

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

EIGHTH DAY

June 21, 2016

**MEETING HELD AT THE EVANS K. GRIFFING BUILDING
IN THE MAXINE S. POSTAL LEGISLATIVE AUDITORIUM**

300 CENTER DRIVE

RIVERHEAD, NEW YORK

**Minutes Taken By
Alison Mahoney & Lucia Braaten
Court Stenographers**

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

*(*The meeting was called to order at 4:05 P.M. *)*

P.O. GREGORY:

Good afternoon, Mr. Clerk.

MR. RICHBERG:

Good afternoon, Mr. Presiding Officer.

P.O. GREGORY:

Okay. Can you do the roll call?

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

LEG. SPENCER:

Here.

LEG. D'AMARO:

(Not present).

LEG. STERN:

Here.

LEG. McCAFFREY:

Here.

LEG. TROTTA:

(Not present).

LEG. KENNEDY:

Here.

LEG. BARRAGA:

Here.

LEG. CILMI:

(Not present).

LEG. MARTINEZ:

Here.

LEG. LINDSAY:

Here.

LEG. ANKER:

Here.

LEG. HAHN:

(Not present).

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LEG. MURATORE:
Here.

LEG. BROWNING:
Here.

LEG. FLEMING:
Here.

LEG. KRUPSKI:
Here.

LEG. CILMI:
Cilmi here.

LEG. TROTTA:
Trotta.

LEG. D'AMARO:
Here.

MR. RICHBERG:
Fourteen. *Fifteen.*

P.O. GREGORY:
Okay. Please all rise for the salute to the flag led by Legislator Sarah Anker.

Salutation

Please remain standing. Legislator Anker will introduce the Antiquity Quartet from the Harbormen Chorus who will sing The National Anthem and God Bless America.

LEG. ANKER:
I'm very proud to introduce the Harbormen Chorus. They're from the North Brookhaven Chapter of the nationally-recognized Barber Shop Harmony Society. Please come forward.

The National Anthem was performed by the Harbormen Chorus

Applause

UNKNOWN HARBORMEN CHORUS MEMBER:
And now God Bless America.

God Bless America was performed by the Harbormen Chorus

Applause

LEG. ANKER:
That was the Antiquity Quartet. Thank you so much. And again, they are an ensemble here in Brookhaven, they are stemming from the Harbormen Chorus and part of the nationally-recognized Barber Shop Harmony Society. So thank you so much for your dedication to song and patriotism.

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Invocation

I also have here today, we have Pastor Joe Lecci from City on the Hill Church in Middle Island. Pastor Lecci is a retired Assistant Principal from the Longwood High School and he and his wife Linda have been at the -- been the pastor of City on the Hill in Middle Island for 33 years. He's also the Director of Lifeline Mediation Center and the Superintendent of the Middle Island Caring for Kids Day-Care and Learning Center. He acts as a liaison between Longwood School District and Lifeline Mediation to help families in difficult situations. I'd like to welcome Pastor Joe Lecci.

Applause

PASTOR LECCI:

Thank you. Well, we can clearly say, before I pray, that we're living in a time where Joshua was told to take over for Moses and to be strong and courageous. And I want to compliment everyone around this place here and say that we acknowledge your efforts that you remain strong and courageous through the times we're living in and we thank you all. That's also from my prayer team. Let us pray.

Heavenly Father, we come to you today welcoming your presence, not only into this meeting, but into every meeting throughout this year. Father, at a time in our nation and in our world where the complexity of the problems we face humble even the bravest of us, I personally thank you for the courage of these men and women in this room who have chosen to serve their communities, despite the formidable challenges they know await them. May your blessing be upon our County Executive and each Legislator as they carry out this holy responsibility. May you personally sustain them that they may not grow weary in well doing. With your hand of power and your heart of love for each of them personally, help them now, Lord. All Mighty God, we pray that you would lead the deliberations and discussions that have yet to be had in this room. And next year at this time may these precious people be surprised that the real sense of wisdom and clarity they had as they look back on the long-term implications of their many decisions.

Lord, in the midst of very real and present threats of terrorism in our world, we pray today your divine protection over our land and over our residence. Father, uncover any evil plans that are perhaps being devised in secret. And Father, before I close this prayer, I pray for each one of these members. You alone know the personal challenges they face because they are known to you. I pray a special blessing of peace upon each one, upon their homes and upon all their loves. Bless them and bless every member of our County, and I pray this in the name of God and in the name of my personal savior, Jesus Christ. Amen.

"Amen" Said in Unison

P.O. GREGORY:

Please remain standing for a moment of silence to remember the victims of last weekend's tragedy in Orlando, Florida, and vow, through our actions in our lives, to promote peace and tolerance in this world. And as always, let us also remember all those men and women in the military who put themselves in harm's way every day to protect our country.

Moment of Silence Observed

Thank you. Be seated.

Proclamations

Okay, we have Legislator Anker who will make a presentation

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LEG. ANKER:

We had a wonderful sampling of the Antiquity Quartet. And again, I want to thank you again, absolutely beautiful. Not only is the melody, you know, mesmerizing, but the patriotism that you project is so invaluable to us here, especially here at the Legislature. So I have certificates and a proclamation for **The Harbormen Chorus**, that is, again, **North Brookhaven Chapter of the nationally-recognized Barber Shop Harmony Society**.

And you are -- the Harbormen, you're celebrating your 50th anniversary this summer. Congratulations.

Applause

And I've got to tell you, I was very happy to participate. I had one of the singing valentines that you guys came to my office and, wow, that was wonderful. And what your organization -- what you do, you raise money for the Good Shepherd Hospice at St. Charles Hospital.

And again, it's a very, very popular fund-raiser and a very important one. And I want to thank you from the bottom of my heart for what you do and how precious it is to listen to your melodies. And I will be looking forward to the Summer Concert Series we'll be having at Rocky Point, I hope you guys can make it. And again, congratulations, and I am very proud to present a proclamation, again, on your 50th Anniversary. Thank you. Thank you.

Applause

P.O. GREGORY:

Next we'll have **Legislator Hahn** who will also make a presentation to **Suffolk County Police officers Michael Schneider and Anthony Ferrara**.

LEG. HAHN:

Come on up. Everyone, I'm humbled. We all know how brave and special our Suffolk County Police Officers are, but this is just an amazing story.

During the early morning hours of Memorial Day, May 31st, an occupied home in Setauket caught fire as five residents within slept. Four of the five were able to safely escape the burning structure and call for help. Suffolk County Police Department Officers Michael Schneider and Anthony Ferrara were dispatched to the home and, upon arrival, found the side of the structure engulfed by flames and one resident still inside. Officers Schneider and Ferrara and **Setauket Firefighter Brian Fleeson**, who was unable to join us today, rushed into the burning home and found the unaccounted for resident laying on a hallway floor with severe burns to her upper body. The officers and firefighter removed the victim from the floor and the flames that were consuming her body and carried her safely from the structure. The victim was taken to Stony Brook University Medical Center in critical condition while the Setauket Fire Department extinguished the fire.

The actions taken on that morning by Officers Schneider and Ferrara and Firefighter Fleeson define *heroic*. Each placed his own life at risk in order to save the victim. And so we just are here to thank you, recognize you for your bravery, for your willingness to put your lives on the line to help others, and we know you do that day-in and day-out, and we're very grateful and we're very thankful. And on behalf of all the Legislators here and the residents of Suffolk County, we would like to present these proclamations to you with our thanks. And you should all know how very brave your Dads are and how proud you should be of them.

Applause & Standing Ovation

*(*Photograph Taken*)*

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P.O. GREGORY:

Next we'll have Legislator Krupski who will make a presentation.

LEG. KRUPSKI:

Thank you. This afternoon I'd like to recognize George Barry. Now, I've known George a long time. George has been a firefighter in Southold for 63 years; I haven't known him for that long. But on April 15th his neighbor's house was on fire and George rushed in and tried to save her and he did it without any -- he did it alone, he did it without any from protective gear. According to the story in the newspaper, he did it with his wife Sandy yelling at him.

*(*Laughter*)*

So it was very dramatic, it was a very selfless act to try to save your neighbor to go into a burning building, you know, without any help. It was really all training and just active of a really good neighbor and a well-trained firefighter. As a result of his -- of the deeds of that day, George is the recipient of the Medal of Valor from the Suffolk County Fire Academy, and he also has been named Firefighter of the Year for Suffolk County Volunteer Firemen's Association, you know, for his efforts that day. And I just wanted to recognize George and to thank him for that and I think he should be recognized for his efforts.

Applause & Standing Ovation

P.O. GREGORY:

Okay. Next will be Legislator Lindsay who will make a proclamation to Sayville High School Graduate Corinne Caminske.

LEG. LINDSAY:

Good afternoon. Mr. Presiding Officer, my fellow Legislators, it's my honor to present this proclamation to Corinne Caminske. Corinne was just accepted into the U.S. Coast Guard Academy. She's the first Sayville High School Graduate to be admitted to the -- to get an appointment to the U.S. Coast Guard Academy. She has a very impressive record. Along with her academic record, Corinne has been very dedicated to community service. She has volunteered at the Center for Environmental Research and Coastal Monitoring and worked as an educator at the Long Island Aquarium & Exhibition Center in Riverhead. She's also a member of the Youth Committee for the Rotary Club Youth Leadership Awards, and this Fall she and her five other Youth Committee members were charged with planning events, fund-raising, training future leaders and ensuring over 300 high school sophomores were entertained, cared for and educated during the spring RYLA Weekend Leadership Seminar; that's pretty amazing right there.

So I just want to present her with this proclamation to congratulate her on her appointment to the U.S. Coast Guard Academy where she'll be joining her brother who's going into his Junior year. And Doc Spencer, you'd be interested in knowing this; Corinne actually came to me three years ago and wanted to work on banning plastic bags throughout the County. So, she's very civic and environmentally-minded.

LEG. SPENCER:

Very good.

LEG. LINDSAY:

Congratulations, Corinne.

Applause

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P.O. GREGORY:

Okay, that is all the presentations that we have scheduled. Next we'll get to our agenda, first being the **Public Portion**. I have several cards, the first being Christopher North; and then on deck, Hector Gavilla. Just a reminder that each person has three minutes to speak.

MR. NORTH:

Good evening, Mr. Presiding Officer. My name is Christopher North, I represent Suffolk Community College on behalf of the Board of Trustees, the elected Student Trustee for the academic year of 2017. My concern issue is to Al Krupski. I live in Greenport. The Suffolk County Transit is looking to cut 20 -- you guys are looking to cut 10 to 20 runs, and I live on the East End and I represent 26,000 students and 70% of them catch public transportation. There was no concern. And I did support of the Suffolk County budget as well, Community College.

P.O. GREGORY:

Okay. All right, thank you, Chris. All right, Hector; and then on deck, Kevin McAllister.

MR. GAVILLA:

Hello. Good afternoon. My name's Hector Gavilla and, once again, I'm here because I oppose the Red Light Camera Program. Now, I handed out two copies; one was a Newsday article and the other one is just a summary of what I'm talking about today.

You know, one thing I just want to review with you is that Suffolk County does have a history of trying to have money grabs. So, you know, in 2013, just to go through a brief history, that's when Suffolk County opened its own traffic agency, which we refer to as TPVA, and that allowed Suffolk County to receive more money rather than most of the money from the traffic tickets going to New York State. But in addition to that, Suffolk County was very greedy because they started adding a \$50 admin fee for those tickets. And in the Newsday article that I just handed out to all of you, it actually has a quote here from Robert Calarco who basically had to apologize, you know, saying that *to make these folks pay, I just don't think it was fair*. So that's a quote from Robert Calarco back in 2013 basically saying that it was unfair for Suffolk County to charge \$50 for people that were found not guilty of these tickets. So for those of you to say that Suffolk County has a history of being fair and honest to its people, that's not true, and that's why I want to just point this out.

Now, the same thing is true when you add the \$30 admin fee to the red light camera tickets, which is something that I personally proved by looking at the New York State law which is the vehicle -- Motor Vehicle Section 1111-B which only authorizes Suffolk County to charge \$50 per ticket. So when you add another \$30, you're doing that illegally. So once again, you're just following -- history's repeating itself.

Now, we have a lawsuit that we filed -- and by the way, I have all this information on our website *redlightscam.com*, so you could download the information about the law, which I have here, and it's based on the fact that you're overcharging people for the tickets. Now, every year we have the reports of how many tickets were issued, but the last year that we have right now is 2014, so we don't know how many tickets were issue in 2015 and we don't know about 2016, and we also don't know about the period between April, 2013 and the end of 2013. But in 2014 there were 321,009 tickets that were paid for, so that's a total of over \$9 million in administration fees that are due back to the citizens, to the vehicle registrants. So I'm hoping that somebody like Robert Calarco or somebody here can pass a bill that says that, you know, we do deserve -- the people do deserve that money back and we should refund that money back to everybody. Especially because in the Xerox contract for the Red Light Camera Program, it costs Suffolk County zero dollars to run the program. So there's no justification to add the \$30 admin fee, because you read the contract over and over again -- which, again, is available on our web site --

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(Timer Sounded)

-- you'll see that you're illegally charging this. So I hope that you do the right thing and I hope that it has a positive outcome for everybody. Have a great day.

P.O. GREGORY:

Thank you.

MR. GAVILLA:

Thank you.

P.O. GREGORY:

Kevin McAllister, and then Peter Wolfinger; did I pronounce that correctly?

MR. McCALLISTER:

Good afternoon. My name's Kevin McAllister of Defend H2O.

Legislator Gregory, I'd like to acknowledge great Legislators for acknowledgement of society. These are great people that I'll say meeting-in/meeting-out that you recognize, and particularly the youth of today. So thank you for doing that with consistency.

You've heard me speak of sewerage, you've heard me speak of stringent water quality standards, and I'd like to speak to you about the Health Department's practice of grandfathering sewage flows, which I believe needs to be discontinued without delay. This is an ongoing practice that essentially allows for continuation of a prior flow and it could be under major rebuilds or commercial expansions. You're aware, of course, of the water plan that's been principally focused on the residential properties. On the commercial side, of course, there are requirements, and let me point this out. The State of New York DEC is the authority; Suffolk County Health Department is merely an agent of the State, so they are compelled to subscribe to State standards. The State of New York dictates that if there's a development, a commercial development or a multi-family that exceeds a thousand gallons per day flow, they must have an advanced wastewater treatment system that meets denitrification below ten parts per million or milligrams per liter.

Again, these expansions and through my work, I see them come up before the planning boards, the ZBAs with regularity, and I'll subscribe that I think every town is seeing their fair share of them that just continue to be having their ticket punched, if you will, for a practice that needs to be sunset. You know, as we embark on trying to incorporate advanced wastewater treatment. I mean, the points of change, of course, might be time-of-sale, and certainly when it comes to the commercial side, ultimately the commercial properties where they are subscribing again to State standards. So I've spoken to the Health Department about this without satisfaction. I've talked to the State of New York, DEC, I was deferred to their counsel who, quite frankly, didn't know anything about this. So I ask you to make that inquiry with the Health Department and have a satisfactory answer because I do believe it's unlawful and needs to be discontinued without delay.

Lastly, I'd like to speak to the plastic ban bill. You heard me speak out of -- not out of order but outside of a public hearing on this matter. I'm aware of the changes. I want to impress upon you plastics in marine environment is a serious issue. You certainly follow the news and, you know, if you spend any time outdoors you see it firsthand. And I just want to say, unfortunately I'm disappointed that the Legislature didn't see this as really a no-brainer --

(Timer Sounded)

-- and I think the five cent charge is, quite frankly, going to be ineffective and meaningless. So please take it up again. Thank you.

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P.O. GREGORY:

Thank you, Kevin. Okay, Peter Wolfinger; did I pronounce that right?

MR. WOLFINGER:

Yes, you did.

P.O. GREGORY:

And then Susan Lingenfelter.

MR. WOLFINGER:

How you doing, guys?

P.O. GREGORY:

Good.

MR. WOLFINGER:

I have a serious question for your guys. We have an epidemic here in Suffolk County and it's a heroine epidemic.

MS. MAHONEY:

Use the microphone, please.

P.O. GREGORY:

Pull the mic closer to you.

MR. WOLFINGER:

Well, I'm a little tall. We have a serious epidemic here, it's a heroin epidemic in Suffolk County. I don't know if you guys have been looking around lately, but it's getting worse and worse every day. I live in Selden, right on Boyle Road. You see them walking around at four o'clock in the morning, it's bad. We need to get help for these people. Either open up a facility, we pay high, high tax dollars in this County, really high; one of the highest in the nation. It shouldn't be like this. We need to do something and we need to do something now. So I am coming forward to you guys to see if we can come up with a better plan than what's in place now.

The police are doing a great job, you know, catching them, but what are we doing to give them help? You know, most places don't give them -- you know, they need insurance for help, they need this for help and the next you know they're back out on the street and they're doing it again; they're robbing houses, cars and everything else. So I'm coming forward to you guys and I'm asking you to please come up with a good plan for them. Let's get this fixed. It's getting worse and worse every day. Thank you.

Applause

P.O. GREGORY:

Thank you, sir. Susan? And then on deck, Lisa Tyson.

MS. LINGENFELTER:

I don't have to worry about the tall part.

(*Laughter*)

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I'm Susan Lingenfelter, I'm with the Long Island Blood Services and I'm here to talk about the emergency blood shortage on Long Island. I do want to thank the Legislators here. Most of you have run blood drives, helped us to support blood drives in your area and personally donated, so we thank you for that.

We all know about the recent tragedy in Orlando, and those people that did survive and were rushed to the hospital, the type blood that they would have needed is O-, because it's used for trauma and it's also given routinely to babies. And it's always the first to be needed and the first to be used up, because only about 6% of the population has O-. Now, many, many people lined up to donate blood around the country in Orlando. However, blood has to be there before the need arises. It has to be on the shelf, in the hospital when the patient gets rushed to the hospital. It's there for cancer patients, for babies, for people that are born with Sickle Cell, Cooley's Anemia and all sorts of calamities that happen. And all you have to do is watch News 12 on any given day here on Long Island and it seems like every day there's some type of a terrible tragedy or car accident. Fortunately, the blood was there for those that did survive; the tragedy of course we can't do anything about, and hopefully some things will change for those that did not survive. But the point is that it always has to be there before the need arises.

Here on Long Island, Long Island Blood Services is part of the New York Blood Center and we serve over 20 million people in Hudson Valley, New York, Long Island, parts of Connecticut, New Jersey and parts of Pennsylvania. We need 2,000 people to donate blood every day to meet the needs of the 200 hospitals that we serve. Unfortunately, less than 2% of eligible donors give blood which is the worst percent participation in the country; nationally about 5% give blood. We are in a blood emergency as we speak, and the type that we're the lowest in is O-. We like to have a seven to nine-day supply, we right now have less than a two-day supply of O- blood, so we're quite concerned.

Part of what happened in terms of creating this perfect storm, I would say, is that April and May donations were significantly lower than expectations. We're now in the Summer, which is our worst time of the year, and the reason the summer is the worst is because 30% of our blood comes from schools, and last year 25,000 high school students donated blood. So we always struggle in the summer, but our biggest concern is our donations were significantly lower in April and May which would help us to get through at least the beginning of the Summer.

(Timer Sounded)

Additionally, Puerto Rico -- is that my three minutes? Oh, my goodness, that was fast. Okay, I'm going to say really quickly, donate blood. Any of the Legislators here, if you're not sponsoring a blood drive, please sponsor one. And I would ask those of you, if you get a phone call, please don't say, *Oh no, it's the blood center*. Please know when we're calling, we desperately need you. So thank you so much.

P.O. GREGORY:

Thank you, Susan.

Applause

Okay, Lisa Tyson; then on deck, Lillian Lennon.

MS. TYSON:

Good evening. I'm Lisa Tyson, Director of the Long Island Progressive Coalition. And I apologize, I'd like to be here for the public hearing on No. 1566, a Charter Law establishing a Public Campaign Financing Law, but I have no child care, so you don't have options sometimes.

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So the Long Island Progressive Coalition has a long history in fair elections reform. For the past 20 years we focused in this area and truly believe that a public financing system transforms the electoral system. We assisted in New York City petitioning to start their system, we worked in Suffolk County to pass the original referendum, and we've been working for the past ten years in New York State to pass a public financing system for the Statewide. Right now Governor Cuomo is a major advocate for this.

We thank legislator Calarco for showing leadership here and for submitting this referendum. We strongly support this legislation. We don't just support the fair elections component, we also support the extension of your terms from two to four years. I am worried about my time, I want to get into that part first. We see a lot of short-term decision making when everyone is running for office every two years. You're always in a campaign cycle. What we know all across the country, a longer term allows you to make the tough decisions that sometimes you have to make.

So really this legislation has two excellent components to it. A public financing system with voluntary limits and matching funds similar to New York City's will dramatically reduce candidates dependence on special interest donors and lobbyists' political contributions. Public funding would also begin to reduce the public cynicism about elected officials since the public will know they're only accountable to them. And with public funding, it's not just about raising money, it's really about having conversations with your own constituents. The part about this piece of public money is only raising money from the constituents in your district, which is really impressive and an exciting concept that you will be able to spend as much time with everyone in your community.

There are many systems. New York City has a 6-to-1 matching program. This is a 4-to-1 matching program; that is a big difference. And also, this has a \$150 contribution limit. These numbers are really good. I mean, this is the kind of system that we're trying to fight for all across the nation. It's a very solid system. We're going to have some experts here later today, the experts from The Brennan Center and others will say this really will work. These systems have been used all across the place; Maine, Arizona, Connecticut, and they're finding that in these areas, there are more people running for office more low income communities, more women running, people who normally wouldn't be able to run, they're able to qualify, to get out, talk with people and really make a difference in their community.

And I must say, people are very cynical right now in government. This is your ability to give the voters the choice because you're not voting to make it happen, you're going to give them the choice. We really want you to support this. Thank you.

Applause

P.O. GREGORY:

Thank you. Lillian Lennon, and then Kathy Cole.

MS. LENNON:

Good afternoon. My name is Lillian Lennon, I'm a volunteer for RSVP Animal Welfare & Rescue. Many years ago, during my high school days, my American History & Government teacher made it abundantly clear that our three branches of government was designed to hold our elected officials accountable through a system of checks and balances. The Legislative Branch I'm addressing before me today is responsible for drafting legislation for the Executive Branch to enforce and the Judicial Branch to interpret. The Legislative Branch attempts to provide the keys that unfortunately don't always open doors when those keys specifically relate to protecting our beloved Long Island animals. In fact, it appears that the locks to those keys have actually been changed.

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A few months ago, hundreds of animal advocates across Suffolk County and beyond came together in solidarity in Bellport to honor an animal victim named Roxy -- I'm wearing the T-shirt and the flier's here that I'll pass out -- to demand justice and begin the process of drafting a new bill named after her in order to be sure that violent acts of this nature towards any living thing be thoroughly investigated using many of the same tools and forensic evidence gathered at crime scenes of human beings. On that day, we solicited this body of Legislators in the hopes that one of you would either sponsor or cosponsor such a bill. As of this date, I do not believe we have received a response; please correct me if I'm wrong.

We applaud Legislator Schneiderman and D'Amaro for sponsoring previous animal bills. We are hopeful one or more of you will join them in our crusade to right the wrongs bestowed on our animals. There is an apparent disposable attitude which translates to dogs like Roxy. There's a headline, there's shock value, there's rewards offered; this reward went almost up to \$30,000, we still don't have an arrest. We had a memorial celebration and then she's forgotten like so many others. It seems that, you know, we get -- sometimes we feel we get lip service and then we get worn down emotionally, and then eventually people give up and go away and we're hoping that's not what you want us to do, because the lack of response will event -- not eventually placate our collective cause for justice.

And finally, until it's truly understood that any violent act toward any living thing or any species is connected to our very humanity, these despicable members of society will continue to spread their evil ways among us. Will Roxy's Law make a difference? Well, I guess that depends on any one of you here are courageous enough to sponsor its bill and, more important, to make sure it's enforced. So I'm asking you today, is there a sponsor among this Legislative body today that would be willing to be a hero for our animals? Thank you. I'm going to pass out the fliers and hopefully that will trigger a response. Thank you very much.

P.O. GREGORY:

Thank you. Kathy Cole and then Stephen Ruth, Jr.

MS. COLE:

Hi, everyone. This is my third time speaking in front of all of you now because I felt that this really needed to be brought down to a local level because it's happening in local school districts. This isn't a partisan issue. This involves systemic fraud in the bidding of goods and services in local school districts. And I commend the Sayville student today who got her award, but unfortunately in her district, with a fabricated document in an Eastern Suffolk BOCES bid, the taxpayers were robbed \$187,000 on one job. There are 124 districts on the Island, this is happening in virtually every district. Only someone in my position would have the knowledge about this and very few would come forward and blow the whistle, as I have done, for fear of the retribution that I have faced.

I have some good news since I last spoke. The sixth contractor of the main culprit of manipulating the bids on Long Island has been debarred. So that means that for five years they cannot work in -- the owner or the company, in public schools. The loophole in the law is that they can work the next day for another company as long as they don't own more than 10%. So I'm coming to all of you as a nonpartisan issue and a corruption issue to please -- I just did a Power Point presentation for the Department of Labor and for the AFLCIO Executive Board to walk them through the ways that these bids are manipulated, and I was told that it's not in the millions, it's in the tens of millions of labor fraud in our local school districts. Local, not the State; it's happening throughout the state as well, but right here on the Island.

So I have been reporting this, unfortunately, to the Suffolk DA since 2011, the same issues. And, you know, maybe if they had done their job five years ago, I wouldn't be standing here before you today as a whistle blower, as a taxpaying citizen and as a vendor who's been basically bid-rigged

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and blacklisted out of business on Long Island where I worked for 30 years without incident until I reported this abuse in 2011.

So everyone here has my contact information; I can give it again. And I think you should really think about putting the taxpayers, the children first. Another way of bid manipulation is the districts are being told that their workers are being paid 150, \$190 an hour, and I have documented on multiple occasions day workers being picked up at the Home Depot, brought into the schools and being paid \$100 per day, about 10 or \$11 an hour. So we really -- you know, it's a systemic problem and I hope -- you know, all of you say how much you care about the taxpayers; 66% of our tax bill goes to schools. There's no Inspector in the Education Department, there is nowhere for me to turn, except to you, to ask to do something. So thank you.

Applause

P.O. GREGORY:

Thank you.

MR. RUTH JR:

Good afternoon, Ladies and Gentlemen. I want to start by giving respect to Kathy Cole for continually fighting to rid our school systems of corruption. I wish you guys would listen to her and start an investigative committee into the school corruption, I think that that's kind of necessary being that there's no inspectors looking at this right now.

Also, I wanted to talk about the fact that there's no investigative work being done by any of the Legislators into the dangerous intersections in our County. Nobody is doing any kind of investigative work into shortening of yellow lights or possibly the statutory overcharge which we -- we know that there's a statutory overcharge, there's already a lawsuit going, a class action lawsuit against the County in which the County may have to return millions and millions of dollars to the residents.

Also, we're working currently on getting a lawsuit against the County as well for the -- it's the engineering malpractice as well, which is the shortening of the yellow lights you've heard about from police officer testimony. I ask you guys to please take this to heart. This is going to bring you into a courtroom, they're going to cross-examine you. There's nobody that's ever been an activist against the cameras having gone to jail before. The only people in regards to cameras that have gone to jail have been camera company employees as well as public servants, like you guys. So I'm a firm believer that there's going to be members of this panel that do get in legal trouble over it because of the amount of bribe money and bid-rigging and basically corruption. I think that so much of the money comes from Glenwood Management and also comes from the union super PAC that makes you guys base your decisions on the money and it's got to stop. I'm sure that that lady who was just talking about a bill this type of corruption won't go through because so many of you guys get that corrupt campaign contribution money. So I would appreciate it if you guys did do a little investigative work and look into the shortening of the yellow lights, as well as the fact that the \$30 surcharge is a felony and there's been over one million counts of that felony committed against us, the people, which is why we got the class action lawsuit against both counties, not just Suffolk, Nassau as well. So we are working currently on getting the engineering malpractice lawsuit off the ground and I do anticipate seeing all of you guys get cross-examined.

You've all heard testimony from police officers, from Suffolk County Police Officers in regards to the shortening of yellow lights, but nobody wants to do anything. I mean, I'm curious; out of all of you guys, could you please raise your hands if you feel that I should have to go to jail for my actions.

*(*Legislators Barraga, Lindsay, Anker, Calarco, Gregory, Browning raised their hands*)*

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MR. RUTH JR:

Okay. Well, unless they make you guys jurors, I don't think you're going to have a prayer in hell of seeing that come to fruition, okay? And it's a fact. CBS a poll and polled over 4,000 people and they thought 95% of the 4,000 people thought that the program should be repealed. So you guys are kind of like lone wolves out there, especially you, Mr. Barraga.

LEG. BARRAGA:

You know something? Vandalization is \$85,000.

MR. RUTH JR:

It's not vandalizing, sir.

LEG. BARRAGA:

Felonies and misdemeanors will put yourself in State prison.

MR. RUTH JR:

It's a systematic form of extortion at our expense. The shortening of yellow lights is atrocious. People got killed, you're responsible.

(Timer Sounded)

And you're siding on the side of the corrupt. I'm sorry, Mr. Barraga, but I think you're going to go to jail.

LEG. BARRAGA:

You're the one going to jail.

MR. RUTH JR:

I don't think I am going to go to jail.

P.O. GREGORY:

All right, all right, all right.

MR. RUTH JR:

I don't think I'm going to go.

P.O. GREGORY:

Your time is up.

LEG. BARRAGA:

Good luck in State prison.

MR. RUTH JR:

Thank you very much. I also think that that's going to play a role in my trial.

P.O. GREGORY:

All right, Mr. Ruth, your time's expired.

MR. RUTH JR:

Saying to the public that I'm guilty of something before the trial has taken place --

P.O. GREGORY:

Mr. Ruth, your time has expired.

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LEG. BARRAGA:

It's legal.

MR. RUTH JR:

No, it's not legal.

LEG. BARRAGA:

Good luck.

MR. RUTH JR:

Thank you very much, Mr. Barraga.

P.O. GREGORY:

Thank you. All right, Stephen Ruth III; and then Daniel Lever? Levler, excuse me.

MR. RUTH III:

Hello. I would like to speak in opposition of the red light cameras. It upsets me to hear -- it upsets me to hear that you all believe my father should go to jail -- well, at least some of you -- for what he did. By the way, he was never arrested for anything that he did, he turned himself in. You specific groups of individuals are the only group that believes my father should go to jail. He has police officers testifying to these corrupt cameras. Furthermore, you are all such cowards that you can't even contribute to any of the fundraisers that my father hosts. All my father is trying to do is better the community and you think he deserves to go to jail for that? Heartless would be an understatement for what you are. Tricking people into --

Applause

-- getting ticketed and killed in accidents is absolutely wrong, and getting money from it is absolutely disgusting. If you believe otherwise, then I say you should be locked up and I will personally throw away the key. Everyone supports my father, so good luck trying to find a jury that finds him guilty. And furthermore, no public official is allowed to publicly speculate on someone's innocence before trial. I hope you know you have to be -- you have admit under that -- you'll have to admit to that under cross-examination. Thank you.

Applause

P.O. GREGORY:

Thank you. Dan Levler; and then Stan Humin? Hummin?

MR. HUMIN:

Humin.

P.O. GREGORY:

Humin, excuse me. Sorry.

MR. LEVLER:

Good evening. I'm Dan Levler, President of AME. I just wanted to speak to you briefly tonight about discharge petition 1476. A number of you we've called, reached out to and just spoken about our position on it. We believe it's a good idea to bring people that were laid off back to work. Specifically in that discharge petition there's a number of titles, but the custodial positions, the laborer positions are very -- they're very much in need and they're very important to the morale of this County, not just our membership but the public as well. They comment on how our buildings look, how our grounds look, these people can help. We've had conversations with the County

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Executive's people on this, we're hoping to get these titles filled. No one position should hold that up, we believe, so we just would like to speak in support of the idea of bringing back people that have been laid off, but also specifically that we fill the labor and custodial positions, start restoring some of the beauty and the health and safety aspect to some of these buildings. So thank you.

P.O. GREGORY:

Thanks, Dan. Stan? And then Albert Marnell.

MR. HUMIN:

Thank you for giving me this opportunity to speak, guys. I also am in support of Kate's resolution, 1476, the County policy to hire former County employees. Support of this will help us restore some of the highway laborers and custodians. In January, 2012, by the official {orb} chart, we have 104 custodians working for us. In January, 2016, by the official {orb} chart, we have 61 employees covering the same amount, of which at any one time 10% call in on sick, personal, vacation, another 10% are out on comp, that brings the number down to approximately 50 employees. Twenty-four are mandated to cover the courts, and so that leaves approximately 25 custodians to clean the rest of -- all of our County facilities, which is approximately 1,400,000 square feet. Each man or woman is responsible for covering 64,000 square feet of commercial space. Industry standard for custodial is about 20,000 square foot, so we're doing three times the amount of work as per industry standard.

In the courts, as opposed, the custodians there cover approximately 10 to 12,000 square foot of coverage. The highway maintenance numbers are comparable. This is why we're asking your support of 1476. We are the New York aisle that's mentioned in America the Beautiful, and our employees are where the rubber meets the pavement. I implore you to please give us help. Thank you.

Applause

P.O. GREGORY:

Thank you. Albert Marnell, and then Melissa Spiro.

MR. MARNELL:

I hope my voice is -- well, it's not that bad tonight. Anyway, I want you all to think about when you make a decision about red lights, don't base it on your personal feelings towards Stephen. I totally agree with him in the matter of how he speaks and what he did, I think it was very noble and brave, I just wish there were about 4,000 other people that did it. But he's not a coward, he really believes in something. I agree with him, too. I don't want cameras all over the place, I don't want to be living in the old Ddr, the old Deutsche Demokratische Republik, which wasn't Deutsche and it wasn't Democratic and it wasn't a Republic. So don't make your decision based on how angry you are at Stephen Sr, who I happen to like. I mean, you may not like the manner in which he speaks, but the matter is separated. I mean, 95% of the population are against these cameras and it's going to turn into incrementalism where you're going to start with cameras here, a camera there and then -- we can't all be driving like -- I've said this in letters, whosever read it, we can't all be driving like we're taking our driver's test for the first time. Commerce can't function. The speed limits are still below what they were when Nixon had to lower them because of the energy crisis, they're down to 55. The Expressway was 65, 70.

You know, again, on the way here -- now, I came all the way over from Copiague and it was not an easy drive. I saw yellow, yellow register as red. It is very dangerous. I'd like someone to pay for my -- somebody, you know, who voted for this program to pay for my brakes which are wearing out, and get rid of the red light cameras. What else can I say?

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There's one other thing. And I want to apologies to anybody here who's Jewish or Islamic. Where is Madeline Murray O'Hare when you need her? I just -- I don't see where religion should be brought into a government building to the point where you're talking about Jesus.

I went to, again, 12 years of parochial schools. My father was a born Catholic, my mother was a born Lutheran, I put that in the letter, they were both Atheists, but I went to Lutheran schools for 12 years, I had the Bible shoved up my kazoo for 12 years and I grew up in a mixed neighborhood, a lot of Jewish kids; they would never have stood for this, neither would their parents. So, you know, think about it. And again, I apologize -- to anyone who's Jewish here who gets offended by that, I apologize to you. I'm not part of it. And anyone who's Islamic, I mean, what if somebody came up here and wanted to say *Allah Akbar*? I mean, what are you all going to get diarrhea? I mean, give me a break.

Applause

MS. SPIRO:

Hi. I'm Melissa Spiro, the Land Preservation Coordinator for the Town of Southold. I'm here today to address the Local Law to improve and strengthen the County's Purchase of Development Rights Program.

Preservation of farmland has been a consistent goal in the Town of Southold. There are over 4,200 acres of farmland have been preserved under the County and Towns' Farmland programs. There are still close to 6,000 acres in Southold that are unprotected farmland. We're preparing a Master List of priority farms to preserve with our initial list, having over 180 farms totaling over 4,800 acres. These farms range in size from seven to 97 acres with an average size of 26 acres, so we still have a long way to go in farmland preservation. It is important that both the Town and the County programs are funded and managed in a way so that we can continue to preserve these important farms and to expedite the manner in which we do so.

As Land Preservation Coordinator for the Town since 2000 and working on preservation efforts under a different title prior to that, I've been doing this for a very long time. One of the most important aspects I've found in regard to working with land owners is being there when the landowner is ready to sell the development rights. Many times, especially when there are multiple family members or State issues, timing is critical. I am well aware that things can't be done overnight; however, keeping the process moving in a timely manner is of utmost importance. A biannual review process is too long and it's an unnecessary delay in the process. The proposed change to eliminate the biannual review process and to allow for instead of Master List together with an ongoing County Farmland Committee Review process is a change that will help to expedite and streamline the County's acquisition program. We intend to prevent Southold Town's Master List in the coming weeks and we look forward to working with the County to preserve the remaining important farms. We support the change and we hope that the Local Law and the amendment is passed. Thank you.

Applause

P.O. GREGORY:

Thank you, Ms. Spiro. Okay, Pat Rollings and then Nancy Dallaire.

MS. ROLLINGS:

Good afternoon, everybody. My name's Pat Rollings, I worked at the John J. Foley Facility for 25 and-a-half years. Everyone I worked with there, many of you have met them, we're a very dedicated bunch. We tried very hard to save it, but alas, that's a whole nother story.

