

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

SEVENTH DAY

June 1, 2016

(Including Capital Budget)

**MEETING HELD AT THE WILLIAM H. ROGERS LEGISLATURE BUILDING
IN THE ROSE Y. CARACAPPA LEGISLATIVE AUDITORIUM
725 VETERANS MEMORIAL HIGHWAY
SMITHTOWN, NEW YORK**

Taken By

Lucia Braaten & Alison Mahoney - Court Stenographers

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

*(*The meeting was called to order at 9:35 a.m. *)*

P.O. GREGORY:

Good morning, Madam Clerk.

MS. ELLIS:

Good morning.

P.O. GREGORY:

Could I have all Legislators to the horseshoe. Okay. Madam Clerk, please do the roll call.

MS. ELLIS:

Yes, sir.

*(*Roll Call by Amy Ellis - Chief Deputy Clerk*)*

LEG. SPENCER:

(Not Present)

LEG. D'AMARO:

(Not Present)

LEG. STERN:

Here.

LEG. MC CAFFREY:

Here.

LEG. TROTTA:

Here.

LEG. KENNEDY:

Here.

LEG. BARRAGA:

Here.

LEG. CILMI:

Here.

LEG. MARTINEZ:

Here.

LEG. LINDSAY:

Here.

LEG. ANKER:

Here.

LEG. HAHN:

Present.

LEG. MURATORE:

Here.

LEG. BROWNING:

Here.

LEG. FLEMING:

(Not Present)

LEG. KRUPSKI:

Here.

LEG. CALARCO:

(Not Present)

P.O. GREGORY:

Here.

MS. ELLIS:

Fourteen.

LEG. D'AMARO:

I'm here.

MS. ELLIS:

Fifteen. (Not Present: Legislators Spencer, Fleming, Calarco)

P.O. GREGORY:

Okay. Can I ask everyone to please rise. We're going to have the Pledge of Allegiance, led by Legislator Trotta.

(*Salutation*)

Okay. This morning we're going to have the invocation, which will be given by Reverend Neal Mittelstaedt.

PASTOR MITTELSTAEDT:

Good.

P.O. GREGORY:

All right, all right. Got to work on my German. Pastor of the Saint James Lutheran Church in Saint James, guest of Legislator Trotta, who will further introduce him.

LEG. TROTTA:

Thank you. Pastor Neal is from the Saint James Lutheran Church on Lake Avenue in Saint James. It's known as the church with the red doors. I was married there 23 years ago two days ago, so 23 years and two days ago. It's going okay so far, we'll see how it works out.

(*Laughter*)

The Pastor previously served as Mission Executive for the Atlantic District of the Lutheran Church, a district that includes all of Long Island and New York City. He's led congregations in Queens and Toronto, which is quite different, I'm sure. And without further ado, here he is.

*(*Applause*)*

PASTOR MITTELSTAEDT:

Oh, thank you. Would you please bow your heads with me and we'll pray.

Lord God, I give you thanks on behalf of all who are gathered here today. Thank you for your many blessings. Thank you for life itself, for the measure of health granted each of us to fulfill our callings for food and shelter, for friendship. Thank you for the ability to serve in useful work, and for the honor of bearing important responsibilities for the welfare of others. Thank you especially for loving us, and when we fall short, for offering us forgiveness in Christ Jesus. Thank you for your grace.

In the Scriptures, in Romans 13, you have said that citizens ought to obey the governing authorities, since you, yourself, have established those authorities in order to promote peace and order and justice. Therefore, I pray for this assembled Legislature, and ask that you would grant them wisdom to govern amid the conflicting interests and issues of our times. Grant a sense of welfare in the true needs of our people, a keen thirst for justice, clarity about what is good and fitting, the ability to work together in harmony, even when there is honest disagreement, protection from evil, and peace in their personal lives together with joy.

I pray, oh, Lord, for the agenda set before us today. Please give an assurance of what would please you and what would benefit those who live and work in our beloved Suffolk County. These petitions I direct to you, because, through Jesus, I know you as my loving Father and Lord. Amen.

*(*Amen Said in Unison*)*

P.O. GREGORY:

Please remain standing for a moment of silence in recognition of Memorial Day. Let us pay tribute to the men and women who made the ultimate sacrifice to protect and serve our great nation. Let us also remember all those service men and women who put themselves in harm's way every day to protect our country.

*(*Moment of Silence*)*

Okay. We have several presentations, to say the least. First off will be Legislator Cilmi. Is Tom here? He's here. Legislator Cilmi? Is he ready?

LEG. MC CAFFREY:

I saw him over there. There he is.

P.O. GREGORY:

Where is he? Oh, all right. Legislator Anker. Yes, this is -- Legislator Anker will present a proclamation to James Suarez. James is a graduate of Shoreham-Wading River High School. In 2014, he was notified that he was 100% bone marrow match for his sister, Kaitlyn, who had been battling Hodgkin's Lymphoma for many years. An active student-athlete, James gave up his final senior wrestling season in order to donate bone marrow to help his sister. James is an exemplary citizen and inspires everyone in the community to be selfless.

LEG. ANKER:

James, do you want to come on up? James Suarez.

(*Applause*)

There he is. Come on. And parents, parents, too, please. Right over here.

So we have here James Suarez. Again, I'm just going to reiterate some of the information. He and his family are residents of the Shoreham-Wading River community. James is a former member of the Shoreham-Wading River High School, and he sacrificed his final wrestling season during his senior year in order to donate bone marrow to his older sister, Kaitlyn, who has been battling Hodgkin's Lymphoma. And I hear she is doing well. We have a good -- oh, wonderful. Thank you. Thank you. After -- let's give a round of applause, too, for that one. Thank you.

(*Applause*)

Real quick, after three years in remission, Kaitlyn found out in 2014 that she had relapsed the third time. And James was 100% donor match, and that's a very rare occurrence. He did not want to risk getting injured during wrestling season, and he forfeited that ability to play, you know, to work with the wrestling team. And, you know, he's here today because he is a role model in our community. And you're currently in college. Where are you in college?

MR. SUAREZ:
SUNY Oneonta.

LEG. ANKER:
SUNY Ononta.

MR. SUAREZ:
Oneonta.

LEG. ANKER:
Oneonta, sorry (laughter). And, you know, again, it just goes to show you, you know, as far as parenting, you know, how we can be inspired by our children. And, again, thank you so much. And it's a great honor to present you a proclamation from the Suffolk County Legislature. Thank you, James.

MR. SUAREZ:
Thank you.

(*Applause*)

LEG. ANKER:
Okay. We're going to wait on the Pool Smart, she's not here yet.

P.O. GREGORY:
Okay. Legislator Cilmi. Legislator Cilmi is going to make a presentation to Senior Probation Officer Joseph Nelson.

LEG. CILMI:
Thank you, Mr. Presiding Officer. I'd also like to recognize and welcome the President of the Probation Officers Association, Matt Porter. He does a great job, as always.

This sort of continues a bit of a tradition for me in recognizing the great work of our Probation

Officers here in Suffolk County as part of our Law Enforcement Team. Senior Probation Officer Joseph Nelson is assigned to the Probation Gang -- assigned to the Probation Gang Unit. Officers in this unit often work closely with members of other law enforcement agencies. Through collaborative efforts with the Suffolk Police Department, community contacts, and Officer Nelson's history with one of his probationers, information was developed that led to suspicions that this probationer was in possession of a gun. Utilizing the Project GIVE, which stands for Gun Involved Violence Elimination Initiative, a search was performed on August 27th of last year at the residence of the probationer. That search was conducted by Officer Nelson, with assistance from Senior Probation Officer Bob Miller, officers from the First Precinct Gang Unit, and the Suffolk County Police Department Field Intelligence Officers.

When the officers executed their search order, the probationer attempted to prevent the search of his bedroom under the pretense that his paramour -- paramour?

PROBATION OFFICER NELSON:

Yeah.

LEG. CILMI:

Paramour was in bed and undressed. Upon Officer Nelson's insistence that they have access to his bedroom, the probationer attempted to rush to the room first. But Officer Nelson, fearing that the probationer may attempt to hide something, quickly followed him and was able to recover a loaded 22-caliber revolver from this individual's dresser top, along with a pocketful of ammunition in his jacket. Suffice to say that this individual was arrested and charged with Criminal Possession of a Weapon Second Degree as a Class C Felony. He was later indicted, and appears to be participating in the Suffolk Felony Youth Court. As an update, he has now been remanded, is in jail on violation of probation, and has pled guilty to the gun charge. He's now awaiting sentencing.

As a result of Senior Probation Officer Joseph Nelson's experience and working relationships with both police and community, an illegal gun was removed from our community, making our communities safer, as our Probation Officers do day in and day out. Senior Probation Officer Joseph Nelson has been a member of the Probation Department since June 3rd, 2002.

We are eternally grateful for the service that you provide to Suffolk County and to our residents. And, as always, we congratulate our whole Department on the work that they do, but most of all today, on behalf of all of my colleagues. God bless you. Be safe and keep up the great work, Joe. Thank you.

PROBATION OFFICER NELSON:

Thank you.

*(*Applause*)*

P.O. GREGORY:

Next, we'll have Legislators Muratore, Kennedy and Lindsay will present a proclamation to Sachem School District's Team 263 Aftershock for being the first Robotics Competition winners at the 2016 School Business Partnership of Long Island.

LEG. MURATORE:

Good morning, everyone. It's my pleasure this morning, along with my colleagues, Legislator Kennedy and Legislator Lindsay, to recognize some more of our young people here in Suffolk County who are doing so much good within the County, within the state, within the country. I have with me up here the mentor, Mr. Robert Wentzel. Great job. Great job. It's always good to have a good mentor, boy, do I know that.

But I'm pleased to announce that for the second year in a row, Sachem Aftershock First Robotics Competition Team 263 attended the Robotics Competition World Championship in St. Louis. Team 263 is a combination of teams from Sachem North and East High Schools. Sachem 263 was honored to participate in the championships again, since out of the active 5300 teams, only 600 teams worldwide became eligible to do so. From April 27th to April 30th, Aftershock competed in the Carver Subdivision against 74 other teams. If I can bring up Leslie Kennedy next.

LEG. KENNEDY:

Good morning. Aftershock earned its invitation to participate in the Championships after being regional winners at the SBPLI Long Island Regional. This competition was held at Hofstra University from March 31st to September 2nd. The event hosted a total of 51 teams from around the world. Team 263 was ranked 20 going into the Alliance Section, and played a defensive role alongside their Alliance partners to secure a win with a tie-breaking third round in the finals.

LEG. LINDSAY:

Two weeks prior to that, from March 16th to March 19th, Sachem Robotics Team 263 competed at the Buckeye Regional in Cleveland, Ohio, and was ranked 13th out of the 58 American and Canadian teams who attended.

We collectively are here to congratulate the Sachem Aftershock Team 263 and to your mentors for being awarded Regional Winners at the SBPLI Long Island Regional. We wish all the students the best of luck as they, hopefully, continue to explore this technology, and we look forward to their contribution locally after they attend universities and colleges of their choosing, and we wish them all the best in the future. Thank you.

*(*Applause*)*

MR. WENTZEL:

On behalf of Sachem, I'd like to thank all these young men and women on the team, and the parents who really helped support the team to almost an unending amount of time spent. All these students here, they have been brought up from -- in this program, from thinking of using their normal math and science, to actually applying things on an open end, which is really needed in today's society. All these men and women really performed admirably under -- you know, under a very, very tight timeline. We had to develop everything, as all the other teams did, in six weeks from an initial -- they told us what the game was, to be able to come out with a final product. And as everyone knows, if you're in engineering, typical design product cycle could take two, three, four years, could take 15 years. These guys have to do the same thing in six weeks. So a big round of applause for all that they have done.

*(*Applause*)*

*(*Photograph Was Taken*)*

*(*Applause*)*

P.O. GREGORY:

Next, we'll have a presentation by Legislator -- Dr. Spencer will present a proclamation to the Huntington High School Robotics Team. They were the New York City Regional Competition Winners, semi-finalists at the School Business Partnership of Long Island competition held at Hofstra, and qualified for and participated in the World Championship held in St. Louis, where they ranked 26th in their division. Now I must say, if you break it, you pay for it. They're going to do a demonstration.

*(*Laughter*)*

LEG. SPENCER:

Thank you, Mr. Presiding Officer. Good morning. The Robotics Team at Huntington High School is invested in engineering, leadership and diversity. The student-run club, formed in 2013, offers members a place where the savvy individuals can foster their creativity and skills in science, technology, engineering, art and math, focused through building and design of robotics. The robotics students combine technological skills and special emphasis on leadership, teamwork and business principles to gain insight into practical application of their work and develop professional knowledge for success.

I'd like to invite to the podium their Lead Mentor, Brian Reynolds, who's here; their Mentor, Tony Chiarelli; Captain, Jacob Strieb; Vice-Captain, Cole Blackburn; Team Members, Thomas Stock, Jessica Powitsoto, Gabby Grenier, and Abigail Holmes. If you could, please, join me at the podium.

And this morning, they -- actually, we have a very special treat, that the robot is here with us. So, hopefully, we briefly want to show you just how wonderful these young people are, these young minds and what they're able to do.

So each year they participate in the FIRST - For Inspiration Competition, referred to as the Varsity Sport For the Mind. During the six-week period, the teams must design and construct a robot that can play a sophisticated field game using standard parts and following the rules that's set forth in the competition. They become eligible for millions of dollars in scholarship money.

In their first season, the Huntington Robotics Team captured Rookie of the Year, and went on to the qualify for the World Championships in Missouri, where they took home the Industrial Design Award. They have participated in numerous school-sponsored events and fundraising efforts. The goal is to perform community outreach and spread the word that math and science can be fun.

It gives me great pleasure to present to the Huntington Robotics Club this proclamation, and really recognizing their excellence. And I'm going to ask the Captain, Jacob Strieb, if you would come, and whoever can give the robot just a quick runaround to let us see how it works here.

*(*Applause*)*

MR. STRIEB:

Hello, everybody. I'd just like to very quickly thank everyone for their continued support, and especially Legislator Spencer and everyone here. We just want to keep promoting science and technology for all interested young minds. So thank you very much for your continued support.

LEG. SPENCER:

Thank you.

*(*Applause*)*

LEG. SPENCER:

If you would like to take a look and join me in the front for a picture with the robot, that would be great. I don't know if the robot can guide itself over. It would be great.

LEG. TROTТА:

Is the robot a Republican or Democrat?

LEG. SPENCER:

The robot is a Democrat.

*(*Laughter*)*

I'm just kidding. He's nonpartisan. The robot, he's nonpartisan. His name is Sherman.

*(*Demonstration of Robot*)*

*(*Photograph Was Taken*)*

*(*Applause*)*

P.O. GREGORY:

Next, we'll have a presentation by Legislator Hahn, who has invited Madylin Foster and John Doria, both students in the Comsewogue School District, to be recognized for placing second and third respectively in the Kindergarten through 2nd Grade category of the New York Association for Pupil Transportation Suffolk County Chapter's 2016 School Bus Safety Poster Contest.

LEG. HAHN:

Hello. Are Madylin and John here this morning? I know I -- yes. Come on up. And is Jeanne Lupton here?

MS. LUPTON:

Yes.

LEG. HAHN:

Oh, come on up, come on up. Hello, Madylin. Congratulations. Is John here, John Doria? Oh, come on, John. Okay. Hello. Congratulations, both of you. Great job.

Hello, everybody. I'm here to recognize Madylin and John. They are 1st and 2nd Grade students in the Clinton Avenue Elementary School within the Comsewogue School District. And Madylin placed second, and John came in third in the New York Association for Pupil Transportation Suffolk County Chapter's 2016 School Bus Safety Poster Contest. Way to go.

*(*Applause*)*

You know, it's important to note that over 2.3 million children ride a yellow school bus to and from school each day in New York State. And to encourage and remind motorists of proper driving behaviors in and around school buses and school zones, the New York State Association for Pupil Transportation sponsors an annual poster contest for school-age children. And this year's theme, "Stop on Red", right, became the rally cry on all the posters entered, and will forever inspire all who see these student's submitted design to drive with care when approaching a school bus.

And I think we all know how important it is that when we come to a school bus who has their -- first their yellow lights flashing to warn us, and then their red lights flashing that we have to stop, because a student is getting on or off the bus. And we know you have to be very, very careful around a school bus, and that's a very important lesson to learn. And you all did such a great job in the poster contest and got recognized for that, and we wanted to make sure you knew just how special we thought you were for your great job, okay? So I have something special for you. Madylin, this is for you. Congratulations. And, John, this one is for you. Congratulations.

*(*Applause*)*

(*Photograph Was Taken*)

LEG. CALARCO:

Our next presentation will be by the Presiding Officer Gregory, who will present a proclamation to Shaneka Bernard for receiving a Congressional nomination to attend West Point, and being accepted into the U.S. Military Academy Preparatory School at West Point.

(*Applause*)

P.O. GREGORY:

It is my pleasure to stand before my colleagues and this audience here today, not only as the Presiding Officer, but as a former Officer in the United States Army, and to see someone of Shaneka's caliber, who just got an appointment to West Point. That is a tremendous, tremendous accomplishment.

(*Applause*)

I didn't attend West Point, I got my commission to OCS, but I served with many fellow officers who went through the West Point program and they -- and it's a tremendous program. It's -- you know, you are going to be a changed person, you're going to be a better person, and you're going to be an outstanding Officer for our country. And I'm pleased to be joined by Lieutenant Colonel Retired and Town Councilwoman from the Town of Babylon, Jackie Gordon.

(*Applause*)

And Shaneka's mom. And my -- oh, go ahead.

(*Applause*)

And my good friend, and social worker, and track coach, and extraordinaire, he does everything, a lot of things, Reynolds Hawkins from the Amityville School District.

(*Applause*)

So, Shaneka, we couldn't let this opportunity go by without recognizing you publicly in front of your community, in front of the Legislature. So just a small token of our appreciation, I want to give you this proclamation, and congratulations.

MS. BERNARD:

Thank you.

(*Applause*)

P.O. GREGORY:

Now do you have any idea what field you want to go into, because they will ask you.

MS. BERNARD:

Well, I would like to do defensive strategy.

P.O. GREGORY:

Okay, all right.

MS. BERNARD:

Attack helicopter pilots.

P.O. GREGORY:

Attack helicopter pilots. All right, all right, that's good. Well, best wishes to you, and congratulations.

MS. BERNARD:

Thank you very much.

P.O. GREGORY:

Thank you very much.

LEG. FLEMING:

Be safe.

*(*Applause*)*

LEG. CALARCO:

Our next presenter will be Legislator Martinez, will present a proclamation to 7th Grader, Nataly Del Carpio from Brentwood East Middle School for being a Third Place Winner in the 2016 School Bus Safety Poster Contest.

*(*Applause*)*

LEG. MARTINEZ:

So I have the honor of presenting a Certificate of Appreciation to Nataly --

D.P.O. CALARCO:

The mic.

LEG. MARTINEZ:

Oh, sorry, Del Carpio. And Nataly, along with other students, participated in the project, in the poster contest of "Stop On Red". I'm glad that you are obeying the laws of our County and making sure that you are taking the right precautionary measures when driving with your parents and letting them know they need to stop on red, right?

MS. DEL CARPIO:

Yeah.

LEG. MARTINEZ:

All right. Good job. So I just want to present this to Nataly on behalf of the entire Ninth District, which is Brentwood, Central Islip and North Bay Shore. And I love the fact that she's from East Middle, because that's where I was an Administrator for four years. So I did miss you, though, while I was there. You did not come through me, but I am so proud of you, and I'm sure your parents are proud of you as well.

And I believe we have Karen Harris, who is the Director of Transportation of the Brentwood School District, and we have Mr. Guarino, who is the Director of Arts for the Brentwood School District. And we also have the Superintendent, Levi McIntyre, which I -- hi, Mr. McIntyre. As well as the Assistant Principal, Kevin McNicholas.

So I want to thank you for doing what you do you every day, and I know that you do a great job

with our kids, because I was there once, too. So, Nataly, congratulations and keep on going.

(*Applause*)

(*Photograph Was Taken*)

LEG. CALARCO:

Okay. Our next presenters will be Legislators Kennedy and Trotta, who will present proclamations to Raymond Janis and Kyle Mitra, Commack High School students who designed a metal grate that would block flood waters from reaching subway tunnels in the event of a flood.

(*Applause*)

LEG. KENNEDY:

First off, let me start with I am thrilled with this project. While Raymond couldn't make it today, we still have a proclamation for him also.

My district and the district that Kyle lives in has extremely high groundwater. We had over 3,998 families during the last flooding episode that had damage to their homes. So anyone who deals with the surface runoff thrills me.

As was just said, Kyle and Raymond were finalist in the Intel International Science and Engineering finals. They created the metal grate that blocks flood waters from reaching the subway. We don't have any subways yet, and, hopefully, we never will, but that is a way that -- that is something that can be modified to do with our great system here on Long Island. We must have science in the water, because our district has a tremendous amount of Intel finalists. There is nothing greater than someone who puts their mind towards the future. Thank you, Kyle. And on behalf of my 89,000 residents in the 12th Legislative District, and Rob's --

LEG. TROTТА:

Eighty-nine thousand.

LEG. KENNEDY:

Eighty-nine thousand, we congratulate you.

(*Applause*)

(*Photograph Was Taken*)

LEG. CALARCO:

Okay. Our next presenter will be Legislator Martinez, who will present a proclamation to Richard Loeschner, "Principal of the Year".

LEG. MARTINEZ:

Good morning again. Where is Mr. Loeschner? Come up, Mr. Loeschner. Today, I definitely have the distinct honor and pleasure to congratulate one of Mr. Brentwood's own. Mr. Loeschner has just been named "Principal of the Year" here in the State of New York out of 7200 administrators by SAANYs, which is also known as School Administrators Association of New York State.

I've known Rich for a long time now, not only as my leader in terms of him being a principal when I was a teacher in the Brentwood School District, but he was also my leader as my Union President as an administrator. And the advice and the guidance that you have given me throughout the years is one that I will always take with me forever.

And just so you know, that Mr. Loeschner, he is the Principal of the Brentwood High School, and under his leadership, the graduation rate has increased by 17%, leading --

*(*Applause*)*

With 85% of Brentwood graduating class continuing on and attending to four-year colleges. And the one thing I know to be true of Mr. Loeschner, and, you know, he always tells me to call him Rich, but it's kind of those things that, you know, you just call him Mr. Loeschner, it just goes better, but he really is the true meaning of an educator. The love, the dedication that you give to our kids is one that is undeniable. And there is not one person in the district that can honestly say that you do not care for our children. There is not one person that can say that you don't care for the faculty and staff, because whatever obstacles and challenges have presented them to you, you have overcome them, and you have become stronger and come out strong on the other side. So I know that I'm lucky to know you, but I know that the kids that are there right now, and the faculty and the staff are even luckier to still have you, and we're very proud to call you one of our own. And though you may not live in Brentwood, you do call Brentwood home. So for that, I thank you. Congratulations. It's a great honor and well deserved. Thank you.

*(*Applause*)*

I don't know if you want to just -- no?

MR. LOESCHNER:

I'll say a few words. I won't be long.

LEG. MARTINEZ:

I think you deserve.

MR. LOESCHNER:

This is like a faculty meeting, so I'll be very short. I just want to say that this -- thank you very much to the Legislature. But I also would like to say this means a great deal to me coming from Ms. Martinez. I'm going to call her Monica. She also -- as she said, we've worked together for 16 years, and it has been my pleasure to see her grow as an administrator; first as a teacher, an administrator, and now as a Legislator. She works so hard for the community of Brentwood and the surrounding communities, and we're so grateful that she is there for us. And I want to thank her very much for those absolutely beautiful words that you just said. They will mean -- I'll cherish them forever. Thank you so much. Thank you.

*(*Applause*)*

*(*Photograph Was Taken*)*

*(*Applause*)*

LEG. CALARCO:

Congratulations. Our next presenter will be Legislator Browning, who will present certificates to the winners of the NYAPT School Bus Safety Poster Contest. There are a number of students from our Longwood School District, and we'll start with the K through 2nd Grade Division. We're going to have all of the students from Longwood High -- Longwood School District come up.

LEG. BROWNING:

I wonder why Gale Winsper has a big role in this one (laughter). So I have -- if you guys want to turn around and take a look that way. Everybody wants to see those lovely faces. So I think Kara explained what this is. As a former bus driver, knowing the dangers that our children have, every day they get on and off a bus. Some people just don't seem to realize that when that red light's on in a school bus, they just don't think it means they have to stop. And red means stop, right? Isn't that what we learned all the time?

And I'm also joined with Gale Winsper, who's Director of Transportation. She's also the past Director, Past Executive Board Member of the New York Association for Pupil Transportation. I have John Gallagher, Director of Fine Arts; Denisha Van Liew, Assistant Principal at the Middle Island Elementary, West Middle Island Elementary; Lisa Mato, Principal of the Middle School, and Ms. Secur, who is a teacher with these children.

So, again, what we have been trying to do -- and I have to say Gail has been a leader in this issue; goes to Albany, advocating for more laws pertaining to school bus safety. So I had the opportunity to go and look at the posters and be able to judge posters. So I want to congratulate everyone who are winners. You are all winners. And, you know, the thing is, is that there's so many people just don't seem to care enough to stop when a child is getting off a bus, and that red light on that bus, it's so important that people pay attention. So your art work is going to hopefully educate the adults who are driving their cars and have no regard for your safety, and they will, hopefully, pay attention in the future. And I know Gale is working on something to hopefully make it a better, a safer place for us.

So we have here, if you want to raise your hands as we call your name, Michael Privitera, and he is the First Place winner of the Special Education Division.

*(*Applause*)*

We have Hunter, Hunter Koeppen, who is the K through 2nd First Place winner. Congratulations, Hunter.

*(*Applause*)*

Vivian Castelli, she is the 3rd to 5th Grade First Place winner.

*(*Applause*)*

And Kailey Kordecki, she is the 3rd to 5th Grade Division Second Place winner.

*(*Applause*)*

And Arianna Gutierrez. Did I say it right?

MISS GUTIERREZ:

Yes.

LEG. BROWNING:

Sorry. Third to 5th Grade Division Third Place winner.

*(*Applause*)*

So I want to say congratulations. And, please, keep making sure those adults understand what that red means. It means? Red means?

STUDENTS:

Stop.

LEG. BROWNING:

Thank you. Congratulations.

*(*Applause*)*

*(*Photograph Was Taken*)*

*(*Applause*)*

LEG. CALARCO:

Our next presentation will be by Legislators Hahn and Muratore, who will present a proclamation to Ms. Ruchi Shah, a recent Stony Brook University graduate and constituent for being named a "Glamour Magazine 2016 College Woman of the Year".

*(*Applause*)*

LEG. MURATORE:

Well, we look up here and we see an amazing, amazing young woman. Not only is Ruchi Shah my constituent, but she's a member of Stony Brook Scholar of Medicine, which means she is admitted both to Stony Brook University and Stony Brook School of Medicine four years ago. Many students would have been content to make sure they maintain their GPA, which Ruchi has a 4.0, and that's perfect, right, 4.0 is perfect? Well, now you can do "I'm perfect". And she studied for the MCATs. But Ruchi wasn't -- was not satisfied with that. She started her own company, and quotes it, in the garage of her parent's home. Right, you started this company? She marketed a natural mosquito repellent designed to fight mosquito borne illnesses like malaria and Zika in third world countries. Well, if I can -- so we can carry on with Ruchi, I'd like to introduce Legislator Kara Hahn.

LEG. HAHN:

And that was not all. Ruchi is also an award-winning cancer researcher at the National Institutes of Health, studying journalism, taking a science writing course at NIH, and starting her own newspaper column on science. Ruchi was also recently picked as one of -- as the Presiding Officer stated earlier, one of "Glamour Magazine's Ten College Women of the Year", recognized as one of "22 Under 22 Most Inspiring College Women" by her campus magazine, and was the youngest speaker at the first Forbes Women's Summit. Wow.

*(*Applause*)*

I know that -- I started writing the last point down. I know that you were also recognized by the American Cancer Institute for your work on cervical cancer diagnoses. And so it's just amazing what you've been able to accomplish, what you have, you know, dedicated yourself to in advancing science and health around the world and for women. And so we are -- both share our pride in all that you've done, and know you are a future leader of this great nation. And we are proud to know you and represent you, and thank you for all that you've done.

MS. SHAH:

Thank you.

*(*Applause*)*

(*Photograph Was Taken*)

(*Applause*)

P.O. GREGORY:

Congratulations. Proclamations will now be presented by grade to the 2016 Brookhaven National Laboratories Science Fair winners. Scott Bronson, Manager for K through 12 programs, is here representing the Brookhaven National Laboratory. First up, we have Legislators Calarco and Browning presenting kindergarten: Charlotte Keyes from East Patchogue, Verne Critz from Elementary School, South Country School District, with teacher, Mrs. Montick.

LEG. CALARCO:

It's a real pleasure to be here to be able to recognize some of the efforts of our young people. And this is especially touching for myself, as Charlotte I have known since she was just about two years old. Her mother used to work for me and she's one of our employees in the Department of Economic Development, Amy Keyes, so we're happy to be able to recognize how smart Charlotte is.

So Charlotte's project was fast food. Charlotte enjoyed joining her mom on short jogs through their neighborhood, and got the idea for a project when they got to talking about what Charlotte could do to run faster. Charlotte went to the library and read books on nutrition and how different foods affect our bodies. Charlotte decided to test out different diner foods to see which one would make her run faster in the morning. Over the course of eight days she ate pasta, rice and broccoli, chicken and potatoes and pizza. I bet pizza was your favorite.

MISS KEYES:

(Nodded yes).

(*Laughter*)

LEG. CALARCO:

Yes. And ran the same distance each morning at her school field. Her hypothesis was that pasta would make her run the fastest, because pasta had always made her feel good in the past. She recorded her times and kept a journal of how she felt after each run. She put her results on the chart. When she reviewed her chart and journal, she saw that the pasta made her run the fastest and feel the best.

So great job, Charlotte. That's a good way of showing everybody how nutrition is so important to our bodies, and how eating different good foods actually makes your body work better, right? Congratulations.

(*Applause*)

And I'll turn it over to Legislator Browning. Kate, you want to say a few words?

LEG. BROWNING:

Congratulations, Charlotte. I represent the Verne Critz Elementary, so Charlotte goes to the school district in my district, and she lives in Rob's district. But I want to say congratulations. I think Mommy and Daddy better watch out because you're going to be smarter than them somebody day.

(*Laughter*)

So -- but congratulations. And I think maybe some day you're going to be -- because I know mom runs a lot. I think maybe we'll see you run a marathon some day, huh?

MISS KEYES:

(Nodded yes.)

LEG. BROWNING:

Yeah? Congratulations.

*(*Applause*)*

*(*Photograph Was Taken*)*

*(*Applause*)*

P.O. GREGORY:

Congratulations, Charlotte. Next, we'll have -- Legislator Browning will present a 1st Grade award to Greg Ross from Mastic Beach, Tangier Smith Elementary School, William Floyd School District, and teacher, Carolyn Lamar is here, and the project is called "Egg Count".

LEG. BROWNING:

We have Greg's mom and dad, and his brothers and sister would like to come up, five of them. Are you going to come up? Where's Dad? Oh, there he is.

So Greg is a 1st Grade student at Tangier Smith Elementary in Mastic Beach, and Greg's project was he wanted to see if the amount of time eggs being left inside their coop affected how many eggs they lay. He let the chickens out of their coop at 7 a.m. one day and 11 a.m. the second day, and then at 3 p.m. the third day. He repeated this two times, so it was a total of six days. In the evening, when locking up the chickens, he counted the total amount of eggs. His hypothesis was that if you leave the hens in their coop longer, they will lay more eggs, because when they let out -- when they are let out, they'll be playing instead of laying eggs.

*(*Laughter*)*

In his experiment, he found that the amount of time of them being in their coop did affect how many eggs were laid. The hens laid fewer eggs when they were in their coop for too long. This could be because they didn't get enough light in their coop and they needed to be outside to get light. Greg concluded that it's best to let the chickens out earlier, as we will get more eggs to eat, and the chickens also love being able to roam around outside, so -- and I think you have a chicken coop at home, right?

MR. ROSS:

(Nodded yes).

LEG. BROWNING:

You like eggs?

MR. ROSS:

(Nodded yes).

LEG. BROWNING:

Well, it's a good thing (laughter). But congratulations, Greg, on a job well done.

*(*Applause*)*

And we have another Future scientist. Congratulations.

(*Photograph Was Taken*)

(*Applause*)

P.O. GREGORY:

Next, we'll have Legislator Trotta. He has two awards, first being 2nd Grade to Ava Grimley from Kings Park, Fort Salonga Elementary School, Kings Park Central School District. The teacher who is here today is Mrs. Erica Mullin. And the project is "Oh the Noise, Noise, Noise, Noise!"

LEG. TROTTA:

Well, I'm going to do this. This is a very special time for me, because we have 2nd and 3rd Grade won, and to have that in the whole County is pretty incredible. I don't think it's ever happened before. Probably not. And I just want to point out that my wife teaches at the school, it's the Fort Salonga Elementary School. Ava and Dylan, come up here.

Ava's project was -- she won in the 2nd Grade Division -- "Noise, Noise, Noise". Using a decibel meter, she measured the amount of noise on the bus, and then various times during the school at different activities. She thought it would be the bus that was actually the loudest, but actually turned out to be the cafeteria. In addition, Ava won first place in Kindergarten a couple of years ago, which is -- I don't think it's ever happened before where someone's done it.

I'm very proud of the Kings Park School District. This past April, we had two -- I'm sorry, three seniors in the Kings Park High School were Intel finalists, and I think you guys are headed on the way there.

Dylan, who lives around the corner, whose mom I see in the gym every single morning, lives around -- did a very interesting project, and it had to do with will birds feed more when a storm is coming. And he sent it out. His project's out in the lobby. That he actually found that when there was storm coming, correct me if I'm right -- wrong, Dylan, that birds would actually feed a lot more during the morning hours and then be less around during the afternoon. So they sort of knew it was coming, they could predict it.

So, on behalf of all the people who live in my district, and I want to thank -- I would be remiss if I didn't point out the Superintendent of Schools, Dr. Timothy Eagen, the great Principal, Stephanie Montecalvo, and most importantly, Rob Bruni -- Rob Bruni? Rob Rubin and Maria Iraci, who are the teachers who have been doing this for years and years and years, and have won. Since I've been a Legislator --

(*Applause*)

Now this only goes for, correct me if I'm wrong. One school in the whole Suffolk County per grade, and you have two from your one school in one year. And ever since I've been a Legislator, you've had at least one here, and she won twice. There's something going on in that school.

(*Laughter*)

So on behalf of everyone, thank you, and keep up the good work. I mean, you're embarrassing Commack, but that's okay.

(*Laughter and Applause*)

(*Photograph Was Taken*)

(*Applause*)

P.O. GREGORY:

Next, we'll have Legislator Bill Lindsay, who will make two presentations.

LEG. LINDSAY:

Good morning. If I could ask my two Brookhaven National Laboratory elementary school science fair winners to come forth, Emily Denton and Joseph Malossi. If your families would like to come up as well, they're more than welcome to.

So these two fine students were very fortunate to also win the Brookhaven National Laboratory's award. And I will start with Emily first. Well, Emily is a student at Cherry Avenue Elementary School in 4th Grade in Ms. Cummings' class -- I'm sorry, that's Joseph. Joseph Malossi is a 4th Grader in Ms. Cummings' class in Cherry Avenue Elementary School.

So, Joseph, while on the Gravitron ride at a local summer carnival, Joseph observed how centrifugal force exerts a powerful influence over moving bodies. After wondering what would happen to a living thing if it were subject to this type of motion continuously, he devised an experiment to exert centrifugal force upon bean plants as they grew in soil. Though he hypothesized that gravity would be an ever -- and even stronger force than centrifugal motion, he found out that his hypothesis to be disproven, and the centrifugal force to be greater on the plants. Joseph believes that this experiment might have implications for future space missions. Congratulations, Joseph, on your science project.

(*Applause*)

And now on to Emily. Emily is a 5th Grader, ten years old, in Ms. Ventimiglia's class at Sylvan Avenue Elementary School. Emily's project, which she designed, got her -- she got her idea for her project when she saw a young man run a stop sign by her house. This began a conversation that led Emily to do research on a New York State Traffic Safety Report, the Suffolk County Traffic Safety Report, the DMV, and the CDC, as well as interviewing a Suffolk County Police Department Patrol Officer. Emily then compared car insurance rates for State Farm and Geico by age and gender, finding that young males are high risk drivers who commit more moving violations. She hypothesized that young males would run stop signs more often than older males, drivers, and female drivers of any age. After two months of research, her hypothesis was affirmed. These findings will be useful to determine the effectiveness of current New York State driver education programs and driving license laws. Emily would like to continue the study in the future, expanding to other states and countries, comparing and contrasting her results from this experiment.

Congratulations, Emily. And I would be safe to say that if we tested are you smarter than a 4th or a 5th Grader here today, you two guys would probably beat all of us Legislators hands down. So congratulations and good luck to you both.

(*Photograph Was Taken*)

(*Applause*)

P.O. GREGORY:

Yes. Next, we'll have Legislator Fleming, who has a presentation for a 6th Grader, Dan Stark, from East Quogue, of East Quogue Elementary School, from East Quogue School District. Also, has teachers, Ms. Jackie Martin and Ms. Jennifer Luckingham here. And his project was "Nitrogen

KNO₃ckdown! Which Filter Material in a Permeable Reactive Barrier (PRB) Works Best At Reducing the Nitrate Level of a Liquid?" Now I have a headache. Yes, congratulations.

LEG. FLEMING:

Well, it's a science fair. Of course, you're going to get technical. And this young man has been at it for a while, because this is the second very important water project that he's undertaken. So I want to congratulate Brookhaven National Lab for recognizing all of these kids, but certainly Daniel Stark, who I have here. So it's just a great opportunity to see how kids can really focus on what's important, and prove to be leaders of the future and sort of lead us.

This is Daniel Stark, who is a 6th Grade student at East Quogue Elementary School. And we also have with us his teachers, Jennifer Luckingham and Jackie Martin. Congratulations. And the Principal of East Quogue School, Rob Long. I appreciate the kids letting you up here. I hope you'll get pack in time for dismissal.

*(*Laughter*)*

So after doing his 4th Grade science project on the comparative salinity levels in the Atlantic Ocean, the Long Island Sound, Shinnecock Bay and Peconic Bay, Daniel here knew that he wanted to continue studying our Suffolk County waterways. As he began his research over a year ago, there was one prevalent, and ominous and unfortunate theme, the nitrogen levels in our groundwater and waterways are at a dangerously high level. Being a kid who loves to fish and go clamming, Dan already knew about red tides, shellfish area closures and fish kills, but he didn't know what could be causing them.

While doing his research, Dan read about permeable reactive barriers, which we call PRBs, which are underground structures that could possibly be used on Long Island to filter nitrates out of water. For his experiment, he constructed model PRBs and tested the effectiveness of different reactive materials that are commonly used: Wood chips, vegetable oil, cotton and steel wool. His results found that all three did reduce the nitrate level of nitrogen-rich liquid with the vegetable oil, cotton working the best, and wood chips coming in a strong second. The main conclusion of his project, however, was -- do you want to just mention this on what your main conclusion with needing to reduce the amounts? Just step right in here and say. What was your main conclusion?

MR. STARK:

That we need to reduce the amount of nitrogen getting into the groundwater in the first place with better septic systems, careful use of fertilizers, and the reduction of fossil fuel emissions so we won't need to use PRBs.

*(*Applause*)*

LEG. FLEMING:

Thank you, Dan. This is a very important issue for us, so you're leading the way.

*(*Applause*)*

It takes a village, so congratulations to all of you.

P.O. GREGORY:

Also, while they take a picture, we were waiting for the arrival of two students, 6th to 8th Grade Division, for the bus safety poster contest. Is Kyra Duke and Catalina Alzate in the audience? Okay. All right. Please come forward.

(*Photograph Was Taken*)

LEG. FLEMING:

Congratulations, Dan. Congratulations. I wish I could get my kids to care that much about science.

(*Laughter*)

LEG. MC CAFFREY:

Am I on, Mr. Presiding Officer?

P.O. GREGORY:

Yes.

LEG. MC CAFFREY:

Okay, great. I'm pleased to be here with two students from the West Babylon Middle School, Kyra Duke and Catalina Alzate from -- did I say that right? Pretty good, pretty close? All right. And -- but, anyway, I'm here to congratulate you on the fine work that you did, First and Second Place winners from the same school on school bus safety. I know Legislator Browning spoke extensively about the importance of school bus safety. As a former school bus driver herself, she saw it day in and day out. And so we're very pleased that you got these awards. And I think you even have the -- your posters here that won the prizes. They look wonderful. I like the #Stop On Red there, and then for the newer generation that is doing that sort of the thing. We just had regular posters when I was growing up. But it's great that two students from the same school won First and Second Prize. And it really shows the importance of school bus safety. As we all know, as important as it is, we need to keep reminding people about that.

So on behalf of myself and my colleagues, I have proclamations first for Kyra for First Place, and for Catalina, Second Place. Congratulations.

(*Applause*)

And we have their art teacher here as well, and the representative from the Transportation Department of West Babylon School. So congratulations to you for keeping promoting school safety. So congratulations.

(*Photograph Was Taken*)

P.O. GREGORY:

Next, pursuant to Resolution 927 of 2007, establishing a Pool Smart Public Education Campaign to promote school safety, the Budget Review Office has chosen the winning posters for 2016. And next, we'll have Legislator Lou D'Amato will present a proclamation to second place winner, Oviya Omprakash, Grade 3, age 8, JFK Intermediate School.

LEG. D'AMARO:

Hi. Good morning. How are you today? Thank you, Mr. Presiding Officer, and good morning, everyone. Thank you for being here today.

Well, it's that time of year again, Ladies and Gentlemen, when we start talking about pool safety, especially when it comes to protecting our innocent children. It's important, because, statistically, drowning in the -- is the second leading cause of death of children between the ages of one and 14 nationwide, and the third leading cause of injury related deaths of children in the entire State of New York. On average, 350 children under the age of five drown in swimming pools each year, and another 2600 children under the age of five are treated in hospitals for near drowning accidents.

So what can we do about this? One of the things we do is we try and educate our children about pool safety, especially this time of year. So we run what we call a Pool Smart Contest, the "Be Pool Smart Contest." It specifically targets our younger children, those that will be hanging around swimming pools throughout the summer. Now it's a contest where my colleagues here in the Legislature and I invite school children to draw posters to highlight pool safety rules, and let me give you just a few them. Always swim with a buddy. Never swim alone or unsupervised. Never push people into the pool or jump on top of people. And get out of the pool and take cover when you hear thunder and you see lightening. These are all commonsense rules, and these are the types of rules that we want our children to remember when they're enjoying themselves over the summer.

So we run this contest. All the kids get together and they draw posters in school, highlighting pool safety rules, and then a winner is selected from each of our Legislative Districts, and then out of those 18 runner-ups, compete -- they compete in an overall County-wide competition for First and Second Place.

So this year, the Second Place winner in the County-wide contest happens to come from my Legislative District, the 17th. Her name is, and she's standing right here with me, Oviya Omprakash, and she is a 4th Grade student.

MS. OMPRAKASH:
Third Grade student.

LEG. D'AMARO:
Third Grade student. Sorry, I'm not trying to rush you.

*(*Laughter*)*

A 3rd Grade student in Mrs. Hyland's Class at JFK, John F. Kennedy Intermediate School, which happens to be the same, what we called Junior High School back then that I went to. So Oviya is attending today with her family, including her mom and dad are here with her today. Thank you for being here. And please join me. She's our second runner-up. Please join me in giving her a warm round of applause.

*(*Applause*)*

Congratulations. And, also, for her position as second runner-up, I want to present Oviya with this proclamation just to show her how proud we are, all of us are of her today. So thank you, Ladies and Gentlemen.

And next, I'd like to introduce Legislator Browning, who's going to introduce to you the First Place winner of the contest. Thank you again.

*(*Photograph Was Taken*)*

LEG. ANKER:
Okay. I have the honor to present Elysia Tiess. She is from the Longwood School District and she is the winner of the 2016 "Be Pool Smart" contest. Hooray.

*(*Applause*)*

Now, again, you know, as Legislator D'Amato had mentioned, this is a very important contest. And, you know, there are so many concerns pertaining to pool safety. And I think it's really important

when children can speak to other children about this issue. And you have a beautiful poster. I know people listening can't see it, but I am going to display your beautiful poster, "Be Pool Smart". Hey, everybody, can you see it? Here we go. All right.

*(*Applause*)*

Hold the poster for a minute. And I also have -- turn around, Elysia. I also have a proclamation signed by a number of Legislators who represent the Longwood School District. And, again, I want to thank you for your participation. And I encourage you to keep on participating and engage in these very important issues. So thank you so much. Wait. We have a few Legislators here, they may want to say a word or two. You guys want to say something?

D.P.O. CALARCO:

No.

LEG. ANKER:

No? I think that we've been going on for quite a while here, but congratulations. It's great what you're doing, so thank you so much. Thank you.

*(*Applause*)*

*(*Photograph Was Taken*)*

*(*Applause*)*

P.O. GREGORY:

Okay. Next, pursuant to Resolution 187 of 2013, establishing "The Truth About Stimulant Drinks" public service -- public service announcement to promote knowledge of risk and negative health effects associated with consuming energy/stimulant drinks, the Budget Review Office has chosen the winning PSA video for 2016. The video was excellent in explaining the negative effects of stimulant drinks, as well as showing the talent of Suffolk County's high school youth. Legislator D'Amaro will present a proclamation to 12th Grader, Sabrina Greenberg and 11th Grader, Jordan Roiland from Walt Whitman High School, the County-wide winners of the 2016 "The Truth About Energy/Stimulant Drinks" public service announcement contest.

LEG. D'AMARO:

Thank you, Mr. Presiding Officer. Sabrina and Jordan, if you want to come on up. And so this is another contest, Ladies and Gentlemen. Each year we run another -- a video contest this time. It's called "Truth About Emergency Drinks." We've had a lot of discussion over the years and over my tenure here about these drinks here in the Legislature, and I think it's important that we increase public awareness of the possible health effects that are associated with consuming these stimulant drinks.

Stimulant drinks are becoming increasingly popular beverages, particularly among young people. They can contain up to 800 milligrams of caffeine, which is the equivalent of eight cups of coffee. They also contain a number of additional ingredients. They're very mysterious ingredients, I might add, many of which have not been tested for safety or been tested for effectiveness. They can cause harmful side effects when consumed in high quantities, that we've heard so much testimony about here in the Legislature. And there are adverse health effects that go along with consuming too much of these energy drinks, including insomnia, headaches, restlessness, nausea, vomiting, irritability and rapid heartbeat.

So, in conjunction with this public awareness campaign to raise folks' awareness of what these

stimulant drinks can actually do, we annually invite high school students to create a 30-second video, a public service announcement which incorporates their interpretation of the negative health effects associated with consuming these drinks. Our entry is selected from each Legislative District to go on and compete at the County level, where one video is ultimately chosen from amongst all the Districts, all 18 Districts, and it is then utilized as a public service announcement on Cablevision.

So this year's winning video was submitted jointly by 12th Grader, Sabrina Greenberg, and 11th Grader, Jordan Roiland, who have joined me up here today. They're both from the Walt Whitman High School in South Huntington, the South Huntington School District, which, of course, is my District. And Sabrina and Jordan are here today with us from the high school with the Production Department teacher, Erica Cryer. So, Ladies and Gentlemen, they're the winner of the video contest. Please join me in giving them a warm round of applause for their accomplishment.

*(*Applause*)*

So I want to say congratulations to both of them, and now we would like to go ahead and just run the video.

*(*Video was Presented*)*

*(*Applause*)*

LEG. D'AMARO:

Excellent, Ladies and Gentlemen. That was great. It really raises awareness. I think they did a fine job, and I wanted again to say congratulations to both of you. Thank you very much.

*(*Applause*)*

P.O. GREGORY:

Okay. Can I have all Legislators to the horseshoe, please. We had a very extensive presentation portion of the agenda today, so I'm going to make a motion to extend the Public Portion.

LEG. BARRAGA:

Second.

P.O. GREGORY:

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

MS. ELLIS:

Fifteen.

P.O. GREGORY:

Okay.

MR. RICHBERG:

Sixteen.

MS. ELLIS:

Sixteen. (Not Present: Legislators Browning and McCaffrey)

P.O. GREGORY:

All right. Now we'll get to the cards, first being Albert Marnell.

MR. MARNELL:

Hi. The three minutes starts right now?

P.O. GREGORY:

Three minutes.

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

MS. MARNELL:

Okay. My name's Albert Marnell, I'm from Copiague. I would like to see Mr. Trotta's bill resurrected, not on the basis of -- you know, the bantering about whether this saves lives, the Red Light Camera Program, or destroys lives, it can go on and on. It's not quantifiable in any meaningful way. If you've ever taken a course in statistics, you know how they can be manipulated. The bottom line is I'd like to see it challenged on the basis of constitutionality only, because otherwise if the discussion stays with, you know, *it saves lives, it kills lives, it saves lives*, no one is ever going to come to a conclusion on that. And besides, if it's not constitutional, it's not constitutional. I've never gotten a ticket, so I'm not here because I've gotten a lot of tickets and, you know. I have almost been killed; I'm not, at this point, here for that reason.

And I just want to say something also, that this -- it's a fallacious concept about not getting T-boned. I'm not -- I really should not go there because, again, I want to stick to the constitutionality of this. I have had to jump through a red light in order not to be rear-ended at 60 miles an hour, and at 61-years old I would not have survived, and I could have been T-boned. So this notion about, *Oh, you never get T-boned. It's better to be rear-ended; baloney.*

You know, separate from that, I've noticed also in the wealthier areas -- like in Nassau County, I was driving around Roslyn the other night and Manhasset area -- you'll notice in the most wealthy areas you will not see these cameras. The wealthiest people and the most formally educated will not tolerate it. They'll -- you know, they have the power, they have the money. You're not going to see a lot of these cameras in, you know -- I forget which one of you covers the Hamptons. I would imagine there's --

LEG. FLEMING:

(Raised hand).

MR. MARNELL:

There's probably a few less. I don't want to get into a debate on this, but I notice on the north shore of Nassau County far, far, far less. But skipping all of this -- sorry, I hit the mic. I want the bill reintroduced, resurrected, just like, you know, in honor of Easter, and challenged on the basis of constitutionality and sticking to that only. Because quantifying lives saved and lost, you'll never get an accurate figure on that, you'll never. So I think that's -- that's pretty much all I need to say. I guess you grasp the concept of it. And I want to thank you for letting me speak. I'm losing my voice, so, okay.

P.O. GREGORY:

All right. Thank you, Mr. Marnell.

MR. MARNELL:

Thank you.

Applause

P.O. GREGORY:

Next, Hector Gavilla and then Jay Peltz on deck. Is Jay -- I don't see Jay here. Oh, there you are. Okay.

MR. GAVILLA:

Okay. How fitting today. Let's talk about a failed science experiment called the Red Light Camera Program, and your hypothesis was that the program would prevent accidents and use the Suffolk County drivers as your guinea pigs. According to the 2014 reports, we all know that the total accidents actually remained about the same. So it was embarrassing to watch Channel 12 News and see the representative from Steve Bellone's office tell everybody accidents went down about 3%; that's nothing, it's only 33 accidents less from the prior year, but when you look at the numbers it's about the same from 2013 to 2014.

Now, we knew what happened last week. Today we were hoping that this Legislature would be voting on Robert Trotta's bill to suspend the program. And maybe we should have some of these kids that came up today to evaluate the program, I think they would do a much better job than all of you.

Now, what I want to announce to everyone who may not know is that last week at the Public Safety Committee, the following Legislators voted to keep the cameras in Suffolk County; that would be Monica Martinez, Bridget Fleming, Kate Browning, Robert Calarco, Kara Hahn. So those individuals voted to keep the Red Light Camera Programs in Suffolk County, despite the fact that you all know that the people here have been victimized.

We've come over and over again, it's almost been a year now, and now we have the data to support it from the 2014 report that rear-end collisions have increased, they've actually increased. So you're creating a dangerous hazard for the people in Suffolk County. And by the way, not only are people doing rear-end collisions at the red light -- at the camera signals, okay, they're doing it even at traffic signals. I just witnessed one on Commack Road. There was no red light camera ticket, but someone stopped short and, bam, they smacked; they stopped at a yellow light. So you're seeing an increase of people stopping at the yellow lights and it's becoming very dangerous because they don't know exactly when the light is going to turn red. So you really need to evaluate this program because you're using old technology.

What is wrong with having a countdown timer, just like the one on the wall, that when I approach a signal I know exactly when it's going to turn red; what is wrong with that? That would be a solution, everybody. But it's rejected here because you know it would work. That would help everybody know exactly when the light is going to turn red, and we mentioned that many times over and over again.

Another beef that we have, okay, and I have to assume that the PBA would support getting rid of the red light cameras because there is no law enforcement involved. You have untrained individuals who are reviewing the videos. I passed around a copy of the technician's certificate which is proof that a Suffolk County employee who only has a high school degree is just watching the videos and passing it along at the Traffic Court.

Well, I thank you very much for your time, and please reconsider Robert Trotta's bill. Let's resurrect it and do the right thing for the citizens of Suffolk County. Have a great day.

Applause

P.O. GREGORY:

Thank you, Mr. Gavilla. Jay Peltz; and then on deck, Michael McDermott.

MR. PELTZ:

Good morning. Thank you for the opportunity to testify -- to speak at today's General Meeting. My name is Jay Peltz and I am the General Counsel and Vice-President of Government Relations for the Food Industry Alliance of New York. FIA is a non-profit trade association that promotes the interest of New York's 21,000 grocery stores as well as drug and convenience stores.

FIA opposes the plastic bag ban legislation. We oppose the bill because bans are generally based on false, exaggerated and uncorroborated claims rather than SEQRA compliance study. For example, ban proponents typically characterize thin-film plastic bags as single use. However, the 119 page United Kingdom Environment Agency Study of all three types of supermarket carrier bags, citing the Wrap 2005 Study on Lightweight Carrier Bag Usage reported that, *"Overall, it was estimated that 76% of single-use carrier bags were reused."* Indeed, referencing the Wrap 2005 Study, 14 separate categories of reuses are specified on page 30 of the study. The very first finding of the Executive Summary of the Comprehensive Study is dispositive, quote, *"The environmental impact of all types of carrier bags are dominated by resource use and production stages."* Transport secondary packaging and end-of-life management generally have a minimal influence on their performance.

The entire ban case is based on end-of-life management impacts, mainly litter. In addition, the ban argument ignores the first finding of the Environment Agency Study. Since they are much smaller and lighter than paper or reusable bags, thin-film plastic bags use much fewer resources to manufacture. They, therefore, have less of an environmental impact on paper or reusable bags to that point.

Bans typically lead to a surge in paper rather than reusable bag use. This is bad for the environment. The UK Environment Agency Study evaluated nine categories of environmental impacts caused by different types of supermarket bags. The study found that paper bags have a worse effect on the environment than plastic bags in all nine impact categories. In addition, paper bags biodegraded to methane. According to a July, 2013 briefing, though, from the British Columbia Environment Ministry Staff, methane emissions are of particular concern since they have a global warming impact 21 times higher than carbon dioxide.

Moreover, local bans are preempted under the Plastic Bag Reduction, Reuse and Recycling Act enacted by the State in 2008. The State determined that the recycling law was working so well that it should be expanded. Accordingly, in 2014, the State amended the law to include plastic film. The bill passed the Assembly by 129 to 7 vote and the Senate by 59 to 1 vote. Importantly, the amendment was formally supported by both the State Department of Environmental Conservation and the New York League of Conservation Voters. In its Memorandum of Support dated June 27th, 2014, DE asserted that, quoted, *"Recycling of plastic bags and film plastic continues to grow as millions of pounds are recycled each year into durable, outdoor decking and low maintenance fencing."*

For the reasons cited in FIA's full testimony and supporting documentation found in the public hearing record, we will respectfully request at the public hearing that the bill be withdrawn and that a collaborative effort involving FIA, our member stores and the County be established. Thank you for your time.

P.O. GREGORY:

Thank you. Michael McDermott, and then Stephen Ruth.

MR. McDERMOTT:

Good morning, everybody. My name is Michael McDermott, I'm the Chairman of the Suffolk County Libertarian Party. I was also the 2014 candidate for Governor of New York State. And I'm here, surprisingly for you folks, about the red light cameras.

I attended the traffic -- the Public Safety meeting last week. I was embarrassed, to be honest with you, especially by Ms. Browning who really did not run a very good meeting. Mr. Trotta had a bill before you and there have been a lot of allegations about these red lights, so you had the camera folks in to ask questions. The questions were designed to get the answers that you wanted, that Ms. Browning wanted, not the true answers. For instance, they actually asked the people, *Have there been any deaths caused by these cameras?* And the camera folks said, *No*, but that's not true. There have been many increases in accidents, there have been deaths. In fact, I understand there was a fatality last night on William Floyd Parkway at a three-second yellow light.

