RICHBERG:

Seven -- 15.

P.O. GREGORY:

I.R. 1924 - Adopting Local Law to increase Tax Map Verification Fees (County Executive).

Same motion, same second. All in favor? Opposed?

***(The following Legislators were opposed in unison:
Legislators Cilmi, Trotta and McCaffrey)***

Abstentions?

MR. RICHBERG:

Fifteen.

P.O. GREGORY:

Okay. That is all that we have. We stand adjourned, and have a happy and safe Thanksgiving, everyone. Enjoy.

(*The meeting was adjourned at 6:16 p.m. *)

{ } - Denotes Spelled Phonetically