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I'm hoping today that you'll pass the 1476 bill. I've tried to get back into the County to be a custodian. I was told that I could not -- being on the preferred list did not matter because it was out of title. Now, if this loophole wasn't there and you would pass this, I could finish my time with the County. There are many of us in my position. More people would have been here today except for I found out about this only yesterday. There are people that are CNAs, there are people that are on dietary. I have already tried, I put in paperwork, I got letters of recommendation. I've reached out to some of you, *Please let me get back into the County, please let me get this custodial job*, and I was not counted because I was not on the preferred list. So therefore, somebody on the street could get it before me, and that just seems very unfair. I like to think that we take care of our own and you take care of our own, and it just seems very very unfair to me since the building has closed there are been over 90 hires of people that were not on the preferred list, 90 hires. Ninety people from Foley that could have been hired that are suffering, people are still suffering.

When I was telling people I was coming here today, they were so grateful that somebody is standing up for them and *Please, please, please, get them to hire us back. I would take my County job back any day.* Okay? I was very dedicated, I have three letters of recommendations from my Supervisor, from the Director of Nursing as well as human resources. Most of all the workers at Foley are great workers, there won't be disappointment when they're hired back, we know what we're supposed to do, we're very, very responsible. I'm begging you, please, please vote yes on 1476. A lot of people's lives depend upon this and it would make a great difference in their future. Thank you.

Applause

P.O. GREGORY:

Thank you, Ms. Rollings. Nancy Dallaire and then Melanie Cirillo.

MS. DALLAIRE:

Thank you. Thanks for this opportunity to be heard on IR 1476 introduced by Legislator Browning. I appeared before the committee. I'm glad to see the resolution before the Legislature. I feared that it would be tabled until it was too late to act upon, and before we know it it will be May 8th, 2017. So as a former employee of the former John J. Foley Skilled Nursing Facility, I had the privilege to work with incredible people who were dedicated employees, people who Suffolk County may have forgotten its commitment to these residents, but those workers never did. The County Executive may have used his power to abolish vital health services and abandon that County facility, but this Legislature holds the power that can protect former County employees who committed their lives to serving our community.

As I stated at the committee hearing, I struggle to understand what has been accomplished by that closure. I still see it as a tragedy that could have been avoided and should have been avoided. And if former employees are forgotten, that would be another tragedy that you have the power to avoid. Thank you.

Applause

P.O. GREGORY:

Thank you.

MS. DALLAIRE:

Sorry.

P.O. GREGORY:

He's very cute. Okay, Melanie Cirillo; and then Stephen Ruth Sr.

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MS. CIRILLO:

Good afternoon, Legislators. I'm Melanie Cirillo, the Director of Conservation Planning from Peconic Land Trust. Thank you for the opportunity to speak today regarding Introductory Resolution 1478. Peconic Land Trust has represented farmland owners all over the East End, we're working more recently in the Town of Riverhead where there's a real funding need for the purchase of development rights, and we've even worked more recently in Amityville and Brentwood. There are some applications before you for the purchase of development rights for these farm properties. So we really work very closely with a variety of land owners throughout all of Long Island.

We appreciate your ability to revise and improve upon your PDR Program to keep it relevant to the farm community. This would provide -- this resolution would provide an opportunity for a farm operator owner to submit an application for consideration more often throughout the year, and it's very helpful when their farm operations are so time consuming during the growing season and they're busy, so that if the biannual deadline is missed, another six months has to pass before they could submit another application to the Suffolk County Farmland Committee. And as Melissa Spiro from Southold indicated, it really -- timing is everything when you're working with a land owner of farmland and there are multiple openers.

So we really -- Peconic Land Trust does support this proposed resolution to improve and strengthen the County's Purchase of Development Rights Program. So thank you very much, it's very prudent and timely.

P.O. GREGORY:

Thank you. Mr. Senior, and then -- okay, Linda Frego.

MR. RUTH SR:

Good afternoon. My name is Stephen Ruth Sr. I'm here again to complain about the red light cameras. Nothing seems to be happening. Everybody is looking at my son as a criminal, meanwhile nobody seems to be looking at the cameras and saying, *What's wrong that all of this started?* It starts with two different lengths of time that the yellow is there. In today's time, whenever we want an answer to a problem, what do we do? We say, *Google what do I do when I get to a red light and it's turned yellow.* Google just told me. Bear with me, something else happened here. *"Yellow; a yellow signal warns you that the red is about to appear. When you see the yellow light you should stop, look out for vehicles that may enter the intersection when the light changes."* What it literally comes down to is it's ambiguous. It doesn't say *halt*, it doesn't say, *Well, you're driving a tractor trailer and can't stop in the same length of time that a regular passenger vehicle can.* All it says is you should stop unless it's safely -- unless it's a safety issue. If you can't stop, you're in an accident.

In this case, these red light cameras have caused numerous accidents. They've caused deaths. It seems to be a continuing problem that we can't get rid of them. We've talked to you as Legislators numerous times, we've explained the situation. It's not about who took them down or who did what to them or who said this or who said what. It's about are they beneficial to the safety of the public. Something more beneficial might be lines designating, *Okay, it takes an 18-wheeler at 55 miles an hour, 286 feet to stop.* Is that a true figure? Gee, is there a formula? Nobody has really done that much research; and if they have, it certainly hasn't been made public.

The only thing we know for sure is it is a matter of contention. Not everybody's happy with these cameras. Certainly the people that have gotten the tickets are questioning it in their mind. The ones that have paid an excess fee for it, some of them are questioning it, some of them aren't. Personally, six years ago I got one and I was one of those people that said, Here's the check.

(Timer Sounded)

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Thank you, gentlemen.

Applause

P.O. GREGORY:

Thank you, sir. Linda Frego and then Michael McDermott.

MS. FREGO:

First of all, let me make it very clear that I am. With your Red Light Camera Program, Steve Bellone has put our posterity in debt by promising raises to police with money that the County doesn't even have yet. His intention is to fund those raises with blood money extorted from we the people through this program which has been a windfall for the County and Xerox, a hidden tax.

President John Adams once said, "*Posterity, you will never know how much it costs the present generation to preserve your freedom. I hope you will make good use of it.*" Well, we intend to make good use of and preserve every bid of it. This Legislature will no longer bully us or shove this unconstitutional program down our throats. That type of behavior will not be accepted or tolerated. We don't want it. People are dying because of it and you will be held responsible for that at an hour that you do not know. We didn't take an oath to serve you, you took an oath to serve us.

I also have a message to our posterity. Be it known that we, as your Forefathers, are here today fighting for your freedoms against this corrupt Legislative body as a whole, some of us without regard to the cost. Be forewarned, you must always ferociously guard those freedoms, less the servant turn on its master. We the people are flexing our freedom, making good use of it here, today. We stand united and we refuse to give up. And be it known to all that we shall be relentless in our quest to preserve our freedom no matter the cost. Put that on the record. (*Banged her book on the podium*).

Applause

P.O. GREGORY:

Okay, thank you. Michael McDermott, and then Marie Bernhardt.

MS. BERNHART:

Mariel.

P.O. GREGORY:

Mariel, excuse me, Bernhardt.

MR. McDERMOTT:

Hi, everybody. You'd probably be surprised to know that I'm here against the red light cameras. I'm really tired of coming up here and talking to you about the red light cameras and I wish you would get rid of them. And Bob Trotta put a bill out to suspend it, it couldn't get out of committee. Ms. Browning voted no and a couple of others; Doc Spencer voted yes because the system's flawed.

MR. RUTH JR:

(*Applause*) Yeah, doc.

MR. McDERMOTT:

(*Laughter*). All right, Doc Spencer. Happy birthday, by the way. It was just last week, wasn't it? Yeah.

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Listen, we're doing everything we can to let you know that this is not acceptable. I know you make a lot of money off of it and I know Bellone now wants to spend the money. I mean, come on, people are getting hurt. There was another death last week on Route 112. Now, was it because of the red camera? There's really no way to tell. It happened at a red light camera intersection, it happens all the time. Bob Trotta put a bill to suspend it on the record saying it's a flawed program. I can't imagine any one of you believe it's not a flawed program. Tom Cilmi has a bill floating, I think, around. Your office was kind enough to supply me with a copy of it. It's a start, it lengthens the yellow lights and it has the red lights going at the same time, red to give people a chance to stop. Because it's confusing where everything is. The yellow light -- nobody died or are having accidents because the yellow light was too long. So what is the problem with that? Why is it floating? You know, floating like a butterfly, but it should be stinging like a bee and we should be stopping and adding the yellow light duration. It's the only thing that makes sense. So what is the problem? I really don't understand it.

There are a lot of you that are trying to stop it, you know, maybe they could be more forceful with some of them. I don't know, is it a Republican/Democrat thing, is that what it is? Doc is a Democrat. Tom, you're a Republican, right? And Bob is. I mean, come on. I don't understand it. I don't understand what it's about. But I can tell you that everybody is against it. I'm calling for people to have -- exercise their right for civil disobedience, and when they get a red light camera ticket, just say *Return to sender*. Don't pay it, Maybe if we can start cutting down on the money and maybe you'll start making sense, because deaths and accidents don't seem to have a benefit or an impact on you.

So please, give Mr. Cilmi's bill, get it out on the floor and vote for it. At least lengthen the yellow lights so there will be less accidents and fewer deaths; is that such a hard thing to do? I don't think so. And thank you, Mr. Cilmi, for putting that forward, and I hope that you can get enough support from these people to do something that really is good for the public safety. Okay? Thank you.

Applause

P.O. GREGORY:

Thank you, sir. Mariel Bernhardt; and then Grace McDermott.

MS. BERNHARDT:

Hi. I'm here today to discuss potable water on Long Island and a substance called primary water. Primary water is the cleanest, most pure water on the planet and is obtainable through deep well drilling. It is created deep within the Earth from the synthesis of hydrogen and oxygen under tremendous pressure from the Earth's internal heat. Our planet is abundant with fresh water. It actually generates fresh water, yet we have been led to believe that we are running out of drinkable water. We have been bombarded by newspaper articles and broadcasts which claim that our drinking water has become tainted with pharmaceuticals and that we have a growing nitrogen problem.

As a matter of fact, Newsday recently reported that on top of the \$5 million we've already spent on research, an additional \$75 million annually is needed to implement a new sewer system, resulting in a per gallon water tax to Long Island residents. Further, the County has already been promised \$383 million in Federal grants and low interest loans. That's a lot of money. A lot of money, plus interest, the already overtaxed burden County residents will eventually need to repay.

While we understand the importance of keeping our waterways clean of pollutants, I can't help but wonder how much effort has been explored by way of alternative methods. For example, Paul Stamitz has put out an article affirming the effectiveness of several varieties of mushrooms, having the potential to effectively clean up biohazardous waste. I also found an article claiming certain

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strains of bacteria can remove toxic oil from waterways. I simply bring this up to illustrate how a few cursory clicks can reveal a plethora of solutions.

Treatment plants can be found all over the United States where used water, also known as sewage, is chemically treated, deemed suitable for drinking and reintroduced as clean water to reservoirs. Yesterday's sewage is tomorrow's drinking water. Treatment facilities use harsh and expensive chemical compounds to filter out and cleanse toxic agents from drinking water. A few years ago California boasted that they had a 24-hour turnover from sewage to drinking water. Let that sink in; that's revolting.

Upon further investigation, you will note that these treatment plants and sewage systems are part of an effort operating under the guise of environmentalism; this is not environmentalism. Before going to such extremes as mandating sewer systems and sewage plants, how about simply banning the use of chemical fertilizers and herbicides or mandating homeowners and residents --

(Timer Sounded)

-- implement brown water systems using water from sinks, washing machines and dishwashers to flush toilets and water lawns. And all the while, Shoreham is a nuclear disaster waiting to happen. How many times have we been told this? In Indian point located --

P.O. GREGORY:

Ms. Bernhardt, please wrap up.

MS. BERNHARDT:

I'm almost done, I'll wrap up, yep. Indian Point located just 30 miles outside of New York City, hence Long Island, is slated to reopen late this month and has been leaking nuclear waste into the Hudson River and ultimately into the Atlantic Ocean where New York meets New Jersey for several months. It's been further reported that the belts on the reactor are in ill repair and are in need of replacement, yet this nuclear reactor is set to reopen shortly. Think about it. {Fukashema} waters are hitting the California --

P.O. GREGORY:

Ms. Bernhardt, please wrap up.

MS. BERNHARDT:

-- coastline as we speak. We are now surrounded by toxic nuclear waste. I would like to point out that you are charged with investigating and making proper recommendations before writing laws that will effect Long Islanders for generations to come. It is your duty to make sure that the taxpayers are getting a fair shake. Thank you.

Applause

P.O. GREGORY:

Grace McDermott.

MS. BERNHARDT:

And I have a booklet on primary water.

MISS McDERMOTT:

Hello. My name is Grace McDermott and I am 11 years old. My Dad is Michael McDermott. I just wanted to tell you that I am against the red light cameras. My Dad has almost -- my Dad has

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almost had accidents and then I want them all to be -- I want everyone to be safe. Please take -- I'm sorry. Please take them down to stop these accidents. Thank you very much. Have a nice day.

Applause

P.O. GREGORY:

Thank you.

Okay. Is there anyone else that would like to speak that has not already spoken? Please come forward.

P.O. GREGORY:

All right.

MR. CARPENTER:

Thank you. I'll just be a minute. My name is Rob Carpenter, I'm Administrator Director of Long Island Farm Bureau and I'd like to speak in support of Resolution No. 1478 introduced by Legislator Krupski regarding the County Purchase of Development Rights Program.

Farm Bureau is in support of this legislation. This is an excellent piece of work that has been done to allow farmers to put parcels of land into the County PDR Program at any time during the year. And as you know, it's very difficult for farmers to be able to come to meetings, especially when they're working all hours of the day, particularly in the summer time, and this will allow them to introduce parcels throughout the entire year. This legislation will also bring the PDR Program, or the Purchase of Development Rights Program and the Open Space Program in parody, as parcels going in to the Open Space Program can be committed anytime. So please vote for support of this legislation and thank you very much.

P.O. GREGORY:

Thank you, Rob. Anyone else? Okay, I'll make a motion to close the Public Portion. Second by Legislator Muratore. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

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

LEG. BARRAGA:

Second.

P.O. GREGORY:

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

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

Okay, *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).

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LEG. KENNEDY:

Motion to table.

P.O. GREGORY:

Motion to table by Legislator Kennedy.

LEG. CILMI:

Second.

P.O. GREGORY:

Second by Legislator Cilmi was it? All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

IR 1257-16 - Appropriating funds in connection with the new Enhanced Suffolk County Water Quality Protection Program – 2014 Referendum – Sewer Improvement Projects (CP 8734.310)(County Executive).

LEG. HAHN:

Motion to table.

LEG. FLEMING:

Motion.

P.O. GREGORY:

Motion to table by Legislator Hahn. Second by Legislator Fleming. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

Oh, I'm sorry. I do have a request to take IR 1516 out of order. It is on page eight in Government Ops.

D.P.O. CALARCO:

Motion.

P.O. GREGORY:

IR 1516-16 - Amending the Suffolk County Classification and Salary Plan in connection with a new position title in the Sheriff's Office: Employee Relations Director (Sheriff's Office)(County Executive). Motion by Legislator Lindsay.

LEG. KENNEDY:

Second.

LEG. MURATORE:

Second.

P.O. GREGORY:

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

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MR. RICHBERG:

Eighteen.

P.O. GREGORY:

Okay.

LEG. LINDSAY:

Motion to approve.

P.O. GREGORY:

Motion to approve IR 1516 by Legislator Lindsay.

D.P.O. CALARCO:

Second.

P.O. GREGORY:

Second by Legislator Calarco. Anyone on the motion?

LEG. CILMI:

Sure.

P.O. GREGORY:

Legislator Cilmi.

LEG. CILMI:

Thank you. If we could just get an explanation of this, please. Anyone? Does anyone care to speak on behalf of this resolution? (*Laughter*). Maybe to the committee Chair, is there --

LEG. KENNEDY:

There's someone there.

D.P.O. CALARCO:

Was there any debate?

D.P.O. CALARCO:

There wasn't any debate in committee. My understanding of this resolution is there is an individual in the Sheriff's Office who was the -- this would change his title from -- two Employees Relations Directors, excuse me, and it would create a bump in grade, I believe, for the title. I think he had -- went through Civil Service for a desk audit to make sure that he was performing the additional duties that was responsible under this new title that he would be operating under.

LEG. CILMI:

I thought that was the case, I just wanted to make sure. Thank you.

D.P.O. CALARCO:

Yep.

P.O. GREGORY:

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

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

Okay. All right, back to page seven, **Budget & Finance:**

IR 1495-16 - Refunding bond resolution of the County of Suffolk, New York, adopted ,2016, authorizing the refunding of certain outstanding serial bonds of said County, stating the plan of refunding, appropriating an amount not to exceed \$540,000,000 for such purpose, authorizing the issuance of not to exceed \$540,000,000 refunding bonds to finance said appropriation, and making certain other determinations relative thereto (County Executive).

LEG. D'AMARO:

Motion.

P.O. GREGORY:

Motion by Legislator D'Amaro. I'll second. Anyone on the motion?

LEG. TROTТА:

On the motion.

P.O. GREGORY:

On the motion. Was that D'Amaro?

LEG. TROTТА:

Trotta.

P.O. GREGORY:

Oh, Legislator Trotta, okay.

LEG. TROTТА:

With the recent downgrade of the County, is there any indication of how much more this is going to cost us?

MR. LIPP:

Okay. So those are unrelated topics, I believe. This particular resolution gives the authority for Audit & Control, the Comptroller's Office, to strike if interest rates are favorable, and this is done every now and then.

D.P.O. CALARCO:

Speak closer.

MR. LIPP:

Okay, sorry. So this is done every now and then, he's given the authority to strike whenever the market appears ready. It's done now instead of waiting any longer, so he would be able to take advantage of any market changes. Right now interest rates would be too high in order to invoke it, so it's unclear what the savings would be, but at the very least they need to have, I believe, 3% on their present value savings in order to do it.

LEG. TROTТА:

With the recent downgrade that I read about, I mean, clearly we're going to be spending more money to borrow. My question is how much more if we were to borrow this full amount.

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MR. LIPP:

Okay, this is not borrowing, this is refunding. So it's sort of {analagous} to do a refinance on your mortgage.

LEG. TROTТА:

So we're still going to be borrowing money, we're going to be refinancing it.

MR. LIPP:

Well, no, we've already borrowed this money. They've looked at specific bond issues in the past, several of them, and they've noticed the possibility that the rates are high enough that if the market comes to us, they'd be able to take advantage and save. What you're talking about in terms of the credit rating drop could have some adverse effects. So for instance with this, if the rates -- market rates go down, it could be that it's not going to quite work because of that. If you're asking me alternatively what the potential impact would be for the credit downgrade, we could work up some numbers but I have to look at a few things; it'll take like perhaps a couple of hours before we could have it.

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

LEG. TROTТА:

But the moral of the story is it's going to cost us more money to borrow this money, if we need to, if we even can, or it might actually bump us out from borrowing it.

MR. LIPP:

For this refunding, that's a possibility.

LEG. TROTТА:

Thank you.

P.O. GREGORY:

Okay. Anyone else?

LEG. D'AMARO:

I just want to note that -- I'm sorry, right here -- that the Comptroller was at the committee meeting, and the Comptroller's testimony was that there will be a cost savings on our debt service based on the refunding or refinance, and that the cost savings needs to be and will be verified by the State Comptroller as well. So if you support this resolution, you are supporting paying less debt service than we would be without the resolution.

P.O. GREGORY:

Right. It's simply, to use an analogy, if you have a home mortgage at 8% and the market is at say 6 1/2 --

LEG. D'AMARO:

Right.

P.O. GREGORY:

-- you refinance it 6 1/2.

LEG. D'AMARO:

Right.

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P.O. GREGORY:

Right.

LEG. D'AMARO:

Even with all the cost and fees associated with the refinancing, it's still a savings to the County. And I think Legislator Trotta, though, makes a valid point, that maybe we would save less, but nonetheless, the vote here is whether or not we want to save it at all, and I think you should support the resolution to do that.

P.O. GREGORY:

Right. Okay. Anyone else? Okay. We have a motion and a second to approve. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

ECONOMIC DEVELOPMENT

P.O. GREGORY:

Okay. ***I.R. 1507 - Authorizing 2016 emerging Film Festival Funding (Co. Exec.)***.

LEG. LINDSAY:

Motion.

P.O. GREGORY:

Motion by Legislator Lindsay. Who was --

D.P.O. CALARCO:

I'll second.

P.O. GREGORY:

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

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

I.R. 1576 - Approving and authorizing a contract for a Military Sustainability Marketing Plan to support base advocacy and outreach efforts against future Base Realignment and Closure (BRAC) (Co. Exec.).

LEG. LINDSAY:

Motion.

P.O. GREGORY:

Motion by Legislator Lindsay.

D.P.O. CALARCO:

Second.

P.O. GREGORY:

Second by Legislator Calarco.

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LEG. CILMI:

On the motion.

P.O. GREGORY:

On the motion, Legislator Cilmi.

LEG. CILMI:

Thanks, Mr. Presiding Officer. I noticed Amy Keyes in the room. If I could, through the Chair, ask her to join us at the podium.

LEG. LINDSAY:

Yeah. It wouldn't be Amy Keyes, it would be Tony, who would be from Westhampton Airport.

LEG. CILMI:

Or Tony is cool, too.

LEG. LINDSAY:

Yeah.

LEG. CILMI:

Amy was kind enough to answer an email that I sent and with some good information, but I'm happy to have Tony here as well. Turn it back on.

MR. CEGLIO:

Good afternoon. Tony Ceglie, the Airport Manager at Gabreski Airport.

LEG. CILMI:

Hi, Tony.

MR. CEGLIO:

Hello.

LEG. CILMI:

So I had asked -- I had asked for an explanation of exactly what this was, and I got an explanation of what it was, and it had to do with some grant monies that we received to -- I guess, to try and maintain the presence of -- I forget which branch of the military, but there's a --

MR. CEGLIO:

It's the 100 -- yeah.

LEG. CILMI:

It's the Air National Guard?

MR. CEGLIO:

Right. It's the 106th Rescue Wing at the Air National Guard at Gabreski Airport.

LEG. CILMI:

And they're at the airport now, and they've been there for some time?

MR. CEGLIO:

Correct.

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LEG. CILMI:

And so we received a grant to keep them there?

MR. CEGLIO:

Well, we received a grant in 2012 for the -- or from the Empire State Development Program, basically to safeguard the future of the 106th Rescue Wing at Gabreski Airport. In 2005, they risked being closed by that BRAC Program that you mentioned. There was a possibility of a future BRAC coming up in 2017 or 2019. The idea was to proactively study what the strengths and weaknesses were from the 2005 situation, which was that sustainability plan. The plan was developed, and the marketing plan is to take the information from that sustainability plan and come out with materials to give to the local Legislators, elected officials to -- and community members to advocate for the 106th Rescue Wing, if BRAC should come up in the next couple of years.

LEG. CILMI:

And describe or define BRAC again.

MR. CEGLIO:

Oh, excuse me. The Base Relocation and Closure Program, a Federal program.

LEG. CILMI:

Okay, gotcha. So they -- so there was a proposal to relocate that base and we wanted to maintain them here. Can you just succinctly explain why, other than the obvious, why we would want them here? Do they pay us money to be at the airport or --

MR. CEGLIO:

They -- right now, they have a -- I believe it's about a 40-year lease on 90 acres of the 1500-acre airport. The lease payment is minimal. They do pay us a fee of about \$45,000 a year, so -- a year to help maintain the airport. But the big picture of the 106th Rescue Wing is not only the Air National Guard and the fact that they respond to national emergencies. They were one of the first responders to September 11th. They responded to the Perfect Storm, you probably heard about it in the mid '90s, with a vessel that was out at sea. They actually lost one of their members while they responded to that. But they do have, for those of you that don't know, 300 full-time military personnel on the base every day. Once a month they have 1200 people, military personnel, that show up at the base. The economic impact of those personnel is somewhere around \$400 million, as was outlined in that sustainability plan that was funded by the grant. To lose them, again, the 300 full-time employees, the 1200 part-time employees, would be a substantial loss for the County.

LEG. CILMI:

Very good. Thanks for that information, very helpful.
Thank you.

MR. CEGLIO:

You're welcome.

P.O. GREGORY:

Legislator Browning.

LEG. BROWNING:

I don't know if anyone has any questions for you. My question is more for George, about being able to vote for this. My son works there at the 106th. Sorry, George.

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MR. NOLAN:

Sure. I would say that you have no problem voting on this, because any benefit that accrues to your son is so indirect and attenuated from this vote that there's no conflict that I can see.

LEG. BROWNING:

Okay. Thanks.

P.O. GREGORY:

Okay. Anybody else? Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

Okay. *I.R. 1577 - Accepting and appropriating 80% Federal grant funds from the New York Metropolitan Transportation Council (NYMTC) in the amount of \$100,190.40 for the "Bus Rapid Transit Design Standards Study" administered by the Suffolk County Department of Economic Development and Planning and to execute grant related agreements (Co. Exec.).*

LEG. LINDSAY:

Motion.

P.O. GREGORY:

Motion by Legislator Lindsay.

D.P.O. CALARCO:

Second.

P.O. GREGORY:

Did you say second?

D.P.O. CALARCO:

Yes.

P.O. GREGORY:

Second by Legislator Calarco. On the motion, anyone? All in favor? Opposed?

LEG. MURATORE:

(Raised hand)

LEG. CILMI:

(Raised hand).

LEG. KENNEDY:

(Raised hand).

LEG. MC CAFFREY:

(Raised hand).

LEG. TROTТА:

(Raised hand).

P.O. GREGORY:

Abstentions?

MR. RICHBERG:

Fifteen.

P.O. GREGORY:

Okay. I.R. 1578 --

MR. RICHBERG:

No, 14. (Vote amended to 13)

P.O. GREGORY:

I.R. 1578 - Accepting and appropriating 80% Federal grant funds from the New York Metropolitan Transportation Council (NYMTC) in the amount of \$300,278.40 for the "Ronkonkoma Railroad Station/Long Island MacArthur Airport Plane-to-Train Connectivity Study" administered by the Suffolk County Department of Economic Development and Planning and to execute grant related agreements (Co. Exec.). Same motion, same second.

LEG. CILMI:

On the motion.

P.O. GREGORY:

On the motion, Legislator Cilmi.

LEG. CILMI:

Very quickly to the Administration, through the Chair, if someone can -- hi, Amy. Just a quick question. I assume, but I don't like to assume, that you're working with the Town of Islip and the Town of Islip supports this?

DEPUTY COMMISSIONER KEYES:

Yes.

LEG. CILMI:

Okay. Thanks very much.

P.O. GREGORY:

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

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

I.R. 1579 - Authorizing the County Executive to enter into a Start-Up NY affiliation agreement with Suffolk County Community College for the purpose of including County owned land, located adjacent to the Ammerman Campus (Selden), in the college's Start-Up NY Campus Plan for designation as a tax-free New York area (Co. Exec.).

LEG. MURATORE:

(Raised hand).

P.O. GREGORY:

Motion by Legislator Muratore, or you had a question?

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LEG. MURATORE:

Both, both. I made a motion.

LEG. HAHN:

(Raised hand).

P.O. GREGORY:

Okay. Motion by Legislator Muratore, second by Legislator Hahn. On the motion, Legislator Muratore.

LEG. MURATORE:

Is there someone from the County Exec's Office that can just answer one question for me? I guess that's you, Ms. Keyes.

DEPUTY COMMISSIONER KEYES:

Hi.

LEG. MURATORE:

Hi. How are you?

DEPUTY COMMISSIONER KEYES:

Good.

LEG. MURATORE:

I'm just concerned about the easement that the Fire Department has. Is that going to continue and --

DEPUTY COMMISSIONER KEYES:

Absolutely.

LEG. MARTINEZ:

-- is that a problem?

DEPUTY COMMISSIONER KEYES:

The easement is not affected, it remains intact. We can't -- we are not impeding on that, on their use of it whatsoever.

LEG. MURATORE:

Okay, great. Thank you.

DEPUTY COMMISSIONER KEYES:

Absolutely.

P.O. GREGORY:

Okay. All right. So a motion and a second. All in favor --
Oh, I'm sorry. Legislator D'Amaro.

LEG. D'AMARO:

You know, through the Chair, I see that Mr. Zwirn is here. If we could call him up, I had a question.

P.O. GREGORY:

Sure, okay.

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MR. ZWIRN:

Yes, sir.

LEG. D'AMARO:

Hey, Ben.

MR. ZWIRN:

Hi, Legislator D'Amaro.

LEG. D'AMARO:

So thank you. I seem to recall that we had a discussion or a debate over a bill that had been withdrawn in the past. Was this for the same parcel?

MR. ZWIRN:

Yes. There will be other resolutions coming before the Legislature in time. One will be for the property in Wyandanch and they will be -- well, that will be the only other one. The other piece of property that the college has in their plan for the Start-Up Program is on the Grant Campus in Brentwood right off of Wicks Road near the entrance of the college.

LEG. D'AMARO:

Right.

MR. ZWIRN:

But the two of them are parcels that are off campus. So we have to have an agreement with the County that will be approved and has been shared with the State and they have signed off on it, so that we can move forward. We're not in the program yet. We hope to be shortly. It's been a long process. And then we will, hopefully, entertain companies that want to come here, and this will give us a few more options.

We had no space on the Selden Campus to put somebody at the present time. Stony Brook has a number of the Start-Up companies working there, they had space to do that. I think Farmingdale State has one or two. But, hopefully, working with the County, we'll be able to do that, because the County has resources that the college does not have with marketing, for example, to bring companies in, and they have the property. They have property here at Selden. There's about 60 some-odd acres here, about 10 acres for the Fire Department, they wanted an easement. We have no problem with that. And I also think Empire State College has plans at some point, they had 10 acres carved out for them several years -- back during the Levy Administration that Senator LaValle got them money for to open up a small campus location in that parcel as well. So that property would also be carved out if Empire State goes forward. But it's a very -- it's a big parcel.

There are sewer districts nearby that could be hooked up into, and, in fact, the Town of Brookhaven had made -- had asked that -- and I think Legislator Muratore's Office also had asked that if anything does go in there, that it would be hooked up to one of the sewer districts. So we may have to get some improvements made. But this property is not parkland. We don't have to have State legislation to get it into the program. And, again, the college has made it very clear, we will not do anything or support anything that will harm the community. We will have to have community support for whatever we do there and we will be very transparent.

LEG. D'AMARO:

So the County is -- how large a parcel did you say?

MR. ZWIRN:

The entire parcel is actually about 62 acres.

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LEG. D'AMARO:

Sixty-two acres of County land that is going to be now put into this program and then the land will be leased to the college?

MR. ZWIRN:

Well, it will be leased to somebody from -- who goes into Start-Up NY program. The college really acts as a facilitator here.

LEG. D'AMARO:

Okay.

MR. ZWIRN:

We will get, hopefully, internships, opportunities for professors --

LEG. D'AMARO:

Right, right.

MR. ZWIRN:

-- to work with this company --

LEG. D'AMARO:

Yeah.

MR. ZWIRN:

-- to create products that will be high tech and create good paying jobs.

LEG. D'AMARO:

Who would be the tenant? Who's the facilitator? I'm sorry. Who is the tenant of the property for the County?

MR. ZWIRN:

Well, the tenant will be -- the college -- the County owns the property and retains control of the property.

LEG. D'AMARO:

Right.

MR. ZWIRN:

But when we find a tenant that's approved by the college and by Start-Up NY, then the college will be, as I said, the facilitator, but the County will be the landlord, and the tenant will be the Start-Up NY company.

LEG. D'AMARO:

Right. The -- what was the -- when we had the hearing on the same parcel, I guess a year ago, there was some objection, I think, because it was contiguous to the college, I believe, this parcel, or maybe possibly used in the future by the college?

MR. ZWIRN:

I think there was some confusion over who was going to control the property. I think the college at that time was looking to try to get that property as part of its campus in Selden. That's not the case right now. We don't need the property, per se, if the college expands down the road. Right now, our enrollment is going down slightly, so we're certainly not looking to expand onto that property.

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LEG. D'AMARO:

But was it the same bill?

MR. ZWIRN:

It was similar, but not quite the same.

LEG. D'AMARO:

Because this went through the Economic Development Committee.

MR. ZWIRN:

Right.

LEG. D'AMARO:

Which I was not on. So the other bill was going through what, the Education Committee?

MR. ZWIRN:

There was some confusion between the college and the County at that time.

LEG. D'AMARO:

Right.

MR. ZWIRN:

We thought -- the college thought we could have moved forward. The County wasn't sure of the college's commitment, I think, at that time. So there was just -- so it just -- it played out so quickly --

LEG. D'AMARO:

Right.

MR. ZWIRN:

-- that I think the County withdrew their bill until we could get it all squared away.

LEG. D'AMARO:

Okay, fair enough. Okay. Thank you. Thank you.

P.O. GREGORY:

Okay. Legislator Hahn.

LEG. HAHN:

I just want to confirm some things that were said in committee, that anything that -- any plans for that will come back to us?

MR. BRAUN:

Hi. Yes. The County will still be the owner of the property. This is an affiliation which we're being asked to approve, is an affiliation agreement between the County and the college for this land to be used for Start-Up NY. But the County remains, as Mr. Zwirn said, the landlord of any facility that's developed there.

LEG. HAHN:

And we would be Lead Agency in a SEQRA process?

MR. BRAUN:

Yes, I think so.

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LEG. HAHN:

Thank you.

MR. BRAUN:

Okay.

P.O. GREGORY:

Legislator Krupski.

LEG. KRUPSKI:

Thank you. I've got a question, Ben. You said that the college is going to be an administrator and the facilitator of the program.

MR. ZWIRN:

Well, facilitator, yeah, because the Start-Up NY program goes through the colleges, through the -- originally, it was in SUNY colleges mostly Upstate, originally. And the reason and the thought behind it was to try to create jobs on publicly owned property that's not paying taxes now, so that there's nothing coming off the tax rolls that will hurt any of the local jurisdictions with tax revenue.

LEG. KRUPSKI:

Wouldn't it be better to put those businesses on land that's zoned appropriately, and then they could have businesses that pay taxes, like all the other businesses in the County that operate, employ people and pay taxes?

MR. ZWIRN:

Well, I didn't design the program, but this was an initiative of the Governor that has received -- it's been criticized, but it's also been acclaimed. Again, originally, it was for Upstate where they have plenty of land and no jobs. But the Downstate Legislators said, "Look, if this program is going to exist and you're going to bring businesses here, we want to be in if we're going to support it." So Long Island, New York City were both then included in the program, although our criteria for Start-Up NY companies is much, much greater. They have to be and can only be high tech, how that is ever defined, but that's all they can be.

Stony Brook is doing more research and development, and they see Suffolk Community College as maybe producing some, you know, biotechnical equipment, something on a -- I mean, this is going to be on a very -- generally, on a very small scale. If you look at it across the state, this is something that's going to have to have long-term growth.

LEG. KRUPSKI:

So what is it going to -- what's the cost to the college to be the administrator and facilitator? Is it going to be more staff? I mean, it can't just -- it can't just happen on its own.

MR. ZWIRN:

The faculty that is involved, hopefully, it will create some student internships, but the college doesn't see it as something that's going to be expensive, or it will be negligible for the college.

LEG. KRUPSKI:

There's a lot of land that's available for that sort of businesses that -- the old Grumman at EPCAL in Calverton. It's a shame that that -- you know, that site wasn't considered, instead of taking land that possibly the college could use. Private colleges are struggling, and Suffolk County Community College certainly has a very good reputation for a good education at a very affordable price for our young people. And because, you know, you said that enrollment is down a little, but because of that reputation, there's probably a lot of students who would in the future want to take advantage of

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that. And if we let this land get used for something else, it might not be available for expansion in the future.

MR. ZWIRN:

I think that you're looking at a very small amount of land that will be used in the beginning. And, again, I mean, we're talking about startup companies which usually have like one or two people in it. I mean, if we had had a classroom available, we could have started at the college. But this program, the County wants to participate. The County has the IDA. The County, as does Brookhaven, I mean, the County has a lot of resources with respect to marketing and helping, you know, bring companies in, and the County Executive has been very excited about bringing them in.

Again, this will be a very open process. We don't want -- we've been good neighbors, especially in Selden, and we don't want to change that. The community has been welcoming to us. We don't have any problems and we're not going to start now over something that we haven't done before. So they'll have to be on board. There'll be plenty of opportunity. It's a slow process. Nothing is going to happen overnight, and everybody -- we'll get everybody involved. I know Legislator Muratore, because this is his district, has said he wants to be kept apprised of every step of the way, and he will be, as will the Councilman from Brookhaven from that district as well. I mean, this is -- hopefully, this will be something special, but it certainly will be something that everybody knows about as it happens.

LEG. KRUPSKI:

Thank you.

P.O. GREGORY:

Okay. Legislator Stern.

LEG. STERN:

It certainly provides theoretically for opportunity. The analogy I look at is what's going on in Central Islip with the courts and the law school, and it provides for great opportunity between faculty and staff and students, along with the judiciary and our court system. And it creates not only a geographic area of activity, but a real opportunity, in this case, for our students, our faculty and staff to work with private sector opportunity in developing new business and growing them right here in Suffolk County. So my -- so I think it provides important opportunity.

My question is I understand that the college will be the facilitator, but it's on County property. What role do you see, other than the college being a facilitator in an ongoing way, what kind of role, if any, does the college play once a company has been selected, once the physical structure has been implemented. There are -- there might be faculty, there might be staff, there might be students. Does that happen in a formal way, or does that happen kind of organically just because of the location and the opportunity?

MR. ZWIRN:

The applicant will have to apply. There is a process that will go through the college, the Board of Trustees. There's a committee set up of faculty members, students and administrators that will review every application. The college will be responsible for vetting this company to make sure that they comply and are eligible for the Start-Up NY benefits. If at some time while they're in a location, either in Selden, or on the Brentwood campus, or in Wyandanch, if the college feels that they're not providing the services as part of the agreement for Start-Up NY, then they could lose their benefits under Start-Up. And that would be the College's role, to vet these, along with the County and along with the State, will vet these companies to make sure that they're eligible for Start-Up benefits.