Another question that was asked was how do you determine, have the yellow lights changed, and the truth is they said, *Yes, they have been changed*. They have this complex formula they couldn't really explain on how they reduce the yellow lights --

LEG. HAHN:

That's a lie.

MR. McDERMOTT:

-- so that people driving in a 30-mile an hour zone or a 60-mile an hour zone have different yellow lights, and how best to shorten these lights. I don't think anybody ever died or had an accident because the yellow lights were too long. So why are the yellow lights being shortened? There's no reason to have them shortened. It's confusing. Depending on which traffic light you go through, you don't know how much time you have. And people, myself included, are concentrating -- whether there's a camera or not, because there could be cameras and there are more cameras everywhere -- on how to stop and when should we stop. It's not a matter of trying to run a red light or stopping and counting to three and passing and all that sort of thing. You just don't know, and that's why accidents happen, and I know that you all realize and know that.

So the complex formula I think is irrelevant. Just increase the yellow lights. There's a problem with that, though. If you increase the yellow lights to, say, eight seconds, guess what? There'll be less accidents, there'll be less tickets given, there'll be less revenue brought in, and that's the problem. This is all about money, and it shouldn't be about money. And I know that you have hearings like this and people come up and speak to you, and sometimes you pay attention and sometimes you talk amongst yourselves, but basically you're not really listening. Mr. Trotta's bill should be reinstated. I appreciate Doc Spencer voting because he realizes there's a flaw with the system and you should suspend these red light cameras immediately. People are getting hurt; last night, no exception. But I realize that this is probably falling on deaf ears. I hope not, I hope you do the right thing and you do suspend this program because it's clearly flawed. And it's just revenue producing and that's not what this is about, it's about the safety of the people of Suffolk County.

(Timer Sounded)

But next year is 2017, you're all up for reelection. And I believe, unfortunately, that the only way to stop these kinds of programs and these horrible things is to really pay attention to the elections next year and just replace those people that will allow a program like this to continue. So thank you for your attention. I really hope you do the right thing. And thank you, Mr. Trotta, for presenting the bill.

Applause

P.O. GREGORY:

All right. Steven Ruth; and then on deck, Kathy Cole.

MR. RUTH JR:

Good morning, Ladies and Gentlemen. A question that keeps coming to mind remains unanswered; that question is why didn't you ask to see the engineers' signatures on the signal plans of the traffic signals as well as the installation plans of the cameras? What is your answer?

*(*Brief Pause*)*

You guys never saw the signatures or the license numbers of the installation -- of the engineers who supposedly signed off on the traffic signals as well as the camera installations. But when I was here the other day, you never asked to see the actual signatures or license numbers. What's your answer; why didn't you ask to see them?

*(*Brief Pause*)*

Okay, no answer. You and I both know nothing was signed by engineers, and that's why you asked to have me escorted out of the last meeting before the vote. You did this because you knew nothing was signed off by engineers and you didn't want to look bad, you wanted to protect the DPW Commissioner, Gil Anderson, who is proud of extorting \$38 million, as well as Paul Margiotta for my questions that remain the same; where are the signatures of the engineers as well as their license numbers from the installation of the cameras as well as the signal plans from the traffic lights. By not asking to see the signatures of engineers, you're allowing your constituents to fall pray to traffic light or camera manipulation for money. This is just another instance of professional misconduct on behalf of Kate Browning, Kara Hahn, Rob Calarco, Bridget Fleming and Monica Martinez.

Another reason that qualifies as professional misconduct is because you have heard Suffolk Police Officer James Emanuele's testimony to the fact that lights were manipulated for revenue and you still voted to keep the cameras in operation. Therefore, knowing that the lights were manipulated for revenue and keeping the cameras in operation, you are conspiring against the people of Suffolk County.

By the way, Kate Browning, you know someone died on William Floyd Parkway last night on your watch in front of a three-second yellow turning arrow. Coming off of a 55-mile an hour turning speed zone, you have a three-second yellow turning arrow where someone was killed yesterday. Okay?

The reason why the red light camera data is always two years behind is so no one can question the use of the money as it's already spent and given to the police union, when it was never supposed to be going to law enforcement. Remember, it's a civil action against us. This is another form of corruption and fraud, just like all of you not reading the camera company contract. Just like none of you asking for the engineers licenses or signatures; all reasons that jeopardize your reelections. And none of you are bonded, so it also jeopardizes you legally. Is any one of you bonded? And no one's bonded, right? All you guys are supposed to be bonded to protect the constituents from corruption. I think that you're all going to end up in court over this.

Just so you know, a class action lawsuit's already under way, it's already filed. So I'll be seeing you not just in the Criminal Court, but I'll be seeing you in the class action as well. You're all going to get cross-examined about your campaign contributions. You're all corrupt politicians. Thank you.

Applause

LEG. BARRAGA:

Mr. Speaker? Mr. Speaker, a high point of personal privilege.

P.O. GREGORY:

Yes, yes.

LEG. BARRAGA:

I do not sit on the Public Safety Committee, but under the public portion, when you have three minutes, you're supposed to come up here and talk about the issue. You have problems with the yellow camera or the red camera, tell us why we should change that. Singling out individuals and saying negative things about members is totally and completely inappropriate, and it should never be tolerated by this Legislature. You get three minutes, talk about the issue. I don't care what the issue is.

MR. RUTH JR:

You're a corrupt politician as well then.

LEG. BARRAGA:

Well, let me tell you something. Don't call me corrupt, you've got two felonies and eight misdemeanors; in a year from now you're going to be in State prison, that's where you're coming from. And all these people around you --

MR. RUTH JR:

You have no courage.

P.O. GREGORY:

Sit down!

LEG. BARRAGA:

-- are not going to be there to laugh.

P.O. GREGORY:

Okay, okay.

MR. RUTH JR:

You're a coward!

LEG. BARRAGA:

I'm not a coward, I'm sitting here.

P.O. GREGORY:

All right, all right.

LEG. BARRAGA:

I'm facing you. You're a bully and a coward.

*(*Presiding Officer Banged Gavel*)*

P.O. GREGORY:

All right, everyone calm down.

LEG. BARRAGA:

So that's the story. You have three minutes, stick to the issue, that's all we ask. Do not be singling out members in a negative way or positive way, just stay to the issue. Thank you.

P.O. GREGORY:

Okay.

*(*Legislator D'Amaro Stood Up & Applauded*)*

*(*Applause from Various Legislators*)*

P.O. GREGORY:

All right. Ms. Cole? Are you here, Ms. Cole? Okay. Kathy Cole; and then Rose Van Guilder, you're up next.

MS. COLE:

That's a tough act to follow; wow. Sorry about that. I'd like to introduce myself. I'm Kathy Cole. I spoke last week at the Public Safety Committee and someone put my testimony on-line and I got an overwhelming response from taxpayers and people in the know. Some board members, some education officials, some parents, some PTA members, they've been reaching out to me for some time. But, you know, you can give me all the issues that you want and if I have nowhere to report it, it's very difficult for me.

So my name is Kathy, I own and operate a gym door repair in Suffolk County. I've been a vendor for local school districts for over 30 years; all those years without incident until I reported a non-compliance with the Health and Safety Law and some fraud surrounding it. Education Law 409-F, which relates to the construction and maintenance -- I read some of this last week, but I took out a little bit and I'm adding a little more. Education Law 409-F which relates to the construction, maintenance and operation of electrically-operated partitions in schools is unique to New York State and New York City. There was no other requirement like this in the nation. It was enacted in 2001 after the death of the second New York State student crushed and killed in a school gym electric partition, one death occurred here on Long Island. I have tried since 2011 to report to the Suffolk DA serious and criminal events going on in some of our local school districts. There is collusion, wire fraud, identity theft, price gouging of the taxpayers, in addition to endangering the well-being of our students.

Certain -- unfortunately, certain education and BOCES officials, in an attempt to shield the massive non-compliance and the possible \$140 million associated with this law since 2001, have conspired with a certain Suffolk County company to eliminate competitive bidding in some of the local school districts for gymnasium safety, goods and services. As I hired private investigators and gotten inside tips from public employees, I uncovered more and more fraud. Quickly, I'll give you an instance of one school district, \$20,000 of certified payroll was submitted and a check for \$207,000 was paid to the company; that's a \$187,000 discrepancy. That's been reported to the Suffolk DA. In another school district there were three purchase orders totally \$1 million for goods and services, and there were \$12,000 of payroll submitted. So the ratio, the norm, doing this for 30 years, is 60% for the good and 40% for the labor, so there's about \$388,000 of labor missing. Those checks never should have been cut to the contractor, that's labor fraud.

So I was referred to the Government Corruption Unit of the Suffolk DA Bureau after the Labor and Rackets Bureau and the Financial Crimes Unit of the Suffolk DA raided this company in March of

2014 after reviewing my information and listening to the several tape recordings that I had; the same bureau run by Mr. McPartland who is now a target of a Federal investigation for covering up for Mr. Burke who's in Federal prison. The CEO of this specific company was debarred--

(Timer Sounded)

-- by the SEC in 2005 and fined \$1.9 million personally for his part in the \$138 million Simple Technology scandal here on the Island. I was advised for almost two years by the Suffolk DA's Office --

P.O. GREGORY:

Ms. Cole, please wrap up.

MS. COLE:

-- to be patient and that they were reviewing my evidence and that there were going to be indictments and that people were going to be held accountable for this. An informant came to me and went above the Suffolk DA's head who's involved in the investigation, and I've spoken to Federal Investigators very recently. And after I left last week --

P.O. GREGORY:

Ms. Cole, please wrap up.

MS. COLE:

I will.

P.O. GREGORY:

I have other speakers.

MS. COLE:

After I left last week, I saw in Newsday that four of the Detectives from the Government Corruption Unit had left. And I'm urging you, not only as elected officials, as taxpayers, something has to be done to investigate what's going on in the local schools.

P.O. GREGORY:

Okay. Thank you very much for coming.

MS. COLE:

You're welcome.

P.O. GREGORY:

If you have any written comments and you want to hand them in.

MS. COLE:

I really came today at the urging -- I wasn't going to come and speak again.

P.O. GREGORY:

Okay.

MS. COLE:

I said it last week, but they wanted me to have everyone here -- you know, felt that everyone should hear. So I can e-mail everybody.

P.O. GREGORY:

Okay. All right, thank you very much. Rose Van Guilder; and then Tara Garced.

MS. VAN GUILDER:

Hello. Good morning. I'm Rose Van Guilder and I'm President of the Alliance for Independent Long Island, because I want to make Long Island a state. And I was thrilled to see that you proposed a committee to look into this matter, and I have the avenue of accomplishing this. You don't go through the New York State Legislature because they will never let this happen. You need to have a resolution in the next election, which may be too soon; then you go through Congress and they will allow you to do this.

Long Island is as big as Delaware and Rhode Island. We are the biggest contributor to Albany; they will never allow you to leave. I know that Senator LaValle has wanted to do this for a long time. I established the Alliance for Independent Long Island because that was a goal of mine, and I would love to work with you to make this happen. That is my first comment.

I'm also, of course, the Alliance for Independent Long Island/Rockaway Ratepayers Alliance. I am interested in purchasing any and all properties that the County owns to provide housing for the homeless veterans, and I would appreciate if you would contact me or inform me how I can purchase this property. I, of course, am the President of Homeless in America Corps. It is a not-for-profit 5031(c) (*sic*) and I will build apartment complexes; two, three, 400 apartments to accomplish this task. And I do have many people, officers in my corporations, and I will provide all the services needed to help the homeless get over any addictions that they have and get stable and become wonderful human beings again and have a life back. This is one of my goals. And I have many others and I will tell you about this.

I shall be helping the veterans, the homeless, the handicapped, the children, the sick and the poor and the people in Haiti with my Miracle Foundation that I shall form this week. My attorneys, accountants are working on this as we speak. I have had a miracle in my life this past week.

(Timer Sounded)

I will tell you more about it at another time, time will not allow me. But this wonderful human being who was in critical condition has donated mega millions to me, because I am an Apostle of God and I will do everything to help everyone and I will have other individuals working with me on this.

P.O. GREGORY:

Thank you, Ms. Van Guilder.

MS. VAN GUILDER:

Wait, I am also in touch with the Clean Energy Foundation.

P.O. GREGORY:

Ms. Van Guilder, your time's expired. I have several other speakers after you.

MS. VAN GUILDER:

Okay. But please, if you wish, I will give you the benefit of all my knowledge because Earth is in trouble.

P.O. GREGORY:

Absolutely.

MS. VAN GUILDER:

And I will tell you all about it, if you wish to set up a meeting with me.

P.O. GREGORY:

Okay.

MS. VAN GUILDER:

All righty? Thank you. And have a wonderful day.

P.O. GREGORY:

Okay. Legislator Calarco's going to get to that right away. Thank you.

Applause

I'm sorry if I messed up your last -- is it Tara Garct?

MS. GARCED:

Garced

P.O. GREGORY:

Garded, I'm sorry. And then Deborah Maffettone.

MS. GARCED:

Good morning.

P.O. GREGORY:

Good morning.

MS. GARCED:

I'd like to formally thank the three that voted to get rid of the lights. For the five that chose to keep them, I know if I ask a question to give me one good reason, any one of you could give it to me.

P.O. GREGORY:

Just -- and I don't mean to interrupt. But just quickly, this is an opportunity for you to speak. We are not to respond by our rules; so you can ask a question, but don't expect an answer.

MS. GARCED:

You know what? I've been sitting here and I've been watching and, you know, Stephen's been posing questions, and I'm not -- I kind of realized that there was no answers going to be given. So again, I wanted to formally thank the three that sided with us. For the individual who chastised Mr. Ruth; you may have felt you were in line, but you were out of line. What you did was bait him. And to --

LEG. BARRAGA:

Sometimes a person has to be baited. Sometimes you have to say things you're not want to say.

MS. GARCED:

And I'm glad you said that. I'm glad you said that, because you speak of all the things as far as your data and, you know, your willingness to keep the red light cameras. Do any of you have kids?

LEG. BARRAGA:

I wasn't speaking to the willingness of keeping the red light cameras. I was speaking to the individual in terms of what he said.

P.O. GREGORY:

Tom.

MS. GARCED:

I'm speaking about trying to get that bill presented again.

P.O. GREGORY:

See, this is exactly why we don't have this. This is an opportunity for the public to speak and not get into discourse. If you want to have a discourse, that's in the public hearing process.

MS. GARCED:

I don't want to have discourse because we know where this is going.

P.O. GREGORY:

Please present your information or a statement.

MS. GARCED:

My statement is as of last week, and I sat here and listened to what was going on, it kind of felt like this was a protocol and last week's meeting was a show. You guys already had your verdict rendered long before the meeting ended, which is part of the reason why Mr. Ruth was told to leave. But I just don't understand why you will sit here and continue to go against what the people want. Each and every one of you were supposed to stand on a platform to be the voice of the people, but you're not. You're not my voice. There's only three of you that are my voice, Mr. Trotta being one of them.

I have a 19-year-old daughter that was forced through an intersection. If she was T-boned like the woman's daughter who was killed with the last meeting, the only one who offered condolences was Mr. Trotta. What are you going to say to me if my daughter gets caught out there again; I'm sorry? Sorry for your loss? I really hope that you will think again and go back and think about getting rid of it, because you're not helping, you're taking money and you're making the taxpayers really resent you, all of you. Again, you're supposed to be my voice, but yet I'm standing here arguing with you to get my voice heard. I don't want to do this anymore. I want it done and I want it done right. Can you just do that? Can you actually sit down and --

(Timer Sounded)

You have three people who have a backbone, that's it. None of you -- the rest of the five of you that stood there, even if you didn't want to go -- even if you wanted to go against it, you wouldn't have because you didn't want to go against your constituents. Only the three with a backbone did. So when you go home and you look at yourself in a mirror, can you honestly say that you really have good, moral character? I don't think you can.

LEG. D'AMARO:

Jesus. Unbelievable.

MS. GARCED:

Yeah, it is unbelievable.

P.O. GREGORY:

Thank you.

MS. GARCED:

It is unbelievable, because I hope that you have a daughter that's forced through an intersection.

P.O. GREGORY:

Thank you for your time.

LEG. D'AMARO:

Whatever you say.

MS. GARCED:

Yeah, it is whatever I say.

P.O. GREGORY:

Ms. Maffettone? And then Linda Frego; is Linda still here?

Hi, Ms. Maffettone.

MR. MAFFETTONE:

Good morning. My name --

P.O. GREGORY:

Hold the mic down, please, so we can hear you.

MS. MAFFETTONE:

Good morning. My name is Deborah Maffettone, I'm an animal advocate and rescuer. I live in the Town of Babylon. I remain the voice of those who have none and I ask you again today to hear the cries of the animals in the County.

I spoke at the April 12th meeting, I begged you to do something about the Suffolk County SPCA on behalf of many animal advocates and rescuers in this County. I e-mailed each of you my speech from that meeting, taking about two hours to copy and paste every single one of your e-mail addresses, hoping for a response. I thank Legislator Kennedy for being that one that responded to me. I was hoping to hear from more of you. I don't think you have to be enamored with animals to pay attention to the problem that we have, and that's ongoing.

I often wonder if the parents of the children who are at risk because of the animal abusers are aware of the statistics. As we all well know, many animal abusers turn into child abusers. And while I've been accused of caring for animals more than I do people, I do have a heart, a huge heart for both. I am here today to ask the Legislative body again to open an investigation, an inquiry and thoroughly look into the activity and inactivity of the Suffolk County SPCA; more specifically, the things that are not being done and should be done.

I brought with me copies of their 990s since 2003 for you to examine their expenses, their intake of money and their money in the bank. A 501(c)3 organization should not be a hoarder of money, but should be an organization that helps what they say they're going to help. Please take notice that their salaries, their expenses and their net assets which now equals \$1.24 million. Since the last meeting, no one has been arrested or convicted of animal abuse crime, but Roy Gross and his SPCA have boasted about ripping Luna, a 10-lb Capuchin Money out of the arms of its 80-year old owner of 22 years. Again, this is just a monkey to some people, Just like Harambe was just a gorilla. But to Mrs. Nieves, Luna was her best friend. Lies were told, bucks passed between the DEC and the SPCA, press conferences to humiliate and embarrass the owners, traumatize Luna by putting her on display and then sending her to an undisclosed location, not even letting the only mother she knew where she is. That is animal abuse right there. They also lied and tried to -- that they tried to help her obtain a license to keep Luna, which is a lie. This all went on so the Suffolk County SPCA and their Chief can try and show the County they're actually doing something, which they're not. I could assure you this is not helping.

The power of social media is at work. I invite you to visit a few Facebook pages; replace the Suffolk County SPCA, Enforce the Animal Laws of Suffolk County, and visit the Suffolk County SPCA's website themselves. On their page, all they do is boast about a spay/neuter program which charges people in the County \$100 for an under 30-pound dog. This is not helping people who are low income. There is no TNR program, kitten season is upon us and we will have more people abusing more cats because we cannot control the population.

So again, I brought papers with me, I will turn them in and hopefully you will take a look at them. And we will be applying for a second SPC in the County; while the State does not allow that, we will be challenging the SPCA. Thank you.

P.O. GREGORY:

Thank you. Next we have Linda Frego.

MS. FREGO:

Kate Browning asked at her May 26th Public Safety Committee meeting if the Red Light Camera Program was unconstitutional; Mr. Margiotta was here and he told her that he couldn't answer that. Well, I can. This program is unconstitutional on many levels. The answer lies within the Supreme law itself. The Federal Constitution states in Section 10 that no State shall pass any Bill of Attainder. A Bill of Attainder is an act of Legislature, declaring a person or a group of persons guilty of some crime and punishing them, often without a trial. The effect of such bill is to nullify the targeted person's civil rights, as the abusive red light camera nullifies our right to due process, equal protection of the law, as well as the right to be confronted with witnesses against us. A camera is no witness. It also violates the Separation of Powers, the right to due process, and the precept that a law should address a particular form of behavior rather than a specific individual or group. You should have learned that in Legislating 101; perhaps you missed that class?

Motor vehicle registrants have heard your ridiculous excuse that this program is intended to modify driving behavior; for who? If the registered owner is not the one driving, who's driving behavior are you attempting to modify? Certainly not the one receiving the violation. By imposing punishment on registrants who have committed no offense, you have singled us out for punishment without just cause. This leaves us with no means to face our accuser in violation of our Sixth Amendment protection.

Shortened yellow lights have created panic on our roadways. You impose this psychological form of torture on drivers. You have no degrees in psychology. You have no conducted studies on potential consequences these intended behavior modifications may induce. Drivers have been made to feel unsure when they enter the dilemma zone. Drivers are no longer at ease traveling roadways, being forced to try to defy the law of physics. It's insane.

Texting while driving is an unsafe distraction? The flashing strobe light of the camera is a huge distraction when driving. It has been known to cause temporary blindness and invoke seizures. This can create a roadway hazard. It's ludicrous.

This is also where you give yourselves away. You clearly don't give a damn about our safety. And the people who voted to keep the cameras -- the red light cameras in Suffolk County, shame on you, Monica Martinez, Legislator Fleming, Browning, Calarco and Hahn.

Applause

P.O. GREGORY:

Okay, that is all the cards that I have. Is there anyone else that would like to speak that has not

already spoken? Please come forward.

MR. STRAUSS:

Good morning.

LEG. SPENCER:

Good morning.

MR. STRAUSS:

Alex Strauss, 184 Radio Avenue, Miller Place, New York. I would never, ever get up and tell a policeman how to do his job. I would never tell him that he doesn't know what he's talking about when he has his books and he learned how to be a policeman. In the same phase, I would hate to see a policeman trying to tell how the red light cameras work. Because he doesn't know; he's guessing.

For the last time, this is the last time I'm going to say this; the yellow lights at an intersection are not touched by the red light cameras. You're talking to a person that's installed them! I'm not somebody that goes around saying, *Oh, they changed this one, they changed that one, they made this one slower*; it's not that way. They have nothing to do with the yellow lights. It detects the red light, period. End of story. It has nothing to do with the yellow lights. How many times do I have to say that?

And if anybody really wants to know, call the State Department of Transportation and ask them how they set the yellow lights. They set the yellow lights by the amount of traffic at the intersection. If it's a four-lane, it's going to be longer; if it's a two-lane, it's going to be shorter. The shortest one is three seconds. Before there was red light cameras, people had to learn how to stop at an intersection. They still have to learn how to stop at an intersection. Ugh! Have a great day. Thank you.

MS. VAN GUILDER:

That's a good explanation. Wonderful!

P.O. GREGORY:

Okay. Anyone else? No. Okay, I make a motion to close the public portion.

LEG. BARRAGA:

Second.

P.O. GREGORY:

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

MS. ELLIS:

Fifteen. *Sixteen (Not Present: Legislators Muratore & Anker).*

P.O. GREGORY:

All right, we're going to get to the agenda. I make a motion to approve the *Consent Calendar*.

LEG. CILMI:

Second.

P.O. GREGORY:

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

MS. ELLIS:

Sixteen (Opposed: Legislators Muratore & Anker).

P.O. GREGORY:

Okay, we have **Tabled Resolutions:**

IR 1242-16 - Authorizing the reconveyance of County-owned real estate pursuant to Section 215, New York State County Law to Andreas Dambakakis and Giovanna Dambakakis (SCTM No. 0800-115.00- 01.00-039.000) (Kennedy).

LEG. KENNEDY:

Motion to table.

P.O. GREGORY:

Motion to table by Legislator Kennedy.

LEG. CILMI:

Second.

P.O. GREGORY:

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

MS. ELLIS:

Seventeen (Not Present: Legislator Anker).

P.O. GREGORY:

IR 1257-16 - Authorizing the reconveyance of County-owned real estate pursuant to Section 215, New York State County Law to Andreas Dambakakis and Giovanna Dambakakis (SCTM No. 0800-115.00- 01.00-039.000) (County Executive).

LEG. HAHN:

Motion.

MR. NOLAN:

You have to table it.

P.O. GREGORY:

I make a motion to table.

LEG. HAHN:

Motion to table.

P.O. GREGORY:

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

MS. ELLIS:

Seventeen (Not Present: Legislator Anker).

P.O. GREGORY:

IR 1258-16 - Appropriating funds in connection with the new Enhanced Suffolk County Water Quality Protection Program – 2014 Referendum – Water Quality Projects (CP 8733.310)(County Executive).

LEG. HAHN:

That one motion.

P.O. GREGORY:

Motion to approve by Legislator Hahn.

D.P.O. CALARCO:

Second.

P.O. GREGORY:

Second by Legislator Calarco.

LEG. TROTТА:

On the motion.

P.O. GREGORY:

On the motion, Legislator Trotta.

LEG. TROTТА:

Which one is this? I'm a little lost here.

P.O. GREGORY:

It's under Tabled Resolutions, IR 1258.

MR. NOLAN:

This is the -- in connection with the referendum that was approved in 2014, this is the Water Quality piece, \$4.7 million. There is an accompanying Bond resolution with it.

LEG. TROTТА:

So this is the referendum where we allow the County Executive to go in and take a hundred -- up to \$100 million? All right, thanks.

LEG. D'AMARO:

Can --

P.O. GREGORY:

Legislator D'Amaro.

LEG. D'AMARO:

Yeah. George, if you would. This is the -- is this part of the settlement of our litigation; is that the outgrowth of the referendum?

MR. NOLAN:

Yes, correct.

LEG. D'AMARO:

And the referendum required this bonding in the end?

MR. NOLAN:

Right, it was part of the bill, part of the settlement which we committed to.

LEG. D'AMARO:

This would appropriate 4.7 million in serial bonds as part of that program and part of our settlement. Maybe Budget Review Office knows; how much is left to be appropriated after the 4.7, or is that the entire --

MR. NOLAN:

This is the entire amount of that component, of Water Quality.

LEG. D'AMARO:

Of that component?

MR. NOLAN:

We haven't spent anything out of there yet; correct, Robert?

MR. LIPP:

Correct.

LEG. D'AMARO:

And the funds are being appropriated by this resolution which is -- is this bonding? Is this also an accompanying bond to this resolution?

MR. LIPP:

Correct; B money, serial bonds. It will effect the General Fund in terms of --

LEG. D'AMARO:

General Fund E money, Serial Bonds.

MR. LIPP:

E money, yes.

LEG. D'AMARO:

And does -- is there anyone here from the department that knows whether these funds are earmarked for any particular project at this time; and if so, what they are?

*(*Director Lansdale approached the podium*)*

Ah, here we go. See? Thank you so much for coming. Thanks, Sarah.

DIRECTOR LANSDALE:

So we have issued Request for Proposals to local municipalities and County departments to use this funding. The Water Quality Review Committee would review the proposals and then make suggestions on a project-by-project basis for the Legislature to individually approve.

LEG. D'AMARO:

Why is a decision made to appropriate the funds now before the RFP is out?

DIRECTOR LANSDALE:

The -- there is a requirement to appropriate these funds before the end of the year, so the idea was to appropriate them now and then -- because sometimes it takes the project review cycle, it might take longer than before the end of this year to individually approve all of the projects that add up to

the 4.7 million.

LEG. D'AMARO:

Do you know when the RFP -- so there's an RFP going out, that's out that's going to solicit projects for this particular funding.

DIRECTOR LANSDALE:

That's right.

LEG. D'AMARO:

Do you know when that RFP is targeted to go out?

DIRECTOR LANSDALE:

The RFP went out.

LEG. D'AMARO:

It went out?

DIRECTOR LANSDALE:

It went out a few weeks ago and proposals are due in the first part of July. And then it's anticipated that the committee would meet in August and then that we would propose projects to the Legislature to review in September and October.

LEG. D'AMARO:

So each project would then come back for another vote --

DIRECTOR LANSDALE:

Absolutely, yes.

LEG. D'AMARO:

-- to the Legislature. Do you think it's necessary to pass this bill today, appropriate the funds today, or should we let the Water Quality Review Committee do their work?

DIRECTOR LANSDALE:

I --

LEG. D'AMARO:

What if we don't get any response?

DIRECTOR LANSDALE:

We had a mandatory proposers conference and there were more than a dozen different municipalities.

LEG. D'AMARO:

Yeah, or an acceptable response. I'm just curious why we're appropriating it in June when really there's no -- there's not even a project on the table yet. It's a little unusual.

DIRECTOR LANSDALE:

Right. I would defer to Counsel on that or to --

MR. NOLAN:

All I can say is according to the law, we have to fully appropriate it in 2016. So at some point this year we have to take this step.

LEG. D'AMARO:

Okay. Well, you know, just in my mind the process should be that once we know what projects we want to fund, then we go ahead and pass the appropriating legislation, so.

DIRECTOR LANSDALE:

I understand.

LEG. D'AMARO:

I'm glad. Thank you. Well, I guess that's it.

P.O. GREGORY:

Okay. Anyone else? Okay. All right, we have a motion on IR 1258. All in favor? Opposed? Abstentions?

LEG. D'AMARO:

Opposed.

MS. ELLIS:

Twelve.

LEG. TROTТА:

It should be 11. The vote was 11.

MS. ELLIS:

Eleven (*AMENDED VOTE: Ten - Opposed: Legislators Muratore, Cilmi, Barraga, Kennedy, Trotta, McCaffrey & D'Amaro - Not Present: Legislator Anker*).

P.O. GREGORY:

Okay. We have ***IR 1258A, Bond Resolution (of the County of Suffolk, New York, authorizing the issuance of \$4,700,000 bonds to finance the new enhanced Suffolk County Water Quality Protection Program – 2014 Referendum – Water Quality Projects (8733.310)***, same motion, same second; roll call.

(*Roll Called by Ms. Ellis - Chief Deputy Clerk of the Legislature*)

LEG. HAHN:

Yes.

D.P.O. CALARCO:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

No.

LEG. STERN:

Yes.

LEG. McCAFFREY:

No.

LEG. TROTТА:

No.

LEG. KENNEDY:

No.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MARTINEZ:

Yes.

LEG. LINDSAY:

Yes.

LEG. ANKER:

(Not Present).

LEG. MURATORE:

No.

LEG. BROWNING:

Yes.

LEG. FLEMING:

Yes.

LEG. KRUPSKI:

Yes.

MS. ELLIS:

Eleven.

P.O. GREGORY:

Yes.

MS. ELLIS:

Eleven (*AMENDED VOTE: Ten - Opposed: Legislators Muratore, Cilmi, Barraga, Kennedy, Trotta, McCaffrey & D'Amaro - Not Present: Legislator Anker*).

P.O. GREGORY:

Okay, page six. **(Introductory Resolutions For June 1, 2016):**

Budget & Finance:

IR 1367-16 - Adopting Local Law No. -2016, A Charter Law to implement one-year rolling debt policy under 5-25-5 Law to mitigate budgetary shortfall (County Executive).

D.P.O. CALARCO:

Motion.

P.O. GREGORY:

Motion by Legislator Calarco.

LEG. BROWNING:

Second.

P.O. GREGORY:

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

LEG. CILMI:

Yeah. I guess my question, if I could, through the Chair to the County Executive's Office. Why not just submit a bill to repeal this law? If every single year we're going to waive the 5-25-5 law, why even have it? I mean, I believe in this law, I'll be voting no to -- I believe in the 5-25-5 law, I'll be voting no on this. But it seems like we do this every single year.

LEG. BROWNING:

DuWayne?

P.O. GREGORY:

Is that a rhetorical question?

LEG. CILMI:

No. No, it wasn't.

P.O. GREGORY:

Okay.

MS. HORST:

I can definitely take that back and we can look into it. I don't have an answer for you now, I'm sorry.

LEG. CILMI:

And let me be clear, I'm not advocating --

MS. HORST:

I understand (*laughter*).

LEG. CILMI:

But it just seems silly to year-after-year waive a law that's on our books just because we can. At that point, why not just get rid of the law, or propose to get rid of the law?

MR. PAGLIA:

We can look at that. There's two issues here, the one is why. It's for, obviously, we're bonding the smaller projects.

LEG. CILMI:

Yeah.

MR. PAGLIA:

And if we don't do it, then it has to go into the Operating Budget. There's --

MS. MAHONEY:

Can you state your name, please?

MR. PAGLIA:

Nick Paglia from the County Exec's Office, Budget Office. So it's either one, either it's got to go in the Operating or it's got to go in the Capital. And I guess that law was written when times were good; you know, it's to prevent you from bonding small projects when you can pay with them --

P.O. GREGORY:

I'm sorry. Can we just get you to state your name and position on the record so that we can have it for the record?

MR. PAGLIA:

Nick Paglia, County Exec's Budget Office.

LEG. CILMI:

Yeah, the Legislature set a policy that basically governed, you know, what types of expenses we were in favor of bonding for, and that policy is articulated in this 5-25-5 law. It's a Charter Law, it's not -- you know, it's not something that this body did willy-nilly.

MR. PAGLIA:

Right.

LEG. CILMI:

It's in our Charter. So it just seems odd to me that year after year we vote to waive that law.

MR. PAGLIA:

I know. The alternative is in the Capital Program you put it in as G-funded, but then in the corresponding, the next Operating, you have to put the cash in.

LEG. CILMI:

Right.

MR. PAGLIA:

There's no way around that, or it can't be appropriated next year. Then what do you do if it's not -- if it doesn't make the Operating? So it's a dilemma.

LEG. CILMI:

Right. But by way of the 5-25-5 law, this Legislature established a policy that those types of projects should be funded out of the Operating Budget, right?

MR. PAGLIA:

Yes.

LEG. CILMI:

Thank you. If you would take that back and, you know, let us know.

MS. HORST:

We'll look into it.

LEG. CILMI:

Thank you.

P.O. GREGORY:

Okay. Legislator Krupski.

LEG. KRUPSKI:

Thank you. So I've got -- and it might be a question for the Administration, it might be a question for Budget Review. So if we pass this, and I'm familiar with the last couple of years of passing this, so one, what are the consequences of passing it? And two, is there a way during the Operating Budget that we could minimize the impacts of borrowing for operating, all the operating expenses?

MR. PAGLIA:

A lot of your main DPW projects would be affected, like drainage, almost all the drainage projects out of Capital Project 5024.

*(*Legislator Anker re-entered the auditorium at 11:57 A.M. *)*

They're usually between 25,000 and 100,000. All of those would have to be done out of Operating; I don't even know how we would do that. Basic long stretch patch work on the roads, too, that are outside of pot holes, you know, that's maintenance, that's not Capital. I'm not talking about the long stretches either, but those midway, they would all have to come out of Operating. They would have to be G-funded. I don't know what the answer is unless the revenues increase and you can put that into the Operating Budget, into the capital reserve line to transfer it the following year into Capital. I don't know how else to do it.

LEG. KRUPSKI:

Thank you. And I'd like to ask Dr. Lipp if he has an answer to that.

MR. LIPP:

Well, like Nick had said earlier, it was put into place when times were better, so this way you don't have to pay interest costs over time and you structurally increase the size of the Operating Budget by borrowing for things that perhaps you should not. That being said, to resurrect this law, to enact it really, would work very well, it would be a great idea once times are better, and when that will be remains to be seen.

LEG. KRUPSKI:

But is it -- and obviously this is putting a burden on, you know, the next generation, because you're not paying for your expenses today.

MR. LIPP:

Agreed.

LEG. KRUPSKI:

But is there a way of through the Operating Budget, which we're going to start on soon, at least minimizing the amount of borrowing that we do for operating expenses?

MR. LIPP:

Right. So as an example, let's say I'm picking a number, let's say \$10 million, okay, of all the projects and say, *Okay, this is what we want to do as pay-as-as-go*. Then come the 2017 Operating Budget, which we would look over in the Fall of this year, then in order for it to be consistent with that view, they would have to put -- the Executive would have to put \$10 million in operating expenses in there while there are still significant problems.

That being said, if we were to go through right this minute hypothetically and say, *Okay, we're*

changing a lot of stuff from bonding to money as pay-as-you-go in the Operating Budget, it would still be a requirement of the Executive and recommending and for us adopting the Operating Budget to have it consistent with doing that, and that's not always been the case. Even when we were doing this law, the Operating Budget wasn't always internally consistent. So when you're passing capital appropriating resolutions, what would happen there is you would probably need to change the funding next year, given that the money is serial bonds now. And if you thought you could do that next year, when you appropriate capital you would need 12 votes to change the funding source from serial bonds to General Fund transfers.

LEG. KRUPSKI:

Thank you.

P.O. GREGORY:

Legislator Browning.

LEG. BROWNING:

Yeah. Tom, I vaguely remember. I mean, since I've been here in ten years, and I'm sure Legislator Barraga and Lou and Steve can say the same, this even predates us, the suspension of the 5-25-5. And yeah, if times got better we could certainly -- I wouldn't want to see it eliminated in case times do get better. But I think, too, I know that we have had this discussion too in the past, that some of the borrowing that does occur, the Comptroller does have the ability to decide the term of that bond, the length of that bond; correct?

MR. LIPP:

Correct. In fact, it's been a new policy with the new Comptroller to do a shorter life, in particular for settlements and to cars they've done that for.

LEG. BROWNING:

Correct. Do you know when the suspension of the 5-25 started?

I know it predates me.

MR. LIPP:

Yeah, it started in 2002.

LEG. BROWNING:

2002?

MR. LIPP:

The suspension, yeah. There may have been one or two years that it wasn't suspended, but I'm thinking one year, but I'm not a hundred percent sure.

LEG. BROWNING:

Okay, thanks.

P.O. GREGORY:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you. Dr. Lipp, I'm curious if you've ever had your office look at how much more cash we would need to come up with had the law been -- had not been waived in say 2015. Do you have any feel for how much more cash we would need?

MR. LIPP:

Right, so we used to write that up as part of our Operating Budget review and Capital review also. And what we did -- last time we put it in there was in the Fall -- no, this time of the year for the Capital Budget when we reviewed it in 2012 for the 2013-15 Capital Program, we put some numbers in. And one -- if you look in that review, you'll see that one of the items that we had in there is that time, if we assumed -- which it was the case at that time -- 20-year bonds and \$10 million pay-as-you-go program, it would save us long-term after 20 years over \$6 million; however, in the first 12 years it would be added cost till we break even at that point. So you have short-term increase because you're borrowing, you're only paying a fraction of it each year versus a longer term savings. So once again, when we're doing better financially, great idea to do that; hard, very hard to implement it now given the other things that are required in the Operating Budget.

LEG. D'AMARO:

Right, we just don't have the cash, the liquidity.

MR. LIPP:

Uh-huh.

LEG. D'AMARO:

So for 2015, had this law not been waived, how much more of a cash requirement would we have?

MR. LIPP:

Well, like I said, I was using an example back then of \$10 million. Budget Review Office has always had a view of how that legislation should be enacted which includes anything that you would think would be reoccurring expenses. That being said, if we pick up on this bill in the future and actually do a full program, we really should change the original law because the way it's written, it's unclear in a lot of areas. So it needs to be tightened up, the language.

LEG. D'AMARO:

I mean in 2015, did we bond for roof replacement at some point?

MR. LIPP:

I'm pretty sure yes.

LEG. D'AMARO:

Right. Did we bond for road and equipment repairs? I would say yes to that.

MR. LIPP:

I would say yes, too.

LEG. D'AMARO:

Did we -- well, a hundred thousand or less for dredging, but we did bond for dredging.

MR. LIPP:

Correct.

LEG. D'AMARO:

It's over 100,000, that's permissible.

MR. LIPP:

Right. And back in the day, I guess the two big items that we used to do out of Operating that we do out of Capital now are cars and settlement -- not settlements, I'm sorry, we do that now. Cars

and computers, right; cars and computers are the big ones.

LEG. D'AMARO:

Well, but if the aggregate cost of those computers is 25,000 or more, it wouldn't be covered by the law.

MR. LIPP:

Well, those are the item prices, but there are also suggestion -- they're also suggesting in the legislation reoccurring expenses like the roofs. So really, if we're going back to this sort of program, we probably should clean up the language within the original bill.

LEG. D'AMARO:

Oh, I completely agree with you. But the way I read it, it's annual cost of 5,000 or less in the aggregate of 25,000 and the use-for-life is five years or less. So you have to meet all the criteria. If the law were not waived, you would have to meet all of those criteria. So once you get over the \$25,000 threshold, even if it's an annual reoccurring cost or item, you're beyond this law.

MR. LIPP:

Correct.

LEG. D'AMARO:

So I really was trying to prohibit bonding for items even though -- that we buy annually, you know, like supplies, for example. But I don't know what costs we have that's under 25,000.

MR. LIPP:

I think back in the day we were borrowing a couple of times for weed whackers, so I think that was one of the reasons why we wanted to change the --

LEG. D'AMARO:

And I think it's interesting that included on the list are nine millimeter guns and soft body armor. And I wonder if you went back and looked at debate on this law, if that had something to do with passing the law itself. Anyway, I was thinking when this came up in the Budget Committee of perhaps putting in legislation to either repeal it or to at least clarify and maybe raise the limits as well, so that's something we can think about. But I think we have to waive it because I think we would otherwise not have the cash to do the items that are in our budget to do, Capital Budget.

MR. LIPP:

I believe that would be accurate.

LEG. D'AMARO:

Yeah. Okay, thank you.

D.P.O. CALARCO:

Legislator McCaffrey.

LEG. McCAFFREY:

Thank you. Dr. Lipp, I was listening very closely, but I don't know that I got an answer, I heard an answer to the question. What would it cost this year, say we voted not to override this, what would it end up costing in the Operating Budget?

MR. LIPP:

Well, the answer is we don't have an answer right now. We stopped doing the calculations back in the 2013-15 Capital Program because there didn't seem to be any interest in it. So we're using numbers from back then right now to suggest what the impact would be, as opposed to a very

aggressive program, sort of a halfway middling program would be \$10 million, depending upon your view of how the legislation reads. Budget Review has always said anything that's reoccurring like roofs, just do that in terms of cash. So we might have a different interpretation than a literal interpretation, that's why I was saying the legislation should be altered. But using the numbers back in 2012, we said a decent program of 10 million would save us long-term over 20 years, past 20 years, well over \$6 million at the time. That being said, the first 12 years are higher costs and you break even in year 13.

LEG. McCAFFREY:

So if you had to give an estimate, if this didn't pass today there would be an additional cost of \$10 million to the Operating Budget; is that fair to say?

MR. LIPP:

Based upon BRO's interpretation, I would say, though, that it wouldn't -- it would be a more modest program in all likelihood, though.

LEG. McCAFFREY:

Okay, thank you.

D.P.O. CALARCO:

Okay. Anyone else on the motion? I think I would just like to piggy-back on that, Dr. Lipp, because I think one of the things that's important for us to remember is, you know, when we look at this policy, and I think that we all kind of agree that it's a good policy to try to maintain or continue, but we've had some tough fiscal times. And just this last year when we were doing the 2016 Capital Budget, we recognized that we wanted to try to move away from some of these spending -- some of these items, and we reduced the line for automobile purchases so that that money could be put into the Operating Budget. We had the agreement by the Administration that they would honor that and they did, but because the budget was so tough during the Operating Budget for 2017, we actually removed the money in the Operating Budget for vehicles.

So as much as we were trying to move away from bonding for these items, it's clear that we haven't gotten ourselves to a point where we can sustain that and still maintain the services and the programs we're supposed to be providing. So given that, is there anybody else on the motion?

*(*Brief Pause*)*

We're just waiting for our Presiding Officer.

LEG. ANKER:

Rob?

D.P.O. CALARCO:

Legislator Anker.

*(*Presiding Officer Gregory re-entered the auditorium*)*

LEG. ANKER:

Again, I apologize. I just returned from a funeral service, so I wasn't able to participate earlier. But, you know, again, working with the Capital Budget committee, you know, it is really frustrating to keep passing debt, rolling it over year after year. And, you know, we're really focusing on trying to stop that; unfortunately we have unfunded mandates that we have to pay for, you know, which is very frustrating because we have no choice, and a lot comes from the State. You know, so I just want to make sure that our residents understand, we know that paying debt is not always a good

thing and usually never a good thing. But unfortunately, we're in a situation where we really have no choice. And I think, Rob, you mentioned during -- when were we -- when did we have a lot more funds available, was it in the 1990s?

MR. LIPP:

So we used to have a \$100 million plus surpluses in the General Fund, and that was I guess in the early 2000s. I could get the dates for you, but --

LEG. ANKER:

Right. I know we discussed that during the committee meeting. But, you know, again, I challenge the Legislators here. You know, when we get to that point and we have the extra funds, number one, we have to pay off our debt, number one. Number two, we need to start saving more money. So -- and I'm hoping that we can move in the direction of allocating funding, you know, for particular areas like parks funding; the revenue we get for parks should go into parks. The revenue we get for traffic violations or police fines should go in the police budget, you know, so we don't have to keep raising those fines. So again, I appreciate, you know, the attention to this issue and I look forward to continue working on it.

P.O. GREGORY:

Okay. Anyone else? Okay, roll call.

*(*Roll Called by Ms. Ellis - Chief Deputy Clerk of the Legislature*)*

D.P.O. CALARCO:

Yes.

LEG. BROWNING:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. McCAFFREY:

No.

LEG. TROTTA:

No.

LEG. KENNEDY:

No.

LEG. BARRAGA:

Yes.

LEG. CILMI:

No.

LEG. MARTINEZ:

Yes.

LEG. LINDSAY:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

No.

LEG. FLEMING:

Yes.

LEG. KRUPSKI:

Yes.

P.O. GREGORY:

Yes.

MS. ELLIS:

Thirteen (Opposed: Legislators McCaffrey, Trotta, Kennedy, Cilmi & Muratore).

P.O. GREGORY:

Okay.

LEG. ANKER:

I would like to make a motion to reconsider Bond for 1258.

MR. NOLAN:

1258A.

LEG. HAHN:

Second.

P.O. GREGORY:

Second by Legislator Hahn. Anyone on the motion? A motion to reconsider.

LEG. McCAFFREY:

The motion to -- how does that work? Doesn't it have to be somebody from --

MR. NOLAN:

She wasn't here.

P.O. GREGORY:

Either here or on the prevailing side. Either not here or on the prevailing side.

MR. NOLAN:

To make a motion.

LEG. McCAFFREY:

And what about the second?

MR. NOLAN:

It could be anybody.

LEG. McCAFFREY:

It could be anybody?

P.O. GREGORY:

Okay. All in favor to reconsider? Opposed? Abstentions?

MS. ELLIS:

Thirteen (Opposed: Legislators McCaffrey, Trotta, Kennedy, Barraga & Muratore).

LEG. ANKER:

And again, I apologize for not being here. At the time I was attending a funeral service for a dear friend, Richie Michaels. And again, I think we need to all think about what we do each moment in time as we make our decisions throughout life. Thank you.

P.O. GREGORY:

Okay. I'll make a motion to approve **1258A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$4,700,000 bonds to finance the new enhanced Suffolk County Water Quality Protection Program – 2014 Referendum – Water Quality Projects (8733.310))**. Second by Legislator Hahn. Roll call.

*(*Roll Called by Ms. Ellis - Chief Deputy Clerk of the Legislature*)*

P.O. GREGORY:

Yes.

LEG. HAHN:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

No.

LEG. STERN:

Yes.

LEG. McCAFFREY:

No.

LEG. TROTТА:

No.

LEG. KENNEDY:

No.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MARTINEZ:

Yes.

LEG. LINDSAY:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

No.

LEG. BROWNING:

Yes.

LEG. FLEMING:

Yes.

LEG. KRUPSKI:

Yes.

D.P.O. CALARCO:

Yes.

MS. ELLIS:

Eleven (Opposed: Legislators McCaffrey, Trotta, Kennedy, Barraga, Cilmi & Muratore).

MR. RICHBERG:

It had ten before. It was ten, we changed it. It was ten the first time.

D.P.O. CALARCO:

He called it wrong.

MR. NOLAN:

Okay.

P.O. GREGORY:

Okay. All right.

MR. NOLAN:

So it fails again.

P.O. GREGORY:

IR 1440-16 - Amending the 2016 Operating Budget and appropriating funds in connection with bonding for a settlement for a liability case against the County (County Executive).

Do I have a motion?

LEG. D'AMARO:

Motion.

P.O. GREGORY:

Motion by Legislator D'Amaro.

LEG. BARRAGA:

Second.

P.O. GREGORY:

Second by Legislator Barraga. On the motion, anyone?

LEG. TROTТА:

On the motion. This was one that -- just generically, can you remind me of which one this is?

MR. NOLAN:

Gabreski Airport.

LEG. TROTТА:

Did I vote for this in the committee?

LEG. SPENCER:

Yes, you did.

MR. NOLAN:

I believe you did.

LEG. TROTТА:

Yeah, okay.

LEG. D'AMARO:

Yeah. This was a sediment, out of court settlement for false arrest, malicious prosecution I believe.

MR. NOLAN:

I think it was a verdict.

LEG. D'AMARO:

Oh, there was a verdict, it went to trial.

MR. NOLAN:

A verdict from the jury, my recollection.

P.O. GREGORY:

Okay. We have a motion and a second.

MS. ELLIS:

Yes.

P.O. GREGORY:

All in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

P.O. GREGORY:

IR 1440A, Bond Resolution (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$1,055,000 bonds to finance the settlement of a general liability case against the County), same motion, same second. Roll call.

(*Roll Called by Ms. Ellis - Chief Deputy Clerk of the Legislature*)

LEG. D'AMARO:

Yes.

LEG. BARRAGA:

Yes.

LEG. SPENCER:

Pass.

LEG. STERN:

Yes.

LEG. McCAFFREY:

Yes.

LEG. TROTTA:

No.

LEG. KENNEDY:

Yes.

LEG. CILMI:

Yes.

LEG. MARTINEZ:

Yes.

LEG. LINDSAY:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. FLEMING:

Yes.

LEG. KRUPSKI:

Yes.

D.P.O. CALARCO:

Yes.

P.O. GREGORY:

Yes.

LEG. SPENCER:

No.

MS. ELLIS:

Sixteen (Opposed: Legislators Trotta & Spencer).

P.O. GREGORY:

IR 1468-16 - Approving County funding for a contract agency (Deepwells Farm Historical Society)(Trotta).

LEG. D'AMARO:

Rob, that's you.

LEG. TROTТА:

Motion.

P.O. GREGORY:

Motion to approve by Legislator Trotta.

LEG. D'AMARO:

Second.

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

P.O. GREGORY:

***IR 1469-16 - Approving County funding for a contract agency.
(St. Elizabeth's Roman Catholic Church Parish Outreach)(D'Amaro).***

LEG. D'AMARO:

Motion.

P.O. GREGORY:

Motion by Legislator D'Amaro.

LEG. CILMI:

Second.

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

P.O. GREGORY:

IR 1470-16 - Approving County funding for a contract agency (South Fork Natural History Museum)(Fleming). Motion by Legislator Fleming. Second by Legislator Krupski. All in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

P.O. GREGORY:

Economic Development:

IR 1390-16 - Appointing Vincent Butta to the Suffolk County Motion Picture/Television Film Commission (County Executive).

LEG. LINDSAY:

Motion.

LEG. SPENCER:

Motion.

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

P.O. GREGORY:

IR 1448-16 - Authorizing 2016 Cultural Tourism Funding (County Executive).

LEG. LINDSAY:

Motion.

P.O. GREGORY:

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

LEG. D'AMARO:

Wait, just hold on.

P.O. GREGORY:

I'm sorry.

LEG. D'AMARO:

Is this -- to BRO; what's the funding source for this?

MR. LIPP:

Hotel/Motel Tax.

LEG. D'AMARO:

Is that what it is? I just wanted to double check. Okay, thank you. Sorry.

P.O. GREGORY:

Okay. All in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

P.O. GREGORY:

IR 1455-16 - Amending Suffolk County Code, Chapter 948-32 to revise the fee schedule for Francis S. Gabreski Airport (County Executive).

LEG. LINDSAY:

Motion.

LEG. FLEMING:

Motion.

P.O. GREGORY:

Motion by, was that Legislator Fleming. Second by Legislator Lindsay. All in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

P.O. GREGORY:

IR 1481-16 - Authorizing the sale of tax lien certificates on the former Liberty Industrial Finishing Site (SCTM Nos. 0500-136.00-03.00-009.000, 0500-136.00-03.00-010.002, 0500-136.00-03.00-011.006) to the Suffolk County Landbank Corporation (County Executive). I'll make the motion.

LEG. KRUPSKI:

Second.

P.O. GREGORY:

Second by Legislator Krupski.

LEG. KRUPSKI:

On the motion.

P.O. GREGORY:

On the motion, Legislator Krupski then Legislator Cilmi.

LEG. KRUPSKI:

I would just like to thank everyone who's involved with the Suffolk County Landbank, from Director Lansdale and all the Legislators who were working on this. This is a really important program, I think. It's been a long time in coming and it's going to make a long-term difference for business and for the taxpayers. Thank you.

P.O. GREGORY:

All right, thank you. Okay, we have a motion and a second.

LEG. CILMI:

You know what? I will make a statement.

P.O. GREGORY:

Legislator Cilmi.

LEG. CILMI:

I just want to make -- as a member of the board of the Landbank, I want to make a brief comment and congratulate -- I mean, we're finally at this point; as Legislator Krupski said, it has been a long time coming. But I wanted to congratulate Sarah Lansdale, Amy Keyes, Andrea Bermudez, and I'm probably leaving a bunch of people out. I know Bob Braun has been very, very helpful and a number of other people. Everybody on the staff who has worked on the landbank.

The work in terms of getting the legal, you know, kinks ironed out, folks in the Health Department as well and Environmental Quality have been very, very helpful, Janet Gremlin in particular. The work that they've done is tremendous and, you know, they -- in addition to doing all of this work, they've found a good deal of grant funding from other levels of government to help the landbank in our efforts. So just my compliments and kudos to all the staff, thanks to all the staff.

P.O. GREGORY:

Yeah, and I would like to, as a Board of Director as well on the Landbank, ditto Legislator Cilmi's comments about all those involved. It's been -- this is a fairly new experiment, if you will, with the State creating this ability for us to do this, and this is the first iteration of properties that are going through this transfer process. So we're excited and looking forward to some great work in the future and being able to work with our partners in the towns throughout the County to help redevelop blighted properties. So we do have a motion and a second. All in favor? Opposed? Abstentions?

MR. NOLAN:

Monica.

P.O. GREGORY:

Oh, I'm sorry, I forgot. Legislator Martinez.

LEG. MARTINEZ:

Thank you. I also want to say thank you for everyone who has worked on this. This property is actually in my district and it's been an eyesore for a very long time, so I'm very grateful that this is moving in the right direction. The community is going to be very happy to see some great development taking place, finally, after so many decades of that being a complete eyesore. So thank you for everyone who worked on this.

P.O. GREGORY:

And I think Legislator Martinez termed it appropriately, a lot of these properties have been blighted and contaminated for decades, not years but decades, and it's good to see that we're finally moving forward with remediation. Okay. So we have a motion and a second. All in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

LEG. KRUPSKI:

Cosponsor.

P.O. GREGORY:

IR 1482-16 - Authorizing the sale of tax lien certificates on the former Jericho Marine Site

(SCTM Nos. 0100-226.00-03.00-059.000, 0100-226.00-03.00-123.000, 0100-226.00-03.00-124.000 and 0100-226.00-03.00-182.000) to the Suffolk County Landbank Corporation (County Executive).

LEG. D'AMARO:

Motion.

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

P.O. GREGORY:

IR 1483-16 - Authorizing the sale of tax lien certificates on the former Stein and Giannott Site (SCTM No. 0100-074.00-02.00-025.002) to the Suffolk County Landbank Corporation (County Executive). Motion by Legislator Stern.

LEG. D'AMARO:

Second.

P.O. GREGORY:

Second by Legislator D'Amaro. On the motion, Legislator Lindsay.

LEG. LINDSAY:

Mr. Presiding Officer, if we can ask Amy Keyes and Sarah just to come up and give some of the details on this particular property?

Good afternoon, Ladies. If you can just give a brief overview of the property, the remediation work that needs to be done and the ultimate plan engulfed for this parcel.

DIRECTOR LANSDALE:

Sure. So it's .3 acres in size, total tax liens outstanding are 439,000. It's been tax delinquent for nineteen years, the estimated clean-up cost is 475,000.

LEG. LINDSAY:

If you can just reeducate us a little bit on the process for the landbank. Do we have any recourse to go back after any of the prior owners to recover any of the cost to remediate and the back taxes that are outstanding?

MS. KEYES:

So the County hasn't -- we haven't expended any funds remediating the Stein and Giannotte site or any of these sites. So the liens that we have on the property are tax liens, so our way of recouping those costs is exactly what we're doing now by selling it to a third party. In terms of going after the previous owner for the cost of clean-up, on this particular property the DEC or the EPA would be the entity that would do that. They have processes and methods to do that; on this property they don't have any liens, so there wouldn't be -- there would be any reason for them to pursue that kind of action. So -- and in this case, because you didn't have another governmental body that did the clean-up, that's kind of part of why it stayed in purgatory for so long, because the County didn't want to incur that cost.

LEG. LINDSAY:

Right. And I understand the whole premise behind the landbank and I agree with it, and I think it's a healthy process to help us get these properties remediated and back on the tax rolls.

MS. KEYES:

Right.