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LEG. STERN:

And physically, as far as the property goes, other than the easement, which will remain, are there any other substantial acreage that is not possible for utilization here? Are there -- is there another area that is off limits to this kind of development?

MR. ZWIRN:

Bob Braun tells me that the Empire State has closed on a deal with the County for 6.6 acres on this site, which is sort of in the center of the site. So there's still plenty of, even with -- if you take 16 acres out, there's still plenty of room here on the 63-acre site for expansion, especially adjacent to the college itself.

CHAIRMAN STERN:

Thank you.

P.O. GREGORY:

Okay. Anyone else? Legislator D'Amaro.

LEG. D'AMARO:

The County commitment is to enter into this agreement to provide the land, make the land available. So is there any other requirement of the County? Once the program starts, how is -- how are the buildings put up, who's funding it, you know, all of that?

MR. ZWIRN:

Well, that will be worked out. It depends on where the money comes from for the Start-Up company. I mean --

LEG. D'AMARO:

Has the County made any commitment as far as providing funding?

MR. ZWIRN:

In your Capital Budget, I believe you have. In fact, it was part of a pretty long debate.

LEG. D'AMARO:

What was that for, sewer infrastructure?

MR. ZWIRN:

I think it was for just capital -- I think it was several million dollars for capital improvements for Start-Up -- for a Start-Up NY.

MR. LIPP:

So there's --

LEG. D'AMARO:

So we have a capital -- go ahead.

MR. LIPP:

There's 5 million in 2016 adopted Capital Program. For the 2017 adopted Capital Program that we just vetted out, there was recommended or proposed 5 million, but the Legislature took it all out in the omnibus.

LEG. D'AMARO:

The Legislator took it out, you said?

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MR. ZWIRN:

Correct, for 2017, so -- but there is 5 million sitting there to be appropriated this year and --

LEG. D'AMARO:

For 2016.

MR. ZWIRN:

Correct.

LEG. D'AMARO:

And that capital project, the purpose of that project is to construct the buildings?

MR. LIPP:

Yes. They're also looking at, down the road I guess, the possibility of doing something with Start-Up NY in Wyandanch Rising, too.

LEG. D'AMARO:

I can't hear you.

MR. LIPP:

Sorry. Usually that's never a problem for me. They're also looking in the future, it remains to be seen if it happens, doing something with Start-Up, perhaps another 5 million, who knows.

LEG. D'AMARO:

Right. But --

MR. LIPP:

Wyandanch Rising.

LEG. D'AMARO:

Does the capital project require that that 5 million in funding or bonding go to this site, or is it for any Start-Up NY?

MR. LIPP:

I believe it's generalized right now.

LEG. D'AMARO:

Generalized?

MR. LIPP:

Because we don't have --

LEG. D'AMARO:

Okay.

MR. LIPP:

It's still being worked out.

LEG. D'AMARO:

So the County has an additional commitment. In addition to providing the land, we also have a capital project to help with the infrastructure of the buildings, maybe sewer hookups down the road, right?

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MR. ZWIRN:

That's correct. That's correct.

LEG. D'AMARO:

To make it all affordable as an incubator for high tech businesses to come in as a startup.

MR. ZWIRN:

And as the County comes in where -- in Economic Development, the County has got the resources to do certain things the college couldn't possibly -- can't go out and borrow on its own, so.

LEG. D'AMARO:

So how does this dovetail into the whole parking situation out at that campus? I know that in the past we talked about that for a while. We've been asked by the college and I think we followed through with implementing some -- you know, we've given funding for parking, right?

MR. ZWIRN:

Absolutely. In fact --

LEG. D'AMARO:

Yeah.

MR. ZWIRN:

-- the paving is just about completed.

LEG. D'AMARO:

Right.

MR. ZWIRN:

And we should be picking up several hundred spots.

LEG. D'AMARO:

So when you say that -- several hundred spots?

MR. ZWIRN:

Yes, with the new striping and the redesign of the parking.

LEG. D'AMARO:

I think I recall that. But I think even with those several hundred, it was still deficient parking at the college, if I recall. You mentioned that it's going to be small to start, and if the college needed land, that it would be available. But is that really the case under this agreement? And maybe Bob would be in a position to answer. Can the County or the college pull a portion of the property out from under this program once we make the commitment?

MR. BRAUN:

The County can, yes. As long as it doesn't already -- I'm sorry. As long as the particular spot in the lot doesn't already have a Start-Up company sitting on it --

LEG. D'AMARO:

Right.

MR. BRAUN:

-- the County can pull the land under this affiliation agreement from this program to use for something else.

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LEG. D'AMARO:

To use for another purpose?

MR. BRAUN:

Right.

LEG. D'AMARO:

Okay. And how long is that agreement for?

MR. ZWIRN:

I don't know. Does it have a term?

MR. BRAUN:

I don't believe it has a stated term. I can check that for you. I have my file inside. But I don't believe it has a stated term.

LEG. D'AMARO:

Which would make sense if the business are there and up and running.

MR. BRAUN:

Right. And I assume that part of the process will be that as a business outgrows its status as a startup, it moves out and somebody else moves in.

LEG. D'AMARO:

Okay.

MR. ZWIRN:

The benefits run for ten years.

LEG. D'AMARO:

Who decides what companies get the benefit?

MR. ZWIRN:

That will be the college.

LEG. D'AMARO:

That's part of the program and that's what the College is doing?

MR. ZWIRN:

We have gotten inquiries already, but most of the companies that have inquired are not eligible under Start-Up.

LEG. D'AMARO:

Okay.

MR. ZWIRN:

They are just not the high tech companies that the State was looking for.

LEG. D'AMARO:

Right. How does the \$5 million Capital Program that the County has put in place, how would we utilize that funding here? Would the College make a request once you've secured a --

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MR. ZWIRN:

I don't think it will be the --

LEG. D'AMARO:

Business?

MR. ZWIRN:

It won't be the business. It won't be the college. The college --

LEG. D'AMARO:

Okay.

MR. ZWIRN:

Again, we're facilitating --

LEG. D'AMARO:

But doesn't that have to be done this year because it's in our 2016 Capital Budget, Rob?

MR. LIPP:

I'm sorry. Could you repeat that?

LEG. D'AMARO:

If the -- the funding for the 5 million for 2016, has that been appropriated for this year?

MR. LIPP:

No, it hasn't. And I think that there's another 500,000 that was adopted, but the bonding resolution failed --

LEG. D'AMARO:

Okay. So --

MR. LIPP:

-- last year.

LEG. D'AMARO:

All right. And the 5 million --

MR. LIPP:

For planning. The 500,000 is for planning, and the 5 million is for construction.

LEG. D'AMARO:

So the planning money is not available for this site or for this program, rather.

MR. LIPP:

Yeah, I'm not sure where there -- how they're using the planning money. That would be --

LEG. D'AMARO:

Well, the bond, the bond failed, you said.

MR. LIPP:

Correct. They could always try to bring it back.

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LEG. D'AMARO:

Okay. And the 5 million for this year, if it's not appropriated by the end of the year, what happens to that?

MR. LIPP:

It goes away.

LEG. D'AMARO:

It goes away. So do you think we'll be in a position by the end of the year to have a business apply to the County for, you know, help in building these buildings, or whatever they're going to do?

MR. ZWIRN:

I don't know for sure. I think we've heard that there's a company that is very interested, that is very real, and if that happens -- we had to get approved first and we have to work with the State. It's --

LEG. D'AMARO:

You'll cross that bridge when you come to it.

MR. ZWIRN:

Yeah. That's when we blow it up, we'll cross it.

LEG. D'AMARO:

Okay. I have no other questions. Thank you.

P.O. GREGORY:

All right. Anyone else? Okay. We have a motion and a second on **1579**. All in favor? Opposed? Abstentions?

LEG. KRUPSKI:

Opposed.

MR. RICHBERG:

Seventeen.

LEG. CILMI:

Opposed.

LEG. BROWNING:

Opposed. Sorry.

MR. RICHBERG:

Fifteen.

P.O. GREGORY:

Please raise your hands if you're opposed.

MR. RICHBERG:

Fifteen.

P.O. GREGORY:

One, two, three, okay.

EDUCATION AND HUMAN SERVICES

I.R. 1337 - To appoint member of Suffolk County Youth Board Coordinating Council representing Legislative District No. 6 (John B. MacKay) (Co. Exec.). Motion by Legislator Anker, I'll second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

I.R. 1502 - To appoint member of Suffolk County Youth Board Coordinating Council representing Legislative District No. 9 (Marvin Smith) (Co. Exec.). Motion by Legislator Martinez.

LEG. CILMI:

Second.

P.O. GREGORY:

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

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

I.R. 1504 - To strengthen the Teen Pregnancy Advisory Board (Spencer). Legislator Spencer?

LEG. SPENCER:

Motion.

P.O. GREGORY:

Motion by Legislator Spencer.

LEG. D'AMARO:

Second.

P.O. GREGORY:

Second by Legislator D'Amaro. Are you in favor of strengthening the Teen Pregnancy Advisory Board, Lou? All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

I.R. 1542 - Appropriating funds in connection with infrastructure College Wide (CP 2149)(Co. Exec.). Motion by Legislator Martinez, I'll second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

I.R. 1542A, bond resolution, same motion, same second. Roll call.

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

LEG. MARTINEZ:
Yes.

P.O. GREGORY:
Yes.

LEG. SPENCER:
Yes.

LEG. D'AMARO:
Yes.

LEG. STERN:
Yes.

LEG. MC CAFFREY:
Yes.

LEG. TROTTA:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
Yes.

LEG. CILMI:
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.

MR. RICHBERG:
Eighteen.

ENVIRONMENT, PLANNING & AGRICULTURE

P.O. GREGORY:
Okay. *I.R. 1478*, in Environment, Planning & Agriculture, *a Local Law to improve and strengthen the County's Purchase of Development Rights Program (Krupski)*.

LEG. KRUPSKI:
So moved.

P.O. GREGORY:
Motion by Legislator Krupski, second by Legislator Fleming. On the motion, anyone? All in favor? Opposed? Abstentions?

MR. RICHBERG:
Eighteen.

P.O. GREGORY:
I.R. 1505 - Reappointing member of the Council on Environmental Quality (Eva Growney) (Hahn).

LEG. BROWNING:
Motion to table.

P.O. GREGORY:
Motion to table by Legislator Browning, second by Legislator Muratore.

LEG. HAHN:
Motion to approve.

P.O. GREGORY:
Motion to approve by Legislator Hahn.

LEG. ANKER:
(Raised hand).

P.O. GREGORY:
Second by Legislator Anker. On the motion?

LEG. BROWNING:
On the motion. The reason why I'm motioning to table is there was recently something that came forward with CEQ. They are supposed to discuss SEQRA. They basically, and this individual in particular was mainly speaking on policy with regards to that particular issue, and it's the referendum for Yaphank. I think they overstepped their boundaries, that they are not the policy-makers, they are advisors. And I think, at this point in time, I could not support someone who is trying to make decisions for me.

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And again, this is about a referendum to let Suffolk County taxpayers make a decision and not this individual. So they seem to be taking too much on their own shoulders to make decisions on what we should be doing with County property. So I think it's inappropriate. Her behavior was inappropriate. And I cannot support her, and so I'm asking my colleagues to support a tabling motion and make it very clear to members of the CEQ that they are advisors, not policy-makers.

P.O. GREGORY:

So can you explain exactly what happened? Like what do you mean?

LEG. BROWNING:

Yeah. I had to -- I had another meeting, and my Aide, Josh -- I think it was the day of the Government Ops, and Josh went to the meeting, and when the issue came up about the Yaphank property, they talked about the farmland and what should be done with the farmland and did not discuss SEQRA. That's not up to them to make a determination, and they were taking a position on the property and not discussing SEQRA. And they were reaching out to Cornell to have further discussion with them about the property and what should be done with it. That's not their job, their job is basically to speak on SEQRA. And I think maybe George could maybe enlighten everybody on what CEQ is required to do and what they're not required to do. They are not policy-makers, we're the policy-makers. And so I think they -- in my opinion, they overstepped their boundaries.

P.O. GREGORY:

Okay. George?

MR. NOLAN:

Well, I would just say that, you know, the resolution that Legislator Browning is talking about, we sent that to CEQ to give us a recommendation as to how it should be classified under SEQRA. I, too, was not at the CEQ meeting, but I did hear that they tabled the consideration of that matter because they wanted to hear from Cornell. And I think there was some -- they did discuss policy, that's my understanding. So why they didn't take up the SEQRA classification, I'm not sure, and I think the issues they were talking about probably had nothing to do with how it should be classified under SEQRA.

LEG. BROWNING:

I believe Sarah Lansdale is in the room and I believe Sarah was there.

LEG. HAHN:

Krupski was there, too.

LEG. BROWNING:

And Al was there, too. And, again, I know that they made a request of Mike Monaghan to come, and started asking questions about why didn't you do it here, and, you know, naming various locations, and I don't believe that's their responsibility to do that. I mean, those are questions that I've already asked, but that's not their job. Their job is to discuss the SEQRA.

So, Sarah, if you can enlighten what happened. I believe you were at the meeting.

DIRECTOR LANSDALE:

Sure. I was there for the tail end of the meeting. I had -- I, too, had another meeting to attend to. But staff has informed me that they did take a broad interpretation of their functions and duties the day of the meeting. And staff did remind them of their -- of what it's -- of their duties that are stated in the Charter. And they specifically did ask for some follow-up information. They wanted Cornell to come back, or come to the meeting and present their plan of how they see the use of that property moving forward, as well as they requested further information and analysis from the

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Department of Public Works, from Mike Monaghan, about the selection of the solar properties.

LEG. BROWNING:

Which is basically not their responsibility. All they were to do was make a determination on SEQRA. So I -- again, I'm asking my colleagues to table this so we can -- again, I think they need to know very clearly what their position is on CEQ, that that's up to us, and this is -- this is about a bill that we're putting up for referendum. So they shouldn't be making the policy decisions and not allowing the public to make a decision. I think they overstepped their boundaries, and I cannot support someone who wants to make policy decisions for us.

MR. NOLAN:

Yeah. And I'll only add that the thing that made it particularly problematic is we have a -- if we're going to put this measure on the ballot this year, we needed them -- we need them to act, you know, relatively soon on advising us to SEQRA.

LEG. BROWNING:

Which I believe they did not. I don't think they even went there, I think they just stuck on the policy.

P.O. GREGORY:

Legislator D'Amaro.

LEG. D'AMARO:

Yeah, through the Chair to Legislator Browning. So I understand what you're saying and that concerns me. And you have my interest here, because what you're saying is that a SEQRA determination came up for review and a possible vote to make the determination whether there's significant environmental impact on a particular bill, and instead, you're telling me that the whole policy was debated, and that when the -- this Board did not get the answers that it wanted or needed more information on the policy debate, tabled the SEQRA determination.

LEG. BROWNING:

Right.

LEG. D'AMARO:

Is that accurate?

LEG. BROWNING:

That's pretty accurate.

LEG. D'AMARO:

Okay. And are you saying that -- now this -- that's not what's really before us. What's before us today is reappointing a person to the Board, but you're saying that this person in particular --

LEG. BROWNING:

Right.

LEG. D'AMARO:

-- was engaged in that policy debate?

LEG. BROWNING:

Was probably the most vocal person on CEQ on this issue.

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LEG. D'AMARO:

Taking a position?

LEG. BROWNING:

Yes.

LEG. D'AMARO:

Not with respect to environmental impacts, but with respect to the policy --

LEG. BROWNING:

Policy.

LEG. D'AMARO:

-- and the merits of the policy itself?

LEG. BROWNING:

Correct.

LEG. D'AMARO:

That's disconcerting to me.

LEG. BROWNING:

Exactly.

LEG. D'AMARO:

Yeah, that's not appropriate.

LEG. BROWNING:

And that's why I could not support this person at this time, and I think we need to go back. And there was another individual who I don't believe is up for reappointment, but neither here nor there, another individual engaged in a lot of conversation on policy, too.

LEG. D'AMARO:

Do you know if the -- if this council gave a reason? Or, George, do you know if there was a reason given for the tabling of the SEQRA determination?

MR. NOLAN:

I don't know the answer to that. I just know they did not take any action. But I don't know if they articulated a reason. I think they more or less said, "We want to hear from Cornell, we want to hear from this person." I don't even know if they discussed the SEQRA classification, to be honest with you.

LEG. BROWNING:

No, they didn't. Josh was there, came back and told me that they really didn't even discuss SEQRA. It was more about whether this was the right thing to do or not, and, you know, "DPW, what have you looked at, you know, for solar projects, where have you looked, where have you gone?" You know, and again, talk to Cornell.

LEG. D'AMARO:

George, does this body have the authority to make its own SEQRA determination on that issue?

MR. NOLAN:

This is an advisory group, the CEQ, so we can and we have on one occasion, I think, in the ten years

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I've been here.

LEG. D'AMARO:
Right.

MR. NOLAN:

We did that once where CEQ made one determination and we went with a different determination.

LEG. D'AMARO:

What if CEQ makes no determination and tables, can we make a determination?

MR. NOLAN:

I think that's within our power. The -- they do meet one more time before our July 26 meeting, so, hopefully, they will act at that meeting.

LEG. D'AMARO:

Can we as a body withdraw that consideration from the CEQ?

MR. NOLAN:

I think somebody has to do it for us. Somebody's got to be able to look at SEQRA, and I think somebody has to make recommendations to us, and, generally, they're pretty good. They're a pretty conscientious group. Typically, they don't hold up stuff. So this was a -- this was an outlier, at least in my experience.

LEG. D'AMARO:

Okay. I would -- I would recommend, Legislator Browning, that we as a body make the SEQRA determination, bypass CEQ and move forward. They can continue their policy debate for as long as they want, then.

LEG. BROWNING:

Well, no, that's true. And, obviously, you know, we have to approve this by the end of the month to put it on the ballot. But, at the same time, I think the message needs to be very clear to the members of CEQ that they are an advisory body, not a policy -- decision-makers, and clearly they must not see that.

LEG. D'AMARO:

Well, they're advisory even on policy, but you're saying that the matter before them was a SEQRA determination.

LEG. BROWNING:

Right.

LEG. D'AMARO:

Right.

LEG. BROWNING:

But they didn't even discuss the SEQRA, they more discussed policy.

LEG. D'AMARO:

I understand. Thank you.

P.O. GREGORY:

Okay. Legislator Cilmi. I have a list here.

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LEG. CILMI:

Just I'll be very quick. The -- I think in light of the concerns that Legislator Browning raises, I think it's worthwhile to table this tonight and actually have Ms. Growney come before the Legislature at our next meeting and maybe answer some questions as to how she views her role on this Board, and then we can go forward from there. So I'd be in support of that motion.

P.O. GREGORY:

Okay. Legislator Krupski.

LEG. KRUPSKI:

Thank you. I've attended a lot of the CEO meetings, and although I'm not a formal member, because a lot of it has to do with different activities on the East End, so it's very relevant for me. And they are advisory, they're volunteers. We don't have to take their advice. We can, because they are the ones who are going through it, they spend a lot of time on it. I have to agree with Legislator D'Amaro, if it's -- because they're volunteers, if they want to spend an extra hour debating something, there's really -- that's within their right. They have their own, you know, Chairman who runs the meeting. The concerns about the specific application was for a -- they asked for a long-term -- is there a long-term plan for Yaphank?

There wasn't a representative there for Cornell who manages the farm, and that would have been very helpful to have that. The inside, it's -- are there plans for this farmland? Are there no plans? Do they -- you know, how is it being managed now and in the future? And, also, what came up is long-term solar plans for the County. You know, they -- we just had the controversy about not cutting woods down for solar, and now we're having the debate about using active farmland for solar, and those were some of the questions that came up.

So I was at the meeting. I thought they -- you know, if they need more information to type it under SEORA, I think it's reasonable to ask for more information. However, saying that, they're advisory. We could act on SEORA without them if we want to, but it was -- you know, it was a prolonged debate. They're concerned about the -- you know, the merits of the project.

P.O. GREGORY:

Okay. Legislator Fleming.

LEG. FLEMING:

Thank you, Mr. Presiding Officer. I just -- I just kind of want to emphasize what Legislator Krupski is saying. I appreciate, Al, that you were at the meeting, and so have a little more of the facts than others who are engaging in this debate. And I would like to reemphasize that this -- we're talking about a volunteer, an individual who's a professional, but also volunteers her time, and is on an advisory panel and wanted more information. I wasn't there, but I rely on Al's, you know, representation that it was a reasonable request. And the idea that we would, based on a decision that the advisory panel made, call somebody back to the Legislature to question a particular debate I think seems to miss the point a little bit of this citizen who's willing to be involved in her community and want to get involved.

If there's a question as to the duties and responsibilities of the particular advisory panel, I can certainly understand wanting to -- you know, maybe clarify that at a meeting of the CEO. But I am just a little concerned that we're questioning the discussions, you know, that an advisory panel had without the recognition, that we're talking about volunteer advisory folks. And if they're doing something outside of the bounds of their decision-making power, then let's talk about it. But I don't know that bringing them before the full Legislature or, you know, having this kind of a debate is really helpful in terms of citizen participation in the government.

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P.O. GREGORY:

Well, I think whether a volunteer or paid, I think it's appropriate that whatever committee act within the bounds of the jurisdiction of the committee. You know, and from my understanding, it is that they were kind of acting outside of what was requested of them, and which held up a bill, at least for now, temporarily. So I think it's -- at a minimum, I think it's appropriate to have some type of conversation with CEO to ensure that they understand their role, and that their members are acting appropriately as it relates to legislation before them. Legislator Hahn.

LEG. HAHN:

I, unfortunately, I was appointed to Government Operations Committee, which often conflicts with CEO, and I am the Legislature's representative on CEO. But this particular week, I had to also -- I had to serve on our committee, the Government Ops Committee, so I couldn't attend, and that's why Legislator Krupski was there for me in my place for when those conflict happen. We do have a staff member who staffs CEO. And I think that I agree with Legislator Fleming, I think bringing in and questioning a citizens volunteer is problematic. I think that maybe we should talk with -- you know, maybe representatives of the Legislature can talk with -- Kate, maybe you, one of them can sit down and talk with Director Lansdale, with a staff member, maybe with the Chair of CEO and our own Counsel, and, you know, make sure that everyone understands the breadth and scope of the responsibilities and -- you know, and have a little sort of refresher on that. I think that's an appropriate course of action. Director Lansdale, is that something that maybe we could make happen?

DIRECTOR LANSDALE:

Yes, I would support that completely.

LEG. HAHN:

Thank you.

P.O. GREGORY:

Yeah. I just don't want to happen or a reoccurrence of what happened -- who was it, the Park Trustees who almost got in this little duel between what we're going to do. I think, actually, I think it involved you, right? It was the a dog park or something or --

LEG. BROWNING:

Yeah.

P.O. GREGORY:

Right. What is it you with the advisory committees?

*(*Laughter*)*

LEG. BROWNING:

I've got such an aversion to it.

P.O. GREGORY:

And it really, really got controversial, and they kind of -- they started stepping outside their -- that was what, seven years ago, I guess.

LEG. CILMI:

When I was elected.

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LEG. BROWNING:

And there had been issues in the past, too, with CEO, making -- and, again, it's -- is it a positive declaration or a negative declaration? It's not how do you feel about it. That's not what they're asked to do. And that's my concern about reappointing somebody who took a very strong position on this particular piece of property, and that's -- and this is a piece of property that goes to referendum. The voters will get to make a determination what to do with this property, not even just us.

So, you know, when that individual decides to take a very strong position, that they don't even make -- really make a determination on the SEQRA. They should have just made their determination, end of story. Let them have all the conversations they want, but, you know, it's not up to them to talk to Cornell about what Cornell is doing. It's not active parkland. It's been more than five years since it's been -- sorry, parkland. Did I say park? Farmland. So it has not been farmed in five years. So it's sitting there, it's fallow, and we have to make a decision. Do we want to put this up and allow the voters to decide should we put solar there, or do we cut the trees? That's your choice and let the people vote that, make that decision, not CEO.

P.O. GREGORY:

Legislator Cilmi, then Legislator D'Amaro.

LEG. CILMI:

Yeah. If I may, through the Chair, just engage one or two of my colleagues here. Legislator Browning, were at this meeting?

LEG. BROWNING:

No, I was at Government Ops, but Josh went to the meeting with a statement from me, and I know that Sarah Lansdale was there. And they actually called for Mike Monaghan to come from DPW to question him on the decisions that the County had made on, you know, where they wanted to put solar. That was nothing to do with their role, absolutely nothing --

LEG. CILMI:

Right.

LEG. BROWNING:

-- to do with what they are supposed to do.

LEG. CILMI:

Right. So -- and Legislator Krupski mentioned that their role is advisory; Legislator Fleming agreed. Certainly, we have the authority to do whatever we want to do based on that advice, but their advice is substantive and substantial. I mean, when CEO advises us, we tend to agree. So for them to sort of stand -- almost stand in the way, although they're not really standing in the way, but by way of their advice attempt to stand in the way of us debating the merits of a certain proposal when that's not in any way their role, that's a problem. And it's totally appropriate in my view to bring a member before the Legislature, whether it be to the committee or to the full Legislature, I don't particularly care.

When we are vetting candidates for the variety of boards that we appoint to, voluntary or otherwise, we will oftentimes ask them about themselves, how they view their role in -- on the board, what they bring to the table in terms of their experience, and why they think they'd be a good member of the Board, what their experience has been, why they want to serve. So if there are questions relative to the service of one of these Board Members, I know normally when we're reappointing we don't ask them to come before us, but when there are questions, I think it's totally appropriate. I don't know why that didn't happen in -- during the committee process. Maybe it should have, given

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the concerns. Maybe the committee took place prior to the meeting. I don't really know.

MR. NOLAN:

The resolution was submitted before the meeting. It's a reappointment, so reappointments generally do not come before a committee.

LEG. CILMI:

No, I understand that. I understand that.

MR. NOLAN:

This issue only arose after the resolution was submitted.

LEG. CILMI:

Right. Was that before or after the committee, before or after the -- what committee would this have -- this is in Environment?

LEG. HAHN:

Monday.

LEG. CILMI:

Right. So this committee meeting was on Monday. When did it -- when did this --

LEG. HAHN:

Wednesday.

LEG. CILMI:

-- incident, for lack of -- oh, it happened after the committee meeting.

LEG. BROWNING:

It was on Wednesday.

LEG. CILMI:

So that's why they wouldn't have come to the committee. Gotcha. Is there any urgency to this appointment, or reappointment, rather?

MR. NOLAN:

They serve in a holdover until we take action, so they --

LEG. CILMI:

Okay. So it's not like we're disbaring her from the committee, and that would not be my intention. My intention would be to have a simple conversation and satisfy Legislator Browning's concerns and move on. I'm sure she'll answer the questions appropriately and she'll be reappointed.

LEG. BROWNING:

Go back to committee.

P.O. GREGORY:

Okay. Legislator D'Amaro.

LEG. D'AMARO:

Thank you. I want to just agree with Legislator Cilmi, that I don't have any issue with asking someone to come here and answer some questions. We're not -- in fact, I want to thank them for volunteering their time, as a matter of fact. I don't see it as an adversarial process, and I don't

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think that it's somehow offensive to ask that a citizen volunteer just come to the body that has the appointment authority and answer some simple questions, "How do you view your role," "How's it going?" I mean, pretty basic stuff. And I really have to take issue with being somehow told that that's inappropriate because it's a citizen volunteer. I don't think that is even relevant to this.

We are charged with the responsibility of vetting appointees, and if we have questions, so that I'm sure the appointee would be glad to come here and answer questions. So I am concerned, as I said earlier, about the -- this Board or Council debating the policy and actually holding up a SEQRA determination. And if I'm wrong about that, then let the Board come here, or some representative of the Board come here, or this individual, if she chooses, and come here and explain it to me, that's fine. Maybe it just hasn't worked.

LEG. HAHN:

You can call them on the phone.

LEG. D'AMARO:

Excuse me?

LEG. HAHN:

You can call them on the phone.

LEG. D'AMARO:

Well, I think it's important at this point to have it in a public forum and have that discussion, because the concerns have been raised, and I would welcome that opportunity. So I'll support the tabling motion at least for a cycle, as long as this person is still serving as a holdover. I don't think it affects the Board, or what its responsibilities are, or what it has to do, so I would support the tabling motion.

D.P.O. CALARCO:

Legislator Krupski.

LEG. KRUPSKI:

I'd like to ask someone who knows a lot more about the process I think than most of us, if they could answer a question about where this application for solar at Yaphank goes next. Director Lansdale? So is this -- does this application, because it's preserved farmland, have to go before the Suffolk County Farmland Committee?

DIRECTOR LANSDALE:

It does. The next Farmland Committee meeting is July 21st.

LEG. KRUPSKI:

And when is the next CEQ meeting?

DIRECTOR LANSDALE:

July 20th.

LEG. KRUPSKI:

Okay. So this has to, before -- even if they type it with SEQRA on the 20th, it still has to go to the Farmland Committee. And then what would be the mechanics after that?

DIRECTOR LANSDALE:

Then it would go to the Legislature.

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LEG. KRUPSKI:

With those two recommendations?

DIRECTOR LANSDALE:

Yes.

LEG. KRUPSKI:

Thank you.

D.P.O. CALARCO:

Legislator Browning.

LEG. BROWNING:

No, I can hold off. I mean, obviously, it has to come to us to decide. And, George, the Farmland Committee and CEQ, no matter what they say, if we decide to go ahead and put it on the ballot for November, do we -- does any of their opinions --

MR. NOLAN:

Well, I think Farmland is also an advisory recommendation. We can't vote on your bill until the 26th of July, because the public hearing is today.

LEG. BROWNING:

Right.

MR. NOLAN:

So it may still all work out. You know, we may get the recommendations we need in time, and we, you know, will be able to take action on the 26th as scheduled. Hopefully, that's the outcome.

LEG. BROWNING:

It's just, again, my concern is individuals on CEQ who have decided to take -- have an opinion on something when that's not their role. That was up -- that's up to us. And granted, yes, they're advisory, they can give us, but they didn't -- you know, they tabled this because they have an opinion, not for any other reason. It should have been -- I believe the SEQRA determination, they should have just made it and let us make that decision as a body whether we go ahead and put it on the ballot or not.

D.P.O. CALARCO:

Legislator Fleming.

LEG. FLEMING:

Just very quickly. I, first of all, want to apologize if I have offended Legislator D'Amaro. But besides that, I do want to just note that, you know, I appreciate that folks who serve on advisory committees should be vetted by the Legislative body. At the same time, it's generally done in a general context and not with regard to one objectionable decision. And that's what I want you to be -- I would like to be sensitive to in terms of someone who's volunteering her time in this capacity. So I certainly agree, that if it needs to be straightened out in terms of responsibilities, that it should be. And I appreciate that there is a possibility that this will work out timing-wise, but I would just like to be sensitive to that issue.

P.O. GREGORY:

Legislator Stern.

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LEG. STERN:

Just to continue with the timing, and I guess I'll direct it to George, although I don't know that's the right direction, but going back to the dates, there are two approvals that need to come, July 20th and July 21st. The next committee meeting, the next EPA Committee meeting, then, would be July 18th. And if this is a reappointment that is considered or not considered, I would assume that the next time that there would be a public consideration would be on July 18th.

I guess to Legislator Browning, what is was your vision here regarding timing and participation and how that might go, given that we're talking about several dates and several milestones that are all literally within a couple of days of each other?

LEG. BROWNING:

I don't -- I don't think it's, you know, this particular individual and any of the CEO members. What I'm trying to get at is that, you know, if we approve this individual, then what's to say she's not going to do the same thing on someone else's district? So I think that that's important, that we have to be sure that she's aware of what her role is, and not to make up our mind for us, right? So, again, I know that we can go ahead and disregard their advice, but I'm concerned about individuals who want to make policy decisions for us, and not make the determination on the SEQRA based on their opinion, their personal opinion and not about what they are supposed to do on SEQRA.

LEG. STERN:

And so if this -- if this resolution is tabled, if I heard you correctly explaining to Legislator Cilmi, that the Councilmember here is simply a holdover member?

MR. NOLAN:

Right.

LEG. BROWNING:

Right.

MR. NOLAN:

They stay and they keep serving on the Board.

LEG. STERN:

And would still participate in --

MR. NOLAN:

Sure.

LEG. STERN:

-- in the determinations going forward?

MR. NOLAN:

Until such time we either reappoint her or appoint somebody else to her spot. So until then, she's in a holdover.

LEG. CILMI:

Which if I could, by the way, that's not my concern right at this very moment. My concern was is she acting outside the boundaries of what she should be acting as a member of this committee. And I know she's going to continue to -- you know, she'll continue to vote on this particular issue until such time as we remove her, and that's fine with me, and we'll deal with that as it may be. You know, ultimately, the decision will be ours and that will be that. But let's just make sure that she understands her role going forward, and that this is maybe a unique situation for some reason. We

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can ask her, she can explain and we'll move on.

LEG. STERN:

If I may, through the Chair to Legislator Browning, do you see that then is how this plays out, that those questions would be asked at the next -- at the next committee meeting? Is that the proper forum for that kind of inquiry, that kind of question and answer session? And if so, do you then foresee an approval by a vote of that committee as enabling the Councilmember to then proceed and participate in those decisions going forward?

LEG. BROWNING:

Actually, that was one thing I was going to maybe consider, was send it back to committee again, and let that individual have to come to committee to respond to the committee's questions. I do not want to see an individual who's taking a personal opinion on anything. And I think that that message needs to be very clear, that there is a specific role. "Did you act within your role, or did you go outside of the boundaries?" And I believe she did, as did one or two others, and I just -- you know, I don't want to -- you know, I'm not going to say that I don't want to support this individual. I'm sure she does a great job. But we know that CEQ are an advisory, not a policy-maker. They clearly are -- some of them are making policy decisions and it's wrong.

LEG. STERN:

One more question to Legislator Browning, or maybe to Legislator Hahn, or anybody else. This Councilmember has served as a part of CEQ for how long, do you know?

LEG. HAHN:

Quite some time. Quite some time. I'm not sure of the exact number of years, but several years. I don't remember who appointed her, but --

LEG. STERN:

Okay. Thank you.

LEG. HAHN:

They're suggesting Legislator Schneiderman did, but it's been several years.

P.O. GREGORY:

Okay. So we have a motion to table and a motion to approve. Motion to table goes first.

LEG. CILMI:

Or can we send it back to committee? Is that an appropriate motion?

LEG. BROWNING:

I was going to say, I mean, I'm willing to recommit to committee and I'll withdraw my tabling motion.

LEG. FLEMING:

I'll second the motion to recommit.

P.O. GREGORY:

Okay. Motion to recommit goes before an approval motion. So --

LEG. KRUPSKI:

On the motion.

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P.O. GREGORY:

On the motion.

LEG. KRUPSKI:

All right. Just briefly, just as a matter of mechanics on this bill, though, and I think that's what's important, because we seem to -- goes back to Kate's bill, not the CEO appointment. The -- I think if your bill goes before us, the EPA Committee, on the 18th, then it could be discharged without recommendation, pending the CEO meeting in two days and the Farmland Committee meeting the day after that. And then at least we would have -- we would be able to debate it at the next general meeting with that information in our hands. So it wouldn't have to be held up, it would still be able to move forward.

LEG. BROWNING:

Yeah, but it's -- okay. But it's not necessarily about this particular bill --

LEG. KRUPSKI:

No, just to clarify that.

LEG. BROWNING:

-- but it's more about the role of the individual and the --

LEG. KRUPSKI:

I got off track a little bit, but just to clarify the mechanics, can -- still, it's not impossible to move this if you have the majority.

LEG. BROWNING:

No, we can continue to move my bill without -- with or without them, yeah.

P.O. GREGORY:

Okay. So we have a motion to recommit that goes before an approval motion. All in favor to recommit, say aye?

(*Legislator Said Aye in Unison*)

All opposed?

LEG. HAHN:

(Raised hand).

P.O. GREGORY:

Abstentions? Okay. The bill is recommitted.

MS. ELLIS:

Seventeen.

P.O. GREGORY:

Okay. I do have a request, if we can quickly do it, because we are past 6:30, to take ***I.R. 1471 - A Local Law to increase penalties for violation of social host laws (Cilmi)***, out of order. Motion by Legislator Cilmi.

LEG. MARTINEZ:

Second.

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LEG. STERN:

Second.

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

P.O. GREGORY:

Okay. I.R. 1471 is -- motion to approve.

LEG. CILMI:

Motion to approve.

LEG. MARTINEZ:

Second.

P.O. GREGORY:

Second by Legislator Martinez. Anyone on the --

LEG. CILMI:

Just very briefly on the motion.

P.O. GREGORY:

All right.

LEG. CILMI:

I just -- rather than say something on my own behalf, I wanted to just read a brief statement sent to me by Dr. Jeff Reynolds, who I think is somebody that we all know and respect, President and CEO of Family and Children's Services. He said, I quote, "Alcohol remains the deadliest drugs on the planet, and underage drinking has contributed to the mess we're in today. This commonsense bill strengthens Suffolk's Social Host Law, proactively protects public health, and ultimately will saves lives." And I really think that says it all. Thank you.

LEG. SPENCER:

On the motion.

D.P.O. CALARCO:

Legislator Spencer.

LEG. SPENCER:

George, on this particular bill, I have just a particular question, as far as, I fully support the concept of this bill and I plan on voting for it, but I did want to get some clarification as to make sure there's not an intended consequence. And the example that I gave privately when talking with some of my colleagues was I have a son who's graduating in a couple of days who's going to be having a graduation party, and I plan very stringent screening for young people that might be looking to drink. And I just want to make sure that as a result of this legislation, if I were at my door of my home checking water bottles and thermoses, and making it very clear that drinking is not something that I want to occur, and if, for instance, someone was able to get some alcohol and minors were drinking, and if police came and found that there was alcohol on the premises that young people were consuming, it seems that it would be discretionary in this particular case. So I just want to get some sense. Is there any assurances in this bill that someone that is doing what they're supposed

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to do would not be given a misdemeanor as result of this?

LEG. CILMI:

May I, may I answer?

LEG. SPENCER:

Tom, you're rushing me, you? I can't believe you're the one rushing me. In any case, I need to -- you know, we'll have to table this until after the public hearing. I've got questions.

LEG. CILMI:

So someone has brought -- you know, we've addressed this concern with other members. And the bottom line is that in the current Social Host Law, forget about this amendment, in the current Social Host Law, the adult responsible for the premises has to knowingly allow or serve alcohol to the minors, knowingly. This bill doesn't change that at all. So unless you knowingly allow alcohol to be served to minors at your home, you cannot be charged.

LEG. SPENCER:

So I guess my question is knowingly is determined by what or whom?

LEG. CILMI:

Ultimately, by a court of law, ultimately. If the police show up at your house, and based on evidence and based on a conversation with you they decide to charge you, because they believe there's evidence enough to say that you knowingly allowed alcohol to be served, or whatever, they will charge you. You will then go before a court of law and say, "Your Honor, I had no idea. I made every effort to stop or to prevent alcohol from being served at my home." You'll make your case. The police will make their case, just as they would in any other dispute or charge, and, you know, the court will render a decision.

LEG. SPENCER:

When it was a violation, I could accept that. But now this is something that, depending -- it's a criminal record where when you're dealing with young people that may be trying to protect themselves where that as well, you know, "Dr. Spencer knew." Just I don't know if it's strong enough to not vote for this, but that's my concern. I wish there was something that offered protection for those that were trying to responsibly, trying to not -- make sure that minor -- and they're extremely creative.

LEG. CILMI:

Yeah. I think the bar, though, Legislator Spencer, is very high. And I think if you had a conversation with the Police Commissioner, you would recognize how high that bar is truly set. To prove that you knowingly allowed or knowingly served alcohol is a fairly high bar to set, and the evidence would have to be overwhelming. So --

P.O. GREGORY:

Tom, the list is growing, so we're going to have to go to Public Hearing, all right?

LEG. CILMI:

That's fine.

P.O. GREGORY:

All right. So I'm going to turn it over to Legislator Calarco.

PUBLIC HEARINGS

D.P.O. CALARCO:

Okay. We're going to go into our Public Hearings. Our first Public Hearing is for the 2016-2017 Suffolk County Community College budget. I do not have any cards for this public hearing. Is there anybody in the audience who would like to address the Legislature at this time regarding the Community College proposed budget? Seeing none, I have a motion to close by Legislator Martinez, second by Legislator Lindsay. All those in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

D.P.O. CALARCO:

It is closed. Our next -- ***Procedural Motion No. 7 - Inclusion of new parcels into an existing Agricultural District - Home Rescue Solutions Limited (SCTM No. 1000-059.00.00-10.00-002.000) (P.O.) (IR 1517)***. Procedural Motion No. 7, I do not have any cards. Is there anybody in the audience who would like to address the Legislature at this time? Seeing none, I make a motion to close.

LEG. LINDSAY:

(Raised hand).

D.P.O. CALARCO:

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

MS. ELLIS:

Eighteen.

D.P.O. CALARCO:

Procedural Motion 7 is closed. ***Procedural Motion No. 8 - Inclusion of new parcels into an existing Agricultural District Threshold Blue Inc. (SCTM No. 1000-063.00-00-02.00-006.002) (P.O.) (IR 1518)***. Again, I have no cards for this public hearing. Is there anybody who would like to address the Legislature at this time? Seeing none, I'll make the motion to close, second by Legislator Lindsay. All those in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

D.P.O. CALARCO:

Procedural Motion No. 8 is closed. ***Procedural Motion No. 9 - Inclusion of a parcel into an existing Agricultural District - Kurt & Susan Meyer (SCTM No. 0802-010.00-04.00-008.000) (P.O.) (IR 1519)***. I have no cards for this hearing. Is there anybody in the audience who would like to address the Legislature at this time? Seeing none, I'll make a motion to close, second by Legislator Lindsay. All those in favor? Opposed? Abstentions?

MS. ELLIS:

Sixteen. (Not Present: Legislators D'Amato and Spencer)

P.O. GREGORY:

Procedural Motion No. 9 is closed. ***Procedural Motion No. 10 - Inclusion of new parcels into an existing Agricultural District - South Country Farms, LLC (SCTM No. 0200-976.10-03.00-027.002) (P.O.) (IR 1520)***. I have no cards for this hearing. Is there anybody in the audience who would like to address the Legislature at this time? Seeing

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none, I'll make a motion to close, second by Legislator Lindsay. All those in favor? Opposed? Abstentions?

MS. ELLIS:

Seventeen. (Not Present: Legislator Spencer)

D.P.O. CALARCO:

Procedural Motion No. 10 is closed. ***Procedural Motion No. 11 - Inclusion of new parcels into an existing Agricultural District - Agriturismo Sannino, LLC (SCTM No. 1000-101.00-01.00-014.006) (P.O.) (IR 1521).*** I have no cards on this hearing. Is there anybody in the audience who would like to address us at this time? Seeing none, all those in favor? I have a motion to close, second by Legislator Lindsay. All those in favor? Opposed? Abstentions?

MS. ELLIS:

Sixteen. (Not Present: Legislators D'Amato and Spencer)

D.P.O. CALARCO:

Procedural Motion No. 11 is closed. ***Procedural Motion No. 12 - Inclusion of new parcels into an existing Agricultural District - MF LK Holdings, LLC (SCTM No. 0600-021.00-01.00-003.000) (P.O.) (IR 1522).*** I have no cards on this motion. Is there anybody in the audience who would like to address the Legislature at this time? Seeing none, I'll make a motion to close, second by Legislator Lindsay. All those in favor? Opposed? Abstentions?

MS. ELLIS:

Seventeen. (Not Present: Legislator Spencer)

D.P.O. CALARCO:

Procedural Motion No. 12 is closed. ***Procedural Motion No. 13 - Inclusion of new parcels into an existing Agricultural District - Timber Gardens, LLA (SCTM No. 0600-066.00-01.00-017.007) (P.O.) (IR 1523).*** I do not have any cards for this hearing. Is there anybody in the audience who would like to address us at this time? Seeing none, I'll make a motion to close, second by Legislator Lindsay. All those in favor? Opposed? Abstentions?

MS. ELLIS:

Seventeen. (Not Present: Legislator Spencer)

D.P.O. CALARCO:

Procedural Motion No. 13 is closed. ***Procedural Motion No. 14 - Inclusion of new parcels into an existing Agricultural District - Laura McCarthy (SCTM No. 1001-007.00-03.00-019.003) (P.O.) (IR 1524).*** Again, I have no cards on this hearing. Is there anybody who would like to address the Legislature at this time? Seeing none, I'll make a motion to close, second by Legislator Lindsay. All those in favor? Opposed? Abstentions?

MS. ELLIS:

Seventeen. (Not Present: Legislator Spencer)

D.P.O. CALARCO:

Procedural Motion No. 14 is closed. ***Procedural Motion No. 15 - Inclusion of new parcels into an existing Agricultural District - Meador Land Company, LLC (SCTM No. 1000-055.00-01.00-007.000) (P.O.) (IR 1525).*** I do have a card for this. Allison Latham.

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MS. LATHAM:

Good evening. I have a submission for the Members of the Legislature. My name is Allison Latham, I live in Southold. I would like to speak with you regarding the inclusion of this parcel in the Ag District, because I oppose its inclusion. There are numerous reasons why this parcel should not be permitted to be included in the Agricultural District. The first and foremost is that there is -- it does not serve the public's best interest at all. The only interests that would be served would be the current owner or possibly a prospective purchaser of the property.

The applicant included false information in their application. They claimed that their property was in -- involved in vineyard receiving and processing for the last three to four years. That's not true, as they planted vines in 2013 and only had their first harvest in the Fall of 2015. Therefore, there's no way they could possibly have been receiving crops from their vineyard.

In addition, pursuant to the Southold Town Zoning Board of Appeals determination of March 17th, which is included in my submission, there is no processing permitted to be performed on that parcel, so they cannot process any grapes into wine on that parcel.

I was present at the Suffolk County Agricultural and Farmland Protection Board meeting on April 28th. On April 28th the Board moved to -- moved the application forward without any recommendation, because the Southold Town Attorney, Assistant Town Attorney was present and opposed this application, and I also was present and opposed this application, together with my husband. On May 2nd there was an emergency meeting of the Board conducted. No notice of that meeting was given to me, despite the Board having my contact information, and they then determined to recommend that the Legislature approve it. Four Board Members were present at that May 2nd meeting that were not present at the April 28th meeting. Therefore, they don't have any knowledge of what the Town Attorney said or what I said as to this application.

This parcel is a one-acre parcel which contains a house and a small accessory building. There is no farming that occurs on this parcel. Basically, this is a back door attempt by the applicant to obtain the protection of Ag and Markets, because they wanted to put a 3600-square foot winery and accessory tasting room on this nonconforming, undersized one-acre lot that already contains a house.

If the Legislature determines to pass the resolution and include this parcel in the Agricultural District, it is highly prejudicial to the Town and the Town's residents, because it basically is taking away the power of zoning and planning from the Town at the local level. The Town has made a determination as to this, and Agriculture and Markets tends to come in and then dictate what can and cannot be done with parcels to local municipalities. That's going on right now. It goes on in Southold quite often, but it's also going on in the Town of Huntington now with the Del Vino Vineyard application.

Another reason for the disapproval of this --

D.P.O. CALARCO:

Ms. Latham, your time is up, but there's a few Legislators who have questions for you. Maybe you could wrap up your remarks in those questions.

MS. LATHAM:

Okay.

D.P.O. CALARCO:

If you don't -- okay?

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MS. LATHAM:

Sure.

D.P.O. CALARCO:

Legislator Lindsay.

LEG. LINDSAY:

Hi. Good evening, Ms. Latham. Thanks for coming in. Just so you understand the process here, this is the Public Hearing, we're not actually voting on this tonight.

MS. LATHAM:

Yes.

LEG. LINDSAY:

Okay. My question would be how much of the property, and just estimate by percentage, is being used for what -- I guess he's growing grapes for a vineyard.

MS. LATHAM:

What it is is when they purchased, there's a one-acre parcel and an adjacent 22.6 acre parcel. Nine acres of the 22.6 are planted with vines. There is nothing on the one-acre parcel at all.

LEG. LINDSAY:

Where is the home? Is there a home structure that --

MS. LATHAM:

On the one-acre also.

LEG. LINDSAY:

On the one acre, okay. So you have this one-acre parcel, then you have this 22-acre parcel adjacent to it.

MS. LATHAM:

And right behind it, uh-huh.

LEG. LINDSAY:

And I'm assuming the same person owns both parcels.

MS. LATHAM:

Yes, but they're also both currently for sale.

LEG. LINDSAY:

Okay. But do you know -- so there's about nine acres of the 22. What's on the rest of the property, then?

MS. LATHAM:

It's fallow farmland.

LEG. LINDSAY:

Okay.

MS. LATHAM:

And I believe a portion, another portion of that 22.6 acres, from what I understand, is not suitable for grape vines --

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LEG. LINDSAY:

Okay.

MS. LATHAM:

-- due to the valley.

LEG. LINDSAY:

Do you know the history of the property? Was it ever used for farming?

MS. LATHAM:

The 22.6 acres was always used in farming historically. The one-acre lot was never ever used in farming, and it's a house that has existed for a very long time and it was never -- whoever owned the farm parcels did not own that parcel as well. It's just been a single nonconforming lot, never involved in agriculture at all.

LEG. LINDSAY:

Okay. And how long has the person lived there that's trying to go for this, this application?

MS. LATHAM:

They purchased it in 2012, and they just were denied a variance to be able to build their winery structure in March of this year. And they've been -- there's quite a history there. You'll see in the submission --

LEG. LINDSAY:

Okay.

MS. LATHAM:

-- as to what they have done. But what happened also is as a part of the ZBA application, they merged the two parcels into one. But when the ZBA denied their variance, they granted them at the same time a Waiver of Merger so they can unmerge those lots. All they have to do is ask. They don't have to pay any fees, they don't have to have a public hearing. That's contained in the determination in my submission. So this parcel can potentially be unmerged, sold separately from that farm lot, and never ever be used in agriculture, although my argument is it's not used in agriculture now either.

LEG. LINDSAY:

Right. Okay. Thank you.

MS. LATHAM:

Uh-huh.

D.P.O. CALARCO:

Okay. Legislator Trotta.

LEG. TROTТА:

I just want you to go over again where you said there was one meeting where it was not approved and they had another meeting.

MS. LATHAM:

Yes, the -- from what I understand, the Protection Board, they have one meeting each year and it was held on April 28th. And, I guess, due to the opposition that they heard at that meeting, they determined to just move the application forward, but not making any recommendation to the Legislature as to approval or disapproval. And then there was this emergency meeting that I was

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not present at, but I know from FOILED records who was present, as opposed to who was present at the April 28th meeting, and they, for some reason at that time, voted to pass it along with a recommendation for approval.

LEG. TROTTA:

Through the Chair to Legislator Krupski, who I believe is on that committee. Is that normal procedure, or can you -- do you know what happened here?

LEG. KRUPSKI:

I'm trying to recall for the record the exact -- the exact reason in a second. I know there was another application that there was no quorum on that we had to meet again. I'm going to ask Director Lansdale if she could answer that, because she was there also.

LEG. TROTTA:

And just what's the address, so I can look at it right now?

MS. LATHAM:

860 Old North Road in Southold.

D.P.O. CALARCO:

So this is the public hearing, and it's an opportunity for Ms. Latham to speak, but it's really not an appropriate time to call up Director Lansdale.

LEG. KRUPSKI:

Okay, that's fine.

D.P.O. CALARCO:

We can certainly discuss that once we have the bill before us for action. Do you have any other questions for Ms. Latham, Legislator Trotta?

LEG. TROTTA:

I'm just looking at the -- so it's that house? Is it on the -- is it on the corner, or is it --

MS. LATHAM:

No. It's an odd-shaped lot. There are houses on either side of it, and then there's a house across the street from it.

LEG. TROTTA:

So it's 860 Old North Road?

MS. LATHAM:

Uh-huh.

LEG. TROTTA:

And so it's your contention that this house is an independent one-acre lot?

MS. LATHAM:

Uh-huh.

LEG. TROTTA:

And they're trying to get it in? It's the same owners who own the other property, to make it a --

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MS. LATHAM:

Yes.

LEG. TROTTA:

A vineyard?

MS. LATHAM:

Because what happens typically in Southold Town, and I guess others, is that then if they're in the Ag District, then the Department of Ag and Markets will come in and tell the Town of Southold that their laws are too restrictive in not permitting them to have a 3600 square foot winery and accessory tasting room on a nonconforming one-acre parcel.

LEG. TROTTA:

Couldn't they just put it on part of the 22 acres that --

MS. LATHAM:

They can't -- I'm sorry, thank you for bringing that up -- because the development rights on that two-acre parcel were sold back in 1992, so they can't put it there. That is why -- they purchased in 2012, they purchased the two parcels, and they're trying to sort of back their way into doing something that they cannot do.

LEG. TROTTA:

The Town still has some control over that. I mean, having the Del Vino Vineyards in my district, I'm sort of familiar with that. They do have some, actually a lot of control in the Town of Huntington.

MS. LATHAM:

Over the development rights sold parcel?

LEG. TROTTA:

Over -- well, they're giving the vineyard a hard time, a very hard time about, you know, building a tasting room and the size of it and --

MS. LATHAM:

If you look at the character of the neighborhood, it does not match the character of the neighborhood at all. And they purchased in 2012 with the -- with counsel, who is well versed in zoning and planning locally on the East End. They purchased it in 2012 knowing that the development rights were sold on the large parcel, and they were purchasing a nonconforming one-acre parcel that contained a house. They didn't purchase as contract vendees. They didn't make applications as contract vendees, they just purchased and --

LEG. TROTTA:

The same people who own the vineyard purchased this house in hopes of getting in there so they can make it a --

MS. LATHAM:

They purchased both at the same time.

LEG. TROTTA:

At the same time?

MS. LATHAM:

Uh-huh.

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LEG. TROTTA:

And where do you live, across the street, is that where you live?

MS. LATHAM:

I live across the street and just down the road a bit.

LEG. TROTTA:

Okay. Thank you.

D.P.O. CALARCO:

Okay. Legislator Fleming has a question for you.

LEG. FLEMING:

Actually, could I ask -- I just wanted to ask a question of Counsel, and then maybe to follow up on what the speaker is saying. If this parcel is included in the Agricultural District, does that mean that the zoning laws of the Town no longer apply?

MR. NOLAN:

If a parcel is included in an Agricultural District, then it -- the zoning, based just on the -- what we've seen like in Northport, the zoning is not as strong. There is a -- from my perception anyway, that you can't put unreasonable restrictions on the farmland and its intended uses. So if the existing zoning would have that effect of being an unreasonable restriction on the farming, they may have to give -- the zoning restrictions may have to give way.

LEG. FLEMING:

Thank you.

D.P.O. CALARCO:

Okay. Thank you very much, Ms. Latham.

MS. LATHAM:

Thank you for your time.

D.P.O. CALARCO:

Oh, don't go just yet. Legislator D'Amaro has a question.

LEG. D'AMARO:

Did you hand up this zoning decision?

MS. LATHAM:

I --

LEG. D'AMARO:

Did you hand this up?

MS. LATHAM:

Yes.

LEG. D'AMARO:

You did?

MS. LATHAM:

Yes.

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LEG. D'AMARO:

I must say, it's one of the best written zoning decisions I've ever seen. And I have to say, it makes a very strong case for not permitting the use that you're speaking against today. And so the Town has already made a determination that the use is -- will produce an undesirable change in the character of your neighborhood.

MS. LATHAM:

Yes.

LEG. D'AMARO:

It's detrimental to the nearby residential properties, which is a quiet residential enclave, and it goes on and on. The applicant can achieve their objective by another method. I think they recommend possibly bringing the grapes onto the property from another location. It's a substantial variance. It's a grossly undersized parcel for the use. It's a very intense use. And the difficulty, as you stated, has been self-created. So it sounds to me like the Town has decided that this use should not go on this particular parcel.

MS. LATHAM:

Yes.

LEG. D'AMARO:

And that was an effective decision. However, placing this -- is this the one-acre site we're talking about today?

MS. LATHAM:

Yes.

LEG. D'AMARO:

Placing that one-acre site into this program will, in effect, permit the ancillary use that the Town -- the very use that the Town had denied.

MS. LATHAM:

That's my concern.

LEG. D'AMARO:

Yeah. And when the Board made a recommendation or made no recommendation and then decided to have an emergency meeting, which you were not given notice of -- which Board was that that had that meeting?

MS. LATHAM:

It's the Suffolk County Agricultural and Farmland Protection Board.

LEG. D'AMARO:

Our Board, the County's Board.

MS. LATHAM:

Uh-huh.

LEG. D'AMARO:

And, you know, I don't want to say that they didn't fulfill the minimum notice requirements that were probably required by law, but it would have been nice had you known about the emergency meeting.

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MS. LATHAM:

Yes.

LEG. D'AMARO:

Do you know what the emergency was?

MS. LATHAM:

I was told two things. I was told that one was that there was not a quorum for one of the other applications that evening, which I do recall, but then somebody else in the Planning Office said that the Attorney had advised that the Board had to make a recommendation.

LEG. D'AMARO:

Right, it can't do no recommendation.

MS. LATHAM:

Right.

LEG. D'AMARO:

It had to make a decision one way or the other.

MS. LATHAM:

That's what I was told.

LEG. D'AMARO:

I think that's probably correct. Okay. Thank you.

MS. LATHAM:

Thank you.

LEG. D'AMARO:

Thank you.

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

D.P.O. CALARCO:

Okay, thank you, Ms. Latham. I have no other cards on this hearing. Is there anybody else in the audience who would like to address the Legislature on this matter at this time? Seeing none, I'll make a motion to close.

LEG. CILMI:

Second.

D.P.O. CALARCO:

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

MS. ELLIS:

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

D.P.O. CALARCO:

Procedural Motion No. 15 is closed

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I just noticed I have a card for Anthony Sannino who was a speaker on Procedural Motion No. 11. Is Anthony Sannino here?

MR. SANNINO:

I'm here.

D.P.O. CALARCO:

Sure.

MR. SANNINO:

I'm not going to speak.

D.P.O. CALARCO:

You're not looking to speak?

MR. SANNINO:

No, that's fine.

D.P.O. CALARCO:

Okay, very good. Thank you.

Okay, now we're going to go to ***(Public Hearing on) Procedural Motion No. 16-2016 - 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) (Presiding Officer Gregory)***. I have no cards for this hearing. Is there anybody who would like to address the Legislature at this time? Seeing none, I make a motion to close. Second by Legislator Krupski. All those in favor? Opposed? Abstentions.

MS. ELLIS:

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

D.P.O. CALARCO:

Procedural Motion No. 16 is closed.

Procedural Motion No. 17 was withdrawn.

(Public Hearing on) Introductory Resolution 1179-16 - Adopting Local Law No. -2016, A Local Law to enact a Campaign Finance Reform Act to limit campaign contributions from County Contractors and Public Employee Unions (Trotta). I have no cards on this issue. Is there anybody in the audience who would like to address the Legislature at this time?

LEG. TROTТА:

Motion to close.

D.P.O. CALARCO:

Seeing none, motion to close by Legislator Trotta.

LEG. KENNEDY:

Second.

D.P.O. CALARCO:

Second by Legislator Kennedy. All those in favor? Opposed? Abstentions?

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MS. ELLIS:

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

D.P.O. CALARCO:

IR 1179 is closed.

(Public Hearing on) IR 1309-16 - Adopting Local Law No. -2016, A Local Law to limit nitrogen content in lawn fertilizers (Lindsay). I have no cards on this public hearing. Is there anybody in the audience who would like to address the Legislature at this time? Seeing none, Legislator Lindsay.

LEG. LINDSAY:

I would like to keep the public hearing open one more cycle.

D.P.O. CALARCO:

Motion to recess by Legislator Lindsay. Second by Legislator Martinez. All those in favor? Opposed? Abstentions?

MS. ELLIS:

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

D.P.O. CALARCO:

1309 is recessed.

(Public Hearing on) IR 1322-16 - Adopting Local Law No. -2016, 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 have no cards for this public hearing. Is there anybody in the audience who would like to address the Legislature at this time? Seeing none, I'll make a motion to close.

LEG. CILMI:

Second.

D.P.O. CALARCO:

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

MS. ELLIS:

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

D.P.O. CALARCO:

IR 1322 is closed.

(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 have one card for this public hearing; Robert Carpenter.

MR. CARPENTER:

Thank you very much. Rob Carpenter from Long Island Farm Bureau, and I would like to testify in opposition to Resolution 1479 sponsored by Legislator Browning.

Long Island Farm Bureau is a membership association of 3600 farmers, fishermen, landscapers, agribusiness people and residents interested in a rural quality of life. Our mission is to serve and strengthen the agricultural industry on Long Island and keep our farmers growing the food and fiber

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our citizens have come to appreciate. Over the last 45 years, Suffolk County has led the way in preserving farmland in Suffolk County, enacting the first Purchase of Development Rights Program in the nation, and then proceeding to spend tens of millions of dollars preserving over 10,000 acres of farmland in perpetuity. Additionally, Suffolk County is one of the leading agricultural counties in New York State, grossing over \$240 million in annual sales.

Our agricultural industry is the backbone for tourism on Long Island, an economic engine to create jobs, contribute sales tax revenue for the County and provide open space and scenic beauty for the residents of Long Island. In 2003, a former incarnation of this Legislature enacted Resolution 1105 to formally designate the Suffolk County Farm into the Suffolk County Conservation of Agricultural Lands, thus preserving the farmland from development. There had to be a very specific reason why they felt so strong to do that. If they felt it was appropriate to take the land out of production, every time a project comes up the County wants to enact, it would be very important for them to realize that this land is farmland and you just can't keep taking it and taking it for a specific use.

The farm community is very concerned about the precedent this action is setting, and also concerned that this may be the first in a very long line of *"taking of farmland for other uses"*. Please be advised that the farming community is supportive of solar power and agrees with Chapter 8 policy that solar on farmland as an energy source for the farm itself is a positive and accepted use of that land. However, we are concerned about the precedent and implication of taking preserved farmland no matter what shape or form, whether it's in Chapter 8 or in the conservation of lands, and using it for another purpose.

Once again, Long Island Farm Bureau is opposed to this resolution, as we believe this legislation will set a negative precedent for not only this, but also the possibility for other lands to be used for other purposes. Thank you very much.

D.P.O. CALARCO:

Thank you, Mr. Carpenter. If you could stay there, Legislator Browning has a question for you.

LEG. BROWNING:

Hi. How are you?

MR. CARPENTER:

I'm doing well, thank you.

LEG. BROWNING:

Okay. So the property in question, do you know the last time it was actually farmed?

MR. CARPENTER:

In discussions with Cooperative Extension and the Suffolk County Farm, I believe that it was recently farmed as possibly three or four years ago. And I do know that before this year started, there was plans to possibly put this land back into production in some way, shape or form.

LEG. BROWNING:

Okay, I believe it was 2011. And this property is not actually in a Farmland District, it's not part of the Farmland District is my understanding; is that correct?

MR. CARPENTER:

You mean the Agricultural District?

LEG. BROWNING:

Agricultural District, I'm sorry.

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MR. CARPENTER:

I believe that is correct, it is not part of the Agricultural District.

LEG. BROWNING:

Okay. And the resolution, I'm assuming you're familiar with that resolution in 2003 --

MR. CARPENTER:

Yes, I am.

LEG. BROWNING:

-- that some Legislators decided to designate it as farmland. However, the resolution, are you aware that it does say that in order to change that, it requires a referendum?

MR. CARPENTER:

That is correct.

LEG. BROWNING:

Which is what I intend to try and do.

MR. CARPENTER:

That is correct.

LEG. BROWNING:

So again, I don't -- I don't believe we're setting a precedent. I do believe that we're trying to prevent the demolition of acres of trees and using fallow land that has not been farmed. And, you know, we can say surprisingly this year now it's been determined that they want to farm it. So, I mean, I appreciate you coming in and giving your opinion, I certainly do respect your opinion very much so. And being a big supporter, in fact, working with the most recent one, the South Country Farms, I'm glad to see that we finally got that designated. However, you know, my concern is -- and I don't know how you feel about if we were not to do solar there, would you support cutting the trees next to that property to put solar?

MR. CARPENTER:

At this point in time, the Farm Bureau has policy that we do support solar power. We don't have a position on whether or not it is beneficial to cut trees for solar or not, that is something that we haven't gotten into.

LEG. BROWNING:

Uh-huh.

MR. CARPENTER:

I would like to go back and address the precedence issue because we believe that it is opening a can of worms, so to speak. And I think that's the thing that we're most concerned about, is, okay, so suppose that it's decided that maybe solar on parkland would be a feasible source; would the County be willing to go and alienate parkland for solar use as well?

LEG. BROWNING:

But I believe you would say that this particular piece of property is kind of unique in that it was a piece of property that was designated agricultural by the Legislature. Unlike most farmland where this is -- it's -- the farmland is not created in the same way and, you know, you have the Farmland Protection Act that protects that property from anything else being done. So that's -- basically it's -- when you say you're setting a precedent, I don't think it's setting a precedent because this is a unique piece of property that is not similar to others; correct?

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MR. CARPENTER:

I think that you are correct that it is a different parcel because it is owned by the County outright with the County owning the fee simple, but I think our concern is the precedent -- so suppose that the County needs a building and there happens to be open farmland. Is the next step going to be that they're going to alienate the farmland for a County building and disregard the uses of agriculture which the County has been extremely supportive of the industry as a whole. And it's possible that the people at their farm may find a better use for this property in the next year or two and that that was going to happen whether it was solar or not, whether it'd be to encourage young farmers to use it or find some other mechanism for the land at some point in time. You know, our opinion, once the land has been put into something such as solar or been developed, it's lost forever. And that's why I believe the County, in 2003, decided to preserve this through some sort of preservation program.

LEG. BROWNING:

Right. And as far as this property is concerned, if it does become a solar farm, it's a 20-year agreement. So 20 years from now, rather than having a building, it could revert back to farmland again, which pretty much is going to be a solar farm and not fallow land that it's been for five years; correct?

MR. CARPENTER:

It's very possible. Although once the land has been converted in some way, shape or form, there's always the concern that it would then be used for something else and not necessarily brought back in to farmland.

LEG. BROWNING:

Okay. I mean, I'd be happy to come up with some kind of solution to your concern. Because, again, because of the fact that it's not been farmed in five plus years, that I don't want to see it being developed anything more than a solar farm. So I think that we could probably come up with some kind of solution to prevent anything worse happening to it, if you understand what I'm saying.

MR. CARPENTER:

I would welcome the opportunity to sit and talk with you, and I'd like to include Vito Minei and Vickie Fleming from the Farm --

LEG. BROWNING:

Sure.

MR. CARPENTER:

-- and Cooperative Extension as part of that discussion to see if there's some other way that we could deal with this and some mechanism.

LEG. BROWNING:

Sure, and I did reach out, too. I did reach out to Vito to have a conversation with him.

MR. CARPENTER:

Thank you very much.

LEG. BROWNING:

Thank you.

D.P.O. CALARCO:

Okay. Any other questions for Mr. Carpenter?

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P.O. GREGORY:

I have a question.

D.P.O. CALARCO:

Oh, Mr. Presiding Officer?

P.O. GREGORY:

Hi, Rob.

MR. CARPENTER:

How are you, sir?

P.O. GREGORY:

Good, good. So as I take it, your concern, your primary concern is there's a scarcity of farmland or there is not a finite -- there is a finite number of farmland. Any alternate use of that farmland could -- you know, at this point could alter the use in perpetuity and that's why yourself or the Bureau is against it?

MR. CARPENTER:

Correct. I believe that the real issue is that it's in a preservation program of some form, whether it's through the Conservation Program or through Chapter 8 Purchase of Development Rights.

P.O. GREGORY:

Right.

MR. CARPENTER:

If the County did not already have it in the preservation program, then I think we would be talking about a different situation. But the concern is that once we open the can of worms then alienate something out of the program, then it becomes easier to do it the next time and the next time and the next time.

P.O. GREGORY:

But even if a particular parcel is, you know, not having been farmed for a number of years, you still take the position that it's in the program, it should be -- at some point it should be returned to the program or into production.

MR. CARPENTER:

That is correct.

P.O. GREGORY:

Okay.

MR. CARPENTER:

Even though it's not necessarily in production, if it's viable farmland it could always be brought back into production very easily.

P.O. GREGORY:

Right.

MR. CARPENTER:

Whereas if it goes into, let's say, a solar program and maybe they strip the soils off or change the soils in some way, shape or form, then it negates the use that it could eventually go back into farming.

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P.O. GREGORY:

Okay. All right, thank you.

D.P.O. CALARCO:

Okay. Any other questions? Oh, Legislator Fleming.

LEG. FLEMING:

One quick question, Rob. Do you know if these are Primax soils?

MR. CARPENTER:

I believe -- I'm not a hundred percent certain, but I believe that if it has been farmed, then there is viable use for that farm and, yes, it would be prime soils. They have grown crops in the past, so.

LEG. FLEMING:

But, I mean, you can grow crops on non-prime soil --

MR. CARPENTER:

That is correct.

LEG. FLEMING:

I mean, just that it was farmed doesn't mean it's Primax soils.

MR. CARPENTER:

I'm not certain exactly what the soil type is.

LEG. FLEMING:

Okay. Well, we could ask Vito that, too.

MR. CARPENTER:

It can be found out, and I'm sure Vito or somebody from the farm would actually have that knowledge.

LEG. FLEMING:

Okay, thank you.

D.P.O. CALARCO:

Anybody else? Okay. Thank you, Mr. Carpenter.

MR. CARPENTER:

Thank you.

D.P.O. CALARCO:

I have no other cards on this hearing. Is there anybody else in the audience who would like to address the Legislature at this time? Seeing none, Legislator Browning?

LEG. BROWNING:

Motion to close.

D.P.O. CALARCO:

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

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MR. RICHBERG:

Fourteen.

D.P.O. CALARCO:

IR 1479 is closed.

LEG. CILMI:

I'm here, Jason.

MR. RICHBERG:

Fifteen (Not Present: Legislators Barraga, D'Amaro & Spencer).

D.P.O. CALARCO:

(Public Hearing on) IR 1493-16 - Adopting Local Law No. -2016, A Local Law to improve alarm system registration requirements (Browning). I do not have any cards for this public hearing. Is there anybody in the audience who would like to address the Legislature at this time? Seeing none, Legislator Browning?

LEG. BROWNING:

Motion to recess.

D.P.O. CALARCO:

Motion to recess.

LEG. CILMI:

Second.

D.P.O. CALARCO:

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

MR. RICHBERG:

Fifteen (Not Present: Legislators Barraga, D'Amaro & Spencer).

D.P.O. CALARCO:

1493 is recessed.

(Public Hearing on) IR 1503-16 - Adopting Local Law No. -2016, A Charter Law to improve the County's budget approval and amendment process to increase transparency and accountability ("Taxpayer Awareness Act") (Cilmi). I do not have any cards for this public hearing. Is there anybody in the audience who would like to address the Legislature at this time? Seeing none, Legislator Cilmi.

LEG. CILMI:

Motion to recess.

D.P.O. CALARCO:

Motion to recess.

LEG. KENNEDY:

Second.

D.P.O. CALARCO:

Second by Legislator Kennedy. All those in favor? Opposed? Abstentions?

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MR. RICHBERG:

Fifteen (Not Present: Legislators Barraga, D'Amaro & Spencer).

D.P.O. CALARCO:

IR 1503 is recessed.

(Public Hearing on) IR 1564-16 - Adopting Local Law No. -2016, A Local Law to identify and reserve tax default properties appropriate for siting Community Wastewater Treatment Systems (Fleming). I have no cards for this public hearing. Is there anybody who would like to address the Legislature at this time? Seeing none, Legislator Fleming.

LEG. FLEMING:

Yes, thank you. Just by way of explanation, as we see the new septic technologies being developed and approved for reducing the nitrogen pollution from wastewater treatment that's choking our surface waters leading to the fish kills, the brown tides, the shellfish population decline, we're having these new systems rolling out, we're going to start facing challenges in terms of where to cite them. So this is just a common sense approach to meeting that challenge, it's recommended in the Comprehensive Water Management Resources Plan that was passed last year. So if there aren't any further questions, I would just make a motion to close.

D.P.O. CALARCO:

Motion to close by Legislator Fleming.

LEG. KRUPSKI:

Second.

LEG. CILMI:

Second.

D.P.O. CALARCO:

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

MR. RICHBERG:

Sixteen (Not Present: Legislators D'Amaro & Spencer).

D.P.O. CALARCO:

IR 1564 is closed.

(Public Hearing on) IR 1566-16 - Adopting Local Law No. -2016, A Charter Law establishing a Public Campaign Financing Law (Calarco).

I believe that that title has been changed, Counsel?

MR. NOLAN:

Yes.

D.P.O. CALARCO:

I do have several cards for this motion. The first speaker is Nancy Marr, followed by Susan Lerner.

MS. MARR:

Good evening. I'm Nancy Marr, I'm speaking for the League of Women Voters of Suffolk County on IR 1566, a Charter Law establishing a voluntary Public Finance Law for Suffolk County Legislature.

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The League of Women Voters, as you all know, is a non-profit organization. We encourage the informed and active participation of citizens in government and influence public policy through education and advocacy, and we are non-partisan which means that we do not support candidates. We support steps to improve methods of financing political campaigns in order to ensure the public's right to know, combat corruption and undue influence, enable candidates to compete more equitably for public office and promote citizens' participation in the political process. IR 1566, if it becomes a Charter Law, will introduce Suffolk County voters to public financing to -- public financing system to give average voters a voice in the political process.

Since Citizens United, we have seen unlimited and increasingly secret spending on elections. New York City's successful experience in public financing proves that a public financing system can counter the potentially corrupting influence of big money in politics. Public financing would enable candidates to run competitive campaigns while relying on a base of small donors rather than a small number of wealthy contributions. Public financing will promote accountability and diversity in governance while revitalizing our participatory democracy.

The League commends Legislator Calarco and his staff on their extensive research on how best to address the issue of money and politics. We hope that all our Suffolk County Legislators will have a robust debate, but ultimately work together across the aisle to ensure that public financing of campaigns for Suffolk County Legislature seats will happen in the near future. This should make it possible -- this is an important first step, sorry, to comprehensive campaign financing overhauls throughout our County. Thank you. Any questions?

D.P.O. CALARCO:

Does anybody have questions for Ms. Marr? Okay. Thank you very much, Nancy. Our next speaker is Susan Lerner.

MS. LERNER:

And I do have written testimony.

D.P.O. CALARCO:

Followed by Scott Lewis.

MS. LERNER:

There should be 20 there, and I have another five if you need them. Thank you very much. I'm Susan Lerner, I'm the Executive Director of Common Cause New York. Common Cause is a national, good-government group and I lead our New York Chapter. We are advocates for campaign finance reform and innovative methods of helping our government be effective and responsive to the concerns of citizens, and we work throughout the country on issues relating to money and politics which I think everybody is aware is a leading matter of concern for New Yorkers and people all across our country. And so we're very excited to learn from Legislator Calarco of his work to bring a public financing matching fund system to Suffolk County. My written testimony gives more background about our organization and it talks about the specific benefits that we've seen from public financing systems across the country, but also our experience in New York City, our office is headquartered in New York City. But I should point out that we have over 1500 activists here in Suffolk County. We have activists and members in every County throughout the state; over 40,000 New Yorkers are involved with Common Cause.