LEG. LINDSAY:

My question is simply to do we -- obviously we're not going to recover the full loss that we had on this, but we don't have any recourse to go after the difference in what we're selling it for and what we had to pay in the delinquent taxes because we had to make the other municipalities whole.

MS. KEYES:

No, this is your best shot at getting what you can.

LEG. LINDSAY:

Okay. And what about the new owner; do they have any recourse to go after the old owners to recoup the remediation costs that they have to incur?

MS. KEYES:

That -- you know, that's a question for the private developer. I don't know the answer to that. You know, I would instinctively say maybe -- I don't know if there could be grounds for some sort of a civil action afterwards, but that's not something we've investigated.

LEG. LINDSAY:

Okay. All right, thank you for the information.

P.O. GREGORY:

Legislator D'Amaro.

LEG. D'AMARO:

Yes, thank you. Does the -- when the County conveys this property over to the successful bidder for \$100,000, does the County get a release?

MS. KEYES:

Yes, that'll be part of the development agreement. So this is just one more step. We're not handing over the property yet, but yes, that --

LEG. D'AMARO:

Right. Well, actually, this property is not presently owned by the County?

MS. KEYES:

That's right.

LEG. D'AMARO:

It was put into this Landbank Corporation, right.

MS. KEYES:

It's actually still owned by the previous owners. What's happening today is we're -- you're transferring the liens to the Landbank.

LEG. D'AMARO:

Right.

MS. KEYES:

We will then -- the County will foreclose administratively on those liens and take -- the landbank will stay out of the chain of title for the same reasons that the County will. We have the ability to sell the liens at less than their face value to a private developer.

LEG. D'AMARO:

No. Well, the developer is going to foreclose on the liens, not the County.

MS. KEYES:

Right. The County performs the foreclosure for the third party developer.

LEG. D'AMARO:

Oh, that's the deal?

MS. KEYES:

That's right.

LEG. D'AMARO:

So we'll do the foreclosure, but the deed actually goes to the successful bidder?

MS. KEYES:

Exactly.

LEG. D'AMARO:

So we stay out of the chain.

MS. KEYES:

Exactly.

LEG. D'AMARO:

All right. So we get a hundred thousand, we're invested into this for about 440,000 and the clean-up is 475. Before the County does the RFP or at the time, do we have discretion to not sell even though we did an RFP?

MS. KEYES:

Yes. We included eight sites in our initial RFP and we only went to our board with four sites.

LEG. D'AMARO:

Okay.

MS. KEYES:

The other four didn't have viable offers.

LEG. D'AMARO:

Right. And what's the appraised value of this property?

MS. KEYES:

I don't know that off the top -- I realized as I was sitting back there that I don't have the appraisals. We did have appraisals done, I can get that for you. Go ahead, you know. I don't know it. I don't want to misspeak. I have that information available, just not this second.

LEG. D'AMARO:

I agree with the premise, but the numbers have to work. Because this property is probably worth two to \$3 million if it's not contaminated, and the investment that the bidder is going to make is

100,000 and then 475 to clean it up. It seems to me that the bid is low, frankly. So how is the decision made to accept that bid?

DIRECTOR LANSDALE:

So we presented to the board. We reviewed --

LEG. D'AMARO:

Sarah, which board is that?

DIRECTOR LANSDALE:

The Suffolk County Landbank Corporation Board. We presented all of the proposals that the Suffolk County Landbank Corporation received as well as performed due diligence looking at the past performance of the proposers. We interviewed all of the applicants as well as looked at the appraised value versus the offer price and factored in also the environmental clean-up and consulted -- and consulted with any State regulatory agency like DEC to review the proposal to make sure that the clean-up that they proposed is in conformance with their standards.

LEG. D'AMARO:

Right. Well, if they had a Phase II Report done, it would pretty much be on target.

DIRECTOR LANSDALE:

Exactly.

LEG. D'AMARO:

Who paid for the Phase II Report?

DIRECTOR LANSDALE:

The Suffolk County Landbank Corporation, through grant funding through the Attorney General.

LEG. D'AMARO:

Okay. Yeah, that's why I asked the appraised value. Again, like Legislator Lindsay, I agree with the concept here and I like keeping the County out of the chain of title, because even if you do a clean-up, it's not necessarily always successful. However, it seems to me that it's difficult to vote on this without knowing the appraised value of the property.

DIRECTOR LANSDALE:

I have that information now.

LEG. D'AMARO:

Yeah, what is it?

DIRECTOR LANSDALE:

It's 540,000.

LEG. D'AMARO:

And that's done by a licensed certified appraiser?

DIRECTOR LANSDALE:

Yes, off of the County's list.

LEG. D'AMARO:

But was that the appraised value with the contamination?

DIRECTOR LANSDALE:

No.

LEG. D'AMARO:

How many square feet is this building?

DIRECTOR LANSDALE:

We don't have the precise size of the building --

LEG. D'AMARO:

Who did the appraisal?

DIRECTOR LANSDALE:

-- but we have the acres, which is .3 acres.

LEG. D'AMARO:

Yeah. Who -- is it a warehouse?

DIRECTOR LANSDALE:

It is.

LEG. D'AMARO:

Who did the appraisal, please?

DIRECTOR LANSDALE:

We're checking right now. We believe it was Goodman Marks.

LEG. D'AMARO:

It seems low to me, frankly.

MS. KEYES:

Well --

LEG. D'AMARO:

You're sure that takes into -- that does not take into -- that's the appraised value without -- after the clean-up?

MS. KEYES:

That's the appraisal of the site at it's highest and best use, not factoring in the contamination. So from when the staff when we were evaluating --

LEG. D'AMARO:

It was under a half of million dollars?

MS. KEYES:

I'm sorry, I didn't --

LEG. D'AMARO:

The appraised value is under a half of million?

MS. KEYES:

Five forty.

LEG. D'AMARO:

Oh, 540.

MS. KEYES:

Yes. Which when we factor in the estimated clean-up at 475, it puts us at 65,000 and the offer was 100,000, so we felt it was something we could recommend to the board.

LEG. D'AMARO:

Okay. I don't -- I think the appraisal is low, I really do. But who am I to say? It sounds very low. I think this building should be worth at least a million two, maybe a million five.

LEG. LINDSAY:

Mr. Presiding Officer? If I could, through you, to Legislator D'Amaro. I think the issue and the concern is that there may be more -- once the chain of custody changes hands and then the new owner takes title, if there's any other pollutants that are found they become responsible for it. So I think there's always that fear of the unknown, which obviously has an effect on the property.

LEG. D'AMARO:

Thank you. I agree with that. But they're saying that the appraisal is based on no contamination. I just find it low.

LEG. LINDSAY:

Right, but we don't warranty -- right, the Landbank doesn't warranty that there is an additional contamination.

LEG. D'AMARO:

No, we get released, in fact.

LEG. LINDSAY:

Right.

LEG. D'AMARO:

Or the Landbank gets released.

LEG. LINDSAY:

So I think in all these transactions, there's always going to be that unknown that maybe there's more contamination, it just hasn't been discovered yet.

LEG. D'AMARO:

Yeah, but then you have recourse against the Phase II company, so you're covered that way. Anyway, I don't want to belabor the point.

But I just hope that -- you know, maybe there's parts of the appraisal that I'm not aware of, maybe the condition of the building was a factor or something. I mean, I don't profess to know the condition or anything like that, but it just sounds like this appraisal's extremely low.

LEG. CILMI:

Mr. Presiding Officer, if I may?

P.O. GREGORY:

I have a list. I had AI, but --

LEG. CILMI:

Oh, okay. I just wanted to respond to Legislator D'Amaro's concerns, simply -- and I don't remember the details of this particular transfer proposal specifically, but I thought it might give you some comfort to know who was on the Board of Directors of the Landbank. It's a pretty broad spectrum of individuals, Legis -- the Presiding Officer and myself, and then it just gets better from there really (*laughter*).

We have the Chairperson -- is it, Sarah -- of the Supervisors Association?

DIRECTOR LANSDALE:

That's right, Supervisor Schaeffer.

LEG. CILMI:

Supervisor Schaeffer, and we have the lady who is the President of the New York State --

MS. KEYES:

Kara Longworth.

LEG. CILMI:

Kara Longworth. What's her title again?

DIRECTOR LANSDALE:

She's the Regional Director of the New York State ESD, Empire State Development Corporation.

LEG. CILMI:

And there's two or three others I think, right? Can you name who the others are?

DIRECTOR LANSDALE:

There's Joanne Minieri, there's Jason Smagin and the County Executive, Kelly Morris.

LEG. CILMI:

Right, right, so it was a pretty broad spectrum of people. And we sat and we listened to all of this and we asked questions about why the sale -- the proposed selling price may be, you know, substantially lower than an appraisal price -- an appraisal, and why certain appraisals were lower than others. In fact, one of the properties I had similar concerns as you and I went so far as to ask a developer to go look at the property and see whether or not he thought that the appraisal was -- or whether or not the offer was appropriate, and I was surprised by his agreement that the offer looked appropriate to him. So sometimes there are conditions, market conditions in an area that, you know, as lay people we wouldn't really know.

LEG. D'AMARO:

Yes, thank you. I agree with you. Could you --

DIRECTOR LANSDALE:

We have additional information that we'd like to share with you, if that's okay. So it's a 6,000 square foot building. It is filled with asbestos and it is -- it would require a complete rehab of the building. The asbestos factors and the condition of the building itself physically were factored into the appraised value.

LEG. D'AMARO:

Right, and that's what I was leading to before. I'm not privy to the condition of the building. So what I'm going to ask you to do is if you could today e-mail me that appraisal, I'd appreciate it. I just want to take a look at it. But I'll support the bill. Thank you.

P.O. GREGORY:

Okay. So we have a motion and a second on IR 1483. All in favor? Opposed? Abstentions?

MS. ELLIS:

Seventeen. *Eighteen.*

P.O. GREGORY:

Okay. I'm going to skip 1484, we're trying to get to 1487 at the request of Al Krupski. So I will -- okay, ***IR 1487-16 - Amending the 2016 Adopted Capital Budget and authorizing the execution of a grant agreement with the Federal Aviation Administration and the New York State Department of Transportation in connection with the Pavement Management Rehabilitation Project at Gabreski Airport (CP 5739) (County Executive)***. Motion Legislator Krupski. Second by Legislator Fleming. Anyone? All in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

P.O. GREGORY:

You've got Browning back there.

MS. ELLIS:

Seventeen (AMENDED VOTE: *Eighteen - Legislator Browning was present*).

P.O. GREGORY:

IR 1487A, Bond Resolution (of the County of Suffolk, New York, authorizing the issuance Of \$5,612,150 Bonds to finance the cost of construction of pavement management rehabilitation at Francis S. Gabreski Airport (CP 5739.312), same motion, same second. Roll call.

(*Roll Called by Ms. Ellis - Chief Deputy Clerk of the Legislature*)

LEG. KRUPSKI:

Yes.

LEG. FLEMING:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. McCAFFREY:

Yes.

LEG. TROTTA:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MARTINEZ:

Yes.

LEG. LINDSAY:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

D.P.O. CALARCO:

Yes.

P.O. GREGORY:

Yes.

MS. ELLIS:

Eighteen.

P.O. GREGORY:

Okay, it is 12:40, we're going to recess for lunch. See you at 2:30. Thank you.

(*The meeting was recessed at 12:36 p.m. and resumed at 2:32 p.m. *)

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

P.O. GREGORY:

Okay. Madam Clerk, please do the roll call.

(Roll Call by Amy Ellis, Chief Deputy Clerk of the Legislature)

LEG. SPENCER:

(Not Present)

LEG. D'AMARO:

(Not Present)

LEG. STERN:
(Not Present)

LEG. MC CAFFREY:
(Not Present)

LEG. TROTTA:
Here.

LEG. KENNEDY:
Here.

LEG. BARRAGA:
Here.

LEG. CILMI:
Here.

LEG. MARTINEZ:
(Not Present)

LEG. LINDSAY:
Here.

LEG. ANKER:
(Not Present)

LEG. HAHN:
Here, present.

LEG. MURATORE:
Here.

LEG. BROWNING:
(Not Present)

LEG. FLEMING:
(Not Present)

LEG. KRUPSKI:
Here.

(*Legislators McCaffrey, Spencer and Stern entered the Auditorium*)

D.P.O. CALARCO:
(Not Present)

P.O. GREGORY:
Here.

MS. ELLIS:

Twelve. (Not Present: Legislators Fleming, Browning, Anker, Martinez, D'Amaro and Calarco)

P.O. GREGORY:

Okay. Welcome to this afternoon's Public Hearing portion of our agenda. First, we have the **2016-2017 Suffolk County Community College budget**. I don't have any cards for the College budget, but is there anyone in the audience that would like to speak on it, please come forward. Okay. Seeing none, I'll make a motion to close.

LEG. LINDSAY:

Second.

P.O. GREGORY:

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

MS. ELLIS:

Twelve. (Not Present: Legislators Fleming, Browning, Anker, Martinez, D'Amaro and Calarco)

P.O. GREGORY:

I.R. 1007 - A Local Law to provide designated parking for veterans at County facilities (Muratore). I don't have any cards for this public hearing as well. Is there anyone in the audience that would like to speak on it? Please come forward. Okay. Legislator Muratore.

LEG. MURATORE:

Close, motion to close.

P.O. GREGORY:

Motion to close by Legislator Muratore.

LEG. CILMI:

Second.

P.O. GREGORY:

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

MS. ELLIS:

Twelve. (Not Present: Legislators Fleming, Browning, Anker, Martinez, D'Amaro and Calarco)

P.O. GREGORY:

I.R. 1179 - A Local Law to enact a Campaign Finance Reform Act to limit campaign contributions from County contractors and public employee unions (Trotta). I don't have any cards on this public hearing. Is there anyone that would like to speak? Please come forward. Okay. Legislator Trotta.

LEG. TROTТА:

I'm going to recess it one more time.

P.O. GREGORY:

Motion to recess by Legislator Trotta.

LEG. CILMI:

Second.

P.O. GREGORY:

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

MS. ELLIS:

Twelve. (Not Present: Legislators Fleming, Browning, Anker, Martinez, D'Amaro and Calarco)

P.O. GREGORY:

I.R. 1207 - A Local Law prohibiting the distribution of plastic carryout bags used in retail sales (Spencer). I have several cards, the first being Jon Greenfield.

MR. GREENFIELD:

Good afternoon. I'm Jon Greenfield and I'm here representing my company, Greenfield ShopRite. And I've testified here before and I've spoken to the Legislator about -- Legislature about our concerns with this bill. And what we're asking you to consider is taking a second look at the New York City bill.

New York City passed a bill that did not ban plastic, but what it did was put a fee on both plastic and paper, with the ultimate goal of getting consumers to go towards reusable bags. And we would not be -- as an industry, we would not oppose that law, if that were proposed in Suffolk County.

Our concern with the law as it's written now continues to be the fact that what will happen if you ban plastic, there will be an initial shift to paper. The education process to get people to use reusable -- this is a multi-year process. I don't think anyone thinks that the law will be enacted and it will be instantaneous. And during that period there's a real cost to my industry and there's a cost to the environment, because, as I stated when I testified previously, the trailer of paper bags holds one-seventh the number of bags that a trailer of plastic does. The weight of 500 plastic bags is 10 pounds, 500 paper bags is between 65 and 70. So what you're looking at for a company like mine, I have five stores, only one in Suffolk County, if the trade-off were one for one, paper for plastic, it would be an increase of 30 tractor trailers a year coming into Suffolk County, and I'm just one store in a very big county. If -- as has been suggested, that more will go into a plastic -- into a paper bag than paper -- even if that number is double, you're looking at 15 additional tractor trailers. And since the concern here is environmental, the increased number of trailers, and the fact that plastic bags, consumers tend to reuse plastic bags, and plastic bags are recyclable, whereas the paper bags are not reused and they're not recycled.

The idea that paper is biodegradable and that makes it better than plastic, the fact is that to biodegrade, that process needs air and it needs moisture, neither one of which you have in a landfill. So at least, even in the -- if the ultimate goal is achieved, that all consumers are retrained and they go to reusable, there will be a substantial period of time where the environment will be worse, rather than better, because of the transfer to paper.

So, since New York City is looking for the same goal that Suffolk is looking for, and they've enacted this other law, I'm just asking the Legislature to please take another look at what they've done and see if it's possible that we could do that in Suffolk County.

P.O. GREGORY:

Okay. Thank you, Mr. Greenfield.

LEG. MC CAFFREY:

Can I ask?

P.O. GREGORY:

Sure. Legislator McCaffrey has a question for you.

LEG. MC CAFFREY:

Mr. Greenfield, tell me a little bit about the City bill. Has that gone into effect yet, or when's the date that's supposed to go into effect?

MR. GREENFIELD:

I don't know the date it starts. It went to the Mayor for signing, but he -- our understanding is --

MS. ESPOSITO:

October 1st.

MR. GREENFIELD:

Oh, October 1st. Thank you. October 1st of this year.

LEG. MC CAFFREY:

And how was that -- was it hotly contested when they finally came that final version? Was it somewhat a strong plurality in supporting that bill?

MR. GREENFIELD:

I would have to defer to others in the industry. I don't operate in New York City. You know, I'm part of associations that do, but I don't, so I can't say that I followed the back and forth as I have in Suffolk County.

LEG. MC CAFFREY:

Okay. All right. So going back to what I think you do know about, and that is the -- your one store -- just so I have this right, so the one store that you have in Suffolk County, you'll have 30 additional tractor trailers coming into Suffolk County if you have to supply paper bags instead of plastic?

MR. GREENFIELD:

That's correct. Right now, it takes five trailers a year to supply my store. I own the ShopRite that shares a parking lot with Costco in Commack. It is five tractor trailers a year for all our paper needs, and a similar quantity of paper would be 35 trailers. And as I said, even if you make the assumption that you can fit twice as much in paper -- and the issue with that is consumers are not very cooperative when it comes to cashiers overweighing their bags. But even if that were, in fact, possible, then you're still talking about another 15 tractor trailers. So, environmentally, I don't think that the ban gets you where you want to be, as opposed to putting a fee on both and then doing whatever public education we do to ultimately lead to the reusable.

LEG. MC CAFFREY:

Okay. Thank you.

MR. GREENFIELD:

Thank you. Any other questions?

P.O. GREGORY:

Legislator Fleming.

LEG. FLEMING:

Good morning, Mr. Greenfield.

MR. GREENFIELD:

Good morning.

LEG. FLEMING:

Good afternoon. We're in the afternoon.

MR. GREENFIELD:

Afternoon.

LEG. FLEMING:

Could I just ask you, if the -- if the legislation and whatever accompanies it was success -- were to be successful in shifting the consumer from using the single-use light plastic petroleum-based bag to a reusable bag that folks are bringing themselves, and, you know, we would eventually see paper bags and heavier plastic bags, you know, sort of in the rearview mirror and no longer used -- you know, I come from a district where we've passed this, as you know. And we see that if -- the more retailers who are sort of benefitting from consumers using those reusable bags. Their costs are actually going down, as is the carbon footprint, because they're not using -- the retailer doesn't have to supply any bags at all. So I'm just wondering if it's -- you know, and it's incumbent on us to do that, not to shift folks to something that might be more of a carbon hog, or more of an environmental problem, but to get people to use their own bags. If we were successful in doing that, wouldn't it reduce your burden or your costs by eliminating that as one of your -- one of your necessary items?

MR. GREENFIELD:

You know, absolutely. If you told me you could flip a switch and then tomorrow everyone would be using -- having reusable bags, that would be great. I don't want to get killed in the five-year period it takes you to reach your goal, because we're looking at -- you know, consumers, consumers are very difficult to retrain. And I'm not doubting that eventually this can be done, but in the short term, there are costs to the way it's being presented right now.

LEG. FLEMING:

Yes, and I understand and I appreciate that. And we certainly don't want those costs to be borne, you know, unfairly, either by yourself or the employees who work for you or -- at the same time, if we could fashion an educational campaign that could get folks into that habit before the ban goes into effect, it's my hope, as we did in our district, that there'll be far less impact, especially on the big grocery chains, than people are afraid there will be.

MR. GREENFIELD:

Well, it's a hypothetical. You're saying if we could get consumers, you know, fully aware and trained before the implementation. That would certainly be better, but I could tell you --

LEG. FLEMING:

Sorry, I must have misspoke. I don't mean to say that we can flip that switch or that it will happen automatically, but I'm saying if that were to be the goal and there's an incremental shift. We haven't arrived in a place out in the Second District where it's banned in, you know, both big towns and many of the villages. We haven't gotten there yet where people are using only reusable bags. But especially at the big retailers, most people are using those reusable bags, and already it seems to me that it's beginning to reduce the costs, or it's definitely reducing what retailers have to supply in terms of bags.

MR. GREENFIELD:

Well, you know I don't know if he's here. Is someone here from King Kullen? Okay. I believe there was something entered into the record from King Kullen, which I read that initially in the districts that you're talking about, with people going to reusables, and then with the shift from plastic to paper, their bag costs have increased 24%, so that was entered into the record. And we believe

that's a modest, a very modest estimate of what potential costs would be.

And the other pieces, which, you know, this -- in California, I don't know if it was statewide, but there was a bag ban placed in California, and similar to this, and the stores were allowed to charge, they could charge for the bags, or they're mandated to charge for the bags, there was such a violent consumer uproar over that, that now they're talking about a referendum on the ballot in November making it illegal for stores to retain any mandated fees, which if we had to go from plastic to paper and absorb that cost, I could tell you in an industry that makes 1%, it would be close -- just the increase in bag cost would be close to the estimated profit for the industry. I mean, it's just the dollars are not there.

And this is not -- you know, it may sound self-serving for me as a store owner to say that, but I believe that Local 338 of the Retail Clerks, who have -- who represent people in my stores and represent, you know, many, many thousands, thousands of workers, Nassau and Suffolk County, they have also come out in opposition because the potential impact on the industry, because they don't want to negotiate with employers who are not making money. It's not a strong position for them to be in. So they're against -- they're in opposition of anything that would cause financial hardship to the employers.

P.O. GREGORY:

Mr. Greenfield.

MR. GREENFIELD:

And I believe that was entered into the record.

P.O. GREGORY:

We have some others that have questions for you. Legislator Lindsay, and then Legislator Barraga.

LEG. LINDSAY:

Good afternoon, sir. Thank you for coming in today and testifying.

MR. GREENFIELD:

Thank you. I have a couple of quick questions for your. My first would be if you can -- on your assumption about the number of tractor trailers and deliveries that would increase, is that with an assumption that no one would be utilizing the reusable bags at all?

MR. GREENFIELD:

Yes, that's correct.

LEG. LINDSAY:

Do you chart or track how many of your customers use reusable bags at the current time?

MR. GREENFIELD:

I don't have -- I don't have a number now. For a period of time, we were paying customers to use reusables, which is sort of the flip side of charging them not to use it. We're paying customers for reusable bags, so we were getting a nickel for every reusable bag they came in to bag their groceries in, came in with, and we ended up -- we did it for a number of years. We abandoned it because there was just no consumer interest, and it wasn't moving the needle, it wasn't doing -- our goal would have been the same as your goal, but it didn't happen. So we don't have a number on that, but we do have numbers on what we use in plastic. So if you talk about the cost and the trailers, the 30 extra tractor trailers, even if initially, even if 50% of people went to reusable, which I'm certainly skeptical of, you know, because people are creatures of habit, you're still talking about a huge cost to our industry.

LEG. LINDSAY:

No, I understand that. And I'm just trying to understand your opposition argument, and if I could try to sum it up for you this way and you can tell me if you agree or disagree. So your objection is not that it will cost the stores more money, because there's a mechanism in there where you would be made whole and actually profit, increase your profits by the ten cent additional charge, but your argument is that your customers will revolt to the point where you'll not be able to make that -- assert that 10 cent charge, which will ultimately eat into your profits; is that correct?

MR. GREENFIELD:

That is a very good summary --

LEG. LINDSAY:

Okay.

MR. GREENFIELD:

-- of my position, yes.

LEG. LINDSAY:

I liken this to the -- if you go back in time, to when we separated our garbage and did recyclable days. You know, if you look back 25 years ago, people would have said you're crazy, there's no way that individuals are going to separate their garbage, that's insane. But you look at how it is today, it's commonplace and it's just habit over time. So I -- although I sympathize with your concerns, at the same time, I don't fully agree that we can't change consumer habits that it will happen. It might -- we can argue over how long it will take, but I think given the time, it will happen in time. So thank you, sir.

MR. GREENFIELD:

Okay. Can I just respond to that?

LEG. LINDSAY:

Absolutely.

MR. GREENFIELD:

Okay. No. Our position is that the law, as New York City passed it, accomplishes what I'm -- what I'm looking for, and accomplishes what the Legislature's looking for, also, in reducing and forcing consumers to go into reusables. So I'm just saying before we take a less environmentally friendly approach, I believe you can get what you want following the New York -- New York City's lead. That's my position. I know this is coming. You know, I'm here -- I'm not here testifying, saying, you know, there's no way the industry's not going to oppose it. We're here saying that here's a law that reaches your goals and we would not oppose it.

P.O. GREGORY:

Okay. Legislator Barraga.

LEG. BARRAGA:

Yeah. The proposed bill, as I understand it, would not take effect until January 1 of 2018. And as was pointed out, the New York City bill, I understand, takes effect in October of this year, 2016. So you have about, you know, a year and four months to take a look at how successful that particular approach is. And, certainly, if we passed anything here, we could amend it accordingly, because there's no guarantee with five and five for plastic and bags it's going to be successful.

I guess the question I have is you talked about the expense side of the business where you have to

buy these bags, the number of trailers. But as the retailer, aren't you building that expense into the product line that you're selling to your customers?

MR. GREENFIELD:

We're building the expense of the plastic, not the paper.

LEG. BARRAGA:

Well, you have --

MR. GREENFIELD:

It's three times as much for the paper as for the plastic.

LEG. BARRAGA:

Okay. But if you have to pay three times as much for the paper, are you telling me you cannot build that into the product line that you're selling to your customers?

MR. GREENFIELD:

Not initially, that's correct. We --

LEG. BARRAGA:

Why not?

MR. GREENFIELD:

There is absolutely no way to do that initially. Over a period of time -- I'll make the analogy to the minimum wage. Minimum wage is going to go up to \$15 an hour, and we know not every retailer in the areas covered, not everyone will go out of business. It's a question of who is able to absorb the costs until the prices float. You know, if the price of Kellogg's Corn Flakes goes up a dollar a box, you're going to walk into my store tomorrow and the retail is going to be a dollar-twenty more. If the price of bags goes up, or like in the '70s, when the oil shock hit, all of a sudden our oil prices doubled. There was no place for me as a retailer to simply jump in and say, "Okay, this is where it's going to go." So your answer, in the long-term, yes; in the short term, and I say short term number of years, the answer is no.

LEG. BARRAGA:

The other question is what if you eliminate plastic and paper bags? And, you know, for example, it isn't as if consumers aren't doing something rather similar right now. For example, if you go to Costco, you know, you get on line, and then you take your product and you put it in the basket, and you take it out to the car and you put it in the car. So it isn't as if they're not doing that already. If you eliminate the plastics and the bags, I think that would save some time on the part of cashiers as far as asking people whether or not they want plastic or bags, five cents or five cents, and just leave it up to the consumer to either come up with a couple of bags to put their products in, or everything goes in the basket and it goes out to the car and gets put in the car.

MR. GREENFIELD:

Okay. You know, I think the Costco analogy, for about 90% of what they sell, does not apply to us. I could tell you we sell bundles of paper towels, we sell bundles of toilet tissue, we sell cases of water, and none of those -- similar to Costco, none of those items go in bags. And the Costco products, by and large, are bulk packages. People are not going to start taking, you know, five-ounce cans of tuna fish loose. You know, it's a different dynamic, they're not buying full cases from us. If we were Costco and we were selling full cases, then I would say you're absolutely right, but we have a different -- you know, customers shop differently. I share a parking lot with Costco and people come to us, even though they're -- you know, for the items that they don't want to buy in bulk.

LEG. BARRAGA:

But there's nothing that prevents Tom Barraga from going in, if I don't have bags, to take \$50 worth of merchandise, put it in my basket and put it in my car. It might take me a little longer to do it, but I can do it. Next time I show up, maybe I'll bring the bags with me. But, you know, it's not as if you cannot do it, it's just a change in the modality of how one shops. Just that -- I just think you either go all the way with this or you don't go at all. This idea of bags, or paper bags or plastic, I'm not so sure why you need them. Just either bring your own bags, or put it in the basket and just go out and put it in the car.

MR. GREENFIELD:

I can't disagree with the fact that it is theoretically possible to dump everything in the wagon, but if you surveyed the consumers in your district and asked them how they feel the first time they come to a store and find out that they've got their \$200 of groceries in 85 loose pieces --

LEG. BARRAGA:

I'll be candid with you.

MR. GREENFIELD:

I wouldn't want to be in the office.

LEG. BARRAGA:

This is one bill where I've gotten a lot of input from people, and I haven't solicited, you know, the word is out there, and it's like 99 to 1 in favor of this. And I've said to them, "What if they eliminate the bags and the plastic?" "That's fine. That's fine with me." I'm only giving you the input that I'm receiving.

MR. GREENFIELD:

You know, I can tell you --

LEG. BARRAGA:

You're the one throwing up the barriers, but, apparently, the consumers might feel a little bit different.

MR. GREENFIELD:

You know, I'm a retailer now, today is my 44th anniversary in the business, and what I can tell you about consumer behavior, whatever regulations government passes that affect consumers, the consumers -- there may be a group of people who follow these Legislative developments, but when the other 99.9% of consumers find out about it, it's the day they walk into the store and things are different than they expected them to be. People do not know ahead of time.

LEG. BARRAGA:

But, you know, with all due respect to you, people adjust. I remember years ago sitting in a room with a bunch of people from King Kullen, and those guys were literally screaming about the possibility of having to put machines in their supermarkets so people could bring back the empty cans, all sorts of reasons why it was never going to work, it's impossible to do. And they were vehement to the point where one or two guys basically was almost threatening me, they would never support me again. You know something, the law was passed and they're in there and they work. People adjust.

MR. GREENFIELD:

People adjust. By the way, just for the consumers in the room, you should know that I buy my water from a company that does business in New Jersey, and we on Long Island pay a dollar a case

more, and the consumers here pay a dollar a case more. So, I mean, you can do anything, you can charge for anything, but that's a fact of life, nothing's free. So, I mean, if people -- that's what people want. Like I said, with the prices, the prices would float, the prices would eventually adjust. I don't see how it's detrimental to look at the New York City approach and see if we could do it and get your goal without a disruption.

LEG. BARRAGA:

Just the point I'm making. We'll have a year and four months to evaluate the New York City approach, because their bill is going into effect in a few months. But that time, you'll have some numbers and analysis as to how that five and five approach is working.

MR. GREENFIELD:

And that's a great point, which is why I would ask if we're going to look at New York City, which I think is a great idea, to see how it's implemented and how it works, what's the rush to implement -- to pass the law now? Because once it's passed, getting it changed is a big deal. If we say we're going to revisit it six months after New York City starts, then that's a fair assumption.

P.O. GREGORY:

All right. Thank you. All right. Anyone else? No? Okay. Thank you.

MR. GREENFIELD:

Thank you very much.

P.O. GREGORY:

Jay Peltz, and then Peter Gollon.

MR. PELTZ:

Good afternoon. My name is Jay Peltz and I am the General Counsel and Vice President of Governmental Relations for the Food Industry Alliance of New York. I will highlight some points from FIA's nine-page testimony that was submitted into the public hearing record. Please review the full testimony and supporting documentation for a thorough discussion of the reasons we oppose the proposed ban.

We oppose this bill, because to date, far from taking the hard look required under SEQRA, localities in Suffolk have adopted bans based on false, exaggerated and uncorroborated claims, rather than SEQRA compliance study, including assessments of local impacts through an Environmental Impact Statement. For example, ban proponents have said that despite high rates of reuse and rising recycling rates, plastic bags have caused a litter problem large enough to justify a ban. However, according to the 2009 National Litter Survey of Keep America Beautiful, a leading national nonprofit, plastic bags of all types comprise only six-tenths of 1% of litter.

Todd Myers, Environmental Director of the Washington Policy Center, noted that "A study by OSPAR, the European organization working to protect marine environment, found that plastic shopping bags represented less than 3% of marine litter on European beaches, a figure that includes scraps of plastic from shredded bags."

Regarding alleged harm to marine wildlife, David Santillo, a Marine Biologist at Greenpeace, told the London Times in 2008 that bad science was undermining the government's case for banning the bags. "It is very unlikely that many animals are killed by plastic bags. The evidence shows just the opposite. We are not going to solve the problem of waste by focusing on plastic bags."

In fact, according to a 2008 foxnews.com article, "Scientists and environmentalists have attacked a global campaign to ban plastic bags that they say is based on flawed science and exaggerated

claims." The article referred to politicians and marine experts who, "attacked the British government for joining a band wagon based on poor science."

The article points out that, "The central claim of campaigners is that the bags kill more than 100,000 marine mammals and one million sea birds every year." However, this figure is based on a misinterpretation of a 1987 Canadian study in Newfoundland which found that between '81 and '84, more than 100,000 marine mammals, including birds, were killed by discarded nets. The Canadian study did not mention plastic bags. Fifteen years later, in '02, when the Australian government considered a commissioned -- when the Australian government commissioned a report into the effects of plastic bags, its author has misquoted the Newfoundland study, mistakenly attributing the deaths to plastic bags. The figure was latched on to by conservationists as proof that bags were killers. For four years the typo remained uncorrected. It was only in '06 that the authors altered the report, replacing the words "plastic bags" with the word "plastic debris." But they admitted the actual numbers of animals killed annually by plastic bag litter is nearly impossible to determine.

In a postscript to the correction, they admitted that the original Canadian study had referred to fishing tackle, not plastic debris, as a threat to the environment. Regardless, the erroneous claim has become the keystone of a widening campaign to demonize plastic bags.

For the reasons cited in FIA's full testimony and supporting documentation found in the public hearing record, we respectfully request that this bill be withdrawn, and that a collaborative effort involving FIA, our member stores and the County be established. The goal of the effort would be to enhance existing reduce, reuse and recycle efforts consistent with State Law and policy. Thank you for your time.

P.O. GREGORY:

Thank you, Jay. Anyone? I'm sorry, there was, right, Legislator Krupski, then Legislator Cilmi.

LEG. KRUPSKI:

Thank you. So you --

MR. PELTZ:

Hi.

LEG. KRUPSKI:

You mentioned some studies, a 2009 garbage study, a European study. And I'm sure those were conducted with proper scientific criteria, but I don't know if they have any local significance or meaning. I know someone who's done commercial diving in Newtown Creek off the East River in Brookhaven, and they said there's areas where the bottom is coated with plastic bags, and the sediment holds it down. And so that, you know, the boat operators can't even put an anchor in the waterway into the bottom, because the bottom is sealed off.

I've got -- and closer to home, I've got 2600 feet of road frontage and the amount of plastic bags that are there, and I've never done a scientific survey and picked them out of the weeds, but along the roadway, and the brier's net of the trees. But the debris that falls along the road is easy to pick up, because heavy debris is right -- stays alongside of the road. The plastic bags blow into the brush, they blow into the woods, they blow into the trees, and it's really difficult to quantify to say, "Well, this is the percentage of garbage that's there, because you can't even -- even you did, and we go along and we pick up, you know, whatever is thrown or accidentally blown off a truck or something, we pick that up all the time. You can't even access a lot of these bags, because, by their nature, they're inaccessible. So is there anything that's been done locally to show the problem that the bags caused litter-wise?

MR. PELTZ:

Not that I know of, no. And the ban movement talks about the worldwide effects, which is why there's a lot of stuff out there, material of content out there regarding it, but I've seen nothing about local impacts.

LEG. KRUPSKI:

Thank you. Thank you, DuWayne. Thank you.

P.O. GREGORY:

Legislator Cilmi.

LEG. CILMI:

Good afternoon, Jay.

MR. PELTZ:

Hi. How are you?

LEG. CILMI:

How are you? So, we're hearing that at least one of your members would be supportive of an amendment, similar to what they've done recently in New York City. Is that -- is that -- does that have a consensus support from your membership?

MR. PELTZ:

Sure. Thanks, Tom. So the associations did not -- FIA did not oppose the New York City bill, and my guess would be that if this Legislator -- this Legislature adopted a similar bill, we would not oppose that bill either, but it would depend on the term -- the provisions of the bill.

LEG. CILMI:

Are you familiar with some of the research behind New York City's bill, other places that have done similar bills?

MR. PELTZ:

Yeah. Well, there was testimony at the November 2014 public hearing regarding that bill, regarding five and five bills in Washington D.C. and, I believe, Montgomery County, Maryland. There was a significant drop-off in plastic bag use.

LEG. CILMI:

That was my question.

MR. PELTZ:

After those bills were adopted. One of the problems with bans is that you almost always get a surge in paper bag use, whether there's a charge or not. So when you use the double-fee approach, you avoid that surge in paper bag use, which is worse for the environment, because the plastic is still available, but best of both worlds. People rationalize their use because they have to pay for it.

LEG. CILMI:

So was there testimony at the time that there was a drop-off in both plastic and paper bag use?

MR. PELTZ:

I remember there was testimony there was drop-off in D.C. in plastic bag use. Paper bag use, I don't remember off the top of my head.

LEG. CILMI:

Okay. I suppose if they were using plastic -- if the cost was the same for both, I would imagine that six and one-half dozen of the other, whatever you're accustomed to using or prefer to use, you would use.

MR. PELTZ:

Right. There would be no incentive to use one over the other.

LEG. CILMI:

Right.

MR. PELTZ:

My guess would be that there was a drop-off in paper bag use, because what was previously free --

LEG. CILMI:

Right.

MR. PELTZ:

-- cost a nickel after the law was adopted.

LEG. CILMI:

Right.

MR. PELTZ:

So my guess would be that there was a drop-off in paper bag use as well, so that's the best of both worlds.

LEG. CILMI:

Could you share with us a snapshot of your membership, of your association?

MR. PELTZ:

Well, we represent all the major stakeholders in the industry, so we have all the major retailers, both chain and independent. We have all the major grocery wholesalers, and we represent Walgreens, Duane Reade on the drug store side and 7-Eleven on the convenience store side.

And part of the sensitivity here is that minimum wage is going up to 15 bucks in most of the state, which is going to have significant adverse impacts on the stores, so they're sensitive to any potential cost increases in addition to that. King Kullen put a statement in to that effect. So King Kullen, Stop & Shop have put statements into the public hearing record opposing the bill. They couldn't have representatives here today, but they are putting statements in.

LEG. CILMI:

What's been, if I -- if I may, through the Chair, and I'm sort of looking at the sponsor here, but I want to ask you a question, Jay.

MR. PELTZ:

Sure.

LEG. CILMI:

Have you had communications with the sponsor of the bill in terms of some of your ideas?

MR. PELTZ:

We have, and the County Executive's Office.

LEG. CILMI:

Okay. And were those fruitful?

MR. PELTZ:

They were productive. We have a good dialogue, and we appreciate that. And, hopefully, the bill can be amended to go in a direction that we think is better for retailers, better for County residents and better environmental policy.

LEG. SPENCER:

I've become very fond of Jay.

*(*Laughter*)*

MR. PELTZ:

Likewise. Thank you.

LEG. CILMI:

Well, you're both just great, so it's no surprise.

*(*Laughter*)*

One of the changes in this most recent adaptation, Jay, is there was a reduction in the thickness of the banned plastic bag. Can you talk to that at all?

MR. PELTZ:

Yeah. It was a -- so the banned bags, the thickness was reduced from less than two-and-a-quarter mils, or two-and-a-quarter-thousandths of an inch, less than two. So bags are at least two, but less than two-and-a-quarter. Previously banned would now be permitted. The problem -- I'm not sure why that was done, but the problem is a typical thin-filmed bag distributed at a supermarket is probably between 1.5 and 1.75 mils. So either way, those bags covered it.

What was striking to us was the fact that restaurants were originally covered under the bill, and then they were carved out. So restaurants, as an industry, distribute billions of bags, you know, over time across the country.

LEG. CILMI:

Right.

MR. PELTZ:

So if the ban case is persuasive to you, there would be no reason to exempt them. Plus, if we think it's reasonable to expect people show up with multiple reusable bags to buy a couple of hundred dollars worth of product as grocery stores, certainly, it's reasonable to expect them to show up at a deli with a small reusable bag to buy, you know, a sandwich and a snack and a soda.

LEG. CILMI:

Right. So is it your understanding, then, that if, for example, ShopRite or Stop & Shop, or one of your members, or all of your members for that matter, were to go to a plastic bag that's thicker than two mil, that they would be able to do that legally, if this bill were to pass?

MR. PELTZ:

Some might. Stop & Shop already sells -- I'm pretty sure Stop & Shop sells bags in the Village of Southampton and East Hampton that are more -- that are greater than two-and-a-quarter mils thick, they sell them for a dime. So that option is already out there for them, because they're

thicker than two-and-a-quarter, but they don't do particularly well. Customers haven't taken to them yet.

LEG. CILMI:

Okay. I wonder what the cost differential between a 2.1 mil bag, plastic bag, and a standard paper bag would be.

MR. PELTZ:

That I don't know. I know that the -- I mean, Stop & Shop retails the thicker bags that are compliant with the local ban.

LEG. CILMI:

Right.

MR. PELTZ:

They sell them for a dime, I believe.

LEG. CILMI:

Right.

MR. PELTZ:

The cost might be about the same, but I don't know.

LEG. CILMI:

Right. And your membership, you think, is -- as an association, you've said that you did not oppose the New York City bill. You assume that you probably wouldn't oppose a similar bill here in Suffolk County. Your membership, generally speaking -- I mean, you're speaking, obviously, for your membership?

MR. PELTZ:

Sorry. Yes. So assuming that the bills were substantially similar, we didn't oppose it there, so I would guess that we wouldn't oppose it here, but it would depend on the, you know, details of the bill.

LEG. CILMI:

Right. Okay. All right. Thank you very much.

MR. PELTZ:

You're welcome. Thank you.

P.O. GREGORY:

Yes. Legislator McCaffrey, and then Legislator Anker.

LEG. MC CAFFREY:

Thank you. Jay, are you familiar with -- you are familiar with New York City, the process there and the debate that ensued with that?

MR. PELTZ:

I am.

LEG. MC CAFFREY:

Okay. So let me ask you. So we hear from some of my colleagues that they want to influence behavior here, and that charging a nickel for either one won't do that. It's only that if we kind of

use that real heavy stick approached, where it's 10 cents for the paper bag will people then start using reusable bags consistently and actually getting away from that ten cent fee. Was that argument brought up in the debate in New York City when they were speaking about imposing this ban?

MR. PELTZ:

Well, they talked to some extent about the five and five approach in D.C. and in Montgomery County, and there were a lot of people who felt that that was the most productive approach from an environmental, and from a business, and from a consumer perspective. So I know that one of our members that operates stores in Montgomery County, from their perspective, everybody won, because their plastic and paper bag distribution is both down and reusables, reusable use is up. So choices are maintained, and the environment's better off, because you're cutting back on all that disposable bag use.

LEG. MC CAFFREY:

And I assume that New York City looked at what happened in those counties when they decided to go with the five and five, because it achieved both lower cost to the consumer, additionally, lower cost to the store owners, and it achieved that same result in the end where the reusables are up and the one-use bags are down; is that correct?

MR. PELTZ:

Yes. Yeah, that's my understanding. There was an official from the D.C. Council, I believe, who put in written testimony and testified.

LEG. MC CAFFREY:

Okay. And it's fair to say -- I know before it was stated that the union, our WDSU, John Durso's union, is opposed to this; is that fair to say?

MR. PELTZ:

They are. They prepared a memo in opposition, which I think they distributed to the sponsors, and said they were going to put in into the public hearing record.

LEG. MC CAFFREY:

And Local 1500 UFCW is -- which represents the other workers in the industry, they're also opposed to this?

MR. PELTZ:

I'm not -- I'm not sure if Local 1500 has an official position. My understanding is that they did not support the bill, but I don't know if they have an official position or not.

LEG. MC CAFFREY:

Okay. So just going back to New York City for a moment again, so that they had -- they debated -- I'm pretty sure that they debated fully, and there had to be at least one voice out there saying that, "Hey, the five and five isn't the way to go." It's probably what Suffolk wants to do, which is the heavy-handed ten cent paper bag and get rid of all of them. Did that ever come up or --

MR. PELTZ:

Well, yeah. So, originally, the New York City was a ban bill, but there were stakeholders that objected, and we made all -- not just us, but FIA and other stakeholders as well made the arguments that we have been making before this Legislature, and, ultimately, the bill was revised to delete the ban and put in the five and five approach, and that's ultimately what passed.

LEG. MC CAFFREY:

And so that was given a lot of thought, and before they ultimately came up with that final version of the bill right, which is pretty --

MR. PELTZ:

Yeah.

LEG. MC CAFFREY:

Everybody seems to be happy with?

MR. PELTZ:

Absolutely. The public hearing that was held November 2014 was held on a bill with a ban in it, and then it was passed in May, and the Mayor has to sign it before June 4th. So it was there, it was seriously considered, but then it was taken out, because it was determined the five and five approach was the better approach.

LEG. MC CAFFREY:

Okay. Thank you.

MR. PELTZ:

You're welcome.

P.O. GREGORY:

Legislator Anker.

LEG. ANKER:

Hi, Jay. How are you?

MR. PELTZ:

Good. How are you?

LEG. ANKER:

Good, good. A couple of questions. Where are these plastic bags made? Are they made in the U.S. or are they made in other countries?

MR. PELTZ:

Some are made in the U.S., some are made in other countries. I don't know what the split is. I was told that at least 70% of the thin film plastic bags manufactured in the U.S. are made from natural gas, not from crude oil.

LEG. ANKER:

You know, because, again, I think the issue, too, the main issue is the environmental impact. And, you know, living in Mount Sinai, you know, I see those plastic bags in the harbors and along the Sound, and the sea life, you know, how these bags affect the sea life. And you gave some reports. Now these reports basically said that they're not affecting sea life in our waterways and oceans?

MR. PELTZ:

No, just that it's very difficult to determine. I mean, sea life lives in the wild, so it's difficult -- and there's a lot of them. It's difficult to determine exactly why they die. So the point of the one report -- well, the numbers at 10,000 sea mammals, a million seabirds, that report was wrong, because the repeated claim is that due to plastic bags, but that report didn't say that, it said it was due to fishing nets. So I think the point of that analysis was that it's very difficult to determine. There's no real evidence that plastic bags are doing the kind of environmental damage that's

regularly alleged.

LEG. ANKER:

Right. Because, you know, again, I had a lovely group of kids in my office, they're called the Gearheads, and they are a robotics group. And I don't know. You're smiling. Did they reach out to you with their biodegradable bags?

MR. PELTZ:

Not to me, no.

LEG. ANKER:

Well, do you mind if I send them over to you, and maybe you might take a look at some of their --

MR. PELTZ:

Sure.

LEG. ANKER:

-- their products. They're young entrepreneurs. They're probably about 13 years old, 14 years old, but they've come up with a material that they're going to patent, and it is biodegradable, and it's for -- to create these bags.

And, again, just the idea that the impact on our environment is a huge concern. And I received so much input from children, from school children, and, in addition, of course, their parents and some of the senior citizens that I represent. But, you know, the kids are afraid for -- you know, they're afraid for their future. They're afraid that their future will not, you know, be as beneficial to them as now, and the threat to their future right now are the plastic bags. You know, whether it's the -- what is it -- Finding Nemo movies, you know, that Disney is playing, you know, or the exposure to some of the great environmental groups like, you know, Citizens Campaign, you know, they know better. They know that there is an impact to their environment with these plastic bags and they want to do something. So what can they do?

MR. PELTZ:

Well, as an industry, we fully support reduce, reuse and recycle. There are environmental impacts from all three types of carrier bags, right, and that was made clear in the 2011 UK Environmental Agency Study. But the first bullet point of that study says that the environmental impacts are primarily determined by resource, use and production. End-of-life management issues such as litter are secondary, are generally of minimal influence, is what it says. So we like to address those impacts through legislation that we think is more sensible, more tailored to the problem. So we feel -- so if a bill was done that's similar to the New York City bill, if it's substantially similar, then, presumably, we would not oppose it, then we could address those environmental impacts.

LEG. ANKER:

Does -- do your members have these recycling locations that people can bring back their plastic bags? Do all the members or -- I don't think it's a requirement, but is it something that is highly supported within your organization?

MR. PELTZ:

It is. So we, as an association, our members have recycled over 16,000 tons of commingled plastic bags, film and wrap in the last two years alone. So given the way the State Law is written, it is a mandate for most of our members, because they meet the store size requirements. So once plastic -- if plastic bags are banned in the County, we would no longer be required under the State Law to recycle.

LEG. ANKER:

But I hope you would continue to recycle.

MR. PELTZ:

We would advise our members to do that, but we don't make -- the Association doesn't make those additions, it's an operating decision.

LEG. ANKER:

An operating -- so there's a State Law, though, that -- or what -- where is the requirement?

MR. PELTZ:

Yeah.

LEG. ANKER:

Where does that come from?

MR. PELTZ:

It's called -- it's the 2008 Plastic Bag Reduction, Reuse and Recycling Act.

LEG. ANKER:

Okay. Thank you.

P.O. GREGORY:

Okay. All right. Thank you.

MR. PELTZ:

Thanks.

P.O. GREGORY:

Peter Gollon, and then Adrienne Esposito.

MR. GOLLON:

Good afternoon. My name is Peter Gollon. I'm representing the local group of the Long Island Sierra Club, with, oh, probably 6 or 7,000 members on the Island. I'm here, obviously, to speak in favor of this bill. But I'd like to take a moment first to digress and thank you for your environmental foresight in putting up the solar panels over the parking lot. It reduces the carbon impact of the electric generation, brings some money into the County, and provides some shade for my car when I get back into it, so thank you again.

(*Laughter*)

You all know about the impact of the disposable single-use plastic bags as contained in your findings, that 5 to 7% of them are recycled and the rest end up on the sides of the road, in trees, in birds, in nests, in sea life, etcetera. I don't have to read back to you the findings. It's very clear that they take up space in the landfill. I think the question of biodegradability applies only when they're on land or in the water. I don't care what happens in a landfill. Nobody's going to dig it up in 200 years and say, "Can we use this for something else?" Talking about something being biodegradable in a landfill is just a distraction. If you take a plastic bag and a paper bag and throw them in the water, the paper bag will dissolve eventually. If a turtle eats a piece of the plastic bag, it will stay in that turtle forever, or at least as long as the turtle lives. The plastic bag may not be appetizing -- the paper bag may not be appetizing, but it will dissolve and pass through.

California and Hawaii have shown some leadership in this area and they are forward-looking states.

Other countries that you might not consider as being forward-looking have also banned plastic bags. Bangladesh, with an income perhaps of \$2 a day, and Rwanda, which is suffering from -- suffered from a real serious, terrible civil war. If you travel through Rwanda, your incoming baggage will be searched by the soldiers. They're not looking for guns, not looking for drugs, they're looking for plastic bags, they don't want them. They're tired of their landscape being littered with them.

The question -- the question of adaptability of customers I think has been played up too much. People adapt. We learned to pump our own gas everywhere else. We learned to sort our garbage. We learned to walk 50 feet from a building if we want -- still want to smoke. We adapt. I've got the -- a dozen -- a dozen of these things in each of my cars. They're advertising for the supermarkets, they love it.

If you're not going to be inspired by the leadership of California and Hawaii, at least be embarrassed that you're not keeping up with Bangladesh and Rwanda. Thank you.

P.O. GREGORY:

Thank you, Peter. Peter, Legislator Cilmi has a question for you.

LEG. CILMI:

Sir, how are you?

MR. GOLLON:

Very well, thank you.

LEG. CILMI:

I really just wanted to quickly, because I know this is reserved really for questions, but to quickly correct, correct the record, and I hope to be corrected myself. But if I'm not mistaken, the County has not seen dime one from those solar panel carports. So it was a bad deal when it was done in the first place and it continues to be a bad deal, for what that's worth.

MR. GOLLON:

Okay.

LEG. CILMI:

But thank you for the rest of your testimony.

P.O. GREGORY:

Okay. That's it? Okay. Thank you. Adrienne, and then Maureen, Maureen Murphy.

MS. ESPOSITO:

Good afternoon, Members of the Legislature. Thank you for listening today. Adrienne Esposito, Executive Director of Citizens Campaign for the Environment. I'm not going to give you science, I'm not going to give you a lot of policy stuff, we've already done that. I'm just going to respond to a couple of things that were already said.

Number one is if you want to know if this impacts marine life, don't take it from me, don't take it from someone who apparently doesn't read science, take it from, you know, for instance, Rob DiGiovanni, who is the Director of the Riverhead Research Foundation here on Long Island, and ask him, when they perform necropsies, which are autopsies for marine mammals, on whales, on dolphins, on sea turtles and on seals, what do they find inside those mammals? Ask him. They do the investigation, they do the science, ask him. He's going to tell you what he told me personally, "We find plastic, including plastic bags," that causes suffering, and also causes them to suffocate. So that's local science, that's real.

The second thing is, you know, the representative from ShopRite seems like a lovely man. He and I just spoke. We're going to work together on creating public education and helping the public with the transition. But I do want to say, he's basing some of his comments, I think, more on fear than reality. We know public behavior will change. We don't say that to you as wishful thinking, we say that to you looking at the L.A. experience, where they have the same exact bill as you're considering. We see that not only did people change their behavior and bring their own bags, but, I want you to remember this, 30% reduction in paper, not an increase, a reduction in paper. People bring their own bags. Lots of money saved for those grocery stores there. They're happy.

I don't see how King Kullen -- the rumor is, we haven't heard from them, but is saying that things increased, because if you're getting 10 cents per bag for paper, for people who choose the paper, you're making money. Now I run a nonprofit. I have to actually watch every dime, ironically. So if I'm spending 6 cents on something, but I'm getting paid a dime, I'm pretty sure there's a net gain there, just so you know. And I think you know that, too, because you watch every dime in the County.

But the bottom line is this: Again, I'm going to leave you with this thought. The bill is crafted to change public behavior. We can't just change public behavior by education. What a wonderful world it would be if that was true. I mean, we could just tell people, "Smoking is bad for you," and they'd stop smoking, but that's not what happens. So you pass laws increasing the age that people can buy them, and also increasing the cost, so you incentivize the change.

Everyone knows we should recycle, and, yet, we're not doing it, right? So the nickel fee went on bottles, and people can bring the bottles back and get that nickel back, and now 80% of the bottles are being recycled.

So education, plus incentivizing the change, is what changes public behavior. That's what this bill does, that's the brilliance of it, and that's why we're asking you to vote yes.

P.O. GREGORY:

Okay. Thank you. I have several people that want to speak or ask you questions. Legislator Cilmi.

LEG. CILMI:

Thank you, Mr. Presiding Officer. Adrienne, it's good to see you.

MS. ESPOSITO:

Good to see you, also. I hope your foot is better.

LEG. CILMI:

It's getting better every day.

MS. ESPOSITO:

Good.

LEG. CILMI:

Thank you. So I'm sure we would both agree that it takes more environmental -- if we can call it environmental energy, let's call it environmental energy, it takes more environmental energy or environmental capital to manufacture and distribute a single one of those reusable bags than it does a single one of the, what you would call the single-use bags.

MS. ESPOSITO:

The throw-aways.

LEG. CILMI:

And when we talk about the single-use bags winding up on the sides of the road, and whatnot, which we all know happens, frankly, I don't see it.

MS. ESPOSITO:

You'd have to be blind not to.

LEG. CILMI:

I don't see it as much as, you know, everybody else, apparently, and I see more bottles, and cans, and paper plates, and things like that. But, nevertheless, it seems to me that the reason that we have bottles, and cans, and paper bags, and plates, and other things, and plastic bags, is that we have a litter problem. So my question for you, again slightly off topic, but germane, is how can you help us, as somebody who's been doing this for a couple of years, how can you help us solve the litter problem?

MS. ESPOSITO:

Well, I think that's a much longer conversation. And in my --

LEG. CILMI:

Is there a way to legislate stopping litter?

MS. ESPOSITO:

Well, this is one way, although I know that, you know, you're broadening it, and I appreciate that. And I agree with you, I mean, we do have a litter problem. And if we could get on the subject of cigarette butts, I could be here all day, but, you know, this is one way. And I think that this also helps change the mind set, and the best way is changing the mind set and incentivizing. And I think I -- I mean, I know, I'm old enough to know that I see much less bottles and cans on the road today than I did before, you know, 1982, when the bottle bill was introduced. It's a dramatic difference. Still a problem, but dramatically better.

So my response to you is just, you know, very short, because we have to take a lot of time here, but this will reduce litter, undoubtedly, I believe. And I know, based on the facts and the case studies done --

(Legislator Browning stepped over barricade rope)

Whoops. Her ballet lesson is next week. But based on -- sorry.

*(*Laughter*)*

LEG. CILMI:

I made it over, Kate, I'm just saying.

MS. ESPOSITO:

Based on the case studies in municipalities where they have this bill, they see a reduction, a dramatic reduction in litter with plastic bags.

LEG. CILMI:

All right. Let's work, let's work together --

MS. ESPOSITO:

I'm with you. I'm with you, Legislator Cilmi.

LEG. CILMI:

-- on the overall problem.

MS. ESPOSITO:

Okay.

P.O. GREGORY:

Okay. Legislator Hahn.

LEG. HAHN:

Legislator Cilmi, I completely agree with you about the litter problem. I just got back maybe a week or so ago from a road trip to Texas. I drove to Texas for a wedding with my mom and my dad, it was really a nice trip. And I do have to tell you, one of the impressions, you know, coming back to Long Island, after being on the roadways in Texas, Louisiana, Mississippi, Alabama, Tennessee, Virginia, Maryland, we have a litter problem here, and there's no question in my mind. I actually walk up and down my street and there's -- I'm going to get to a question, but let me just have this moment here.

*(*Laughter*)*

I walk up and down my street with one of those picker-uppers that I got from Coastal Steward and I pick up trash along my block, because my mother did it growing up. She went up and down our road, I go up and down my road, and, yes, there's all kinds of litter. But I have to tell you, the unique problem with plastic bags is they blow around, they blow high up into the trees where it's hard to get, they're stuck there forever. They get caught in pricker bushes, and you pull at it and it comes apart and more is stuck in the pricker bush. And it's -- they're a really particularly devastating litter culprit. But, also, they don't -- like it was said before by the man who spoke about if it -- a paper bag happens to be thrown out of the -- and I've witnessed this as well. A paper bag gets thrown out of the car window that has the deli sandwich in it, the paper bag begins to degrade, if it gets into the water, it begins to degrade. The plastic bag just does not.

But specifically to the question about the five and five, and maybe -- I know you've done more research than probably most of us, about what has been effective elsewhere. And there have been all different kinds of things tried all around the country and around the world, I'm sure. And particularly, you know, this banning, plus the ten cent, you know, how -- in terms of changing behavior, have you found this to be the more effective option?

MS. ESPOSITO:

Yeah. Actually, I'm glad you asked that question now that you say that. Let me speak to the issue of the nickel fee and what you heard earlier. You know, does that work? Yeah, that works. That's what they have in Washington D.C., 83% of the public brings their own bag. But this banning is actually better, this is the best way to go. The second best way to go is the fee. So if you did a fee, we're not going to object to it, but, honestly, just ban it. Actually, I'm going to repeat what Legislator Barraga said, people change. Your mind set and your habits can change. I have a little more faith in the public than perhaps some others who testified, but we've seen it, you've seen it.

You know, Peter said, now, if somebody smokes, they move 50 feet away from the building, because you passed that law and you knew that that was important. You know, every time you pass a bill, you're incentivizing people to change their behavior because you believe it's for the greater good. That's part of what government does; that's what this does, too. If you just ban it, we've gotten rid of the problem. If we put a nickel fee on it, we've kind of perpetuated the problem, we've just

reduced it. I think you just change the behavior.

LEG. HAHN:

Remind everybody, we did -- you know, Vivian proposed the ban, proposed the 25 -- or five cent fee, and the compromise was the recyclable program with the bins. And so, you know, this has been proposed before. The industry has had an opportunity to try something to educate, to get folks not to use them, and it just doesn't work, correct?

MS. ESPOSITO:

So true. I just -- I mean, again, I've been around a long time. If we just did pure education, I'm sorry to say, it's not going to change public behavior. It helps. You can't tell me there's anyone sitting at home today who doesn't know that they should recycle paper, and yet, the biggest towns achieve maybe 30% of recycled paper. So people know it, it's just not translating into acting on it and behavioral changes. And people probably know -- we did a survey of 725 people in Suffolk County. They all knew they should bring their own bags, but they forget them in the trunk. That was the biggest thing that they said. It wasn't that they were opposed to it, it wasn't that they were like, "I want my plastic." They weren't saying that. They were saying, "Yeah, I know I should do it, but I forget." This is just tipping it a little bit more to incentivize that change.

LEG. HAHN:

And this is exactly why I think it's going to work, because that happened to me. For the longest time I kept going in, and I'd get to the register and I'd say, "Oh, my gosh, I forgot my bags," and then I'd take the plastic bags and I'd go to my -- and then, all of a sudden, a light bulb went off. I can put my products back in my shopping cart, and when I get to my car, I can put it in my reusable bag. Like, you know, it's not that hard. People have got them, they've got them in their cars, and all they have to do is take it from the -- you know, the scanning checkout line --

MS. ESPOSITO:

Yes. Grocery store --

LEG. HAHN:

-- put it back in the cart, and when you get to your car, you put them in the bags, if you forgot to bring them in.

P.O. GREGORY:

Question.

MS. ESPOSITO:

Grocery stores chains on Long Island --

LEG. HAHN:

Question: They could do that, right?

MS. ESPOSITO:

Oh. Yes, just like Legislator Barraga said. But, yes, that's right. And there are grocery store chains on Long Island that are growing and expanding that are refusing to give bags now, because they don't do it in Europe. The Aldi store, which is in Legislator Calarco's district, and I think in Legislator Cilmi's district and other districts, they're all over now -- not all over, but they're growing. They're like, "We don't give bags, bring your own bag." They're not doing poorly. As a matter fact, they're doing really well.

P.O. GREGORY:

Okay. Legislator McCaffrey.

LEG. MC CAFFREY:

Thank you. Hi, Adrienne. How are you?

MS. ESPOSITO:

Good. Thank you.

LEG. MC CAFFREY:

So if I heard you right, you said that with the five and five in D.C. -- is that what it is, they have the five and five in D.C.?

MS. ESPOSITO:

Yes.

LEG. MC CAFFREY:

And that went to an 83% reusable rate?

MS. ESPOSITO:

No, no, no. That was -- I'm sorry, what did you say?

LEG. MC CAFFREY:

I thought 83% reduction.

MS. ESPOSITO:

Yes. I'm sorry.

LEG. MC CAFFREY:

Yeah. So --

MS. ESPOSITO:

In the first year -- in fact, I just wanted to say, they had crafted this, and they were thinking, "Okay. Where will the nickel go when people pay the fee?" And so they said, "It's going to go to protection of the Potomac River." And so they had an estimated amount that they thought they were going to raise, and in the first year so many people changed their behavior, and this to me was good news, that they didn't even come close to raising the money they thought they were going to raise, because people, 83 -- I think it was 83 or 85% of people changed their behavior and brought their bag.

LEG. MC CAFFREY:

So that's why I'm kind of confused, because the arguments I hear is saying that the five and five, which New York City passed, and that, you know, the industry sees as a reasonable compromise, and I kind of see as a reasonable compromise, you're saying that won't work, that we have to do it the other way, even though it's shown in D.C.

MS. ESPOSITO:

I didn't say it wouldn't work, I said it's second best. I just want to clarify.

LEG. MC CAFFREY:

Okay. What would you expect? I mean, this seems -- 83% sounds like a home run to me. I mean, what would expect in --

MS. ESPOSITO:

No. A home run is a triple -- I mean, the 83% is a triple, a ban is a home run.

LEG. MC CAFFREY:

Yeah, I know that. But what did they get when they banned, did they get 100%?

MS. ESPOSITO:

Yeah.

LEG. MC CAFFREY:

There's 100%?

MS. ESPOSITO:

Yes, yes. I'm sorry, I didn't mean to interrupt you.

LEG. MC CAFFREY:

Yeah, but you can -- but you can still buy the plastic bags, correct?

MS. ESPOSITO:

No.

LEG. MC CAFFREY:

I mean, you can buy the paper bags.

MS. ESPOSITO:

Yes.

LEG. MC CAFFREY:

You still got bags blowing around on the ground and --

MS. ESPOSITO:

No. But these -- actually, if we look at the Los Angeles experience, they reduced paper by 30%. So it had a supplemental impact on reduction of paper and then banning plastic. So it just -- it really caused the mind sets of people weren't doing either. And this is our goal. This is why -- and thank you for asking, but this is why we like this version of the bill, because it really did change significantly the behavior pattern and the mind set where we saw no plastic and a reduction in paper, and to us, that's a -- that's a home run, that's --

LEG. MC CAFFREY:

But 83% is not a significant reduction?

MS. ESPOSITO:

No. As I said, please, it's always --

LEG. MC CAFFREY:

Yeah, okay.

MS. ESPOSITO:

It's great, it's wonderful.

LEG. MC CAFFREY:

All right. So --

MS. ESPOSITO:

I'm an environmentalist, I want a home run.

LEG. MC CAFFREY:

I know that. But I try to balance things out here. But in terms of carbon footprint, you know, I have to admit, I've come late to the game about carbon footprint and doing the math on it.

MS. ESPOSITO:

I like that you're saying the word.

LEG. MC CAFFREY:

Yeah, yeah. Well, it's the word, you know, so -- but I'm not really good on the calculations, so -- but I hear that the industry is saying that for paper bag use, the carbon footprint is actually more, when you talk about the truckloads coming in. And as somebody who represents workers in the trucking industry, I'm not really opposed to more trucks coming down the highway, but I know it's not good for the environment, at the end of the day.

MS. ESPOSITO:

Absolutely.

LEG. MC CAFFREY:

And so, I mean, when you add all this stuff up and say, "Okay. If we're shifting people right" -- "you know, right, to completely to paper, because we're eliminating the plastic," is that -- is that --

MS. ESPOSITO:

Okay. Here's where you and I disagree.

LEG. MC CAFFREY:

No, I'm not disagreeing.

MS. ESPOSITO:

Okay.

LEG. MC CAFFREY:

I'm trying to understand. I don't understand the calculations of carbon footprint.

MS. ESPOSITO:

They're not shifting them to paper, we're not. We will see. I'm telling you, I believe, based on our research, not -- this is not faith-based, this is research-based, we will see a reduction in paper. We'll see less trucks, less cost to the grocery stores, and less paper used, less carbon footprint. We will -- this a net gain for the environment, a net gain for the economics of the grocery stores.

LEG. MC CAFFREY:

So, if we were looking at the economics of the grocery stores, which once in a while we have to do, you know, we recently had two of our largest grocery stores go out of business, Waldbaum's and Pathmark, and along with that, thousands and thousands of jobs, good jobs that people had that had health care through those, they had pension plans. And some people were basically kicked to the curb or taking lesser jobs because of the fact that these stores are going out of business.

The industry brings up a good point to say, "Hey, that, you know, we now have to deal with the minimum wage of \$15 an hour, we're going to have to figure out a way to deal with that. We're in competition with Costco. We're in competition with all these other stores that are coming along, the alternatives that you can buy online," and it's a lot of competition. So I'm trying to -- I look at an 83% conversion -- a reduction in plastic bag use, and that increases each year, apparently, as

people go along, and I try and balance that with the need to keep these stores in business and the good jobs and the sales tax revenue that we get along with it.

So I am really concerned about the environment. I don't like seeing the plastic bags. And every time I'm thinking about this, I see a plastic bag blow by me, and I'm like "Oh." But then I got to go back and say, "Hey, you know what, but what's the balance here?" And if we yet get an 83% reduction in the amount of plastic bags, and we're able to keep -- help keep these companies in business or give them a shot to do that while they're incurring the cost of an annual increase in the minimum wage, when we just lost two of our largest employees in that same business --

MS. ESPOSITO:

But how does this hurt them? This is what -- I think this might be where you and I fundamentally disagree. If this is going to save them money, which I believe it is, then we should help them save money and pass the law. Right now, it costs them one-and-a-half cents every time they give away a free bag, which isn't free, because it costs them one-and-a-half cents, and every time they give away a paper bag, it costs, depending on the bag, between 5 and 8 cents. So every time they give those away, they actually have to incur that cost. This saves them money. Doesn't that help the employee, doesn't that help the bottom line?

LEG. MC CAFFREY:

If I was so -- if were so sure --

MS. ESPOSITO:

How does it hurt them? I'm not really understanding.

LEG. MC CAFFREY:

Listen, I -- you know, you're pretty sure it's going to help them. I'm not sure, but they're so adamantly opposed to it, that it's going to cost them money, and I've got at least one of the biggest unions out there saying, "We're against this because we think it's going to cost us jobs." So I've got to believe that maybe -- you know, maybe they're not right and you're not right, and I'm not sure, so I'm trying to look for a compromise here and something that they're saying that they can live with. If they're so sure it's going to cost them money, the union who represents them is saying, "We're against it," and you have an alternative that's going to save -- have an 83% reduction, which is a triple and not quite the home run you want, I almost think that's somewhat a fair compromise where everybody could agree on.

MS. ESPOSITO:

Well, I guess if I thought it actually was going to cost the industries, then we would love to have that conversation, but I honestly believe, and we can stop the -- you know, we can move on, but this is going to save them money, and it's going to save jobs. And, frankly, no one here speaks for the union, and the union I notice is not here, and the union told me it wasn't that they thought it was going to lost jobs. The union told me they just didn't want the cashier to have to deal with the customer who wasn't aware of the transition, and that's where the year and four month of educational program comes in. So there's some different perspectives, and I don't represent the union, and I'm not trying to do that, but I was not told it was going to cost jobs, and I spoke directly to the union, to John and to Ryan.

LEG. MC CAFFREY:

Okay.

P.O. GREGORY:

Are you done?

LEG. MC CAFFREY:

She beat me over the head.

P.O. GREGORY:

Okay. All right. Legislator Stern.

LEG. STERN:

Thank you. I had brought this up to someone who was testifying last time. I don't know if you were part of that conversation or not, so I'll ask you the question. It's an article that was in Bloomberg. I understand it's an editorial, but it does cite assessments; that in Austin, Texas, a progressive city, implemented their own version of a plastic bag ban. There was an issue of an unintended consequence, and that is that whether it was canvas or the heavy duty plastic bags that were reusable, that with no other option, with no plastic, with no paper, that in looking to the heavier reusable plastic or even the canvas, that those bags that are supposed to be reusable over and over again were themselves ending up in the landfills, that they were being utilized more often than not as single-use, and that it was having an impact other on their landfills.

And they cited a couple of statistics here, that after the ban in Austin, only .03% of the total litter collected by the city was the single-use plastic bags. So that's a 75% reduction, which is admirable. But, ultimately, the reusable plastic bags or the reusable canvas bags were ending up in the landfills as a much greater rate and it was almost a wash. So I'm wondering if you are familiar with what they have experienced in Austin, and what the answer would be to -- we're looking to keep those items out of the landfills, but, again, according to this study done by Austin, that --

MS. ESPOSITO:

It wasn't --

LEG. STERN:

-- they are ending up in the landfills anyway.

MS. ESPOSITO:

I read the column, and then we tracked down the study. And I can tell you, the author misrepresented the study. So we also work with another environmental -- we do a lot of networking, my organization, and there's another group called Texas Campaign For the Environment who laughed at that particular article. And, you know, they're saying people are not taking their bag, going to the grocery store and throwing it out. They pay a dollar for it. So here you are -- think about what you're saying. We're arguing over how, you know, we're going to have to ask people for 10 cents for paper, and then, on another hand, there's, you know, well, what if they throw out the thing they just paid \$1 for, or \$2, or the canvas ones are \$4, or maybe more. And I just don't see people on Long Island doing that. I mean, we have the bill right now in Southampton and it's not happening there. We have it in East Hampton and it's not happening there. We have it on the -- Southold, we have it in Southold?

LEG. FLEMING:

No.

LEG. KRUPSKI:

No.

MS. ESPOSITO:

No, no. East Hampton -- I'm sorry, South -- we have it -- it's going to be starting in Patchogue in September. You know, we have it in other places and we just don't see that. And I don't believe,

and, again, I'm not in Austin, I can't testify, I can tell you, you know, I just -- I'm not buying it. I don't know how else to tell you. I just think it's a bunch of B.S. I read the study, the study didn't actually say that. That's all I could tell you. Sorry to be so candid.

P.O. GREGORY:

Okay. Legislator Cilmi.

LEG. CILMI:

I just want to follow up, Adrienne, on Legislator McCaffrey's line of questioning. So you said that D.C. got you to an 83% reduction in single-use plastic bag use.

MS. ESPOSITO:

Yes.

LEG. CILMI:

You said that you wouldn't oppose it.

MS. ESPOSITO:

Yes.

LEG. CILMI:

We've heard from an -- one owner of grocery stores and an industry representative who said they wouldn't oppose it. It would cost our residents less money.

MS. ESPOSITO:

I disagree with that, but okay. You got three yeses, but no, that one's a no.

LEG. CILMI:

How is that a no?

MS. ESPOSITO:

Because if we ban it --

LEG. CILMI:

Yeah.

MS. ESPOSITO:

-- okay, and they change their behavior, that costs them less money.

LEG. CILMI:

No. But either way, they're -- either way, they get to -- they get to spend less money, because if we pass the bill as it's presently drafted, they either go to a reusable bag, which will cost them whatever it costs to buy a reusable bag, or they go to paper bags, which they'll pay 10 cents for, right? That's in the current draft.

MS. ESPOSITO:

But my response to that is they will not go to paper bags.

LEG. CILMI:

I understand that, and you think they'll use the reusable bags.

MS. ESPOSITO:

Correct.

LEG. CILMI:

So if we go to the five-five option, then it either costs them 5 cents, or they go to the reusable bags. So they still have the option to completely eliminate their per-visit cost, if you will, by going to the reusable bag. But if they don't, it's now only going to cost them 5 cents a bag, as opposed to 10 cents a bag. So, ultimately, it's less expensive for residents.

MS. ESPOSITO:

No. I'm sorry, I can't buy that.

LEG. CILMI:

It is.

MS. ESPOSITO:

No.

LEG. CILMI:

It is.

MS. ESPOSITO:

Because the plastic bags, how much do they put in a plastic bag? They put like two things.

LEG. CILMI:

Let's say -- let's just for the purpose of our argument here, let's say that the reusable bags cost nothing.

MS. ESPOSITO:

It's a discussion.

LEG. CILMI:

Okay? In the current proposal, they either spend nothing or 10 cents. In the alternate proposal, they either spend nothing or 5 cents. So it costs them less in this alternate proposal.

MS. ESPOSITO:

Sorry, I just don't --

LEG. CILMI:

And I --

MS. ESPOSITO:

Five cents for a plastic bag, one plastic bag is equivalent to three paper. You're going to have to get at least three plastic bags for what you could fit in one paper bag.

LEG. CILMI:

But you can't really fit that much in one paper bag, because no one's carrying that weight of a paper bag, and no one's stuffing that much stuff in a paper bag.

MS. ESPOSITO:

But I really would --

LEG. CILMI:

But that doesn't even matter based -- that's not germane to my argument here.

MS. ESPOSITO:

But I believe it is, because it goes to the economics. How many you use speaks to how much it actually costs the individual customer.

LEG. CILMI:

So you think they would use fewer paper bags at 10 cents apiece than they would plastic bags at 5 cents apiece.

MS. ESPOSITO:

Yes, that's what I'm saying. Yes, and I really do. I'm not making that as an economic argument. I really believe that as a practicality. I worked in a grocery store for six years and when I went to college.

LEG. CILMI:

But even so, it would be their choice. They still would have the choice to choose the no-cost option, assuming -- I mean, we know it's not no cost, but let's just say for purposes of our argument it is. They could still go to that no-cost option of the reusable bag that they bring in from their car every time they go shopping, or they would spend 5 cents, or in this proposal they would spend 10 cents. Now we could argue about, well, they would use "X" number of paper bags versus "X" number of plastic bags, and, therefore, it's not really apples to apples.

But the bottom line here to me is that if you -- if you found something that achieves an 83% reduction in plastic bag use, in single-use plastic bag use, and if you found something that meets a level of agreeability with industry and with environmental concerns, and if you found something that will ultimately potentially, depending on the consumer's choice, cost them less money than otherwise, it seems to me that we're well on our way to -- that is what I would consider a home run. You would consider the ban a home run, because, frankly, you're in this business, so I would expect you to consider that a home run. From our perspective, as a Legislature, that is taking numerous factors into consideration, it seems to me that that alternative is the home run alternative.

MS. ESPOSITO:

Well, you and I would just have to agree to disagree on that, respectfully.

LEG. CILMI:

Okay, fair enough.

MS. ESPOSITO:

Whew.

P.O. GREGORY:

Okay. Legislator Spencer.

MS. ESPOSITO:

Doc, he's calling you.

P.O. GREGORY:

Doc, you're up.

LEG. SPENCER:

Thank you, Adrienne.

MS. ESPOSITO:

Oh, no problem.

LEG. SPENCER:

Appreciate it. When we talk about the economic issue, and I think you were trying to make the point earlier, I think it's a heavy lift, where now the cost of the plastic is already built in, so now they don't have to buy plastic anymore. And if they have to get paper, every time they spend 5 cents for paper, they're going to get -- or 8 cents, they're going to get 10 cents in return. Although I could understand that their response is that this is a change, so this is going to cost us jobs and it's going to -- do you see anywhere where this could be the business money?

MS. ESPOSITO:

No. And I think that's an excellent question. It is -- there is no example around the globe where this has caused people to lose their jobs. In fact, the bodega or the small grocery store in Patchogue is going to end up saving \$10,000 a year just by not supplying the plastic bag. And then if people buy the paper bag, he's going to net money. So he's going to save 10 -- this one small grocery store is going to save \$10,000 by not distributing plastic bags and then going to net money if people choose to buy the paper. So that's why I'm a little -- my mind is boggled by the industry being so vehemently against it. I honestly -- truly, they're going to end up being big winners, significant money.

LEG. SPENCER:

The other issue that I think muddies the water a little bit, Aidrienne, if you could speak to this, is where they talk about carbon footprint and percentage of pollution. And would it be your opinion that, sure, when we look at a small plastic bag compared to a larger paper bag, that you could say that, well, there's more litter in the paper bag? But does the plastic have a more dangerous, insidious effect because of clogging recycling streams, because of clogging storm water runoff pipes, because of causing local flooding, which damages our aquifer? So it's not comparing apples to apples --

MS. ESPOSITO:

No.

LEG. SPENCER:

-- when we talk about the environmental impact.

MS. ESPOSITO:

Yes, you're exactly right, because the plastic not only, you know, regardless of testimony you heard earlier, not only does it kill marine life and bird life, but it also does not break down. Paper does break down. It also -- the thing about the plastic is that it clogs the storm drains, it causes localized floodings. We have many cases of that, particularly on Long Island. We're an island, so we do have to be a little bit more responsive.

LEG. SPENCER:

And they're hard -- as far as when we talk about the issue of littering in general, the plastic bags are a lot harder to collect, because they get stuck and tangled, they fly in trees --

MS. ESPOSITO:

And we can look at the --

LEG. SPENCER:

-- and so it's not the same cost to clean up it.

MS. ESPOSITO:

Well, look at the Los Angeles experience. Again, those of you who are economic minded, which I know are all of you, they saved \$3 million in one year for a reduced litter cleanup after the bag ban went into effect, \$3 million in one year, so yes. And it helped them save money not only for businesses, but also for the tax base, for the municipality itself. We thought that was an astronomical number.

LEG. SPENCER:

And when we talk about recycling and single-stream recycling, is there a significant impact in terms of labor costs involved, because there's literally someone that has to be dedicated to taking the plastic bags out of the recycling equipment?

MS. ESPOSITO:

Yes. I mean, if we look at Brookhaven Town, it's gone to single stream. And if you put these plastic bags -- and, actually, Patchogue is going to single stream, which I'm very happy about, next month or this month. But if you put the plastic bag in the single stream, they have to manually take it out. If they miss it, it gums up the machine, they have to stop the machine, they have to go fix the machine, take it out. This is all time and money, again, money for the municipality that they could be saving for the taxpayer.

LEG. SPENCER:

Thank you.

P.O. GREGORY:

Okay. Thank you, Adrienne.

MS. ESPOSITO:

Thank you so much.

P.O. GREGORY:

All right.

MS. ESPOSITO:

Now don't let us down.

*(*Laughter*)*

P.O. GREGORY:

All right. Maureen Murphy, and then Harry Somma.

MS. MURPHY:

Hi. Good afternoon. I'm speaking today, Maureen Murphy, as a West Islip resident and a mother of two. And, Legislator Barraga, I just want to thank you for your comments before, because our community is not immune to this problem. We see plastic bags littering our entrance ramp, we see them clogging up our beaches, we also see them in our community gardens, and we can fix this problem. We can ban the bag. The problem is fixable and we have the ability to do that. It's very simple. When we go to the gym, we remember to bring our gym membership. When we bring our kids to school, we remember to bring their backpacks. And when we go to the grocery store, we can remember to take a reusable bag with us. Thank you.

P.O. GREGORY:

Thank you. So Harry, and then Jennifer Hartnagel.

MR. SOMMA:

Hi. I'm Harry Somma. I'm a resident of Dix Hills, and I'm in Steve Stern's district. I would like to speak as a resident today, although I do, in full disclosure, also work for Citizens Campaign. In that regard, I would like to say I agree with everything Adrienne just said.

MS. ESPOSITO:

Now you can keep your job.

*(*Laughter*)*

MR. SOMMA:

Thank you. I would just like to give you the perspective from someone who already brings their own bag. I feel that I am subsidizing the folks who don't. These -- the cost of these bags, as has been mentioned, the disposable bags that is, are built into the price of groceries, they're even built into our taxes, as was mentioned about the cost to municipalities to remove them from recycling machinery and clean them up off the roadways. But what I think this bill does is give people the choice to pay for those disposable bags should they choose to use them. And if they don't use them, they're incentivized -- incentivize people to not use them, but it also rewards people for behaving correctly and responsibly. And coming from someone who already behaves responsibly in this regard, I would implore you to release me from that undue burden and others like me. Thank you.

LEG. SPENCER:

Thank you.

P.O. GREGORY:

All right. Thank you. Okay. Jennifer Hartnagel, then John Turner.

MS. HARTNAGEL:

Good afternoon. My name is Jen Hartnagel and I'm here representing the Group for the East End. The Group for the East End is a professionally staffed nonprofit environmental and education organization, and we work throughout the five East End towns of Suffolk County. I'm here to continue to lend our strong support to this version of the bill.

I sat through the four-hour-plus public hearing last go-around and listened to the overwhelming support for this proposal. The testimony was packed with scientific facts based on studies and evidence, including citing the damage to sea life. So, at this point, I'm hopeful that each of you understand that these bags are a problem and that this bill will provide a solution.

I just want to reiterate one of the points from last go-around, that our past efforts to reduce the plastic bag waste over the last several years have failed. We tried and it failed, and this provides an option and it provides the solution. It's sincerely time to move forward with this bill. Please do not let this languish. Please pass this legislation and have it added to the long list of impressive laws that you have already supported. Doing nothing at this point is not an acceptable option. If it were appropriate for me to beg this Legislature at this point, I would be begging. This is truly an important initiative and I think all of you know this. So, please, work hard and really think about what a difference that this bill would make. Thank you.

P.O. GREGORY:

Okay. John Turner.

MR. TURNER:

Good afternoon to the Members of the Legislature and to Presiding Officer Gregory. My name is John Turner and I serve as a Conservation Policy Advocate for the Seatuck Environmental Association, and I'm here today very quickly to express the organization's strong support for the adoption of Introductory Resolution 1207.

I'm not going to go into all the points, you've heard it. I think Adrienne did a wonderful job about going through the arguments for why this bill has so much merit. I want to just make two points. One is that the Seatuck Environmental Association, if this bill passes, is committed to spending \$1,000 to buy bags, which we estimate would probably get close to 1,000 reusable bags that we would like to distribute to the different Legislative offices. And if that's matched by other environmental groups, you could then have available in each office several hundred bags that you could make available to your constituents, because I know that that is a concern. Legislator Kennedy expressed that concern to me about potential impacts to individuals, and it puts you in a position to make bags available. So we'd be willing, again, to make a commitment of \$1,000 at that point.

The other point I wanted to make is just -- and you get this, you know this, that this Legislature really is trying to change the public behavior in a way that other measures that the Suffolk County Legislature has been at the forefront in the past. Just to give you someone like myself the perspective of when you passed the bottle bill, and when you passed the detergent ban. You really affected and changed people's behavior, and you're doing that again with this particular legislation. This is a really a critical important bill. I think it's environmentally going to be one of the most important pieces of legislation that comes before this Legislature in years because of its potential benefits to, again, adverse impacts to marine life and the other things that you already know about, so.

And the last thing I want to make point is that the hopeful outcome of the legislation is that it doesn't cost consumers really anything at all. I remember the first time -- I'm a regular user of BJ's Wholesale. My wife and I have been members for a long time, we go there. And I remember the very first time I went there, got to the checkout line and looked around for bags, because we had items, and there wasn't any. And put them, all the items back into the cart and realized, oh, there's no bags, that I have to take them out of the cart and put them in the car. And after doing that once or twice, it just became the norm, it became very easy to understand.

And I'll challenge the one individual who was talking about how if you go to BJ's and Costco, and while they do sell stuff in bulk, there is a lot of items, thousands of items that are small, that are just identical to what you get in the supermarket. And the millions of transactions, the millions of items that Long Island has put into that cart and put into the car at Costco's and BJ's indicate that people are willing to change their behavior.

And so I just want to congratulate Legislator Barraga on his line of reasoning and thinking, because you clearly get it, and you understand the shift you can achieve with -- in people's thinking when you pass measures such as this. Again, we strongly support it and urge its adoption soon.

P.O. GREGORY:

Great. Thank you.

MR. TURNER:

Thank you.

P.O. GREGORY:

Okay. That's all the cards I have. Is there anyone else that would like to speak that has not already spoken? Please come forward. Okay. Seeing none, Legislator Spencer?

LEG. SPENCER:

Motion to close.

LEG. D'AMARO:

Second.

P.O. GREGORY:

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

MS. ELLIS:

Seventeen. (Not Present: Legislator Trotta)

P.O. GREGORY:

Okay. ***I.R. 1309 - A Local Law to limit nitrogen content in lawn fertilizers (Lindsay)***. I do not have any cards for this public hearing, but is there anyone in the audience that would like to speak on it? Please come forward. Okay. Seeing none, Legislator Lindsay?

LEG. LINDSAY:

Motion to recess.

P.O. GREGORY:

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

MS. ELLIS:

Seventeen. (Not Present: Legislator Trotta)

P.O. GREGORY:

I.R. 1322 - A Local Law to further incentivize the creation of affordable housing and to clarify requirements for residential developments connecting to a sewer district (Calarco). I don't have any cards for this public hearing, but is there anyone that would like to speak? Please come forward. Okay. Legislator Calarco?

LEG. CALARCO:

Motion to recess.

P.O. GREGORY:

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

MS. ELLIS:

Seventeen. (Not Present: Legislator Trotta)

P.O. GREGORY:

I.R. 1342 - Increasing and improving facilities for Suffolk County Sewer District No. 16 - Yaphank Municipal, CP 8158 (Co. Exec.). I don't have any cards. Please, if anyone wants to speak on it, please come forward. Okay. I'll make a motion to close. Do I have a second?

LEG. FLEMING:

Second.

P.O. GREGORY:

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

MS. ELLIS:

Seventeen. (Not Present: Legislator Trotta)

P.O. GREGORY:

I.R. 1462 - A Local Law amending the composition of the Child Fatality Review Team (Hahn). I don't have any cards for this public hearing. Is there anyone that would like to speak on it? Please come forward. Okay. Seeing none, Legislator Hahn?

LEG. HAHN:

Motion to close.

P.O. GREGORY:

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

MS. ELLIS:

Seventeen. (Not Present: Legislator Trotta)

P.O. GREGORY:

I.R. 1466 - A local --

MR. NOLAN:

Withdrawn.

P.O. GREGORY:

I.R. -- okay. ***I.R. 1471 - A Local Law to increase penalties for violation of Social Host Laws (Cilmi)***. I do have a couple of cards, the first being Kym Laube. Is she still here? Oh, there she is. Okay.

MS. LAUBE:

Hi. Good afternoon, everyone. My name is Kym Laube. I am the Executive Director of a program called HUGS, as well as the President of the Quality Consortium for Suffolk County and the National Association of Teen Institutes. I thank you for the opportunity to be here today and address you.

And I also want to make mention that just recently I was appointed to the Governor's, New York State Governor's Task Force on Opiate and Heroin Addiction. And although this law does not apply to any of that, what I want you to know is being part of that Task Force, I've traveled the state now, and at every turn we've gone, at every listening forum we have, we've had parents coming out and crying about having policy-makers, law enforcement, folks like myself begin to make sure that we look at where addiction begins and not just where it ends. And in a lot of ways you see where addiction ends. That's the cost and that's the picture we see in the public eye. However, the story that's not being told enough is where it starts, and where it starts is a really important -- is an important piece, and this legislation actually speaks directly to that.

See, nobody ever said they wanted to be a heroin addict when they grow up. Nobody ever tries heroin just once. And nobody every says that I think that my first drug of choice will be heroin. And as we are dealing with this epidemic in this County, specifically what we do know is that if you speak to anybody who has an addiction, they're going to tell you their first two drugs of -- the first thing they generally started with was alcohol, number one, marijuana, number two. So we need to begin to move to a place where we talk about where addiction begins and where it starts. Ninety percent of anybody who has an addiction began drinking in their teen years.

As we talk about environmental strategies, as you talked about your plastic ban, you must match education with enforcement and smart policy, and that is the trifecta for beginning to make change. Suffolk must lead the way in this. I know as I worked last week with national leaders from across the country, one of the things they all talked about was how they needed stronger policies and they needed those policies enforced to help us in this effort.

One of the challenges we have is that parents are so deadly afraid of heroin that they're not recognizing the important role that alcohol use and underage drinking plays in the young developing mind. We know that mind -- that the young adolescent brain is not fully hardwired until an average age of 25, and any substance we put into that comes back tenfold when we look at addiction. So it's really important when -- that we look at policies such as this, because it is about keeping our kids safe, it is about protecting our youth. And no longer can we live in a world where we have adults 18 and over saying let's just create safe places for kids to drink, because there is no such thing as safe drinking when it comes to that developing underage -- that developing brain.

I thank you for the opportunity to address you and to continue to take a look at this. We believe that this is smart policy and something we need to do in order to have just one more tool in this fight against addiction that we have going on our hands right now. Thank you very much.

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

P.O. GREGORY:

Thank you, Kym. That was perfect. Anybody? No, okay. All right. The next card we have is Joan Smith.

MS. SMITH:

Good afternoon. My name is Joan Smith, I'm with the Islip North Community Watch Group, as well as the Suffolk County American Legion Auxiliary Children and Youth Chairman, and I'm here to support the proposed changes to the Social Host Law.

Nothing good comes of underage drinking is a fact that youth under the influence of alcohol have made more changes, more chance of making a foolish decision. These are the children of our neighbors, our friends, our family, in most cases. It's not a good idea to let this population drink at home, at another's home or at an outside event. Many are either driving home, catching a ride with another youth who may or may not have been drinking too. Let's be honest, we've all watched the news, we've read the papers, we've seen terrible accidents due to drinking, many result in lost lives. How many of us shook our heads to say how sad that was? How many funerals have you attended, or will you attend due to underage drinking?

Parents, if you allow parties and drinking occurring on your property, whether or not you know, you're liable for the consequences. Our Suffolk County Police Department Commissioner has announced if its officers are called to a scene and there's evidence of drinking or there being youth there, they will consider it a crime scene. And parents, if you think turning your head, hanging in your rooms watching the ball game or going out will free you from responsibility, you're dead wrong. There should be increased penalties for those who stick their heads in the sand.

As Hillary Clinton says, it does take a village to keep our children safe. We as the adults are their advocates and role models, so please, live like you would want your children to live. Make good healthy decisions, even if it's not the popular decision amongst your children or their peers. It is your responsibility to keep them safe. I live only 50 feet from my neighbors. I hear them sneeze, I say *Bless you*. So I certainly know when there's something amuck, when the parents are away and the kids are left unattended. The music gets louder, voices get louder, many times vulgar speech

occurs, beer cans, butts start flying. I'm 50 feet away, it's our responsibility, each and every one of us, to put a stop to these parties, whether youth under the age -- where youth under the age limit are drinking alcohol. And as you said, with the heroin epidemic and the drugs that's around, we're not doing anybody any favors by ignoring the problem. And I do speak as a member of a family member who's had problems as a child; they started drinking, they went to drugs.

(Timer Sounded)

P.O. GREGORY:

Thank you, Joan.

MS. SMITH:

I can only take that as, you know, personal experience.

P.O. GREGORY:

Thank you, Joan.

MS. SMITH:

I just want to complete by saying as the banning of the plastic bags will cause a change in behavior, I believe we should strengthen the ability of our Suffolk County Police Department to enforce this often deadly event of underage drinking. Thank you.

P.O. GREGORY:

Thank you. Okay, I don't have any further cards on IR 1471. But is there anyone that would like to speak? Please come forward. Okay. Mr. Cilmi?

LEG. CILMI:

Motion to close.

P.O. GREGORY:

Motion to close by Legislator Cilmi. Second by Legislator Martinez. All in favor? Opposed? Abstentions?

MS. ELLIS:

Seventeen (Not Present: Legislator Anker).

P.O. GREGORY:

(Public Hearing on) IR 1478-16 - Adopting Local Law No. -2016, A Local Law to improve and strengthen the County's Purchase of Development Rights Program (Krupski). I don't have any cards. Is there anyone that would like to speak? Please come forward.

LEG. SPENCER:

I'm here.

MS. ELLIS:

Eighteen.

LEG. KRUPSKI:

Motion to close.

P.O. GREGORY:

Motion to close by Legislator Krupski. Second by Legislator Fleming. All in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

P.O. GREGORY:

(Public Hearing on) IR 1479-16 - Adopting Local Law No. -2016, A Charter Law to permit County-owned farmland to be utilized for alternative energy uses (Browning). I don't have any cards. Anyone that would like to speak on this matter? Please come forward. Not seeing any, Legislator Browning?

LEG. BROWNING:

Motion to recess.

P.O. GREGORY:

Motion to recess by Legislator Browning.

LEG. CILMI:

Second.

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

P.O. GREGORY:

Okay, I would like to make a motion to set the date for the following Public Hearings on June 21st, 2016, 6:30 PM at the Maxine Postal Auditorium in Riverhead:

IR 1493, IR 1503, and the 2016-2017 Suffolk County Community College Budget. Second by Legislator Calarco. All in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

P.O. GREGORY:

Okay, at this time we are going to go back to our agenda. We're actually going to do the **Capital Budget**, the 2017-2019 Capital Budget. We do have BRO in the room. And Robert, I'm going to turn it over to you, just do a brief synopsis of the budget.

MR. LIPP:

So we were hoping to get the computer up and show you on the board and on your computers, but I'm waiting for the IT people to come in for that. If you could -- if it would be possible to wait a few minutes?

P.O. GREGORY:

Okay.

MR. STRAUSS:

Here's IT now.

P.O. GREGORY:

Okay. Carey's on the job, he's going to work --

MR. FLACK:

We're going to share out Robert's desktop to everybody.

P.O. GREGORY:

Okay.

MR. FLACK:

If everybody is logged in, you're going to see Robert's desk top up here.

P.O. GREGORY:

Okay.

MR. FLACK:

You can minimize it if you want to and then work behind it.

P.O. GREGORY:

Okay. Well, while you do that, we're going to try to get down **IR 1484** on page six, we skipped over it earlier today. It is **authorizing the sale of tax lien certificates on the former Steck Philbin Landfill Site (SCTM Nos. 0800-042.00-01.00-001.000 and 0800-042.00-01.00-002.002) to the Suffolk County Landbank Corporation (County Executive)**. Do we have the appropriate people in the room? I see Katie, but do we have Amy or anyone else that's available?

MS. HORST:

They're in the back, they're coming up.

P.O. GREGORY:

Okay. So I'm going to make a motion to approve IR 1484.

LEG. STERN:

Second.

P.O. GREGORY:

Second, Legislator Stern. Anyone on -- Legislator Trotta?

LEG. TROTТА:

Please note my recusal on this.

P.O. GREGORY:

Okay. All in favor? Opposed? Abstentions?

MS. ELLIS:

Seventeen.

P.O. GREGORY:

IR 1484, it was the other landbank property, sorry.

LEG. CILMI:

Oh, list me as a recusal on that, please. I filed -- I sent an e-mail to the Presiding Officer's office.

MS. ELLIS:

Sixteen (Recused: Legislators Cilmi & Trotta).

P.O. GREGORY:

Okay. And I see our Commissioner here, I'm going to try to get him out of here, Commissioner O'Neill.

Page seven, IR 1464, if we can skip to that. **IR 1464-16 - Approving the hiring of a relative of a County Official in the Department of Social Services (Kelly A. Berdolt) (County Executive)**. I'm going to make a motion to take out of -- well, Legislator Muratore makes a the motion to take out of order. I'll second. All in favor? Opposed? Abstentions?

MS. ELLIS:
Eighteen.

P.O. GREGORY:
Okay. Legislator Muratore, you want to make a motion to approve?

LEG. MURATORE:
Yes, please. Motion to approve.

P.O. GREGORY:
I'll second that motion to approve IR 1464. Anyone have any questions?

LEG. D'AMARO:
I do.

P.O. GREGORY:
Okay, Legislator D'Amaro.

LEG. D'AMARO:
So this bill is asking to waive the anti-nepotism provision in our code. I just want a brief explanation of the two conflicted positions; well, the two positions, not that they're conflicted. Just what are the two positions.

COMMISSIONER O'NEILL:
Good afternoon, Members of the Legislature. Legislator D'Amaro, I'm not sure if I understand the question correctly, but I'll take a shot at it real quickly.

LEG. D'AMARO:
Well, let me just clarify it then.

COMMISSIONER O'NEILL:
Sure.

LEG. D'AMARO:
What -- there are two individuals involved under this resolution. Just what are the two positions that we're talking to?

COMMISSIONER O'NEILL:
Got it. Understand it now, thank you very much for the clarification. Deputy Commissioner Phil Berdolt is in the Department of Public Works. This particular resolution is for his wife, Kelly Berdolt, who would be coming to work in Social Services in the Family, Children Services Administration as a Community Services Worker. If you like, I can explain what the Community Service Worker would be doing.

LEG. D'AMARO:
The Deputy Commissioner is DPW.

COMMISSIONER O'NEILL:

That's correct.

LEG. D'AMARO:

This would be a different department

COMMISSIONER O'NEILL:

I'm at Social Services.

LEG. D'AMARO:

Social Services, okay. And does she presently work for the department?

COMMISSIONER O'NEILL:

No, she doesn't, but she is a certified Foster Parent.

LEG. D'AMARO:

Okay. And she's otherwise qualified for the position?

COMMISSIONER O'NEILL:

That's correct.

LEG. D'AMARO:

Thank you.

P.O. GREGORY:

Legislator Spencer.

LEG. SPENCER:

So these -- they're husband and wife, but the two departments and their jobs have no overlap whatsoever, and it just happens to be that they are a couple that both wants to work for Suffolk County.

COMMISSIONER O'NEILL:

That's correct.

LEG. SPENCER:

And his position, he would not be able to or has not influenced that she would be hired or that she would be taken out of order and hired before someone else in this position? So that's kind of what we're saying here, it's just that we're saying that they're two great people that are qualified to work in Suffolk County and that what we're doing is being transparent and just making the relationship known but there's no conflict.

COMMISSIONER O'NEILL:

That's correct. We're following the letter of the law as it's written for this particular position in terms of there is currently an existing family member working for the County, no direct influence or indirect influence over her work. And as far as the position itself, there is no list for this position, it's a Community Service Worker position. Just like anybody else, when this test comes out she will have to pass the test.

LEG. D'AMARO:

When is that test given?

COMMISSIONER O'NEILL:

That's really a question for Civil Service to answer, but when I was here last time we discussed it during committee --

LEG. D'AMARO:

So is this what they call a provisional appointment?

COMMISSIONER O'NEILL:

That would be correct.

LEG. D'AMARO:

So you can only stay, I believe, six months, right?

COMMISSIONER O'NEILL:

I don't know the exact rule.

LEG. D'AMARO:

Okay.

COMMISSIONER O'NEILL:

I'd prefer Civil Service to answer that. What I do know is that the result of us putting forth this resolution and requesting a provisional, as soon as that happens a test is automatically planned and generated.

LEG. D'AMARO:

Very good. Thank you.

LEG. SPENCER:

Legislator D'Amaro finished my line of questioning. Thank you.

LEG. D'AMARO:

Oh, I'm sorry I thought you were done.

LEG. SPENCER:

(Laughter) No, I'm good. Thank you.

P.O. GREGORY:

Legislator Browning

LEG. BROWNING:

I'm sorry, John.

P.O. GREGORY:

Commissioner?

LEG. BROWNING:

Just I know this is a Community Service Worker. I don't think you gave a description of what the job title is and I was curious if you have other positions similar to that. You know, what your staffing levels are for those positions.

COMMISSIONER O'NEILL:

Sure. So a Community Service Worker is not a position just for Social Services, it's throughout the whole County, that's first of all. What we use Community Service Workers for are to supervise visits between children and their parents. They also will transport children as well, if there's a foster care

situation or a supervised visit as well.

As far as this particular title, I have multiple vacancies in Family Children Services as well as the Client Benefits area, and for this particular position we actually have a worker that's resigning -- excuse me, that's retiring in July and we'd be looking to backfill that particular position. So that would really be the transition for this particular specific position.

LEG. BROWNING:

Okay. And this is a tested position, correct?

COMMISSIONER O'NEILL:

That's correct.

LEG. BROWNING:

Do you have positions similar to that that are not tested?

COMMISSIONER O'NEILL:

Well, I would say this. There are very few non-Civil Service positions in the Department of Social Services; Commissioner, Deputy Commissioner and Neighborhood Aide.

LEG. BROWNING:

Okay.

COMMISSIONER O'NEILL:

And then obviously, if I'm -- the courier, I believe, is also one other position, possibly.

LEG. BROWNING:

Okay. And you know, I'm familiar with what Kelly has done in the past and I know she's more than qualified being the population of people and the people that she's going to be dealing with. So I appreciate you giving me that information.

COMMISSIONER O'NEILL:

Thank you.

P.O. GREGORY:

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

MS. ELLIS:

Seventeen. *Eighteen.*

P.O. GREGORY:

Okay. All right, Robert. Are we ready?

MR. LIPP:

We're ready.

P.O. GREGORY:

Okay, the floor is yours.

MR. LIPP:

Okay, so here's what's going on. First of all, if you look at the budget amending resolution, BA No. 1 which is the Omnibus resolution, you'll see there are several WHEREAS clauses in it. So this was sort of like the objective or the goal of the Working Group, that there were some monies added,

there were some monies advanced which would increase spending in the Capital Budget for 2017 next year. And just to make sure we're on the same page, the most important year in the Capital Program is the first year, that's 2017. So it covers 2017 through 2019 and subsequent years, which is supposed to be a two-year addition beyond 2019. So anything that is appropriated for 2017, the only thing you can vote on without an offset would be the first year, 2017.

So there is some monies that were added, there were some monies that were advanced from later years, but in order to avoid increasing the proposed Capital Program with an emphasis on serial bond debt, because more or less that's what the General Fund's bill will be, associated when we borrow money for these different projects. So what was done in the Working Group is also to decrease certain funding levels and also to defer as well. And in particular, I'll give you a few -- a couple of examples of each of those, and then after that we will go over the summary measures.

Okay. So first of all, the largest increase in 2017 was a million dollars for the Riverside traffic circle, that was in order to recognize increased construction costs and inspection costs. Very simply, the proposed Capital Program was felt it didn't fund it sufficiently in order for that project to come in. So that was an increase there. In addition, there was the Riverhead County Center is in dire need of certain improvements and they -- and Public Works department is ready to go on that, so we advanced that as an example of advancing funds.

The serial bond funding in the program, if you look at the table here -- which, by the way, I will send you an up-to-date copy of all these tables -- you can see the first column that's in yellow, those are the serial bonds. That's really our main focus, if you will, in terms of what it's going to cost the General Fund down the road, so it's where you should most be interested in. There's a decrease in sewer -- I'm sorry, not in sewer, in General Fund, basically, serial bonds of 270,000 compared to what was proposed by the County Executive for 2017. For 2018 there was a decrease of 275,000, for 2019 an increase of almost 9.7 million, and in subsequent years there was -- a decrease, that is, sorry. And in subsequent years there's an increase of almost 9 million. For the three-year program altogether, there's over a \$10.2 million decrease in serial bond funding and a more modest 1.3 million increase -- I mean decrease, excuse me, in the five-year program.

So the Working Group met its objective or goal of bringing the Capital Program in at or below what was proposed by the County Executive. You should also realize that it's easier said than done to cut because there were a lot of needs out there that we just don't attempt to -- or we don't put the funding in push, we push it back to the out years simply because finances dictate that we follow such a procedure.

So, I could continue to go on in lots of different ways if you want, or you could ask me questions so I don't bore you to tears. But if you want, I'll just keep on going.

P.O. GREGORY:

Is there anyone that has any specific questions?

LEG. TROTТА:

I did. For the Riverhead traffic circle, what was the total cost?

We added a million; what was it before?

MR. LIPP:

Hold on, we're going to look it up.

LEG. FLEMING:

Four.

MR. LIPP:

Okay, it was four million, now it's five.

MS. GAZES:

No, it was 4,750,000.

MR. LIPP:

Okay, 4,750,000.

MS. GAZES:

Now it's five million --

MR. LIPP:

Now it's five million.

MS. GAZES:

-- seven hundred fifty thousand.

MR. LIPP:

Okay, an extra 750.

P.O. GREGORY:

Okay. Anybody else?

LEG. CILMI:

I have a question.

P.O. GREGORY:

Legislator Cilmi.

LEG. CILMI:

A general question, Robert. Can you indicate for me which of the standalone resolutions would be rendered moot as a result of passage of the Omnibus Resolution No. 1, please?

MR. LIPP:

Sure. Okay, so it's on page three of the index, if you call up your index. Actually, I guess I can do that on-line, too. Okay, here we go. Okay. So if you look at the standalones, the Budget Amending Resolutions 5, 9 and 11 would conflict with the Omnibus should it pass, and it would be withdrawn, basically.

LEG. D'AMARO:

And two.

LEG. CILMI:

Thank you.

MR. LIPP:

So the first column on the index is whether or not there's a conflict.

P.O. GREGORY:

Okay. Anybody else?

LEG. TROTТА:

Just one more; how much more debt is this going to give us every year?

MR. LIPP:

Well, if you stick to the serial bond debt, you're talking it would reduce it compared to the recommended budget, not the adopted Capital Program, no.

LEG. TROTТА:

Just the total; if we vote for this, how much debt are we going to incur every year?

MR. LIPP:

Okay. So the total of serial bonds for what we're voting for, assuming that it is approved or adopted, would be \$118.8 million -- I'm sorry, that's the wrong number -- \$116.3 million. So you're not voting to increase General Fund spending by that, you're voting to adopt the Capital Program for serial bond financing of over 116 million. So what will happen is next year you will do all, or more likely part of that you will appropriate the funds which would give the authority to the Comptroller to eventually borrow those monies, assuming that the Bond Resolution passes. Now, the actual spending of the money is tied to the needs of that Capital Project. So as an example, let's say you had a million dollar Capital Project and it was appropriated for 2017 at that amount. It could be that half of it would be issued in terms of bonds in not 2017 but 2018 and say the other half in 2019. And then the year after you borrow, say in 2018, would be the first year that debt service would appear in this case here in the General Fund. So there's a long lag --

LEG. TROTТА:

A lot of this might not even be done next year.

MR. LIPP:

Some of it will not, clearly. At the end of a given year such as this one, you're not going to wind up appropriating, that would be a --

LEG. TROTТА:

If we did appropriate 116 whatever, 18, whatever it comes to, a million dollars; what would be our cost?

(Brief Pause)

MR. LIPP:

So if you assume a 15-year bond, it would be about 10.4 million a year.

LEG. TROTТА:

Okay. Thank you.

MR. LIPP:

Now, understand, though, we're not going to do 116 million based upon this, even assuming that it's adopted. You'll do a fraction of it -- let's say it's all issued as bonds. It would probably be over three years, or more perhaps, so you would be sort of sequencing in a third, a third a, third to get up to ten point.

LEG. TROTТА:

So why -- through -- to the Counsel, we have to vote on this matter of law or something? I don't understand.

MR. NOLAN:

You mean in terms of adopting a Capital Budget and Program? Yeah.

LEG. TROTТА:

Yeah.

MR. NOLAN:

It's required under our Charter that we have to adopt a Capital Budget and Program.

LEG. TROTТА:

We don't need to -- I mean, we could go individually on each one of these things coming down the pike.

MR. NOLAN:

Next year, yeah, when we get to the individual projects, we have to appropriate the money.

LEG. TROTТА:

So really this number --

MR. NOLAN:

And the bonding resolution. So this is a planning document.

LEG. TROTТА:

We can vote individually.

LEG. TROTТА:

So really, it's safe to say this is not written in stone by any form at all.

MR. NOLAN:

No, it's not.

LEG. TROTТА:

All right.

MR. LIPP:

Which is probably the biggest thing in terms of adopting this, is when you do appropriate the money next year for whatever portions you do, if you don't have it adopted then you need an offset, so it becomes more difficult for another project to appropriate the funds for that because you would need the offset.

P.O. GREGORY:

Okay, Legislator Calarco.

D.P.O. CALARCO:

Thank you. What I would like to do is first actually thank Budget Review for their work on this budget. They did a great job. And Legislator Krupski, who was Chair of the Working Group, for leading us through that effort and very efficiently and effectively getting us in, and most importantly, bringing us in at a budget that is in the first two years slightly lower than the County Executive's proposed budget. If you look at the three-year plan altogether, we're almost \$10 million below the Executive's budget. We certainly made a lot of hard decisions in terms of what projects needed to be moved up, which projects needed to be moved back, in some cases which projects were going to be zeroed out, to try to make sure that we were setting the priorities for the County in a good fashion, and I think that we accomplished that goal quite effectively and I'm glad to be able

to support this Omnibus resolution.

And to your point, Legislator Trotta, on this budget, this is a planning document. I mean, there's nothing in here that happens without us approving it at some point later on. And even more importantly, it's really most important specifically to the year 2017, because the 2018, 2019 and any future years all are subject to being amended in the next Capital Budget process, and the only real importance is to make sure the project's in there for '17, otherwise if it's not there it needs an offset.

So I think this is really a good planning document, it sets us in a good place to be able to move forward and do so in a responsible manner that won't significantly increase our year-to-year debt service.

P.O. GREGORY:

Legislator Lindsay.

LEG. LINDSAY:

Dr. Lipp, I just have a couple of quick questions. If you go back to 2015, how much did we have proposed in the Capital Budget versus actual, that we actually bonded for? If you don't have that number now, we can --

MR. LIPP:

We don't have that number, but we could get it to you shortly.

LEG. LINDSAY:

Okay. What about -- how much debt will we be retiring this year?

MR. LIPP:

I could get that to you, but I don't have that number.

LEG. LINDSAY:

Okay. Yeah, if you can get that to me at some point in the future.

MR. LIPP:

I could show you -- well, actually what we're retiring this year is -- or actually -- yes, we're retiring this year some significant amounts of money. One item that I could point to is we had bought out the JFA's share of the Cohalan Court Complex debt in order to do a refunding to save some money several years ago, and 2016 is the last year that that debt is on our books and that was, I'm going to say, about seven or \$8 million. So there's going to be a reduction in debt service for existing borrowings next year and that's likely to exceed our projections for new borrowings this year that will increase debt service.

LEG. LINDSAY:

Okay. While you're calculating those numbers, if you can also get me what the total debt service is in 2017, 2018, 2019?

MR. LIPP:

Sure, I can go back as far as you want. And this would be for the General Fund, I'm assuming, or not?

LEG. LINDSAY:

Yes, for the General Fund, exactly. Because to me, I think it's important -- it's an important piece of the puzzle to not only look at how much debt we're incurring, but how much we're retiring and what the relationship is between our debt ratio next year and beyond versus what it has been in the past.

MR. LIPP:

Right. So we've done an analysis in the review and we found that the debt service in the General Fund peaks this year and then it will go down in part because of the reduction in existing debt for the Cohalan Court Complex. That being said, 2016, even though we'll be going down next year, is an all time high in terms of debt service.

LEG. LINDSAY:

Okay. And that's just because the projects that were done "X" amount of years ago are aging out at this point in terms of the debt service.

MR. LIPP:

A combination of that, and we're not issuing bonds to the same level as we had. So for instance, we projected for this year -- which we haven't had any serial bond issues yet, but there will be one any day now -- that the General Fund would have I want say 70 million, I believe, borrowing each year to project out. And we have, I believe, in the neighborhood of 30 million in the upcoming first-half year for borrowing. So if that's a trend, it'll be 30 times two, or 60, which would be less than 70 million. So we're on target for what we said in the review.

LEG. LINDSAY:

We actually bond less now than we did five years ago, ten years ago?

MR. LIPP:

So I could show you one -- or I could show you a graphic on how much we bond, but I'll have to fool around with which file to bring up.

LEG. LINDSAY:

Yeah, I don't want to slow down the proceedings, but if you could get that to me, those figures to me.

MR. LIPP:

I can get definitely get that shortly for you.

LEG. LINDSAY:

Thanks, Dr. Lipp.

P.O. GREGORY:

Legislator Krupski.