But I'd like to focus on some specific measures, some specific provisions in this measure which I think are particularly significant and important. The measure would set up a 4-to-1 match for the first \$150 collected from natural persons who are residents of the district in which the candidate is running. Oh, and of course I should say that as a matter of legal requirement, this is not a mandatory system, it cannot be a mandatory system, so it's voluntary. But because it's a voluntary

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system, that allows the public and you as their representatives to set up a requirement of an arrangement with candidates so that you can actually ask more of candidates who receive public money, then you would be able to pass as a mandatory campaign finance law.

So focusing on the first \$150, we have found in New York City where we currently have a 6-to-1 match for the first \$175 is that it has a very healthy impact on the campaign atmosphere. It helps candidates really focus on their constituents and small dollar donors rather than really focusing on the increasingly larger and larger checks that candidates in other races feel that they need to collect from interests that often have business before the city. And in that regard, I was very interested to see that 1179 is being considered because it deals with, I think, some aspects of this.

(Timer Sounded)

So the things that are important are the emphasis on the small dollars, the fact that Legislator Calarco has been creative in finding what we call a dedicated funding source, and he's been commended to tie this to the video lottery income so that there's a regular income stream that you do not have to reapportion. And also to suggest changing your terms from two years to four years, which we as a good government group support at the State level as well as at the County level because we think it allows you to spend more time doing the people's business and less time being concerned with elections.

D.P.O. CALARCO:

Ms. Lerner, your time is up, but I have a couple of Legislators who have questions for you.

MS. LERNER:

Sure.

D.P.O. CALARCO:

Legislator Trotta?

LEG. TROTТА:

I don't know if you saw my bill earlier, it limits how much you can take from each.

MS. LERNER:

I just saw it, I'm looking forward to looking at it in greater detail because that's a very good idea.

LEG. TROTТА:

I mean, I think that -- you know, I have concerns about public financing. You know, we're flat-busted broke. I mean, I don't know anywhere -- I looked at the casino, there's no money coming to the County from it after the second year, nothing written in. I would be more concerned -- I would think you would be more concerned at limiting -- I was just going over some of the people who are being appointed here. Are you concerned that, you know, there's people donating 25 and \$50,000 to these races?

MS. LERNER:

Absolutely, and that's why we feel that at the same time that you are thinking of how to lower the amounts that entities and individuals who have business with the County can provide in campaign contributions, that you provide an alternative to ensure competitive races are well supported with a funding stream that's other than just out of the taxpayers' pocket. Although we certainly support using General Fund dollars as they do in New York City, as they do in Los Angeles, as they do in two counties in Maryland, or one County in Maryland and a second where they're considering it for public financing of elections. Because what we've seen is it changes the culture. It gives you much more of an opportunity to concentrate on your constituents and less on the special interests like the

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contractors and public service unions that your bill deals with and actually have an even stronger incentive to spend time with people who could write 25 and \$50 checks.

In New York City, what we've seen is the matching fund has caused a significant increase in the number of people who actually make financial contributions to City Council races. We've looked at the contrast between the same neighborhoods contributing to Assembly members, Assembly races and to City Council races, we expected we'd see maybe one or a two-time benefit. What we've found -- and this is in poor neighborhoods in New York City, we found as much as 22 times more residents of a neighborhood will contribute when there's a matching fund system that's an incentive than they will to an Assembly race where there is no matching funds. So we see it as helping the culture, the campaign culture, and we also see it as also bringing more people in to a very positive relationship with candidates which is as a contributor.

LEG. TROTТА:

So you are for limiting the size of a contribution.

MS. LERNER:

Correct.

LEG. TROTТА:

Okay. Thank you.

D.P.O. CALARCO:

And this bill would do that; this bill would cap a contribution to no more than a thousand dollars, which I think is similar to what your bill does, but it's from any individual, not just individuals who have business with the County.

LEG. TROTТА:

So anybody -- like, let's say, I don't know, some big developer -- can only give a thousand dollars per election cycle.

D.P.O. CALARCO:

Correct, if you choose to participate in the program.

LEG. TROTТА:

Oh, so someone who raises millions of dollars doesn't have to participate.

D.P.O. CALARCO:

Any Legislator -- this is strictly for Legislators. Any Legislator who chooses not to participate, it's their option not to, and then they would just be confined by the laws that the State of New York already has in terms of campaign finance.

LEG. TROTТА:

Oh, that's a paper tiger; who's going -- you know, anybody incumbent is going to be able to raise money. I mean, it's nothing.

MS. LERNER:

And the other --

LEG. TROTТА:

And it doesn't have anything to do with --

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D.P.O. CALARCO:

Well, we could debate the bill later.

LEG. TROTTA:

-- County-wide races?

D.P.O. CALARCO:

This does not cover County-wide races at this time, my proposal does not, no. Anybody else have questions for Ms. Lerner? Yep, Legislator Barraga.

LEG. BARRAGA:

Hi. Good afternoon.

MS. LERNER:

Good afternoon.

LEG. BARRAGA:

Because you're familiar with the New York City Public Financing System, let me ask you a question. Everything you've said and I've read deals with the individual participating in this particular program. Now, if say the limit -- I raise 150 and I wind up getting, you know, \$600 from the County; what prevents a major corporation or a union just turning around and giving tens of thousands of dollars to my political organization which then, in turn. Spends it on me to get reelected?

MS. LERNER:

So, you know, one of the things that we found is we are constrained by what we believe is an improper interpretation of the Constitution which encourages outside entities to raise large amounts of money. But what we have seen in places that have public financing systems in place is that it actually helps candidates to have a public financing system when there are large outside spenders. Because the larger private donor, when they know that a very big outside entity is coming in with a very large check, they tend not to want to put down large amounts of money to counter because they figure it may not be a good investment. But what we found is the grassroots and contrast gets very annoyed that a large amount of money is being spent. And the smaller donors tend to come forward with matching funds, that allows a candidate who's being attacked with large amounts of money, to have a solid base to respond. Not a maximum amount of money, not a dollar-for-dollar match to what outside entities are spending, but enough money to communicate with the constituents to make a persuasive case that the candidate that's being attacked by those large outside dollars is working for the people and that tends -- that ends up being a very persuasive argument to voters.

LEG. BARRAGA:

Because my concern is that, you know, in a sense that Legislators are limited based on the number of people in their district and whatnot; there's only a certain amount we can actually take in terms of dollars. But it doesn't prevent someone who wants to get heavily involved in campaign from turning around and giving their political organization a tremendous amount of money and the money is filtered back in to a local campaign, to the disadvantage of your opposition who doesn't have that. So I'm not so sure the bill really deals with political parties and limitations there. Or I don't recall reading how someone goes for a screen to be possibly designated to run for a particular office and he or she can put in 150,000, 200, 300, 500,000 of their own money. What do they do in New York City; is there a limitation on personal income?

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MS. LERNER:

Yes, yes. Yes, there is. And basically what we've seen -- if you're a participating candidate, then you have to live within the rules. Obviously candidates who are not participating have a different set of rules, although I'd like to point out that the New York City system started with lower campaign contribution limits for participants only and over time those same limits were applied to non-participating candidates.

We have had, I think everybody knows, a billionaire who chose to run for Mayor of New York and the people who opposed him were publicly financed. But because of the solid base which public financing gave, particularly to the most recent challenger to Mayor Bloomberg, Mayor Bloomberg was forced to spend an extraordinary amount of money. Because the public money allows you to run a very competitive race without having to chase the very top dollar.

LEG. BARRAGA:

But the reality is that I may think I'm running a competitive race with you because we're both participating in the program, but then all of a sudden I find out huge amounts of money are not going through you, they're going through some sort of political party or political system because they can take the dollars, and some of those dollars are now going back into your campaign against me.

MS. LERNER:

Well, you know, the question of the transfers within the party is something that State law is going to have to govern. But we do have a recent bill which was just passed by the Legislature which deals with coordinations between candidates and allegedly independent or political organizations to ensure that there truly is independence. So we have a different situation, I think, which is coming down the pike in terms of what can be enforced, in terms of the communication, at least between independent expenditure committees and candidates. So that that way around a public financing system is one that the State is trying to close.

LEG. BARRAGA:

All right, thank you.

D.P.O. CALARCO:

Okay, any other questions for Ms. Lerner?

MS. LERNER:

Thank you very much.

D.P.O. CALARCO:

Thank you very much for coming down. Our next speaker is Scott Lewis.

MR. LEWIS:

Hi. Good evening, Legislators. Yes, my name is Scott Lewis, I live at Mary's Lane in Southampton. And as you may know, I'm going to give you my usual agenda here, I'm going to give you the background, I'm going to make my point and I'm going to give you the benefit. But first I wanted to thank Susan Lerner and Nancy for bringing about this discussion, in addition to the Legislature for adding the bill, the aforesaid bill.

All right, with that said, as you know, our electric company, gas company and telephone company were sold to foreign countries, as well as our cable company. I subsequently did the grassroots effort, so I'm an example of grassroots to get these things back. And how would I do that? We identified a statute that allowed me to run for LIPA Trustee. That statute and those laws are still on the books and the Senator has already -- both Ken LaValle and Greg Fisher. Greg Fisher, being a

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grassroots guy, finally got a real endorsement, but he had to do it all out of his own pocket, and it's the grassroots guys that actually get things done because the incumbents, or the powers that were, wanted to keep that information hidden from you. That was your public property and, consequently, as a result of our grassroots effort, we got the PSEG deal, but that was not what we wanted. We want local municipal companies because we want to employ people in this State, not New Jersey, not New York City, right here from Long Island, that's the goal that you Legislators ought to be focusing on. So that when Kate Browning talks about solar panels on farms, she's not a scientist, she's not an electrical engineer, she should not be dabbling in something that's out of scope for her knowledge bank.

And granted -- I'm getting off topic here. But the point is that setting up fair elections in Suffolk County, matching fund systems for County Legislative races would have the following benefits: It allows candidates from diverse backgrounds to run for office without needing the major donor networks that would otherwise be essential to launch a campaign. That's my main point of this, and then there's quite a few other points that Susan's already talked about. So that's the benefit. And again, grassroots is how things get changed. Incumbents, that's how it remains the status quo. Thank you for your time and your patience and have a great night.

D.P.O. CALARCO:

Thank you, Mr. Lewis. Our next speaker is Diane Angelino.

UNKNOWN AUDIENCE MEMBER:

She's not here.

D.P.O. CALARCO:

Diane? No? Olivia Santoro?

MS. SANTORO:

Hi, good evening. My name is Olivia Santoro, I'm a resident of Suffolk County and I'm here today speaking on behalf of Citizen Action of New York. Citizen Action is a statewide, grassroots organization fighting for social, racial and economic justice. And for over a decade, Citizen Action has been fighting for fair elections reforms in New York. Suffolk County is now in the position to be a leader in fair elections reforms and set an example for New York State and the country for how a system of publicly funded elections can be effectively run.

A 4-to-1 donation matching system for contributions up to \$150 from 50 individual donors, and the extension of term limits for County Legislators from two to four years will give a greater voice to working class communities and communities of color that are all too often locked out of participation in our election system. It will help to weed out corruption that is often bred by large campaign contributions and will allow our Legislators to govern more effectively by not expending efforts on fundraising for re-election every two years.

We applaud the effort to institute publicly funded elections in Suffolk County and we hope that this legislation will be part of setting the standard for how such a system can be run. We urge all Legislators who are interested in bettering our election system to support the resolution. Thank you.

D.P.O. CALARCO:

Thank you, Ms. Santoro. Are there any questions? Thank you very much. Our next speaker is Dan Fingas, by Emily Abbott.

MR. FINGAS:

Hello. My name is Dan Fingas, I live in Patchogue. My -- the Director of our organization, Lisa Tyson, spoke earlier during the public portion but couldn't be here because of child care issues this

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evening, and I just wanted to also add my voice in support of Resolution 1566, to create a Fair Elections Fund for Public Financing in Suffolk County.

I speak in support today because there is a glaring need for a better election system in Suffolk County. The legislation would truly incentivize candidates for Suffolk Legislator to go out in their districts and get support from residents. And the 4-to-1 matching would make it worth a candidate's time and effort. The legislation would also go a long way in ensuring that a big money gets out of politics, the political system, and that Legislators are accountable to the voters of the districts.

I also want to speak in favor of changing from two to 4-year terms. As it stands currently, Legislators are always looking to the next election and must fundraise for elections all year round every year. A four-year term will allow Legislators to think more long-term and do the important work of leading our County and worry less about raising money. I urge all Legislators to vote for this resolution so that we can have a fair elections in Suffolk County. Thank you.

D.P.O. CALARCO:

Thank you, Dan. Are there any other -- any questions? No. Thank you very much for your time. Next speaker is Emily Abbott.

MS. ABBOTT:

Hello. Thanks for having me. So my name's Emily Abbott, I'm the Long Island Political Director for the Working Families Party. We are a third independent political party and a not-for-profit that stands for racial, economic, environmental justice. Thanks first, Legislator Calarco, for putting this resolution on the table and positioning Suffolk County for being a real leader on this crucial issue.

We believe that a 4-to-1 matching system for donations of up to \$150 is crucial to ending the culture of corruption that is so, so pervasive in our State. When our officials take the bulk of their campaign contributions from corporations and big wealthy donors, they cannot be truly accountable to the people they're elected to serve. Additionally, we found that public financing of elections would diversify the pool of candidates running for office and increase competition, giving voters more of a choice in the process.

Anyone can run for office currently, but it takes a certain amount of money to run a winning campaign, as you all know. And access to wealth is still very much stratified by class, race and sex, so it's no surprise that the majority of our elected officials don't look like the communities they were elected to serve.

Additionally, I just echo the voices that have been already been heard tonight. It does encourage voter participation in a state where last year our local elections, only 20% of registered voters came out to vote, and I know it was much worse in Suffolk County. This engages communities of color and low income communities in New York City and in other areas of the country where there are publicly financed elections. Candidates are encouraged to focus on their smaller donors from within their own district, lessening the reliance on the well-healed corporate interest. So imagine if attending a house party with, you know, 30 of your constituents, how valuable that can be when, you know, their \$30 contribution is turned into a \$120 contribution; it's a much better use of the candidate's time and engages more people in the process.

Also, it's been proven that small donors get excited about participating in the process and contributing. And so, you know, this apathy that we see that does lead to this low voter turnout because they see that their voices aren't being heard really can be changed. Anyway, thank you again so much for putting this on the table and considering this resolution.

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D.P.O. CALARCO:

Thank you, Ms. Abbott. If you could just stay there one minute, Legislator D'Amaro has a question for you.

MS. ABBOTT:

Okay, great. Where are you?

LEG. D'AMARO:

I'm over here.

MS. ABBOTT:

Hey. How's it going?

LEG. D'AMARO:

Good. How are you?

MS. ABBOTT:

Good.

LEG. D'AMARO:

Thank you for coming down and testifying on this very important issue. And I just wanted to ask you, and I know that the party that you represent has long been an advocate for public financing of campaigns.

MS. ABBOTT:

Uh-huh.

LEG. D'AMARO:

Providing easier access for candidates to get their message out and all voices to be heard and I appreciate that. But I want to ask you, do you think that this law goes far enough?

MS. ABBOTT:

It goes far --

LEG. D'AMARO:

Well, I really agree with your statement that, you know, raising significant funds from, let's say, large corporate-type donors really effects an elected official's ability to be truly independent, especially in the eyes of the public.

MS. ABBOTT:

Uh-huh.

LEG. D'AMARO:

But under this law you still have to raise funds from donors; right?

MS. ABBOTT:

Yeah. And then we -- after -- for Citizens United, it's very -- this is the only -- I mean, we typically advocate for the Statewide bill.

LEG. D'AMARO:

Uh-huh.

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MS. ABBOTT:

And we do think that's very strong and this is a really good start in leading on the process that the State could follow eventually. But, I mean, it's been shown that when public financing an election is instituted in New York City, for example, the total quantity of contributions tends to increase and the average dollar value of contributions tends to increase.

LEG. D'AMARO:

Right.

MS. ABBOTT:

And, I mean, it's noted that --

LEG. D'AMARO:

Well --

MS. ABBOTT:

Sorry.

LEG. D'AMARO:

Just to make my point to ask you, to qualify for the match, the 4-to-1 match, you have to raise \$7,500 -- I'm sorry, \$7,500?

D.P.O. CALARCO:

It's 5,000. I think you may be looking at an outdated version of the bill.

LEG. D'AMARO:

I'm looking at the on-line version. Oh, so it's 5,000 --

D.P.O. CALARCO:

Five thousand from a minimum of 50 contributors.

LEG. D'AMARO:

Fifty contributors.

D.P.O. CALARCO:

Of \$150 or less.

LEG. D'AMARO:

So let's say I do that, right, and I've capped my election at a hundred thousand if I have no primary; is that right?

D.P.O. CALARCO:

Correct.

LEG. D'AMARO:

Okay. So the most I could raise is a hundred thousand, and I've met the threshold, I've raised \$5,000 through smaller donations, which is a good thing.

MS. ABBOTT:

Uh-huh.

LEG. D'AMARO:

But then I can raise the rest of my finance -- my contributions through large donations that won't

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disqualify me from the program.

D.P.O. CALARCO:

You're capped at raising the total of 50,000 and if you were to achieve the maximum contribution or match from the County of 50,000, you would then get -- you would have 100,000 for running a campaign.

LEG. D'AMARO:

So that's --

D.P.O. CALARCO:

So if you only raise 5,000, theoretically you could raise another 45,000 in what I call other money, but that would be capped at no more than 1,000 from any one place.

LEG. D'AMARO:

Right. But nonetheless, it's not -- it's not a prohibition against large donations. What it is is you can still receive larger donations, the max perhaps permitted by the election law, but the County will only match --

D.P.O. CALARCO:

No. No, you would be capped at \$1,000 from any entity. So election law differs for each one of our districts based on how many voters we have in our district.

LEG. D'AMARO:

Right.

D.P.O. CALARCO:

But under this proposal, you would be capped at \$1,000 if you choose to participate.

LEG. D'AMARO:

Right. So --

D.P.O. CALARCO:

One thousand dollars from any one location.

LEG. D'AMARO:

Right. So this, in effect, would lower most of the caps that we all experience in our Legislative races. Then I don't have any questions. He answered my questions (*laughter*).

MS. ABBOTT:

Good.

LEG. D'AMARO:

So thank you for listening.

MS. ABBOTT:

No problem.

D.P.O. CALARCO:

Don't go away, Legislator Stern has a question.

MS. ABBOTT:

Great. How's it going?

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LEG. STERN:

I was wondering what your position was -- unless I missed it and I apologize -- on the other aspect of the bill which was the -- which was the term of years. Your colleagues who are here representing advocacy organizations made their voices heard, but as the representative of an actual political party, I was wondering what your position or what the position of the Working Families was, if they've taken one, on the extension of the time to serve aspect of the legislation.

MS. ABBOTT:

Officially, no. But generally we tend to think that longer terms, like the two-year term is much too short; you're spending most of your time campaigning when you should be legislating.

LEG. STERN:

Okay. Thank you.

D.P.O. CALARCO:

Great. Thank you very much.

MS. ABBOTT:

Thank you.

D.P.O. CALARCO:

Any other questions? Seeing none, I will go back to Diane Angelino. Is Diane here? No. I have no other cards, then. Is there anybody else in the audience who would like to address the Legislature at this time? Seeing none, I'll make a motion to close. Second by Legislator Martinez. All those in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

D.P.O. CALARCO:

IR 1566 is closed.

(Public Hearing on) IR 1570-16 - Adopting Local Law No. -2016, A Local Law amending chapter 189 of the Suffolk County Code to require online filing of Contract Agency Disclosure Forms and to clarify provisions relating to contract agency administrative expenditures (County Executive). I do have a card and it's for our Comptroller, John Kennedy. I'm sorry to keep you waiting all this time.

COMPTROLLER KENNEDY:

Good evening, Mr. Chair.

D.P.O. CALARCO:

I know you can't get enough of this body, so we're glad to have you back.

COMPTROLLER KENNEDY:

Well, it's always a pleasure to be here. I've asked for and I come before you now in the public hearing because we were at Budget & Finance Committee to go ahead and discuss the resolution last week. Due to a timing aspect associated with having notification to our contract agencies, I've asked for and the County Executive's Office has agreed to provide a Certificate of Necessity for this bill.

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Nevertheless, I know how important it is for everybody to go ahead and hear what the particulars are associated with the bill, and I'm fortunate to have my Chief Auditor, Joseph Pecorella, with me as well. So if you would be able to indulge me at this time, we can speak specifically about the particular items in the bill, what will be effectuated, some of the clarifications, some of the changes, and in particular that we will be moving to an on-line submission associated with contract agency disclosure. So if it's the will of the body, we'll be happy to give it a go.

D.P.O. CALARCO:

Sure. Go ahead, John.

COMPTROLLER KENNEDY:

Okay. So Chapter 189, as everybody around this horseshoe does know, is the requirements associated with contract agencies submitting their financial documentation on an annual basis. Typically it's something that we all know as a 990, and that is the compilation, if you will, actually of the administrative expense and the programmatic expenses associated with what the contract agency does. As this body also knows, there is a 20% administrative component that is embedded in the requirement to fund the contract agency. And if, in fact, the contract agency exceeds that, then this body, by a two-thirds vote, has to actually approve funding to that specific agency.

One of the items that Mr. Pecorella deals with -- and by the way, we're talking about -- roughly about 500 agencies on an annual basis, that he receives the information in from reviews and then oftentimes has to go back and forth with. We run the gamut. We have multi-million dollar multi-contract agencies, as we all know, and then we have the small soup kitchens, food pantries, local agencies that may not have the sophisticated finance people associated with helping them prepare and submit. So Mr. Pecorella oftentimes will be on the phone to go ahead and clarify, help explain and to go ahead and reiterate that the only thing our office can work off of is certified financial statements.

One of the key elements of this bill is to clarify the administrative expense component and how that's calculated. And if you will, I'm going to defer to him now to be able to give that explanation. You want to talk about that, Joe?

MR. PECORELLA:

Sure. Good evening. Basically it's two parts to the resolution, the first one is about the electronic filing. Every year the Comptroller's Office mails out approximately 500 contract agency disclosure forms to 270 or so different contract agencies. This is going to be the first year where it's required to be done on-line by all contract agencies. There's a link on the Comptroller's website now. The letters will go out next week to all contract agencies and the filing deadline is September 15th of 2016. The electronic process will eliminate all paper trails, everything will be on-line, everything's going to be uploaded to the Comptroller's website, it's a secure website. And an agency cannot submit an incomplete disclosure form. Whereas if something is not submitted, in the past they have to call them and say, *You're missing a salary schedule, you're missing a financial statement.* With the on-line submission, if the file's not uploaded to the proper spot, the form's going to be rejected and they'll give them a message saying, *The form is incomplete. Please provide your financial statements. You're missing a salary schedule, Box 17 can't be 0 or blank.*

The second part of the law pertains to the administrative expenses. We're just redefining what an administrative expenses, it retains in the way it is calculated. Based on the old law, it is an agency's total administrative expenses divided by total program expenses; now it's going to be total administrative expenses divided by total agency expenses. It's going to result in that lower percentage, it's going to help some contract agencies, but it's a more complete picture as to what an admin expense really is. You really shouldn't be dividing admin expenses over program expenses, not really an accurate ratio.

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The last part, we're looking to exempt all contract agencies that are solely comprised of only volunteers, where there's no salaried employees, or if they have less than \$50,000 in revenues in the prior fiscal year. Within that component is basically food pantries, some small civic associations; it would just make things easier on the smaller agencies. Questions?

COMPTROLLER KENNEDY:

That's basically it in a nutshell.

D.P.O. CALARCO:

Okay, we have a number of questions for you. So we'll start with the Presiding Officer.

P.O. GREGORY:

Thank you. Is it Mr. Pecorella?

MR. PECORELLA:

Yes.

P.O. GREGORY:

All right, so you -- you're the primary auditor who deals with these contract agencies and making sure that they qualify under the 20% -- well, not necessarily qualify, but certainly if it falls under they're good, but if they're not you send out the notices to them that they exceed the 20% threshold for administrative costs.

MR. PECORELLA:

Correct.

P.O. GREGORY:

Okay. So, now this would make it a requirement that they file or just kind of like an option --

MR. PECORELLA:

No, they're already required to file each year, just in the past they mailed everything in. It's an extraordinary amount of paper.

P.O. GREGORY:

No, that's what I mean. I know it's a requirement to file but, I mean, is there going to be a requirement to electronically file?

MR. PECORELLA:

Yes, absolutely.

P.O. GREGORY:

So are there any particular electronic needs that some of these agencies may not have, do they need a certain type of computer or do we have to give them -- like how does that -- is it just straight up e-mail?

MR. PECORELLA:

Just a basic computer with access to the Internet.

P.O. GREGORY:

Okay. And would there be a certain portal in your office?

MR. PECORELLA:

There's a link right now on the County Comptroller's home page, on the Suffolk County website.

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P.O. GREGORY:

Okay.

MR. PECORELLA:

They would click on the link that would take them to the form, they'd be asked to access the form using their ID and password, which we supply to them in the letter that goes out next week. So that's going to be -- the agency's ID is going to be the vendor ID number.

P.O. GREGORY:

Okay.

MR. PECORELLA:

And the password's going to be generated by the computer.

COMPTROLLER KENNEDY:

Let me also -- Mr. Presiding Officer, let me also add to that. This is an initiative that has actually been under way for probably about ten months with IT. Former Commissioner Mezzanotte commenced the process, we've worked in collaboration with them to go ahead and get a user-friendly web page, something that's actually been vetted, tested. And candidly, that's another reason for me to make that request from the County Executive's Office for the CN, so that hopefully we'll be able to go ahead and get passage of the bill today, therefore meeting our June 30th requirement about mailing notification. And candidly, we will work with and assist, if we get a contract agency that's still, you know, working off a pencil and paper, we will absolutely accommodate if they have no access whatsoever. However, we will strongly encourage that we migrate them over to on-line submission, because just for the sheer management. While Mr. Pecorella does an outstanding job with this, he's also running for audits at this time.

P.O. GREGORY:

Okay. So I understand, I see the benefit that your office receives, it's easier to manage, there's less paperwork. But one of the challenges that the contract agencies that I hear often is they don't know what expenses can be categorized. You know, some can be recategorized so that they meet the threshold. So how will that be addressed in this process?

MR. PECORELLA:

Each form is asking just for revenues and expenses pertaining to the County funded if one agency has ten different County-funded program. So if one agency has ten different County-funded programs, they have to complete ten forms, one for each County-funded program. The last page, or towards the end of the form now, it asks for financial statement numbers, they come right off the agency's financial statements; so off an audited financial statement, off a Form 990. If they're unsure, they could always call my office, we could help them out with that. And I honestly do review what's actually sent in, so if it's incorrect and I have the information in front of me, I will correct it for them.

P.O. GREGORY:

But does it simplify what -- because I think the thresholds were administrative expense?

MR. PECORELLA:

Yes.

P.O. GREGORY:

So does it simplify what an administrative expense is? Because I know -- I think.

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MR. PECORELLA:

It clearly defines it now, yes.

P.O. GREGORY:

So I think -- if I recall, I think Legislator Calarco had an organization that performed -- a cultural arts organization and they had -- like the insurance, you know, was classified as an administrative expense, but it could have been classified as something else and not put them over the threshold. There are certain things like that where reclassification will benefit them and people are confused about how those expenses are classified.

COMPTROLLER KENNEDY:

Mr. Presiding Officer, the one point that I want to make here is which is important, and I know each and every one of you do with your contract agencies, is that we are simply reviewing the information that's been forwarded to us from the 990 which is prepared by the agency's financial professional.

P.O. GREGORY:

Uh-huh.

COMMISSIONER KENNEDY:

And sometimes an agency contacts us and says, *Well, wait a minute. No, we really didn't mean to have the insurance expense on the program side or on the admin side. We really meant to have it in this different category.* Unfortunately -- well, actually I'm not going to say unfortunately. Fortunately this body had the foresight to say that the evaluation is done only from the certified financial report. So if, in fact, an agency finds that they're in this mistake or ambiguity area, then they need to contact the financial professional who prepared in the first instance and then forward to us. In no way, shape or form do we engage in reclassifying expenditures from categories; that's beyond our role.

P.O. GREGORY:

Right. No, I understand that. Okay. All right, thank you.

D.P.O. CALARCO:

Legislator Lindsay.

LEG. LINDSAY:

Good evening. Do we have contract agencies that, due to the nature of the work that they do, that they have trouble complying with the administrative expenses just because of the high salaries that they may have to pay just given the nature of the work?

MR. PECORELLA:

Honestly, the salaries don't really effect most of these agencies as you guys would think. The agencies that it basically will affect are smaller agencies that have no real program. Some historical societies don't really have a program, but there's large administrative expenses associated with it as far as insurance; it could be depreciation, professional fees. Those are all admin expenses. If they have no salaried employees, they would be exempt from the law, though.

LEG. LINDSAY:

Okay. No, that I understand, but I'm just thinking more in the line of child services, you know, they could have higher insurance expenses, higher employee and salary expenses.

MR. PECORELLA:

It doesn't really seem to affect them, honestly.

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LEG. LINDSAY:

Okay. And if they're offering benefits to their employees, that's also associated as an administrative expense, correct?

MR. PECORELLA:

It depends on the employees. Like a bookkeeper is an administrative position, clerical staff could be administrative, program director is a program, so it actually depends on the employees that an agency would have as to how the salaries are classified. You really can't -- it's on a case-by-case basis pretty much. It's up to the agency's accountant as to how to classify the expenses.

LEG. LINDSAY:

Okay. In your opinion, does this simplify it on their side?

MR. PECORELLA:

I think it definitely simplifies the law. Because in the past it was kind of gray as to what an admin expense could be and then how it was calculated. I think it's pretty clear now, to tell you the truth, the new law.

LEG. LINDSAY:

Okay. And again, in your opinion, would this expedite the reimbursement going through? I would assume because the audit would be quicker; being that it's electronic, it would expedite them getting paid faster.

MR. PECORELLA:

Honestly, all we're basically doing with this information is compiling information. We don't really audit it or review it. They send it in, I'll look it over, I compile it and the Comptroller's Office issues a report to the Leg the first week in October of every year detailing for various schedules as far as high salaries, agencies with high administrative expenses, agencies with a surplus income. We're not really auditing every agency, we're just kind of looking it over, looking for any inaccuracies, I guess, and just putting in what they give us, for the most part.

LEG. LINDSAY:

Okay. Maybe this would be a better question for the Comptroller. John, would you expect that you'd be cutting checks faster given that the information is transmitted electronically?

COMPTROLLER KENNEDY:

Let me speak to the cycle, if you will, Legislator Lindsay

LEG. LINDSAY:

Sure.

COMPTROLLER KENNEDY:

So as Mr. Pecorella explained, agencies are supposed to be filed with us by September 15th, I believe it is, and our report to you all is generated by us in that first week in October. You are headlong into your review and recommendations associated with, in this case let's take the 2017 Operating Budget. So you will be looking at whether or not you're going to be funding agencies, to what level you will be funding them and whether or not they've jumped up on the exception list.

Once the budget is adopted and the agencies are in an okay to pay category, then they will just commence submitting their vouchers for reimbursement. And candidly, we have on average somewhere between a 25, 26 business day cycle for payment of voucher from when it hits our office. Recall that many of these agencies may be dealing with departments in the first instance out of which we have no control.

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Do I think it will get agencies paid faster? I think what it will do is it will get a greater percentage of agencies compliant in the first instance and not hanging beyond the start of the new year, in which then we're looking at either having to have them file additional documents so they can qualify or coming before you to consider that exception, if that's the will of the particular Legislator.

LEG. LINDSAY:

Okay. Thank you.

COMPTROLLER KENNEDY:

Okay.

D.P.O. CALARCO:

Legislator Krupski.

LEG. KRUPSKI:

Thank you. So you picked, I think, a good exemption, any contract agency that only has volunteers.

COMPTROLLER KENNEDY:

Absolutely.

LEG. KRUPSKI:

And then you picked another exception of \$50,000; how did you arrive at that?

MR. PECORELLA:

It was a judgmental decision based on the review in past reports. It doesn't affect many agencies. Most of the 50 are pretty much food pantries and small civic association. A couple of historical societies that don't really have much money. They probably would be exempt anyway, to tell you the truth, from the old law. You're supposed to have no employees.

LEG. KRUPSKI:

So out of the 500 that you're reviewing, how many will -- ballpark, how many will the exemptions cover?

MR. PECORELLA:

As far as about 50, you're saying?

COMPTROLLER KENNEDY:

Fifty thousand dollars.

LEG. KRUPSKI:

No, between both exemptions.

MR. PECORELLA:

As far as all volunteers, it's hard to give you a number on that because -- it's hard to really say off the top of my head --

LEG. KRUPSKI:

Okay.

MR. PECORELLA:

-- how many have all volunteers.

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LEG. KRUPSKI:

How about the 50,000?

MR. PECORELLA:

About 50 contract agencies, 45 to 50.

LEG. KRUPSKI:

Thank you.

MR. PECORELLA:

You're welcome.

D.P.O. CALARCO:

Okay. Any questions? Joe, I had one question for you, if I heard this right. So the exemption for entities that have no employees, that's something that's proposed as part of this bill, or is that --

COMPTROLLER KENNEDY:

It is in the legislation already and it will be part of what we continue to carry forward as well.

D.P.O. CALARCO:

And when the paperwork is sent to the entities to fill out, was that like a clear check box on there? Because I know I have some agencies that are actually -- the Presiding Officer mentioned the chamber that I had with that particular situation and they had no employees. I have a couple of different chambers, in fact, I have one that I just laid a resolution on the table for hoping that they'll get their paperwork clarified, where I know they don't have any actually paid employees. So if they have no paid employees, they're required to fill out these documents?

MR. PECORELLA:

Everybody still has to fill out the on-line form, it's required by County law, but they would be exempt from the admin component. As far as -- if they're over 20% they'd be exempt from that part.

D.P.O. CALARCO:

Okay, so now you've got to file the paperwork --

MR. PECORELLA:

Everybody has to file, yes.

D.P.O. CALARCO:

-- but the 20% requirement doesn't apply to entities that have no employees or have a \$50,000 or less --

MR. PECORELLA:

Yes.

D.P.O. CALARCO:

-- total expenses?

MR. PECORELLA:

It's \$50,000 in total revenues for the prior fiscal year.

D.P.O. CALARCO:

Total revenues, okay.

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MR. PECORELLA:

But every agency has to file by the deadline, September 15th. If they don't file --

D.P.O. CALARCO:

Then we've got to get them to file and then we have to do the resolution that waives it.

MR. PECORELLA:

Correct. Exactly, yes.

D.P.O. CALARCO:

Okay. Legislator D'Amaro -- go ahead, John. Did you have something you wanted to say?

COMPTROLLER KENNEDY:

Well, I did want to point out and take the opportunity that Legislator D'Amaro was extremely gracious with us in the Budget & Finance Committee when we had the opportunity at the committee level to vet many of these issues. But certainly, if there are additional questions, we'd be happy to entertain them as well.

D.P.O. CALARCO:

Sure. Legislator D'Amaro.

LEG. D'AMARO:

Thank you, Comptroller Kennedy, I appreciate that and I appreciate you working with me on this. Just a thought, we don't have to address this today.

COMPTROLLER KENNEDY:

Certainly.

LEG. D'AMARO:

But do you broadly define *employee*? Because if an agency decides to 1099 all of their help, you know, you could have a million dollar company with \$200,000 in 1099 employees and then we don't have any oversight.

COMPTROLLER KENNEDY:

We have not encountered that yet at this point, Legislator D'Amaro. This is the first time that we are doing what would be somewhat of an overhaul on the section of the code. And candidly, I would say to you that it would probably be a work in progress. But I will also say to you --

LEG. D'AMARO:

But does the law say you have to have all volunteers or no employees? Because there's a difference.

MR. PECORELLA:

The new resolution says, *No salaried employees as comprised solely of volunteers*. So in other words --

LEG. D'AMARO:

Oh, okay. That's good.

MR. PECORELLA:

-- on a Form 990, the salary box would be zero, there would be nothing in it.

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LEG. D'AMARO:

But also it's like a two-pronged test, you have to also be all volunteer. So if someone is being -- receiving any kind of payment for service --

MR. PECORELLA:

Right, the exemption would not apply to them, correct.

LEG. D'AMARO:

All right, that sounds good. Just a thought.

MR. PECORELLA:

The past law just said administer a corps of volunteers, you know, we exempted like food pantries and stuff because they administered a corps of volunteers.

LEG. D'AMARO:

Right, okay. Thank you. Thanks.

D.P.O. CALARCO:

Okay. Any other questions?

COMPTROLLER KENNEDY:

Thank you for your time.

D.P.O. CALARCO:

Comptroller, thank you for coming today.

COMPTROLLER KENNEDY:

Okay, I'll be here. Thank you.

D.P.O. CALARCO:

Okay. I have no other cards. Is there anybody else in the audience who would like to address the Legislature at this time? Seeing none --

LEG. D'AMARO:

Motion to close.

D.P.O. CALARCO:

Motion to close by Legislator D'Amaro.

LEG. CILMI:

Second.

D.P.O. CALARCO:

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

MR. RICHBERG:

Fifteen (Not Present: Legislators Muratore, Lindsay & Gregory).

D.P.O. CALARCO:

IR 1570 is closed.

(Public Hearing on) IR 1581-16 - Adopting Local Law No. -2016, A Local Law to amend the County's purchasing and contract eligibility requirements (County Executive). I have no cards on this public hearing. Is there anybody in the audience who would like to address the

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Legislature at this time? Seeing none, Legislator Stern?