LEG. KRUPSKI:

Well, I have to say how impressed I am with Dr. Lipp and his staff of Budget Review. Really, the amount of work they put into this, and they always seem to have the numbers at their fingertips; I don't know how, because it's a big project.

MR. LIPP:

Long fingertips.

*(*Laughter*)*

LEG. KRUPSKI:

And I want to thank the Presiding Officer and all my colleagues here who worked on this. There was a lot of people who were not on the Working Group who participated and all their input was really valuable. We made a lot of difficult decisions. I think we addressed a lot of real structural needs. You know, we worked with the department heads and the Commissioners who really outlined their

priorities and really said, *This needs to be fixed*, or -- and honestly said, you know, *This could be put off for another year*. And I think that was important to make sure we addressed the things that we needed to address while really decreasing the amount that we could have borrowed. So we made a lot of hard choices. And again, Budget Review, they seem to have -- I don't know if they have all the answers, but they have a lot of the answers, so.

P.O. GREGORY:

All right. Thank you again for your leadership and all the members on the committee and everyone for their work. And we have two more, we have Legislator Kennedy, then we're going to have Legislator D'Amaro.

LEG. KENNEDY:

I would -- I, too, would like to join in in thanking Budget Review, Robert and the whole entire team, and all my colleagues who worked on the committee. It was a lot of work, but we got through it.

I also have a question for Robert. I'm just being neurotic. I don't see the stabilization of Commerdinger on this and that passed for 2018?

MR. LIPP:

Okay. So that's Project 7510, towards the bottom of the second page.

LEG. KENNEDY:

You are absolutely correct. Thank you.

P.O. GREGORY:

Okay. Legislator D'Amaro.

LEG. D'AMARO:

Thank you. To BRO, great job. This is truly the most colorful chart I've ever seen.

*(*Laughter*)*

MR. LIPP:

And actually, that's funny that you mention that because I get kidded a lot back in the office because I'm a little bit on the color blind side.

LEG. D'AMARO:

No kidding. Well, great job, all kidding aside. But let me ask you a couple of quick questions, looking at the chart that you put up on my screen. I'm just curious, the Assessment Stabilization Fund for 2009 you have a decrease of -- 2019, rather, you have a decrease of 250, and then over the three year program a \$250,000 decrease. How -- what drives that; how do you know that?

MR. LIPP:

That's just the difference between what the adopted Capital Program will look like this year, that being the third year of it, compared to the same third year of last year's adopted Capital Program.

LEG. D'AMARO:

Right. So in other words, there was \$250,000 cut from the Assessment Stabilization Fund?

MR. LIPP:

Well, it's funding of Capital Projects. There was 250,000 more in the third year of last year's Capital Program than the third year of this Capital Program.

LEG. D'AMARO:

So out of the third year there was cut 250,000.

MR. LIPP:

I'm sorry?

LEG. D'AMARO:

Sure. I'm just --

D.P.O. CALARCO:

I think, Legislator D'Amaro, to answer that question, the -- from time to time we allow some of the sewer districts to borrow from the ASRF to pay for capital expenses as opposed to going to the bond market to acquire the funds for that expense. And I think that that reduction reflects a reduction in the sewer district using the ASRF for that purpose.

LEG. D'AMARO:

Okay. All right, good.

MR. LIPP:

So if you look at the -- your screens now, you could see in the tab that I'm in now, which is the Capital Program that we'd be adopting today, we have, for instance, for 2017, Assessment Stabilization Reserve Funds are almost 1.5 million for 2017 and they're in the high one millions.

LEG. D'AMARO:

Uh-huh. Yeah, there's funding there, I just wanted to understand why there was a \$250,000 cut, which I'm not an opposed to the cut but --

MR. LIPP:

Right. So the Capital Project that reduces it is funding for project 8164 which is sewer facility maintenance equipment.

LEG. D'AMARO:

Okay. So there was room to cut there and the cut was made.

MR. LIPP:

Correct.

LEG. D'AMARO:

All right. Can you go back to the other chart?

MR. LIPP:

There you go.

LEG. D'AMARO:

Thank you. What's the biggest drivers of the decrease in serial bonds for the subsequent years? The increase, rather, almost 9 million on the left-hand side in yellow; line 19.

MR. LIPP:

So on the largest changes are -- for the most part, they're either advancements or deferrals; in this case, it would be clearly deferrals. The largest deferral in subsequent years was three million for improvements to William Floyd Parkway, and two million for improvements to County Road 83, North Ocean Avenue, Patchogue-Mount Sinai Road that happens to be, and one and a half million for

reconstruction of the Fire Island Barrier Beach.

LEG. D'AMARO:

So those are deferments to subsequent years that I would assume were discussed with DPW, would be responsible for administering those Capital programs, projects?

MR. LIPP:

Yes, we have extensive discussions with them. So there are a lot of projects that the Working Group decided to either advance sooner, or in this case here defer further out.

LEG. D'AMARO:

Right. Okay, can you go back to that first chart again? Thanks. So even with the increase in subsequent years, if you look over at the right-hand side, the total column in orange, we still wind up with an overall decrease over the three-year program of almost \$11 million.

MR. LIPP:

Correct.

LEG. D'AMARO:

Okay.

MR. LIPP:

We have a lot of funding sources.

LEG. D'AMARO:

Right. So if you look at each funding source, there's not that much of a change here, really. So where is -- where are the larger cuts to get to the 8.2 -- I'm sorry, the 10.960, the almost \$11 million --

MR. LIPP:

So probably the largest cut that comes to mind is in '17 we took out the \$5 million for START-UP NY. It was felt -- and the Working Group will correct me if I don't have this right. It was felt that in general the economic development projects, which were fairly extensive, were supported by the Working Group. However, they felt as a rule that they needed to cut some funding out, in particular that project has been slow to progress and planning hasn't even occurred yet, so it didn't make sense to the Working Group to keep that money there. And so we put more --

LEG. D'AMARO:

That entire program was cut from the budget?

MR. LIPP:

No, no, just five million in '17.

LEG. D'AMARO:

What's the overall capital?

MR. LIPP:

So there's money in 2016 for that project that has been, I believe, appropriated? No. It hasn't been or has? Okay, we don't think so. So we're looking up exactly what the numbers are.

LEG. D'AMARO:

Thank you.

MR. LIPP:

Okay, so it's 10.5 million and we took out 5 million of the 10.5.

LEG. D'AMARO:

What year was that 10.5?

MR. LIPP:

So the money was -- so there's 5 million in 2016 that would -- I'm not sure if it was appropriated yet, but I don't think so.

LEG. D'AMARO:

Okay. So there's five million in 2016, but there's no further funding after that.

MR. LIPP:

Correct, but there was in the recommended program five in 2017 which we took out, should you adopt that. They'll have this year to appropriate the other five should they so desire, and should you decide to approve it.

LEG. D'AMARO:

Does anyone who is on the Working Group know what the Administration's position was on that cut?

LEG. McCAFFREY:

They wanted --

D.P.O. CALARCO:

This is the START-UP funding?

LEG. D'AMARO:

Yeah.

D.P.O. CALARCO:

The conversation on the START-UP project was extensive in the Working Group. It was certainly not one of the unanimous decisions that we had.

LEG. D'AMARO:

Right.

D.P.O. CALARCO:

But I know the Administration was looking to have some funding placed in there. Obviously, their preference would have been to have kept what they submitted in the budget. You know, there was discussion about reducing the number, but ultimately the Working Group decided to cut the five million out of '17.

MR. LIPP:

So back --

LEG. D'AMARO:

So let me understand this. We have five million in 2016.

MR. LIPP:

Correct. That hasn't been appropriated yet, we just found that out.

LEG. D'AMARO:

That has not been appropriated. But if it's not appropriated by the end of the year, it would -- it disappears.

MR. LIPP:

Correct.

LEG. D'AMARO:

And then starting in 2017, this program is zeroed out.

D.P.O. CALARCO:

I think the thought of the Working Group, and maybe Legislator Krupski would want to answer the question, he was on the prevailing side on this one. But I think the thought that was being expressed there and from Budget Review is that the five million that's in the budget for this year in 2016 has no real project that's attached to it; there's nothing that the money is being identified to be spent on. And the concern was to commit another \$5 million in the budget without really knowing any idea or having any plan for how that money is going to be spent and where it's going to be spent. I think that was really the overarching concern by some of the members. Maybe Legislator Krupski could add more to it.

LEG. KRUPSKI:

There was a lot of concern about the project itself, the nature of it being START-UP NY, and that we're the only County that is investing in this. The other counties in the State, START-UP NY is run on State campuses and it's run by the State.

LEG. D'AMARO:

Uh-huh.

LEG. KRUPSKI:

Whereas for us to make this sort of substantial investment was kind of unusual. We are investing in other economic interests here with the jump start and so on that we all supported. So we felt that in light of our really structural needs, like there was a big project for, you know, heating and cooling at the County Center, you know, large projects like that that really need to be funded and advanced in '17. The START-UP NY wasn't really something that we felt would serve the County going forward. Whereas we needed to fix the infrastructure, the buildings that we have that County employees work in, that the public works in; that was more of a priority.

LEG. D'AMARO:

So for the START-UP NY Program during the budget process, no specific projects were identified, none, for this year or for next year.

D.P.O. CALARCO:

For this year and next year, there was really no -- I think the concept -- I support the concept, I voted in the Working Group to leave some money in the line for '17, but there really wasn't a specific project identified to us to point to it and say this is where we're going to spend the money or how we're going to spend the money.

LEG. McCAFFREY:

And if I can add to that. Additionally there was money that has not been appropriated already, that they haven't spent already, and that was truly a concern and it's very similar of parallels to the budget -- the bond that was voted on today where we said let's say appropriate the money and then we'll figure out how we're going to spend it.

LEG. D'AMARO:

Right.

LEG. McCAFFREY:

That was really part of our thinking, as well as the fact that we didn't think that it was -- this is a great State program. But they're not funding it, and we shouldn't be the only ones bearing the burden of it.

LEG. D'AMARO:

Right, Legislator, that was my thought also. However, today on the bond that was defeated, you know, there was someone here from the Administration, I guess what projects had been identified, none had been identified; they still needed to go through committee, be vetted and then a decision made. And I just was wondering if there's anyone, through the Chair, from the Administration that has a position on this, or was there a discussion in the Working Group about whether there's any projects coming down the road or plans for that funding.

LEG. KRUPSKI:

There didn't seem to be any specific projects. And again, it's almost looked on as an unfunded mandate from the State, START-UP NY. You know, New York could fund it and they could host it on the SUNY campus, like they do in the rest of the State. There was no need for the County to somehow borrow money for START-UP NY. And I think that was the bottom line; we're borrowing money for all these things.

LEG. D'AMARO:

Right.

LEG. KRUPSKI:

And so we should really take care of our own capital needs first.

LEG. D'AMARO:

Uh-huh. And that's half the -- that's half the decrease, if I recall.

MR. LIPP:

For your plan?

LEG. D'AMARO:

Yeah.

MR. LIPP:

Correct.

LEG. D'AMARO:

That's half.

MR. LIPP:

Approximately, yes.

LEG. D'AMARO:

What was the second largest deduction or reduction?

MR. LIPP:

I think it was actually advancing funds. I'll have to take a quick look.

LEG. D'AMARO:

Okay. And by the way, on the START-UP NY, I assume that there's no one here from the Administration that's voicing any opposition or telling us that there is a plan for this funding, even here today. So I would assume --

D.P.O. CALARCO:

Commissioner Minieri was at the Work Group --

LEG. D'AMARO:

Okay.

D.P.O. CALARCO:

-- to express the department's desires and what they would have liked to have seen. Obviously, the Work Group decided not to necessarily support her position.

MS. KEYES:

Deputy Commissioner Bekofsky is on his way over, if there are other questions, if you want to hold off on this. I'm not prepared to answer questions on START-UP, but he is on his way back over.

LEG. D'AMARO:

Okay.

LEG. KRUPSKI:

And don't forget, if you add \$5 million in additional capital debt to 2017, it's going to be a very different -- very different Capital Budget.

And we looked at this -- Legislator D'Amaro, we looked at this in context of the whole budget and some of these other road projects were deferred. You know, road projects are things that, you know, working with the Commissioner, we felt we could defer. On the other hand, you know, road projects you can't defer forever. You know, we're looking at basic maintenance that needs to be done.

LEG. D'AMARO:

Yeah, I take no issue with that at all. I completely agree and, you know, those are certainly priorities. However, you know, we see our depressed sales tax year after year after year and if we don't grow our way out and make investments through economic development. I mean, we can make the argument for any program. I was just curious, again, whether we had invested in this program at some point and now we're just pulling out the rug, but apparently nothing's ever been done, nothing's been appropriated and nothing's gone forward, is what you're saying.

Robert, I really hate that you're on my computer right now, I have to tell you.

*(*Laughter*)*

MR. LIPP:

So there's a way for you to get off of the computer, by the way.

LEG. D'AMARO:

No, no. I know, I'm kidding.

LEG. HAHN:

You can just minimize it right now.

P.O. GREGORY:

Okay. Anyone else? Nope? Anyone else?

LEG. D'AMARO:

No, that's it.

P.O. GREGORY:

Okay. We do have a motion.

LEG. D'AMARO:

Well, do you want to wait?

D.P.O. CALARCO:

I'll make the motion.

P.O. GREGORY:

Yeah, we have a motion.

LEG. McCAFFREY:

No, you don't.

P.O. GREGORY:

We don't have a motion?

MS. ELLIS:

No, we do not.

P.O. GREGORY:

Oh, okay. I feel like, you know, Abbott and Costello.

All right, Legislator Calarco is going to make a motion to approve. I'll second. And on the motion that we've already been talking on, Legislator Cilmi.

LEG. CILMI:

So I just want to make a couple of quick points here. First of all, Robert, would you say that a \$58 million bond would be of minimal operating budget impact? Is that how you would characterize the operating budget impact to a \$58 million bond as minimal?

MR. LIPP:

No, I wouldn't say it's minimal, no.

LEG. CILMI:

Okay. Would you say it's barely significant?

MR. LIPP:

Yes, but it depends upon where you're leading me here.

(*Laughter*)

LEG. CILMI:

Well, I know (*laughter*). We all have our methods, Dr. Lipp. So in my hands here is a list of approximately 118 Capital Projects that were in our proposed Capital Program; 118 of them all

which said *minimal operating budget impact*, or something similar to that, individually. When you add them up, though, in 2017, those projects that each have minimal operating budget impact, supposedly, add up to \$58.7 million; in 2018 they add up to \$83.1 million; in 2019 they add up to \$70.1 million; and in subsequent years they add up to \$89.6 million, for a grand total of \$301,581,062. Three hundred and one million dollars and change, which is the equivalent of the total bonding on 118 or so projects, each of which says in the Capital Program *minimal operating budget impact*.

So I just wanted to point out that there is some question as to whether or not these projects, in fact, do have minimal impact. Sure, you look at them individually they may, but when you look at them in the aggregate, they have quite a significant operating budget impact.

The other thing I wanted to say is that in the agenda today as far as Capital Budget amendments, you'll see several amendments that I've proposed, standalone amendments. I want to commend Legislator Krupski and the Working Group and those who were not on the Working Group who participated for the work that they did. I certainly want to commend our Budget Review Office for the work that they did in analyzing the proposed Capital Budget and Program and in proposing an amendment which reduces, in many ways, the borrowing in the proposed Capital Program; I think that you deserve kudos for that.

In no way will my no vote -- is my no vote a reflection of the lack of -- of a lack of appreciation for each member's priorities or each member's threshold for pain. We have a historic level of debt here in Suffolk County right now. So I have proposed a number of standalone resolutions which, in many cases, I think would be nice things to do, but not when we're in such a fiscal crisis. And while I believe that the Working Group did a good job in reducing some of the capital borrowing proposed in the program, I don't think it goes far enough.

So I just wanted to make those remarks on the record. And I won't go into individually each of the standalone amendments, you all can read them; I'll certainly be happy to answer any questions. But I wanted to make my feelings about the operating budget -- the Capital Budget Amendment No. 1 clear. So thank you very much.

D.P.O. CALARCO:

Legislator Stern.

LEG. STERN:

Yeah, briefly. When you look at the isolated economic impact or budgetary impact of each of these projects, Legislator Cilmi of course is correct, and this is a conversation that we have on an annual basis. But when I look at the budgetary impact, I think it's important to look at the overall economic impact to Suffolk County. And yes, there is debt expenses associated with any type of bonding, but as a general rule -- and I think Dr. Lipp has said this to us and with us many times over the years; that for every dollar that we spend on our Capital Projects, we can spend approximately \$2 back in economic impact in Suffolk County.

And so when I look at these projects, I see expenses, of course, that we do need to be concerned with, but I also see economic activity and good paying jobs for our residents. And that these are not just expenditures that go to the wind, but as Capital Projects, they have a lasting legacy for us here now and hopefully for generations to come. So I will be supporting it.

MR. LIPP:

So if I could put that in perspective. So let's say as we were projecting in our review of the Capital Program that we do 70 million a year projection for General Fund serial bonds, the debt service per year would be almost six million, or 5.99 million as an approximation that we'd have to pay each

year. And upfront we would get a multiplier effect of considerably larger, although it's a simplified analysis. That would be -- it would double; so that would be 70 million times two, or 140 million compared to the cost of the almost \$6 million. So from a pure economic development point of view, this is a good argument to make. The one caveat, though, clearly is can we afford the almost \$6 million given our financial situation.

P.O. GREGORY:
Legislator D'Amaro.

LEG. D'AMARO:
I just want to, through the Chair, ask my colleague, Legislator Cilmi. Did I hear you right saying that you're not supporting the Omni resolution?

LEG. CILMI:
(Shook head yes).

LEG. D'AMARO:
Even if your standalone bills were to pass --

LEG. CILMI:
Yes.

LEG. D'AMARO:
-- you would still not support the Omni? I'm not following.

LEG. CILMI:
Well, you know, unfortunately we won't have the opportunity to vote on the standalone resolutions first. If we had that opportunity, then I might support the Omni, but we'll be voting on the Omni first and we won't have that opportunity.

LEG. D'AMARO:
So if the vote on the Omnibus bill goes first and it passes, do you want us to support your standalones?

LEG. CILMI:
Of course.

LEG. D'AMARO:
But you don't want to support the bill.

LEG. CILMI:
As I said, I don't think it goes far enough.

LEG. D'AMARO:
But aren't your standalones taking it far enough for you to support it as a package?

LEG. CILMI:
But if my standalones don't pass --

LEG. D'AMARO:
Right, I understand.

LEG. CILMI:

-- then I don't think we've gone far enough. I'd be happy to address the standalones first and then --

LEG. D'AMARO:

No, I don't disagree with you, frankly. You know, I think that we could debate and talk about the Omni in conjunction with the standalones and see where that falls because, you know, if the Omni passed with your standalones, then perhaps you would support that as a budget package.

LEG. CILMI:

Sure.

LEG. D'AMARO:

But we don't do that, right, George?

MR. NOLAN:

No, we don't. No, that's separate resolutions. And the Omni conflicts out, you know, several of the standalones.

LEG. D'AMARO:

Three of them, right?

MR. NOLAN:

Yep.

LEG. D'AMARO:

Okay. It's very complexing.

LEG. CILMI:

And frankly, Legislator D'Amaro, you know, for me it would not be an all or nothing proposal.

LEG. D'AMARO:

I'm with you all the way.

LEG. CILMI:

You know, I wouldn't say, *Well, unless you pass every one of my standalones, I'm never going to support the Omnibus.* It wouldn't -- you know, I don't do things that way. So I would look at the situation as it presented itself. I'd love to vote on the standalones first and then vote on the Omni. And then if the standalones that were in conflict with the Omni --

LEG. D'AMARO:

Let me just ask a question.

LEG. CILMI:

Let me just finish a thought here. If the standalones that were in conflict with the Omni and the Omni passed, then you eliminate -- they become moot at that point.

LEG. D'AMARO:

The standalones amend the Omnibus resolution or amend the budget?

D.P.O. CALARCO:

The budget.

MR. NOLAN:

The budget.

LEG. D'AMARO:

The budget, so they're mini Omnis.

LEG. CILMI:

Well --

LEG. D'AMARO:

Very mini, very small.

LEG. CILMI:

Well, they're not mini Omnis because each of them is a single.

LEG. D'AMARO:

There's so many, they're not omnis, right. Because I would be willing to consider, Legislator, some of your proposed standalones. But, you know, it seems to me that we're not going to have an opportunity to know what bills would pass or not pass before we vote on the overall package.

LEG. CILMI:

If I may, through the Chair? Legislator D'Amaro, I suppose it's entirely within the discretion of this body to pass over, as we do on a normal agenda at times, to pass over Budget Amendment No. 1 and go to Budget Amendments 2, 3, etcetera, and then come back to Budget Amendment No. 1. I don't think there's anything in our rules that would preclude us from doing that.

LEG. D'AMARO:

I think our practice has been to never do that, if I'm not mistaken.

MR. NOLAN:

Never have.

LEG. KRUPSKI:

We did have a Working Group that met and everyone got to provide input, and if we start going through all these different things at this point, we will spend another week at it.

LEG. CILMI:

We're going to have to go through them anyway. I'm just saying -- and I think Legislator D'Amaro is saying, don't let me put words in his mouth, but I think what we're saying is let's address those Budget Amendments first and then go to the Omni.

P.O. GREGORY:

Legislator Fleming.

LEG. D'AMARO:

Well, can I just finish my point?

P.O. GREGORY:

Oh, I'm sorry.

LEG. D'AMARO:

I'm sorry; Legislator, I'm sorry. My point really was that I would be willing to support the Omni and seriously consider your amendments, but if you're not going to support the Omni then, you know, at

that point how do we -- I mean, you're asking me to consider cuts that you yourself are not even interested in discussing. Because I thought I heard you say you're not even going to talk about them.

LEG. CILMI:

No, I'd be happy to talk about them, but I've already articulated they sort of -- they're representative of how I -- what I believe to be our priorities in Suffolk County. And representative of my recognition that while it would be nice to spend "X" amount of money, and in total they add up to roughly 67 or so million dollars worth of serial bonds and another 160 or so million dollars worth of State and Federal money. In recognition of our fiscal situation, I just don't think we should be spending that money in these particular projects.

So I'm not at all saying that I don't believe in these amendments, and I'm not at all -- again, not at all saying that I don't believe that the work that the Working Group did and the proposal that they've made is productive, I think it is. But again, I just don't think it goes far enough. If we included my standalones within the Omni, or if we approved some of my standalones in addition to the Omni, then in all likelihood I would support the Omni.

LEG. D'AMARO:

Right. Let me see if I can move the discussion forward. Have we calculated or have you calculated or has Budget Office calculated, if these standalones were included, what the impacts would be over each of the years? Just in dollars.

LEG. CILMI:

I have not calculated it. I'm not sure if Budget Review has.

MR. LIPP:

No, we haven't.

LEG. D'AMARO:

You haven't? Okay. All right, that's it.

P.O. GREGORY:

Legislator Fleming? Okay. Anybody else? No.

LEG. FLEMING:

No, thank you.

P.O. GREGORY:

Okay, so we have a motion and a second on --

LEG. CILMI:

Is that --

P.O. GREGORY:

Budget Amendment 1.

LEG. CILMI:

Mr. Presiding Officer, I guess -- so if I made a formal request, then, to pass over Budget Amendment No.1 and address Amendments 2 through 12 first, how would I do that? Would I do that in the form of a motion or would I just ask you to do it or what?

P.O. GREGORY:

I guess -- and Counsel can correct me, it would take Budget numbers etcetera out of order.

MR. NOLAN:

I think it would have to be a motion to basically go with a different process where we're going to consider the standalones prior to considering the Omnibus Resolution, and if ten Legislators want to do that we can do it; otherwise, we'll just take up Budget Amendment No. 1 which has a motion on it.

LEG. D'AMARO:

Wouldn't it -- can I just suggest, wouldn't it be similar to just taking those amendments out of order?

MR. NOLAN:

It gets you to the same place.

LEG. D'AMARO:

Right.

MR. NOLAN:

The only thing I would -- and I'd ask this of Budget Review, is if we took the standalones first and they were adopted, what would that mean to the Omnibus? Would we have to amend the Omnibus? What would that do?

MR. LIPP:

Yes, so we believe that the three that we say are in conflict, if those were adopted then as the Omni stands we would be able to -- we wouldn't be voting on, it could conflict.

LEG. CILMI:

So I would offer this as a compromise, then. Take each of those standalones that don't conflict with the Omni and address them first and then go to the Omni and then go to the others afterwards, if need be.

P.O. GREGORY:

But I would just state, too. I mean, there is a process that has been had. It was an open process, it was an extensive process. To come in at the last moment, and I think for many people who are not familiar at all with these amendments, to make decisions on this -- you know, you were -- Legislator Krupski had mentioned it, I think some others had mentioned it, there were people that weren't on the committee that participated in the process. As long as you've been here, you've been asking for an open and transparent process, as long as I've been the Presiding Officer we've had an open and transparent process, specifically as it regards to our Capital Program, so you had every opportunity to do that. To bring forward an amendment with such -- of such magnitude and not be able to have the sufficient time to analyze it I think is going to do the work that the budget Working Group, the Capital Budget Working Group conducted a disservice.

LEG. CILMI:

Well, I respectfully disagree. Those that were not on the Working Group that didn't participate, and I did participate, but those that did not participate I believe -- correct me if I'm wrong, Dr. Lipp -- saw the Omnibus at the same time as they saw the standalone resolutions. And frankly, the standalone resolutions are a lot less complicated than the Omni is.

LEG. LINDSAY:

Can I say something. As someone who wasn't on the Working Group and didn't openly participate, I had this information prior to -- on the Omnibus, prior to having Amendments 2 through 12. So I

respectfully disagree. So I saw the Omnibus prior to seeing these other amendments here.

LEG. CILMI:

I'm glad you did.

LEG. D'AMARO:

Can I just say, I'm not sure that really matters. Because either way, whether we do it before or after, we have to vote on them and we're going to have access to the same information that we have whether we vote on it now or 20 minutes from now. My only point is that if we're going to make even further cuts or consider further cuts, it may actually bring more support for the Omni bill. That was really the point -- because Legislator Cilmi had mentioned he's not supporting the Omnibus bill, however -- because it didn't go far enough. However, he has proposed additional cuts. So that -- I'm not looking to change things. What I'm trying to say is that, you know, whether you take the Omni first, something has to go first and I really don't see it as -- I don't think it really matters as far as the dollars and cents. I think it might, however, bring along Legislator Cilmi to support the budget. That was my point.

P.O. GREGORY:

Legislator Calarco.

D.P.O. CALARCO:

I could appreciate the concern and the desire to take the budget amendments out of order. Many of these issues were addressed during the Working Group, and just because the Omnibus doesn't recommend making changes to those items that were submitted by the County Executive's Office doesn't mean we didn't consider them. Jump Start jumps out at me as one of the items that was also, like START-UP NY, very heavily discussed during the Work Group. It was not a unanimous decision by the Work Group, but nonetheless, the Work Group discussed it extensively and made a decision on which route they were going to go. And while I didn't support the Working Group's -- the majority of the Working Group on the START-UP provision, I'm going to support this Omni budget because I participated in that process. We did it as a collective, we looked at each individual project and we decided which ones were going to be of priority and which ones weren't. So certainly Legislator Cilmi is entitled to submitting his standalones and arguing them out, but I would say from my perspective of serving on this Working Group, many of these we looked at, even if they're ones that we decided not to make changes to from the recommended -- for the submitted budget.

LEG. D'AMARO:

Right, thank you. And I appreciate that comment, however, I have a long -- I'm on record for a very long time of opposing an all-or-nothing vote.

D.P.O. CALARCO.

You certainly are.

LEG. D'AMARO:

Okay? Because that -- I have a major problem with that. Not to diminish the work of a Working Group, I've been on several of them myself and I know how much effort is put into that. However, I think this all-or-nothing vote, especially in the economic times that we're in, is a disservice. I think we disempower ourselves, in effect, of voicing our opinion as a Legislative body when the Working Group works very hard and that's the collective wisdom of a Working Group, but it's then handed to the elected officials and said, *Take it or leave it*. Since the day I got into this Legislature, I disagree with that approach, so I guess this is kind of a variation on that.

D.P.O. CALARCO:

No, I can appreciate that. And I do respect that you've had that opinion for a very long time.

LEG. D'AMARO:

Yeah, I have. Okay, I don't want to belabor it. Thank you.

LEG. KRUPSKI:

I think, though, that everyone did have a chance to have input during the Working Group. And it's hard to sit here and make a decision and then talk about individual projects when you don't have the benefit of all the information in front of you and all the Commissioners and all the County staff that can provide you with input to make a better decision. And then in context with other projects. So it's hard for us to sit here at a General Meeting and start to look at individual things and say, Oh, we're going to stabilize the sea plane hangar; well, let's look at some pictures, let's talk about that, let's call in the experts. It's kind of hard to do that in this context, that's why you have a Working Group that focuses only on that. Right?

LEG. D'AMARO:

It was done for many years that way in this Legislature, many years.

P.O. GREGORY:

Okay. Anybody else?

LEG. CILMI:

And if that were the case, then we may as well just, you know, amend the rules and eliminate standalone resolutions altogether. If you were going to just kind of say, *Well, you know, we really don't have the resources to listen and debate, you know, each individual resolution;* I don't think that's right.

So am I correct in understanding, Mr. Presiding Officer or to Counsel, that we would have to make a motion to take certain bills out of order in order to address them first?

MR. NOLAN:

Yeah. You'd have to make a motion to take two through nine out of order before the Omnibus, and if ten Legislators want to do that, that's fine. I would just be mindful of what Budget Review said about the impact, potential impact on the Omnibus if you do it that way. I'm not certain what the impact would be, but --

LEG. CILMI:

Okay.

MR. NOLAN:

In any event, if ten Legislators want to do it that way.

LEG. CILMI:

So I'd like to make a motion then -- through the Chair, if I may, Presiding Officer -- to take Resolutions 2 through 12 -- excepting 5, 9 and 11 -- out of order.

LEG. TROTТА:

I second it.

LEG. FLEMING:

On the motion.

P.O. GREGORY:

On the motion.

LEG. FLEMING:

Yeah, I just want to jump in my two cents as a part of the Working Group, and I was really impressed at the way Legislator Krupski ran the group. I was very impressed by the Commissioners, like Commissioner Anderson who's been sitting here listening to this discussion, coming in day-in and day-out to discuss one project after another. And I think that in the way that it's been discussed, there's an apples-to-oranges comparison with the Omnibus and the standalones.

If I had the kind of backup for the standalones or if, Tom, you had reached out to each of us and given us a presentation such as the presentations and the debate that went in to each and every piece of this rather large Omnibus, then I would understand your desire for us to consider it equally with the Omnibus. I know you did come to Omnibus and had -- I mean to the Capital Working Group and had a discussion. But quite frankly, there were very, very difficult decisions that were made, both to keep our obligation to provide services to the community and to recognize the economic difficulties that we face and, you know, to address that as well.

So it's just impossible in this context to now consider each and every one of your standalones without the kind of backup that we had for each proposed project that included, you know, folks at the Commissioner level as well as Dr. Lipp's analysis and the interaction amongst the representative members of the Working Group. It's just not possible. And I think that the discussion kind of confuses what goes into the Omnibus as opposed -- no offense, but we haven't seen any of that backup. So I'm going to oppose that motion to take it out of order because I think the Omnibus has a lot more backup and input, with all due respect, than your standalones do.

LEG. CILMI:

I would respectfully disagree. As Legislator Calarco said, many, if not all of these, were addressed in the Working Group and the Working Group made a decision -- and, you know, full credit to the Working Group. The Working Group collectively made a decision to include these projects in the budget based on.

LEG. FLEMING:

Some, but not all.

LEG. CILMI:

Based on discussion with the department heads, etcetera, and discussion amongst ourselves. So just because I came to a different conclusion than the Working Group and chose to submit these standalones doesn't mean that they weren't addressed.

LEG. FLEMING:

But there are nuances in what you're proposing that weren't part of what we discussed, is my only point. And that it would be very difficult at this point to have -- to vote on what you're proposing, separate and apart from the complete projects, you know, and the context in which we discussed them at Capital Working Group. And we did hear some of the input, and on those I agree with you, but they're conflicted out of the Omnibus. So if we vote on the Omnibus first and we approve what the Working Group concluded, then we are by nature saying that we prefer that approach to the one that's proposed in the standalone.

P.O. GREGORY:

Okay.

LEG. D'AMARO:

Wayne?

P.O. GREGORY:

Legislator D'Amaro.

LEG. D'AMARO:

I make a slightly different point than Legislator Fleming. I understand that you feel you would need more information, that's a fair comment. It's very often that we sit as a Legislature and don't have the necessary or proper backup, that's why we ask a lot of questions, I guess. But my point's a little bit different. Mine is like -- the Working Group is a committee, in effect, and that committee is acting on all these different proposals and line items. And then those line items are all agreed on by this committee and voted out and then we take it or leave it vote, all-or-nothing vote. It's similar to like if there were seven bills pending in the Government Operations Committee and each was individually debated and the majority ruled, but then when it came to the Legislature we have to vote all-or-nothing on all seven bills. See, that's the problem I have with doing it this way, because we don't have an opportunity to really ever express through our vote what our desire or will would be with respect to individual spending items. So that's a little bit different I think than what you're talking about, but your point is well taken.

P.O. GREGORY:

Okay. So we have a motion and a second. I'm going to ask for a roll call.

LEG. LINDSAY:

What are we doing?

MR. NOLAN:

Motion to take the standalones out of order.

MS. ELLIS:

Can you please clarify the motion?

P.O. GREGORY:

The motion is to take Budget Amendments, what, 5 -- no, 2 through 12 with the exception of 5, 9, 11, 2, 5 -- no, I'm only kidding. It's 2 through 12; there's three that are conflicted, 5, 9 and 11.

*(*Roll Called by Ms. Ellis - Chief Deputy Clerk of the Legislature*)*

LEG. CILMI:

Yes.

LEG. D'AMARO:

Did I second that?

D.P.O. CALARCO:

No, Trotta did.

LEG. TROTTA:

Yes.

LEG. SPENCER:

No.

LEG. D'AMARO:

Yes.

LEG. STERN:

No.

LEG. McCAFFREY:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. MARTINEZ:

No.

LEG. LINDSAY:

No.

LEG. ANKER:

No.

LEG. HAHN:

No.

LEG. MURATORE:

Yes.

LEG. BROWNING:

No.

LEG. FLEMING:

No.

LEG. KRUPSKI:

No.

D.P.O. CALARCO:

No.

P.O. GREGORY:

No.

MS. ELLIS:

Eleven -- seven, sorry.

P.O. GREGORY:

All right, so we have a motion and a second to approve. All in favor? On Budget Amendment 1? All in favor? Opposed? Abstentions?

MS. ELLIS:

Sixteen (Opposed: Legislators Cilmi & Trotta).

P.O. GREGORY:

Okay. All right. Now we go to -- are you withdrawing your standalone?

LEG. D'AMARO:

Yes, I'll withdraw the -- ***Budget Amendment No. 2 is withdrawn***, yes.

P.O. GREGORY:

Okay. ***Budget Amendment No. 3, (New Patchogue Health Center)***. Legislator Cilmi?

LEG. CILMI:

Motion to approve.

P.O. GREGORY:

Motion to approve Budget Amendment 3.

LEG. TROTTA:

Second.

P.O. GREGORY:

Second by Legislator Trotta. And I guess, BRO, what is the -- it deletes 46,000 in serial bonds for construction, 1.229 million serial bonds for furniture and equipment in 2018.

D.P.O. CALARCO:

This is -- no, we didn't have a groundbreaking for this yet, that was a different center; that was a private center, not a County facility. This is for the new Patchogue Health Center. As we all have discussed this a few times, the current facility is in very poor disrepair and is in need for us to relocate into a new facility. We are actively working on this process right now, we have received an \$8 million grant from the New York State of New York to facilitate that relocation and to acquire a new facility. These funds I believe are in future years in order to accommodate some needs in terms of, I guess, equipment and it was something that BRO agreed with the submitted budget, if I'm not mistaken.

MR. LIPP:

Correct.

LEG. D'AMARO:

Just a point of reference; please note my recusal on this bill.

P.O. GREGORY:

Okay. Anybody else? So we have a motion and a second to approve Budget Amendment No. 3. All in favor?

(The following Legislators raised their hand: Legislators Cilmi, Kennedy and Trotta)

Opposed?

(The following Legislators raised their hand: Legislators Krupski, Fleming, Browning, Muratore, Hahn, Anker, Calarco, Lindsay, Martinez, Barraga, McCaffrey, Stern, D'Amaro, Spencer and P.O. Gregory)

Abstentions?

MS. ELLIS:

Three.

P.O. GREGORY:

All right. ***Budget Amendment No. 4***, I'll just read the title. ***Connect Long Island - Nicolls Road and the I-Zone, and it Deletes \$29,663,000 in serial bonds, \$110,452,000 in Federal Aid and \$43,635,000 in State Aid, for planning, construction and equipment for the period 2017 to subsequent years.***

LEG. CILMI:

Motion.

P.O. GREGORY:

Motion to approve by Legislator Cilmi, second by Legislator Trotta. Anyone on the motion?

LEG. LINDSAY:

On the motion.

P.O. GREGORY:

On the motion, Legislator Lindsay.

LEG. LINDSAY:

Just trying to figure out who to ask my question to. I guess, Dr. Lipp, I'll start with you, if you don't mind. So if this motion were to be approved, we would lose -- oh, you just jumped it off the screen there. We would lose in excess of 150 million in Federal and State funding; is that correct?

MR. LIPP:

Correct. And we would -- basically, all of the funding in the current proposed program would be eliminated.

LEG. LINDSAY:

And by approving it today, it doesn't -- again, this is a going-forward plan, it's not -- we're not appropriating the funds today, we're just putting the plan in place, which allows us to get or apply for the grants that are -- that are being --

MR. LIPP:

Right. Next year, you have the opportunity to say yes or no if you adopt this.

LEG. LINDSAY:

And this might not be a fair question, but I'll ask it anyway. Do you have any idea the amount of funding that we send to Washington versus the amount of funding we get back in return?

MR. LIPP:

Well, while I couldn't give you an exact figure, it's been well established over the years that the money we give to State and Federal Government exceeds the amount we get back by a considerable amount.

LEG. LINDSAY:

Okay.

MR. LIPP:

And I could research that for you, if you want a number.

LEG. LINDSAY:

It's a fair point. I have it somewhere in my office. If we can get -- it's Lou. Lou, I know you're here from Economic Development. If you could just -- I know we had met with several groups of CEOs from our largest employers throughout the County and spoke to them in regards to the I-Zone and

Connect Long Island. Overwhelmingly, they were in support it, as they view it as a necessary aid in terms of them hiring, as that is one of their biggest issues right now is hiring entry level and younger professionals for their organizations. They actually gave a willingness to come down and testify. I didn't realize this was going to be on the agenda today, otherwise I would have asked them to come here today and testify in favor of that program.

Can you explain what would happen to us or what would happen to the I-Zone and the Connect Long Island plan if this measure was adopted today?

MR. BEKOFSKY:

Sure. The Federal funding that we secure over the next five years through the TIP negotiation with New York State DOT and Nassau County we'd lose. The funding is only available for the projects that we got Federal authorization for.

LEG. LINDSAY:

So we wouldn't just be able to simply slot this into some other project or fill some other hole that we have somewhere else in the budget?

MR. BEKOFSKY:

Yeah, that's correct. The majority of the money is through a program called CMAQ, which is a State surplus of Congestion Mitigation Air Quality funds. There are only certain projects that are eligible, such as like Bus Rapid Transit would be one of the eligible projects, so this funding wouldn't fit for anything else.

LEG. LINDSAY:

Thank you. No other questions.

P.O. GREGORY:

I have a question, and I don't recall it being asked earlier for the sponsor of the amendment. So I see you have several amendments. I'm just curious as to find out what was your thought process in selecting these particular programs and budget items, because they're certainly more than that's here. And why did you select these, and what analysis did you go through to, you know, pick these?

LEG. CILMI:

Right. So, I mean, in general, I started with the premise that the County is in significant debt, one-point-X billion dollars of debt. I then thought of the deficit that we have in Suffolk County, and the fact that all of these budget proposals have an Operating Budget impact, which makes it more difficult for us to balance a budget every year. And in looking through our proposed Capital Program and Budget, I looked for projects that I had, you know, questions about, whether those questions were with regard to -- in the case of say the Patchogue Clinic, I just didn't think it was -- you know, we're building a building. I didn't think we need to spend -- we shouldn't spend money on equipment, in my view. In the case of this particular project and some of the other similar projects, like jumpstart, Start-Up NY.

I think, as I said before, some of these things might be nice things to have, but not in a time where we're so fiscally challenged. So, you know, in looking at the overall Capital Program on the whole, weighing our needs and what I believe our priorities should be, and assigning some values to where I think we would get the most bang for our buck in terms of spending, these were the projects that jumped out at me as projects that I thought we should wait on.

P.O. GREGORY:

Okay.

LEG. LINDSAY:

Can I ask another question?

P.O. GREGORY:

So deleting \$75,000 you felt was a big bang for our buck in the boathouse, or are you just against --

LEG. CILMI:

I just thought that was unnecessary.

P.O. GREGORY:

Okay. Legislator Lindsay.

LEG. LINDSAY:

Just to the sponsor, you've given the facts on -- and I'll go through them one at a time, on Budget No. 4, since that's the one we're on right now, knowing now that we'd lose 100 -- over 150 million in Federal and State funding, do you still feel the same, that the 29 million is not a worthy investment?

LEG. CILMI:

First of all, I think when you talk about Federal and State funding, I think we have a tendency not to -- to think of it as money that, you know, the Federal Government is going to write us a check, the State is going to write us a check, but in the end, it's taxpayer money.

LEG. LINDSAY:

I agree with you there, but if we don't do this, do you think the Federal and State Governments are going to return that money to the taxpayers?

LEG. CILMI:

I think -- I think there will -- at some point in time, hopefully, the County will be on better financial footing, and at some point in time we'll have the capacity to kick in \$29 million of our own. And at that point in time, I think we make the application to the Federal Government or the State Government, or whoever it is, and if the money is available, then the money is available. But if we don't have the money to spend right now, which we clearly don't, based on our Operating Budget deficit, then all the money in the world from the Federal and State Government, unless they're -- unless they're giving us the money to balance our budget, you know, is still going to dig us further into debt and further in the hole in terms of our Operating Budget.

LEG. LINDSAY:

So just on a philosophical level, then, do you think we're able -- in order to straighten out our budgetary issues, you think 100% of it has to be done by cutting spending? You don't think we should be doing any investing in our local economy?

LEG. CILMI:

I don't think that at all. In fact, I don't know how many projects are in the Capital, proposed Capital Program, but I've proposed changes to, what, eight of them or so? I mean, I think all the other capital projects that are proposed, that in most part I agree with, definitely do help economically. And I think there are investments that we could make from an Operating Budget perspective, which I have proposed, that could help us in terms of our fiscal challenges. So I disagree with you.

LEG. LINDSAY:

Okay. I respectfully disagree as well. And if you added up all of these amendments that you're looking to cut, it totals about 186 million in Federal and State funding that we would be giving up, should we -- if we adopted every one of these proposals.

LEG. CILMI:

And if we could afford our match, I would say to take the money, but we can't afford our match.

LEG. LINDSAY:

My question, another question to Dr. Lipp, then, Dr. Lipp, just as a rule of thumb, what would 186 million in investment locally, what would the multiplying effect be on our the local economy?

MR. LIPP:

So the short answer, without doing a real sophisticated analysis, use the multiplier of two, so 186 million would be any increase in economic activity of 372 million. And assuming a 15-year bond, it would be about 16 million a year in debt service, if that was not Federal Aid, rather. So that's not -- that's a moot point here, right.

LEG. LINDSAY:

Yeah, I don't think that's a fair analysis. You'd have to look at our portion of the what the debt service would be --

MR. LIPP:

Right, correct.

LEG. LINDSAY:

-- versus the economic activity.

LEG. TROTТА:

Through the Chair. I mean, I'm against this, because, you know, what are people going to do, walk to Nicolls Road to get on this rapid transit bus? I have -- in Kings Park, I have a sewage treatment plant at half capacity, I have a pipe running across Main Street. I have a \$2 million engineering study done, and I can't get 15 million or \$12 million to put a pipe down the road. Now I think that would be a better investment than this would, than putting in a rapid bus transit where people have to walk from their homes. And why we're connecting one train station to another to save 20 minutes and sit on the bus for 30 minutes to get there is beyond me. It makes no logical sense.

LEG. LINDSAY:

Yeah. And I don't think your illustration of what the projects are are accurate. And, as I said, I don't know if you've met with employers and spoken to them about the projects, I have. Our largest employers in the County, they're very much in favor of it.

LEG. TROTТА:

And guess what, they're getting it for free. Of course they're going to say they want it.

LEG. LINDSAY:

They're not saying they want it, they say they need it, because their biggest issue they have right now, and the reason why we're losing employers at the level that we are is because they can't hire -- they can't find enough people to hire to fill their entry level positions.

LEG. TROTТА:

That's delusional. The reason we're losing our people here is because our taxes are too high.

LEG. LINDSAY:

So you know, you know why they're losing --

LEG. TROTТА:

Yes.

LEG. LINDSAY:

Why they're leaving more so than them?

LEG. TROTTA:

Because our taxes are too high and no one could afford to live here, that's why.

LEG. LINDSAY:

So the executives for these companies are not giving us their honest opinion why they say why they're leaving?

LEG. TROTTA:

They need -- our taxes are too high and people can't afford to live here.

LEG. LINDSAY:

I'm telling you firsthand what they've said, and I'm going to invite them in to testify so that they -- you can hear it straight from their mouth and not take my word for it.

LEG. TROTTA:

What I -- this is what I base it on. I look at the smartest people. Newsday has this every week, the ten Valedictorians ten years later, and every -- with the exception of one time, there was two people that stayed on Long Island. The rest of the brightest and smartest left here, and the reason they did is because the taxes are too high, plain and simple. That's everyone you talk to, everyone who speaks about it, that's the reason.

LEG. LINDSAY:

That's not true. When you talk to the largest employers --

LEG. TROTTA:

And riding the bus from Stony Brook --

LEG. LINDSAY:

-- they're not saying that.

LEG. TROTTA:

-- to Nesconset is not going to change this.

P.O. GREGORY:

One at a time.

LEG. LINDSAY:

I disagree. And like I said, in the future, I'll bring them in, you could hear it directly from them and you can question them, if you don't -- if you don't agree with them.

LEG. TROTTA:

No. I believe it's too expensive to live here, and I don't think a bus on Nicolls Road is going to make a difference. I've never met anybody who said, "Oh, I wish I had a bus to go up Nicolls Road," never.

P.O. GREGORY:

Okay. That was fun. All right. Legislator D'Amaro.

LEG. D'AMARO:

I just want to point out that I think everyone's right. Legislator Trotta is right, Legislator Lindsay is right. Who else spoke on this?

LEG. CILMI:

I did.

LEG. D'AMARO:

I mean -- oh, Legislator Cilmi. I mean, this is what happens when you get into -- you know, we all have priorities, but there's not enough money to go around. I mean, it's just you're right, taxes are too high. I would never disagree with that statement. But Legislator Lindsay is right, is, well, how do you lower taxes? We're not going to raise taxes to make more money, we're going to try and expand the economy to have a broader tax base and generate more revenue for the County.

LEG. TROTТА:

What is this?

LEG. D'AMARO:

I don't want to be interrupted.

*(*Laughter*)*

I'm just saying that you're right, you're right. No, you're right, I'm not disagreeing with you. I'm not being rude here, I'm just saying, you know, the problem is that, you know, do we want to give up the funding? No. But can we afford our share? No. I mean, the answer is no to all of this stuff, we can't afford any of this stuff. You know, the bottom line is that, as Legislator Cilmi points out every 20 minutes, we have a deficit, right, which is really a shortfall, it's not a deficit, but it's a shortfall. But, nonetheless, we come up short at the end of the year.

LEG. MC CAFFREY:

Every year.

LEG. D'AMARO:

Every year, because of structural imbalance and a lot of other reasons. So, you know, we can sit and debate these all day, and, you know, it really just comes down to taking a vote and deciding what's more important to you. You know, is this the bill to grow the economy more, or is this the bill to make the cut? You know, it's going to be the same debate on every bill.

LEG. CILMI:

Yeah, it is.

LEG. MC CAFFREY:

Call the bill.

P.O. GREGORY:

Okay. All right. So we have a motion and a second?

MS. ELLIS:

Correct.

P.O. GREGORY:

To approve. All right. All in favor? Opposed?

LEG. MC CAFFREY:

Wait, wait. You got confused. You voted the wrong way. You voted on his amendment.

LEG. TROTTA:

I voted yes.

P.O. GREGORY:

No, he voted right the first time.

*(*Laughter*)*

It's conscience. Legislator D'Amaro got to him.

LEG. TROTTA:

Do it again.

P.O. GREGORY:

All right. So all in favor of Budget Amendment No. 4, raise your hands.

(The following Legislators raised their hands: Legislators McCaffrey, Trotta, Cilmi, Muratore)

P.O. GREGORY:

Okay. All opposed, raise your hands.

(The following Legislators raised their hands: Legislators Krupski, Fleming, Browning, Hahn, Anker, Calarco, Lindsay, Martinez, Barraga, Kennedy, Stern, D'Amaro, Spencer and Gregory)

P.O. GREGORY:

Abstentions?

MS. ELLIS:

Four.

P.O. GREGORY:

Okay. See, you picked up a vote. All right. So ***Budget Amendment 5 is withdrawn***, right?

MR. NOLAN:

Conflict.

P.O. GREGORY:

It's conflicted out. Okay.

So ***Budget Amendment 6 - Construction of the Port Jefferson-Wading River Rails to Trails Pedestrian and Bicycle Path.***

LEG. ANKER:

On the motion.

P.O. GREGORY:

We haven't had a motion yet.

LEG. TROTTA:

Yeah, vote.

LEG. MC CAFFREY:

Just vote.

LEG. SPENCER:

They're going to kill it.

P.O. GREGORY:

Motion by Legislator Cilmi. Legislator -- motion by Legislator Trotta.

LEG. ANKER:

Are you ready?

LEG. CILMI:

Go ahead.

P.O. GREGORY:

All right. On the motion. They beg for mercy, please, make it short.

LEG. ANKER:

Legislator Cilmi, I do need to stress that this particular project is extremely important in District 6, and, you know, actually all through the North Shore and all through Suffolk County. This project has been going on for -- basically, we've been working -- I've been working on it since I've been in office, but for 15 years. There was Federal funding acquired 10, about \$10 million to create a scenic byway, and we call it Rails to Trails at this point. And it has been -- it has ebbed and flowed. We almost lost the money when I got in office. We were able to retrieve it through the help of our Congressmen, both Congressman Bishop and Congressman Zeldin.

Now, if we were to approve, you know, what you're asking us, or actually delete this money, we would lose the \$10 million. We would lose support of this project that is incredibly supported in my district that would create economic value and also a recreational place.

You know, my district is unique. I compare it to many -- we have no industrial development. We have no commercial development. We are residential. We are plazas, mom and pop stores, and we are open space and parkland. And there's a reason why the environment is like that, and it's because people, you know, like having the open space and the parkland for their families.

So, you know, I have to disagree with your wanting to delete this, the funding. Like I said, we have a grant of 10, about \$10 million, and you're basically asking us to take this out and lose that ability, not only to have the Federal Government basically pay for this, this trail, but also to take away the dreams of the children that are looking to use this path.

*(*Laughter*)*

I really am truly disappointed in your judgment of focusing on this particular project, and, you know, I hope you reconsider.

LEG. TROTTA:

Through the Chair, I can't let this go.

*(*Laughter*)*

A \$10 million bike trail and I'm trying -- if you give me \$10 million, I'll give you economic development, I'll give you apartments, I'll give you redevelopment that will spur it. What economic development are we going to get from a \$10 million bike trail?

LEG. ANKER:

The \$10 million bike trail starts at one -- it basically goes the entire North Shore in actually Legislator Hahn's district.

LEG. TROTTA:

What is the economic development of a bike trail?

LEG. ANKER:

Excuse me. Can I finish? Thank you. Wait. Legislator D'Amaro is not here to listen to me either.

LEG. CILMI:

I'll listen.

LEG. ANKER:

All right. So the economic development, my area has a large tourism -- you know, we have lots of parks. There's lots of businesses along the area of the Rails to Trails, hundreds, hundreds and hundreds of businesses, moms and pops delis, bike shops, restaurants all along this trail designated area. We've got school districts. You know, we have many -- the Tesla Museum, we're looking to create a trail head right there. We have so much that is going to benefit from this particular project that, you know, if we were to pull it, it really would create a void in the vision of what District 6 is meant to -- is going to have.

P.O. GREGORY:

Legislator Hahn?

LEG. TROTTA:

Someone's going to stop and buy an ice cream cone; is that your economic development?

LEG. ANKER:

Absolutely. And I hope you can enjoy that also. I invite you to come to the Rails and Trails when we finish it, probably in about maybe another three years, and, you know, have your kids, your grandkids, maybe even your great-grandkids to stop off and visit the Rails to Trails. There's some wonderful bagel stores, have lunch. There's a lot you can do along the Rails to Trails.

LEG. TROTTA:

A \$10 million bike trail.

P.O. GREGORY:

Okay.

LEG. CILMI:

I just want to, if I may. If I may.

P.O. GREGORY:

Well, Legislator Hahn did -- she did ask to speak first.

LEG. CILMI:

Go ahead. I defer to the lady on my right.

LEG. HAHN:

Thank you. And, also, I just -- you know, aside from the economic development, there are many other positive effects of having a trail of this nature. It does run parallel to Route 347/25, you know, 25A. At different points, it's different, the highway is different, named different things. But folks can -- it will be an 11 mile long walking, biking path that folks can actually use to get from one point to another in a real significant way. And it will connect to the East Setauket to Port Jeff Station Greenway Trail that we have that runs through the heart of my district.

The health impacts on the community will be significant as they are in my district. People, thousands, in fact, I think we broke a million, users recently on the East Setauket to Port Jeff Station Greenway Trail. The health effects, the quality of life in the neighborhood for the residents improved significantly. But I will tell you, I don't vacation a lot, but my husband and I went with friends to Cape Cod and -- two years ago, and the Cape Cod Rail Trail is a 48 mile long Rails to Trails type paved biking trail and --

LEG. MC CAFFREY:

He wants to withdraw the motion. He's going to withdraw it.

*(*Laughter*)*

LEG. HAHN:

And that actually is the reason we went back. You know, we thought we were going to Cape Cod to spend time on the beach and to look at the cute little villages, and we brought our bicycles and spent time on the Rail to Trail. Most of our time was spent there enjoying that asset that the community had, and we went back the next year because of that trail. We wanted to stay along that trail and have access to that trail as part of our vacation. And what has popped up along that trail are restaurants. People take their bicycle and ride to the restaurant, take their bicycle, ride to the Bar that has the music from the beds and breakfasts that are nearby.

It is an economic engine for that region, and it connects other parks. There are significant parks that sit along this proposed trail, and we can -- there's real and true economic benefit that will come as a result of this being built out, and I am completely in support of it. And I know -- and from a safety perspective as well. As I said, folks can use this bike path to travel from Shoreham to Rocky Point, from Rocky Point to Mount Sinai, from Mount Sinai to Miller Place, and not have to get on the heavily traveled, incredibly backed up and traffic -- traffic, whatever that word would be, 347/25A, whatever it's called, Main Street through the heart of District 6.

So I am, you know, 100% behind this project. I thank Congressman Zeldin for his recent support, and Congressman Bishop for his initial support. And I thank the County Executive for their support, and everyone who has -- there really has been a rally in my district and in my neighboring Legislator's District in support of this project, so I'd like to see it kept in our budget.

P.O. GREGORY:

Okay.

LEG. HAHN:

Not to mention the children's dreams.

*(*Laughter*)*

LEG. CILMI:

Children's dreams. Okay, listen, here's the --

LEG. TROTTA:

Let's just vote.

LEG. CILMI:

This is a -- I'm not going to -- I just have to put two cents in here. This is a reflection of my desire to -- you know, Legislator D'Amaro earlier talked about, you know, this idea of voting for an all or nothing, you know, everything at once, and this is one of the -- for me, this is one of the problems with that. So I fully appreciate, and I underline the word "appreciate" in its true meaning, I fully appreciate your advocacy, Legislator Anker and Legislator Hahn, for this project. If my community was crying for this, I would be advocating for it just as hard as you are. But from my perspective, I see a \$10 million bike trail at a time when our country is 18 trillion dollars in debt, and at a time when our county is 1.4, or whatever it is, billion dollars in debt. And while it's not going to cost our County, per se, an extraordinary amount of money, it's -- again, this is just a reflection.

If I could have voted no on a resolution in an omnibus bill to this and just let the vote happen and I would have done that, but I can't do that, because it's in there. And so this is just a reflection of my concern about a \$10 million bike trail. I fully appreciate and I expect you to advocate for it. I'm sure it will pass. I'm sure it will be great for the residents of Suffolk County and your communities.