LEG. STERN:

Motion to close.

D.P.O. CALARCO:

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

MR. RICHBERG:

Fifteen (Not Present: Legislators Muratore, Lindsay & Gregory).

D.P.O. CALARCO:

IR 1581 is closed.

(Public Hearing on) IR 1582-16 - Adopting Local Law No. -2016, A Local Law to extend to independently elected County Officials authority to approve educational conference or seminar attendance (McCaffrey). I have no cards on this public hearing. Is there anybody who would like to address the Legislature at this time? Seeing none, Legislator McCaffrey?

LEG. McCAFFREY:

Motion to close.

D.P.O. CALARCO:

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

MR. RICHBERG:

Seventeen (Not Present: Legislator Muratore).

D.P.O. CALARCO:

IR 1582 is closed.

I'll make a motion to set the date for the following public hearings for July 26th, 2016, at 2:30 in the Rose Caracappa Auditorium in Hauppauge, NY:

IR 1598, a Local Law to register retailers of liquid nicotine in Suffolk County; IR 1620, a Charter Law to increase sewer funding and protect water quality in Suffolk County; and IR 1622, a Local Law to cap Tax Map Verification Fees.

Motion by -- second by Legislator Cilmi. All those in favor? Opposed? Abstentions.

MR. RICHBERG:

Sixteen (Not Present: Legislators Muratore & McCaffrey).

D.P.O. CALARCO:

Okay, and I'll hand it back to the Presiding Officer.

P.O. GREGORY:

Everyone go to the manilla folder, we're going to address the college budget.

IR 1645-16 - Adopting 2016-2017 Operating Budget total and County contribution for Suffolk County Community College (Martinez). Do I have a motion?

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LEG. BARRAGA:

Motion.

P.O. GREGORY:

Motion to take out of order by Legislator Barraga. I'll second it. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Eighteen.

P.O. GREGORY:

Motion to approve by Legislator Barraga.

LEG. BARRAGA:

Let Monica.

P.O. GREGORY:

Legislator Martinez, second by Legislator Martinez to approve the Suffolk Community College Budget. The budget is before us. Anyone have any questions, statements?

LEG. ANKER:

I do.

P.O. GREGORY:

Legislator Anker.

LEG. ANKER:

I just want to state on the record that even though we approve the college budget, we have no control over the tuition, and I know last time we were blamed for raising the tuition which we have absolutely no power on. So I just want to put that on the record.

P.O. GREGORY:

Legislator D'Amaro.

LEG. D'AMARO:

I just -- so this was a budget recommended by our Working Group?
Did we have a Working Group?

MR. NOLAN:

I think it was vetted in the Education Committee. They all agreed to go on as cosponsors to this particular resolution.

LEG. D'AMARO:

Okay, right. Okay. So --

MR. NOLAN:

This is the County Executive's number as well.

LEG. D'AMARO:

What's happening with the County contribution; is it going up or down.

MR. LIPP:

It's going up. So the contribution would be going up by 21/2%, or a little over a million dollars.

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LEG. D'AMARO:

And where does that bring us to as far as the breakdown; the State, the County and the tuition?

MR. LIPP:

Bear with me, I have that number someplace. Here we go. So the way the formula works, it would be 50.1% per student, 26 and a half percent for State and the remaining 23 and-a-half for County.

LEG. D'AMARO:

And what's the total funding from the County this year and how much of an increase is it over last year?

MR. LIPP:

So this year it would be 41.8 million would be the County contribution. Last year two and-and-a-half percent less, or 41.8 million -- I'm sorry, 40.8 million, so it's a little over a million dollar difference between last year and this year. And we did do a memo that we released I believe it was on the 10th of June.

LEG. D'AMARO:

So the County contribution towards the College Operating Budget is going up by 2 1/2% for this proposed budget?

MR. LIPP:

Correct.

LEG. D'AMARO:

And did the State number change from last year?

MR. LIPP:

Yeah, the State increased by \$100 per FTE. I'm sorry, that's per semester, so it's 200, I believe, per --

MS. VIZZINI:

No, a hundred dollars.

MR. LIPP:

Oh, it is. Okay, \$100 per FTE, yes.

LEG. D'AMARO:

So what is that in percentage?

MR. LIPP:

Well, I think we're talking about the same methodology as before, that what they're -- the breakdown between the three of them, right?

LEG. D'AMARO:

Yes.

MR. LIPP:

So if that's the case, a number is -- where are you? Right. So the State winds up going up to 26 --

LEG. D'AMARO:

Well, you said --

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MR. LIPP:

26.5.

LEG. D'AMARO:

But what were they last year?

MR. LIPP:

They were 26.7 as a percentage breakdown of the County, State and student shares.

LEG. D'AMARO:

So the -- my question is is this going to result in a hike in tuition?

MR. LIPP:

Yes. So let me give you what the -- I'll give you the big or major revenue enhanced number. So they're using reserve funds, 3.9 million, that's the biggest increase; they're increasing by 200 annually tuition by -- and that amounts to a \$3.1 million increase in revenue; the State aid of \$100 per FTE increase is \$2.97 million increase; there's also a significant increase for the technology fee, from \$80 to 125 per semester, that brings in \$1.76 million; and then lastly, the County contribution increase of two-and-a-half percent is a little over a million. So those are the big revenue increases.

LEG. D'AMARO:

All right, so the State went down .1%.

MR. LIPP:

Right, it's an unusual formula to calculate the contribution based on State law. Our budget doesn't quite look at it that way, but that's --

LEG. D'AMARO:

Right.

MR. LIPP:

-- how they look at it.

LEG. D'AMARO:

And the County contribution went up two-and-a-half percent.

MR. LIPP:

Correct.

LEG. D'AMARO:

And what -- if the tuition is going 200 a year increase, what is that as a percentage? What percentage increase will students be seeing in their tuition bill if this budget is adopted?

MR. LIPP:

We have it, hold on a second. Okay. Okay, so the \$200 increase per year is 4.4% increase in tuition, and that's for full-timers. It's 4.2% for part-timers, a slightly different number there.

LEG. D'AMARO:

So the -- so the budget represents a 7% increase overall.

MR. LIPP:

The overall budget went up I believe by, I want to say -- let me look over here. I don't think that's quite the way it calculates. Yeah, the budget went up by --

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LEG. D'AMARO:

At least on the revenue side.

MR. LIPP:

On the revenue side. Well, on the expenditure side it's 5.2 million or 2.4%.

LEG. SPENCER:

How much?

MR. LIPP:

Five point two million dollar increase to \$220 million which amounts to a 2.4% increase in expenditures.

LEG. D'AMARO:

So from this year to next year what's proposed is a 2.4% increase in overall expenditures for the college.

MR. LIPP:

Correct, which is one of the two items that you have the control over to approve or not approve.

LEG. D'AMARO:

Right.

MR. LIPP:

And there's a 7% increase in revenue.

MR. LIPP:

The difference between the expenditures and the revenue are attributed to the fund balance. They're using -- the fund balance, they're using \$3.9 million of fund balance.

LEG. D'AMARO:

Oh, right, okay. Right. But --

MR. LIPP:

And it should be noted also that when we -- when the college adopts the budget and they've adopted an amount -- which they've done for the last few years -- for use of fund balance, they don't necessarily use it. It depends upon what the actual cost in revenues are over the year. So if they need, let's say, half of it, then they would apply only the half.

LEG. D'AMARO:

So in order to keep the tuition increase of 4.4%, the college is using almost \$4 million in reserves; is that correct?

MR. LIPP:

Correct.

LEG. D'AMARO:

And what's the balance left in the reserves after the use of the 3.9?

MR. LIPP:

Okay. So this year the fund balance would be 21.16 million and they're proposing to reduce it to 17.24.

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LEG. D'AMARO:

So there's still 17 and a quarter --

MR. LIPP:

Correct.

LEG. D'AMARO:

-- million left in the College reserve.

MR. LIPP:

Correct, if they wind up using the full 3.9.

LEG. D'AMARO:

Which is important to keep for I think accreditation purposes.

MR. LIPP:

Yes. What's usually cited is Middle States, the accreditation group.

LEG. D'AMARO:

And Rob, if you know; what was the tuition increase in the last two years before this proposed budget, in '16 and '15?

MR. LIPP:

Okay, what was the tuition increase.

LEG. D'AMARO:

Just as a percentage, if you have it.

MR. LIPP:

Right, okay. So the 2013-14 budget went up -- the tuition went up, I'll say full-timers, it went up by 3.8%; the 2014-15 went up by 6% even; the 2015-16 went up by 4.1%; and the bill they have in front of you would increase it by 4.4%, the full-time tuition, which would amount to, for the year, \$4,770.

LEG. D'AMARO:

How much is that?

MR. LIPP:

Four thousand seven hundred and seventy which would represent an increase of 200, or 100 per semester.

LEG. D'AMARO:

Plus 200 per year.

MR. LIPP:

Correct.

LEG. D'AMARO:

Right. So my next question to you is we're looking at historically a 3.8% increase four years ago, 6% three years ago, 4.1%, and now a proposed 4.4%. The College expenditures, have they been increasing a proportionate amount or is it really more about less aid? Are the expenditures going up or is just the revenue being shifted, if you will?

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MR. LIPP:

It's more --

LEG. D'AMARO:

In other words, we're --

MR. LIPP:

It's more on the students than it used to be.

LEG. D'AMARO:

It's more on the students, so it is. So if it's more on the students than it used to be, is that because of decreasing in other funding or is it because of higher expenses?

MR. LIPP:

Well, two reasons, I believe, why the student tuition is going up. One is because of the increase in the tuition rate itself that you would pay if you went there. And also, in previous years there were some significant increases in enrollment which is no longer the case, but back then it was.

LEG. D'AMARO:

So as the enrollment has gone down, there's less --

LEG. BARRAGA:

The State.

MR. LIPP:

Right. So there were paid --

LEG. BARRAGA:

The FTEs.

LEG. D'AMARO:

Right.

MR. LIPP:

Right. So there were a few years where we didn't give them an increase in County contribution --

LEG. D'AMARO:

Right.

MR. LIPP:

-- but that wasn't the problem for them when they were building that fund balance because of the increase in enrollment.

LEG. D'AMARO:

Let me ask you this; between -- from last year to this -- from this year to the proposed budget for next year, has there been any increase in salaries?

MR. LIPP:

There are several different contracts.

LEG. D'AMARO:

I'm sorry?

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MR. LIPP:

There are several different contracts and we did not include that, I don't think, as -- oh, we did do it, okay. Right. So I do have some stuff.

LEG. D'AMARO:

Would you say that the increase to students is more a function of the less enrollment than anything else? What would be the largest factor effecting students seeing an increase again this year?

MR. LIPP:

I would say the large -- I believe largest probably be the decrease in enrollment; that seems to be the biggest problem.

LEG. D'AMARO:

Decrease in enrollment?

MR. LIPP:

I think so. I'm not a hundred percent sure of that, but I believe that would be a big -- a major factor. And you should realize, also, that there was a resolution adopted last year that was sponsored by the Presiding Officer, and I want to say Legislator Anker but I'm not sure, that put together a committee that is in the process of starting up again to try to determine what a sustainable contribution would be for the future.

LEG. D'AMARO:

Okay. Well, I think it's commendable that the County contribution is going up, it's wonderful that we can afford to do that.

MR. LIPP:

And I assume that's not a question.

LEG. D'AMARO:

No, it's not a question. But if you have decreasing enrollment, I guess we have to make it up somewhere. In real dollars, the impact to students is \$200 a year.

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

MR. LIPP:

Right. And in terms of the expenditures, all that the Legislature can do, which is in front of you now, is a --

LEG. D'AMARO:

It's 2.4.

MR. LIPP:

Or you approve it or you don't. In theory, you could --

LEG. D'AMARO:

Right.

MR. LIPP:

You could reduce it. But we can't do is look at line items.

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LEG. D'AMARO:

Right. So we have to decide whether the 2.4% increase in County funding is yay or nay.

MR. LIPP:

Exactly. And that and the contribution are the only two things you're going to be voting on now.

LEG. D'AMARO:

Right. Okay. No other questions. Thank you. Thanks, Rob.

P.O. GREGORY:

Legislator Spencer.

LEG. SPENCER:

This may go to Ben. Actually, why don't you come up, too. So one privilege that I've had since I've been elected is that I've gone to every single graduation for the last five years. Every single year the President says this is the biggest graduating class ever, including this year. So I'm perplexed. I mean, how can you have the biggest graduating class each year for the last -- and I recall those words, and this year was another one. It's a two-year Associate's Degree. How can enrollment be going down?

MS. VIZZINI:

Well, remember, for there to be an increase in enrollment, not only do you have to replace the 4,398 students who just graduated once you -- so you need to bring 4,398 new students in. Then any new student above that will contribute to an increase in students.

Also, remember, as a community college, we are open enrollment. Some students are trying us out the first semester. Some students are working more than one job; on average, probably two, sometimes three jobs. And if -- when the economy is better, they step out, they step out the second semester. They'll come back for the Fall. So there's a lot of variation going on.

MR. ZWIRN:

Right. And, also, it depends on how many credits they're taking, I mean, because they could be --

MS. VIZZINI:

Right.

MR. ZWIRN:

We can have students, Legislator Spencer, that are taking less, less courses. So a number of students can be there, but it's based on the FTEs, where you can get State funding, is based on the number of credits each of them are taking. It also takes some of the students a lot longer than two years to get through the school. People leave, they come back. Some of it has to do with finances, some of it has to do with their life choices. So there are a lot -- there are a lot of moving targets, a lot of variables.

LEG. SPENCER:

I get it. I won't hold you to it, but my understanding is that they're taking different credits. But to get that Associate's Degree, they have to reach a certain threshold to achieve the numbers for that. And I know that I have listened to President McKay for the last four years that I can recall saying, "This is the biggest graduating class ever."

So I understand the variations in there, where you could maybe say that the enrollment is static or -- but, I mean, these numbers have gone up by hundreds of students each year. And so it's still -- I partially can comprehend that there's variations that could affect those numbers, but when I see

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record after record after record, at least, and someone can correct me if I'm wrong, but I've heard him make that statement for the last four years, that we've had -- "This is the biggest graduating class ever," and then I hear that there's decreasing enrollment. Something is just not adding up, that maybe we're getting more students that are coming in, perhaps with credits that they are -- you know, I mean, that they -- and maybe they're not spending as much money. But that was -- that was my one question, because the one thing, that this is the biggest, it's the most robust, this community -- I don't know. Does the Education Chair, Sarah or Monica, I mean, do you understand my question? I mean, you were sitting beside me on stage where you hear the President say, "This is the biggest graduating class ever," once again, and we're just hearing about these abysmal or decreasing enrollments. I mean, that's --

LEG. MARTINEZ:

So, through the --

LEG. SPENCER:

Through the Chair.

LEG. MARTINEZ:

Also, here, I know that the College is doing outreach to all the schools, you know. So it really is all dependent on who's coming in. I mean, yes, it's a great community college and enrollment is going down. It is projected to go back up a little bit in 2019, I think it is. I don't have my sheets in front of me, but, you know, I know that they're doing their best to increase enrollment. I know that they're going to the school districts. I know that they have several programs that they are working on with specific school districts to increase enrollment. So it's not that they're doing their part. I think it's --

LEG. SPENCER:

Oh, no. I guess I'm just taking exception, what the concept, that enrollment is down when for the last four years I've heard the President said this is the biggest graduating class ever. And I just don't see how those two reconcile each other. You know, I don't see how you can keep setting records for the last four years, but yet say enrollment is down.

MR. LIPP:

Well, mathematically, they would be able to say better than me, because I can't see those data. We might have some files somewhere. I'm not sure, though, but they have the data. Very simply, there is -- the one way that it works is there's a higher percentage of students graduating than used to be in the past, and it's just like a well-known fact, especially with community colleges, there's a high percentage that don't graduate at all. So they're perhaps doing a better job in terms of getting students to graduate that wouldn't have done that before.

LEG. SPENCER:

That makes sense to me. And it makes sense, but if that's the case, if we're getting more students to stay in longer and graduate, then they're paying to graduate. If we're making -- if we're getting more students to the finish line and we're graduating them, and we are having four years in a row the biggest graduating class ever, you can't -- maybe enrollment is going down, but somehow people, they have to pay to get to the graduation.

MR. LIPP:

Yeah. So the problem with that is that you have a lot of part-timers. And, you know, maybe what's going on in the background part of it is that they're sticking around. Let's say it takes them five years --

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LEG. SPENCER:

Okay.

MR. LIPP:

-- they're finally graduating, and in the past, that wouldn't have been the case.

LEG. SPENCER:

Fair enough. And I will except everyone at their word, that there's various factors.

MR. ZWIRN:

There's a real --

LEG. SPENCER:

But that just struck me as being kind of ironic, because that's the one thing I --

LEG. CILMI:

Maybe the next two years you won't say that anymore.

LEG. MARTINEZ:

I was going to say, we might not hear that next year.

LEG. CILMI:

We might not hear it next year or the year after.

LEG. SPENCER:

Maybe not hear it next year.

MR. ZWIRN:

And one of the -- part of our problem is that some of the students leave Suffolk County. They're Suffolk County residents. As you know, if you live in the Towns of Babylon and Huntington, your tax bills, when you get it, you're paying for these students to be going to Nassau Community College, FIT. And we have tried to get the State to say if we offer those classes at Suffolk, that we shouldn't have to pay additionally to send them to another community college. A lot of them live on the border near Nassau County and it's just closer for them. FIT, a lot of them go to the City. Those are students, and there are quite a few of them, there's over like -- I think it's 2300 students. Ten percent of our student body is going somewhere else, and we're trying everything we can to bring them back, because if we could bring them back, we wouldn't have -- we wouldn't have a shortfall. With Dowling students, when they closed Dowling, we made efforts immediately to try to bring some of those students in. I think we have about 25 as of right now who are going to enroll in Suffolk.

So there is an aggressive movement to try to bring these students back, and even to offer some of the students in Nassau County an opportunity to come to Suffolk, in part because of the absolute turmoil that they're having in Nassau County with accreditation issues, and they could lose -- they could lose their Federal grants. So there's -- we want to bring more students in. One of the reasons why we've upgraded the facilities is to make it more attractive for people to come here.

And, look, this Legislative body and the County Executive have been very, very supportive of the College. Now, I worked for the previous County Executive and there were no contributions made, and there was no increase in the County contribution, except for one year, when the Presiding Officer, Bill Lindsay, at that time was able to get through a 1% increase. So we're trying to make up.

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The Capital Program was stagnant, so we moved some of these programs -- these projects. People say, "Well, how come you're building so much?" That's because they sat for, you know, four or five years when they should have been in the pipeline, and the same thing is with the contribution from the County.

So we're grateful.

LEG. SPENCER:

Sure.

MR. ZWIRN:

And our Chairwoman, Sandra, has asked me to say -- make sure that we say thank you for all your efforts. And as Legislator D'Amaro says, it is a tough year for the County to make that contribution and we are very grateful for it.

LEG. SPENCER:

I'm a big supporter, and, obviously, we will do everything we can to support you.

To Dr. Lipp, my question relates to the State contribution, where you had -- and I missed something where you had kind of given that there was a certain percentage that the State -- it's by formula that the State pays, and then the County, and then the student.

MR. ZWIRN:

The State -- let me just interject. The State, and Legislator Barraga probably remembers, when the community colleges went open enrollment, the State at that point said, "If you go to an open enrollment institution, we will pay up to 40% of the college course." It happened one year. And every year after that, the State has excused itself from its State obligation. And we're grateful for the support that we get, but they actually withdrew aid for a number of years during the economic crisis, and they were giving less FTE aid, and now we're starting to get back up to where we -- where we were or should be, but we're still way behind on the State level.

When we go up to Albany, Chris North who was here, the new Student Trustee, I know he's been up there with me for the last three years, we go knocking on doors, and, you know, everybody's very supportive. But there are a lot of people out there looking for help from the State and we're not always first on their list. But we're grateful for their support, but especially here at the County level. You've been supportive of the Capital Program and the Operating Budget and we're appreciative.

LEG. SPENCER:

Thank you.

P.O. GREGORY:

Legislator Stern.

LEG. STERN:

I had a question about the fund balance. I'm looking at the numbers here. You're saying that in the 2016-2017, by using -- let's see. Is it 3.9 million from the fund balance, that that will bring us down to 17.2. And that that will bring us to approximately 8%, which is below the -- what we consider to be the lowest threshold, which is the 10%. Obviously, that's a concern. But I heard Dr. Lipp say before that, yeah, maybe, it doesn't necessarily come out that way at the end of the year, because there are always adjustments. So I'm wondering, in the past, if there is -- there isn't a need to utilize all of that fund balance, has there been a trend over the past few years as to where that number actually comes out? And if so, how far above, hopefully, would we end above the 10%, rather than 2% below that mark?

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MS. VIZZINI:

There is no question that the College would like to keep the fund balance no less than 10%. But as was stated earlier, we are willing to use the reserves in order to mitigate the need to increase tuition. We have Middle States coming for a decennial visit in '17-'18. So during the course of the '16-'17 Operating Budget, if we can continue to exercise prudent fiscal management and tighten our belts, and we don't have to use the full 3.9 million, which is a goal, but it would depend on what transpires during the course of the year, we may be able to use less than that and get back on target to get back to that 10%.

LEG. STERN:

I'm going back to what Dr. Lipp had mentioned before, that over a course of years, that that tends not to be the case, that during the course -- obviously, you never know what's going to happen from year to year. But I'm wondering if there has been a general rule over the last few years that if there's been an estimate as to what you might need to go under, that's not been the case. Has it been half that's been used, has it been three-quarters that's been used? I'm wondering if there's some kind of a trend.

MR. LIPP:

So in terms of expenditures, the expenditures have been less than what was adopted and less than -- the actual expenditures, less than adopted or estimated every year since 2008/2009. On average, the expenditures have been 4 million less than adopted over that period. So if that trend continues, then they'll -- and the revenues hold up, the other side of the coin, then they should be able to manage their budget, you would think, with less use of fund balance and their adopting. But in the adopted budget, which is probably a generalism -- general truism for most budgets, you want to be conservative if you can, and they build in a little cushion that they hope they don't use in expenditures.

LEG. STERN:

Sure. But based on that number, that although it's built in and that it's a conservative approach, based on that trend from the past, there is a likelihood, anyway, that that -- that the fund balance number would not necessarily need to be used.

MR. LIPP:

Right. They're not using the entire fund balance that they adopted, this just gives them the cushion. And that might not be the case, of course, next year, it remains to be seen.

LEG. STERN:

Does anybody have any idea at this point, given other counties, other jurisdictions, what type of an increase, a tuition increase they are looking at, if any? And the reason why I ask is because last year, with a 3.5% increase, I'm looking at the chart here that was provided and it shows that overall, the average was 3.2%. So it's about there. I'm wondering where we are with the statewide average this year, if we -- if we know.

MS. VIZZINI:

The community colleges haven't weighed in in terms of their '16-'17 tuition increases for me to give you a number, but I can report to you that Nassau had to increase tuition by \$334 annually, which was closer to a 6% increase for them, and their tuition will outpace our tuition.

LEG. STERN:

Okay. Thanks.

P.O. GREGORY:

Okay. Anyone else? Okay. All right. We have a motion to approve.

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LEG. TROTTA:

I just have one quick question.

P.O. GREGORY:

Legislator Trotta.

LEG. TROTTA:

I'm just looking at the numbers for enrollment. It's gone down 10% in seven years, and it's increasing from point -- half a percent down, 2.5% down, 3.17% down, and based upon high school enrollment, I continue to see it going down. I mean, are you prepared for this?

MS. VIZZINI:

We're on top of the projections as much as we can be in terms of the actual. And the preparation will be a combination of expenditure cuts, such as what put together to come up with the modest 2.4% increase in this operating budget. There's about \$1.1 million in cuts that were instituted primarily from policies of keeping vacant positions vacant longer or just keeping them vacant, as well as energy savings that we've identified, along with the belt tightening that constantly goes on. As we see the enrollment coming in, Fall is usually better than Spring, so we take stock after Fall and make any necessary fiscal adjustments we need to make, such as the belt tightening, or not filling positions, or rescinding authorizations to spend.

P.O. GREGORY:

All right. Could I have all Legislators to the horseshoe, please. Oh, Legislator Anker.

LEG. ANKER:

I just want to follow up with the tuition. I know, you know, it's being increased, and that's something I don't support. I don't support increasing tuition. And, again, looking at the academic year projections for full-time and part-time students, you know, you got a minus 3.17%, 2016-2017. Is there any way -- I guess this is through the State, the College Board of Trustees or the State -- that we can advocate for the FTE to include all students, not just the ones with a -- you know, how many credits, 15 credits or the 23 credits? What's a full-time student?

MS. VIZZINI:

Yeah, anything over 12. Well, FTEs are all credits divided by 30, so it's all credits. The State, the rate at which the State has increased the rate per FTE has been relatively modest. Advocacy groups have been asking for upwards of 250, 285 per FTE when the budget was --

MR. ZWIRN:

This year.

MS. VIZZINI:

That was this year. Even --

MR. ZWIRN:

The Chancellor asked for --

MS. VIZZINI:

Yeah. As Ben points out, the Chancellor's Office advocated for a \$285 per FTE increase. Regrettably, when the State budget was adopted, it was not that high, but we did get a \$100 per FTE rate.

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LEG. ANKER:

Yeah, because, basically, they're comparing a community with every college, you know, private colleges and, you know, four-year institutions. And it's different, because, you know, there's people going back for just a few credits, or they're going back just to start their, you know, academic college education, and it's a shame that it's affecting State funding.

P.O. GREGORY:

Okay. Oh, Legislator D'Amaro.

LEG. D'AMARO:

Yeah. I don't support an increase in tuition, but, I mean, I think this is a modest increase, \$200. I'm not saying it's affordable for everyone, but, you know, the way expenses go up on an annual basis, and I know that you do a focused job on trying to keep those expenses as low as you can throughout the year. However, if you do achieve savings where you're not cutting as deep as 3.9 into your reserve, right, and so that would result in savings. You had mentioned that you would be returning some of the reserve funds to that account, if you had savings.

MS. VIZZINI:

By law, anything that is --

LEG. D'AMARO:

Is it by -- okay.

MS. VIZZINI:

-- unused, authorized but unused, remains in the reserve, which could be used similarly as we have done in the past three years.

LEG. D'AMARO:

Right.

MS. VIZZINI:

We've used the reserves to mitigate the necessary increase in tuition.

LEG. D'AMARO:

Right, right. So you can't return that to the students, because, by law, it has to go back into the reserve fund?

MS. VIZZINI:

Correct.

LEG. D'AMARO:

Okay. Okay. And my other question was does all of this include that meal plan that was --

MS. VIZZINI:

Meal plan is separate. It is not revenue that balances the operating budget. We still have --

LEG. D'AMARO:

It's like a separate off-the-books -- not off-the-books, but a separate accounting for that, it's not included in this budget?

MS. VIZZINI:

Yes. Students taking nine or more credits are charged \$100 for food. It's like a prepaid food, meal plan.

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LEG. D'AMARO:

Per semester.

MS. VIZZINI:

Per semester.

LEG. D'AMARO:

Right. And I know that we had some questions about, if you didn't use the whole \$100, what happens to the fund -- the funds that were left over? Whatever -- what was the answer to that question?

MS. VIZZINI:

Well, the College has done a tremendous marketing effort to make sure students are aware, have their new I.D. cards and know that it's a use-or-lose-it. If you don't use in the Fall, it carries over to the Spring.

LEG. D'AMARO:

Right.

MS. VIZZINI:

If you don't use it in the Spring, then it's forfeited.

LEG. D'AMARO:

And does the forfeited funds go into the overall budget?

MS. VIZZINI:

The forfeited funds are recognized as revenue on the Profit and Loss Statement. That's the arrangement we have with the vendor. So it's -- they would be perceived as a credit.

LEG. D'AMARO:

So the vendor -- so the forfeited funds go to the vendor?

MS. VIZZINI:

No. Well, it's a profit and loss. It's the college's Profit and Loss Statement, so the college would get the credit.

LEG. D'AMARO:

Okay. So the forfeited funds go to the college. But if they're not included in the Operating Budget, how are those extra funds used?

MS. VIZZINI:

Oh. If the -- if the vendor operates at a loss --

LEG. D'AMARO:

Right.

MS. VIZZINI:

-- the College operates at a loss. If the vendor operates at a profit, which is the ideal model, the -- we anticipate about \$200,000 in revenue from the vendor overall. If he doesn't operate that profitably, we will not get the 200, we would get less.

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LEG. D'AMARO:

So the Board of Trustees rejected the concept of returning those funds or leftover funds back to the students that paid the money?

MS. VIZZINI:

The Board took the approach that they will evaluate the meal plan after two full semesters of usage. We have only just recently received the May Profit and Loss Statement, and the Budget and Finance subcommittee of the Board and the Board will receive a report from myself in regards to the meal plan and the successes and the challenges of the meal plan.

LEG. D'AMARO:

Right. But the -- so it's still under consideration to see how much are we actually talking about and then what should we do with those funds.

MS. VIZZINI:

Also under consideration is more than two-thirds of the students are very happy with the meal plan.

LEG. D'AMARO:

Right.

MS. VIZZINI:

We did a student satisfaction survey, so there will be a lot of information shared with the Trustees. That's all I know at this point.

LEG. D'AMARO:

I don't equate happiness with the meal plan with keeping money that's never earned, but okay. You could have 100% of the students happy with the food they're eating, it doesn't mean they want to give up 100 bucks if they don't use it, but okay. So when is that final decision going to be made?

MS. VIZZINI:

It's at the pleasure of the Trustees, but there will be information submitted to them by August for them to consider the meal plan.

LEG. D'AMARO:

Okay. I know it's a little off topic, but thanks for answering my questions, I appreciate it. Thank you, Mr. Chair.

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

P.O. GREGORY:

Okay. That's I.R. 1645.

MR. ZWIRN:

I thank you very much.

P.O. GREGORY:

All right. We're going to go back to I.R. 1471, the Social Host Law.

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LEG. CILMI:

And Mr. Chair?

P.O. GREGORY:

Sure, go ahead.

LEG. CILMI:

I know you -- I know you have a list. Just I wanted to mention that I e-mailed to the full Legislature part of the current Social Host Law, which does not change with the proposed amendment, which may answer some questions with respect to how charges are made and what opportunities somebody who is theoretically in control of a residence, what opportunities they have to escape, if you will, charges. And if I could just read briefly from some of this.

It basically gives the property owner or the person who is in control of the property an opportunity to -- for reasonable corrective action to eliminate the -- I guess the underage drinking that's occurring. And among the possible types of corrective action are making a prompt demand that such minor either forfeit or refrain from further consumption of the alcoholic beverages or depart from the premises. Or two, if such minor does not comply with such request, promptly reporting such underage consumption of alcohol either to the local law enforcement agency or to any other person having a greater degree of authority over the conduct of such minor, i.e., I suppose, the person's parent.

So there is, in my view, ample opportunity for somebody, for an adult at a residence to comply with the Social Host Law. And, again, that's as it's currently written, which doesn't change with the proposed amendment.

P.O. GREGORY:

But I think, if I may, I'm not sure it directly answers Legislator Spencer's concern, that if you're on the premises, on the premise, and you're unaware of consumption, and a police officer is made aware in some way that there is alcohol being consumed, how do you, as a parent who has been diligent in trying to inspect and search and ensure that there isn't consumption, but you may miss -- you know, say there's 300 people at a party and you may miss something, how do you remedy that outside of hiring an attorney and being in a courtroom?

LEG. CILMI:

Well, if there's -- if there's evidence of the consumption, then there's a -- the adult in control of the premises would have an opportunity at that point, faced with the police officer who's wanting to make the charge, would have an opportunity to remedy that problem.

P.O. GREGORY:

And I think, and that's what -- and I don't mean to speak for you, but I think what he, Legislator Spencer, was saying was the officer can use his discretion, it's not a kind of requirement, if you will. And I don't know how you meet a requirement, but it's really at his discretion. So there can be an officer that's having a good day and say, "All right, I believe what you're saying," and there's someone else who says, "No, you know, you're going to be charged with a misdemeanor," and, you know, aiding minors, you know, consuming alcohol.

LEG. SPENCER:

You are articulating that, but it's -- and what you had mentioned to me before, Tom, even further than that, you said, "Well, you would have a chance to defend yourself in a court of law." And that's my concern, because if the officer does make those charges, and now this is a misdemeanor, I'm a physician, so now I'll have to go through the expense of an attorney, perhaps a night in jail, perhaps bail. And, you know, I'm just looking at -- then I'm in a situation where now what they ask me is,

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"Have you ever been arrested," "Have you ever been charged with a crime," for a lot of professional licensing. So just looking at the unintended consequence, with the intention of trying to support this bill.

LEG. CILMI:

Right. Let's be clear, there's no jail on the first -- on the first offense, so there's no bail associated with this at all. You don't have to worry about spending the night, you know, locked up in the lockup. If you're worried about that for your upcoming party, just you don't have to worry about that at all.

*(*Laughter*)*

LEG. SPENCER:

This is real.

LEG. CILMI:

Unless, of course --

LEG. SPENCER:

This is real.

LEG. CILMI:

You know, I don't really know.

LEG. SPENCER:

My son has good friends, but this is a real deal for me, man.

LEG. CILMI:

The bottom -- well, listen. We don't have police officers willy-nilly running around the County making charges, you know, against people for no reason. I mean, you know, we all -- we all support our Police Department, we all regard our Police Department and our police officers in the highest degree. To think that our police officers might go around and just sort of willy-nilly start charging people for something that they can't make a case for in court, you know, they could do that with anything, really.

LEG. SPENCER:

One last point. I know there's a list. Right now, if there is something that's flagrant, where I have underage kids at my house drinking or doing something, I will be charged with that. If a kid leaves my house and they go and they get into an accident, I will be brought up on charges. My concern with the Social Host Law is that before it was kind of a citation or a fine. This makes it now a criminal act where there's already provisions where if there is something blatant going on, they're going to get charged. So I don't see, you know -- and it's happened. We've seen in the news where there were, you know -- so that's --

LEG. CILMI:

This is -- I'll emphasize that this bill was drafted at the behest of the Police Commissioner.

LEG. SPENCER:

Okay.

LEG. CILMI:

The Police Commissioner's assertion was that the Department was handcuffed, if you'll excuse the pun, from adequately enforcing this law, because the first offense was technically classified as a

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violation. And according to the Commissioner, a violation has to be witnessed by the police officer in order to make the charge. So, therefore, the police officer would, A, have to witness the consumption him or herself, or B, witness the adult serving the alcohol to the minor.

LEG. SPENCER:

And you're doing a great job defending this, but if -- is there someone here from the Police Department that can speak to this? I mean --

LEG. CILMI:

Katie? Katie is not from the Police Department, we know.

LEG. KENNEDY:

You just got a new job.

MS. HORST:

I am not. Sergeant Cerone was here earlier today. He left to attend his elementary school child's graduation. He should be returning any minute. We're expecting him about 9 o'clock. So if you want to just give him a few more minutes to get here. I did just text him to see what his ETA was, but he did tell me about nine.

LEG. SPENCER:

Thank you. I apologize, Mr. Presiding Officer, for getting into a back-and-forth, but I will be quiet now.

P.O. GREGORY:

You're excused. We'll give you a violation. I do have a list. Legislator Krupski.

LEG. KRUPSKI:

Thank you. Not so much speaking to the legality of what the charge should be, but just as a parent of three, you know, you're bringing something up, especially now at graduation time and it's very important. And it's hard enough raising children without an adult making it -- an adult making it harder for you to raise your children, you know, I mean, because kids are going to get --

LEG. CILMI:

For someone else's children, right.

LEG. KRUPSKI:

For someone else's children, right.

LEG. CILMI:

Right.

LEG. KRUPSKI:

It's the most irresponsible thing in the world. So to try to exert that kind of influence on someone else's children. And so I appreciate the profile you're raising it to, and, hopefully, there's a nice big story about it in the paper.

MR. SCHWARTZ:

Hurry up and vote.

*(*Laughter*)*

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P.O. GREGORY:

Is that it? Okay. Legislator D'Amaro.

LEG. D'AMARO:

Well, wait a minute. If there's going to be a story in the paper, It might change what I have to say, but -- I'm only kidding.

*(*Laughter*)*

There's a -- you know, it's hard to debate changing the penalty without opening up the whole debate over whether or not a Social Host Law is effective or whether it's good policy. But trying to just stick to changing it from a violation to a misdemeanor, and I'll defer to Legislator Fleming, who probably knows this better than I do, but I'm not quite sure that it's true, that for a police officer to write a violation, they need to necessarily witness the violation.

LEG. FLEMING:

They do.

LEG. D'AMARO:

Not necessary -- I mean traffic accidents --

LEG. CILMI:

I'm relying on the Police Commissioner's --

LEG. D'AMARO:

Traffic accidents happen all the time. You know, someone, just based on a complaint, and I think you can write a violation.

LEG. TROTTA:

Ninety-nine percent no. For a short time, they were saying you could do it based upon someone's statement, but it never worked out. I think the answer to that question is no. It's a violation, you have to witness it.

LEG. CILMI:

So you do have to witness it.

LEG. D'AMARO:

Okay. That's not my understanding, but I'll defer to Legislator Trotta, having been a police officer.

LEG. CILMI:

The Police Commissioner is the one who brought this.

LEG. D'AMARO:

Yeah. So all right. So even getting past that, however, there's a reason why the first offense is a violation, because it is a very he-said-she-said kind of crime or offense.

I think that the compromise, when the bill was enacted, was to make the first offense a violation just for the reasons that Legislator Spencer might be citing and others are talking about, is that when you get into that situation and a kid gets served alcohol, and someone's home, and a cop's not there to witness it, and then the kid goes out and kills four people in a motor vehicle accident, a lot of accusations are going to start flying in every direction, and no one's going to accept that responsibility, but fingers are going to point, and I think that is the problem with the Social Host Law.

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I agree with Legislator Krupski, it's the worst thing in the world to do if an adult knowingly serves alcohol to a minor in their home. I think that's, you know, unjustifiable. But, nevertheless, as a question of proof and a question of fairness, I think the compromise was to say if you're a repeat offender, where you do it more than once, then, yeah, clearly, you should be charged with a misdemeanor, go to the higher level of penalties, maybe spend a year in jail -- excuse me -- whatever. But on that first offense, you know, and it never happened before and it never happens if again, and there was a serious accident that occurred, I think that you can put people in a very precarious situation.

So my point is that I'm not sure that we should change this, because I think that was the compromise that was struck when we first enacted the law.

LEG. CILMI:

I certainly appreciate that. When the Police Commissioner comes -- when the community comes to me, and I assume others, and expresses dismay at the lack of enforcement of the Social Host Law, and when I then go to the Police Commissioner, and others go to the Police Commissioner and say, "Why are we not enforcing the Social Host Law," and the Police Commissioner says to us, "The way the law is written is problematic and here's why, and here's what we suggest to do to change that," you know, in my view, particularly given what we all know now with respect to substance abuse, addiction, the slippery slope of permissive behavior that we see happening in our communities, I think we need to listen to the Police Commissioner. I think if there's a way that we can better enforce this law without removing due process, and thereby maybe bringing more awareness so that fewer adults allow this behavior to go on in their -- at their homes, then I think we may end up saving some lives and I think that's a good thing. And for me, as long as you don't take away due process, it's the right thing to do, given -- given the circumstances in the here and now, at least.

LEG. D'AMARO:

It's a tough argument. If I may, it's a tough argument, because, you know, whose due process are we talking about, you know? So, yeah, there'll be a victim, but, you know, someone can also be a victim of being charged with a crime that they didn't commit in an area where there's often a failure of proof, and there's not sufficient witness, and people are never, you know, not -- it's very difficult to get what really happened inside somebody's home. It's not like you have people standing around in the public who are watching what's going on, or people with phones and cameras and all that. It's more of a unique circumstance.

So I appreciate the Police Commissioner's position, that they're having a problem enforcing it. I wonder if having a problem means that they can't enforce it. I mean, again, my experience has always been that violations can be written without a police officer witnessing them, and then it's a question of proof at that point.

LEG. CILMI:

We had -- the Sergeant walked in. I'm not sure if we want to call --

LEG. D'AMARO:

Yeah, let's bring him up.

LEG. CILMI:

-- him up to the podium, through the Chair.

LEG. D'AMARO:

Yeah, because I'd like that question -- not that Legislator doesn't know, but I need a second opinion. You think you trained him?

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(*Laughter*)

Officer, how are you?

SERGEANT CERONE:

Good evening, everyone.

LEG. D'AMARO:

Thanks for coming in, we appreciate.

SERGEANT CERONE:

Thank you for having me, thank you for accommodating me.

LEG. D'AMARO:

So you're out, you get a call at one o'clock in the morning, and there's alcohol being served in someone's home and an accident occurred, and somehow it leads you back to that home. And are you -- are you never in a position where you can write a violation under that Social Host Law that we have on the books, if you're familiar with that?

SERGEANT CERONE:

I am familiar. Sergeant James Cerone, Suffolk County Police. Again, good evening. The way -- with the violation, with the charge being a violation, the threshold is going to be that an officer is going to have to witness the violation and be able to corroborate and generate his or her probable cause based on what they're witnessing, as it stands now.

LEG. D'AMARO:

Right. So just walk me through this. So if there's -- it's been my experience that if there's like an auto accident, right, the police at the scene of the crime can write violations right then and there; isn't that true?

SERGEANT CERONE:

That's correct. That's a unique circumstance that's been applied to motor vehicle accidents and doesn't necessarily extend to all violations.

LEG. D'AMARO:

So where does the requirement come from that the officer must witness the violation of the Social Host Law?

SERGEANT CERONE:

That's a New York State law based on the classifications of crimes, violations must be witnessed.

LEG. D'AMARO:

So how is there an exception for motor vehicle accidents?

SERGEANT CERONE:

For certain circumstances, motor vehicle accidents being one of them, not unilaterally.

LEG. D'AMARO:

You mean, under State Law there are exceptions?

SERGEANT CERONE:

I'm not sure if it's State or County law, but there is an exception that would extend --

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LEG. D'AMARO:

Oh.

SERGEANT CERONE:

-- the witnessed-by-the-officer exemption --

LEG. D'AMARO:

Okay.

SERGEANT CERONE:

-- to motor vehicle accidents, and some other things, one of them not being the social host violation.

LEG. D'AMARO:

Could we extend the exemption to the Social Host Law, as opposed to changing it to a misdemeanor in the first offense?

SERGEANT CERONE:

That's a question that someone legally would probably be better suited. You know, what I can say is, if it were changed to change our threshold for enforcement --

LEG. D'AMARO:

Right.

SERGEANT CERONE:

-- whether it's violation or misdemeanor would be a nonissue.

LEG. D'AMARO:

Right, okay. If it were -- if we were able to change that --

SERGEANT CERONE:

Correct.

LEG. D'AMARO:

-- then you could -- you don't have to witness the violation, you could still write the violation?

SERGEANT CERONE:

Correct. And that also goes to misdemeanors and felonies, would be something where the cause for arrest or the cause for enforcement could come in a circumstance that's not personally witnessed by the officer, but more corroborated by witnesses and other testimony.

LEG. D'AMARO:

Let me ask you this question, as long as you're here. So, if we change this to a misdemeanor on the first offense, then you are authorized to write that misdemeanor up, if you will, against an adult, are you going to do that without witnessing?

SERGEANT CERONE:

That's more of a case-by-case evaluation. Can it be done without witnessing? Absolutely. And that's going to go to -- just like you would build a case for any other type of crime or offense, it's going to go to how strong you feel the cause is to generate the --

LEG. D'AMARO:

Based on all the facts, circumstances, what you're hearing, assessing credibility, there's so much that would go into this?

SERGEANT CERONE:

Yes, exactly.

LEG. D'AMARO:

And it's ultimately, though, your decision?

SERGEANT CERONE:

Ultimately, yes. The decision lies, or the discretion lies, or the --

LEG. D'AMARO:

When you make that decision, would you return back to the home and question the individual you would be charging with that misdemeanor, or would you write that up without talking to that person?

SERGEANT CERONE:

As in the offender?

LEG. D'AMARO:

Yeah. The alleged offender at that point, right.

SERGEANT CERONE:

Again, every circumstance is going to be different, so I don't want to paint a broad brush.

LEG. D'AMARO:

Okay.

SERGEANT CERONE:

But, yeah, most often you would present that to the offender, so they are aware of what it is that's -- what enforcement is being taken against them.

LEG. D'AMARO:

Well, if the threshold is that you knowingly -- the violation of the law would be you knowingly served alcohol to a minor in your home. You know, I just don't see how -- well, I guess it's just based on witnesses. I'm just concerned about an improper allegation against somebody, where now they've been charged with a crime, okay? But I'm not questioning your ability to exercise your discretion or anything like that, but it's a little concerning to me, because I really believe the Social Host Law was for repeat offenders with misdemeanors, if it happened once before. By the way, how would you know if it was a second offense?

SERGEANT CERONE:

When the offense comes out, generally what we do, or the officer at the scene is directed to make an inquiry about the history of the person that's -- that caused the offense.

LEG. D'AMARO:

Go onto your computer, or whatever you do?

SERGEANT CERONE:

Correct.

LEG. D'AMARO:

And you log right up right there?

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SERGEANT CERONE:

By computer, I call in Dispatch, call in the precinct, you can do it any number of ways.

LEG. D'AMARO:

Do you know -- do you know in the last, or since this law went on the books, or last year, or whatever, you know, whatever time period, how many violations were written under this law?

SERGEANT CERONE:

I do not know.

LEG. TROTТА:

I know.

LEG. D'AMARO:

Do you know?

LEG. TROTТА:

I actually asked for this. I think there was four and there was no convictions.

LEG. D'AMARO:

Four and --

LEG. TROTТА:

About a year ago, I asked the Department for this. I think there was four tickets issued.

LEG. D'AMARO:

Right.

LEG. TROTТА:

And there were no -- nothing was -- no one was every convicted.

LEG. D'AMARO:

Thank you. Are you aware of circumstances where, had this been a misdemeanor on the books as a first offense, those violations would have been written?

SERGEANT CERONE:

That's a tough thing to say, having not been at the scene --

LEG. D'AMARO:

Right, and you haven't talked to all 2000 police officers about it.

SERGEANT CERONE:

Correct.

LEG. D'AMARO:

But -- so you don't have any personal experience with that?

SERGEANT CERONE:

With the -- with the social host, or with the particular four that we're speaking of?

LEG. D'AMARO:

Yeah -- no, not those four, just -- so there were only four violations. It doesn't sound like a lot. Maybe it is, I really don't know. But like do police -- to your knowledge, do police officers go to a

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scene and say, "Wow, I really would have written up this as a social host violation, but I can't because I didn't witness it"? Like how often does that happen?

SERGEANT CERONE:

Objectively speaking, the existence of a misdemeanor charge would allow officers to generate their probable cause based on anything other than what they're witnessing.

LEG. D'AMARO:

Right.

SERGEANT CERONE:

And that would broaden the scope, and also, in turn, decrease the likelihood of an incorrect determination as to who's at fault, because we're utilizing witnesses, and we're taking statements, and we're doing more interviews to generate our probable cause.

LEG. D'AMARO:

Right. So you just won't write the ticket if you don't witness it if it's a violation?

SERGEANT CERONE:

If it's a violation, again, I can't paint a broad brush, but, certainly, the existence of the violation charged depending on the circumstances.

LEG. D'AMARO:

I wonder in those four instances how you ever write a violation. Like how is the police officer witnessing someone knowingly serving alcohol, how does that happen?

SERGEANT CERONE:

Often, we'll get via social media. The Police Department will get advanced notice that an event is going to happen --

LEG. D'AMARO:

Right.

SERGEANT CERONE:

-- at, say, a house, or generated by 911 calls. The police would come to learn that there's an incident going on and have the luxury of getting there and just observing to figure out what it is that's going on, and who may be in charge of the premises, and who may be the people in attendance, and if they appear to be underage or not.

LEG. D'AMARO:

Okay. I really appreciate you answering my questions.

SERGEANT CERONE:

You're welcome, sir.

LEG. D'AMARO:

Thank you, Officer. Okay.

P.O. GREGORY:

Okay. Thank you. Sergeant -- what's your name?

SERGEANT CERONE:

James Cerone, Sergeant James Cerone.

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P.O. GREGORY:

Okay. Thank you for being here. I think you're going to be a great help. And congratulations to your child's graduation.

SERGEANT CERONE:

Thank you again for your accommodations.

P.O. GREGORY:

I have a few questions. So knowingly, to me in my mind, means that you actually distribute to someone, or that you give personally to someone. Or I guess what can be interpreted from this law is knowingly -- you know that there are underage -- underage minors that are on your property that are consuming alcohol. So what -- at what point does the threshold knowingly -- and excuse me if Legislator D'Amaro asked this question. I didn't catch your answer if he did. What meets that threshold of knowingly? Is it just the sheer volume of people that are drinking? You must be aware that if you're on the premise, that there are people -- that you must give some consent to this activity going on, or like how do you --

SERGEANT CERONE:

Well, the evidence would have to exist to say that whomever it is that's hosting, that the social host understands what's going on, and understands that under their authority, or under their -- or on their property, or close to it, that minors are consuming alcohol or obtaining alcohol. It doesn't necessarily have to be a hand-to-hand, but the -- it has to be established that whomever it is that's in control of that property understands and knows what it is that's going on and allows it to happen.

P.O. GREGORY:

And you actually -- your verbiage actually leads to the next question I had. So I have a home and my, you know, kid is having a high school graduation party, it's on Facebook, 200 kids show up, but I decide to go out to dinner with my wife, you know, maybe go see a play in the City or something. You know, it's my property, it's -- you know, I know there's a party going on, I talk to my kids, absolutely no alcohol. But say there is alcohol, so will I be subject to the Social Host Law if there is alcohol being consumed on the property?

SERGEANT CERONE:

What it is, the situation that you are describing is something that would go into the Police Department's or the responding officer's determination as to whether or not you actually knew. If you knew and turned a blind eye to it, it may pertain. If you had no idea what was going on behind your back, it may not. And, again, that's a case-by-case evaluation. That would into your story, or the hypothetical homeowner's story as to whether or not they really knew what was going on.

P.O. GREGORY:

Well, how do you determine that?

SERGEANT CERONE:

You determine that by -- through interview. You can determine that by any number of ways investigatively. Interviewing the person is probably the best example, but I suppose there's circumstances where witnesses can say social media postings by you could pertain to any number of things that could go into the Police Department's evaluation of whether or not you actually knew what was going on, or had control enough to be held responsible.

P.O. GREGORY:

So this requires someone in my situation to hire some type of security type firm to monitor and screen people as they come and go? You know, is that -- because that's kind of -- you know, I'm thinking of protecting myself now. Particularly as an elected official, I would never want to be

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charged with, you know -- or even there be an accusation of that you allowed, you know, underage drinking on your property.

SERGEANT CERONE:

Of course not.

P.O. GREGORY:

So you want -- as I would imagine most adults would not.

SERGEANT CERONE:

That's going to go back to the term "knowingly", whether or not the enforcer is satisfied that whomever it is that they're looking to take enforcement against, cause is established that they knowingly allowed this to go on.

P.O. GREGORY:

Okay. Okay. I know Legislator Fleming has been very anxious. She's next on the list to add her very knowledge -- her knowledge in this area, so Legislator Fleming.

LEG. CILMI:

And if I may just interrupt very, very quickly to just supplement what the Sergeant said, it's knowingly allow, and then not take corrective action.

SERGEANT CERONE:

Yes.

LEG. CILMI:

So the opportunity is there to take corrective action.

SERGEANT CERONE:

Correct.

LEG. FLEMING:

Thank you, Mr. Presiding Officer. And I think the Sergeant has done a really good job of explaining. I love this law and I am very -- 100% supportive of it. I think the change is necessary and important.

I think that we have to bear in mind that in order to prove a crime, you need to prove every element of the crime beyond a reasonable doubt. And in order for the officer to make the arrest, he or she needs to have probable cause for every element of the crime. Knowingly, the mens rea, or the mental state of the person who's accused of the offense is one element of the crime, and you have to have probable cause that that element applies, and then ultimately you need to be able to prove that beyond a reasonable doubt to get the conviction.

It's all about hearsay. A low level offense, a violation can't be charged on hearsay, so you need what's called a corroborating affidavit to follow up and prove it if it's a misdemeanor. And the VTL, the Vehicle and Traffic Law, is a separate body of law, and that allows hearsay to be relied upon in the initial charge. But then the officer has to supply what's called a corroborating affidavit, so you're cleaning up the hearsay and you're taking away the hearsay, so you have direct evidence. So that's the reason.

But just to reassure folks about this, you know, you're going to get charged if you -- even when you don't know. That's why it's in there. That -- I mean a good trained, well trained officer knows very well that he or she has to meet the mens rea in order to meet the mental state in order to make the

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arrest. And so knowingly is one of the most critical parts of this crime, and he can't make the arrest unless he has evidence of that, and he can have it by the direct statement of the defendant, he can have it by social media observation, he can have it, you know, if he sees it. But I can well imagine that it's very, very rare that you're going to be able to do that without using hearsay if you show up at a party. So that's why I think it's critically important to make this change.

I notice that in the law, there is -- there is a step-back, that as soon as the subject learns, so, in other words, as soon as that mens rea of knowing is met, if he or she takes corrective action, then they're no longer subject to the law. As soon as you learn, you take reasonable corrective action, then you're not going to be arrested.

I think this is a very, very important change. I think the protections are there based on our criminal law. And I think the Sergeant, I would trust you if you came to my house, because I think it's critically important, especially when you think now about how vulnerable our young people are to substance abuse and underage drinking. We have to do everything we can. And there are those folks out there who are hosting these parties and we have to -- we have to impose a high standard. So I appreciate your efforts, and I appreciate your efforts, Tom, I think it's a great law.

P.O. GREGORY:

Okay. Legislator Kennedy.

LEG. KENNEDY:

Thank you, Legislator Fleming. What you said is extremely important. I would not have used the same legal terms, as I am not an attorney, but it's vitally important. And while I wasn't at the same meeting that you were at, Tom, I deal every day with parents. I go every day to some meeting where the Social Host Law, especially around prom time, and graduation time, is discussed. And every single time, there's 10 or 15 people that say, "Aah, it's only alcohol, it's a right of passage. I take the kids' keys and I give them" -- "I buy a keg or two." That's what I hear over and over and over. And it is essential that we get a law like this in, because we are not -- no matter how you explain that times are different, they're not getting it, and it's the parents that aren't getting it just as much as the kids. That's just my opinion.

P.O. GREGORY:

Legislator Stern.

LEG. D'AMARO:

Can I take his place?

P.O. GREGORY:

Legislator Hahn has been waiting, and then she's the last one. Go ahead.

LEG. HAHN:

Just quickly, because I think most of my questions were answered. I had -- I was having a hard time understanding how we could ever get at a first offense if an officer had to witness the adults like actually serving the children. I guess that's not exactly how the first offense could be gotten, so I kind of understand that. But I also want folks to know what's going on in my district, and possibly some of my neighboring districts, is that sometimes there are actually adults who are hosting house parties to make money, and so, you know, there are some things that go on. I know that's a little bit -- no, parties in homes for -- you know for underage children. It's just really sad what's going on out there. And so this is -- I think this is desperately needed, and I agree with much of what's been said before. So thank you.

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P.O. GREGORY:
Legislator D'Amaro.

LEG. D'AMARO:
Sergeant, I wanted to run you through another scenario, because based on what Professor Fleming said earlier.

*(*Laughter*)*

And I really appreciate that, because she's obviously an expert in criminal law, and that's wonderful.

LEG. FLEMING:
I did it for many years.

LEG. D'AMARO:
So let me ask you this. So you get -- you respond to a scene and you go in the -- you go -- well, can you go into the house? Well, let's say you're invited into the house. You come to my house, I invite you in, you see four kegs in the kitchen, right, and I say, "Oh, yeah, I bought those earlier, uh-huh, and, yeah, I paid for them." And, "Well, did you know that these kids were going to drink?" "Yeah, I knew they were going to be drinking that beer tonight, sure." "And did you do anything to tell them not to do it?" "No, I didn't do anything." Right? And you go through this scenario where an adult is fully aware of the fact that they've allowed or that they've put the alcohol on the premise, or knew that the kids brought it onto the premises, but you never witness that adult serving a drink. Would you write a violation for that?

SERGEANT CERONE:
I could.

LEG. D'AMARO:
You could. Okay. Based on -- what's giving you the sufficient none hearsay basis for that?

SERGEANT CERONE:
Well, my interview with you or my interview with the homeowner --

LEG. D'AMARO:
Right.

SERGEANT CERONE:
-- at that particular case wouldn't be hearsay at all, that's a direct interaction of what they're telling me is.

LEG. D'AMARO:
Right. So you don't have to witness the service of the alcohol?

SERGEANT CERONE:
Well, I need to establish a threshold to myself, myself being any officer, needed to establish a threshold that what it is that's going on --

LEG. D'AMARO:
Right.

SERGEANT CERONE:
-- is you, in this case, you, the homeowner --

LEG. D'AMARO:

Right.

SERGEANT CERONE:

-- is serving alcohol to underage --

LEG. D'AMARO:

Right. No, not serving. It says I knowingly allow the consumption, big difference.

SERGEANT CERONE:

Permitting, permitting the consumption.

LEG. D'AMARO:

Right, right. So how far from -- how far or close to circumstantial can you get, you know, again, if you go into the house and you see the alcohol? I mean, it just seems to me that you don't have to witness the service of the alcohol. And it seems to me that you can conclude, based on circumstance, that someone knowingly allowed minors to consume at their home, you don't have to actually witness the service.

SERGEANT CERONE:

For the way the law stands now?

LEG. D'AMARO:

For a violation.

SERGEANT CERONE:

Well, you may not necessarily have to witness the cup being handed to the underage, but, certainly --

LEG. D'AMARO:

Let me -- right, okay. Let me -- I'm sorry to interrupt. Let me just ask it one other way. So let's say you go to the scene of an accident where someone's inebriated, right, and you get people that tell you that are there, or maybe they were in the car, "Yeah, we just came from this house and his parents bought us the alcohol, and we were consuming it there, and, yeah, they were home all the time. In fact, they even had a drink with us." Would you write the violation then?

SERGEANT CERONE:

No.

LEG. D'AMARO:

No. Why is that is that, because that's hearsay?

SERGEANT CERONE:

Yeah. I'm basing that on the -- something that I didn't witness. They could tell me that they came from Neptune and, you know, it's just the same.

LEG. D'AMARO:

Would you then, based on that hearsay, go to the house to investigate that yourself?

SERGEANT CERONE:

There's a distinct possibility that, yeah, we would send someone to the house to investigate if what they're saying is, in fact, the truth, and witness to see if the violations are, in fact, occurring in their presence.

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LEG. D'AMARO:

So why doesn't -- then why -- I mean, I think you would have to do that whether it's a misdemeanor or not. Oh, no, you could write the misdemeanor at the scene based on the hearsay, is what you're saying.

SERGEANT CERONE:

Hearsay being one of the possibilities of establishing your probable cause. It doesn't necessarily have to consist entirely of that, but that's certainly one of the things that you could factor in.

LEG. D'AMARO:

Well, you see, there you go. That's -- I think that's why the first offense is a violation, because that goes directly to my point that I made before, that you can write the misdemeanor without having to actually go and see was there alcohol present, were the adults home, you know, what other factors are there. You can just go based on the hearsay of other individuals that maybe have an adverse interest to that adult.

So it's -- again, my whole point is that I think the violation was a compromise to address that situation, where in my mind, if someone does it again, and the police officer goes in and looks up there was a prior violation for this, and now, sure, it should go to a misdemeanor, you know, you have less credibility at that point. But, again, I think that the police could investigate whether or not there was the consumption of alcohol permitted by an adult without having to witness the actual service of the alcohol. I just think there's -- I don't think that it's difficult to do that.

LEG. CILMI:

If I may, through the Chair.

LEG. D'AMARO:

I mean, maybe Legislator Trotta wants to chime in on that.

LEG. CILMI:

Maybe just have a quick dialogue here. Under your scenario, Legislator D'Amaro, the person who answered the door invited the police officer in and proceeded to -- you know, proceeded to brag, basically, about how the alcohol had been purchased by that person, and I have no problem with them. But the person who answers the door isn't always going to invite the police officer in. In fact, if that sort of activity is going on on the property, I would imagine that more often than that, the person who answers the door is not going to allow the police officer to enter the premise. Can you --

SERGEANT CERONE:

In circumstances like this, there's unique challenges in the police getting into a position to observe what it is that they need to observe to enforce.

LEG. D'AMARO:

Right. I don't -- I understand your point, but I also think that they have to do the same thing for the misdemeanor. The Officer said, the Sergeant said, "Well, we would go to the house and, you know, we would scope it out, and maybe we heard about it on social media and we'd have to see things going on." I mean, I don't know, it just seems to me that it's a serious thing to charge someone with service -- allowing consumption in your home of alcohol by minors based on the minors' say-so.

LEG. CILMI:

But again, again, let's not ignore the part of the law, the existing law, which says that the person in control, the adult in control of the residence is basically given an opportunity to -- for corrective

action.

LEG. D'AMARO:

No. But if you're not doing it in the first place, you don't need to take corrective action.

LEG. CILMI:

Obviously.

LEG. D'AMARO:

Right.

LEG. CILMI:

But if you are doing it and --

LEG. D'AMARO:

I'm worried about being falsely accused without that higher level of investigation that would be required for a violation.

LEG. CILMI:

But you basically can't bring the charge unless the person in control of the premise doesn't -- isn't -- doesn't knowingly allow the activity to occur. And if somebody says that the person in charge is knowingly allowed -- allowing the activity to occur, and the Police Department can't contact that person in charge for some reason, they're out at Broadway or something, or wherever they may be, I don't know that the police could actually even charge the law at that point.

LEG. D'AMARO:

I totally agree with you, and that's exactly my point, that if the person wasn't even home, they can be charged with a misdemeanor, as opposed to requiring something more to establish being charged with a violation.

LEG. CILMI:

I don't think they can. I mean, maybe they can be charged. But, listen, any -- people can be charged for a variety of things. But how could -- how could the Department say -- how could the Department prove that somebody knowingly allowed alcohol to be served when they're not there, and maybe they stipulate that they didn't knowingly allow.

LEG. D'AMARO:

I understand.

LEG. CILMI:

If they argued the point.

LEG. D'AMARO:

I understand.

LEG. CILMI:

And, furthermore, part of the law is that the person in control has to be given the opportunity for corrective action. If the person is not there, and, therefore, cannot take any corrective action, I just don't see how a charge like that could ever be made in court, and, therefore, I just don't see the Police Department making that charge at that point. Again, as the Sergeant said, there's a variety of, you know, circumstances that could take place. But it just seems to me the threshold is so high that you would not -- you wouldn't end up charging somebody, and then even further than that, wouldn't end up convicting somebody who it wasn't perfectly obvious that, you know, that the

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person allowed the activity to happen without making any corrective action whatsoever.

LEG. D'AMARO:

Right. And that's -- you're right, the threshold is very high, because it's the privacy of a person's home. You're right, yeah. So it's a tough call. And, again, I think -- I mean, I've said enough on it, but I think that was the compromise in this bill, yeah. Okay. Thank you. Sergeant, thank you again.

SERGEANT CERONE:

Thank you.

P.O. GREGORY:

All right. That's all we have.

LEG. TROTТА:

I have.

P.O. GREGORY:

Oh, I'm sorry. That's right, Legislator Trotta.

LEG. TROTТА:

The problem I'm having, you have a 21 -- a 20-year-old at a guy's house, and it says you have to -- you can give a person of greater authority over that person? Who is that? Is it his older brother? Is it -- you know, I don't know who. That's a little bit of a gray area.

LEG. D'AMARO:

A parent.

LEG. TROTТА:

Yeah, but it doesn't say a parent. You know, so a 20-year-old who -- you know, who's in the Marines is in there drinking, and, you know, what if a guy puts a sign up and it says "No one under 21 should drink here", and turns his back and everyone under 18 is drinking. Now, he's not allowing it, he's not knowing, he's trying to prevent.

LEG. D'AMARO:

Eighteen is the threshold.

LEG. TROTТА:

No, no, 18 is the person who controls the house, so anyone under 21. I mean, if you put a sign out -- I don't know. It's a little bit of a gray area. If you put a sign up saying there's beer here, but only the people over 21 can drink it, and now if someone 18 goes up and drinks it, and the father knows he's 18 and, you know, doesn't know what's in the -- I mean, it's a big gray area.

LEG. D'AMARO:

That's exactly my point.

LEG. TROTТА:

But I don't know. I mean, I think there's policies. But what you said was that if you get in a car accident around the corner and you say you went there, you know, that's where you drank it, the cops aren't going to go there and arrest the guy just based upon that, just if someone gets pulled over. I think there would be policies and procedures within the Police Department that would say, "Listen, you need more than that."

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LEG. D'AMARO:

Right. So then why not just stick with the -- you know, if you're going to do more than that anyway, why not just go for the violation?

LEG. TROTTA:

Because, regardless, unless you witnessed it, you couldn't do the violation. I think maybe the misdemeanors with some policies and procedures that went along with it that says there has to be more than, you know, someone saying they did it. I don't think the Police Department would be against adding a policy and procedure where it says that if someone makes an accusation, the officer is required to go one or two steps further to see if, in fact, there's more evidence than just one person saying it.

LEG. CILMI:

So I don't know much about policing, but I'm pretty sure that the Police Department is not going to go around making charges that they can't --

LEG. TROTTA:

I agree.

LEG. CILMI:

That they can't, you know, prove in court, so.

SERGEANT CERONE:

I agree.

*(*Laughter*)*

P.O. GREGORY:

Okay. All right. So we have a motion and a second to approve.

MS. ELLIS:

Yes, that is correct.

P.O. GREGORY:

Okay. Is everyone here? Okay. All right. All in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

P.O. GREGORY:

Oh, my God.

*(*Laughter*)*

LEG. TROTTA:

Hey, D'Amaro, you let us go through all that?

LEG. MC CAFFREY:

I didn't even participate.

LEG. D'AMARO:

We raise the issues, we talk about them, and I'm going come down on one side or the other.

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LEG. MC CAFFREY:

Every time, every time.

LEG. CILMI:

Thank you. Listen, that was an important debate to be had and I appreciate everybody's support. Thank you.

P.O. GREGORY:

Thank you. All right.

LEG. MC CAFFREY:

You had me at the beginning.

LEG. D'AMARO:

Would you be more comfortable if I voted no?

(*Laughter*)

P.O. GREGORY:

All right. So --

LEG. D'AMARO:

And, by the way, it was the Officer that convinced me, none of you did, just so you know.

LEG. TROTTA:

(Applauded).

LEG. D'AMARO:

Thank you, sir.

P.O. GREGORY:

Okay. All right. So Page 8, **1506 - Reappointing member of the Council on Environmental Quality to represent historic preservation interests (Mary Ann Spencer) (Hahn)**. Motion by Legislator Hahn.

LEG. KENNEDY:

Second.

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

P.O. GREGORY:

I.R. 1508 - To reappoint member of the Suffolk County Planning Commission (Michael F. Kelly) (Co. Exec.).

LEG. MURATORE:

Motion.

P.O. GREGORY:

Motion by Legislator Muratore, second by Legislator Browning. All in favor? Opposed? Abstentions?

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MS. ELLIS:
Eighteen.

P.O. GREGORY:
I.R. 1509 - To reappoint member of the Suffolk County Planning Commission (Kevin Gershowitz) (Co. Exec.). Motion by Legislator Stern.

LEG. D'AMARO:
Second.

P.O. GREGORY:
Second by Legislator D'Amaro? All in favor? Opposed? Abstentions?

LEG. TROTТА:
Abstention.

MS. ELLIS:
Seventeen.

P.O. GREGORY:
I.R. 1510 - To reappoint member of the Suffolk County Planning Commission (Adrienne Esposito) (Co. Exec.). Motion by Legislator Anker.

D.P.O. CALARCO:
Second.

P.O. GREGORY:
Second by Legislator Calarco. All in favor? Opposed? Abstentions?

MS. ELLIS:
Eighteen.

P.O. GREGORY:
I.R. 1513 - To reappoint member of the Suffolk County Planning Commission (John J. Finn) (Co. Exec.). I'll make the motion, second by Legislator Hahn. All in favor? Opposed? Abstentions?

MS. ELLIS:
Eighteen.

P.O. GREGORY:
I.R. 1514 - To appoint member of the Suffolk County Planning Commission (Samuel Chu) (Co. Exec.).

LEG. MARTINEZ:
Motion.

P.O. GREGORY:
Motion by Legislator Martinez, second by Legislator Lindsay. All in favor? Opposed? Abstentions?

LEG. TROTТА:
Opposed.

MS. ELLIS:
Seventeen.

P.O. GREGORY:
I.R. 1562 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) open space component - for the Galasso property - Pine Barrens Core/Warbler Woods addition Town of Brookhaven (SCTM No. 0200-528.00-06.00-018.000) (Co. Exec.).

LEG. BROWNING:
Motion.

P.O. GREGORY:
Motion by Legislator Browning.

LEG. MURATORE:
(Raised hand).

P.O. GREGORY:
Second by Legislator Muratore. All in favor? Opposed? Abstentions?

MS. ELLIS:
Eighteen.

P.O. GREGORY:
I.R. 1563 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) open space component - for the Wood property - Wading River Wetlands Town of Riverhead (SCTM No. 0600-029.00-02.00-025.000) (Co. Exec.).

LEG. KRUPSKI:
So moved.

P.O. GREGORY:
Motion by Legislator Krupski.

LEG. ANKER:
(Raised hand).

P.O. GREGORY:
Second by Legislator Anker. All in favor? Opposed? Abstentions?

MS. ELLIS:
Eighteen.

P.O. GREGORY:
Okay. We did 1516.

GOVERNMENT OPERATIONS, PERSONNEL, INFORMATION TECH & HOUSING

1476 - Establishing County policy to hire former County employees on preferred lists (Browning).

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LEG. BROWNING:

Oh, okay. I did have a conversation with Jon Schneider, we are going to have a meeting. So I will make a motion to table. However, I think you heard DPW, a representative from the union, and the desperate need that they have for custodians, when I get calls from members of the Seventh Precinct telling me that they're cleaning the bathrooms when they should be out on the road. Probation Officers, I spoke with them today, they are also telling me that, you know, if their custodian is out for the day, out sick, on vacation, they have to clean up their offices. I think that they have a job that they need to do that's more critical than having to clean up garbage and vacuum carpets.

So I'm hoping that we can come to some kind of an agreement to fill these positions. You also heard from a constituent of mine who was a 25-year employee of Suffolk County and has not been able now -- not eligible for her retirement at this time. So I don't know how many more people I need to have come and give you the same story over and over again. If we cannot come to some agreement, I will hold off until next meeting. And with a bit of luck, we will have an agreement, but I will push it if we can't get an agreement, and I will keep Neighborhood Aides. I have stated my case in committee. When you lay off 400 people, it's not okay to hire your friends. And until all of those people come back to work, I think it's inappropriate.

LEG. MC CAFFREY:

Second.

*(*Laughter*)*

P.O. GREGORY:

Okay. Second by Legislator McCaffrey. And I do appreciate Legislator Browning giving an opportunity to have a meeting with the Administration over this issue. And I certainly understand your concern and even frustration, that, you know, with all the employees that were laid off, that that should be our first preference, is try to get those people back to work, particularly those who are so close to getting their retirements. And so I'm hopeful that we'll be able to resolve this in an amicable, and reasonable, and timely fashion. All right? So thank you all for your understanding, and certainly yours.

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

MS. ELLIS:

Seventeen. (Not Present: Legislator Cilmi)

PARKS & RECREATION

P.O. GREGORY:

Okay. ***I.R. 1538 - Authorizing use of the Long Island Maritime Museum by the Rotary Club of Sayville for Annual Beefsteak Fundraiser (Co. Exec.).***

LEG. LINDSAY:

Motion.

LEG. HAHN:

Second.

P.O. GREGORY:

Motion by Legislator Lindsay, second by Legislator Hahn. All in favor? Opposed? Abstentions?

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MS. ELLIS:

Seventeen. (Not Present: Legislator Cilmi)

P.O. GREGORY:

I.R. 1567 - Authorizing use of Cathedral Pines County Park for a Jerry Jam Musical Festival Fundraiser (Calarco). Motion by Legislator Calarco.

LEG. HAHN:

(Raised hand).

P.O. GREGORY:

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

MS. ELLIS:

Seventeen. (Not Present: Legislator Cilmi)

P.O. GREGORY:

I.R. 1583 - Authorizing use of Smith Point County Park for a Holiday Light Show Fundraiser (Calarco). Motion by Legislator Calarco, second by Legislator Hahn. All in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

P.O. GREGORY:

I.R. 1584 - Amending the 2016 Capital Budget and Program and appropriating funds in connection with a temporary increase in the Parks fleet for heavy duty equipment and other equipment for County Parks (CP 7011) (Co. Exec.). Motion by Legislator Muratore, second by Legislator Hahn.

LEG. D'AMARO:

On the motion.

P.O. GREGORY:

On the motion, Legislator D'Amaro.

LEG. D'AMARO:

Just I haven't familiarized myself with this. Is this a -- is this borrowing? First of all, I don't understand why the budget is actually being amended to do this. Is it not covered by a Capital Program, an existing Capital Program, does anybody know?

MR. NOLAN:

Well, they're taking the money from one capital project, which is the improvements to Peconic Dunes County Park, taking 150 and transferring it into this particular Capital Budget and Program, which right now indicates zero before the \$150,000 comes in.

LEG. LINDSAY:

Through the Chair, too, as I chair Parks Committee. Legislator D'Amaro, I believe it was coming from the dining hall that they're looking at building for the camp program that they have, so they're shifting the funds from there to buy this equipment. Is there somebody from the Administration -- Dawson, if you could just confirm that, as I'm speaking from memory.

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COMMISSIONER DAWSON:

Yes. Good evening, Legislator. Yes, we're looking to move the \$150,000 in planning money for the Peconic Dunes dining hall into our 711 heavy equipment line.

LEG. D'AMARO:

So it's going into a budget line that has zero in it?

COMMISSIONER DAWSON:

That's correct.

LEG. D'AMARO:

So was this -- was this like an emergency purchase or something not anticipated?

COMMISSIONER DAWSON:

We deadlined eight vehicles in 2016, and we have another 18 vehicles with in excess of 120,000 miles.

LEG. D'AMARO:

All right.

COMMISSIONER DAWSON:

We're trying to stem the tide a little bit.

LEG. D'AMARO:

You're transferring from the other -- from another capital project?

COMMISSIONER DAWSON:

That's correct.

LEG. D'AMARO:

Okay. All right. Thank you.

COMMISSIONER DAWSON:

Okay. Thank you.

LEG. D'AMARO:

Okay.

P.O. GREGORY:

Legislator Krupski.

LEG. KRUPSKI:

Thank you. So I have a question for the Commissioner. So this is -- and we're well aware of the deteriorating condition of the existing dining hall there, and the fact that the campers have had to eat in a tent for the last two years?

COMMISSIONER DAWSON:

That's correct.