LEG. HAHN:

And it's dedicated Federal funding that can't be used for anything else.

LEG. CILMI:

Okay. All right.

P.O. GREGORY:

Okay. All right. So we have a motion and a second. All in favor, raise your hands.

(The following Legislators raised their hands: Legislators D'Amaro, Trotta and Cilmi)

All opposed?

LEG. D'AMARO:

Oh, no, no. I was in favor of the bike, of the \$10 million bike trail.

P.O. GREGORY:

Of Budget Amendment No. 6. All in favor of Budget Amendment 6, raise your hands.

(The following Legislators raised their hands: Legislators Trotta and Cilmi)

LEG. CILMI:

Loud and proud, Leslie, come on.

LEG. KENNEDY:

(Raised hand).

P.O. GREGORY:

All right. All opposed?

(The following Legislators raised their hands: Legislators Krupski, Fleming, Browning, Muratore, Hahn, Anker, Calarco, Lindsay, Martinez, Barraga, McCaffrey, Stern, D'Amaro,

Spencer and Gregory).

Abstain? Abstentions?

MS. ELLIS:

Two.

MR. NOLAN:

No, Leslie raised her hand.

MS. ELLIS:

Three.

LEG. KENNEDY:

You want me to dance, too.

*(*Laughter*)*

P.O. GREGORY:

All right. ***Budget Amendment No. 7 - Jumpstart Suffolk/Connect Long Island - Deletes \$5 million in serial bonds for construction in 2017, and \$2.5 million in serial bonds for construction in 2018 and in 2019.*** Motion to approve by Legislator Cilmi, second by Legislator Trotta. All in favor to approve, raise your hands.

(The following Legislators raised their hands: Legislators Muratore, Cilmi, Kennedy, Trotta, McCaffrey)

P.O. GREGORY:

All opposed, raise your hands.

(The following Legislators raised their hands: Legislators Krupski, Fleming, Browning, Hahn, Anker, Calarco, Lindsay, Martinez, Barraga, Stern, D'Amaro, Spencer and Gregory)

Abstentions?

MS. ELLIS:

Five.

P.O. GREGORY:

Okay. I.R. -- excuse me. ***Budget Amendment No. 8 - Stabilization of Historic Seaplane Hangar At Suffolk County Vanderbilt Museum - Deletes \$200,000 in serial bonds for planning, \$3 million in serial bonds for construction in subsequent years.*** Motion by Legislator Cilmi, second by Legislator Trotta. All in favor, raise your hands.

(The following Legislators raised their hands: Legislators Krupski, Muratore, Cilmi, Trotta, McCaffrey)

P.O. GREGORY:

All opposed, raise your hands.

(The following Legislators raised their hand: Legislators Fleming, Browning, Hahn, Anker, Calarco, Lindsay, Martinez, Barraga, Kennedy, Stern, D'Amaro, Spencer and Gregory)

Abstention?

MS. ELLIS:
Five.

P.O. GREGORY:
Okay. All right. *Budget Amendment No. 9* we can't do. *Budget Amendment No. 10 - Acquisition of Land For Workforce Housing - Delete \$5 million in serial bonds for land acquisition in 2017, \$2.5 million in serial bonds for land acquisition in 2018 and 2019.*

LEG. D'AMARO:
On the motion.

P.O. GREGORY:
Let me just say Legislator Cilmi makes a motion, second by Legislator Trotta. On the motion, Legislator D'Amaro.

LEG. D'AMARO:
Thank you. Unless the sponsor wanted to speak first.

LEG. CILMI:
No.

LEG. D'AMARO:
No? Okay. This is to delete \$5 million in serial bonds for land acquisition in 2017, and 2.5 million in serial bonds for '18 and '19. I just wanted to ask what -- would that zero out this program, to the Budget Review Office, or to the sponsor, if you know?

MR. LIPP:
So the previous amount would still be there of -- plus 2016 money would be 10.5 million in total, and then it would zero out the remainder. If it wasn't changed, then you could see on the board here, it would add 5 million one year and another two-and-a-half in each of the next two years for 10 million.

LEG. D'AMARO:
Right. The -- so in 2016, this year, there's 2.5 million in the program, correct?

MR. LIPP:
Yes.

LEG. D'AMARO:
Do you know if those funds were appropriated?

MR. LIPP:
We'll look it up.

P.O. GREGORY:
Is there anyone here that could speak on it? Amy.

DEPUTY COMMISSIONER KEYES:
We haven't appropriated 8704 or 6411 for 2016.

LEG. D'AMARO:

Are there any plans to appropriate it?

DEPUTY COMMISSIONER KEYES:

Yes, we plan to appropriate both of those before the end of year.

LEG. D'AMARO:

Both of what? I'm sorry.

DEPUTY COMMISSIONER KEYES:

8704 being land acquisition, and 6411 being infrastructure.

LEG. D'AMARO:

Right. So 8704, there's 2.5 million, which you plan to appropriate, right? How are those funds going to be used, for what purpose?

DEPUTY COMMISSIONER KEYES:

I don't have the listing of the projects in front of me, but we have requests beyond the monies available. So we need the 2.5 that was included in the 2016 Capital in order to continue to fund the projects. We always -- we're always at a delta with both of the Workforce Housing capital funds. We always have more requests than we have funds available. It's a rolling program in that way, so we appropriate it on a rolling basis so that we have enough money to cover the projects as they come to closing.

LEG. D'AMARO:

It says in the Budget Review -- Budget Review review, that plans are -- the Department indicates that it intends to utilize existing and requested funding for one Riverhead Family Community Life Center. Is that right?

DEPUTY COMMISSIONER KEYES:

That's one. That's a project that we do have a request in for several million dollars, both in land and infrastructure. That's one example of a project, yes.

LEG. D'AMARO:

But how is that for workforce housing? What am I missing?

DEPUTY COMMISSIONER KEYES:

The name of the housing development is Family Community Life Center. That's just a -- yeah.

LEG. D'AMARO:

Then the next is --

DEPUTY COMMISSIONER KEYES:

It's not a community center.

LEG. D'AMARO:

Right, okay. That was just confusing to me. The next is LGBT Bay Shore. What's that?

DEPUTY COMMISSIONER KEYES:

That's the senior housing complex in Bay Shore. That's all affordable units.

LEG. D'AMARO:

Okay. So that's an existing complex?

DEPUTY COMMISSIONER KEYES:

No, that's proposed.

LEG. D'AMARO:

Proposed.

DEPUTY COMMISSIONER KEYES:

That's proposed. These are all proposed.

LEG. D'AMARO:

We're going to purchase the land?

DEPUTY COMMISSIONER KEYES:

Right, we're going to subsidize the purchase of the land, or we -- you know, all of these expenditures have to come to the Legislature for approval, so these are all -- what was included in the narrative are existing requests.

LEG. D'AMARO:

So we subsidize by a direct payment or by loan? How does that work?

DEPUTY COMMISSIONER KEYES:

It's direct payment.

LEG. D'AMARO:

Okay. And then there -- Georgia Green? What is this?

DEPUTY COMMISSIONER KEYES:

Georgica Greens.

LEG. D'AMARO:

Georgica.

DEPUTY COMMISSIONER KEYES:

That's a project in Riverhead. That's a housing project in Riverhead.

LEG. D'AMARO:

And a project in Amagansett, East Hampton.

DEPUTY COMMISSIONER KEYES:

That's Accabonac Manor House. That's -- again, that's an affordable housing proposed project in Amagansett. Those are just example -- a few examples of some of them.

LEG. D'AMARO:

Now -- okay. Thank you. Last year, was -- in 2015, if you know, was there funding provided for this program?

DEPUTY COMMISSIONER KEYES:

Not for land acquisition we didn't expend anything.

LEG. D'AMARO:

Is it a new program?

DEPUTY COMMISSIONER KEYES:

No. There -- I'm sorry. The 8704 dates back, I think, to 2005.

LEG. D'AMARO:

Right.

DEPUTY COMMISSIONER KEYES:

But we didn't spend anything in 2015.

LEG. D'AMARO:

Okay. Did we spend anything in 2014, do you know?

DEPUTY COMMISSIONER KEYES:

I think we did, I think for the project in Melville. I can't remember the name of it. Greens, Highland Greens.

LEG. D'AMARO:

Right.

DEPUTY COMMISSIONER KEYES:

That's -- I mean, I wasn't -- that's just my memory from being in the Legislature.

LEG. D'AMARO:

All right. So the intention is to appropriate the 2016 before the end of the year for these projects?

DEPUTY COMMISSIONER KEYES:

Yes.

LEG. D'AMARO:

Right. And now for 2017, the proposed amount is doubled.

DEPUTY COMMISSIONER KEYES:

That's -- again, the amount that we put in represents looking at the existing requests, which are beyond what we included in the narrative, looking at the requests from developers and the funds available in what's been appropriated, but not spent, and trying to not fully cover the delta, but keep enough money available to be appropriated and approved to cover requests as we expect them to close. We're getting new requests constantly, so.

LEG. D'AMARO:

That's a good thing. Okay.

P.O. GREGORY:

Okay. Anyone else? Oh, I'm sorry, that's right, Legislator Browning. I have it right here.

LEG. BROWNING:

Amy, I've got a question for you. Is that the same funding that was used for Wincoram Commons.

DEPUTY COMMISSIONER KEYES:

I don't know if there were land monies in Wincoram Commons. I think it was just infrastructure, so it was 6411. But I could be wrong, that predates me. I can check that.

LEG. BROWNING:

I mean, I like the fact that we do this affordable housing and we build and -- but one of my

arguments has been for a long time, we have so many zombie homes. And I know that we've got limited funds, but I think that, you know, we really should be looking at using some of these funds also for the zombie homes, and to kind of ramp up that project. Because you know yourself, you've been to my district, we go through the homes. You guys have been great on that, on, you know, looking at them and trying to push the issue. But, you know, for every one, I've got ten more, you know. And I really think that, you know, we're taking open space, we're building affordable housing, but we have so many zombie homes in our communities that we really should be ramping up that project and taking them and making them affordable, because, eventually, I understand the young people, but we have a lot of families that don't have decent homes.

So maybe we can have a follow-up conversation. I mean, certainly, I want to make sure that we are keeping the funding in place to move these affordable housing projects, because, yes, it's expensive to live on Long Island, and we have families who can't afford to live here. This is an opportunity to provide them with a decent home. And it's our school taxes that are killing us, not -- that's the part that's killing us. But I'd like to continue having a conversation with you by trying to start working on setting aside money for the other projects.

DEPUTY COMMISSIONER KEYES:

Sure. I completely agree. These, 6411 and 8704 are specifically for multi-family housing, so maybe if the Legislature is interested in a separate Capital Program to deal with single-family zombie homes. These funds are specifically for multi-family, so I just want to --

LEG. BROWNING:

Well, we can change that.

P.O. GREGORY:

Okay. All right. So we have a motion and a second to approve Budget Amendment No. 10. Raise your hands for those all in favor.

(The following Legislators raised their hands: Legislators Cilmi, Kennedy and Trotta).

P.O. GREGORY:

All opposed?

(The following Legislators raised their hands: Legislators Krupski, Fleming, Browning, Muratore, Hahn, Anker, Calarco, Lindsay, Martinez, Barraga, McCaffrey, Stern, D'Amaro, Spencer and Gregory)

Abstentions?

MS. ELLIS:

Three.

P.O. GREGORY:

Okay. All right. **Number 11** is conflicted. **Budget Amendment No. 12 - Huntington Station Hub - Add \$1 million in serial bonds for planning in 2017 as sewer serial bonds previously adopted and scheduled in 2016 will not be appropriated in 2016.**

LEG. SPENCER:

We're working. This was an issue where a million was in the 2016 budget, but it was done in X bonds, which requires a sewer district and -- but we're working with the Administration. We're going to put it in '17 and do general obligation bonds. But it would increase the overall debt, so I'm working with the Administration and Budget Review, and so I'm going to withdraw.

P.O. GREGORY:

Okay. All right. So that we finished the Capital Budget. Thanks to all those who were involved.

And we do have Dennis Brown here. I know he was in the hallway. Okay. Mr. Brown is here. I'm going to make a motion to take CN, I.N. -- I.R. -- excuse me -- **1568 - To approve the provision of defense and indemnification to Parents for Megan's Law, now known as Crime Victims Center, Inc. to give full effect to the Community Protection Act**, out of order. Second by Legislator Calarco to take out of order. All in favor? Opposed? Abstentions to take it out of order?

MS. ELLIS:

Eighteen.

P.O. GREGORY:

Okay. Do we have a motion to approve, table or recommit?

LEG. HAHN:

Motion to approve.

P.O. GREGORY:

Motion to approve by Legislator Hahn, second by Legislator Browning to approve.

LEG. TROTTA:

Motion to table.

P.O. GREGORY:

Motion to table by Legislator Trotta. Second --

LEG. MC CAFFREY:

(Raised hand).

P.O. GREGORY:

-- by Legislator McCaffrey. On the motion. We have our County Attorney here to discuss certain aspects of the bill. Dennis?

MR. BROWN:

Sure. Well, certainly, if anybody -- well, thank you, Mr. Presiding Officer. But, certainly, if anybody has any questions, I'm happy to answer them. But the bill generally -- you know, it's a pretty straightforward bill in that we're asking the Legislature to extend the privilege of defense and indemnity to Parents for Megan's Law for carrying out the provisions of the Community Protection Act with respect to address verification, and that it would -- you know, so it's a delegation of a service to a contract agency, but it represents, you know, a major policy decision of the Legislature, so that's why the resolution is before you.

P.O. GREGORY:

Okay. So we have many contract agencies in the neighborhood of probably 500 or so that we have various contracts with. I can't recall ever doing this for any contract agency. I knew there was a discussion to deal with the SPCA a few years ago and that did not end in us indemnifying them.

MR. BROWN:

There are several -- there are actually several current examples.

P.O. GREGORY:

Okay.

MR. BROWN:

Going back to the SPCA, I did look at that one earlier, and it was actually when Mr. Lindsay was the Presiding Officer, and I think the year might have been about 2006, '7 or '8 in that particular resolution, but that was for one year that extended indemnification provision to them. The distinction, of course, between SPCA and the Parents for Megan's Law and the Community Protection Act is a specific service wasn't delegated to them to render on behalf of the County, because their general charge is for prevention of cruelty to animals under their charter, under their Articles of Incorporation and Not-for-Profit Corporation Law.

More current versions, in 2014, that protection has been -- that benefit has been extended to VEEB. And also in our code there are two instances, one with Vanderbilt and one with the Maritime Museum, where they're authorized to participate in the self-insurance program.

P.O. GREGORY:

But with the -- back to SPCA, we direct them, right? I mean, they are to look out for and to -- you know, cases where there is suspected animal cruelty, but it's my understanding that the Police Department directs their actions, and that's exactly the argument that they made. They said, "Well, we act at the request of the Police Department, therefore, we should be indemnified." And some of the concern was will they carry weapons, you know, what if -- you know, they discharged a weapon and somebody got hurt, the County would be on the hook for that. That's not necessarily the case here, they don't carry weapons as far as I know.

MR. BROWN:

As far as I know, agreed.

P.O. GREGORY:

But are there any restrictions as to any actions that may hold the County liable, or is it just they are covered under our coverage, there aren't any restrictions? If they go out and shoot someone, maybe one of them has a gun, for whatever reason they shoot someone, is that -- would that be covered under our insurance?

MR. BROWN:

No, because what we're -- the contract has not yet been finalized, and all the language, of course, is not yet completed. Their contract expired on April 30th. But it would -- it would be only -- under the contract and under the Community Protection Act, they actually perform a couple of different levels of service. One they do, like they monitor social media, and another is that they do address verification. So they do residence visits for address verification, and they -- and, to the best of my knowledge, they do not do work, you know, in-person work address verification.

P.O. GREGORY:

They don't?

MR. BROWN:

No, to the best of my knowledge, in person, in person.

P.O. GREGORY:

Oh. I thought they did.

MR. BROWN:

In-person residence. So -- but, in any event, so if a claim were to arise, and we intend to put this in the contract as well, if a claim were to arise, that it would be only for a defense indemnification

relating to the home address verification aspect of the services that they deliver, because that's really the type of -- the type of service that could lead to an incident that leads to a claim. And the decision to offer a defense and indemnification would rest with -- would rest with County Attorney's office, that the work -- that the claim alleges that the -- that is based on services that were rendered in accordance with the scope of the agreement, and also in accordance with the scope of duties that the -- that the investigating officer is to perform. So in the event that the allegations of the complaint exceeded that, then there's the potential for a denial of extending that defense and indemnification provision. And that, if I just may say, is not unlike the current review that's given to any complaint that the County receives where there are allegations against an employee.

P.O. GREGORY:

Right. But, as my understanding, the majority of the people that are doing the home visits, and I thought they do work visits, in-person work visits, too, but let's stick to the home visits, these individuals are retired law enforcement officials.

MR. BROWN:

Correct.

P.O. GREGORY:

At least some of them are. I don't know if all of them are.

MR. BROWN:

I can't speak for the agency, but my understanding is the same as yours.

P.O. GREGORY:

Right. So they would have the potential to carry a firearm with them, although not necessarily needed, but they have the right to do so as a retired law enforcement officer.

LEG. D'AMARO:

I think they're prohibited.

P.O. GREGORY:

Is it prohibited? I thought there was --

LEG. D'AMARO:

I believe the agency prohibits.

P.O. GREGORY:

Oh, the agency prohibits? Okay, okay.

MR. BROWN:

Yeah. So you're correct as far as the ability of an investigator. I'll call them investigators --

P.O. GREGORY:

Right, right.

MR. BROWN:

-- for lack of another word, that they have the -- because they're retired law enforcement officers, and my belief is as yours, that they're retired, they're all retired law enforcement officers, he or she may have the individual ability to carry a firearm, but they are prohibited from doing so.

P.O. GREGORY:

Okay.

MR. BROWN:

And my recollection is, and I could double-check it for you, but my recollection is it's even in their contract that they're not allowed to carry firearms.

P.O. GREGORY:

Okay. Good, good. So one last question. So if we approve this and they come under our indemnification, and say they go to someone's home and there have been, from my knowledge, there have been altercations, not necessarily with this agency, but circumstances similar to what they will be putting themselves into, and say the individual that works for the agency gets hurt, will the County be liable for any medical or health injuries that they sustain while performing these duties?

MR. BROWN:

There is that potential, yes.

P.O. GREGORY:

And that would not be a potential as it stands now?

MR. BROWN:

That's correct.

P.O. GREGORY:

Okay. Okay. Legislator Kennedy, and then I have Lindsay, and then Trotta, D'Amaro, okay.

LEG. KENNEDY:

Hi, Dennis. Should we not --

MR. BROWN:

Good afternoon.

LEG. KENNEDY:

Should we not okay this today, would they have any insurance?

MR. BROWN:

My understanding is that they receive coverage conditioned upon the County offering this, this contract term to them, until June 7th. So that if the resolution were to fail, as far as the Community Protection Act is concerned, that there would not be coverage for that particular service. Now -- and, also, I just -- really, just please, if you understand, that I don't work for the agency, so, you know, what I'm telling you is what -- is what I hear, and from what I know of the agency, the agency performs different types of services. So it -- I believe that it -- that it has insurance for the services that it performs as an agency that are related to other than the Community Protection Act. And it's the Community Protection Act that is the barrier to obtaining insurance for those types of services. It's the risk that arises from the Community Protection Act that presents the problem for the agency.

LEG. KENNEDY:

Okay. So then if we do not pass this, they are uncovered in what we have demanded that they do or --

MR. BROWN:

Yes, that is correct.

LEG. KENNEDY:

Okay. Thank you.

P.O. GREGORY:

Okay. Legislator Lindsay.

LEG. LINDSAY:

Dennis, have they had any prior litigation filed against them?

MR. BROWN:

There are two cases currently pending, which that what presents the problem.

LEG. LINDSAY:

Was the County also joined in that litigation?

MR. BROWN:

The County is named as a defendant in both of those cases.

LEG. LINDSAY:

So reality is every time, or at least it's been historically the case, every time they get sued, we get sued anyway.

MR. BROWN:

I would say that's probably true, yes.

LEG. LINDSAY:

So we're --

MR. BROWN:

In the past, and I believe that that would be true in the future.

LEG. LINDSAY:

Okay. So this indemnification, we would really -- it's false anyway, because we have to pick up the expense of defending ourselves in any -- we're the deeper pockets, obviously, in the relationship.

MR. BROWN:

You're correct. And I think a good way -- a good analogy to be drawn is let's say that this -- the exact same services were being performed by the Police Department, then you're correct, the defense and indemnification would be extended to all of the County employees, whoever was named in the lawsuit. So this, if it was -- so it doesn't enlarge the exposure to the County in that -- you know, in that respect, because there is risk inherent in the Community Protection Act, but it does enlarge exposure to the County in that previously, when the Community Protection Act was first adopted, there was an agency with insurance that was performing this service.

LEG. LINDSAY:

What was the limit of insurance that they were carrying prior to this?

MR. BROWN:

The -- I don't know what it was prior, but I can tell you that the contract, it calls for 2 million. It just calls for 2 million per occurrence, and that was in the prior contract, and that's what's in the proposed contract as well. In the declarations page that was -- that I have seen for other types of services that would be -- that are rendered by Parents for Megan's Law, it was a million dollars per

occurrence, \$3 million in the aggregate, with a million dollars for each occurrence on an umbrella. So --

LEG. LINDSAY:

They got 2 million in total per occurrence?

MR. BROWN:

Yeah. So instead of -- instead of -- right, 2 million. That's right. Between the liability primary and the liability excess, it's \$2 million per occurrence.

LEG. LINDSAY:

And those types of policies we couldn't be listed as an additional insured on, so we would have to defend ourselves in any joint --

MR. BROWN:

We actually are listed as additional insured, so the certificate runs to us.

LEG. LINDSAY:

Okay.

MR. BROWN:

And I haven't seen a declarations page saying that the party named as the additional insured on the certificate is the -- is also considered an additional insured under the policy. However, you know, we would certainly verify that. We try and verify that with every agency that we contract with.

LEG. LINDSAY:

Okay. But when that happens, do we still -- so if we're joined in a lawsuit, there's indemnification on the -- by the party's insurance policy for the County, do we still assign counsel to that particular claim, or do we --

MR. BROWN:

No, that's under the insurer.

LEG. LINDSAY:

Right, I understand that. But if the judgment is deemed to exceed their limits, wouldn't we still have counsel assigned anyway to protect our interests if it goes beyond the limits of the policy?

MR. BROWN:

Not necessarily, because as the litigation unfolded, you could have -- responsibility could be shared amongst the parties.

LEG. LINDSAY:

Right.

MR. BROWN:

Or it could be, you know, 100% against one or the other parties. And there is the possibility that a party can be vicariously liable in damages for another party. But if there was a judgment against a co-defendant in any case, if there was a judgment against a co-defendant in any case, and the damages exceeded their liability, we would not step in unless there was some type of -- their liability insurance. We would not step in and just pick that up because of excess exposure to a co-defendant. There would have to be some basis in the lawsuit for the County to step in and pay damages.

LEG. LINDSAY:

Okay.

MR. BROWN:

Some type of shared liability.

LEG. LINDSAY:

Right, I understand that. So just to simplify the argument a little bit, so right now, the two lawsuits that are pending --

MR. BROWN:

Yes.

LEG. LINDSAY:

-- have we hired our own defense counsel, or are we utilizing theirs that's being paid for by their insurance coverage?

MR. BROWN:

They are represented as a separate parties from the County by counsel appointed by the insurance company, and we are representing the County or the County employees.

LEG. LINDSAY:

So it's --

MR. BROWN:

It's different, two different sets of representation.

LEG. LINDSAY:

Right. So there's no additional -- if they didn't have this insurance coverage, we would still have similar exposure to the County as we do now, correct?

MR. BROWN:

If they did not have the insurance under the existing lawsuits?

LEG. LINDSAY:

Correct.

MR. BROWN:

And they were -- and they were just proceeding as uninsured?

LEG. LINDSAY:

Correct.

MR. BROWN:

That's correct, the exposure would be the same. So if --

LEG. LINDSAY:

So the only difference in this --

MR. BROWN:

Even if they had no insurance to indemnify themselves --

LEG. LINDSAY:

Right.

MR. BROWN:

-- the exposure, whether they have insurance or not, to the County is the same. So there has to be some culpability on the part of the County and the finding of shared liability before we step in.

LEG. LINDSAY:

So the only difference that this would make would be that we wouldn't hire two attorneys, we wouldn't hire one to defend them and one to defend ourselves, we would have one defense counsel that would defend both; am I correct in saying that?

MR. BROWN:

I would say -- I would say, as a general proposition, yes, but there could always be a situation alleged where there's a conflict between defendants, and when those conflicts arise, that's when we seek to employ outside counsel.

LEG. LINDSAY:

Okay.

MR. BROWN:

It could happen, and, you know, it does happen sometimes within the County itself.

LEG. LINDSAY:

Right. But in this situation, I would think it would be highly unlikely. I'm trying to think of a scenario where that would occur.

LEG. D'AMARO:

Could I answer that, Legislator Lindsay?

LEG. LINDSAY:

Please.

LEG. D'AMARO:

Through the Chair. I think it's more common, frankly, because if the -- if the actors -- you know, the employees of the company that we hired are somehow liable, I think normally we would be saying that they're acting outside the scope of their responsibility under that contract, and I think that we would have diverse interests from the contract company.

MR. BROWN:

I would say that the answer to that question is -- to your point is really a possibility. It really would depend on the allegations of the complaint.

LEG. D'AMARO:

Okay, fair enough. But, you know -- and we're not in Executive Session, and I do know somewhat of the merits of the lawsuits, but, you know, with the Police Department, we're responsible because we control them as County employees control in the sense that they work for us. We train them, we set the rules, we have oversight, you know, but here it's completely different. Here it's an outside contract agency that's charged with this responsibility. We have none of the same safeguards in place as we do with our own police force. If they're being sued, in all likelihood, in my opinion, they're acting beyond the scope of their contract responsibilities, and now we're going to be picking up the tab for that. So I'm not --

LEG. HAHN:

I think we should go into Executive Session and discuss the nature of this.

LEG. D'AMARO:

I'm not necessarily against this, but I think it's got to be clear that, as our esteemed County Attorney points out, that it's a real possibility that the County's interest and the contract agency's interest can be completely opposed in many instances.

LEG. LINDSAY:

So on there -- and I agree with what you're saying. So wouldn't it make more sense to not contract this function out and do that inhouse?

LEG. D'AMARO:

Well, that's a very good -- yes, that's a very good argument I think to be made and could be part of the debate. You know, is this such a police function that really we need that oversight and safeguards in place where -- you know, that's a whole other debate from what we're talking about here. Well, I guess it is part of the debate. But, you know, I just have to tell you that more often than not, or maybe there's a chance, however you want to state it, that, you know, we have to be very careful in granting this type of indemnification when we don't have any oversight or responsibilities or training, we do nothing. Now I understand that the agency would say, "Look, you know, they're retired Police Officers, they're responsible people." I understand all of that. But, you know, again, you don't even have the disciplinary procedures, you don't have anything in place.

LEG. HAHN:

I would like to request that we go into Executive Session to discuss the -- because I think the merits of this case -- you just said, more likely than not, it's going to be about -- you know, so let's find out.

MR. NOLAN:

That's a theoretical case I think Legislator D'Amaro is talking about, or are talking about a particular case that's in litigation now?

LEG. D'AMARO:

I am talking theoretically. In my experience, it is not uncommon for the County's interest to be adverse.

MR. NOLAN:

That would be talking about a case where the County is actually involved in litigation to go into executive session. I don't think we're there yet.

D.P.O. CALARCO:

So we have a whole list here. Legislator Lindsay had the floor. Are you finished with yours questions?

LEG. LINDSAY:

No, I had one more question, Dennis. So following that same line of thought, if we were -- effectually, if we didn't vote in favor of this, would that terminate the contract that we have with them and force us to have to take it inhouse?

MR. BROWN:

The answer to the question, I believe, is -- to both questions, I believe, is no. But I don't know if the agency would perform the services if the indemnification -- the defense indemnification protection was not given.

LEG. LINDSAY:

Well, don't we have a contract with them that requires them to have that?

MR. BROWN:

Well, the contract, the contract expired on April 30th, and we're in the process of negotiating it for the current fiscal year.

LEG. LINDSAY:

And is there -- you know, this indemnification, is it blanket indemnification, or are we -- we're putting it or wording it in such a way that it's only -- it's limited to the function of what we're contracting them to do?

MR. BROWN:

It's limited to the function of what we're contracting them to do. And as part of the discussions we're having is to narrow it down further to in-person home address verification only, and, also, that they have to supply us with a duty statement, a scope, what they do in the course of their employment, so that it's -- so that it's easy for us to make a determination, it's easy for any County Attorney to make a determination as to whether or not the facts forming a complaint fall outside the scope of their employment.

LEG. LINDSAY:

Okay. All right. Thank you.

MR. BROWN:

If it does, we would decline to extend that benefit.

LEG. CALARCO:

Okay. Legislator Trotta is next.

LEG. TROTТА:

Does this cover their past actions, just out of curiosity?

MR. BROWN:

No.

LEG. TROTТА:

All right. Legislator D'Amaro had took my thunder away. There's no supervision, there's no Internal Affairs, there's no training, there's zero. We are crazy to be doing this. And I could never, ever support indemnifying, because it opens up the door to 50 different people doing it. And it's, you know, a function that clearly in the past was done by the Police Department. I would never, ever, and I don't think it's a good idea, I don't think it's a good road to go down to even consider doing this. I mean, these people, how do we know where they're trained, what they did, you know, you don't know if they upped their psychological standings. There's a lot of problems, a lot of problems, you know, and you know, I would -- there's not a chance in the world I would ever vote for this, to indemnify this. Why am I putting the taxpayers on the hook for something of the people, we don't even know who they are, what they're doing, what their training is. We know nothing about them. This is a big problem. And then from the Director calling me up saying, "Oh, they raised my rates, so I need indemnification," I mean, that's -- it's insanity. I would never, ever consider this. This is a bad, bad idea.

D.P.O. CALARCO:

Are you done, Legislator Trotta?

LEG. TROTTA:

I wish I could read my handwriting, I would have more.

*(*Laughter*)*

How much do we pay them? How much is this contract worth?

MR. BROWN:

The contract was first originally approved in the -- when the Community Protection Act was adopted, it was a three-year contract. I'm not sure of the exact amount of the budget for each year that the contract was in effect, but I'll say somewhere around \$800,000. And the contract was -- was refunded in the -- as a line item in the 2016 fiscal budget, and it's for more than \$700,000.

LEG. TROTTA:

That's about, you know --

MR. BROWN:

Operating Budget, excuse me.

LEG. TROTTA:

That's about ten cops, that \$80,000 a year, with benefits, a new cop. So, you know, I think it's a bad idea to put the taxpayers on the hook for people we don't even know. We don't know the supervision, we don't know their background, we know nothing about them, and we're sending them out on the street. This is a horrible idea.

D.P.O. CALARCO:

Okay. You're done, Legislator Trotta?

LEG. TROTTA:

If I could read my handwriting, I would have more.

D.P.O. CALARCO:

Well, we could always put you back on the list. Legislator D'Amaro was next.

LEG. D'AMARO:

So I would want to try and seek -- thank you. I would want to try and seek a compromise where perhaps, you know, putting aside whether this should be brought inhouse or not. If an agency is going to continue to do it, maybe we should look for a limited type of indemnification where it's within the scope of authority and certain criteria are met, or certain type of action is proposed or asserted, but not for every action. You know, maybe there's some middle ground where the agency can then satisfy its insurer, get its insurance. I mean, we are paying for them to carry insurance, and that was the deal going in when we supported the Community Protection Act. But I understand that the circumstance arose, and I would ask that maybe there's some middle ground here where a limited type of indemnification could be put in place to satisfy the insurance company and then -- but not full-blown indemnification, so the County's exposure would be limited. That would be something I would be willing to talk about.

MR. BROWN:

Yeah. You know, I agree with you, and that's our plan and that's the direction that we've been going on. So, for example, we have asked for a scope of services for the -- a scope of -- a duty statement for the employees, for the investigators that go out and do the address verification. This way, if a claim arises, then we at least have a guideline that we could follow. And the second is

that, you know, so what we'll try to do is tailor it as narrowly as possible, starting from that duty statement, and then what are the risks that really -- that could lead to a liability claim.

And I have discussed this with Laura, and I did say to her, with Ms. Ahearn, I did say to her that it seems to me that the liability, if there's a risk, it's in connection with the address verification, and that the -- and that the indemnification would be limited to the address verification. Now we're still in the discussion stages, but the goal is to keep it as narrow as possible.

LEG. D'AMARO:

Yeah, that seems to make sense to me, although you did mention that the contract just recently expired.

MR. BROWN:

It did, yes.

LEG. D'AMARO:

This would also be a time to consider whether or not we would even want to renew that contract. Is that -- if terms are agreed to, is that something that would come for a vote in the Legislature?

MR. BROWN:

The contract?

LEG. D'AMARO:

Yeah.

MR. BROWN:

No. It was actually funded as a line time contract --

LEG. D'AMARO:

It was?

MR. BROWN:

-- contract in the budget.

LEG. D'AMARO:

Okay.

MR. BROWN:

But the contract would only run through 2016, December 31st.

LEG. D'AMARO:

Yeah. And in fairness --

MR. BROWN:

But there's an opportunity to discuss it.

LEG. D'AMARO:

Okay. I don't know how the numbers play out. You know, I don't know if it's cheaper or not cheaper, and, you know, what the considerations are, that's a whole other analysis. But I think it's something that would be timely to explore now, because, you know, the contract has expired.

But I think it would be helpful to talk about the types of claims that are presently being made, if for

no other reason, to give us some background in a sense of, you know, the problems that are experienced in fulfilling the contract responsibilities, and whether or not we feel that -- you know, we have asked this agency to go out and act as our surrogate, in effect, for a police -- almost, I guess, what you could call a police function. And, you know, whether we were doing it inhouse or not, we would still -- you know, then we would have liability inhouse. So the question becomes, well, what type of claims are we really talking about, you know. I mean, it's really -- I think it is important to discuss that, but I'll leave it up to the body, if they feel a need.

D.P.O. CALARCO:
Legislator Browning.

LEG. BROWNING:

Yeah. Actually, I did a ride-along with the employees that she has that does it. I met them, I think there was six of them. All six of them are former New York City Police Detectives. A couple of them have worked in sex offender units while they worked in the City. I know you talked about guns. They were dressed in just shirt, pants. I did not see any guns. I didn't see any on a holster, and, however, I know that doesn't mean anything, but I did not see any guns. I don't believe they are carrying any.

And, Dennis, you know, the one thing you have to remember, we voted for this Community Protection Act. We asked, not us, the County Executive went to Megan's Law and asked them to create something to do residency -- the residency --

LEG. HAHN:
Verification.

LEG. BROWNING:

Verification. They're not doing anything other than what the law permits them to do. So under the law, they're required to notify where they live. The only thing that Megan's Law has done was enhanced and made sure that all of these sex offenders who say if they live at 2 Smith Street, they're living at 2 Smith Street. They do work with the Police Department if they're not able to verify their resident, and then the Suffolk County Police Department takes that over.

We have two choices. We can choose to indemnify and they will continue the program. If we do not indemnify, she will lose her insurance, Megan's Law will lose their insurance. Megan's Law, the insurance company will not cover the Community Protection Act, so then Megan's Law will cancel the program. That's your choice.

But my question is, if we do indemnify them, Dennis, we have an Indemnification Committee. Could that, just like with all of our law enforcement, or anywhere in the County, when we receive a lawsuit, there is an Indemnification Committee that reviews and makes that decision whether to indemnify or not; couldn't that be done?

MR. BROWN:

Yes, it's a good idea. We would probably have to work it out administratively in the context of the contract, because that's exactly the stage that we're at, that we're at now. But we -- but we want to make sure that the person has indeed acted completely within the duties expected of them under the Community Protection Act. And I am certainly not opposed. I welcome the idea of having a third party, especially if it consists of people like in the Indemnification Committee, or some component that resembles the indemnification Committee, to make that decision.

LEG. BROWNING:

Okay. And I think -- you know, I'd encourage each and every one of you to go with them, because,

you know, I went with them. I sat in a separate car, but they went to the homes. They knocked on the doors, they made sure they were home. The guys came out, they verified, and they left. There was a couple that weren't home, and they said if they do a check, and they do three or four visits, they're not home, Suffolk County Police Department gets that and they continue to do it. So, if we want to look at how much would it cost us if we were to cancel it with Megan's Law and allow the Police Department to do it, then maybe we should look at that if you don't want to indemnify.

LEG. TROTТА:

Through the Chair, it would cost us nothing.

LEG. BROWNING:

Say again.

LEG. TROTТА:

It would cost us nothing.

LEG. BROWNING:

I don't know about that. Do we have enough Police Officers right now as it stands?

LEG. TROTТА:

We have patrol checks, we have SLA checks.

LEG. BROWNING:

Not the same.

LEG. HAHN:

There are 1,000.

LEG. TROTТА:

There are a variety of checks that police officers are required to do every day. Adding that would be no problem at all.

LEG. BROWNING:

Okay. I'll tell you what. You go to the Seventh Precinct or the Fifth Precinct and you ask them right now if they could now do a monitor of all of the sex offenders and continue to do it. They weren't doing it before, and I don't think they're going to have enough officers. I'm happy to hire more, but now you're going to have to put Police Officers on overtime to do it.

LEG. TROTТА:

I don't think anybody can speak on this horseshoe better than me of whether or not they have time to do it, and I'm telling you they have time to do it. They could do it on a Saturday morning, on a Sunday morning, when it's quiet. They're not running around all day long, trust me.

LEG. BROWNING:

Well, then you come to my precincts and you ask them what they're doing every day.

LEG. TROTТА:

I spent a lot of time --

LEG. BROWNING:

They are going call to call.

LEG. TROTТА:

I spent a lot of time in your precinct.

LEG. BROWNING:

Well, then you explain to me --

LEG. TROTТА:

I made a lot of arrests.

LEG. BROWNING:

-- why it takes them 45 minutes to an hour to show up at a call.

D.P.O. CALARCO:

One at time.

LEG. TROTТА:

That's a different story.

LEG. BROWNING:

No. Forty-five minutes to an hour to show up for a 911 call, some of them at times, so you tell me that they're not busy.

LEG. TROTТА:

You just said the key word, "at times". There are times and there are --

LEG. BROWNING:

More often than not, and I don't want to take chances.

LEG. HAHN:

But don't they do more than just the verification? There's much more to it than that, right?

MR. BROWN:

There's a social media monitoring aspect of it as well.

P.O. GREGORY:

All right. We have a -- we have a few more on the list. Legislator Stern, you're next, and Legislator Fleming.

LEG. STERN:

At this point, is it an issue about rates and not being affordable, or not being able to get coverage whatsoever?

MR. BROWN:

Not being able to get it. And I'm not going -- I'm not going so far as to say that the agency can't receive -- can't obtain coverage for all of its programs, it's as to the Community Protection Act, the litigation risk that's presented as a result of the Community Protection Act.

CHAIRMAN STERN:

Okay. I was just about to ask you if you're aware of the efforts that have been made, but I see Ms. Ahearn behind you, so maybe that question is better posed to her. But, before I let you go, the workers -- maybe this might be a question better posed to her. But the workers, those that are doing the investigations, are they employees or are they independent contractors?

MR. BROWN:

As far as I know, employees.

LEG. STERN:

And I'll tell you, I would also be very interested to have a conversation about some of the issues that are ongoing. I mean, I don't know if we can foresee all of the issues that might come up during the course of an investigation, but I think we can certainly see that many of the kinds of things that could come up might be considered foreseeable in the future. And so, yeah, I would look forward to having that conversation as well. But maybe when -- Dennis, when you're done, a couple of questions for Ms. Ahearn. Thank you.

P.O. GREGORY:

Okay. Legislator Fleming.

LEG. FLEMING:

Thank you. Just a couple of quick questions. And just following up on Steve's question, in the Legislative intent, it says the CVC is unable to procure liability insurance due to the nature of the services provided for address verification. Can you just explain why it is they can't get liability coverage for that?

MR. BROWN:

Well, I believe that the answer is because of the fact that two lawsuits have previously been brought under the prior contract.

LEG. FLEMING:

So, in other words, it's the exposure.

MR. BROWN:

Correct.

LEG. FLEMING:

And do we know if there's any risk management practices, any training, employment best practices to reduce the exposure?

MR. BROWN:

I would defer that question to Ms. Ahearn. But as part of our negotiation of this contract, that's one of the very things that we explored, so that we're able to make decisions about when -- if and when a claim does arise, we're able to make a determination that a defense and indemnity should be extended or should be denied because they've acted outside their scope.

LEG. FLEMING:

Right. But I guess my question is, acting within the scope, is there training and employment, you know, best practices in place from a risk management perspective to reduce exposure? And, I mean, if we, the County, are going to be indemnifying, don't we have a responsibility to ensure that risk management is undertaken in such a way as to reduce the exposure?

MR. BROWN:

Yes. And as we've been going through the contract, we've been discussing those very issues.

LEG. FLEMING:

Okay. And can I just ask just one other question? Is there -- is there a reason why we're considering this as a Certificate of Necessity?

MR. BROWN:

Because we're in the process -- we're on the verge of executing the completed contract. We've been talking about the insurance issue and the defense and indemnification issues for a while now. I'm fairly certain that Parents for Megan's Law have previously attempted to obtain insurance, but was not successful, but was only able to obtain it conditionally during this period of time that the contract had not been in place until June 7th, pending a determination by the Legislature to grant this benefit.

LEG. FLEMING:

But when were you aware, Dennis, that it was conditional upon that?

MR. BROWN:

I learned that it was conditional in April.

LEG. FLEMING:

Okay. I'm just wondering why a CN, especially because there are -- there is so much concern here, and so many kind of aspects of it that could have been tied up, like the contract terms. That would make us feel better in terms of the exposure.

MR. BROWN:

It's an issue that's been discussed and been negotiated with Parents for Megan's Law during that period of time and -- but the resolution, it wasn't brought forward just until recently. But it's an issue that has been -- that has been discussed for the past five to six weeks.

LEG. FLEMING:

I do think it's kind of unfortunate that we're considering it as a CN in that case. Thank you.

P.O. GREGORY:

Okay. All right. Legislator Kennedy.

LEG. KENNEDY:

Parents for Megan's Law and the County are still discussing this with your Department?

MR. BROWN:

The final resolution, yeah, and the Police Department, yes, for the final terms of the contract, yes.

LEG. KENNEDY:

In this bill, what's the duration of the indemnification?

MR. BROWN:

The bill doesn't have a time limit built into it, but the contract is only for one -- would only be through December 31st, 2016.

LEG. KENNEDY:

And the next question is really for Ms. Ahearn. If you don't get indemnified at this point in time, what will happen with address verification?

MS. AHEARN:

Well, it's more than just the address verification program. Our insurance covers every contract that the agency has. So our State contracts, other contracts out of county, we will lose our general liability and professional liability insurance. But with the -- with this particular program, it will cease, they will not insure it. The program will end.

LEG. KENNEDY:

The program will end. How long do you think negotiations between the two of you will take?

MS. AHEARN:

We've been tightening up the language in terms of the scope of services, so I don't think it's going to take very long. We'll have it done probably within a day, the final scope of services.

LEG. KENNEDY:

Okay. That's it for now.

P.O. GREGORY:

You done, Leslie?

LEG. KENNEDY:

Yeah, for now.

P.O. GREGORY:

Okay. Legislator McCaffrey.

LEG. MC CAFFREY:

Hi, Laura.

MS. AHEARN:

Hi.

LEG. MC CAFFREY:

Hi. So I'm a little confused. I mean, there are a lot of dates being thrown around here. So the current contract, is that expired or is it expiring?

MS. AHEARN:

It is expiring, but we're working out all of the terms. So the insurance was renewed in April, but it renewed subject to the indemnification. So the insurer has given us a few extensions, but now there's a deadline. So in terms of our contract with the Community Protection Act, it's on -- it's extended, and we will go through December 31. However, it's now on a month-to-month until we finish the terms.

LEG. MC CAFFREY:

All right. I'm still --

MS. AHEARN:

I might not have the --

LEG. MC CAFFREY:

I'm even more confused than before I asked that question.

MR. BROWN:

The information that I have is that the -- that prior to binding the insurance, a condition was attached to the insurance, and that it was subject to the receipt and review of a copy of an indemnification agreement with the County protecting the insured from sex offender management work. So I read that as -- because I know that -- I know that Ms. Ahearn does a lot of different services, but I read that as the work being performed under the Community Protection Act.

LEG. MC CAFFREY:

But, no.

MS. AHEARN:

He means our contract.

LEG. MC CAFFREY:

Our contract --

MR. BROWN:

Our contract.

LEG. MC CAFFREY:

-- between the County and --

MR. BROWN:

We'll have that done by June 7th.

LEG. MC CAFFREY:

No, no, no. What's the status of it right now? Are we under contract right now?

MR. BROWN:

There's no contract right now.

LEG. MC CAFFREY:

There is no contract right now?

MR. BROWN:

There is no contract right now.

MS. AHEARN:

No, no.

LEG. MC CAFFREY:

And the proposed contract --

MS. AHEARN:

It's the month-to-month.

MR. BROWN:

Is there a letter agreement? Is there a letter?

MS. AHEARN:

It's a month-to-month.

MR. BROWN:

Oh, I stand corrected. I stand corrected. I forgot.

LEG. MC CAFFREY:

We're on a month-to-month.

MR. BROWN:

Yeah, there's a letter agreement continuing the prior agreement on the same terms and conditions.

LEG. MC CAFFREY:

And the contract that you are negotiating is proposed to go until December 31st, 2016?

MR. BROWN:

Correct.

MS. AHEARN:

With a continuation, the option to continue as the rest of them do.

MR. BROWN:

It's funded in the budget as a line item contract. So it would be -- it would be a one-year contract. If there are any extensions, it would be subject to appropriation.

LEG. MC CAFFREY:

And so the one year started January 1 of '16, right? It would have been kind of extended?

MR. BROWN:

That's correct, but the other contract, it did run through April 30th.

LEG. MC CAFFREY:

Okay. So if you enter into agreement now, you're only talking about really going until January -- December 31st, 2016, with the option to extend?

MR. BROWN:

Subject to appropriations, yes.

LEG. MC CAFFREY:

So, Laura, what would happen right now if we didn't grant that? I mean, say -- everyone feels kind of rushed here, you know what I mean, about this -- not having enough chance to look at things. We're talking about Indemnity Committee. What I hear, you have a drop-dead date of June 7th, right? So what would happen if you walk out of here and they don't approve the CN, what would happen?

MS. AHEARN:

The insurer will not provide general liability, professional liability insurance for that program, and we would be unable to implement the program. So right now, we're upward around 9,000 in-person verification attempts during that three-year period. Part of the contract where -- let me just get my stats. So I understand there was a question regarding the program itself, how many people are employed.

LEG. MC CAFFREY:

Yes, that was asked.

MS. AHEARN:

So the budget right now is 768,000. And I think the confusion that everybody had was that previously the CPA was a three-year contract, and it's not now. It's going to be put in, as Dennis said, as a yearly. So it's not \$3 million over three years, right now it's set at 768. So in that, there are nine full-time positions. Seven of those are retired law enforcement. So for the in-person component of the program, we have retired law enforcement staff going out and doing those in-person verifications. Also, it includes nine partially funded employees as well for victims services, I.T., prevention education and support. So, basically, all of the in-person verifications that happen every day would cease, all of the leads that are provided to law enforcement would cease, so the program would end.

LEG. MC CAFFREY:

Yeah, so that's what I'm saying. So if -- say this wasn't passed tonight, what would happen and when would it end?

MS. AHEARN:

Well, we would be unable to compensate those employees, because we have no provision for that.

LEG. MC CAFFREY:

We're just voting on the indemnification, right? So, I mean, you had -- from what I understand, you had an extension until what, June 7th, is that -- what was that?

MS. AHEARN:

With the insurer, yes.

LEG. MC CAFFREY:

With the insurer, right. So it would last until June 7th, correct?

MS. AHEARN:

But those staff that were implementing the Community Protection Act wouldn't be implementing the program, so there would be -- there would be those activities to do the in-person verifications, to process the activity that we provide to law enforcement. There wouldn't be that activity, because they would not --

LEG. MC CAFFREY:

Right.

MS. AHEARN:

They wouldn't be able to --

LEG. MC CAFFREY:

So on June 7th, that would end, right?

MS. AHEARN:

Yes.

LEG. MC CAFFREY:

Okay. All right. Thank you.

P.O. GREGORY:

A long list. I have Barraga next.

LEG. BARRAGA:

I guess my concern is the immediacy of a CN with reference to this particular issue. Let me ask you a question. Maybe the County Attorney can give me an answer. This Community Protection Act, is it constitutional? Is it being challenged in court as we speak? I asked you.

MR. BROWN:

If -- I'm happy to discuss the allegations of the lawsuits with you in -- but if we did that, we should do it in Executive Session.

LEG. BARRAGA:

The answer is yes, then. And I can --

LEG. HAHN:

We need to discuss.

LEG. BARRAGA:

The answer is yes, it's being litigated in the courts, right, as far as constitutionality is concerned?

MR. BROWN:

There are two -- there are two cases, and constitutionality is an issue.

LEG. BARRAGA:

But if it were found to be unconstitutional, then I could easily see why this particular group wants to be indemnified. Because sooner or later, if things continue the way they are, someone will wind up suing on the basis that the law, the Local Law is unconstitutional.

LEG. HAHN:

I think we should go into Executive Session.

LEG. TROTTA:

It's online, the lawsuits are online.

P.O. GREGORY:

Can you answer? I mean, how specific can you answer? I mean, you already said that one is based on a constitutionality of the Local Law.

MR. BROWN:

I don't think that the issue of indemnification, Legislator Barraga, rises out of whether or not the law is ultimately found to be unconstitutional.

LEG. BARRAGA:

Well, what is the urgency, then, to do a CN and to change the current method we're operating under?

MR. BROWN:

I think that the urgency is that the insurance that was offered was only offered on a conditional basis and for a limited period of time.

LEG. BARRAGA:

Can that be extended?

MR. BROWN:

I don't know.

MS. AHEARN:

No.

LEG. BARRAGA:

All right.

MS. AHEARN:

No. They've already extended it --

LEG. BARRAGA:

You're saying everything is --

MS. AHEARN:

-- two weeks, and now --

LEG. BARRAGA:

Mr. Trotta indicates the Police Department can perform this function.

MS. AHEARN:

Well, that might be an issue you'll want to talk about in Executive Session. But what I can say is that the collaboration between the organization and law enforcement has yielded tremendous results. Before starting this, we had significant issues with the registry. It was out of date. There are individuals registered at vacant lots, abandoned houses. Photographs were out of date in 30% of the cases for the highest risk offenders, and now we're near compliance with the registry. And if there's going to be a registry, it needs to be up to date and accurate, and that was the intention of the Community Protection Act.

LEG. BARRAGA:

All right. I'm just concerned about any possible relationship between the lawsuit and the litigants against this local bill and your strong desire now to be indemnified. It looks to me like if we wind up losing in court and it's found to be unconstitutional, I could certainly see why your group or any other group would want to be indemnified.

MS. AHEARN:

Well, for the organization, the insurer has made it very clear that they will not insure the program, because if the County is brought into court on the Community Protection Act, by virtue of the fact that we're contracted to provide services under the Community Protection Act, we're hailed into court. So by virtue of the law itself, because we're contracted to implement the program, that really has resulted in significant changes to the registry, bringing it up to date. Because of that, we're hailed into court. So for us as a contract agency, for three years we were implementing this program very successfully, again, with law enforcement working hard to make sure the program works. Now we're in a position where for three years we did it. Our insurance went from around 4,000 to 25,000. We've been paying that with the existing budget. We haven't asked for any additional funding in our budget. And we absorbed that cost because we're very dedicated to ensuring that this program is effective. Now their insurer has said, "But we're not going to cover you for these situations where the County is hailed into court." So we're on the claim because the County is on the claim by virtue of the fact that we implement the program.

LEG. BARRAGA:

All right. Thank you.

P.O. GREGORY:

Okay. Legislator Krupski.

LEG. KRUPSKI:

Thank you. I have a question for Dennis. So what we just heard is -- I mean, it's a legal question. That's why I want to ask you as our attorney representing us. Is that -- is that true, we would only be liable for something if -- I don't understand what you just said, Laura. I don't understand that.

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

MR. BROWN:

So if -- this is hypothetical. So if there was an in-person home address verification and nothing happened at the scene of the occurrence, except the person was offended by somebody knocking on his door, he or she might bring a lawsuit and say that, *There's an invasion of my privacy*, there was an unwarranted search and seizure. And that type of case, those type of allegations, then, may not be defended by the existing -- well, let's assume that there is no insurance. So prior to -- prior to today, that type of allegation would be defended by the insurance company. So now if you get a complaint and the complaint said that, then the complaint would be presented to us with a request for a defense and indemnification. If we felt that it was within the scope of the Community Protection act, the contract and within the scope of services that were delineated and we incorporated in the contract, we would extend that defense. We may or may not extend a defense under reservation of rights, meaning that we would reserve our right to offer indemnity at a future date, depending upon how the discovery in the case unfolded, and we wouldn't extend an offer of indemnification until we were certain that the actions committed were within the scope of the services that we contracted for.

LEG. KRUPSKI :

Does that mean you could offer indemnification now? Is that what you're saying? If something happened and you deemed under the scope of the services under the contract, that you could offer indemnification today?

MR. BROWN:

No. No, that's covered by insurance today.

LEG. KRUPSKI :

All right. So the other question is we've got a lot of contract agencies in the County. I mean, this is going to set a precedent, and I wouldn't blame every other contract agency who's paying attention to say, *We all want the same consideration, whether we carry a gun or not*. I mean, the SPCA is one example, but whether they carry guns or not, wouldn't everyone want the same treatment?

MR. BROWN:

I'm not sure if that's a question, I'm sorry.

LEG. KRUPSKI :

It is. Wouldn't all the other contract agencies of the County and their employees want the same treatment?

MR. BROWN:

I can't answer that question; that's a possibility, or it may never happen. You know, what I can say is I think that there's a distinction between the services rendered under the Community Protection Act in that certain specific services were delegated by law to this particular agency, and also the Legislature has, you know, agreed to continue that through funding as a line item contract, at least through 2016. So, you know, another agency may or may not come forward.

LEG. D'AMARO:

And that you lose the insurance.

LEG. KRUPSKI :

Just, you look at Social Services, Dennis.

MR. BROWN:

And they lost their insurance.

LEG. KRUPSKI :

If you look at Social Services, we have contract agencies to deliver mandated services under the law

with Social Services. John O'Neill was just here, I mean, he's gone now.

MR. BROWN:

Yes.

LEG. KRUPSKI:

So do those contract agencies have their own insurance?

MR. BROWN:

Those -- the standard provision in all of our contracts is that if the County is held liable because of somebody else's wrongful conduct, that they indemnify the County.

LEG. KRUPSKI:

I didn't know -- but do they have their own insurance, other contract agencies?

MR. BROWN:

I'm sorry, could you repeat that, please?

LEG. KRUPSKI:

The other contract agencies that are operating -- you know, whether it's a County or a State law, do they have their own insurance?

MR. BROWN:

They should under the terms of each contract, yes.

LEG. KRUPSKI:

But we don't necessarily indemnify other contract agencies. Are there any that we do and their employees?

MR. BROWN:

The ones I mentioned earlier, VEEB and Maritime Museum and Vanderbilt.

LEG. KRUPSKI:

Thank you.

P.O. GREGORY:

Okay. Dennis, I have a question. So when we entered, I guess it was three years ago, four years ago, there was obviously negotiations between Megan's Law and the County and the price that was determined for the contract, I'm sure there were certain considerations that were allocated or looked at when that -- the contract price was negotiated. Was one of the considerations was that they're self-insured or they have their own insurance? The question I'm leading to is now that we're taking -- looking to take over and indemnify the agency, would that be reflected in the contract price itself or the cost of the contract?

MR. BROWN:

I would like to answer that with a caveat, because I do agree -- I know where you're going and I do agree with it. The caveat is that I don't want to negotiate the contract here. But I think that it would be -- it would be prudent that if I was able to ascertain a difference in the cost of insurance where indemnity is not provided for the Community Protection Act and there was a savings to the agency, then it's reasonable to ask that that savings be passed on to the County.

P.O. GREGORY:

Okay. And Laura, so you said with your provider, you're on an extension to June 7th, which not only

obviously effects the performance or the duties under this County contract, but other contracts that you do. And you do a lot of great things and a lot of great work and I would hate to see that jeopardized, but what's being stated here today is because of your willingness to come forward and contract with the County specifically with the Community Protection Act, that is putting all your programs in jeopardy.

MS. AHEARN:

That's right.

P.O. GREGORY:

Okay. So that expiration was in April and you've gotten extensions till this point til June 7th and you -- it seems like -- you haven't stated it, but it seems like you're not expecting a further extension.

MS. AHEARN:

They've made it very clear they're not going to extend.

P.O. GREGORY:

Oh, okay. And just so that I'm clear, I know Dennis had mentioned something earlier when you weren't here and I wanted to verify it. Part of the scope or responsibility that you do do is obviously social media verifications, but you do in-home verifications. It was my understanding that you do in-home work verifications as well, or is that not the case? In person, excuse me, work verifications.

MS. AHEARN:

We never visit an offender's employer, never.

P.O. GREGORY:

Oh.

MS. AHEARN:

Because that would compromise their ability to work. So what we do is when we're conducting the in-person verification, we ask for any type of evidence of their employment. So like an ID card, a pay stub with any information redacted, we don't need to see that. Some form of identification that will tie them to that employer.

P.O. GREGORY:

Okay. All right. Legislator Lindsay.

LEG. LINDSAY:

Hi, Ms. Ahearn.

MS. AHEARN:

Hi.

LEG. LINDSAY:

I just want to backup a statement you made before, just so we understand the issue with the insurance carrier. So the insurance carrier's argument is that if the County is sued because of the merits of the law, that it automatically -- your group would get brought into the lawsuit?

MS. AHEARN:

Well, that's what has happened.

LEG. LINDSAY:

Okay. So if we were just to warranty against that, would that satisfy their requirements?

MS. AHEARN:

I think in form, that's exactly what's being done.

LEG. LINDSAY:

Because that's a lot different than what we're proposing. We're proposing to indemnify you for the work that you're doing. This is almost the reverse; we would indemnify you for any reason the law is not -- is insufficient and that you were brought into that type of lawsuit. So Dennis, maybe if you can come back up. Because that's a lot of different than indemnifying them for all the work that they do.

MR. BROWN:

I think you're touching upon the issue that was raised by Legislator Barraga. So if -- liability doesn't arise if the law is found to be unconstitutional. If the law is found to be unconstitutional or unpreempted, then there's no law to enforce and there's no law for the services that are being rendered by Parents for Megan's Law. I think the issue of liability arises in just carrying out the act and that whether or not the act of going to somebody's home just to verify their address somehow causes an unconstitutional violation of somebody's rights.

LEG. LINDSAY:

But is that the --

MR. BROWN:

That's what creates the --

LEG. LINDSAY:

Okay.

MR. BROWN:

That's the allegation of liability.

LEG. LINDSAY:

But is that the scope of our indemnification that you're looking to provide?

MR. BROWN:

That would be correct, yes.

LEG. LINDSAY:

So if, for argument's sake, you know, any of their employees do anything that is beyond that scope and results in a lawsuit, we wouldn't be indemnifying them for that.

MR. BROWN:

If it's beyond the scope, that's correct, we would not.

LEG. LINDSAY:

Okay.

MR. BROWN:

And that's why it's very important, as we've been working through this issue over the past couple of weeks to get detailed duty statements and so that we're able to make determinations about whether or not particular allegations fall within or outside the scope of the services.

LEG. LINDSAY:

How carefully worded is that? Well, let me ask that question differently. Is the insurance company giving you the language that needs to be an indemnification, or are we giving them, providing the indemnification language to them?

MR. BROWN:

No, we're proposing the language.

LEG. LINDSAY:

And they would have to, in theory, approve it in order to continue the coverage.

MR. BROWN:

In theory, yes.

LEG. LINDSAY:

Okay. One more question for Ms. Ahearn, and you might not be able to answer this question. But when you renewed the insurance coverage, did your premium go down, assuming that this indemnification was going to be provided?

MS. AHEARN:

Absolutely not. So it will stay fixed at the higher rate. Again, we started out at about 4500, 4,000, and it's upward around 25,000 now. That won't stabilize -- with the indemnification, it's going to take time for it to stabilize because we're a very high risk because of claims that were brought relating to this very issue. So it will take time before our loss run goes down, and once that happens --

LEG. LINDSAY:

They want to recover the money. Yeah, they want to recover the one that they've already paid out, in theory.

MS. AHEARN:

Right.

LEG. LINDSAY:

Okay. Have you gotten -- is it a situation where you can't find anybody that would insure this risk, or you can't find any insurance coverage that is affordable?

MS. AHEARN:

Well, our broker is pretty thorough. It is our second broker, because after it was canceled the first time, it was impossible, according to the first broker, to insure us with the sex offender management activities. So we found this broker and he was able to secure an underwriter and then it was canceled because of, again, another issue, as we're discussing here. And then he was able to have the underwriter agree that if the indemnification exists, the underwriter would -- another underwriter would provide insurance. However, he said he went to at least six other insurers and they said no, so.

LEG. LINDSAY:

Okay. So they didn't come back with a quote for \$100,000 or 200,000, some crazy amount of money.

MS. AHEARN:

No, no.

LEG. LINDSAY:

Okay.

MS. AHEARN:

And we did our due diligence. I mean, we've really been on this because obviously --

LEG. LINDSAY:

Sure. No, I have no doubt that you have. And I'm just -- sometimes there's two issues there. It's one, the insurance is either unobtainable or, two, it's just not feasible to pay for it; somebody's willing to insure it, you just can't afford it. Okay, thank you.

P.O. GREGORY:

Legislator Browning.

LEG. BROWNING:

Actually, I know somebody asked the question about the employees, I wanted her to elaborate on that, but she did. But thank you, because I learned something yesterday when we did do the ride along, so please extend my gratitude to the gentleman that I went with.

MS. AHEARN:

Legislator Browning accompanied our registry verification representatives on a few in-person home verifications. And again, when the in-person is done, that's where employment is verified as well and we've had a lot of success with the program. Again, it's -- how do you measure the success, the success is measured by the updated registry. The success is measured by constituents calling you and saying, *How come this person is deceased and they're still on the registry, or How come this person is registered at a lot and it doesn't exist, or This address is wrong or This photograph is wrong, This person I know lives next door to me. He doesn't live in Amityville or he doesn't live in Mastic or he doesn't live in Huntington, he's right here.* That's how you measure the success. And you look at the fact that this tool was afforded to our communities as one means of preventing sexual victimization. And the Community Protection Act, let's not forget, the Community Protection Act also provides for prevention education. So we've educated a number of Suffolk County children and adults over the past three years. In fact, we've conducted over 500 child sexual abuse prevention education programs in school districts all throughout your communities, educating over 16,000 children. So these are in-person types of programs ranging -- for children ranging in ages from kindergarten all the way through 12th grade and then adult sexual assault prevention as well. And it includes the Sex Offender E-mail Alert Program, which I hope each one of you are registered for, we've done over nine million sex offender e-mail alerts. Well, what's behind an e-mail alert --

LEG. TROTТА:

But that has nothing to do with what we're talking about here, though.

MS. AHEARN:

Well, you know, Legislator Trotta, I think that the Community Protection Act as a whole, all of the components add up to the success. So the in-person coupled with the leads that go to law enforcement, coupled with the follow-up on prevention, and when a sex offender moves into a community, we go out there and we educate parents and children. So, and the in-person activities insure the offender is aware that somebody is going to check the address, and if they're not there the lead goes to law enforcement and they investigate, leaving law enforcement to do the case investigations and having our staff provide them the information.

P.O. GREGORY:

Legislator Stern has been waiting very patiently, he's next.

LEG. STERN:

Just following up on the employee question. So there are nine full-time employees and then there -- did I hear it correctly, there are nine other part-time or as-needed?

MS. AHEARN:

Partially funded, exactly.

LEG. STERN:

Partially-funded employees. And they are all your employees, none of them are independent contractors?

MS. AHEARN:

None are independent contractors, these are all our employees.

LEG. STERN:

Okay. The lawsuits -- and I don't want to get too deep into the lawsuits, but the constitutionality question didn't arise on its own. I'm assuming that it was some type of element or cause of action within something, a liability that was the basis for the lawsuits.

MR. BROWN:

Yes. And also, it was raised -- and the issue of preemption and constitutionality is also raised in one of the lawsuits as a separate cause -- as a separate claim itself.

LEG. STERN:

Separate claim, but not in and of itself; it was not brought under --

MR. BROWN:

That's correct.

LEG. STERN:

Okay. I find that the discussion about the impact on other programs to be very disconcerting. Maybe you can speak to that and what the impact of this issue will have on some of the other programs and services.

MS. AHEARN:

The agency -- I'll give you an example. The agency recently received a contract to provide prevention education to college students, and doing their due diligence, the contractor reached back out to us and had questions about what these claims are against the agency. And that becomes a difficult question to answer, number one, because I can't really, and the agency can't really discuss legal issues because they're legal issues and they have to be worked out through the court. So it's already caused a problem for our grantors, that's number one.

Number two, our professional liability, which is under the umbrella of the general liability policy, that covers every program that we have. So the burden of paying for \$25,000 a year insurance when it should be about four, \$4,500 is significant. And grantors don't like to pay for other people's programs, so that becomes an issue for us. So the biggest problem we have right now is that the insurer will not insure the agency with the sex offender management program as part of it, unless it's indemnified.

LEG. STERN:

And just to be clear, there are -- according to the insurer, there will be no extensions. So if this Legislature had suggested that perhaps this go to committee, that it be considered for another

month, maybe there's some kind of indemnification that would be possible for some limited period of time, but not necessarily running through the end of the contract. You're suggesting that's a no-go with the insurer.

MS. AHEARN:

The insurer will not insure us if it's not -- if we're not indemnified. If it's not passed tonight.

LEG. STERN:

Thank you.

P.O. GREGORY:

Okay.

D.P.O. CALARCO:

Can I say something?

P.O. GREGORY:

Rob.

D.P.O. CALARCO:

Thank you. I don't know if this question is better for Laura or for Dennis. I know there's been a couple of suits already, right? Was it established that the agency performing the functions under this law are acting as an agent of the County?

MR. BROWN:

I'll answer it. There is a decision by one of the judges in one of the cases in which a determination was made that in carrying out this function, that the agency was determined to be acting under color of law.

D.P.O. CALARCO:

Okay.

MR. BROWN:

Was determined to be a State actor.

D.P.O. CALARCO:

That's what I wanted to clarify. So their performance under this function right now and their actions are -- have been deemed by at least one judge to be acting under the auspices of the County through our law.

MR. BROWN:

Yes. That's a fair way to put it, yes.

D.P.O. CALARCO:

Okay. So I think the intention of getting the indemnification here is because they're performing a very particular type of function that is -- could be more, I guess, litigated than other functions that some of our contract agencies do. In the past, we used to have County Health Centers that were primarily operated by various hospital entities, correct?

MR. BROWN:

Correct.

D.P.O. CALARCO:

And under those instances, because I remember having to vote on some of these litigation issues, did we not provide coverage to those hospital providers to provide that health clinic function which was a very specific clinic function the County was providing to give them the ability to provide that service.

MR. BROWN:

To the doctors delivering the service.

D.P.O. CALARCO:

Correct. So when their employees, the Brookhaven Hospital or Good Sam or Southside employees were providing the functions in our health centers to conduct what we decided we wanted to do in this County, we were giving them indemnification.

MR. BROWN:

Correct, to the doctors rendering the services to the County as a matter of delivering public health, that's correct.

D.P.O. CALARCO:

Okay. So we passed a law saying that we want to actively pursue verification of where sex offenders live, irregardless of whether or not they are on probation or parole. We want to know that all these people are in compliance with the law. After all, it is the responsibility of our Police Department to do that under State law. And so we decided the best method to do that was to use this agency to provide that function; correct?

MR. BROWN:

Yes.

D.P.O. CALARCO:

Okay. So following that line of logic, this is not very much dissimilar than the health centers in that we are providing a function that is a continuation of what the State of New York has asked us to do, and we decided to use an outside agency, working under the color of our law, to provide that function. But we recognize that it has potential issues, clearly by the agency's difficulty in finding insurance carriers for this particular function they provide. So it would make sense to extend to them some level of coverage if we want them to continue to provide this function.

MR. BROWN:

Yes.

D.P.O. CALARCO:

In the indemnification they were talking about providing to the agency in this particular situation is strictly for their functions as it pertains to providing the Community Protection Act and no other functions that the agency may provide, whether it's a contracted function for the County or not.

MR. BROWN:

Yes. That's why we wanted to very narrowly tailor it in the contract as we finish this up over the next couple of days.

D.P.O. CALARCO:

Okay. So I think that what we're looking to do here is to provide some coverage for a very specific function that we've created a law to provide, and it's clear that it's not exactly the usual norm. We're not hiring them to -- you know, we're not giving them money so they could run a parade, we're giving them money so they can go out and verify where sex offenders live and I think it's prudent to give them a little extra coverage in order to provide that service. Thank you.

LEG. TROTТА:

Through the Chair, I want to clear a couple of things up. You took some things for granted.

P.O. GREGORY:

I do have a list. I have --

LEG. TROTТА:

Well, he just went and said something that we're not --

D.P.O. CALARCO:

Well --

LEG. TROTТА:

The Police Department is required to -- they're supposed to check in with the Police Department every three months, I believe, for level the IIIs. So that's really not contracted with them, that's already -- that's done by State law, they have to go to the precinct and --

D.P.O. CALARCO:

No, that is true. The offender has to go to the precinct and sign in periodically.

LEG. TROTТА:

We're not contracting that out.

D.P.O. CALARCO:

Of course not, because it's a requirement upon the offender. But what we have found, through the implementation of this law, is that not all offenders are performing -- are doing that responsibility, that's their violation of the law. And instead of utilizing police resources in order to go out and do that verification when they fail to show up, we are using this agency to help us further that process.

LEG. TROTТА:

That's not true.

D.P.O. CALARCO:

And when they make a recommendation to us that there's an issue, then it's forwarded along to the Police Department for verification because they, at the end of the day, have to do that.

LEG. TROTТА:

The failure to show up is a violation, so that would automatically --

D.P.O. CALARCO:

Absolutely. No, I don't disagree.

P.O. GREGORY:

Okay. Legislator Krupski.

LEG. KRUPSKI:

What is the -- is Dennis still here? Oh, I didn't see Dennis. What is the cost of the contract, annual cost?

MR. BROWN:

Seven sixty-eight; \$768,000 was the amount appropriated in the budget.

LEG. KRUPSKI :

Can you get into the nature of the other legal actions against the contract agency?

MR. BROWN:

Generally, I believe what's probably been reported in the press, and like Legislator Trotta said, what's on the publicly accessible website is that there are allegations in two lawsuits that pertain to the legitimacy of the Community Protection Act itself arising out of facts whereby there was an in-person verification.

LEG. KRUPSKI :

But is -- besides that, is there any other -- are there any other parts of the lawsuit that don't pertain to the law itself? I mean, are the lawsuits, are they only challenging the law, the County law? That's my question.

MR. BROWN:

No, damages are claimed because of performing in in-home verification.

LEG. KRUPSKI :

So if another -- or an employee of the County was performing that same home verification, a police officer, a probation officer, would the lawsuit have been filed or have any value?

MR. BROWN:

Of course I can't answer that for certain, but the same actions could have led to a complaint, but whether it was performed by a uniformed -- a sworn officer or a contracted agent.

LEG. KRUPSKI :

Why wouldn't -- and if the contract agency is being sued over a County law, why wouldn't the County itself be -- why wouldn't the County itself be sued over their own law?

MR. BROWN:

Well, the County is a party in both actions. The County is being sued.

LEG. KRUPSKI :

I'm at a disadvantage because I'm not an attorney. I don't understand why a contract agency would need the kind of legal protection if the lawsuit is only based on a County law that the County is being sued on, and the County is going to defend and either prevail or not prevail. Why would the contract agency have any liability over enforcing simply acting under a County law?

MR. BROWN:

Because I think the question arises as to whether the duties under the law were carried out correctly. And if they weren't carried out correctly, then that could pose liability to Parents for Megan's Law.

LEG. KRUPSKI :

But that would be the same for any contract agency if the duties that they didn't -- that they were supposed to carry out under the contract weren't carried out correctly. It's got nothing to do with the law, the constitutionality of the merits of the law itself, right?

MR. BROWN:

It has something to do with the law in that the law requires a specific type of duty. You know, we frequently enter into contracts with agencies to deliver some type of social service, a medical

service, various types of services. In this particular case, the duties that are incumbent upon Parents for Megan's Law are derived from the Statute as opposed to a particular -- as opposed to just a contract. It's true there are mandated services and non-mandated services, but here we have a law that says we would like an agency to perform, a specific agency to perform these type of functions.

LEG. KRUPSKI:

Is there a -- suppose, worst case scenario, either this doesn't pass or for some reason something else happens legally that this contract agency can't perform the duties that it has been performing. Does the County have a plan B for maintaining a registry of the sex offenders?

MR. BROWN:

Well, the registry is a function of State law, so it's really registry verification that is -- it's address verification that's being carried out under the Community Protection Act.

LEG. KRUPSKI:

But is there a plan B?

MR. BROWN:

To do verification through an agency other than Parents for Megan's Law?

LEG. KRUPSKI:

(Nodded head yes).

MR. BROWN:

Not that I am aware of.

LEG. KRUPSKI:

Thank you.

P.O. GREGORY:

Legislator D'Amaro.

LEG. D'AMARO:

Just to try and move it along a little bit. We can limit the scope of the indemnity to hopefully get insurance and limit the County's exposure. I mean, I think Ms. Ahearn said that the insurers are objecting to the particular types of claims that are being asserted now. It wouldn't be an all-encompassing, no matter what you did and when you did it you have indemnification, it would be for specific types of claims. But my question is would we consider a cap on the liability, a cap on the indemnification liability?

*(*Mr. Brown spoke to Ms. Ahearn off the record*)*

MR. BROWN:

I don't -- the answer to the question is yes because the County has a self-insured retention of \$5 million. And I'm assuming that insurance will be in place with respect to Parents for Megan's Law generally. I would really have to look at the terms of the policy as to whether or not --

LEG. D'AMARO:

Right.

MR. BROWN:

-- that insurance would be considered primary over our excess policy.

LEG. D'AMARO:

Right. So if we give indemnification, that means you get insurance for the contract agency. So then the question becomes how are we dividing up the responsibility, the liability and what's the primary carrier?

MR. BROWN:

Yeah. So typically, you know, on an insurance policy, unless there's a policy exclusion excluding from coverage sex offender management, typically the insurance policy would have another insurance clause in it and the other insurance clause says when there's two types of insurance covering the same type of act, the policy probably says it is considered to be excess over the other insurance.

LEG. D'AMARO:

Right.

MR. BROWN:

So the County's insurance becomes the primary.

LEG. D'AMARO:

Is our contract --

MR. BROWN:

Assuming no exclusion.

LEG. D'AMARO:

Does our contract require the contract agency to carry insurance?

MR. BROWN:

Yes.

LEG. D'AMARO:

Does the contract say that the agency's insurance is primary?

MR. BROWN:

Say that again, please? I'm sorry.

LEG. D'AMARO:

Does the contract say that the insurance required under the contract must be primary?

MR. BROWN:

No, it does not say that.

LEG. D'AMARO:

It doesn't.

MR. BROWN:

It doesn't. No, it doesn't say it because this -- because typically there is not a situation where there would be two -- where there would be County insurance as well as the contract agency's insurance covering the same type of incident.

LEG. D'AMARO:

Yeah.

MR. BROWN:

So we never really have to say that your insurance is primary, because you have to buy insurance to cover the services you're delivering under the contract.

LEG. D'AMARO:

Does the contract provide indemnification from the agency to the County?

MR. BROWN:

Yes.

LEG. D'AMARO:

It does.

MR. BROWN:

Yes.

LEG. D'AMARO:

To what extent; do you know?

MR. BROWN:

For any claims arising out of or in connection with the services rendered under the contract.

LEG. D'AMARO:

So how would that clause be affected if we were to pass this bill?

MR. BROWN:

We'll have to work on it, for sure.

LEG. D'AMARO:

Right.

MR. BROWN:

And I don't mean to be facetious about it, but we don't have specific language in mind right here.

LEG. D'AMARO:

Right.

MR. BROWN:

But as I indicated, to keep it narrow related to the scope of services under the Community Protection Act, keep it limited to the services that create the liability risk, typically that's the in-home verification, and then also description of the duties performed by the investigators.

LEG. D'AMARO:

So we would keep in place -- I mean, it's just not like -- and forgive me, Laura, but it's not like if the agency goes rogue, you know, we're not responsible. We are indemnified as a County; however, we would carve out --

MR. BROWN:

Yes, for --

LEG. D'AMARO:

-- an exception where we would grant indemnification in limited circumstances.

MR. BROWN:

So for example, if an investigator was involved in an automobile accident while going to do an in-home investigation --

LEG. D'AMARO:

Right.

MR. BROWN:

-- the automobile insurance of the agency should cover that, not the County.

LEG. D'AMARO:

Okay, good. So we're talking about specific types of indemnification and -- oh, I had another thought. I'm getting old.

*(*Laughter*)*

MR. BROWN:

Me, too.

LEG. D'AMARO:

So in effect, if we pass this we can draft our indemnification, it can keep you in business, we can perform this function, which has obvious merit to it -- and I can't remember my other thought, so I'll pass the microphone at the point. But thank you.

LEG. SPENCER:

I'm next.

P.O. GREGORY:

Yes, you are, Legislator Spencer.

LEG. SPENCER:

I appreciate what you're doing. It's a very delicate, very difficult job. You have the reputation and you're very passionate about doing it. My issue would be with the indemnification. It sounds like it's going to be very focused and if we're changing the contract where we're saying that they indemnify the County now because we're providing the indemnification, I think it's important that we have oversight, not only within the scope of the contract, but specifically how the contract is executed, how -- on those areas where we're indemnifying them. And I hope that within that indemnification that we put best practices in place that would be required for that indemnification, and that if there is a deviation from that practice that we have some protection.

My concern is that I believe that most insurance companies are in the business of making money and they are making a statement that there's significant enough liability here that they are either making it difficult or they refuse to insure them. I think that if we're going put the taxpayer on the hook for this, I think that contract has to be spelled out very carefully. And I think that those procedures and how these people are engaged, that we should have some say-so in those policies.

MR. BROWN:

That is our intention. It's something that we've discussed with Parents for Megan's Law in the weeks leading up to today's date, and we come before you, you know, regularly at Ways & Means and we talk about liability and how liability arises. So, you know, partially why we're here at this late hour to ask for this is because it isn't a one-man show here that's been driving how to come up with the most narrowly drafted language that serves both the needs of the County as well as the needs of

Parents for Megan's Law. So we have not only the municipal lawyers working on the contract, but the tort lawyers as well and, you know, coming up with the various things that we need to ensure that we're not the insurer of Parents for Megan's Law, but that we are only providing protection in very specific limited circumstances.

LEG. SPENCER:

I think that sometimes the word indemnification seems to almost imply blanket, where maybe -- I don't know the difference, I'm not an attorney, between insuring and indemnifying. I think we're insuring very specific parts. But, you know, I always think of like, you know, 007 Licensed to Kill, you so. So that seems to be my concern. But if it's very specific, controlled, we keep them doing the wonderful job that they're doing, I can support it.

MR. BROWN:

Thank you.

P.O. GREGORY:

Okay, Legislator Barraga.

LEG. BARRAGA:

You know, several years ago I think, if my memory serves me correctly, you received this responsibility from the Police Department because they hadn't done a very good job at the time. And that was the old regime, all right? Now, I noted that the Suffolk County Police Commissioner is the one who executed the contract with your organization and you got a new Police Commissioner. What is his position with reference to your organization continuing this particular function? Is he on board with indemnification and taking on responsibility as you have in the past, or has he made an effort to indicate to you possibly that he would like to take that responsibility back to the Police Department where it originally was?

MS. AHEARN:

I met with Commissioner Sini early on and we spoke about the Community Protection Act and other services that the agency provides to the County and there was no discussion about being unhappy with the program or wanting to change the program.

LEG. BARRAGA:

But at this juncture he has not taken a public position on this issue, right?

MS. AHEARN:

You'd have to ask him that, I don't want to speak for him.

LEG. BARRAGA:

I'd like to know that.

LEG. TROTТА:

Good point.

LEG. BARRAGA:

Because if he's moving down the road of taking it back, then that responsibility leaves you, it goes back to the Police Department and all the other functions you're performing, I guess your insurance would cover you.

MS. AHEARN:

Well, what I can say is that he signed the extension agreement, so if he signed the extension

agreement then I would imagine he's supportive, but I can't speak for him.

LEG. BARRAGA:

Is there a new contract that he has to sign? What is that contract?

MR. BROWN:

You know, because right now, you know, the contract, as far as like any department when we work on a contract, we work on the contract in conjunction with the contracts unit of the department. So in the end, it will have to be signed by the Police Department.

LEG. BARRAGA:

Okay. To your knowledge, has he indicated to you or anyone else in the Administration that he'd like to take this responsibility back? Anyone else in the Administration besides you?

MR. BROWN:

No, he has not said that. I do not recall him saying that to me.

You know, has the Police Department, you know, expressed comments about drafting the contract and what should and shouldn't be done? Yes, they have done that. But as far as a wholesale, you know, rejection of using an outside agency to perform these functions, I would say --

LEG. BARRAGA:

The last question, is he willing, to your knowledge, ready and willing to sign a new contract; has he indicated that to you?

MR. BROWN:

I have not had that conversation with him.

LEG. BARRAGA:

And on a lighter note, congratulations on graduating law school.

Applause

MS. AHEARN:

Thank you. That's very kind of you.

P.O. GREGORY:

Okay, last on my list is Legislator Cilmi.

LEG. CILMI:

Thank you. I think I have two, maybe, hopefully short questions; or the question are short, I'm hoping the answers are equally as short. And I guess they're both to Dennis. Firstly, am I understanding this correctly, that our liability, if we approve indemnification, really doesn't increase any more than what we already have.

MR. BROWN:

That's potentially correct, yes.

LEG. CILMI:

Explain the word potentially.

MR. BROWN:

Ordinarily -- well, take the existing lawsuits, for example. There's insurance for those lawsuits. Those lawsuits could ultimately be resolved by the insurance company representing Parents for

Megan's Law currently, pay to settle the case or the case can be tried and Parents for Megan's Law could be held 100% responsible because they committed some type of wrongful act, and then the County walks away from it. But if those same acts were performed by a County employee, then the County would be responsible. So in the absence of insurance, the coverage being extended, the benefit being extended to Parents for Megan's Law is the same as if it was being conducted by a sworn officer.

LEG. CILMI:

Okay. So what are we talking about in terms of potential liability here, dollars-wise?

MR. BROWN:

It's --

LEG. CILMI:

I mean, my concern is that -- my concern is that we say yes, today we have a \$25,000, 50,000, \$100,000 liability, we say yes and all of a sudden tomorrow we have a one million, two million, \$3 million liability for some sort of punitive damages that -- does the potential exist that that would happen?

MR. BROWN:

Punitive damages are -- the only people that receive punitive damage indemnification in Suffolk County are the sworn officers. So the Police Commissioner doesn't, civilian employees do not, only the Sheriffs, I guess the Correction Officers and the Police Department receive indemnification after approval by the Indemnification Committee, receive indemnification for punitive damages, civilians do not. Probably the greatest exposure in the Federal lawsuit is that a successful plaintiff can be awarded attorney's fees. And as you know, just from your experience, that could be substantial, because you could have a relatively small verdict but still have a six figure attorneys for your award or settlement.

LEG. CILMI:

Right. Without the indemnification, do we have the risk of being subject to attorney fees as well, or no?

MR. BROWN:

If there's liability found against us, yes.

LEG. CILMI:

Okay. If there was lie -- and if we do indemnify and if there's liability against us, we would be potentially subject to attorney's fees.

MR. BROWN:

Yes.

LEG. CILMI:

If liability wasn't found if we indemnify, are we subject to attorney fees?

MR. BROWN:

No.

LEG. CILMI:

Okay. So it doesn't -- I mean, the two conditions seem to me, the way you're describing them, to be exactly the same.

MR. BROWN:

Except the only difference is that if there's -- because you have to think of them as separate parties, so one party can be found liable and covered by insurance. So then there's no exposure to the County at all. So because we're providing them protection, that party who is otherwise previously covered by insurance, the County can -- yo know, the County faces some exposure. There's some risk of exposure to having to answer for something it didn't have to answer for previously.

LEG. CILMI:

Okay. And although there's no time limit described in this legislation, in effect the time limit is basically set forth in the contract with Parents for Megan's Law which ends at the end of this year?

MR. BROWN:

And appropriation, yes.

LEG. CILMI:

Right. And so theoretically, if we were to extend the contract or renew a contract, the indemnification would just carry over.

MR. BROWN:

Yes, I think so. Because if it's funded again in the budget next year, we would renew the contract on the same terms and conditions.

LEG. CILMI:

Okay. And Dennis, your -- I mean, you've done a very good job of explaining this. Are you here advocating on behalf of the County Executive as well?

MR. BROWN:

No, I'm here to answer any of your questions pertaining to the legal ramifications and impacts.

*(*Laughter*)*

LEG. CILMI:

Okay. I mean, that's fair. That's what I sort of got from your testimony. So could I ask somebody -- through the Chair, could I ask somebody from the County Executive's Office to --

MR. NOLAN:

The County Executive --

LEG. CILMI:

What's that?

D.P.O. CALARCO:

(Inaudible).

LEG. CILMI:

I recognize that. I want the County Executive's Office to make a statement.

MS. HORST:

We're asking for your support on this resolution *(laughter)*.

LEG. CILMI:

That's sort of, you know, inherent in the bill *(laughter)*. Are you contemplating continuing this contract after this year? Have there been -- let me change my question. Have there been any discussions about bringing this oversight in-house?

MR. BROWN:

No.

MS. HORST:

No, not at the moment.

MR. BROWN:

Not that I'm aware of.

MS. HORST:

Not that we're aware of.

LEG. CILMI:

Do you all in your office see this the same way as the County Attorney in terms of our liability and, you know, the differences between our current state if we approve this bill in terms of the liability that we're subject to?

MS. HORST:

Yes. That's why it's here.

LEG. CILMI:

How badly do we need to get this done tonight, in your view, in the County Executive's view?

MS. HORST:

We don't put bills forward as CNs unless they're absolutely necessary, and we feel that this one is absolutely necessary.

LEG. CILMI:

Can you speak to -- somebody asked the question earlier with respect to when discussions began with respect to this issue, and the answer was that they began some time ago, but yet we're still faced with a Certificate of Necessity tonight. Can you speak to that at all?

MS. HORST:

I don't know when conversations about this began.

LEG. CILMI:

Okay.

MS. HORST:

I'm sorry.

LEG. CILMI:

Okay. This program was, in the first place, a program that was supported at least, if not proposed by the Police Department?

MS. HORST:

Yes, that's my understanding, they were.

LEG. CILMI:

Are they -- at present, are they supportive of continuation of this program?

MS. HORST:

As far as I know, yes.

LEG. CILMI:

As far as you know.

MS. HORST:

I haven't spoken to the Commissioner about this. I can't give you --

LEG. CILMI:

You haven't. I texted the Commissioner, I haven't heard an answer.

MS. HORST:

I can try and call him and get a definite answer for you, if you'd like.

D.P.O. CALARCO:

(Inaudible).

LEG. CILMI:

I'm just hearing why the Commissioner might not be around right now.

MS. HORST:

Yes.

LEG. CILMI:

For good reasons.

MS. HORST:

Yes.

LEG. CILMI:

Okay. This is a tough one. Thanks, Katie.

P.O. GREGORY:

Legislator Trotta.

LEG. TROTТА:

Yeah, I have a bunch -- I mean, first of all, you know we don't like to get these things at the eleventh hour. And I think that we should at least ask the Commissioner and ask -- I mean, I spoke to Chiefs and they were receptive to this. I also think that if this contract were to end on the 7th, our next meeting is on the 21st; I don't think anything is going to happen in a two-week period where we can't hash this out. And I don't want to see the County's liability -- I mean, let's say we do this and it comes out and it's reported in the papers that it is, and now someone who's thinking about a lawsuit files a lawsuit on something that happens during this time period and now we're on the hook.

So I think we should not jump into anything. I think we should table it. If there's two weeks that go by where people aren't being knocked on their doors and finding out, that's not the end of the world. And that come two weeks from now when we hash this out and it comes to, *Okay, we're going to do it and we're going to get the liability correct*, because now we're voting on something we don't even really know what it is. We don't know the details of what it is. And, you know, we're obligated to the taxpayers, so I don't see a rush for this. I think that Laura Ahearn will say that if two weeks go

by where someone's not knocking on a door for two weeks, that's okay, and that we'll be able to play catch up.

So I think for us to sit here and to jump into this not knowing the liability, we've got a problem. And not knowing if the Police Department is willing or able or wants to do it, we would be remiss. So I don't see any reason why we don't -- to Laura Ahearn; will two weeks end this program?

MS. AHEARN:

I would not say that we should wait two weeks. We should -- I would say we should not have -- we should not prevent our RVRs from verifying addresses, they should be out every day verifying.

LEG. TROTТА:

Well, two weeks isn't the end of the world, to stop verification for two weeks, when --

MS. AHEARN:

I think it is.

LEG. TROTТА:

When the taxpayers' funds are at stake and the possibility of millions of dollars in lawsuits are at stake, maybe you might not think it, but me as a representative of those people think it's absolutely our responsibility to make sure we're not jumping into something that can cost us millions of dollars. So there's not a chance -- I'm not saying we're not going to do this, but to be forced into it at the eleventh hour when it's not the end of the world, it would be irresponsible for anybody to vote for it. You know, nothing's going to happen so earth shattering that it could cost us millions of dollars.

MS. AHEARN:

Well, conversely what could also happen is our guys who go out for verifications could go to a house, knock on the door and the person say, *This guy, you know, he doesn't live here.* And we don't do that, then that offender might move into somebody else's neighborhood and people won't know he's there --

LEG. TROTТА:

Those offenders --

MS. AHEARN:

-- and they won't have the information they're entitled to.

LEG. TROTТА:

Your people knock on the door, they could slam the door in their face, we have no recourse. They don't have to answer one word that any of your people send there; isn't that correct?

MS. AHEARN:

We get significant collaboration.

LEG. TROTТА:

Is that --

MS. AHEARN:

And, in fact, the offenders are very, very helpful.

LEG. TROTТА:

That's a yes or no question. Is it true --

MS. AHEARN:

-- in helping us to verify.

LEG. TROTТА:

-- they could say nothing? They could say nothing. They could say good-bye and slam the door.

MS. AHEARN:

There's about 900 registrants and we've had relatively --

LEG. TROTТА:

I'll take that as a yes.

MS. AHEARN:

-- a few guys who are not interested in having us assist them. But then what happens is we send that to law enforcement, and in those few instances they'll actually do the verification.

LEG. TROTТА:

But they can do that. So the fact that we have to wait two weeks to make sure that we're doing the right thing and to make sure we're looking out for the taxpayer's money, this isn't the end of the world. I'm not saying I'm against this, but I'm saying that I want research, I want to look into it and two weeks is not going to change the world. Anybody should say that.

MS. AHEARN:

Well, for three years we've been implementing the program very successfully, collaborating very closely --

LEG. TROTТА:

No one's denying that.

MS. AHEARN:

-- with law enforcement. So delaying it could be, like I said, it could have the opposite effect. You're saying that it's designed, the delay is designed to save taxpayer money, but in reality every day with a budget of \$768,000, taxpayer money is being saved. We have nine full-time staff that are paid out of 780,000, plus nine part-time staff paid. For the past three years we've successfully worked with that budget, significantly less than what it would cost the Police Department to do that on their own.

LEG. TROTТА:

See, that's an argument you're not going to win because the cops are out there every single day anyway. They're out there on the street. Maybe they weren't managed properly under the prior Administration, but let's see if this Administration has the ability to do it; or if they don't, then we come back and revisit this. But these questions should be answered before we jump into anything.

MS. AHEARN:

Well, maybe those questions can be answered while the program continues is to be implemented instead of stopping the program.

LEG. TROTТА:

Well, we have a week. We have a week, and then if it happens to lapse for two weeks so be it. I mean, I don't think that we should put the taxpayers potentially on -- Legislator Calarco made a great point with the doctors; the reason we got out of the health clinics was because the lawsuits were killing us, so now we're out of it. So for us to jump into it now, be responsible.

P.O. GREGORY:

Speaking of Legislator Calarco, he's next on the list.

D.P.O. CALARCO:

Just a quick follow-up with Dennis, and I don't know how I missed this question. But we established already that the agency works as a State actor in providing the service. Does that expose us already to litigation?

MR. BROWN:

It possibly can, yes, through vicarious liability.

D.P.O. CALARCO:

Well, if they're acting as our -- if they are performing the function as our actor, they are already falling under that process.

MR. BROWN:

We've assigned this task to them and they're acting as our agent, yes.

D.P.O. CALARCO:

Okay. So I feel we already have, you know, liability on the issue. And at the end of the day, anybody who is suing is going to look for the big money, not the small money that the agency's insurance might provide, and we're already liable. So it's not really extending it too much beyond other than making sure we continue to provide the program. Thank you.

P.O. GREGORY:

Okay, Legislator Browning.

LEG. BROWNING:

So if we hold off for two weeks, Laura, what happens?

MS. AHEARN:

Every day our registry verification reps will go out and verify a number of registrants to ensure the information they've provided is up-to-date and accurate, and you witnessed that, you were part of that the other day. That would stop completely, and any leads going to law enforcement about those activities, whether it's an individual failing to register, whether it's an individual who's not residing where he said he was going to reside or residing somewhere else, whether it's tips that we're getting that are going to law enforcement, the program would stop, it would absolutely stop.

LEG. BROWNING:

Because of your insurance issue.

MS. AHEARN:

Yes.

LEG. BROWNING:

Right.

MS. AHEARN:

So part of the efficacy of this law back three years ago -- and Legislator Trotta, I'm not sure you were here during those discussions -- but law enforcement has very limited resources and they're being charged with doing investigations. So what our staff do is they gather information and send

that to law enforcement so their time could be spent doing that work that they're highly skilled to do in terms of investigations. So in that way it's served to assist them by providing that information so they don't -- you don't have to have detectives knocking on doors, our guys are knocking on the doors, gathering the information and providing it to the Police Department.

LEG. BROWNING:

Right. And, you know, I'm not comfortable at this point in time. You said that the Commissioner signed off on this with the contract.

MS. AHEARN:

Yeah, he extended the contract.

LEG. BROWNING:

So if he signed to extend contract, clearly he supports it. So the other part of it is, is while some people don't want do it, I road with them in my own district and went to the homes in my district and I am not going to for one minute put my constituents in jeopardy of fighting finding out that they're not being properly checked. And I know that you want to talk about the former administration; I don't know if you're talking about the Levy Administration or the former Police leadership.

LEG. TROTТА:

The Police leadership.

LEG. BROWNING:

Okay. But this was under the Levy Administration, the monitoring was not being done very well.

LEG. TROTТА:

That's not my point. The point is --

LEG. BROWNING:

Well, that's my point.

LEG. TROTТА:

Okay. Well --

LEG. BROWNING:

It wasn't done when I came in ten years ago.

LEG. TROTТА:

-- I'm talking about both prior administrations.

LEG. BROWNING:

When I came in --

LEG. TROTТА:

Talk to your constituents. Your constituents --

P.O. GREGORY:

Kate has the floor. Let her speak.

LEG. BROWNING:

Thank you. When I came in ten years ago, they were not being properly monitored ten years ago. And only until this Community Protection Act was created and the Parents for Megan's Law and the Crime Victim Center was doing what they were doing, they are now in compliance, they know where

they are. And if there's someone -- and in fact, I know there's one in my district who's gone missing, and that's because of what they are doing that the Police are now following up on that one. So you tell that to the people who live in my district. I don't know how many sex offenders. I looked where you live, you don't have them, so it's easy for you to say --

LEG. TROTТА:

I do have them, by the way.

LEG. BROWNING:

-- let it go for two weeks. It's easy for you to say let it go for two weeks.

LEG. TROTТА:

I do have them. And I'm disappointed you don't have faith in your Police Department to be able to handle this.

LEG. BROWNING:

I have a lot of faith in my police department, but they're understaffed to be able to do what they're doing. And I think Laura just said it.

LEG. TROTТА:

So I think that --

LEG. BROWNING:

She said that they are following up, they are doing the preliminary work and then giving it to the Police Department so they can do the extensive work.

LEG. TROTТА:

No one is arguing that.

LEG. BROWNING:

And I think that's the way. At this point in time --

LEG. TROTТА:

I'm arguing the liability.

LEG. BROWNING:

-- the Police Commissioner supports this, let him do that. Now, if there's something that we need to do later and we want to change it, then we'll have that discussion. But as it stands right now, the Police Commissioner signed off on this, so he supports it and clearly he sees he doesn't have the staff level to do what they are doing.

LEG. TROTТА:

If he was here and I would him that and there would be some insight. Why would we jump into this? It makes no sense.

LEG. BROWNING:

I have a phone call.

P.O. GREGORY:

All right. Cilmi, and then we're going to call the vote.

LEG. CILMI:

All right. Cilmi gets the last word; I like that. So where'd Dennis go?

MR. BRAUN:

He just took a call outside.

LEG. CILMI:

Okay.

MR. BRAUN:

Do you need him? I'll get him back.

LEG. CILMI:

All right, Dennis, I'm relying on you here.

MR. BROWN:

Okay.

LEG. CILMI:

I'm compelled by arguments on both sides. First of all, I think from what I've seen, and heard at least, Parents for Megan's Law is doing a wonderful job; much better than it was in the past.

LEG. TROTТА:

Absolutely.

LEG. CILMI:

Now, for all I know, the Police Department, under different management, may do a similarly spectacular job. I don't know that they want to do that job. Our contract goes to the end of this year; at that point, or some time before then hopefully, we'll decide whether or not we think the Police Department can do that job. Meanwhile, the question for me is, again, what is our liability, and I'm relying on you. It sounds to me like our liability doesn't change much, if at all here. Look, we live in a litigious society, people get -- the County can get sued for anything, I'm sure, people can get sued for anything. You're never going to be able to say, *If we do this you won't be liable*, because you're still going to get in litigation and you're still subject to a jury and whatever. So with that said, and given the fact that this ends, basically, at the end of this year, I'm inclined to support it at this point, but it's not an easy decision. Thank you both.

D.P.O. CALARCO:

Anybody else on the issue? Legislator Hahn, go ahead.

LEG. HAHN:

You know, I've said a lot along the way, I think a lot has been said here. But I think it's pretty clear, we do not want to abandon the most successful program to monitor sex offenders in the country; we do not want to abandon this. We do not want to abandon our constituents and our communities and our children, and we need to pass this to keep this very successful program, protection program operating. Thank you.

P.O. GREGORY:

Okay. So we have a motion to table and a motion to approve. Motion to table goes first.

LEG. BROWNING:

On the motion to table, one last comment. I did get off the phone, I just got off the phone with the Commissioner, he said he is comfortable with the program and he does support them continuing the program, and resources is not something he has right now to take it over. So I will not support a motion to table.

P.O. GREGORY:

All right. So we have a motion to table, the tabling motion goes first. Roll call.

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

LEG. TROTTA:

No. Oh, yes.

*(*Laughter*)*

MR. RICHBERG:

So that's a no. No from Legislator Trotta. Thank you.

LEG. McCAFFREY:

Yes.

LEG. SPENCER:

No.

LEG. D'AMARO:

No.

LEG. STERN:

No.

LEG. KENNEDY:

No.

LEG. BARRAGA:

Yes.

LEG. CILMI:

No.

LEG. MARTINEZ:

No.

LEG. LINDSAY:

No.

LEG. ANKER:

No.

LEG. HAHN:

No.

LEG. MURATORE:

Yes to table.

LEG. BROWNING:

No.

LEG. FLEMING:

No.

LEG. KRUPSKI:

No.

D.P.O. CALARCO:

No.

P.O. GREGORY:

No.

MR. RICHBERG:

Four (In Favor: Legislators Trotta, McCaffrey, Barraga & Muratore).

P.O. GREGORY:

Okay. Motion to approve. Roll call.

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

LEG. HAHN:

Yes.

LEG. D'AMARO:

Wait, I had a question on the motion. Just one question.

LEG. SPENCER:

No, he's serious.

LEG. D'AMARO:

No, I do, just one question. On the motion, to the County Attorney. All County contracts usually have a provision that they can be terminated at will by the County; does this contract contain that same provision?

MR. BROWN:

I'm going to say yes, but I'm going to ask you not to hold me to it because I haven't seen the terms of the currently negotiated contract, but that's standard boiler plate language.

LEG. D'AMARO:

Right, okay.

MR. BROWN:

So let me put it this way; it'll be in there.

LEG. D'AMARO:

It'll be in there.

MR. BROWN:

Yes.

LEG. D'AMARO:

Okay. Because then, you know, if we're going to have a larger policy debate, then we --

MR. BROWN:

It'll be in there.

LEG. D'AMARO:

I'm not saying we're going to do it, but, you know, some members have expressed maybe we should bring this debate a little forward and to larger issues, so I just wanted to make sure.

MR. BROWN:

You know, it's just like I hate to say yes if I haven't seen something, but it'll be in there.

LEG. D'AMARO:

Right, it'll be in there.

MR. BROWN:

If it's not in there, it will be in there.

LEG. D'AMARO:

All right, thank you.

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

LEG. HAHN:

Yes to approve.

LEG. BROWNING:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. McCAFFREY:

Yes.

LEG. TROTTA:

No.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MARTINEZ:

Yes.

LEG. LINDSAY:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. FLEMING:

Yes.

LEG. KRUPSKI:

Yes.

D.P.O. CALARCO:

Yes.

P.O. GREGORY:

Yes.

MR. RICHBERG:

Sixteen (Opposed: Legislators Trotta & Barraga).

P.O. GREGORY:

All right, let's get back to the agenda, page seven, IR 1327.

LEG. HAHN:

Wait, I'd like to make a motion to take out of order IR 1000, cause we have members of the Health Department here in case we need them.

P.O. GREGORY:

Okay.

LEG. HAHN:

They've been here a long time.

LEG. KRUPSKI:

Second.

P.O. GREGORY:

Okay, Legislator Hahn makes a motion to take IR 1000 out of order. Second by Legislator Krupski. It's page seven in Health.

MS. ELLIS:

Eighteen.

P.O. GREGORY:

Everyone there? Okay, all in favor? Opposed? Abstentions to take IR 1000 out of order?

MS. ELLIS:

Eighteen.

P.O. GREGORY:

Okay.

LEG. HAHN:

Motion.

P.O. GREGORY:

Motion to approve *IR 1000-16 - Adopting Local Law No. -2016, A Local Law to increase awareness of dry cleaning chemical use (Hahn)*. Motion by Legislator Hahn. Second by Legislator Fleming. On the motion, anyone?

LEG. TROTТА:

This is the sign, right?

LEG. CILMI:

The sign.

LEG. TROTТА:

Another sign. Okay, thanks.

LEG. FLEMING:

Mr. Presiding Officer?

P.O. GREGORY:

Yes, Legislator Fleming.

LEG. FLEMING:

Yeah, I just want to make a quick note that I think Legislator Hahn has done an excellent job with this and I appreciate the invitation to us and a dry cleaner in my district who was very, very upset with this at first and is now on board with it. I think you really did a very good job in leading us all to a good bill that serves the purposes of many without hurting local business, and I applaud you for that.

LEG. HAHN:

Thank you.

P.O. GREGORY:

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

LEG. CILMI:

Opposed.

LEG. TROTТА:

Opposed.

MS. ELLIS:

Sixteen.

LEG. BARRAGA:

Opposed.

MS. ELLIS:

Fifteen (Opposed: Legislators Trotta, Barraga & Cilmi).

P.O. GREGORY:

IR 1429-16 - To appoint a member to the Suffolk County Child --

MR. NOLAN:

You've got to go back to 1327.

P.O. GREGORY:

Oh, I'm sorry, I'm sorry.

Education & Human Services

Okay, back to page seven, **IR 1327-16 - Requiring notification of building permits issued by Suffolk County Community College (Martinez).**

LEG. MARTINEZ:

Motion.

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

P.O. GREGORY:

IR 1429-16 - To appoint member to the Suffolk County Child Care Commission (Nick Lamorte).

LEG. ANKER:

I'll cosponsor that.

LEG. MARTINEZ:

Motion.

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

Environment, Planning & Agriculture

P.O. GREGORY:

IR 1262-16 - Appropriating funds in connection with the new Enhanced Suffolk County 1/4% Drinking Water Protection Program - 2014 Referendum - land purchases (CP 8732.210)(County Executive). Motion by Legislator Krupski.

LEG. FLEMING:

Second.

P.O. GREGORY:

Second by Legislator Fleming.

LEG. D'AMARO:

On the motion.

P.O. GREGORY:

On the motion, Legislator D'Amaro.

LEG. D'AMARO:

This is appropriating \$20 million and I just wanted to know if we have properties that have cleared the process and are prepared to be acquired.

DIRECTOR LANSDALE:

Hi. We do not have a specific list for to use these funds right now. We contemplate looking at the Comprehensive Master List for the County and we are taking steps to re-canvas that list.

LEG. D'AMARO:

So again, similar to this morning, this is an appropriation in anticipation of coming up with approved properties

DIRECTOR LANSDALE:

Yes, the resolution puts in place what is needed to go forward with the acquisitions.

LEG. D'AMARO:

Right. Is this one of the stages of our acquisition process; the triple E process?

DIRECTOR LANSDALE:

AAA?

LEG. D'AMARO:

AAA process?

DIRECTOR LANSDALE:

This is a --

LEG. D'AMARO:

This is just the funding of it.

DIRECTOR LANSDALE:

Yeah, this is the funding. Yep.

P.O. GREGORY:

Legislator Stern.

LEG. STERN:

So this is the funding appropriation.

DIRECTOR LANSDALE:

That's right.

LEG. STERN:

But the individual properties?

DIRECTOR LANSDALE:

Would come to the Legislature for your consideration.

LEG. STERN:

Will still come back before us.

DIRECTOR LANSDALE:

Yes.

LEG. STERN:

Okay, thank you.

P.O. GREGORY:

Legislator Kennedy.

LEG. KENNEDY:

We already have this money, or are we bonding out for this money?

DIRECTOR LANSDALE:

We are bonding out for this money. This is required for us to do this, by referendum.

MR. NOLAN:

This is like the resolution this morning.

DIRECTOR LANSDALE:

Yes.

MR. NOLAN:

Required by the referendum and the legal settlement.

LEG. KENNEDY:

It didn't say bond, it said court.

D.P.O. CALARCO:

Actually, no. There was a referendum that was approved by the voters by I think around 60% that directed us to place \$29 million worth of bonding into the 2016 Capital Budget, \$20 million for open space acquisition, \$4.7 million for sewer projects and \$4.7 million for water quality projects, and that was exactly what the referendum was for and the voters have told us they want us to do this.

LEG. D'AMARO:

We don't know what property.

LEG. KENNEDY:

The voters are not aware of how many salaried positions are taken out of the Quarter Cent.

D.P.O. CALARCO:

No, that's really irrelevant because the voters directed us to bond for \$29 million; that's what the referendum directs us to do.

P.O. GREGORY:

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

MS. ELLIS:

Fifteen.

P.O. GREGORY:

Those in opposition, raise your hands, please.

MS. ELLIS:

Fourteen. *Thirteen - Opposed: Legislators Trotta, Kennedy, Barraga, Cilmi & D'Amaro - Not Present: Legislator McCaffrey).*

P.O. GREGORY:

Okay. Then we have ***IR 1262A Bond Resolution (of the County of Suffolk, New York, authorizing the issuance of \$20,000,000 bonds to finance the new enhanced Suffolk County Water Quality Protection Program – 2014 Referendum – Land Purchases (8732.210)***, same motion, same second; roll call.

(*Roll Called by Ms. Ellis - Chief Deputy Clerk of the Legislature*)

LEG. KRUPSKI:

Yes.

LEG. FLEMING:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

No.

LEG. STERN:

Yes.

LEG. McCAFFREY:

(Not Present).

LEG. TROTТА:

No.

LEG. KENNEDY:

No.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MARTINEZ:

Yes.

LEG. LINDSAY:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

D.P.O. CALARCO:

Yes.

P.O. GREGORY:

Yes.

MS. ELLIS:

Thirteen (*Amended Vote: Twelve - Opposed: Legislators Cilmi, Barraga, Kennedy, Trotta & D'Amaro - Not Present: Legislator McCaffrey*).

P.O. GREGORY:

I will recognize Legislator Anker for a motion.

LEG. ANKER:

Can we take IR 1310 out of order? Motion.

P.O. GREGORY:

What page is that?

LEG. ANKER:

It's page ten.

P.O. GREGORY:

Page ten, **Seniors & Consumer Protection:**

Legislator Anker makes a motion to take IR **1310(-16)** out of order, a **Local Law to regulate pet grooming businesses operating in Suffolk County, Ginger's Law (Calarco)**.

D.P.O. CALARCO:

Second.

P.O. GREGORY:

Legislator Calarco seconds the motion to take out of order. All in favor? Opposed? Abstentions?

MS. ELLIS:

Seventeen (*Not Present: Legislator McCaffrey*).

D.P.O. CALARCO:

Motion to approve.

P.O. GREGORY:

Motion to approve by Legislator Calarco.

LEG. MARTINEZ:

Second.

P.O. GREGORY:

Second by Legislator Martinez; she was quick. All right. All in favor? Opposed? Abstentions?

MS. ELLIS:

Seventeen (Not Present: Legislator McCaffrey).

P.O. GREGORY:

Okay, back to page seven **(Environment, Planning & Agriculture Con't:)**

IR 1408-16 - Authorizing appraisal of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007, Giangrasso Property - Town of Brookhaven (SCTM Nos. 0209-027.00-07.00-004.000, 0209-027.00-07.00-015.000 and 0209-027.00-07.00-016.000) (Browning).

LEG. BROWNING:

Motion.

P.O. GREGORY:

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

MS. ELLIS:

Seventeen (Not Present: Legislator McCaffrey).

P.O. GREGORY:

IR 1409-16 - Authorizing appraisal of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007, Purgatory Creek – Town of Brookhaven (SCTM No. 0200-980.80-04.00-030.001 p/o) (Lindsay). Oh, that sounds like I feel like I'm at.

(*Laughter*)

I'll make a motion. Second by Legislator Lindsay. All in favor? Opposed? Abstentions?

D.P.O. CALARCO:

Please list me as a cosponsor.

MS. ELLIS:

Seventeen (Not Present: Legislator McCaffrey).

P.O. GREGORY:

IR 1474-16 - Making a technical correction to Resolution No. 184-2016 (Krupski). Motion by Legislator Krupski. Second by Legislator -- I'll second. All in favor? Opposed? Abstentions?

MS. ELLIS:

Seventeen (Not Present: Legislator McCaffrey).

P.O. GREGORY:

IR 1475-16 - Making a technical correction to Resolution No.186-2016 (Krupski). Same motion, same second. All in favor? Opposed? Abstentions?

MS. ELLIS:

Seventeen (Not Present: Legislator McCaffrey).

P.O. GREGORY:

Government Operations, Personnel, Information Technology & Housing:

IR 1418-16 - Authorizing the sale of County-owned real property pursuant to section 72-h of the General Municipal Law to the Town of Brookhaven for affordable housing purpose (SCTM No. 0200-031.00-05.00-012.000) (County Executive).

LEG. BROWNING:

Motion.

P.O. GREGORY:

Motion by Legislator Hahn. Second by Legislator Muratore. Was that you?

LEG. HAHN:

That was Kate.

P.O. GREGORY:

I'm sorry. Motion by Legislator Browning, second by Legislator Muratore.

LEG. D'AMARO:

On the motion.

P.O. GREGORY:

On the motion, Legislator D'Amaro.

LEG. D'AMARO:

Yeah, I would just like to ask that -- this is transferring the property to the Town of Brookhaven, and I just wanted to know if the town has any other parcels pending that are beyond the required holding period. If anyone knows.

MS. KEYES:

Hi. Yes, Brookhaven Town does have 72-h parcels for affordable housing that are outside of the seven years. We had a conference call with their Commissioner of Human -- Housing & Human Services who oversees their affordable housing program and are getting -- we gave them a cutoff of a week, which is actually up tomorrow, to let us know the ones that are beyond the seven years; at this point, we've got to start calling back. So we're going through that with each of the towns and we're getting commitments on any of the new ones we're coming to you with; for instance, this one, which the developer is Long Island Housing Partnership on, getting a commitment in writing to getting it developed within that three-year period. We're trying to be a lot more diligent with the construction timeframes.

LEG. D'AMARO:

Well, maybe we should consider not conveying any further parcels to Brookhaven.

MS. KEYES:

This was -- absolutely. This was a special request by the Housing Partnership. They were -- they asked us to bring this forward because the builder on this is anxious to start, ready to start. They have families who are looking to get placed in this area; this is Rocky point, so there's not a lot of -- there aren't any over the seven years in Rocky Point, for instance.

LEG. D'AMARO:

Right.

MS. KEYES:

So we brought it forward, we spoke to the Legislator for this area before we did that, but it did occur to us that that might be a direction the Legislature would --

LEG. D'AMARO:

Yeah, maybe we can get that builder that's so anxious to advocate to the Town and say, *You know, the County won't move on this until you folks address the fact that you have substantial number of properties outstanding for more than seven years.*

MS. KEYES:

That's totally possible. We are working on addressing all of them.