LEG. KRUPSKI:

Okay. So what are -- and then this is 150,000 for planning money.

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COMMISSIONER DAWSON:

That's correct. This was \$150,000 in planning money. We have \$1.6 million in 2017 for construction funds to build that dining hall.

LEG. KRUPSKI:

How much?

COMMISSIONER DAWSON:

1.6 million. Obviously, we've come to this body a number of times and it's just we're not going to build a \$1.6 million dining hall. We have -- actually, we're going to an RFP Waiver Committee tomorrow to get an extension for the Peconic Dunes Camp for one more season. We're obligated to run the camp through October of 2016, and then we're going out for an RFP. The RFP is going to indicate that for a dining hall, we're going to request that whoever bids on the project funds the planning for it and possibly construction.

LEG. KRUPSKI:

So you're going to let the dining hall go for another year, and so whoever -- when you put out the RFP for a contractor to run that park --

COMMISSIONER DAWSON:

That's to run the camp.

LEG. KRUPSKI:

-- the condition is that it's going to -- it's going to include them doing the planning and construction of a dining hall?

COMMISSIONER DAWSON:

That's correct. If you remember originally, Cornell had indicated that they were going to give us, you know, in excess of \$80,000 a year for 20 years.

LEG. KRUPSKI:

Right.

COMMISSIONER DAWSON:

They've taken that commitment off the table, so we've taken the planning money of the table. We're going to go out for an RFP in September or October of this year to have somebody run the camp, and Cornell is certain willing to do that, you know --

LEG. KRUPSKI:

What's the terms of RFP, how many years?

COMMISSIONER DAWSON:

Generally, we do -- generally, it's a ten-year agreement with the option to -- with two five-year renewals. So, in general, it's a 20-year commitment.

LEG. KRUPSKI:

In your conversation with Cornell, how did that -- how did that go?

COMMISSIONER DAWSON:

Cornell actually requested -- to back up a little bit, we were prepared to go to a contract and go to an RFP waiver to do -- to do a 20-year agreement with them. Cornell thought it best to go out for a full RFP. They didn't want the appearance that we were kind of handing them something, so they actually want to do an RFP, if that makes any sense.

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LEG. KRUPSKI:

Sure, sure. Okay. Thank you.

LEG. KRUPSKI:

You're welcome.

P.O. GREGORY:

Okay. Legislator Kennedy.

LEG. KENNEDY:

We're going through it again. So you're getting 18 vehicles.

COMMISSIONER DAWSON:

We're getting four to five vehicles, probably five vehicles. They're about \$37,000 a piece. Once they go out for bid -- you know, that was a price quote that we had gotten inhouse. When DPW -- when the money is appropriated, DPW will go out for full bid. They'll probably come in less than that, so we can purchase up to five vehicles, pickup trucks with plows for the 150,000. We decommissioned eight vehicles in 20 -- we decommissioned seven vehicles in 2016, one of the vehicles was in 2014, and we have 18 vehicles that are very near. I would imagine they're going to be decom'd within the next year or two. So we're looking to buy five vehicles.

LEG. KENNEDY:

You're going to buy five vehicles, then?

COMMISSIONER DAWSON:

Correct.

LEG. KENNEDY:

All right. We're bonding out for the full 150, or it's going to cost 300, or the 150 is going to pay back the money that we're borrowing from the kitchen facility?

COMMISSIONER DAWSON:

We are borrowing \$150,000 in planning money. You'd have to ask -- you'd have to ask Budget Review what that's going to cost over the term of the bond. I don't know.

LEG. KENNEDY:

Okay. Robert?

MR. NOLAN:

Leslie, we're taking 150 from one project, and we're not going to -- and just transferring it into this project, so we're borrowing 150.

LEG. KENNEDY:

We're taking it from an already bonded out --

MR. NOLAN:

No, no, no, it was not bonded.

LEG. KENNEDY:

Of the money?

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MR. NOLAN:

It's in the Capital Budget. It's \$150,000 in another project, and we're just -- this is -- that's the offset to spend the money within this project.

LEG. KENNEDY:

All right. Thank you for clarifying.

MR. NOLAN:

Sure.

LEG. KENNEDY:

That was easy, Robert.

MR. LIPP:

So, if it's 15 years, it remains to be seen.

COMMISSIONER DAWSON:

I think it's a five-year bond, Rob.

MR. LIPP:

So, if it's 15 years, it would be a total of 198 -- 192,000, a little under 200,000, and it would be about 13,000 per year for the 15 years. That being said, it says a five-year bond, but it remains to be seen. We were using 15 years in our review. And by tomorrow, we're hopeful that maybe we'll actually have what the term of the current bond is that's being issued now.

LEG. TROTТА:

Isn't there a policy where if it's a vehicle, it's only five years?

LEG. KENNEDY:

Pretty close.

MR. LIPP:

You'd have to ask the Comptroller what he's going to do with that.

LEG. TROTТА:

I don't want him talking anymore.

*(*Laughter*)*

P.O. GREGORY:

That's it? Okay. All right.

COMMISSIONER DAWSON:

Okay. Thank you.

P.O. GREGORY:

All right. So we have a motion and a second on I.R. 1584. All in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

P.O. GREGORY:

Okay. **I.R. 1584A**, bond resolution, same motion, same second. Roll call.

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

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MC CAFFREY:

Yes.

LEG. TROTTA:

No.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MARTINEZ:

Yes.

LEG. LINDSAY:

Yes.

LEG. ANKER:

Yes.

LEG. BROWNING:

Yes.

LEG. FLEMING:

Yes.

LEG. KRUPSKI:

Yes.

D.P.O. CALARCO:

Yes.

P.O. GREGORY:

Yes.

MS. ELLIS:

Seventeen.

PUBLIC SAFETY

P.O. GREGORY:

I.R. 1462 - A Local Law amending the composition of the Child Fatality Review Team (Hahn). Motion by Legislator Hahn.

LEG. SPENCER:

Second.

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

P.O. GREGORY:

Okay. 1471 we did earlier. ***I.R. 1546 - Accepting and appropriating Federal funding in the amount of \$35,096 from the United States Department of Justice, Drug Enforcement Administration (DEA), for the Suffolk County Police Department's participation in the DEA Long Island Task Force with 79.4% support (Co. Exec.).***

LEG. TROTТА:

Motion.

P.O. GREGORY:

Motion by Legislator Trotta, second by Legislator Fleming. All in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

P.O. GREGORY:

I.R. 1547 - Accepting and appropriating Federal funding in the amount of \$7,500 from the Department of Homeland Security, United States Immigration and Customs Enforcement (ICE), for the Suffolk County Police Department's participation in the ICE El Dorado Task Force with 79.4% support (Co. Exec.).

LEG. TROTТА:

Motion.

P.O. GREGORY:

Motion by Legislator Trotta, second by Legislator Calarco. All in favor?

LEG. SPENCER:

On the motion, please.

P.O. GREGORY:

On the motion, Legislator Spencer.

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LEG. SPENCER:

Just what's the ICE El Dorado Task Force? To counsel.

LEG. TROTТА:

I cannot tell you that.

LEG. MC CAFFREY:

We can't say.

LEG. KENNEDY:

You can't say?

LEG. TROTТА:

It's two guys that we have assigned to the ICE Task Force, and El Dorado -- it's the money laundering thing out of the City. It's a group out of the City. They're paying for -- this pays the overtime.

LEG. KENNEDY:

So they're going to jail.

P.O. GREGORY:

Do you want the Police Department to address that?

LEG. SPENCER:

No, that's fine.

P.O. GREGORY:

Do we have anyone? Or the Administration?

LEG. SPENCER:

It's fine.

P.O. GREGORY:

It is something that we've done every year.

LEG. TROTТА:

The former Chief got rid of it, but it's back now.

P.O. GREGORY:

I was waiting for that.

*(*Laughter*)*

All right. So you have -- you satisfied, Legislator Spencer?

LEG. SPENCER:

It's, yes, enough.

P.O. GREGORY:

Okay. All right. So we have a motion and a second on I.R. 1547. All in favor? Opposed? Abstentions?

MS. ELLIS:

Seventeen. (Not Present: Legislator Lindsay)

P.O. GREGORY:

Okay. *I.R. 1549 - Accepting and appropriating Federal funding in the amount of \$17,548 from the United States Department of Justice, Drug Enforcement Administration (DEA), for the Suffolk County Police Department's participation in the DEA Long Island Tactical Division -- Diversion -- excuse me -- Task Force with 79.4% support (Co. Exec.).*

LEG. KENNEDY:

Motion.

LEG. TROTТА:

Motion.

P.O. GREGORY:

Motion by Legislator Kennedy, second by Legislator Trotta. All in favor? Opposed? Abstentions?

MS. ELLIS:

Seventeen. (Not Present: Legislator Lindsay)

PUBLIC WORKS, TRANSPORTATION AND ENERGY

P.O. GREGORY:

I.R. 1539 - Amending the 2016 Capital Budget and Program and appropriating funds in connection with the purchase of public safety vehicles (CP 3512) (Co. Exec.).

D.P.O. CALARCO:

Motion.

P.O. GREGORY:

Motion by Legislator Calarco, second by Legislator Muratore. All in favor? Oh, Legislator D'Amaro.

LEG. D'AMARO:

I'm just curious about this four-and-a-half million now to -- is this for -- it says public safety vehicles, but does anyone know specifically which? Are we talking about police cars or something different? Commissioner Anderson, thanks for being here.

COMMISSIONER ANDERSON:

Good evening.

LEG. D'AMARO:

Good evening.

COMMISSIONER ANDERSON:

Okay. We're looking at -- I'm trying to do the math in my head here. We're looking at 20 -- oh, you got a list?

MR. LIPP:

So I have 110 vehicles for the Police, 23 for the Sheriff, three for Probation, and one for FRES.

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

COMMISSIONER ANDERSON:

Okay, I've got one for FRES -- yeah, the same thing he just said.

MR. LIPP:

I believe we got it from your department.

COMMISSIONER ANDERSON:

Yep.

*(*Laughter*)*

LEG. D'AMARO:

So Commissioner, are we replenishing and bonding for this every year, it seems like; do you know?

COMMISSIONER ANDERSON:

We do come in as needed to replenish the vehicles. Right now, most of the vehicles are, for budgetary purposes, being considered to be replaced at 150 or 160. But, in fact, most of them are even going up to 170,000 miles before we wind up -- unless, you know, obviously there's an accident or there's something that needs -- you know, it's just not cost effective. Some type of replacement like a transmission goes out or, you know.

LEG. D'AMARO:

Okay. Thanks.

COMMISSIONER ANDERSON:

You're welcome.

LEG. D'AMARO:

Okay.

P.O. GREGORY:

Legislator Kennedy.

LEG. KENNEDY:

No, my question was answered already. Thank you.

P.O. GREGORY:

Okay. All right, so we have a motion and a second on IR 1539. All in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

P.O. GREGORY:

IR 1539A, Bond Resolution (of the County of Suffolk, New York, authorizing the issuance of \$4,500,000 Bonds to finance the purchase of replacement Public Safety Vehicles (CP 3512.520, .521 and .522), same motion, same second. Roll call.

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

D.P.O. CALARCO:

Yes.

LEG. MURATORE:

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. BROWNING:

Yes.

LEG. FLEMING:

Yes.

LEG. KRUPSKI:

Yes.

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P.O. GREGORY:

Yes.

MS. ELLIS:

Eighteen.

P.O. GREGORY:

IR 1540-16 - Amending the 2016 Capital Budget and Program and appropriating funds in connection with improvements to CR 1, County Line Road (CP 5581)(County Executive). I'll make a motion.

D.P.O. CALARCO:

Second.

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

P.O. GREGORY:

IR 1540A, Bond Resolution (of the County of Suffolk, New York, authorizing the issuance of \$150,000 Bonds to finance engineering costs for improvements to CR 1, County Line Road (CP 5581.110), same motion, same second. Roll call.

(*Roll Called by 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:

Yes.

LEG. TROTТА:

No.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

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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:

Sixteen (Opposed: Legislators Trotta & Muratore).

P.O. GREGORY:

Okay, ***IR 1541-16 - Amending the 2016 Capital Budget and Program and appropriating additional funds in connection with strengthening and improving County roads (CP 5014) (County Executive).*** Same motion, same second. All in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

P.O. GREGORY:

1541A, Bond Resolution (of the County of Suffolk, New York, authorizing the issuance of \$450,000 in Bonds to finance the cost of strengthening and improving of County roads (CP 5014.359), 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.

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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.

LEG. FLEMING:

Yes.

LEG. KRUPSKI:

Yes.

MS. ELLIS:

Eighteen.

P.O. GREGORY:

IR 1543-16 - Appropriating funds in connection with rehabilitation of various bridges and embankments (CP 5850) (County Executive). Motion by Legislator Calarco. I'll second. Anyone on the motion? All in favor? Opposed? Abstentions?

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MS. ELLIS:

Eighteen.

P.O. GREGORY:

IR 1543A, Bond Resolution (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$1,000,000 Bonds to finance the rehabilitation of various bridges and embankments (CP 5850.329), same motion, same second. Roll call.

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

D.P.O. CALARCO:

Yes.

P.O. GREGORY:

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.

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LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. FLEMING:

Yes.

LEG. KRUPSKI:

Yes.

MS. ELLIS:

Eighteen.

P.O. GREGORY:

IR 1544-16 - Appropriating County and Federal funds in connection with application and removal of lane (pavement) markings (CP 5037). Same motion, same second.

LEG. SPENCER:

On the motion.

P.O. GREGORY:

On the motion, Legislator Spencer.

LEG. SPENCER:

Why do we need to do this? Gil, why do we need to remove lane markings?

COMMISSIONER ANDERSON:

This is funding, it's an 80% Federally-funded project. We have to replace these markings. They are thermal plastic markings, even those get worn down between traffic wear and tear as well as plowing. So we need to get in, you know, not every road over the course of one year, but we do need to replace them because the pavement markings, not only, you know, the line striping, but also the stop bars need to be replaced for public safety. So we have an opportunity here to get 80% paid for through Federal funds.

LEG. SPENCER:

Okay. Thank you.

COMMISSIONER ANDERSON:

You're welcome.

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

P.O. GREGORY:

IR 1544A, Bond Resolution (of the County of Suffolk, New York, authorizing the issuance of \$4,900,000 Bonds to finance the application and removal of lane markings (CP 5037.329 and .330), same motion, same second. Roll call.

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

D.P.O. CALARCO:

Yes.

P.O. GREGORY:

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.

LEG. FLEMING:

Yes.

LEG. KRUPSKI:

Yes.

MS. ELLIS:

Eighteen.

P.O. GREGORY:

Okay, ***IR 1545-16 - Amending the 2016 Capital Budget and Program, authorizing \$8,600,000 in funds for the purchase of new hybrid-electric transit buses for Suffolk County Transit and accepting and appropriating Federal and State Aid and County funds (CP 5658).***

Same motion, same second.

LEG. FLEMING:

On the motion?

P.O. GREGORY:

On the motion, Legislator Fleming.

LEG. FLEMING:

Commissioner, if we could just talk about this for a minute. Could you -- could you just explain what this is and how, if at all, it's going to help us with right-sizing the fleet or somehow making up for the now well documented cuts that we're all worried about, about to happen in public transportation?

COMMISSIONER ANDERSON:

Okay, this particular resolution really addresses the replacement of existing buses. In particular, we're looking at purchasing 12 new hybrid electric buses, not necessarily the smaller ones that we're looking to right-size. Last cycle's legislation had funding for that; this is in particular towards those hybrid electric buses I mentioned.

After 500,000 miles or 12 years, we're able and allowed by the Federal Transportation authority, or Administration to get funding to replace these vehicles, and these vehicles are all over 12 years old and all over -- well over -- 700,000 miles is about the miles that the vehicles that we're going to be replacing have on them right now. So they're '99, 2003, I believe.

LEG. FLEMING:

At what cost to the County?

COMMISSIONER ANDERSON:

They would be 10%, so it would be -- the County's cost share would be 86 -- or \$860,000.

LEG. FLEMING:

So \$860,000. What's the total budget for public transportation?

COMMISSIONER ANDERSON:

Oh.

LEG. FLEMING:

I don't mean to put you on the spot, but it's --

COMMISSIONER ANDERSON:

No, it's okay. I mean, again, this is -- these are capital funds which are different than the operating

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funds. But generally the total operating budget, including what the County has to put in as well as the Federal and State aid, is about \$78 million.

LEG. FLEMING:

I appreciate the distinction between operating and capital. I guess it's just there's so much concern now. I understand that the \$10 million deficit has been reduced to \$3 million; I don't know if that's accurate, but that's what I heard reported at any rate. Is that accurate?

COMMISSIONER ANDERSON:

We've reduced it. We're looking at right now closing the gap which is about \$3 million. Yeah, we've had savings -- a little over \$3 million. So we've had savings between gas savings and a little bit of STOA increase that we've been able to boil it down to that -- you know, that amount, but it's still going to be an impact.

LEG. FLEMING:

Is the STOA increase from this year's State budget?

COMMISSIONER ANDERSON:

Yeah, we got 1.48 additional, 1.48 million additional dollars in the State budget.

LEG. FLEMING:

So how much more was that than was budgeted for?

COMMISSIONER ANDERSON:

Well, I mean --

LEG. FLEMING:

You said the STOA increase.

COMMISSIONER ANDERSON:

Right. We -- the origin -- I apologize.

LEG. FLEMING:

So in other words, that's the State contribution to the running of the buses.

COMMISSIONER ANDERSON:

Correct. Last year the State contributed \$23.9 million, so this is 1.48 on top of that.

LEG. FLEMING:

And that's what helped reduce the \$10 million?

COMMISSIONER ANDERSON:

The 1.48, yes, the \$1.48 million did help us reduce the ten to some extent. We hope to get more.

LEG. FLEMING:

I guess this might be a little off-topic for this particular resolution. You pointed out that it's capital as opposed to operating, but, I mean, we're all aware of how difficult this situation is and I wonder if we could just take the opportunity for your thoughts on how we're going to address the hole in that budget.

COMMISSIONER ANDERSON:

As I said in my memo to this body, right now we're looking at a couple of different things. Primarily we're looking at route cuts, if you will; those cuts that have the least amount of ridership, the least

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amount of revenue. But we're also trying to look at if there's gaps where -- you know, once we remove those services, are there gaps that we can fill, you know, by some type of tweaking of the route? You know, those type of things. We're sensitive to the fact that even though it's a small amount of residents that are using these specific routes, it's still going to be an impact to these people, we understand that.

LEG. FLEMING:

But I guess that's why I was hoping that the Capital -- the Capital Budget would also effect that in that if we are -- I know that you were talking about using buses that are smaller and less costly in order to try to make sure that those folks who are on the less crowded bus lines still have service, but this is not part of that.

COMMISSIONER ANDERSON:

No, we will still be looking to purchase about 40 of the smaller vehicles to put on those routes that don't have as much ridership and don't need the larger buses. So it's --

LEG. FLEMING:

And if we were to not approve this, would that give you more capital funding to accomplish the right-sizing?

COMMISSIONER ANDERSON:

No.

LEG. FLEMING:

Okay, thank you.

COMMISSIONER ANDERSON:

You're welcome.

P.O. GREGORY:

Legislator Krupski.

LEG. KRUPSKI:

Thank you. So is this going to -- is this going to enable you to right-size the fleets again? I know some of the fleets have had trouble with, as you said, some of the older buses, buses that are serviced because of accidents. And they're struggling, I know one instance where they're using a school bus as an auxiliary use. Is this going to enable you to right-size the fleet, or is this just strictly replacement as of today?

COMMISSIONER ANDERSON:

This is strictly replacement of the larger fleet, but instead of a straight diesel, we're looking at hybrid electric. We've been running hybrid electric along the S-1, we find them to be very effective, so we're looking at purchasing some more of these for further cost savings.

LEG. KRUPSKI:

So you've got the AVL system up and running, for the most part now?

COMMISSIONER ANDERSON:

We're getting there, yes.

LEG. KRUPSKI:

And you're able to have a better idea about the efficiency of the line, number of riders, etcetera?

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COMMISSIONER ANDERSON:

We will when everything's complete, yeah.

LEG. KRUPSKI:

Are you going to have a formula, you know, of how many dollars it costs per rider, per mile type of calculation, so you can really see which lines are, you know, almost paying their way and which lines are just --

COMMISSIONER ANDERSON:

Yes. Once the AVL -- I mean, again, when the AVL has been completely installed and all the bugs are worked out and we're operational, our anticipation is that we'll be able to do studies such as that to see what the exact passenger counts are at each stops, we can see how much revenue we're bringing at each route. So it will be a lot more of a tighter and efficient report.

LEG. KRUPSKI:

And is there any -- in all this analysis of service cuts, is there any analysis of raising the fares to address that component of it? In other words, to make up for the shortfall with an increase in fares.

COMMISSIONER ANDERSON:

Not at this time, no.

LEG. KRUPSKI:

Okay. I mean, that's one way of doing it.

COMMISSIONER ANDERSON:

Correct. But then there's also -- you know, as we found in the last increase we did, that there was a reduction in ridership, so that dropped about 10%. So, you know, there's -- there's certainly an analysis that we're doing, but honestly we were hoping that the State would come through with some additional funding with this MTA bill.

LEG. KRUPSKI:

Well --

COMMISSIONER ANDERSON:

I know you --

LEG. KRUPSKI:

Well, I mean, I think that should be part of any -- you know, all the services that the County offers and then we -- you know, we do look to increase -- we increase fees at the parks and we increase fees for various things. I mean, that should be something that's looked at as an option, to just strictly cutting services. So, thank you.

COMMISSIONER ANDERSON:

Understood. Thank you.

P.O. GREGORY:

Okay. All right, so we have a motion and a second on IR 1545. All in favor? Opposed? Abstentions?

MS. ELLIS:

Seventeen. *Eighteen.*

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P.O. GREGORY:

IR 1545A, Bond Resolution (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$860,000 Bonds to finance a portion of the cost of acquisition of New Hybrid-Electric Transit Buses for Public Transportation Vehicles (CP 5658.555), same motion, same second. Roll call.

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

D.P.O. CALARCO:

Yes.

P.O. GREGORY:

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.

LEG. FLEMING:

Yes.

LEG. KRUPSKI:

Yes.

MS. ELLIS:

Eighteen.

P.O. GREGORY:

Did you call it?

MS. ELLIS:

Eighteen.

P.O. GREGORY:

Oh, okay. I missed it, I'm sorry.

IR 1555-16 - Amending the 2016 Capital Budget and Program and appropriating funds in connection with the purchase of sewer facility maintenance equipment and authorizing a temporary increase in the fleet (CP 8164)(County Executive). I'll make a motion to approve. Do I have a second?

LEG. SPENCER:

Second.

LEG. KRUPSKI:

Second.

P.O. GREGORY:

Second by Legislator Krupski. All in favor?

LEG. KENNEDY:

Whoa. On the motion?

P.O. GREGORY:

On the motion, Legislator Kennedy.

LEG. KENNEDY:

Gil, what's the second -- the temporary increase in fleet?

COMMISSIONER ANDERSON:

The -- I wish I had a really good answer for you on that. Budget wants us to put that notation in there. I can tell you that what we're looking to do is purchase equipment for both the Bergen District as well as the outer districts, everything else. So for Bergen we're looking to purchase two portable trash pumps and a vactor truck. And then on the sewer districts, the outer districts, we're looking for two 550 dump trucks with plows and spreaders; two F-250 super cab pick-ups with plows and custom tool boxes; one F-550 utility trunk with a crane and a generator; and then one 10-ton equipment trailer. So this is equipment that we need that needs to be replaced, you know, we're using it in the sewer districts. So I don't really understand what the terminology for the increase in

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fleet is.

LEG. KENNEDY:

Aside from a parking lot, what do we need plows for at a sewer district?

COMMISSIONER ANDERSON:

We not only plow the sewer district facilities, but we use those trucks to help us in our plowing as well. So they'll -- when they're not maintaining the pumps during a snow storm, we actually ask them to take portions of our road as well.

LEG. KENNEDY:

Will the purchase of these trucks decrease our contracting out to private snow plowers?

COMMISSIONER ANDERSON:

That's why we're using everybody that we can to get them out there, yeah.

LEG. KENNEDY:

Okay. Thank you.

COMMISSIONER ANDERSON:

You're welcome.

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

P.O. GREGORY:

IR 1556-16 - Amending the 2016 Capital Budget and Program and appropriating funds in connection with the County share for participation in pavement resurfacing of CR 80, Montauk Highway from the vicinity of CR 101, Sills Road to the vicinity of NY24 (CP 5599, PIN 076090) (County Executive). Motion by Legislator Browning. Second by Legislator Hahn.

All in favor? Opposed? Abstentions.

MS. ELLIS:

Eighteen.

P.O. GREGORY:

IR 1556A, Bond Resolution (of the County of Suffolk, New York, authorizing the issuance of \$15,000,000 Bonds to finance pavement resurfacing of CR 80, Montauk Highway from the vicinity of CR 101, Sills Road to the vicinity of NY 24 (CP 5599.316), same motion, same second. Roll call.

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

LEG. BROWNING:

Yes.

LEG. HAHN:

Yes.

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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. MURATORE:

Yes.

LEG. FLEMING:

Yes.

LEG. KRUPSKI:

Yes.

D.P.O. CALARCO:

Yes.

P.O. GREGORY:

Yes.

MS. ELLIS:

Eighteen.

P.O. GREGORY:

IR 1557-16 - Amending the 2016 Capital Budget and Program and appropriating funds in connection with the County share for participation in pavement resurfacing of CR 48, Middle Road from the vicinity of Cox Neck Road to the vicinity of Horton Lane (CP 5599, PIN 076091)(County Executive).

LEG. KRUPSKI:

Motion.

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

P.O. GREGORY:

IR 1557A, Bond Resolution (of the County of Suffolk, New York, authorizing the issuance of \$11,200,000 Bonds to finance pavement resurfacing of CR 48, Middle Road from the vicinity of Cox Neck Road to the Vicinity of Horton Lane (CP 5599.317), 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:

Yes.

LEG. TROTTA:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

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LEG. MARTINEZ:

Yes.

LEG. LINDSAY:

Yes.

LEG. ANKER:

Yes.

LEG. HAHN:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. FLEMING:

Yes.

D.P.O. CALARCO:

Yes.

MS. ELLIS:

Eighteen.

P.O. GREGORY:

IR 1558-16 - Amending the 2016 Capital Budget and Program and appropriating funds in connection with the County share for participation in pavement resurfacing of CR 94, Nugent Drive from the vicinity of River Road to the vicinity of CR 51, East Moriches-Riverhead Road (CP 5599, PIN 076092)(County Executive).

LEG. FLEMING:

Motion.

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

P.O. GREGORY:

IR 1558A, Bond Resolution (of the County of Suffolk, New York, authorizing the issuance of \$7,000,000 Bonds to finance pavement resurfacing of CR 94, Nugent Drive from the vicinity of River Road to the vicinity of CR 51, East Moriches-Riverhead (CP 5599.318), same motion, same second. Roll call.

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

LEG. FLEMING:

Yes.

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LEG. KRUPSKI:

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:

IR 1560-16 - Calling for a public hearing for the purpose of increasing and improving facilities for Suffolk County Sewer District No. 7 – Medford Woodside Facility (CP 8194) (County Executive). Motion by Legislator Calarco. I'll second. All in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

P.O. GREGORY:

IR 1561-16 - A resolution making certain findings and determinations and issuing an order in relation to the increase and improvement of facilities for Suffolk County Sewer District No. 14 – Parkland (CP 8151) (County Executive).

LEG. LINDSAY:

Motion.

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

P.O. GREGORY:

IR 1565-16 - Amending the 2016 Operating Budget and amending the 2016 Capital Budget and Program and appropriating funds in connection with the Sewer Infrastructure Program to provide funding for Mobile Home Park Wastewater Treatment Demonstration Program (CP 8721.110) (County Executive).

LEG. FLEMING:

Motion.

P.O. GREGORY:

Motion by Legislator Fleming. I'll second.

LEG. TROTТА:

On the motion.

P.O. GREGORY:

On the motion, Legislator Trotta.

LEG. TROTТА:

If I remember correctly, there was no -- nothing in particular picked out for this?

COMMISSIONER ANDERSON:

What resolution is that? I apologize.

LEG. TROTТА:

It's the mobile home.

LEG. McCAFFREY:

1565.

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COMMISSIONER ANDERSON:

I'm going to defer to Director Lansdale on this one.

DIRECTOR LANSDALE:

Thank you, Commissioner Anderson. Yes, we are still in the process of -- as I discussed in committee the other week, we have issued a call for proposals for a number of mobile home parks; we've received five proposals and we are vetting them currently.

LEG. TROTТА:

I just happened to see something tonight where Stony Brook University comes up with something that you put in your existing cesspool and it decreases the nitrogen by 90%. Did you see that?

DIRECTOR LANSDALE:

Yes. We are working with Stony Brook's Center for Clean Water Technology, it's called the Layer Cake System. It's currently being piloted in various municipalities in Florida, and we're looking at trying to -- we're working closely with Stony Brook so that they could bring that pilot here to Suffolk County.

LEG. TROTТА:

You use your existing cesspool for that?

DIRECTOR LANSDALE:

I don't have the specific details on that, but I'd be happy to brief you once I do get those details.

LEG. TROTТА:

All right. I just have -- I looked -- I voted no for this because it didn't have a specific thing. All right, go ahead.

P.O. GREGORY:

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

MS. ELLIS:

Seventeen (Opposed: Legislator Trotta).

P.O. GREGORY:

IR 1585-16 - Amending Resolution No. 869-2015, authorizing public hearings pursuant to Article 2 of the Eminent Domain Procedure Law of the State of New York in connection with the acquisition of properties to be acquired for the reconstruction of the Fire Island Barrier Beach and Dune Network from the Fire Island Inlet to Moriches Inlet, Towns of Brookhaven and Islip, Suffolk County New York (CP 5382)(County Executive).

LEG. BROWNING:

Motion.

P.O. GREGORY:

Motion by Legislator Browning. Second by Legislator Lindsay. On the motion anyone? All in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

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Seniors & Consumer Protection

P.O. GREGORY:

IR 1498-16 - Approving the reappointment of Russell Calemno as a member of the Suffolk County Electrical Licensing Board (County Executive). I'll make a motion.

D.P.O. CALARCO:

Second.

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

P.O. GREGORY:

IR 1499-16 - Approving the reappointment of Robert Kohlmeyer as a member of the Suffolk County Electrical Licensing Board (County Executive).

LEG. SPENCER:

Motion.

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

P.O. GREGORY:

IR 1500-16 - Approving the reappointment of Robert Ritter as a member of the Suffolk County Home Improvement Contracting Board (County Executive). Motion by Legislator Spencer. I'll second. All in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

Veterans

P.O. GREGORY:

Okay. ***IR 1007-16 - Adopting Local Law No. -2016, A Local Law to provide designated parking for veterans at County facilities (Muratore).*** Motion by Legislator Muratore.

LEG. SPENCER:

Second.

LEG. KENNEDY:

Second.

P.O. GREGORY:

Second by Legislator Spencer got it first. All in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

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Ways & Means

P.O. GREGORY:

IR 1489-16 - Authorizing certain technical correction to adopted Resolution No. 1076-2014 (County Executive). I'll make a motion. Second by Legislator Fleming?

LEG. SPENCER:

I'll second.

P.O. GREGORY:

All right, second by Legislator Spencer. All in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

P.O. GREGORY:

IR 1497-16 - Authorizing a license agreement with the Hauppauge Youth Organization (County Executive).

LEG. KENNEDY:

Motion.

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

P.O. GREGORY:

IR 1511-16 - Approval of auction rules for the disposition of surplus property acquired under the Suffolk County Tax Act (County Executive). Motion by Legislator Spencer. Second by Legislator Calarco. All in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

P.O. GREGORY:

IR 1572-16 - Authorizing the reconveyance of County-owned real estate pursuant to Section 215, New York State County Law to Alexander Czarnecki (SCTM No. 0200-460.00-01.00-009.000) (Krupski). Motion.

LEG. KRUPSKI:

Motion.

P.O. GREGORY:

Motion by Legislator Krupski.

LEG. FLEMING:

Second.

P.O. GREGORY:

Second by Legislator Fleming.

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LEG. KRUPSKI:

On the motion?

P.O. GREGORY:

On the motion, okay.

LEG. KRUPSKI:

I would just like to thank -- you know, give my staff a lot of credit, they worked hard on this. This is a parcel that would have gone into parks, it would have been very appropriate. It's going to go back on the tax rolls and, you know, I just want to thank them for their hard work.

P.O. GREGORY:

All right. All in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

P.O. GREGORY:

IR 1573-16 - Authorizing the reconveyance of County-owned real estate pursuant to Section 215, New York State County Law to Audrey Saullo, executor of the estate of Margaret R. Saullo (SCTM No. 0500-352.00-02.00-009.000)(County Executive).

LEG. LINDSAY:

Motion.

LEG. D'AMARO:

Second.

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

P.O. GREGORY:

Okay, the manilla folder.

IR 1636-16 - Amending Resolution No. 904-2014 (County Executive).

D.P.O. CALARCO:

Motion.

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

P.O. GREGORY:

Okay, 1645 we did.

IR 1652-16 - Authorizing the County Executive to execute grant related agreements for the "State Homeland Security Program (SHSP) FY2016," "Urban Area Security Initiative (UASI) FY2016", and "Local Emergency Management Performance Grant (LEMPG) FY2016" administered by the Suffolk County Department of Fire, Rescue and Emergency Services (County Executive).

D.P.O. CALARCO:

Motion.

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

P.O. GREGORY:

IR 1653-16 - Accepting and appropriating a grant in the amount of \$2,233,236 from the New York State Office of Indigent Legal Services, to provide quality improvement for Indigent Criminal Defendants pursuant to the Hurrell-Harring Settlement (County Executive).

D.P.O. CALARCO:

Motion.

LEG. KENNEDY:

Motion.

P.O. GREGORY:

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

LEG. HAHN:

On the motion?

P.O. GREGORY:

On the motion.

LEG. HAHN:

Just quick. Dr. Lipp, did I read in the paper that the State worked out a budget, they came to a budget agreement that by 2023 they'd be -- the State would take over all funding of indigent legal services; is that what I read?

MR. LIPP:

Well, we saw something in Newsday, but I couldn't substantiate that. I'd have to look into it.

LEG. HAHN:

Okay. I just was wondering what that would mean to us and I didn't get to e-mail you. But, okay.

MR. BROWN:

With a little bit of luck and phased-in after a number of years, it could result in savings, yes. Because the legislation adopted by both the Assembly and the Senate has to be approved by the Governor, and what I read in the paper is there's no comment yet on whether he will approve it. But it's a phased-in approach where the State takes over the funding of legal services.

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LEG. HAHN:

How much do we contribute now?

MR. BROWN:

Currently about \$12 million for Legal Aid and 4.2 for 18-B.

LEG. HAHN:

Okay. Thank you.

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

P.O. GREGORY:

IR 1654-16 - Accepting and appropriating a grant in the amount of \$2,625,400 from the New York State Office of Indigent Legal Services, to provide enhanced defense representation for defendant's first appearance before a judge at the East End Justice Courts pursuant to the Hurrell-Harring Settlement (County Executive).

LEG. FLEMING:

Motion.

P.O. GREGORY:

Same motion, same second. All in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

P.O. GREGORY:

IR -- oh, sorry. Home Rule Message No. 5-2016 - Requesting the State of New York to discontinue use of certain land for park purposes (Senate Bill S.06873-A and Assembly Bill A.02223-B)(Stern).

LEG. STERN:

Motion.

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

Certificates of Necessity

P.O. GREGORY:

Okay. All right, red folder we have CN IR 1570-16 - Adopting Local Law No. -2016, A Local Law amending chapter 189 of the Suffolk County Code to require online filing of Contract Agency Disclosure Forms and to clarify provisions relating to contract agency administrative expenditures (County Executive).

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D.P.O. CALARCO:

Motion.

P.O. GREGORY:

Motion by Legislator Calarco.

LEG. McCAFFREY:

Second.

P.O. GREGORY:

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

MS. ELLIS:

Eighteen.

P.O. GREGORY:

IR 1661-16 - Amending Resolution No. 1166-2015 clarifying the appropriation of funds for the Planning and Design of Nitrogen Reduction Projects and authorizing the filing of an application for a low interest loan (CP 8197)(County Executive).

LEG. FLEMING:

Motion.

P.O. GREGORY:

Motion by Legislator Fleming, second by Calarco. All in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

P.O. GREGORY:

IR 1655-16 - Authorizing use of the Long Island Maritime Museum by the Cystic Fibrosis Foundation for their annual "Sayville Run/Walk and Barbeque" Fundraiser (Lindsay).

LEG. LINDSAY:

Motion.

P.O. GREGORY:

All in favor? Oh, I'm sorry. Motion by Legislator Lindsay. I'll second. All in favor? Opposed? Abstentions?

MS. ELLIS:

Eighteen.

P.O. GREGORY:

Are they going to run and walk while they eat barbecue? (*Laughter*).

All right, yellow folder, **Late Starters**. I would like to waive the rules and lay the following resolutions on the table:

IR 1646 to Health; 1647 to Economic Development; 1648 to Budget & Finance; IR 1649 to Health, set public hearing for July 26th, 2:30 PM in Hauppauge; IR 1650 to Economic Development; 1651 to Government Ops; 1656 to Budget & Finance, set public hearing for July 26th, 2:30 PM, Hauppauge; IR 1657 to Health; IR 1658 to Public Safety; IR 1659 to Public Safety; IR 1660 to Ways & Means.

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

MS. ELLIS:

Eighteen.

P.O. GREGORY:

Okay, that is our agenda. We stand adjourned. Thank you.

(*The meeting was adjourned at 10:29 PM*)

{ } - Denotes Spelled Phonetically