LEG. D'AMARO:

Do you know how many there are?

MS. KEYES:

Not off the top of my head. I have the spread sheet, I could pull it up if you give me a couple of minutes, but I don't know off the top of my head.

LEG. D'AMARO:

I just, you know --

MS. KEYES:

No, I understand.

LEG. D'AMARO:

It seems to me that, you know, they're off the tax rolls, we convey them to the town, we don't auction them off and then they just sit there for a long time. But here we have a commitment from a developer and the Long Island Housing Partnership.

MS. KEYES:

Yes.

LEG. D'AMARO:

Okay. All right, thank you.

P.O. GREGORY:

Okay. All right, we have a motion and a second on IR 1418. All in favor? Opposed? Abstentions?

MS. ELLIS:

Seventeen (Not Present: Legislator McCaffrey).

P.O. GREGORY:

IR 1473-16 - Authorizing a two-year extension for the development of a parcel of land transferred pursuant to the 72-h Affordable Housing Program to the Village of

Greenport (SCTM No. 1001-002.00-04.00-001.000) (Krupski). Motion by Legislator Krupski, second by Legislator Fleming. All in favor? Opposed? Abstentions?

MS. ELLIS:

Seventeen (Not Present: Legislator McCaffrey).

P.O. GREGORY:

Okay. **Home Rule No. 1-2016 - Requesting the State of New York to enact legislation establishing a Bi-County Commission in the Counties of Nassau and Suffolk to study the feasibility of establishing the State of Long Island (Senate Bill S.2362A and Assembly Bill A.3116A) (Presiding Officer Gregory).**

LEG. LINDSAY:

Motion.

P.O. GREGORY:

Motion by Legislator Lindsay. Second by Legislator Muratore.

LEG. D'AMARO:

I just think that the title on the bill is wrong; the last word has to be amended to say *again*.

(*Laughter*)

How many times are we going to do this?

LEG. TROTТА:

Until we get it.

LEG. D'AMARO:

It's never going to happen.

P.O. GREGORY:

Right. So we have a motion, we have a second. Anyone else? All in favor? Opposed? Abstentions. All opposed, raise your hands.

Opposed, Anker, Gregory, Calarco, Barraga, Stern, D'Amaro.

MS. ELLIS:

Eleven (Opposed: Legislators Anker, Gregory, Calarco, Barraga, Stern & D'Amaro - Not Present: Legislator McCaffrey).

D.P.O. CALARCO:

It's tabled.

P.O. GREGORY:

No, that passes.

MR. NOLAN:

No, I'm not sure. That might need twelve.

P.O. GREGORY:

Oh, okay. The sponsor requests --

MR. NOLAN:

A Home Rule, if it doesn't have County Executive support, needs 12.

P.O. GREGORY:

Okay. All right, we're going to do a roll call, because Bill's asking us to do a roll call. So we have a motion and a second. Roll call.

*(*Roll Called by Ms. Ellis - Chief Deputy Clerk of the Legislature*)*

LEG. LINDSAY:

Yes.

LEG. MURATORE:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

No.

LEG. STERN:

No.

LEG. McCAFFREY:

(Not Present).

LEG. TROTTA:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

(Laughter) Yes.

LEG. MARTINEZ:

Yes.

LEG. ANKER:

No.

LEG. HAHN:

No.

LEG. BROWNING:

Sure, yes.

LEG. FLEMING:

Yes.

LEG. KRUPSKI:

Yes.

D.P.O. CALARCO:

No.

P.O. GREGORY:

No.

MS. ELLIS:

Ten (Opposed: Legislators Hahn, Anker, Gregory, Calarco, Barraga, Stern & D'Amaro - Not Present: Legislator McCaffrey).

Health

P.O. GREGORY:

Okay. All right. Okay, Health. We did IR 1000.

IR 1430-16 - Declaring April 17th as "Animal Cruelty Prevention Day" in Suffolk County (Browning) Motion by Legislator Browning.

LEG. HAHN:

Second.

P.O. GREGORY:

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

MS. ELLIS:

Seventeen (Not Present: Legislator McCaffrey).

D.P.O. CALARCO:

Cosponsor.

P.O. GREGORY:

Me, too.

IR 1442-16 - Declaring the month of October as "Sudden Cardiac Arrest Awareness Month" in Suffolk County (Muratore). Motion by Legislator Muratore. Second by Legislator -- was that Kennedy?

D.P.O. CALARCO:

Yes.

P.O. GREGORY:

Legislator Kennedy. All in favor? Opposed? Abstentions?

MS. ELLIS:

Seventeen (Not Present: Legislator McCaffrey).

P.O. GREGORY:

Okay, page eight, ***IR 1467-16 - Appoint member to the Wellness Program for County employees (Jane K. Dye)(Lindsay).*** Motion by Legislator Lindsay. I'll second. All in favor?

Opposed? Abstentions?

MS. ELLIS:

Seventeen (Not Present: Legislator McCaffrey).

P.O. GREGORY:

Okay, **Parks & Recreation:**

1405-16 - Authorizing use of Old Field Farm for Gallery North's Wet Paint Festival (Hahn).

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

MS. ELLIS:

Seventeen (Not Present: Legislator McCaffrey).

P.O. GREGORY:

IR 1406-16 - Authorizing use of Smith Point County Park for Mercy Center Ministries 5k Race (Browning). Motion by Legislator Browning. Second by Legislator Muratore. All in favor?

Opposed? Abstentions?

MS. ELLIS:

Seventeen (Not Present: Legislator McCaffrey).

P.O. GREGORY:

IR 1461-16 - Authorizing use of Smith Point County Park property by Mastic Beach Ambulance Company for "Help Us Save You Program" (Browning). Same motion, same second. All in favor? Opposed? Abstentions?

MS. ELLIS:

Seventeen (Not Present: Legislator McCaffrey).

P.O. GREGORY:

Okay, **Public Safety:**

IR 1370-16 - Adopting Local Law No. -2016, A Local Law to further regulate synthetic cannabinoids and synthetic cocaine in Suffolk County (Spencer).

LEG. SPENCER:

Motion.

P.O. GREGORY:

Motion by Legislator Spencer.

LEG. STERN:

Second.

P.O. GREGORY:

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

MS. ELLIS:

Seventeen (Not Present: Legislator McCaffrey).

P.O. GREGORY:

IR 1437-16 - Accepting and appropriating a grant in the amount of \$1,068,093 from the New York State Division of Criminal Justice Services for the Gun Involved Violence Elimination (GIVE) III Program with 90.84% support (County Executive).

LEG. BROWNING:

Motion.

P.O. GREGORY:

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

MS. ELLIS:

Seventeen (Not Present: Legislator McCaffrey).

P.O. GREGORY:

IR 1485-16 - Accepting from New York State one (1) 2016 Boston Whaler, four (4) outboard engines, one (1) 2007 Pro Line and two (2) boat trailers for use by the Suffolk County Police Department Marine Bureau (County Executive).

LEG. BROWNING:

Motion.

P.O. GREGORY:

Motion by Legislator Browning.

LEG. KRUPSKI:

Second.

P.O. GREGORY:

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

MS. ELLIS:

Seventeen (Not Present: Legislator McCaffrey).

Public Works, Transportation & Energy

IR 1431-16 - A resolution making certain findings and determinations and an order for the modification of the plan of service for Suffolk County Sewer District No. 18 – Hauppauge Industrial (CP 8126) (County Executive).

LEG. KENNEDY:

Motion.

P.O. GREGORY:

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

MS. ELLIS:

Seventeen (Not Present: Legislator McCaffrey).

P.O. GREGORY:

IR 1432-16 - 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). Motion by Legislator Muratore. I'll second. All in favor? Opposed? Abstentions?

MS. ELLIS:

Seventeen (Not Present: Legislator McCaffrey).

P.O. GREGORY:

IR 1433-16 - A resolution making certain findings and determinations and issuing an order in relation to the increase and improvement of facilities for Sewer District No. 7 – Medford (CP 8150) (County Executive). Motion by Legislator Calarco. I'll second. All in favor? Opposed? Abstentions?

MS. ELLIS:

Seventeen (Not Present: Legislator McCaffrey).

P.O. GREGORY:

IR 1434-16 - A resolution making certain findings and determinations and issuing an order in relation to the increase and improvement of facilities for Sewer District No. 3 – Southwest (CP 8180) (County Executive). I'll make a motion to approve.

LEG. TROTТА:

On the motion.

P.O. GREGORY:

Second by Legislator D'Amaro. On the motion, Legislator Trotta.

LEG. TROTТА:

Can you tell me what this is about? I voted no and I don't know why.

*(*Laughter*)*

P.O. GREGORY:

You're the Detective, figure it out.

*(*Laughter*)*

LEG. TROTТА:

Gil, why did I vote no on this? I'm sure there was a great reason.

COMMISSIONER ANDERSON:

Just to confirm, this is 1434, right?

LEG. TROTТА:

Yeah.

COMMISSIONER ANDERSON:

Yeah, okay. This was -- I think we were talking about the sludge project and we started getting into discussions about rather than incinerating the sludge, we are currently in the process of working with a contractor to --

LEG. TROTТА:

But we're transporting it.

COMMISSIONER ANDERSON:

Transporting it for beneficial reuse, or to be --

LEG. TROTТА:

But we're still paying the transport. And I was going to ask him about this and he's gone. All right, go ahead, forget it.

P.O. GREGORY:

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

MS. ELLIS:

Seventeen (Not Present: Legislator McCaffrey).

P.O. GREGORY:

IR 1435-16 - A resolution making certain findings and determinations and issuing an order in relation to the increase and improvement of facilities for Sewer District No. 10 – Stony Brook (CP 8175)(County Executive). Motion by Legislator Hahn. I'll second. All in favor? Opposed? Abstentions?

MS. ELLIS:

Seventeen (Not Present: Legislator McCaffrey).

P.O. GREGORY:

IR 1436-16 - A resolution making certain findings and determinations and issuing an order in relation to the increase and improvement of facilities for Sewer District No. 3 – Southwest (CP 8181)(County Executive).

LEG. D'AMARO:

Motion.

P.O. GREGORY:

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

MS. ELLIS:

Seventeen (Not Present: Legislator McCaffrey).

P.O. GREGORY:

IR 1443-16 - Appropriating funds in connection with Public Works Buildings Operations and Maintenance Equipment (CP 1806)(County Executive). Motion by Legislator Krupski. I'll second. All in favor? Opposed? Abstentions?

MS. ELLIS:

Seventeen (Not Present: Legislator McCaffrey).

P.O. GREGORY:

And ***IR 1443A Bond Resolution (of the County of Suffolk, New York, authorizing the issuance of \$100,000 bonds to finance the cost of acquisition of buildings operation and maintenance equipment for the Department of Public Works (CP 1806.516),*** same motion, same second. Roll call.

(*Roll Called by Ms. Ellis - Chief Deputy Clerk of the Legislature*)

LEG. KRUPSKI:

Yes.

P.O. GREGORY:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. McCAFFREY:

(Not Present).

LEG. TROTTA:

No.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MARTINEZ:

Yes.

LEG. LINDSAY:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes, I guess.

LEG. MURATORE:

No.

LEG. BROWNING:

Yes.

LEG. FLEMING:

Yes.

D.P.O. CALARCO:

Yes.

MS. ELLIS:

Fifteen (Opposed: Legislators Trotta & Muratore - Not Present: Legislator McCaffrey).

P.O. GREGORY:

Okay, *IR 1444-16 - Appropriating funds in connection with removal of toxic and hazardous materials and components at various County Facilities (CP 1732)(County Executive)*.

Same motion, same second.

All in favor? Opposed?

LEG. KENNEDY:

Whoa, whoa.

P.O. GREGORY:

Okay, I'm sorry.

LEG. KENNEDY:

I have a question.

P.O. GREGORY:

Legislator Kennedy.

LEG. KENNEDY:

Gil, I just want to ask, this is asbestos, etcetera, or is this sewage sludge and all those other good things?

COMMISSIONER ANDERSON:

It's for asbestos and other hazardous material.

LEG. KENNEDY:

Thank you.

P.O. GREGORY:

You're good? Okay, all approved? Opposed? Abstentions?

MS. ELLIS:

Seventeen (Not Present: Legislator McCaffrey).

P.O. GREGORY:

Okay. *IR 1444A Bond Resolution (of the County of Suffolk, New York, authorizing the issuance of \$200,000 Bonds to finance the removal of toxic and hazardous materials and components at various County facilities (CP 1732.332)*, same motion, same second; roll call.

(*Roll Called by Ms. Ellis - Chief Deputy Clerk of the Legislature*)

LEG. KRUPSKI:

Yes.

P.O. GREGORY:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. McCAFFREY:

(Not Present).

LEG. TROTTA:

No.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MARTINEZ:

Yes.

LEG. LINDSAY:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

No.

LEG. BROWNING:

Yes.

LEG. FLEMING:

Yes.

D.P.O. CALARCO:

Yes.

MS. ELLIS:

Fifteen (Opposed: Legislators Trotta & Muratore - Not Present: Legislator McCaffrey).

P.O. GREGORY:

Okay. ***IR 1445-16 - Appropriating funds in connection with Underground Injection Control Management Program (CP 8220)(County Executive).***

Same motion, same second. All in favor? Oh, never mind. I'll make a motion to approve.

D.P.O. CALARCO:

Second.

P.O. GREGORY:

Second -- Legislator Calarco seconds the motion. All in favor? Opposed? Abstentions?

MS. ELLIS:

Seventeen (Not Present: Legislator McCaffrey).

P.O. GREGORY:

Sixteen.

MS. ELLIS:

Sixteen.

D.P.O. CALARCO:

No, he's right there.

P.O. GREGORY:

Oh, okay. Yeah, I didn't see him.

D.P.O. CALARCO:

Seventeen (Not Present: Legislator McCaffrey).

P.O. GREGORY:

IR 1445A, Bond Resolution (of the County of Suffolk, New York, authorizing the issuance of \$200,000 BONDS to finance the cost of the Underground Injection Control Management Program (CP 8220.312), same motion, same second; roll call.

(*Roll Called by Ms. Ellis - Chief Deputy Clerk of the Legislature*)

P.O. GREGORY:

Yes.

D.P.O. CALARCO:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. McCAFFREY:

(Not Present).

LEG. TROTТА:

No.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MARTINEZ:

Yes.

LEG. LINDSAY:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

No.

LEG. BROWNING:

Yes.

LEG. FLEMING:

Yes.

LEG. KRUPSKI:

Yes.

MS. ELLIS:

Fifteen (Opposed: Legislators Trotta & Muratore - Not Present: Legislator McCaffrey).

P.O. GREGORY:

Okay, ***IR 1446-16 - Appropriating funds in connection with the rehabilitation of parking lots, sidewalks, drives and curbs at various County Facilities (CP 1678) (County Executive)***. Same motion, same second. All in favor? Opposed? Abstentions?

MS. ELLIS:

Seventeen (Not Present: Legislator McCaffrey).

P.O. GREGORY:

IR 1446A Bond Resolution (of the County of Suffolk, New York, authorizing the issuance of \$1,000,000 Bonds to finance the cost of rehabilitation of parking lots, sidewalks, drives and curbs at various County facilities (CP 1678.326), same motion, same second; roll call.

(*Roll Called by Ms. Ellis - Chief Deputy Clerk of the Legislature*)

P.O. GREGORY:

Yes.

D.P.O. CALARCO:

Yes.

LEG. SPENCER:

No.

LEG. D'AMARO:

No.

LEG. STERN:

Yes.

LEG. STERN:

Yes.

LEG. McCAFFREY:

(Not Present).

LEG. TROTTA:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MARTINEZ:

Yes.

LEG. LINDSAY:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. FLEMING:

Yes.

LEG. KRUPSKI:

Yes.

MS. ELLIS:

Fifteen (Opposed: Legislators D'Amaro & Spencer - Not Present: Legislator McCaffrey).

P.O. GREGORY:

Okay, ***IR 1447-16 - Appropriating funds in connection with Riverside Traffic Circle (CP 5557) (County Executive)***. Same motion, same second. No, I'm sorry, I'll have Legislator Fleming and Legislator -- well, no, Al, you want to second?

LEG. FLEMING:

Riverside is your district, too.

LEG. KRUPSKI:

Yes.

P.O. GREGORY:

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

LEG. BARRAGA:

Opposed.

MS. ELLIS:

Sixteen (Opposed: Legislator Barraga - Not present: Legislator McCaffrey).

P.O. GREGORY:

IR 1447A, Bond Resolution (of the County of Suffolk, New York, authorizing the issuance of \$4,000,000 Bonds to finance the construction of improvements to the Riverside Traffic Circle (CP 5557.310), same motion, same second; roll call.

LEG. D'AMARO:

Just on the motion. I just had a question for the Commissioner. Just what phase of the project are we in, or is it still planning? Are we starting construction? Did we start construction? Where are we at?

COMMISSIONER ANDERSON:

We're in the planning stage right now. This is four million that was put into the Capital Program for this year as part of the Capital Program. In the -- in today's Capital Program, we added another million dollars into this project so that next year we can appropriate that and we'll have enough money to go out to bid and start the construction next year.

LEG. D'AMARO:

So right now we're in the planning stage?

COMMISSIONER ANDERSON:

Correct.

LEG. D'AMARO:

Plans are being worked out --

COMMISSIONER ANDERSON:

Yes.

LEG. D'AMARO:

-- and all of that.

COMMISSIONER ANDERSON:

We met with the community, we've developed a plan. We're in basically plans and specifications mode at this point.

LEG. D'AMARO:

Do you think that, knowing the project, we'll be in the position to start these expenditures this year?

COMMISSIONER ANDERSON:

No, but we need these funds -- this was originally the estimate that -- last year was the estimate for the project.

LEG. D'AMARO:

It went up by a million dollars.

COMMISSIONER ANDERSON:

Yeah. Part of it was the construction/inspection costs and part of it was as we developed the plans and we got closer to the final design in doing the estimate, we found that the price was higher.

LEG. D'AMARO:

I remember this was heavily debated when we passed the Capital Budget.

COMMISSIONER ANDERSON:

Right.

LEG. D'AMARO:

And it was a tough sell at four million, now we're up to five.

LEG. FLEMING:

May I, through the chair? This is the four million that was approved in the last Capital Budget. So I understand the concern with regard to the additional million, but what this resolution addresses is only the appropriation of the four million that was passed in last year's Capital Program.

LEG. D'AMARO:

So what caused the need for the additional funding?

COMMISSIONER ANDERSON:

Again, the original cost was based on preliminary plans as we got into the design. The design was finalized. You know, as we became -- as the final design became more clear, we do an estimate; we get into the final design and we do another estimate which supercedes the preliminary estimate and the cost went up. I can't honestly tell you whether it was just general construction costs or a change to the contract itself, but after the analysis we determined we needed the additional funds.

LEG. D'AMARO:

So the total projected cost for this project is now five million.

COMMISSIONER ANDERSON:

Five million, but that also includes construction inspection.

LEG. D'AMARO:

Construction and planning, the whole project.

COMMISSIONER ANDERSON:

No, it involves -- it includes -- the construction cost, I believe, was at 4.2 million.

LEG. D'AMARO:

Okay.

COMMISSIONER ANDERSON:

And then the additional fees were construction, inspection and engineering for that project.

LEG. D'AMARO:

Uh-huh. They don't come cheap.

COMMISSIONER ANDERSON:

No. And this is going to be a very difficult project to construct. It's the circle right down the road from the Riverhead County Center. It's going to be very intrusive. I would imagine a lot of the work's going to be done at night, so there's an additional cost with that.

LEG. D'AMARO:

Gil, is it going to include as part of the planning and design safety enhancement?

COMMISSIONER ANDERSON:

Yeah, just by the --

LEG. D'AMARO:

Is safety an issue with the existing circle?

COMMISSIONER ANDERSON:

Yes, safety and congestion.

LEG. D'AMARO:

And congestion.

COMMISSIONER ANDERSON:

And congestion, yeah.

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

LEG. D'AMARO:

Well, we have a lot of congested roads, but --

COMMISSIONER ANDERSON:

Yeah, but that intersection, you've got, five, five roads coming into the one circle.

LEG. D'AMARO:

All right. Thank you. Thanks.

COMMISSIONER ANDERSON:

You're welcome.

P.O. GREGORY:

Okay. Anyone else? Okay. We have -- this is the bond, so roll call.

(Roll Call by Ms. Ellis, Chief Deputy Clerk of the Legislature)

LEG. FLEMING:

Yes.

LEG. KRUPSKI:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Well, I say yes.

LEG. STERN:

Yes.

LEG. MC CAFFREY:

(Not Present)

LEG. TROTTA:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Well, I say no.

*(*Laughter*)*

LEG. D'AMARO:

Well said.

LEG. CILMI:

Yes for Schneiderman.

LEG. MARTINEZ:

Yes.

LEG. LINDSAY:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. CALARCO:

Yes.

P.O. GREGORY:

Yes.

MS. ELLIS:

Sixteen. (Vote Amended to 17/Not Present: Legislator McCaffrey)

P.O. GREGORY:

Okay. If I -- if you could go to your manila folders, we're going to take Home Rule Message No. 4 out of order. We're trying to get Amy and --

MR. NOLAN:

Sarah.

P.O. GREGORY:

Sarah out of here. Sorry, guys. Sorry, Gil. ***Home Rule Message 4 - Requesting the New York State Legislature to amend the Suffolk County Tax Act to conform its provisions with Article Sixteen of the Not For Profit Corporation Law (Senate Bill S.7770A and Assembly Bill A.10143A).*** I'll make a motion to take out of order.

LEG. MARTINEZ:

Second.

P.O. GREGORY:

Second by Legislator Martinez. It's in the manila folder. Everyone have it? There's a lot of procedural motions. It's past that.

LEG. SPENCER:

Got it, it's the last one, all the way at the bottom. Go all the way to the back.

P.O. GREGORY:

I think that was it. Okay. Everyone got it? All right. So we have a motion and a second to take out of order. All in favor? Opposed? Abstentions?

MS. ELLIS:

Sixteen. (Not Present: Legislators McCaffrey and Spencer)

P.O. GREGORY:

Okay. I will make a motion to approve.

LEG. KRUPSKI:

Second.

P.O. GREGORY:

Second, Legislator Krupski. On the motion, anyone? Maybe we can just get a quick explanation from Counsel.

MR. NOLAN:

It's very short. It amends the Suffolk County Tax Act to state that the County can convey property or tax liens to the Suffolk County Landbank Corporation on any terms and conditions the County may determine. I think we actually approved some resolutions early today to approve such conveyances, and I guess we need an amendment to the Tax Act to clarify the authority to do that.

LEG. D'AMARO:

So is it vague right now, George?

MR. NOLAN:

What's that?

LEG. CILMI:

We don't really need an amendment, but want an amendment.

MR. NOLAN:

Well, it's not ours. I would defer to the County Attorneys why they're bringing it over.

MR. BRAUN:

Hi. The Suffolk County Tax Act says that no tax liens can be sold for less than their face value. The Landbank Act says that counties can, or municipality can convey their tax liens on any terms and conditions to a Landbank that the municipality determines. This is just trying to make those two consistent. The Comptroller had some concern that that inconsistency could make things difficult, so we felt that to clarify the Tax Act to make it consistent with the Land Bank Act would be appropriate.

P.O. GREGORY:

Okay. Everyone good? Okay. We have a motion and second. All in favor? Opposed? Abstentions?

MS. ELLIS:

Sixteen. (Vote Amended to 17/Not Present: Legislator McCaffrey)

P.O. GREGORY:

Okay. Back to Page 9. ***I.R. 1450 - Appropriating funds through the issuance of sewer district serial bonds for the planning improvements for Suffolk County Sewer District No. 20 - William Floyd (Leisure Village) (CP 8148) (Co. Exec.)***. Motion by Legislator Anker, I'll second. All in favor? Opposed? Abstentions?

MS. ELLIS:

Sixteen. (Vote Amended to 17/Not Present: Legislator McCaffrey)

P.O. GREGORY:

I.R. 1450A, bond resolution, same motion, same second. Roll call.

(Roll Call by Ms. Ellis, Chief Deputy Clerk of the Legislature)

LEG. ANKER:

Yes.

P.O. GREGORY:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MC CAFFREY:

(Not Present)

LEG. TROTTA:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MARTINEZ:

Yes.

LEG. LINDSAY:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. FLEMING:

Yes.

LEG. KRUPSKI:

Yes.

LEG. CALARCO:

Yes.

MS. ELLIS:

Seventeen. (Not Present: Legislator McCaffrey)

P.O. GREGORY:

Okay. ***I.R. 1451 - Transferring Escrow Account Revenue Funds to the Capital Fund, amending the 2016 Capital Budget and Program and appropriating funds for improvement to Suffolk County Sewer District No. 22 - Hauppauge Municipal (CP 8171) (Co. Exec.).***

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

MS. ELLIS:

Seventeen -- 16. Seventeen. (Not Present: Leg. McCaffrey)

P.O. GREGORY:

Okay. **I.R. 1451A**, bond resolution, same motion, same second. Roll call.

(Roll Call by Ms. Ellis, Chief Deputy Clerk of the Legislature)

LEG. KENNEDY:

Yes.

P.O. GREGORY:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yeah.

LEG. MC CAFFREY:

(Not Present)

LEG. TROTТА:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MARTINEZ:

Yes.

LEG. LINDSAY:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. FLEMING:

Yes.

LEG. KRUPSKI:

Yes.

LEG. CALARCO:

Yes.

MS. ELLIS:

Seventeen. (Not Present: Legislator McCaffrey)

P.O. GREGORY:

I.R. 1452 - Appropriating funds in connection with installation of Guide Rail and Safety Upgrades at Various Locations (CP 5180) (Co. Exec.). I'll make a motion.

LEG. KRUPSKI:

Second.

P.O. GREGORY:

Second by Legislator Krupski.

LEG. SPENCER:

On the motion.

LEG. HAHN:

On the motion.

P.O. GREGORY:

On the motion. Who's that?

LEG. HAHN:

I did.

P.O. GREGORY:

Oh, Legislator Hahn. Okay.

LEG. HAHN:

Hey, Gil.

COMMISSIONER ANDERSON:

I'm sorry. Hi.

LEG. HAHN:

So, you know, I've been pleading with you guys to help fix some guide rails, guardrails on Nicolls Road. Do you have locations where these are going to get done? Do you know?

COMMISSIONER ANDERSON:

Actually, right now, there's two locations proposed, but they don't necessarily only -- these funds won't necessarily only be used for these two locations. We're planning on it right now. One location is actually on Nicolls Road, but it's down in Bayport near Sunrise Highway. The other one is at Montauk Highway, County Road 80, at East Pond Lane in Eastport.

LEG. HAHN:

And my research had shown that. However, I've been begging for some fixes up north between the south entrance to the University and 25A. There have been several locations where the guide rails have been mowed down, so clearly there's a need. And, you know, it's windy, and there are lots of young drivers from the University and elsewhere that, you know, we really need those guardrails fixed on Nicolls Road. So I'm just asking if maybe --

COMMISSIONER ANDERSON:

I'll take a look at it.

LEG. HAHN:

Take a look.

COMMISSIONER ANDERSON:

Let me take a look at it. I know the guide rail you're talking about, it's the cable guide rail.

LEG. HAHN:

Yeah. I don't particularly necessarily want cable guardrails replaced.

COMMISSIONER ANDERSON:

Right.

LEG. HAHN:

Hopefully, you know. But I've heard that there was some guide rail recently removed somewhere else, maybe out in District 2. Maybe we can use, reuse.

LEG. FLEMING:

Hasn't happened.

COMMISSIONER ANDERSON:

Hasn't happened yet, but we'll look at it. Let me see where we are with that and --

LEG. HAHN:

Thank you, I appreciate it.

COMMISSIONER ANDERSON:

Okay, you're welcome.

P.O. GREGORY:

Okay. Oh, Legislator Spencer.

LEG. SPENCER:

So, Gil, you know, I tried to give as much consideration for these projects as I gain understanding of them. And the one I kind of voted against earlier is that when I see a list of like seven or eight things, and like a principal of a million dollars, I understand, you know, that I have trust in you, but I don't sometimes feel I have enough information when I see like eight places and a round figure, that I don't feel like I'm getting a good sense of the work. It just seems like a nice round number, and so that's why, you know, I've said -- you know, I voted against it. This one, when I see the word like various places, or whatever, so it would probably help me and allow me to support you better if I kind of know the mind set of when I see improvement in various places to kind of figure out how that number is reached, and I would feel a little more comfortable that I'm doing my job appropriately.

COMMISSIONER ANDERSON:

Understood, yeah. As I said, the two locations we're proposing as of right now are the one on Nicolls Road and the other one on Montauk Highway. This resolution includes repair to damaged guide rail, installation of new guide rail, removal of fixed objects, sometimes slope improvements if they have been damaged. So it doesn't necessarily go to just these two locations. It may be as we -- you know, as an accident occurs and damages it. It's usually the longer stretches we use this for. The smaller handful of guide rail we'll do inhouse as we can.

LEG. SPENCER:

Is there a formula to -- that you guys use to kind of estimate the cost? You look at it by the number of miles of roadway? I mean, what do you use to kind of come to this number?

COMMISSIONER ANDERSON:

Generally, our estimates are based on current or prior year estimates for the work. They're based on linear footage of different types of guide rail, whether it's the steel I-beam guide rails or the W-flange cable, various types. Generally, we would get, if it's -- unless it's a specific location, or we want a specific type of guide rail, or specific work to be done, we would -- we might issue an annual contract which will say, "Okay, we estimate to do \$300,000 worth of work, this is what we want prices on," you know, the different types of work or different scopes within the work.

LEG. SPENCER:

Thank you.

COMMISSIONER ANDERSON:

You're welcome.

P.O. GREGORY:

Legislator Anker.

LEG. ANKER:

Hi, Gil. Hey, I just wanted to put -- you know, put on public record, over by the Rocky Point School District, I know we've worked extensively and we'll continue, but -- so the guardrails are used, from what I understand, to protect the driver, not necessarily pedestrians. And the issue over on County Road 21 in Rocky Point is that you have three schools, and that area is -- you know, if you're traveling on County Road 21 through the Pine Barrens, we have people going 60, 70, 80 miles, 90 miles an hour flying through the Pine Barrens, then they enter into the school district. And just recently we had a car drive up into the school, very scary. The sidewalks are on the other side of the guardrail. So God forbid if that accident had happened 20 minutes prior, there probably would have been fatalities. So my question is do you put -- do you guys put the guard -- can you put the guardrail on the side to protect the pedestrian, or do you put -- I heard like fences or something. What do you use to protect?

COMMISSIONER ANDERSON:

Generally, guide rail is intended to deflect the vehicle back into the roadway, it's not intended to stop somebody from -- unless it's a Jersey barrier. Most cases, it's really only intended to bring those, you know, vehicles back onto the road. You know, it normally won't withstand a head-on right angle hit, but if they're traveling at a fast enough speed, it will force the car back into the travel lanes.

But the reason we study these is because they also -- they're also a fixed object. So as much as they can protect a driver, they can also do harm to a driver. You know, if an accident occurs and a guide rail gets loose, you know, there's a lot of ways. So we have to look at it to see where it is. In

that particular case, if there is that great of a concern, I would almost say that it would be better to put the sidewalk back off the roadway, because, really, you're talking about a very small area where the guide rail would be right up against the curb. Any type of impact would likely push back, even with a guide rail, unless you put in Jersey barriers. So my suggestion would be taking that walkway, and I know the area, and actually, if we can, put it back on to school property to get the kids away from the travel lane as much as we can.

LEG. ANKER:

Okay. So we'll definitely be speaking in the future on this and try to find some type of, you know, positive situation, because, you know, this has been ongoing. We wanted basically the guardrail to be extended. But with the situation of so many children going back and forth from the schools, then they'll go to the Kohl's Shopping Center, it's really becoming a very heavily trafficked area with pedestrians.

COMMISSIONER ANDERSON:

Understood.

LEG. ANKER:

Thank you. Looking forward to working with you.

COMMISSIONER ANDERSON:

You're welcome.

P.O. GREGORY:

Okay. All right. So we have a motion and a second?

MS. ELLIS:

Yes.

P.O. GREGORY:

All in favor? Opposed? Abstentions?

MS. ELLIS:

Seventeen. (Not Present: Legislator McCaffrey)

P.O. GREGORY:

Okay. ***I.R. 1452A***, bond resolution, same motion, same second. Roll call.

(Roll Call by Ms. Ellis, Chief Deputy Clerk of the Legislature)

P.O. GREGORY:

Yes.

LEG. KRUPSKI:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yup.

LEG. MC CAFFREY:

(Not Present)

LEG. TROTTA:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MARTINEZ:

Yes.

LEG. LINDSAY:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. FLEMING:

Yes.

LEG. KRUPSKI:

Yes.

LEG. CALARCO:

Yes.

MS. ELLIS:

Seventeen. (Not Present: Legislator McCaffrey)

P.O. GREGORY:

Did you call the vote?

MS. ELLIS:

Seventeen.

P.O. GREGORY:

You did? Okay. All right. ***I.R. 1453 - Appropriating funds in connection with the installation of a Closed Loop Signal System on Various County Roads (CP 3309) (Co. Exec.)***.

LEG. STERN:

Motion.

D.P.O. CALARCO:

Motion.

P.O. GREGORY:

Motion by Legislator Stern, second by Legislator Calarco.

LEG. STERN:

Quick question.

P.O. GREGORY:

On the motion, Legislator Stern.

LEG. STERN:

This is -- it says 225,000 will be used for construction and then another 100,000 for equipment. I was just wondering what the equipment is. I'm sorry. Is that the next -- that's the next one.

COMMISSIONER ANDERSON:

That's the next one, yeah.

LEG. STERN:

My bad. Hold that thought. Come back in just a minute. I jumped, I jumped.

P.O. GREGORY:

Okay. All right.

LEG. CILMI:

Carry on.

P.O. GREGORY:

So I.R. 1453, we have a motion and a second. All in favor? Opposed? Abstentions?

MS. ELLIS:

Seventeen. (Not Present: Legislator McCaffrey)

P.O. GREGORY:

I.R. 1453A, bond resolution, same motion, same second. Roll call.

(Roll Call by Ms. Ellis, Chief Deputy Clerk of the Legislature)

LEG. STERN:

Yes.

LEG. CALARCO:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. MC CAFFREY:

(Not Present)

LEG. TROTTA:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MARTINEZ:

Yes.

LEG. LINDSAY:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. FLEMING:

Yes.

LEG. KRUPSKI:

Yes.

P.O. GREGORY:

Yes. I'm sorry.

MS. ELLIS:

Seventeen. (Not Present: Legislator McCaffrey)

P.O. GREGORY:

Okay. ***I.R. 1454 - Appropriating funds in connection with improvements to County Environmental Recharge Basins (CP 5072) (Co. Exec.).***

LEG. STERN:

Motion.

P.O. GREGORY:

Same -- motion by Legislator Stern.

LEG. KRUPSKI:

Second.

P.O. GREGORY:

Second by Legislator Krupski. All in favor?

LEG. STERN:

Hold on, that was the question.

P.O. GREGORY:

Oh, okay. Sorry.

COMMISSIONER ANDERSON:

And the question was that what the \$100,000 was for the equipment?

LEG. STERN:

Yes. It says for equipment.

COMMISSIONER ANDERSON:

Yes.

LEG. STERN:

I was wondering what the equipment is.

COMMISSIONER ANDERSON:

The equipment would be \$100,000 for a new bulldozer. When we do the work inhouse in the recharge basins, the bulldozers are good for tracking along the slope. We have a lot more control in -- with a dozer than, say, with a payloader in how we grade and how it's -- you know, how effective it is. So our bulldozer, I believe the last one we had went down a few years ago, and we haven't been able to replace it.

P.O. GREGORY:

Legislator Spencer.

LEG. SPENCER:

This may go to BRO, but when I look at this particular bond, on the last one, 1453, the principal was 800,000 and the interest was 200,000. On this one, the principal is 325 and the interest is 195,000. Why is the interest so high when this is one-third the money and it's almost equal? What am I -- what am I missing on that?

MR. LIPP:

What you are missing is it's an Executive resolution, so I couldn't vouch for their calculations.

LEG. SPENCER:

All right. I mean, you're right. It's costing us the same interest on 800,000 as it is for 325,000, so it just makes me not happy. Is there someone that can answer that question?

COMMISSIONER ANDERSON:

I mean, I can get you that information.

MR. LIPP:

I can give you a number right now. So what are the two --

LEG. SPENCER:

When I look at 1453, and I'm just looking at our bond memo book, it authorizes 20-year bonds, I.R. 1453. Principal is 800,000, plus 200,000 in interest, for a million total debt service. Oh, okay. So the -- all right. It's a 40-year bond. All right. The 40-year bond --

MR. LIPP:

All right. So unless -- if this is County serial bonds, then we're not going to do a 40-year bond. I don't --

LEG. SPENCER:

So, yeah, why are we using a 40-year bond? That's --

MR. LIPP:

Once again, it's a County Executive fiscal.

LEG. TROTТА:

Which one is the 40-year bond?

LEG. SPENCER:

On the 40-year bond, we're paying just almost the same amount as we are --

LEG. TROTТА:

This is what we're voting on right now, the bulldoze, the 40-year bulldozer?

COMMISSIONER ANDERSON:

No, no. That was, I think, for the closed loop, the closed loop system, which will have a much longer --

LEG. TROTТА:

I'm changing my vote to no on a 40-year bond.

LEG. KENNEDY:

Does a closed loop system last 40 years?

COMMISSIONER ANDERSON:

Yeah. I can't speak to the bonding issue, but it would have a longer service life than say -- and like the equipment, we bond for a shorter period.

LEG. TROTТА:

Well, can I just clarify it? Is this one the 40-year bond?

LEG. SPENCER:

This is the 40-year bond. So we're borrowing 325,000.

LEG. TROTТА:

For 40 years?

LEG. SPENCER:

For 40 years, and we're paying --

LEG. TROTТА:

Whose bright idea was that?

LEG. SPENCER:

We're paying 195,000. So I know that you probably -- but I'd love some clarification as to the distinction there.

MS. HORST:

We're getting on the phone with the Budget Office to try and get you that answer.

P.O. GREGORY:

All right. So you guys want to skip over this?

LEG. SPENCER:

Well, we can vote for it, but I'm going to vote no right now.

P.O. GREGORY:

Okay. Yes, go ahead, Legislator Calarco.

LEG. CALARCO:

Just to that issue. Dr. Lipp, in your knowledge, have we ever issued a 40-year bond in this County?

MR. LIPP:

It's possible that we might have with Southwest Sewer District in the '70s.

D.P.O. CALARCO:

In your recent history --

MR. LIPP:

No.

D.P.O. CALARCO:

-- have you ever issued a 40-year bond.

MR. LIPP:

No.

LEG. CALARCO:

I think the testimony we had on the record not too long ago from the Comptroller is that he keeps bonds to a minimum year as possible. So oftentimes, especially for items that are not -- have a -- do not have a very long useful life, he tries to keep them to be three-year, seven-year bonds. And, typically, I don't think he's issued even 20-year bonds, or the 18 -- was it 18-year bonds that we were doing most frequently, Dr. Lipp?

MR. LIPP:

Correct, but we actually in our review lowered it to 15 years.

LEG. CALARCO:

Lowered it to 15 years, because we just aren't issuing bonds for that length of time anymore. Why the County Exec's Budget Office used a 40-year number for their Fiscal Impact Statement I couldn't

Speak to, but it is certainly not something that this County has done in any recent history.

LEG. SPENCER:

I'm just trying to -- you know, I'm looking at these resolutions, I see 10-year bonds, I see 15, I see 20, I see 40. I'm just trying to understand when, where and why.

LEG. CALARCO:

Well, ultimately, Dr. Spencer, it's not the decision of the Department or for that matter the Administration on what year -- length of time the bond is. It's a decision to be made by the Comptroller, who issues the bonds.

MR. LIPP:

Right.

LEG. SPENCER:

I appreciate that and I agree with you, I know that to be true. I'm just looking at the ink in front of me.

LEG. CALARCO:

Absolutely.

MR. LIPP:

So, if you like, I could give you what I would think the proper number should be, if that would help you.

LEG. SPENCER:

That would help me.

MR. LIPP:

Okay. So just to make sure that I'm not missing anything, one is for 800,000, the other is for what, 350, is it?

LEG. SPENCER:

Three-twenty-five.

COMMISSIONER ANDERSON:

Three-twenty-five.

MR. LIPP:

Okay. So I would assume a 15-year bond, and for each of them, it would be 68,482 would be the annual debt service on the \$800 one, and \$27,821 on the \$325,000 one. The total, the total expense would be 1.03 million on the \$800 one, and 417,000 on the \$325,000 one.

LEG. SPENCER:

I could vote for those numbers. That's nothing --

MR. LIPP:

Yeah, and that's the most likely scenario.

LEG. SPENCER:

It is, okay.

MR. LIPP:

I mean, the only exception I could think of is if it was EFC financing. They have a history of going out 30 years on some stuff, but we've never done that.

LEG. SPENCER:

I'm assuming it's not a typo. I mean, here I understand what we do, but if you give me something in say 40-year bonds, so I need an explanation. Thank you.

P.O. GREGORY:

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

MS. ELLIS:

Seventeen. (Not Present: Legislator McCaffrey)

P.O. GREGORY:

I.R. 1454A, bond resolution, same motion, same second. Roll call.

(Roll Call by Ms. Ellis, Chief Deputy Clerk of the Legislature)

LEG. STERN:

Yes.

LEG. KRUPSKI:

Yes.

LEG. SPENCER:

No.

LEG. D'AMARO:

Yes.

LEG. MC CAFFREY:

(Not Present)

LEG. TROTTA:

No.

LEG. KENNEDY:

Yeah.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MARTINEZ:

Yes.

LEG. LINDSAY:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. FLEMING:

Yes.

LEG. CALARCO:

Yes.

P.O. GREGORY:

Yes.

MS. ELLIS:

Fifteen. (Not Present: Legislator McCaffrey)

P.O. GREGORY:

Okay. ***I.R. 1457 - Authorizing the filing of a grant application for Federal Fiscal Years 2014 and 2015 Section 5307 Formula Funds for mass transportation projects for Suffolk County Transit (Co. Exec.).***

CHAIRMAN STERN:

Motion.

P.O. GREGORY:

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

MS. ELLIS:

Seventeen. (Not Present: Legislator McCaffrey)

P.O. GREGORY:

I.R. 1458 - Authorizing the filing of a grant application for Federal Fiscal Years 2013, 2014, and 2015 Section 5337 Formula Funds to purchase heavy duty transit buses for the Suffolk County Transit Bus System (Co. Exec.). Same motion, same second. All in favor? Opposed? Abstentions?

MS. ELLIS:

Seventeen. (Not Present: Legislator McCaffrey)

P.O. GREGORY:

I.R. 1459 - Authorizing the filing of a grant application for Federal Fiscal Year 2015 Section 5339 Bus and Bus Facilities Funds to purchase heavy duty transit buses for the Suffolk County Transit Bus System (Co. Exec.). Same motion, same second. All in favor? Opposed? Abstentions?

MS. ELLIS:

Seventeen. (Not Present: Legislator McCaffrey)

P.O. GREGORY:

I.R. 1460 - Authorizing the filing of a grant application for Federal Fiscal Years 2013 and 2014 Section 5340 Formula Funds to purchase heavy duty transit buses for the Suffolk County Transit Bus System (Co. Exec.). Same motion, same second. All in favor? Opposed? Abstentions?

MS. ELLIS:

Seventeen. (Not Present: Legislator McCaffrey)

WAYS & MEANS

P.O. GREGORY:

Okay. Ways and Means: ***I.R. 1404 - Approving payment to General Code Publishers for Administrative Code pages (Pres. Off.).*** I'll make a motion.

LEG. STERN:

Second.

P.O. GREGORY:

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

MS. ELLIS:

Seventeen. (Not Present: Legislator McCaffrey)

P.O. GREGORY:

I.R. 1411 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Zhenxian Liu and Lili Li, his wife (SCTM No. 0200-179.00-01.00-024.000) (Co. Exec.). Motion by Legislator Stern, second by Legislator Fleming. All in favor? Opposed? Abstentions?

MS. ELLIS:

Seventeen. (Not Present: Legislator McCaffrey)

P.O. GREGORY:

I.R. 1412 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law Incorporated Village of Lindenhurst (SCTM No. 0103-025.00-03.00-112.000) (Co. Exec.). I'll make a motion.

LEG. STERN:

Second.

P.O. GREGORY:

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

MS. ELLIS:

Seventeen. (Not Present: Legislator McCaffrey)

P.O. GREGORY:

I.R. 1417 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Howard Flynn and Deborah Siegel (SCTM No. 0200-698.00-01.00-040.000) (Co. Exec.).

LEG. FLEMING:

Motion.

LEG. CALARCO:

Motion.

P.O. GREGORY:

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

MS. ELLIS:

Seventeen. (Not Present: Legislator McCaffrey)

P.O. GREGORY:

I.R. 1428 - Appointing member to the Judicial Facilities Agency (John M. Kennedy, Jr.) (Sponsor: McCaffrey). I'll make a motion to approve, second by Legislator Stern. All in favor? Opposed? Abstentions?

MS. ELLIS:

Seventeen. (Not Present: Legislator McCaffrey)

P.O. GREGORY:

I.R. 1441 - Appoint member to the Yaphank County Center Planning Committee (Linda Petersen) (Sponsor: Browning). Motion by Legislator Browning.

LEG. BROWNING:

Motion.

P.O. GREGORY:

I'll second. All in favor? Opposed? Abstentions?

MS. ELLIS:

Seventeen. (Not Present: Legislator McCaffrey)

P.O. GREGORY:

Okay. Manila folder. ***Procedural Motion No. 6 - Resolution apportioning Mortgage Tax By: County Comptroller (Sponsor: Pres. Off.).*** I'll make a motion.

LEG. STERN:

Second.

P.O. GREGORY:

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

MS. ELLIS:

Seventeen. (Not Present: Legislator McCaffrey)

P.O. GREGORY:

Procedural Motion No. 7 - To set a public hearing for the inclusion of new parcels into an existing Agricultural District – Home Rescue Solutions Limited (SCTM No. 1000-059.00-10.00-002.000) (Sponsor: Pres. Off.).

LEG. CALARCO:

Motion.

P.O. GREGORY:

Motion by Legislator Calarco.

LEG. BARRAGA:

Second.

P.O. GREGORY:

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

MS. ELLIS:

Seventeen. (Not Present: Legislator McCaffrey)

P.O. GREGORY:

I.R. -- excuse me. ***Procedural Motion No. 8 - To set a public hearing for the inclusion of new parcels into an existing Agricultural District – Threshold Blue Inc. (SCTM No. 1000-063.00-02.00-006.002) (Sponsor: Pres. Off.)*** Same motion, same second okay?

LEG. BARRAGA:

Yeah.

P.O. GREGORY:

All in favor? Opposed? Abstentions?

MS. ELLIS:

Seventeen. (Not Present: Legislator McCaffrey)

P.O. GREGORY:

Procedural Motion No. 9 - To set a public hearing for the proposed inclusion of a parcel into an existing Agricultural District – Kurt and Susan Meyer (SCTM No. 0802-010.00-04.00-008.000) (Sponsor: Pres. Off.). Same motion, same second. All in favor? Opposed? Abstentions?

MS. ELLIS:

Seventeen. (Not Present: Legislator McCaffrey)

P.O. GREGORY:

Procedural Motion No. 10 - To set a public hearing for the inclusion of new parcels into an existing Agricultural District – South Country Farms, LLC (SCTM No. 0200-976.10-03.00-027.002) (Sponsor: Pres. Off.). Same motion, same second. All in favor? Opposed? Abstentions?

MS. ELLIS:

Seventeen. (Not Present: Legislator McCaffrey)

P.O. GREGORY:

Procedural Motion No. 11 - To set a public hearing for the inclusion of new parcels into an existing Agricultural District – Agriturismo Sannino, LLC (SCTM No. 1000-101.00-01.00-014.006) (Sponsor: Pres. Off.). Same motion, same second. All in favor? Opposed? Abstentions?

MS. ELLIS:

Seventeen. (Not Present: Legislator McCaffrey)

P.O. GREGORY:

Procedural Motion No. 12 - To set a public hearing for the inclusion of new parcels into an existing Agricultural District – MF LK Holdings, LLC (SCTM No. 0600-021.00-01.00-003.000) (Sponsor: Pres. Off.). Same motion, same second. All in favor? Opposed? Abstentions?

MS. ELLIS:

Seventeen. (Not Present: Legislator McCaffrey)

P.O. GREGORY:

Procedural Motion No. 13 - To set a public hearing for the proposed inclusion of a parcel into an existing Agricultural District – Timber Gardens, LLC (SCTM No. 0600-066.00-01.00-017.007) (Sponsor: Pres. Off.). Same motion, same second. All in favor? Opposed? Abstentions?

MS. ELLIS:

Seventeen. (Not Present: Legislator McCaffrey)

P.O. GREGORY:

Procedural Motion No. 14 - To set a public hearing for the inclusion of new parcels into an existing Agricultural District – Laura McCarthy (SCTM No. 1001-007.00-03.00-019.003) (Sponsor: Pres. Off.). Same motion, same second. All in favor? Opposed? Abstentions?

MS. ELLIS:

Seventeen. (Not Present: Legislator McCaffrey)

P.O. GREGORY:

Procedural Motion No. 15 - To set a public hearing for the inclusion of new parcels into an existing Agricultural District – Meador Land Company, LLC (SCTM No. 1000-055.00-01.00-007.000) (Sponsor: Pres. Off.). Same motion, same second. All in favor? Opposed? Abstentions?

MS. ELLIS:

Seventeen. (Not Present: Legislator McCaffrey)

P.O. GREGORY:

Procedural Motion No. 16 - To set a public hearing for the inclusion of new parcels into an existing Agricultural District – Sagaponack Realty, LLC (SCTM No. 0908-010.00-03.00-001.000) (Sponsor: Pres. Off.). Same motion, same second. All in favor? Opposed? Abstentions?

MS. ELLIS:

Seventeen. (Not Present: Legislator McCaffrey)

P.O. GREGORY:

Procedural Motion No. 17 - To set a public hearing for the proposed inclusion of parcels into an existing Agricultural District – Pal-O-Mine Equestrian Inc. (SCTM Nos. 0504-004.00-01.00-019.000 and 0504-009.00-01.00-035.000) (Sponsor: Pres. Off.). Same motion, same second.

LEG. KRUPSKI:

On the motion.

P.O. GREGORY:

On the motion, Legislator Krupski or Cilmi.

LEG. CILMI:

Yeah. So didn't we do this already?

LEG. KRUPSKI:

No. This is a different -- this is a different parcel. Two parcels applied for inclusion into the Ag District.

LEG. CILMI:

Also in Islandia?

LEG. KRUPSKI:

Yes. Not -- I don't think they're physically adjacent to, but they're near the other ones. But I don't think they were considered by the committee to be for -- recommended for inclusion into the Ag District because of a lack of ag operations on the parcel. So I'm not sure why this is --

MR. NOLAN:

Actually, I think there's a mistake in the resolution, because it states that the -- in the body that the Protection Board recommended disapproval of these parcels from inclusion in the existing certified district. So I think we're going to have to correct the title of this procedural resolution, but I think we should still approve setting the public hearing.

LEG. CILMI:

Well, that's why -- I mean, it just -- really, the title just says to set a public hearing for the proposed inclusion, and it is a proposed -- although it's -- who is proposing the inclusion?

LEG. KRUPSKI:

The applicant, the owner.

LEG. CILMI:

The applicant.

LEG. KRUPSKI:

Yeah.

LEG. CILMI:

In that case, then the title would be correct.

MR. NOLAN:

I think sometimes -- I think normally these reflect in the title that it's a disapproval. So it can be amended, but we should go ahead and set the public hearing.

LEG. D'AMARO:

George, there are others like this, too.

MR. NOLAN:

Yeah.

LEG. D'AMARO:

There are others.

MR. NOLAN:

I'll double check with the Planning Department, but we've got to set the public hearing.

LEG. KRUPSKI:

Can we set the public hearing and can we change the language afterwards, or can we just address these at the public hearing?

MR. NOLAN:

I think that the body of the resolution is correct, the "whereas", the "resolved" clause, so I think we can -- we can approve this resolution as is and schedule the public hearing.

LEG. KRUPSKI:

Thank you.

P.O. GREGORY:

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

MS. ELLIS:

Seventeen. (Not Present: Legislator McCaffrey)

P.O. GREGORY:

Okay. ***I.R. 1569 - Accepting and appropriating a grant award increase from the State University of New York for a SUNY Child Care Program 100% reimbursed by State funds at Suffolk County Community College (Sponsor: County Executive).***

LEG. D'AMARO:

Motion.

P.O. GREGORY:

Motion by Legislator D'Amaro.

LEG. CILMI:

Second.

P.O. GREGORY:

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

MS. ELLIS:

Seventeen. (Not Present: Legislator McCaffrey)

P.O. GREGORY:

I.R. 1574 - Accepting and appropriating a 100% reimbursed grant from the U.S. Department of Housing and Urban Development in the amount of \$265,013 for the Emergency Solutions Grants Program and authorizing the County Executive to execute agreements (Sponsor: County Executive).

LEG. D'AMARO:

Motion.

P.O. GREGORY:

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

MS. ELLIS:

Seventeen. (Vote Amended to 16/Not Present: Legislators McCaffrey and Anker)

P.O. GREGORY:

I.R. 1575 - Accepting and appropriating a 100% reimbursed grant from the U.S. Department of Housing and Urban Development in the amount of \$1,178,091 for the Home Investment Partnerships Program and authorizing the County Executive to execute agreements (Sponsor: County Executive). I'll make a motion -- motion by Legislator Barraga, I'll second. All in favor? Opposed? Abstentions?

MS. ELLIS:

Sixteen. (Not Present: Legislators McCaffrey and Anker)

P.O. GREGORY:

I.R. 1580 - Accepting and appropriating a 100% reimbursed grant from the US DEPT of Housing and Urban Development in the amount of \$2,917,444 for the Community Development Block Grant Program and authorizing the County Executive to execute agreements (Sponsor: County Executive). Same motion, same second.

LEG. KRUPSKI:

On the motion.

P.O. GREGORY:

On the motion, Legislator Krupski.

LEG. KRUPSKI:

How are these -- how are these allocated. How is the money allocated? Who makes that -- is there a formula?

DEPUTY COMMISSIONER KEYES:

Hi. For this particular grant program, we have a consortium that exists of several different municipalities in the County, and the allocations are based on staff recommendations. We develop a scoring formula for each of the towns that applies for funding each year. Not all members of the consortium apply for funding, and the scoring is based on primarily how well the municipalities achieve their spending goals for the previous year, so -- because that impacts the overall amount the consortium is awarded by HUD.

LEG. KRUPSKI:

Is there any input from the towns or villages?

DEPUTY COMMISSIONER KEYES:

No, no. They're -- we are in contact with them on a monthly basis, letting them know. As we track their spending, we let them know basically where they are in terms of meeting their spending goal, if they've exceeded it, if they're on track to meet their spending goal. We have quarterly meetings where we talk about projects that are going on. But when it comes time to actually make the allocation, HUD charges if -- our agreement, we have a consortium agreement. It's a contract between us and the municipalities that participate in the consortium. The agreement explicitly states that the County is charged with devising the allocations.

LEG. KRUPSKI:

Okay. Well, thank you. And I would like to talk to you about it later, not later tonight, though.

DEPUTY COMMISSIONER KEYES:

Okay. Okay.

*(*Laughter*)*

P.O. GREGORY:

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

MS. ELLIS:

Sixteen. (Not Present: Legislators McCaffrey and Anker)

P.O. GREGORY:

Okay. I'd like to waive the rules and lay the following resolutions on the table: I.R. 1564 to EPA; set a Public Hearing June 21st, 6:30 p.m. in Riverhead. I.R. 1565 to Public Works. I.R. 1566, Ways and Means; set a Public Hearing June 21st, 6:30 p.m., Riverhead. I.R. 1567 to Parks. I.R. 1570, Budget and Finance; set Public Hearing June 21st, 6:30 p.m., Riverhead. I.R. 1571, EPA; I.R. 1572, Ways and Means; I.R. 1573, Ways and Means; I.R. 1576, Economic Development; I.R. 1577, Economic Development; I.R. 1578, Economic Development; I.R. 1579, Economic Development. I.R. 1581, Public Works; set Public Hearing for June 21st, 6:30 p.m., Riverhead or Riverside. I.R. 1582, Ways and Means; set Public Hearing June 21st, 6:30 p.m., Riverhead. I.R. 1583 to Parks; I.R. 1584 to Parks; I.R. 1585 to Public Works. Second by Legislator Calarco. All in favor? Opposed? Abstentions?

MS. ELLIS:

Sixteen. (Not Present: Legislators McCaffrey and Anker)

P.O. GREGORY:

Okay. That's our agenda. We stand adjourned. Thank you. Get home safe, everyone.

*(*The meeting was adjourned at 9:10 p.m. *)*